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To: [Delta Council Delta Plan Comments](#)
Cc: [Fry, Susan@usbr](mailto:Fry_Susan@usbr)
Subject: Bureau of Reclamation Comments on Final Staff Draft of the Delta Plan
Date: Friday, June 15, 2012 12:48:03 PM
Attachments: [Open Items 6-13-12 Final.pdf](#)

Upon downloading DSC meeting materials we came across the attached table that has draft changes to language in the Delta Plan. Reclamation recommends the following change to make it clear that the State Water Resources Control Board does not have approval authority over Reclamation's CVP- CVP transfers under §3405(a) of the CVPIA:

Chapter 2 – pg. 53, line 34

Temporary water transfers of up to 1 year in duration that are approved by the State Water Resources Control Board under Water Code section 1725 et seq, and/or that receive approval for use of water conveyance facilities by the Department of Water Resources or another public agency pursuant to Water Code section 1810 et seq., or **are approved** by the U.S. Bureau of Reclamation pursuant to P.L. 102-575 (section 3405(a)).

Thanks

Craig

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Open Issues

Final Staff Draft Delta Plan

For June 14-15, 2012 Delta Stewardship Council Meeting

Item #	Page #/ Line #	Policy or Rec #, if applicable	Current Language (May 14, 2012 Final Staff Draft)	Proposed Staff Change	Council Approval/ Direction
Chapter 2					
1	53/34		<p>Temporary water transfers of up to 1 year in duration exempted from CEQA pursuant to Water Code section 1729.</p> <p>(See below, relates to WR R15 work groups on water transfers)</p>	<p>Temporary water transfers of up to 1 year in duration that are approved by the State Water Resources Control Board under Water Code section 1725 et seq, and/or that receive approval for use of water conveyance facilities by the Department of Water Resources or another public agency pursuant to Water Code section 1810 et seq. or by the U.S. Bureau of Reclamation pursuant to P.L. 102-575 (section 3405(a)).</p>	
Chapter 3					
1	100/30	WR P1	<p>A proposed action is inconsistent with the Delta Plan if (1) one or more water suppliers that would receive water as a result of the proposed action have failed to reduce their reliance on the Delta and adequately contribute to improved regional self-reliance; (2) that failure has significantly caused the need for the proposed action; and (3) the proposed action would have a significant adverse environmental impact in the Delta.</p> <p>This policy covers a proposed action to export water from, transfer water through, or use water in the Delta.</p> <p>For the purposes of this policy, “reducing reliance on the Delta and adequately contributing to improved regional self-reliance” means a significant reduction in net water use, or in the percentage of water used, from the Delta watershed, which may be achieved through investment in water use efficiency, water recycling, advanced water technologies, local</p>	<p>A proposed action is inconsistent with the Delta Plan if (1) one or more water suppliers that would receive water as a result of the proposed action have failed to reduce their reliance on the Delta and adequately contribute to improved regional self-reliance; (2) that failure has significantly caused the need for the proposed action; and (3) the proposed action would have a significant adverse environmental impact in the Delta.</p> <p>This policy covers a proposed action to export water from, transfer water through, or use water in the Delta.</p> <p>For the purposes of this policy, “reducing reliance on the Delta and adequately contributing to improved regional self-reliance” means a significant reduction in net water use, or in the percentage of water used, from the Delta watershed, which may be achieved through investment in water use efficiency, water recycling, advanced water technologies, local</p>	

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			<p>and regional water supply projects, and improved regional coordination of local and regional water supply efforts, and at a minimum, must be achieved through compliance with existing state laws regarding water conservation, water efficiency and urban and agricultural water management planning.</p> <p>(Footnote defining water suppliers is on page 100)</p>	<p>and regional water supply projects, and improved regional coordination of local and regional water supply efforts, and at a minimum, must be achieved through compliance with existing state laws regarding water conservation, water efficiency and urban and agricultural water management planning, <u>including requirements for adoption of rate structures that promote water efficient practices and conservation.</u></p> <p>(Footnote defining water suppliers is on page 100)</p>	
2	105/10	WR P2	<p>The contracting process for water from the CVP and SWP must be done in a publicly transparent manner consistent with applicable policies of the Bureau of Reclamation and the Department of Water Resources.</p>	<p>The contracting process for water from the State Water Project (SWP) and/or the Central Valley Project (CVP) must be done in a publicly-transparent manner consistent with applicable policies of the Department of Water Resources and the Bureau of Reclamation, attached as Appendix F to this Plan.</p> <p>This policy covers a proposed action that involves the execution of a SWP or CVP water supply contract or any amendment or renewal of any such contract, or the execution of any contract to permanently transfer SWP or CVP water or any amendment or renewal of any such contract.</p>	
3	104/32	WR R15	<p>The Department of Water Resources and the State Water Resources Control Board should work with stakeholders to identify and implement measures to reduce procedural and administrative impediments to water transfers while protecting water rights and environmental resources by 2014.</p>	<p>The Department of Water Resources and the State Water Resources Control Board should work with stakeholders to identify <u>and implement and recommend</u> measures to reduce procedural and administrative impediments to water transfers <u>while and</u> protecting water rights and environmental resources by 2014. <u>These recommendations should include measures to address potential issues with recurring transfers of up to 1 year in duration and improved public notification for proposed water transfers.</u></p>	

