



# TULARE LAKE BASIN WATER STORAGE DISTRICT

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January 11, 2013

Phil Isenberg, Chairman  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, California 95814

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

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

Dear Chairman Isenberg:

The comment period for the Draft Program Environmental Impact Report (EIR) of the Delta Plan and the Office of Administrative Law Rulemaking package provide an important opportunity to receive public feedback on the direction of the drafting effort from stakeholders such as public water agencies that rely on Delta supplies. Tulare Lake Basin Water Storage District (District) relies on the State Water Project (SWP) to deliver a portion of our water supply from Northern California through the Delta. The District contracted for a State Water Project supply to reduce reliance on groundwater. The SWP has been an important component of our conjunctive use program. 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.

To ensure that the final draft successfully advances the co-equal goals of ecosystem restoration for the Delta and reliable water supplies for California, we believe the following issues must be addressed:

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, inappropriately 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 recycling, among other water management practices, we object to this proposed policy.

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 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. The District's Water Users are among California's most efficient users of irrigation water. DWR concluded in its 1982 Report entitled "*Recommended Water Management Plan for Tulare Lake Basin Water Storage District*," in response to the Governor's Executive Order B 68-80, that the District's irrigation efficiency was 98%. The District relies on its contracted State Water Project supply primarily to reduce groundwater pumping, but also to keep the District's lands in production, thus maintaining the local economy. Continued delivery of State Water Project water is essential to our region and must be maintained.

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.

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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 couple months. The BDCP is the State and Federal governments' central plan to implement ecosystem restoration and water supply reliability. Absent 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.

Sincerely



Mark Gilkey  
General Manager

cc: Draft EIR comments to Phil Isenberg by e-mail:  
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Draft Rulemaking comments to Phil Isenberg by email:  
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