



July 2, 2010

Phil Isenberg, Chair  
Delta Stewardship Council  
C/o Terry Macaulay  
Deputy Executive Officer, Strategic Planning  
650 Capitol Mall  
Sacramento, CA 95814

RE: DRAFT INTERIM PLAN

Dear Chairman Isenberg,

We have reviewed the First Draft Interim Plan prepared by Council staff, who have provided a good informational foundation for developing the Interim Plan, based largely and appropriately on the guidance provided by the legislature and the Delta Vision Blue Ribbon Task Force. In revising the draft, we request that the Council consider the following recommendations, which expand on our remarks at the last Council meeting.

**Focus on ends, not means**

Both the Interim Plan, and the Delta Plan that replaces it, should be primarily concerned with defining desired outcomes for the Delta and its beneficial uses in a clear and measurable way, and identifying systemic changes in behavior and management that promote the desired outcomes. Most plans deal with outcomes in a cursory fashion before jumping to project-level implementation. Not so the Delta Vision Strategic Plan, on which much of the charge and guidance to the Council is based. The

Council should build on the Delta Vision approach, creating a plan that provides strong guidance for entities whose actions affect the Delta to develop or modify their programs and projects to best contribute to attainment of the Plan's goals and objectives for the Delta. The Council should resist the temptation to be overly distracted by identifying or promoting specific projects for implementation, but rather concentrate on providing the framework that incentivizes such actions.

### **Do not let existing efforts and authorities define the scope of the Plan**

The Council should not assume that particular actions by particular entities define the universe of what is desirable and feasible to achieve in the Delta. For instance, although the State Water Resources Control Board is charged with establishing flow criteria to protect the Delta's public trust resources, the Board may or may not modify water rights permits sufficiently in subsequent proceedings to wholly meet those criteria. Similarly, setting aside the question of whether it will be adequate and permissible in its final form, the Bay Delta Conservation Plan's proposed permit terms will not cover all the parties whose diversions affect flow conditions in the Delta. In this instance, therefore, the Council's concern should be how to incentivize a suite of different regulatory and non-regulatory initiatives that cumulatively provide sufficient overall flows to achieve the goal of restoring the Delta ecosystem, and which reach beyond any particular subset of water users who divert or export from the Delta and/or its watershed or subset of regulators or managers who permit or implement flow-based protections. A similar approach should be taken in addressing other needs in the Delta.

### **Use the interim period strategically to advance on priority issues**

There are at least two areas where the Draft Plan should lay out interim actions by the Council that will support development of the final Plan and provide early guidance to the BDCP process.

First, the Council should design a process for engaging with a select group of scientific and policy experts in performance assessment and decision analysis and tools, in order to provide a sound framework for developing

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and adopting a complete set of targets and decision pathways in the final Plan that clearly and measurably identify desired outcomes for the Delta and critical decision milestones for measuring progress toward and addressing uncertainties regarding those outcomes. Ultimately, adopting these targets is a policy decision, not a technical matter. But a sound technical foundation can make these decisions about targets easier, more defensible, and more enduring. This effort can also help address the complex question of how to evaluate and resolve synergies and conflicts between desired outcomes for different beneficial uses of the Delta.

Second, because the BDCP permit is one of the weightiest decisions expected to come before the Council, the Interim Plan should ensure that key issues relating to the adequacy of the BDCP are addressed in a timely fashion. These issues include but are not limited to the scope of alternatives to be considered in the environmental review; the contribution of the BDCP to reducing reliance on the Delta in meeting water supply needs; and the role of the BDCP in providing flow criteria that fully protect the Delta's public trust resources.

Thank you for consideration of these comments. We look forward to working with the Council to help shape the Interim Plan and its successor. Please contact me at (415) 878-2929 x 25 or [bobker@bay.org](mailto:bobker@bay.org) if you have any questions.

Sincerely,

QuickTime™ and a  
discompressor  
are needed to see this picture.

Gary Bobker  
Program Director