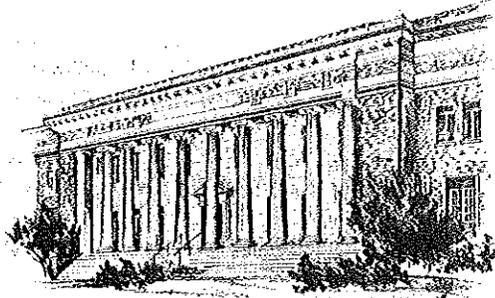


Board of Supervisors
COUNTY OF TEHAMA

*District 1 – Gregg Avilla
District 2 – George Russell
District 3 – Dennis Garton
District 4 – Bob Williams
District 5 – Ron Warner*



Tehama County Courthouse

*Williams J. Goodwin
Chief Administrator*

May 3, 2011

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

Re: Delta Plan – 2nd and 3rd Drafts

Dear Chairman Isenberg and Council Members:

The Tehama County Board of Supervisors has reviewed the second draft of the Delta Plan and done a preliminary review of the third draft dated April 22, 2011, and continue have concerns regarding the direction of the draft plan. The Board of Supervisors cannot support a draft plan that promotes unnecessary and untenable regulatory underpinning to a Delta Plan that will only exacerbate present challenges in the Delta rather than contribute to their resolution consistent with the coequal goals promoted by the Council. Furthermore, both draft Plans far exceeds the authority provided to the Council by the Delta Reform Act. The Council must revise the Delta Plan to adhere to the direction so carefully crafted in the Delta Reform Act.

The Council seeks to establish a basis to regulate statewide water management activities through the exercise of its limited authority to review the consistency of "covered actions". The Delta Reform Act does not give the Council broad regulatory power over use of the State's water resources. The Council's mandate to draft a Delta Plan explicitly does not shift legislatively mandated authorities of other State or local agencies to the Council, and its authority to review the consistency of "covered actions" cannot be expanded to somehow become applicable to the entirety of the Delta Plan. The drafts include unwieldy regulatory policies that expose the Council's efforts to transform its non-regulatory mandate to draft a Delta Plan that was intended to ultimately coordinate efforts across state agencies, in a usurpation of those agencies' authorities through an overly expansive view of "covered actions". The Council's attempt at such regulation is not supported by the Delta Reform Act.

Further, the Council's attempt to regulate actions outside the legal Delta exceeds its statutory authority. The geographic scope of "covered actions" pursuant to the Delta Plan is specifically limited to actions occurring at least in part within the Delta. Simply put, the Act does not authorize the Council to regulate – as proposed in the second draft – water management plans, integrated regional water management plans, water conservation and recycling programs, future water-supply options, water-use reporting, stormwater programs, groundwater use, or rate structures of water agencies outside the Delta and Suisun Marsh. While such actions outside the Delta may need to be undertaken at the local level as part of a comprehensive water strategy to reconcile economic and environmental goals, that does not justify the Council's efforts to assert regulatory control at the State level. The approach set forth in the draft plans presented to date places an unrealistic burden upon covered actions within the Delta to evaluate actions outside the Delta as part of the covered action's consistency determination – in excess of the statutory intent of the Delta Reform Act.

The problem of the overreaching regulatory approach displayed in the draft Plan goes beyond the exaggeration of legal authority – it will rapidly move the Council away from success, driving away from the table the very parties that are critical to the successful implementation of an effective and viable Delta Plan over the next several decades. Innovative and comprehensive solutions will be lost for fear of being defined as a "covered action" or "connected" to a covered action. The current draft Plan is duplicative of numerous efforts already performed by other state and local agencies related to furthering the achievement of the coequal goals in the

Delta and as integral to California water management in general. The Council should heed the lessons from CalFed; it is neither heroic nor effective to develop a plan that is unmanageable and indefensible – and ultimately fails to move California forward.

The County of Tehama recognizes the need for a Delta Plan that effectively furthers the Council's coequal goals, however we cannot support the Draft Plan as written as it lacks the authority, focus, and structure necessary to promote that goal. We encourage the Council to take stock of its current efforts, and reassess the direction it is heading. The Delta Plan must be more focused on the Delta and Suisun Marsh and provide recommendations that facilitate the achievement of its goals while still adhering to the direction and authorities provided to the Council by the Delta Reform Act.

Thank you for the opportunity to comment on the proposed Delta Plan. We appreciate your efforts and look forward to your responses to our concerns.

Sincerely,



Gregg Avilla
Chairman

cc: Joe Grindstaff, Executive Officer, Delta Stewardship Council
Governor Jerry Brown
Congressman Wally Herger
Senator Doug LaMalfa
Senator Barbara Boxer
Senator Diane Feinstein
Assemblyman Jim Nielsen
RCRC
Thaddeus Bettner, General Manager, Glenn-Colusa Irrigation Dist.