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June 12, 2012

Chairman and Members of the Council
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, California 95814

Transmitted electronically:
deltaplancomment@deltacouncil.ca.gov.

Re: Sixth Draft – Delta Plan

Dear Chairman Isenberg and Members of the Council:

Placer County Water Agency (PCWA) joins in support of both the Association of California Water Agency's (ACWA) comments and concerns letter of June 12, 2012, and the North State Water Alliances' (NSWA) comments and concerns letter of June 12, 2012, relating to the sixth draft Delta Plan ("Draft Plan") of the Delta Stewardship Council. PCWA supports the additions, deletions and edits to the Draft Plan suggested by ACWA and NSWA.

In particular, PCWA is concerned about the Draft Plan's failure to distinguish between the 2009 Delta Reform Act's required *statewide strategy* for reduced reliance on the Delta, and its requirement of improved *regional self-reliance* for those within the Delta watershed. These are different concepts, with different measures of success, which the Draft Plan conflates and confuses.

The proposed measurement for achievement of these mandated goals is either "a significant reduction in net water use" or a "reduction in percentage of water used from the Delta watershed." As applied to water users within the watershed upstream of the legally defined Delta, the first proposed measurement would transgress the area-of-origin protections created by the Legislature to allow future growth and economic development of these upstream areas. Such growth and development would be precluded by a requirement that water use decrease. The second proposed measurement is no better. PCWA, like most upstream water agencies, has no access to water supplies that are outside of the Delta watershed. It is impossible to achieve any "reduction in the percentage of water used from the Delta watershed."

The specific language in Water Code section 85021 establishes a statewide policy to "reduce reliance on the Delta in meeting California's future water supply needs through a **statewide** strategy of investing in improved regional supplies, conservation and water use efficiency." While PCWA is actively encouraging and achieving water conservation by its users, the reductions proposed by the Draft Plan cannot be achieved concurrent with continued development of areas within the watershed.

PCWA suggests that the Draft Plan be revised so that references to section 85021 reflect the intent of the Legislature that efforts should continue to be pursued to increase investment in measures that "improve regional water self-reliance" and "reduce reliance on the Delta in meeting California's future water supply needs"

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A second specific concern is that the Draft Plan implies that an agency's failure to meet its target of gallons per day per capita constitutes unreasonable use and a waste of water. Nothing in the relevant section of SB7 X7, however, even refers to unreasonable use. The relevant section is Water Code section 10608.8(a)(2), which states:

Because an urban agency is not required to meet its urban water use target until 2020 pursuant to subdivision (b) of [Water Code] Section 10608.24, an urban retail water supplier's failure to meet those targets shall not establish a violation of law for purposes of any state administrative or judicial proceeding prior to January 1, 2021. Nothing in this paragraph limits the use of data reported to the department or the board in litigation or an administrative proceeding. This paragraph shall become inoperative on January 1, 2021.

The Act's reference is to "violation of law," contextually the violation of the requirement to meet a target. The Act does not establish a definition or standard for reasonable use, or even mention or allude to unreasonable use. The language in the Draft Plan at page 95, lines 12-17 implying to the contrary¹ should be deleted.

PCWA appreciates the opportunity to comment on the Draft Plan and will continue to work with ACWA, the NSWA, and the Delta Stewardship Council to create a sound plan for the future that meets all the requirements of law, including those of water right law.

For further information or additional comments on PCWA's interests, please contact General Manager David Breninger, General Counsel Janet Goldsmith, or Director of Strategic Affairs Einar Maisch.

Thank you.

Sincerely,

PLACER COUNTY WATER AGENCY



Mike Lee
Chair, Board of Directors

DAB/JK/cs
Enc.

¹ "The SWRCB should be encouraged to use its authority to prevent waste and unreasonable use by seeking enforcement of the State's requirements. The potential for this type of action was anticipated in the Water Conservation Act of 2009 (SBX7 7), which explicitly recognized that the failure of urban water suppliers to reduce urban per capita water demand consistent with the State's 20 percent by 2020 conservation requirements could result in unreasonable use proceedings before the SWRCB, starting in 2021 (Water Code section 10608 et seq.)"

