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Bill Emlen, Director
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June 13, 2012

Mr. Phil Isenberg, Chairman
Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814

Re: Final Staff Draft Delta Plan

Dear Mr. Isenberg:

Solano County has been tracking and commenting on each successive draft of the Delta Plan and the initial Delta Plan Draft EIR. The County notes improvements to Plan clarity and overall organization. Regrettably, even as the Plan has evolved, it has not substantively addressed our fundamental concern with the Plan which is the lack of recognition of the substantive impact the implementation of the co-equal goals as they are envisioned (i.e. the more aggressive conveyance and habitat restoration alternatives) will have on the five Delta Counties. This, along with lack of meaningful language in the Plan for substantive mitigation of these impacts prevents Solano County from being supportive of the current Final Draft Staff Plan. We urge the Stewardship Council to delay action to endorse this version of the Plan until it is modified to provide clarity that the Delta Counties will be an equal partner in achieving the co-equal goals along with other interests who will achieve benefits from this Plan.

Each of the Delta Counties will be impacted by the Plan in ways unique to the physical, geographic and socio-economic characteristics of each County. Relative to Solano County, our primary concerns revolve around the extent of habitat restoration contemplated for the Cache Slough area and any changes to the Delta flows that may degrade current levels of water quality available to existing uses in the County.

The Delta Plan as drafted defers in numerous places to the BDCP on many key issues. It is prevalent enough to be an impediment to the Plan's use as an actual planning document. Obviously the Plan has to account for many future variables. However, the undertone of the Plan is influenced by an assumption that the BDCP will ultimately be adopted. Certain key aspects of the Plan are highly dependent on the assumptions behind the current BDCP. If the BDCP were not adopted, the Delta Plan seems dependent enough on the underlying assumptions to be

rendered a much less substantive planning document. Already we have seen some of the underlying science behind the BDCP seriously challenged. Considering these factors, we seriously question the timing of the Delta Plan adoption and suggest it be synched up with the outcome of the BDCP. It is likely the Delta Plan will look quite different if the BDCP assumptions were to significantly change, which calls to question why the Delta Plan is being rushed to conclusion. This is of concern to the County as we would like to see the best and most objective science as the driving force behind key Delta decisions.

Cache Slough has been identified as a restoration opportunity area in the BDCP based on the area's elevation and physical relationship to the Yolo bypass and the Delta waterway system. It is unclear how much acreage could ultimately be affected, but it is clear that thousands of acres could be targeted_. Currently, most of the Cache Slough area is being farmed successfully and contributes to the County's overall tax base. It also contributes to the livelihood of communities in the area, including the city of Rio Vista. From the County's prospective, the Plan does not do justice in identifying, acknowledging or providing a mitigation framework for the magnitude of change possible under the more aggressive habitat restoration alternatives where thousands of acres of privately held working landscapes are converted to public ownership and taken off the tax rolls. From a public policy perspective and under the premise of the co-equal goals, we see a great inequity imbedded in the Plan's ultimate effect which is to benefit other regions at the expense of Solano County.

The County recognizes that ecosystem restoration is an important goal and that we may be impacted. This would be more acceptable if the impacts were clearly acknowledged in the Plan; a clear framework was established in the Plan to evaluate those impacts; and where the impacts can't be avoided, clear commitment in Plan text to fully mitigate the impacts. These are glaringly lacking in the current Plan.

Policy DPP2 is indicative of the kind of non-committal language currently present in the Plan. The Policy references "Respecting local land use when siting water or flood facilities or restoring habitats." There is some promise in this Policy, unfortunately the underlying implementation / action items are vague references to using public lands before attempting to purchase private lands and providing buffers to prevent adverse impacts in adjacent farmlands. Given the magnitude of potential impacts of habitat restoration in Solano County as described in the above paragraphs, we see these types of polices as wholly inadequate. The County urges the Council to consider stronger and clearer language that ensures Delta Counties such as Solano are not harmed by implementation of the Delta Plan and hopefully gain some benefit as will others if a more reliable water supply is a true result of the Delta Plan.

Regarding the Covered Actions Section of the Plan, there have been improvements to the structure and clarity of what is covered and what is not covered. We do have concerns with how key screening criteria will ultimately be interpreted and implemented on a case by case basis. While some discretion is inevitable, we are concerned with how broad a net will ultimately be cast relative to screening criteria # 4 and its reference to "will have a significant impact on the achievement of one or both of the co-equal goals." Our particular concern is relative to private property that might be of an elevation suitable for future habitat restoration. It seems this section could freeze investments such as farm infrastructure over large swaths of the Cache Slough under the premise that they would not want to allow structures in areas that might be suitable for future habitat restoration. If not implemented reasonably, it could reduce farming under a cumulative strategy of over-regulating and creating willing sellers by bleeding them of their

ability to serve their farms. Argument can be made that this is inconsistent with the co-equal goals in the context of preserving Delta Agriculture.

Solano County appreciates the magnitude of what is attempted to be accomplished in the Delta Plan. Regrettably, we do not feel the current draft goes far enough in addressing Delta County specific aspects, or in committing to mitigating those impacts. We also believe the Plan is premature until all scientific information is available and the true effectiveness and impacts of the BDCP are known. Solano County strongly urges deferral of any action to endorse the current draft of the Delta Plan until the above issues are addressed, and that any recirculation of the Draft EIR await further re-write of the draft Delta Plan.

Thank you for considering the County's comments and concerns.

Sincerely,

Bill Emlen

Bill Emlen, Director
Solano County Resource Management

cc: Solano County Board of Supervisors
Birgitta Corsello, County Administrator
Delta Counties Coalition
David Okita, Solano County Water Agency
Mike Hardesty, Reclamation District 2068
Steve Chappell, Suisun Resource Conservation District