

OR121 Rich Atwater

**Southern California Water Committee Comments
January 12, 2011 (Pasadena Public Hearing)
Draft Delta Plan, Delta Stewardship Council**

Richard Atwater, Executive Director

On behalf of the Southern California Water Committee, I am their Executive Director and would like to thank you for the opportunity to comment on the draft environmental impact report/ statement for the Delta Plan. The Delta Plan represents a cornerstone of future efforts to achieve the co-equal goals of water supply reliability for California and ecosystem restoration for the Sacramento-San Joaquin Delta.

The Southern California Water Committee has actively participated in the Delta Stewardship Council's development of its Delta Plan during the past two years. Last July (2011), for example, we hosted Chairman Phil Isenberg whereby, our Board and other stakeholders in southern California engaged in a discussion about the DSC's draft Delta Plan at that time. This evening's comments represent a summary of five key issues that we encourage the Delta Stewardship Council to focus on in the weeks ahead.

OR121-1

1. **Reliability Element.** The Council seeks to impose unique requirements on water agencies in regions that receive export supplies through the Delta. If a water agency were to participate in a covered action within the Delta, this Reliability Element would be evaluated by the Delta Stewardship Council. Under this policy, the Council would review whether, in its determination, the water agency is complying with state law, is working diligently toward its 20/20 conservation goals, is using appropriate water rate structures to incentivize conservation, and is investing properly in local water conservation, efficiency, and development. Were the Council to determine that the water agency failed to adequately advance regional-self-sufficiency, the Council, under the draft Delta Plan, could determine that the proposed covered action is inconsistent with the Plan itself. In essence, progress in the Delta could be thwarted by the Council second-guessing local water management decisions. This proposal to regulate improved regional self-sufficiency, rather than promote local actions, threatens to alter the focus of the Delta Stewardship Council from the Delta to communities far away in an attempt to second-guess their local water management efforts. Neither the fifth draft of the

OR121-2

Response to comment OR121-1

Comment noted.

Response to comment OR121-2

This is a comment on the project, not on the EIR. Please see Master Response 5 for a description of Delta Plan Policy WR P1.

Delta Plan nor the draft EIR provides any details on how the Stewardship Council would evaluate far-away local water management efforts or determine whether they “pass” or “fail” the Council’s “test.” During the past two years SCWC has held four workshops on the 2010 Urban Water Management Plans being developed and adopted throughout southern California. You can find the workshop presentations and other background materials on our web page (www.socalwater.org). Throughout southern California we documented that innovative efforts were being implemented to reduce our dependence on imported water supplies (e.g., Colorado River, eastern Sierra Nevada, and northern California). We encourage you to engage in a dialogue with different regions in the State to develop more effective ways to promote improved regional-self-sufficiency as the enabling statute of 2009 envisioned.

OR121-2

2. **Bay Delta Conservation Plan.** The ongoing state-federal effort to identify a comprehensive plan of water system and ecosystem improvements in compliance with state and federal Endangered Species Acts to provide a more long-term, effective and coordinated approach to managing the State Water Project and Central Valley Project. The Delta Reform Act of 2009 explicitly states that BDCP will become part of the Delta Plan if it meets certain requirements and also details an ongoing communication process between state agencies and the Council so that the Council is aware of future BDCP actions. The draft Delta Plan seeks to add new burdens onto BDCP in the years ahead by requiring BDCP to seek Council certification of all BDCP covered actions. Once BDCP becomes adopted as part of the Delta Plan, then all of its implemented actions are by definition consistent with the Delta Plan and, therefore, deemed approved. Adding a requirement for review and approval of individual BDCP implementation actions is not only contrary to the statute, it threatens the ability to achieve the co-equal goals by allowing multiple opportunities to oppose BDCP and adding delays. SCWC requests that the Stewardship Council refrain from adding new burdens onto this already complex planning process.

OR121-3

3. **Delta Levees.** The Delta lacks a strategic approach to utilizing limited public funds to under-write levee improvements in the estuary. It is absolutely essential that levee funding be consistent with meeting the co-equal goals and for the Delta Plan to provide that strategic approach. To date the draft plans and the draft EIR/EIS do not contain the elements of this strategic approach.

OR121-4

4. **SWP/CVP Export Reliability.** The draft plan seems to imply that in the future, less water will need to be exported from the Delta area. The draft EIR confirms this idea

OR121-5

Response to comment OR121-3

This is a comment on the project, not on the EIR.

Response to comment OR121-4

This is a comment on the project, not on the EIR.

Response to comment OR121-5

The proposed BDCP is a reasonably foreseeable future project that is being evaluated by the Department of Water Resources as the CEQA lead agency. Please refer to Master Response 1. Section 3 of the EIR considers whether the Delta Plan and the alternatives would alter water supply availability to users. This analysis looks at the overall water supply, not solely the availability of water exported from the Delta. Similarly, the Delta Reform Act requires the Delta Plan to advance coequal goals, including “providing a more reliable water supply for California” (Water Code §§ 29702(a), 85300(a)). Again, the coequal goals focus on the reliability of the state’s overall water supply.

when it states that the “no project” alternative—the status quo without a Delta Plan—will result in greater exports than the Delta Plan. The public water agencies that use water exported through the Delta are considering investing billions of dollars through the BDCP to restore lost water reliability while working towards Delta recovery efforts. The draft plan and the draft EIR/EIS seem to be assuming that those investments will actually decrease export supplies and reliability, as opposed to improving water supply reliability.

OR121-5

5. **Draft EIR/EIS should address meeting co-equal goals.** The Delta Plan is a key document to achieve the co-equal goals, yet the EIR/EIS explicitly avoids any analysis as to how the alternatives in this document would or would not achieve the co-equal goals. This is a glaring omission in this document, leaving stakeholders statewide confused about the differences among the alternatives considered in the draft EIR/EIS.

OR121-6

SCWC strongly endorsed the historic legislative package (November 2010) that led to the creation of the Delta Stewardship Council. SCWC will continue to work with the DSC to help clarify the intent of the draft Delta Plan and the alternatives evaluated in the draft EIR/EIS so that the final Plan advances the co-equal goals and does not create unintended policy confusion and administrative/technical uncertainty that could slow down and threaten the effective implementation of Delta solutions.

OR121-7

Response to comment OR121-6

Please refer to Master Response 3.

Response to comment OR121-7

Comment noted.