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- c: State Senator Ted Gaines
- State Senator Doug LaMalfa
- State Assemblywoman Beth Gaines
- State Assemblyman Dan Logue
- County of Placer Board of Supervisors
- Association of California Water Agencies
- North State Water Alliance:
 - Mountain Counties Water Resources Association
 - Northern California Water Agency
 - Regional Water Authority
 - Sacramento Area Council of Governments
 - Sacramento Metropolitan Chamber of Commerce
- California Special Districts Association
- California Municipal Utility Association
- Northern California Power Agency
- Regional Council of Rural Counties
- Sacramento Water Forum
- PCWA Board of Directors
- PCWA General Manager
- PCWA General Counsel
- PCWA Director of Strategic Affairs



Association of California Water Agencies

Leadership Advocacy Information *Since 1910*

June 12, 2012

Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, California 95814

Transmitted electronically:
deltaplancomment@deltacouncil.ca.gov.

Re: Sixth Draft – Delta Plan

Dear Chairman Isenberg and Members of the Council:

The Association of California Water Agencies (ACWA) submits the following comments regarding the sixth and final staff draft Delta Plan (draft plan) on the behalf of the Ag-Urban Coalition (Coalition). The Coalition is a diverse group of public water agencies, cities, associations and other interested groups located above, within, and below the Bay-Delta. See attached list of participants. We are committed to the achievement of the coequal goals of statewide water supply reliability and the restoration of a sustainable Delta ecosystem while protecting and enhancing the unique cultural, recreational, natural resources and agricultural values of the Delta as an evolving place.

In June, 2011, the Coalition submitted to the Council an Alternate Delta Plan. The Alternate Plan that was intended to provide constructive input to the Council staff as they continued to refine the draft Delta Plan. The Coalition appreciates the opportunities by the Council, your Executive Officer and staff for the Coalition to provide input – especially the fifth draft as it evolved into the sixth and final staff draft.

Follows are the Coalition's comments on the staff's sixth draft plan. We have included recommended additions, deletions and edits to the sixth draft that we believe will address our specific concerns.

1. Reliance on Delta Water (Water Code § 85021 and WR P1)

The Coalition recognizes that it is incumbent for water agencies and water users throughout the state to continually explore opportunities to improve water use efficiency and to expand water supply portfolios. This includes efforts to increase water conservation, advanced water technology, improved use of recycled water and stormwater, conjunctive use and strategies to improve regional water self-reliance. At the same time, it is incumbent for the Council, as well as state and federal policymakers, to recognize that such efforts have been ongoing for decades.

A fundamental problem with the draft Plan's interpretation of §85021, which is reflected throughout the document, is the failure to be consistent with the actual language of the statute and its differentiation between the policy to "reduce reliance on the Delta in meeting California's

future water supply needs through a *statewide strategy*” of investment and the policy that “*each region* that depends on water from the Delta watershed shall improve its regional self-reliance.” [Emphasis added.] The Legislature memorialized the important distinction between the two by using different and specific language to promote its desired outcomes. The Delta Plan must not muddle the Legislature’s clear policy direction into a single unauthorized mandate.

Although we recognize 85021’s intention that areas that depend upon water from the Delta watershed will improve in the efficient use of water through a number of actions, it is telling that several State Resource Management Strategies (California Water Plan Update 2009, Vol. 2) identified in 85021 – especially, “local and regional water supply projects” and “improved regional coordination of local and regional water supply efforts” – could result in *increased* water use within the Delta watershed. This is anticipated in the Delta Reform Act sections 85031(a) – which protects area-of-origin rights in the watershed – and 85302(i) – which states that nothing in the Act affects “[a]ny water right.” Such increased use of water may also be necessary not only to meet growing demands from the only available source, but also to allow for increased diversions in wet periods to enable reduced diversions in dry periods. For example, conjunctive-use programs in the watershed might involve such measures. Section 85021 therefore must be interpreted to allow for an ultimate increase of use in the watershed and from the Delta.

