

RI003 Dillard

From: Joyce Dillard [mailto:dillardjoyce@yahoo.com]
Sent: Monday, January 14, 2013 4:21 PM
To: Messer, Cindy@DeltaCouncil
Subject: Comments to Delta Stewardship Council Title 23 Proposed Regulation due 1.14.2013

The Final Draft Delta Conservation Plan and Recirculated PEIR Volume 3 have a concurrent due dates for public review yet you proceed with regulatory actions.

"Drafts" are referred to in this document, yet no plans have been approved. This could mean any form of the drafts.

RI003-1

"Best Available Science" is a judgment term. Best Available Science to the area in question, or the general subject matter.

"Adaptive Management" is based on generalities or a designated database with facts and scenarios.

Will monitoring be open and available on a publically accessed website?

Is habitat restoration based on historical models, or migratory models? How are weather patterns including extreme weather patterns applied? Is the State viewed entirely, or just this region.

RI003-2

How do these regulations affect other regions dependent on the Delta?

RI003-3

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Response to comment RI003-1

This is a comment on the project, not on the EIR. The Delta Plan and its associated state regulations (which will make the Delta Plan's policies legally enforceable) and the EIR are in "draft" form until the Delta Stewardship Council adopts the final documents following consideration of comments received during the public review periods. The public review periods on the Recirculated Draft PEIR and the draft rulemaking package were run concurrently to better inform the Council's ultimate decision regarding certification of the EIR and adoption of the Delta Plan and its associated state regulations. After being adopted by the Council, the Delta Plan's associated state regulations will take effect after the rulemaking process is completed in compliance with the State Administrative Procedures Act (which includes approval by the state Office of Administrative Law). The term "best available science" is contained in the Delta Reform Act, Water Code section 85302(g) regarding implementation of the Delta Plan to further the restoration of the Delta ecosystem and a reliable water supply, and is discussed in the Final Draft Delta Plan on pages 42 to 45 and pages 61 to 62 (recommendation G R1). The term "adaptive management" is defined in the Delta Reform Act, Water Code section 85052, and Adaptive Management and the Delta Plan is described in detail in Appendix A of the Delta Plan. See also Final Draft Delta Plan, p. 43.

Response to comment RI003-2

This is a comment on the project, not on the EIR. As described in Section 2B of the Draft Program EIR, the Delta Stewardship Council does not propose or contemplate directly authorizing any physical activities. Rather, through the Delta Plan, the Delta Stewardship Council seeks to influence the actions, activities, and/or projects of other agencies, the details of which would be under the jurisdiction and authority of the agencies that will propose them in the future and conduct future environmental review. Availability of monitoring data will be project-specific, and will depend on the lead agency for the project. Please see Chapter 4 of the Delta Plan for a summary of the goals, principles of, and considerations for ecosystem restoration in the Delta. Please see Chapter 3 of the Delta Plan for a summary of the State's water resources, including historical, existing, and projected hydrology. As described in Section 1 of the Draft Program EIR and Section 3 of the Recirculated Draft EIR, the study area includes "areas outside of the Delta that use Delta water," such as the service area of the State Water Project and Central Valley Project

that divert Delta water from intakes in the Delta. The hydrologic areas presented in Section 3 of the Draft Program EIR are based on the hydrologic basins used by the Department of Water Resources in 2009 Water Plan Update. Please see Master Response 2.

Response to comment RI003-3

This is a comment on the project, not on the EIR. As described in Section 1 of the Draft Program EIR and Section 3 of the Recirculated Draft EIR, the study area includes "areas outside of the Delta that use Delta water," such as the service area of the State Water Project and Central Valley Project that divert Delta water from intakes in the Delta. The regulations are applicable to covered actions as defined in the Delta Plan. Please see Master Response 1 regarding covered actions.