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FROM A DELTA STAKEHOLDER PERSPECTIVE –

The Delta Plan (Sixth Draft) is a pretty good description of the past, present circumstances and future challenges, but continues to make mistakes, either of facts, emphasis, or policy.

For example:

Reclamation

The construction of levees in the Delta, essentially complete by 1920, is cited as one of the major causes of current ecosystem problems, whereas the major fishery declines occurred some 50 years later. Delta "geography" and water use did not change in that period. Upstream diversion and exports did, without the augmentation of seasonal flows to support the increased diversions and exports promoted by the SWP and the CVP.

Delta Priorities

There is scarce reference and deferral to the scheme of priorities meant to protect senior water rights, watersheds and counties or origin, public trust assets and the Delta specifically, against excessive diversion and export of the Delta's water supply. This is especially troubling when considering the threat to irrigated agriculture which has existed for a century or more posed by the demands of farming only made possible under export contracts clearly recognizing the possibility of long term shortages and priorities in the areas from which the supplies were to be developed.

Habitat "Restoration"

Under historical hydrology, the "Null zone" where fresh water outflow mixed with tidal waters to create a salinity gradient generally occurred in broad and shallow Suisun Bay. Together with the extensive tidal wetlands of Suisun Marsh, this provided the great nursery for the estuarine fishes that developed in response. As upstream diversions and exports increased, the mixing zone moved upstream and the Suisun Marsh Sloughs were diked off to accommodate an improved water supply from Montezuma Slough provided by the DWR Control Structure. The Delta Plan presages a "solution" to this problem by reserving 100,000 acres or more of productive ag lands in the Delta for the creation of new tidal wetlands. Since the criteria for these lands is "at or near sea level," these are the farms least threatened by floods and most amenable to long term agriculture or urban and industrical expansion of the nearby population centers. "Reserving" them under "Consistency" jurisdiction for eventual consideration for such projects raises serious questions of inverse condemnation liability for the State and widespread economic impacts on the local communities and land owners. And there are large question marks as to whether creation of such tidal marshes will offset, rather than aggravate, the problems caused by the upstream diversions and exports. We do know that large-scale tidal marsh development in the Delta will aggravate salinity intrusion problems by increasing the tidal excursion.

Levee Stability

The Sixth Draft continues to fail to properly acknowledge the feasibility of protecting Delta lands and the populations, infrastructure and terrestrial habitats they

protect, against catastrophic failure, as evidenced by cooperative programs between local and State programs over the last two decades. Without modification, the Sixth Draft may impair the opportunities to continue this progress, both by presenting outdated and erroneous information and by further burdening existing, effective programs with needless and burdensome regulation.

Need for Near Term Action

The Sixth Draft does a good job of describing the many problems besetting the Delta ecosystem, economy and water supply, and the impacts, current and potential, on the State as a whole. But the solutions it envisions are generally many years off, at which point threatened populations, both of people and organisms, may have been irreversibly damaged. The situation cries out for near term actions as part of a strategic plan to address critical problems. Such a plan should include improvements in the through-Delta export process, especially levee improvements and export fish screening, as well as encouragement and cost-sharing programs for regional self-sufficiency efforts to reduce drier year reliance on Delta water supplies. Significant funding exists from as yet unexpended Propositions 84 and 1E for such near-term projects.

Financial Plan

The Delta Plan lacks a financing plan, and without one it cannot and will not be taken very seriously. Given the current economic situation, at least a near-term action financing plan could be created now.