The sixth draft Delta Plan also misinterprets California Water Code section 85021 by applying the statewide “reduced reliance on Delta water” standard to individual water agencies. Specifically the sixth draft would adopt a metric under which “a significant reduction in net water use, or in the percentage of water used, from the Delta watershed” would be how consistency with section 85021 would be measured. See Sixth Draft, pages 100, 109. The misinterpretation would be applicable to water agencies in the Delta as well as agencies that divert water from the Delta.

The sixth draft Delta Plan fails to correctly recognize that many agencies in the Delta and Delta watershed, as well as some agencies outside the Delta watershed, do not have other water supplies and therefore cannot reduce their reliance on existing water supplies, whatever those supplies’ relationship with the Delta. In addition, the sixth draft metric fails to acknowledge that the specific language in section 85021 establishes a statewide policy to “reduce reliance on the Delta in meeting California’s future water supply needs through a **statewide** strategy of investing in improved regional supplies, conservation and water use efficiency” through improved “regional self-reliance”, as opposed to individual water agencies. This latter point is particularly crucial, given that the Legislature enacted section 85021 in conjunction with a water bond that would fund water management activities statewide. The Council simply cannot rewrite a statewide policy into an unfunded, agency-specific mandate that could be used to prevent agencies from expanding their water-supply portfolios.

Suggested Changes to the Sixth Draft: The sixth draft should be revised so that references to section 85021 reflect the intent of the Legislature that efforts should continue to be pursued to increase investment in measures that “improve regional water self-reliance” and “reduce reliance on the Delta in meeting California’s future water supply needs”. In addition, WR P1 should be made a recommendation and revised so that it does not focus on individual agencies’ actions and makes clear that following state law is sufficient to meet the intent of section 85021.

2. Role of the Delta Stewardship Council – Governance

As the Coalition has shared with the Council over the past eighteen months, we believe the most crucial role for the Council is not one of regulation but rather of facilitation. The 2009 Delta Reform Act provided that “[t]he council shall establish and oversee a committee of agencies responsible for implementing the Delta Plan. Each agency shall coordinate its actions pursuant to the Delta Plan with the council and the other relevant agencies.” California Water Code section 85204. Previous staff draft plans did not adequately identify this crucial role. We were pleased to see the sixth draft recognizes that “[t]he Council’s **most important and challenging role** is the facilitation of the coordination and integration of a range of actions and policies in support of the coequal goals. Sixth staff draft Delta Plan, page 36, lines 27-28. Also see page 41, “[g]iven the numerous government agencies that frequently have conflicting or overlapping jurisdictional and programmatic interest over Delta matters, there is a compelling need for the Council to fulfill the role of integrator of Delta policy and coordinator of actions.”

We are encouraged that the draft plan recognizes that, “perhaps the **most significant tool** the Council will have for implementing the Delta Plan and ensuring accountability is a formal method for agency coordination”, Id. at page 46, lines 36-38 (emphasis added), and that the Council will “coordinate implementation of the Delta Plan through the establishment and leadership of an interagency implementation committee...”, id. at page 47, lines 1-2. We note that there is no recommendation or element in the timeline for chapter 2 (Figure 2-4, page 58), that clearly identifies the steps for establishing the interagency implementation committee (IIC). In particular, the Council should ensure that relevant local agencies and funding partners are consulted before the IIC makes any recommendations that could affect those agencies and partners.

Suggested Changes to the Sixth Draft: The Council should include a more detailed strategy and a timeline for the establishment of the IIC in the final Delta Plan that ensures meaningful involvement by affected local agencies and funding partners.

3. Water Transfer Exemptions

The sixth draft Delta Plan’s administrative exemption for temporary water transfers of up to one year in duration has been changed from the fifth draft’s broad exemption that covers all temporary water transfers to a limited exemption that covers only temporary transfers under post-1914 rights that are subject to State Water Board approval and exempt from CEQA review under Water Code section 1729. Contrary to the sixth draft’s intent to simplify transfers as stated in proposed recommendation WR R15, the narrowed exemption will create significant impediments to other types of one-year transfers.

