



# San Gorgonio Pass Water Agency

*A California State Water Project Contractor*  
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January 11, 2013

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By Email: [deltaplancomment@deltacouncil.ca.gov](mailto:deltaplancomment@deltacouncil.ca.gov)

Re: Draft Final Delta Plan, Draft Program Environmental Impact Report, draft Rulemaking Documents

*General Manager  
& Chief Engineer*  
*Jeff Davis, PE*

Dear Chairman Isenberg:

*Legal Counsel:*  
*Russ Behrens*  
*Best Best & Krieger*

The comment period for the Draft Program Environmental Impact Report of the Delta Plan and the Office of Administrative Law rule-making package provide an opportunity to receive public feedback on the direction of the drafting effort from stakeholders such as public water agencies that rely on Delta supplies. The San Gorgonio Pass Water Agency relies on the State Water Project to deliver all of its water supply from Northern California through the Delta. Our comments reflect our ongoing concerns with the reliability of these supplies and the important role of the Delta Plan -- and the Bay Delta Conservation Plan (BDCP) by incorporation -- in providing for the State's water needs.

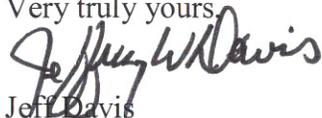
Public water agencies have submitted numerous comments throughout the Delta Plan process. Overall, we are encouraged by the evolution of the draft plan and various improvements to the document throughout this process. In particular, we believe the document does a better job of identifying the known stressors to the Delta ecosystem and making recommendations about how those stressors may be addressed. To ensure that the final draft successfully advances the co-equal goals of ecosystem restoration for the Delta and reliable water supplies for California, however, we believe the following issues must be addressed:

1. Policies must fall within the Council's legal authority. The Delta Plan should clearly state its goals to encourage statewide water use efficiency and avoid using language that could be misinterpreted to regulate local water management decisions outside of the Delta through the covered action review process. In the current draft Delta Plan, policy WR P1, the Council gives itself the discretion to review and judge local water management decisions outside the legally-defined Delta, expanding the role of the Council beyond that outlined in statute and subjecting local agencies to an additional and potentially burdensome review process, irrespective of their water stewardship practices. We appreciate the verbal assurances from Council members that they want this discretion only to address alleged "bad actors", but the 2009 Delta Reform Act did not give the Council the jurisdiction to review and judge local water management decisions outside of the Delta. As an agency that has been successful in advancing local water supply reliability through investments in conservation and storage, we object to this proposed policy.
2. Delta Water Export Supplies: While the draft Delta Plan does not make this statement, the Draft EIR assumes that Delta Plan implementation will result in less water being exported through the Delta. Reduced reliance does not, in our judgment, equate to reduced exports. With improved conveyance, ecosystem restoration and reductions in the "stressors" that harm Delta species, we believe it is feasible to achieve the mandated co-equal goals to improve both water supply reliability and the Delta ecosystem, without reducing exports. The EIR also claims, without support, that sufficient, feasible replacement water sources exist, yet fails to analyze any specifics about how much replacement water would be needed, how difficult it would be to implement, how costly replacement water sources might be, and the possible economic and environmental effects of developing these supplies. Agencies such as ours, have made great strides and considerable investments in storage, conservation, recycling, and ground water reclamation, among other water supply alternatives. In particular, we are currently in final design on the third major groundwater recharge facility in our service area. This will enable us to deliver more water in wet years and store it locally so that it is available during dry years. Our plans include future investments in these supply options to provide for the growing needs in our regions. Continued delivery of imported water provides essential water supply and water quality benefits to our region and must be maintained to accomplish these goals.
3. One-Year Transfers. Under California law, one-year transfers of water are not subject to the California Environmental Quality Act (CEQA). The Council has taken steps to exclude other CEQA exceptions from its covered action review process, but in the case of one-year transfers, that exception is only valid through 2014. One-year transfers are critical for meeting year-to-year shortfalls in supply. This vital water management tool is at risk if each transfer is subject to an appeal process that may take up to 150 days.

4. Bay Delta Conservation Plan: The Delta Plan must incorporate BDCP as a cornerstone of its own Plan if BDCP meets the conditions specified in the 2009 Delta Reform Act legislation. Delta Plan language and implementing procedures should mirror that of the legislation and clearly state its intent to incorporate the BDCP as a core component of the plan. Recent Council member public statements have emphasized the statutory role of BDCP, but we are concerned that the current procedures listed in the Plan appendix do not do this. Nevertheless, we are encouraged that staff has stated in public meetings that the Council plans to revisit those procedures in the next few months. The BDCP is the State and Federal governments' central plan to implement ecosystem restoration and water supply reliability. Without this essential element, the overarching Delta Plan cannot achieve its statutory objectives.

We appreciate the Council's efforts to craft a plan that effectively establishes a new governance structure and guidance for the Delta's many stakeholders to cooperatively and constructively resolve California's water resource challenges. We urge your consideration of our remaining concerns and hope these and other comments will contribute to your future deliberations to help ensure a reliable water supply for California and restore the Delta ecosystem.

Very truly yours,



Jeff Davis  
General Manager

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Draft EIR comments to Phil Isenberg by email : [recirculateddpeircomments@deltacouncil.ca.gov](mailto:recirculateddpeircomments@deltacouncil.ca.gov)  
Draft Rulemaking comments to Phil Isenberg by email:  
[RulemakingProcessComment@deltacouncil.ca.gov](mailto:RulemakingProcessComment@deltacouncil.ca.gov)