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Subject: Fifth Draft Comments
Date: Tuesday, August 23, 2011 10:53:11 AM

DSC;

I would like to submit the following comments on the Fifth Draft of the Delta Plan:

Chapter 1, The Delta Plan

Page. 14, Lines 5-20

Expedited Local Resource Development

The Delta plan puts great reliance on water agencies reducing their dependence on Delta water supplies through "expedited" investments in local resource development, such conservation, reclamation, groundwater and Ocean Water Desal. With local resource development as a key element to the success of the Delta Plan, then the DSC needs to acknowledge and consider the regulatory impediments and challenges to achieving certain aspects of local water supply development. Further, the DSC should examine the regulatory activities of EPA, the SWRCB, and CDH, and the RWQCB's to see if their regulatory approaches are facilitating or impeding "expedited" implementation of local water resource development. If they do an examination, as suggested, they might reasonably conclude that these entities are consistently promulgating more stringent regulations that specifically hinder the development of these resources, making them more difficult to permit and then more costly to build and operate.

Recommendation: The DSC through the Delta Plan and other actions should actively advocate and seek regulatory balance from the aforementioned agencies so that local and regional water resource projects can move forward in an affordable and timely manner.

Page 20, Lines 3-8

Perceptions about Reliability

This is an interesting foray into the realm of redefining terms and reality to solve a problem. The SWP and CVP were built with significant public investment, and the mortgage is still being paid on the SWP by its 27 contracting agencies. These agencies who made those financial commitments and still make the payments on their share of the projects have a right to measure the effectiveness of their investments against the level of commitment. If the DSC is suggesting that by redefining what the expected yield of the SWP and CVP based upon recent flow history you can then say that these projects are now more reliable, then how do we account for the stranded public investments? **Will the state fund defeasance of a proportionate share of the outstanding**

SWP bonds and cover proportional reduction in contract amounts.

Further, how will SWP and CVP contractors judge the wisdom of future investments in the SWP and CVP, if in a few years the yields are no greater, but with lowered expectation of exports, it is declared that the projects are now more reliable.

Recommendation: The contracted export amounts are still a valid measure of reliability and should be maintained.

Chapter 2, "Science and Adaptive Management"

Page 37

Adaptive Management

While the "Adaptive Management" cycle seems logical and recognizes that outcomes may not match assumptions and adaption may be needed, it potentially poses a great deal of uncertainty with respect to major capital investments. Those making those capital investments may be reluctant to do so, with the prospect that a future adaptive management assess

Recommendation: The Delta Plan needs to provide some level of commitment to return on investment to those investing in new Delta eco-system restoration and new conveyance facilities.

Chapter 3, "Governance"

Page 56, Lines 9 to 14.

DSC Jurisdiction

According to this definition, the "Delta," is the legal Delta, areas tributary to and exporting water through and from the Delta are under the jurisdiction of the DCS for consistency determinations. That would be pretty much the entire state, or close to it. On what grounds have they made that leap from "projects occurring in "the legal Delta or Suisun Marsh"?

I assume the rationale for this interpretation is found on page 57, line 7-15 and is based upon the notion that if water moves through the Delta to find its way into a local or regional storage or conjunctive use project outside the Delta, then the movement of that water is part of the project and subject to the DSC jurisdiction.

This expansive jurisdictional perspective is very worrisom when you read Page 86, lines 23 through 29, which advocates the DSC shutting down any and all projects or the SWRCB not issuing any water rights permits until "revised flow objectives are implemented." This strategy is repeated on Page 139, lines 13-19, in the context of the water quality discussion. I think we all understand how daunting the flow requirements process will be, and how fraught it will likely be with

regulatory delay and litigation, while critical local and regional water supply projects could be held up, or placed in limbo in the mean time.

Recommendation: The Delta should not advocate stopping or delaying projects to increase local and regional water supply reliability and thus reducing reliance on the Delta while lengthy and often interminable regulatory process slowly move forward.

Chapter 4 "A More Reliable Water Supply for California"

Page 90

Sustainable Groundwater Management

This section of Chapter 4 fails to make the obvious connection between having adequate surface storage and maximizing ground water storages. GW basins only recharge at a certain rate and with shorter more intense periods of rainfall and snow pack run-off anticipated for the future, without adequate surface storage to control and retain the surface water, critical recharge opportunities will be lost.

Recommendation: The Delta plan needs to clearly draw the linkage between enhanced groundwater storage and enhanced surface water storage.

Chapter 5 "Restore the Delta Eco-system"

Page 107

Storage and More Natural Flow Regimes

This chapter puts great importance on returning to more natural flow regimes as a way to restore the Delta eco-system. It fails, however, to make the linkage between additional storage above the Delta (Sites, Temperance Flats to facilitate pulse of peak flows and control temperature in the Delta. Without more surface storage of significant capacity, there will always be push and pull on the existing storage capacity between meeting water supply, flood control, and eco-system needs.

Recommendation: The Delta plan needs to clearly draw the linkage between eco-system restoration and enhanced surface water storage.

Chapter 7, "Reduced Risk"

Page 161

Re-operation of Upstream Reservoirs

While coordinated re-operation of existing reservoirs is and will always be important, this chapter could have mentioned the obvious (just as with the last two comments) and that being that additional upstream storage with dedicated flood control capacity would go far in reducing flood damage risk in the Delta. It is interesting that the emphasis on new storage is only associated with improving export reliability and with other obvious benefits, such as improvements to GW storage, eco-system restoration and flood protection, the connection is not made.

Recommendation: The Delta plan needs to clearly draw the linkage between improving flood control and enhanced surface water storage.

I want to thank you for the opportunity to make comments on the 5th Draft. Please feel free to contact me if you should have any questions or need clarification on my comments.

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