The fifth draft stated an exemption from consistency reviews for “Temporary water transfers of up to one year in duration.” (Fifth draft, p. 58, line 28.) The sixth draft now states the following exemption: “Temporary water transfers of up to 1 year in duration exempted from CEQA pursuant to Water Code section 1729.” (P. 53:34-35.) The problem with the change is that the sixth draft would exempt only those temporary transfers that are exempt from CEQA under Water Code section 1729. Under Water Code section 1729, only one-year transfers under post-1914 water right permits or licenses that are subject to review by the State Water Board would be exempt. The result of the language change from the fifth draft to the sixth draft is that it

excludes through-Delta temporary transfers under pre-1914 water rights and subjects them to appeals to the Council.

This change could result in significant impediments to such transfers, even if the Council were to ultimately reject consistency appeals concerning such transfers. Under the 2009 Delta Reform Act and Council regulations governing appeals: (1) there would be 30 days from the approval of a transfer for someone to file an appeal; (2) the Council would have 60 days from the filing of the appeal to hold a hearing; and (3) the Council would have another 60 days to make a decision on the appeal. (Water Code sections 85225.15, 85225.20; Delta Plan, sixth draft, Appendix B.) Because all through-Delta transfers must comply with many regulatory requirements, including the terms of USFWS's and NMFS's biological opinions, substantial planning and flexibility is necessary to implement such transfers. (Transfers under pre-1914 rights also are subject to CEQA review.) Even if the Council ultimately denies a consistency appeal, the possible 150-day delay resulting from the appeal is quite likely to prevent a non-exempt transfer from occurring, given the regulatory constraints in the Delta. This sort of impediment to transfers would conflict with the sixth draft's recommendation WR R15, which states:

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.

Suggested Change to the Sixth Draft: Replace the sixth draft's consistency review exemption (page 53 at lines 34-35) with the fifth draft's language that provides for a broader exemption for one-year transfers. See fifth draft, p. 58, line 28.

4. Scope of the Delta Watermaster

The sixth draft, page 108 at lines 32-35, calls for an expansion of the Delta Watermaster's duties, in contravention to Water Code section 85230 which states in part, "[t]he Delta Watermaster's authority shall be limited to diversions in the Delta, and for the monitoring and enforcement of the board's orders and license and permit terms and conditions that apply to conditions in the Delta."

The Legislature was explicit that the Delta Watermaster's duties "*shall be limited*" to the boundaries of the Delta and Delta conditions pursuant to delegated power from the State Water Resources Control Board. (Water Code, § 85230(b).) Contrary to the sixth draft's suggestion, the Delta Watermaster has no authority to investigate and enforce against diversions that are neither in the Delta nor have any terms that concerning Delta conditions. Any expansion of geographic scope must come from the Legislature. While we recognize that this an "issue for future evaluation and coordination", the Coalition believes that the priority for Delta Watermaster should remain the legislative direction to fully complete an assessment of water diversions and use within the Delta and provide the State Water Resources Control Board a written report detailing findings of specific water rights (place, amount, use, etc.) as well as specific illegal diversions and actions to cease the illegal diversions.

Suggested Change to the Sixth Draft: The Coalition recommends that the Council eliminate any reference to the Delta Watermaster's duties on page 108. In the alternative, the Council could consider language that reiterates it is critical to the achievement of both the coequal goals for the

Delta Watermaster to provide a workplan to maintain ongoing efforts to investigate the existence of illegal diversions in the Delta.

5. Inconsistent Language – “Proposed Action” vs. “Covered Action”

While the sixth draft clarifies many ambiguities found in the fifth draft Delta Plan with regards to determining what constitutes a “covered action”, it includes, for the first time, the term “proposed action” without any explanation or definition of the term. The language referring to a “proposed action”, in combination with the lack of any definition, creates unnecessary confusion and new uncertainties beginning on page 52.¹ It is unclear what action may be a proposed action, but not a covered action.

Suggested Change to the Sixth Draft: The Coalition recommends that the use of “proposed action” in the Delta Plan’s discussion of “covered actions” be eliminated. The present language that partially deconstructs the components of the Legislative definition of a “covered action” in an effort to differentiate between a so-called “proposed action” and a “covered action” is confusing and increases uncertainty. Alternatively, the Council should revise the draft Delta Plan to clarify that a “proposed action” is an action that in whole or in part will occur in the Delta or the Suisun Marsh that is subject to the action proponent’s review as to whether it is a “covered action” for purposes of making a Delta Plan consistency determination.

