

Mr. Phil Isenberg, Chair
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, California 95814

June 13, 2012

Dear Mr. Isenberg and Members of the Delta Stewardship Council,

We appreciate the opportunity to provide comments on the Final Staff Draft Delta Plan (Delta Plan). The Delta Plan is well-written and we generally support the policies and recommendations described in the Plan.

We do offer a few comments that we believe need to be more fully vetted in a Final Delta Plan.

Science in the Delta

The importance of a credible science program in the Delta will only become more critical as state and federal agencies and other stakeholders begin to engage in restoration projects and apply science through monitoring and research with the intention of obtaining answers that will drive operational and effective policy decision making. Without coordinated strategic planning, implementation, information collection and application of best science principals, well intentioned results will result in meaningless efforts. We strongly agree with your premise that a comprehensive science plan that specifies how scientific research, monitoring, analysis and data management will be coordinated among entities has to be developed. But beyond a scientific plan, we also strongly argue that a scientific program needs to be developed. A plan can be set aside. A program must implement. We urge the Delta Council to force the development of a Delta Science Program that can fulfill the science needs and regulate expectations of Delta water and land managers and other stakeholders.

The Delta Plan does not effectively describe the role of the Delta Independent Science Board.

Within the near future scientists representing different stakeholder groups will either be working together (if there is a Delta Science Plan and a Science Program) or not (if there is not) implementing restoration and other projects in the Delta. We believe the Delta Independent Science Board needs to play a role as an impartial referee annually judging the quality of science performed and rendering opinions on information developed. We believe this is a crucial role that will provide the confidence needed by all stakeholders who depend on science for policy and operational decision making.

Groundwater

Like previous drafts, the Final Staff Draft Delta Plan appropriately recommends groundwater policy in terms of alleviating overdraft conditions through improved management and regulation, taking greater advantage of groundwater storage opportunities, and enhancing opportunities for conjunctive use. The Final Staff Draft Delta Plan appropriately points out that groundwater use is unregulated in much of the state, and that groundwater use is increasing and is expected to grow at a faster rate in future decades as climate change reduces the reliability of surface water deliveries.

The Council should also stress the important relationship between groundwater use and surface water flows, including stream flows from tributaries into the Delta. One example of this connection is the Cosumnes River. Over time, groundwater use in the vicinity of the Cosumnes River has drawn down groundwater levels to the point where the river no longer flows into the Delta by late summer, jeopardizing fish migration and riparian vegetation, and reducing Delta inflow. We reiterate our comments from the Fifth Staff Draft which recommend more prominently describing the connection between surface water use and groundwater and emphasizing that the effects are seen well before a basin is in an overdraft state: *"The impacts of groundwater pumping on surface water supplies, along with the importance of managing the surface water and groundwater supplies as an interconnected resource, must be stressed more firmly. More emphasis needed on the fact that groundwater impacts surface water supplies, and ecosystems, well before critical overdraft occurs."* (TNC Comments on the Fifth Staff Draft, submitted September 19, 2011)

The importance of groundwater as an important source of the state's water supply, and the connection of groundwater and surface water use, should be emphasized earlier in Chapter 3. Neither the section "Sources of California's Water Supply" (page 70) nor the sidebar "Where California's Water Comes From" mention groundwater, despite making the statement over 20 pages later that "Groundwater is a major source of water supply for nearly every region in California." The connection between groundwater and surface water could also be described in "Water Use within the Delta Watershed" because, as described above, groundwater is one component of water use that ultimately impacts flows to the Delta.

The Council's recommendations about groundwater management should be strengthened. For example, we commend the Council for recommending that opportunities should be enhanced for transfers and conjunctive use projects that benefit the coequal goals (WR R14), but it is in the state's interest to go beyond a survey and to assist local agencies with prioritization and implementation of these projects.

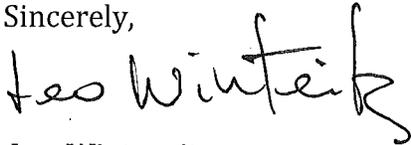
Water Transfers

We are concerned about the indirect effects of water transfers on habitats that now depend on that water. However, we are also supportive of facilitating water transfers that achieve multiple benefits, such as those that support compatible agriculture and migratory bird habitats throughout the Central Valley. We therefore support the Council's recommendation WR R15 to support reducing impediments to water transfers *while protecting environmental resources*.

Additionally, as required by legislation, subgoals and strategies should be included in the Delta Plan to "*Restore habitat necessary to avoid a net loss of migratory bird habitat and, where feasible, increase migratory bird habitat to promote viable populations of migratory birds.*" (Water Code 85302(e)(6)) Although these subgoals and strategies apply to actions related to the Delta, thousands of acres of migratory bird habitat in the San Joaquin Valley are affected by or dependent on water supplies conveyed through the Delta and should be addressed.

Thank you for the opportunity to provide our comments and recommendations on this Final Staff Draft Delta Plan. We look forward to continue working with you to develop a Final Delta Plan sufficient to achieve the coequal objectives.

Sincerely,

A handwritten signature in black ink that reads "Leo Winternitz". The signature is written in a cursive style with a large, stylized "L" and "W".

Leo Winternitz