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DELTA COUNCIL  
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**Officers**

**Chair**

Hon. Larry McKenney  
Moulton Niguel Water District

**Vice Chair**

Hon. Shawn Dewane  
Mesa Consolidated Water District

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

**Re: Comments on the Fifth Draft Delta Plan**

Dear Chair Isenberg:

On behalf of the Water Advisory Committee of Orange County (WACO), I am writing to express our organization’s concern with the Fifth Staff Draft of the Delta Plan (“Plan”). Though each staff draft of the Plan has shown improvement, we believe that the current fifth draft is still inadequate to achieve the co-equal goals of improved water supply reliability and Delta ecosystem health.

WACO was formed in 1983 to facilitate the discussion and debate of water issues among Orange County policymakers and water professionals and to advocate the Orange County water community’s position on issues impacting our water supply. The committee is comprised of elected officials and management staff from many Orange County water agencies and cities, as well as engineers, attorneys, consultants, and other professionals who work with the Orange County water community, and residents and community group members who share a common interest in water issues. Collectively, the public agency officials who attend the WACO meetings represent more than 3 million Orange County residents, businesses and other water users.

Many Orange County agencies and other stakeholders agree with the concerns raised recently by the Ag-Urban Coalition, that the Delta Plan should focus on integrating existing efforts and authorities—including the Bay Delta Conservation Plan—rather than creating a new regulatory scheme, that the Delta Plan needs to create a more definite path forward both for water supply and environmental restoration in the Delta, and that the Delta Plan should not be focused on remote management decisions that should be made locally.

Of particular concern to Orange County is that the Plan appears to avoid resolving the predictability of water supply through the Delta. The staff drafts have consistently exhibited an imbalanced approach favoring ecological goals over water supply, rather than co-equal goals. This is illustrated most obviously in the overarching theme of the current draft that water supplies from the Delta cannot be made more certain, but should certainly be expected to decrease over time. One specific manifestation of this idea is the suggestion that ecological flows will have to be set as a regulatory matter before further supply or supply reliability measures can be addressed. This “flows first” approach is not consistent with the idea of co-equal goals.

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**Water Advisory Committee of Orange County**  
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Additionally, the “flows first” approach puts too much responsibility for managing environmental effects on diversions, rather than recognizing the scientifically accepted reality that many other stressors have profound effects on the Delta as an ecosystem. These include food web alteration associated with nitrogen discharges, predation by non-native species, and hydromodification resulting from land use practices in the Delta. While the draft Plan includes recommendations to further study these other stressors, it does not recognize as a matter of science or policy that addressing the other stressors could affect the necessary flows for ecological health in the Delta.

In contrast to the Plan’s failure to address water supply reliability through the Delta, the Plan is quite detailed about local water supply actions that should be taken. The Plan would require the development of Water Supply Reliability Elements in Urban Water Management Plans that would detail how water suppliers will sustain and improve regional self-reliance and reduce reliance on the Delta. A sufficient plan would have to address how specific programs and projects would be implemented over a 20-year planning period to improve conservation, efficiency, and regional water supply development. Sound regional planning is laudable, and Orange County is more than up to the challenge. However, since Orange County agencies and others in Southern California currently have no choice but to continue to invest significant public funds in water supply from the Delta, the Delta Plan should explore ways that the State could promote the fulfillment of its goal of reducing reliance on the Delta by alleviating the burden of water users of paying both for Delta supplies and alternative supplies.

Another specific financial concern in Orange County is the approach the Plan takes to economic development in the Delta. The Council has taken the view, based on statutory language about protecting the Delta as an evolving place, that protecting the Delta is essentially a third co-equal goal. Moreover, the Plan goes further and casts this as ensuring the economic development of the Delta region. This third co-equal goal surpasses the legal duty and authority of the Council, and certainly implies additional economic obligations for the rest of California that are unrelated to the co-equal goals and inconsistent with both the “beneficiary pays” concept and the appropriate level of local control. WACO urges great caution and circumspection in this regard.

Thank you for the opportunity to provide feedback.

Sincerely,



Larry McKenney

Chair

Water Advisory Committee of Orange County