6. Water Conservation: 20% x 2020 Reduced Water Consumption

In discussing the Water Conservation Act of 2009 (SB7 X7), the sixth draft implies that SB7 X7 mandates that an urban water supplier’s inability to reduce its per capita water consumption consistent with SB7 X7 could constitute unreasonable use:

The SWRCB should be encouraged to use its authority to prevent waste and unreasonable use by seeking enforcement of the State’s requirements. The potential for this type of action was anticipated in the Water Conservation Act of 2009 (SBX7 7), which explicitly recognized that the failure of urban water suppliers to reduce urban per capita water demand consistent with the State’s 20 percent by 2020 conservation requirements could result in unreasonable use proceedings before the SWRCB, starting in 2021 (Water Code section 10608 et seq.). (Sixth draft at 95, lines 12 – 17.)

Nothing in the relevant section of SB7 X7, however, even refers to unreasonable use. The relevant section is Water Code section 10608.8(a)(2), which states:

Because an urban agency is not required to meet its urban water use target until 2020 pursuant to subdivision (b) of [Water Code] Section 10608.24, an urban retail water supplier’s failure to meet those targets shall not establish a violation of law for purposes of any state administrative or judicial proceeding prior to January 1, 2021. Nothing in this paragraph limits the use of data reported to the department or the board in litigation or an administrative proceeding. This paragraph shall become inoperative on January 1, 2021.

¹ For instance, the final paragraph states: “If the above four screening criteria are met, then ...the project is referred to as a ‘proposed action.’ If any of the four screening criteria are *not met* ... the project is not considered a covered action...” This language is confusing, whereas the statute is clear as to what constitutes a covered action. Adding a new concept unnecessarily complicates matters.

Where the Water Code creates authority for an agency to pursue unreasonable use proceedings, it does so explicitly, as in Water Code section 275. The absence of any language in Water Code section 10608.8(a)(2) that would create such authority or discuss unreasonable use in any way – is a strong indication that the Legislature did not “explicitly recognize” that a water supplier’s failure to meet its 2020 water use target “could result in unreasonable use proceedings before the SWRCB” In addition, an analysis of whether a water use is reasonable must consider numerous factors such as climate, economics and environmental benefits of a water use that SB7 X7 simply does not consider. Finally, the Delta Reform Act that governs the Delta Plan expressly states that the Delta Plan will not affect any water right (Water Code § 85302(i)). We believe that any language in the Delta Plan that urges the State Water Resources Control Board to take water-right actions based on an alleged failure to achieve the 20% by 2020 water conservation goal is an incorrect interpretation of SB7 X7.

Suggested Change to the Sixth Draft: Delete the above language (page 95, lines 12-17).

In conclusion, the Ag-Urban Coalition appreciates the opportunity to comment on the sixth draft staff Delta Plan. We recognize that the drafting of the Delta Plan has been a monumental undertaking by your staff. The Coalition looks forward to working with the Council as you review, modify and finalize the Delta Plan, in the hopes that the Council’s final Delta Plan is a plan that we can all work with together to advance the coequal goals.

Sincerely,



Timothy H. Quinn
Executive Director

Cc: John Laird, Secretary, Natural Resources Agency
Jerry Meral, Deputy Secretary, Natural Resources Agency
Charlie Hoppin, Chair, State Water Resources Control Board

NORTH STATE WATER ALLIANCE

COMMITTED TO STATEWIDE WATER SOLUTIONS THAT PROTECT THE ECONOMY, ENVIRONMENT, AND QUALITY OF LIFE IN NORTHERN CALIFORNIA.

June 12, 2012

Joe Grindstaff
Executive Director
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Dear Mr. Grindstaff:

The North State Water Alliance appreciates the progress in the Sixth Draft Delta Plan (Draft Delta Plan, May 14, 2012). As the Delta Stewardship Council (Council) takes up the matter of crafting the final Delta Plan, we remain very concerned regarding the way the Draft Delta Plan confuses the issues of “reduced reliance on the Delta” and “increased regional self-reliance” with respect to water supplies in Northern California within the Delta watershed.

