



# United States Department of the Interior

BUREAU OF RECLAMATION  
Mid-Pacific Region  
Bay-Delta Office  
2800 Cottage Way  
Sacramento, CA 95825-1898

IN REPLY REFER TO:  
BDO-100  
PIO-1.10

MAY 13 2011

Ms. Terry Macaulay, P.E.  
Deputy Executive Officer  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, California 95814

Subject: Comments on the Third Staff Draft of the Delta Plan

Dear Ms. Macaulay:

This letter provides the Delta Stewardship Council (DSC) with the Bureau of Reclamation's comments on the third staff draft of the Delta Plan (Plan).

Following are items we believe are relative to the Federal Government in the third staff draft:

- We understand that much work is ahead in clarifying how the Plan may be brought under the purview of the Coastal Zone Management Act (CZMA) and subsequently Federal actions consistent with the Plan. We recommend that the Plan be developed to provide more clarity, or perhaps a separate chapter, on how the DSC envisions Federal Government actions may become "covered actions" through the CZMA.
- Federal agencies should be included in developing the list of Federal policies deemed to be consistent and inconsistent with the CZMA as shown in lines 4 though 6 on page 41.
- The performance measures in the document appear in list format without language showing how the baseline will be developed or how measurement of progress will be achieved for each measure. We note that considerable effort, and therefore costs, will be required to develop the baselines and metrics.

The following comments are specific to Reclamation in the third staff draft:

- Throughout the document we see the terms "water suppliers," "water users," and "water agencies" being used for what appear could have similar or the same definitions. Please consider defining the terms used as appropriate.
- Lines 4-5 on page 9 says in part, "Additional critical components of the Delta Plan include emergency response plans for each of the Delta counties and for the State and Federal water projects...." Emergency Action (Response) Plans for Reclamation facilities are classified

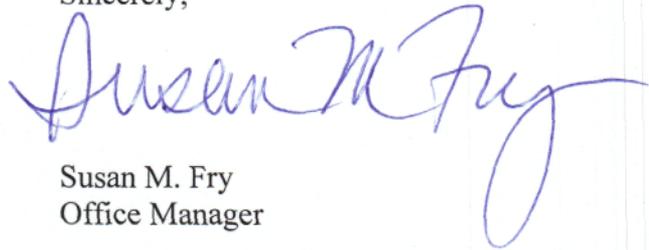
'For Official Use Only' (FOUO) and contain phone numbers, response actions and flood maps that are sensitive and are not made public, or given to any agency not involved in specific operational and emergency response to that facility. Access to FOUO information is provided on a "need-to-know" basis. FOUO information is not disseminated in any manner – orally, visually, or electronically – to individuals or organizations not performing or assisting in a lawful and authorized Government function, and not demonstrating appropriate need-to-know. Perhaps a reference in the Plan that emergency response plans exist and are exercised regularly for Reclamation facilities.

- WR R3 on page 49 says, "A proponent for a new proposed point of delivery from the State Water Project that results in increased demand for diversions from the Delta or the Delta Watershed should demonstrate that the project proponents have evaluated and implemented all other feasible water supply alternatives." The definition for the baseline used to determine if there is increased demand may vary depending on stakeholder interests.
- Application of WR P4 on page 50 can provide unintended consequences if applied in a "check the box" or a "yes/no" decision process. It seems counterintuitive to automatically deny a covered action proposal without a thoughtful analysis of the proposal's merits relative to the co-equal goals.
- Application of ER P1 on page 65 can provide unintended consequences if applied in a "check the box" or a "yes/no" decision process. It seems counterintuitive to automatically deny a covered action proposal without a thoughtful analysis of the proposal's merits relative to the co-equal goals.
- Relative to RR R8 on page 96, Reclamation operates its reservoirs based on the U.S. Army Corps of Engineers (Corps) flood control diagrams. The Corps would be required to update these flood control diagrams prior to any modification to operations for flood management or water supply purposes.
- In the Finance Chapter, under Guiding Principles on page 108, the bullet on line 26 says, "Existing contributions for closely related activities should be considered for crediting. Site specific contributions by agencies should not be credited (for example, the installation of fish screens and waste treatment costs.)" This may be problematic in application. Consideration should be given to crediting an action tied to the beneficiary versus stressor key tenets shown on page 107. As written, the principle rules out or discourages agencies from submitting site specific actions that may benefit the ecosystem in general.
- On page 109 you show \$200 million in a table for Central Valley Project (CVP) in fiscal year (FY) 2012. A few items to note:
  - Under the Agency Column for CVP, delete "expenditures" as this is the FY 2012 budget request.

- The CVP FY 2012 request was only \$154 million. You may have included CVP Restoration Fund, or California Bay-Delta Restoration appropriations request in addition to the CVP request to reach the \$200 million range.
- It's important to note that the expenditures relative to the CVP are not 100 percent borne by the Federal taxpayer. Expenditures are subject to cost allocation and subsequent reimbursement by Federal CVP water contractors through their CVP water service rates.

Reclamation staff is available to meet with you to discuss the CVP appropriation and repayment processes.

Sincerely,



Susan M. Fry  
Office Manager

cc: Mr. Donald R. Glaser  
Regional Director  
Mid-Pacific Region  
Bureau of Reclamation  
2800 Cottage Way  
Sacramento, California 95825