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Chapter 5					
1	192/34	DP P1	<p>New urban development, including residential, commercial, and industrial uses (other than commercial recreational visitor-serving uses or facilities for processing of local crops or that provide essential services to local farms) must be limited to areas that city or county general plans, as of the effective date of this policy, designate for development in cities, their spheres of influence (as shown in Figure 5-1), or Legacy Communities (as shown in Appendix K).</p> <p>This policy covers proposed actions that involve new urban development, including residential, commercial, and industrial uses, that is located outside of cities, their spheres of influence, or Legacy Communities. It does not cover visitor serving uses, or industrial or commercial uses to process local crops or that provide essential services to local farms.</p>	<p>New urban development, including residential, commercial, and industrial uses must be limited to <u>urban and urbanizing</u> areas that city or county general plans as of the effective date of this policy, designate for development in cities, their spheres of influence, <u>areas within Contra Costa County's voter-approved urban limit line, and the Mountain House General Plan Community Boundary</u> (as shown in Figure 5.1), or Legacy Communities (as shown in Appendix J).</p> <p>This policy covers proposed actions that authorize or otherwise involve new urban development, including residential, commercial, and industrial uses, that is located outside of <u>urban and urbanizing</u> areas that city or county general plans, as of the effective date of this policy, designate for development in cities, their spheres of influence, <u>areas within Contra Costa County's voter-approved urban limit line, and the Mountain House General Plan Community Boundary</u> (as shown in Figure 5.1), or Legacy Communities. This policy does not cover commercial recreational visitor-serving uses or facilities for processing of local crops or that provide essential services to local farms.</p>	
Chapter 7					
1	274/1	RR P3	<p>Floodways shall not be encroached upon nor diminished without mitigating for future flood flows.</p> <p>This policy covers a proposed action that would encroach upon a floodway.</p>	<p><u>No encroachment shall be permitted in a floodway, unless it can be demonstrated by a hydraulic analysis that the encroachment will not unduly impede the free flow of water in the floodway.</u></p> <p>This Policy covers a proposed action that would encroach upon a floodway.</p>	

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2	274/6-27	RR P4	<p>The following areas shall not be encroached upon without mitigating for future flood flows because they are critical floodplains¹ and may provide ecosystem benefits. This does not exempt these activities from the regulations and requirements of the Central Valley Flood Protection Board.</p> <p>(List of three geographic areas)</p> <p>This policy covers a proposed action that involves projects located in the Yolo Bypass, Cosumnes River-Mokelumne Confluence, and Lower San Joaquin River Floodplain Bypass areas as described in ER R1.</p>	<p><u>No encroachment shall be permitted in any of the following critical floodplains unless it can be demonstrated by a hydraulic analysis that the encroachment will not have a significant impact on floodplain values. For the purposes of this policy, floodplain values include the natural moderation of floods and the provision of ecosystem benefits. This does not exempt potential encroachments from the regulations and requirements of the Central Valley Flood Protection Board.</u></p> <p>(List of three geographic areas) *no change</p> <p><u>This policy covers a proposed action that would encroach upon one of the three floodplains listed above.</u></p>	
3	276/11	RR R9	<p>The Legislature should consider making changes to State law that would give State agencies the same level of immunity with regard to flood liability as federal agencies have under federal law.</p>	<p>The Legislature should consider <u>statutory and/or constitutional changes</u> that would <u>address the state's potential flood liability, including changes</u> that would give state agencies the same level of immunity with regard to flood liability as federal agencies have under federal law.</p>	

¹ As defined by the FEMA National Flood Insurance Program: Floodplain: Any land area susceptible to being inundated by flood waters from any source.
<http://www.fema.gov/business/nfip/19def2.shtm>.