As you know, the North State Water Alliance was created to promote responsible solutions for the Sacramento-San Joaquin Delta that protect the economy, environment and quality of life in Northern California. North state water suppliers and users are aggressively pursuing water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts, as required in Water Code §85021. We have also pursued a number of actions in the region to balance and thus ensure reliable water supplies for both economic purposes and sustainable ecosystems.

In the “Water Resources” chapter of the Draft Delta Plan, however, we believe staff has misinterpreted the language and intent of Water Code §85021 in a manner that may violate §85031(a), and would be detrimental to water suppliers serving water for various beneficial uses within the Delta watershed. The Draft Delta Plan suggests that water suppliers within the Delta watershed should decrease their future use of local water sources. This simply does not make sense for areas upstream of the Delta and it is at odds with the area-of-origin laws, the specific purpose of which is to protect the ability of communities in the Delta watershed to use their local water supplies and have maximum flexibility to meet future needs.

PARTNERS



metrochamber



Mountain Counties
WATER RESOURCES ASSOCIATION



northstatewater.org

Importantly, while our per capita urban use will continue to decline and farms are applying less water to their fields, the economic outputs and productivity in the region have increased. To sustain these efficiency improvements and to provide water for economic and environmental purposes throughout the region, Northern California water suppliers will continue to rely on access to existing water rights and supplies, while maximizing flexibility to actively manage the water resources in the region. These supplies are critical to meeting both present and future water supplies in a growing region with numerous demands on the water.

We therefore urge the Council to amend its concept of “regional self reliance” with respect to water users within the Delta watershed as suggested in the attached document. To protect water rights consistent with §85031(a), the Delta Plan’s interpretation of §85021 should recognize the need for maximum flexibility and the increased water use of local and regional water sources within the Delta watershed.

Thank you for the opportunity to comment on the Draft Delta Plan. We look forward to continuing to work with the Council in crafting the Final Delta Plan. If you have any questions, please contact any of the undersigned.

Very truly yours,



John Woodling
Executive Director
Regional Water Authority



David Guy
President
Northern California Water Association



Roger Niello
President and CEO
Sacramento Metro Chamber



John Kingsbury
Executive Director
Mountain County Water Resources Association



Mike McKeever
Chief Executive Officer
Sacramento Area Council of Governments

cc: Council Members

North State Water Alliance

Proposed Edits to Sixth Draft Delta Plan Edits to Reflect Water Code Section 85021's Two Sentences

June 6, 2012

Issue: The sixth draft Delta Plan misinterprets Water Code section 85021¹ by combining the separate standards stated in section 85021's two sentences into one metric that is unworkable for the Delta watershed. Specifically, the sixth draft states a metric under which "a significant reduction in net water use, or in the percentage of water used, from the Delta watershed" would be how consistency with section 85021 would be measured. (Sixth draft, pp. 100, 109.) This metric does not accurately reflect the second sentence in section 85021, which states:

Each region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.

Several of the types of water management projects identified in this portion of section 85021 – especially, "local and regional water supply projects" and "improved regional coordination of local and regional water supply efforts" – involve existing and future water use in the Delta watershed. Such changes may be necessary not only to meet growing demands with the only available supplies, but also to allow for increased diversions in wet periods to enable reduced diversions in dry periods. For example, conjunctive-use programs in the watershed might involve such measures. Section 85021 therefore must be interpreted to allow flexibility to meet changing demands in the watershed. Section 85021 also be interpreted in this manner to be consistent with other parts of the Delta Reform Act, specifically sections 85031(a) – which protects area-of-origin rights in the watershed – and 85302(i) – which states that nothing in the Act affects "[a]ny water right."

Solution: Revise Delta Plan discussion of section 85021 to state an appropriate metric for the Delta watershed. It must recognize that watershed agencies are necessarily dependent on local supplies to meet present and future needs. This metric should measure whether watershed agencies are implementing the management measures that the Legislature listed in section 85021's second sentence.

¹Further references to statutes are to Water Code sections.

Proposed Edits to Sixth Draft Delta Plan (insertion underlined, deletions in strikeout):

1. Chapter 1, page 5, lines 35-37:

Consistent with the longstanding water rights in California, it also reduces reliance on the Delta and improves regional self-reliance in areas that rely on water from the Delta watershed by recommending that all local agencies implement local or regional plans to diversify and integrate supplies and improve efficiency.

2. Chapter 1, page 21, lines 30-32:

Consistent with the longstanding water rights in California, it also reduces reliance on the Delta and improves regional self-reliance in areas that rely on water from the Delta watershed by recommending that all local agencies implement local or regional plans to diversify and integrate water supplies and improve efficiency.

3. Chapter 3, page 68, green text block:

Regions that use water from the Delta watershed will ~~reduce their reliance on this water for reasonable and beneficial uses,~~ and improve their regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts, consistent with existing water rights and the State's area of origin statutes and Reasonable Use and Public Trust Doctrines.

- This will be done by improving, investing in, and implementing programs and projects that, among other things, increase water conservation and efficiency, increase water recycling, expand existing storage, implement new storage projects, improve groundwater management, improve source water supply reliability through integrated land use and resources management actions and enhance regional coordination of local and regional water supply development efforts, and the use of advanced water technologies.

4. Chapter 3, page 68, line 17, through page 69, line 2:

The Delta crisis cannot be resolved by taking actions in the Delta alone. The Delta Reform Act establishes a new policy for California of reducing “reliance on the Delta in meeting California’s future water supplies” (Water Code section 85021). Reduced reliance is to be achieved through “a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.” Consistent with longstanding water rights protected by the Act (Water Code section 85302(i)), the Act also states that “each region that depends on water from the Delta watershed shall improve its regional self-reliance through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.”

5. Chapter 3, page 69, lines 7-9:

An integrated approach that includes increased water use efficiency, regional diversification and integration of water supplies, ~~reduced reliance on water from the Delta watershed and~~, concurrent improvements to storage statewide and improved Delta infrastructure will help to meet California's future water supply needs by building the resiliency and reliability of California's water supply.

6. Chapter 3, page 69, lines 17-18:

Regions that use water from the Delta watershed will have ~~reduced their reliance on this water~~ improved their regional self-reliance.”

7. Chapter 3, page 76, line 36:

... appropriate) exceeds the surface water supplies that are available in some streams, if all the right-holders fully perfected and...

8. Chapter 3, page 78, lines 7-9:

As stated in Water Code section 85021, State law policy is “to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.” ~~now requires all water suppliers who use water from the Delta or the Delta watershed to reduce their reliance on those supplies to meet future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency. The State law requires that State policy also is, as also stated in Water Code section 85021, that, “(E)ach region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.” (Water Code section 85021). These strategies will provide new water supplies for the coming century; will help protect the Delta's beleaguered ecosystem; and, combined with State improvements in the Delta, will provide a more reliable water supply for California.~~

9. Chapter 3, page 88, lines 29-31:

... because of limited funding and restrictions in some of the grant provisions. The section, Local Water Management in California, later in this chapter, provides further detail on the range of options and describes ~~necessary~~ steps that regions should take to improve regional self-reliance and, for those regions that divert water from the Delta, contribute to the statewide goal of reducing reliance on the Delta.”

10. Chapter, 3, page 92, lines 31-34:

Water developed through these activities can help reduce conflicts among urban, agricultural, and environmental uses, and can contribute to the ability of ~~regions in California~~ statewide to reduce ~~their~~ reliance on the Delta, and for those regions that depend on water from the Delta watershed, to improve their regional self-sufficiency.

11. Chapter 3, page 94, green text block, paragraph 1:

Significant improvements in water management are being implemented throughout California, especially in regions that rely upon water from the Delta. The 2010 Urban Water Management Plan updates and voluntary Integrated Regional Water Management Plan (IRWMP) grant applications filed in 2010 provide insight into what individual water agencies and regional planning efforts are doing to improve water efficiency measures and develop additional local water supplies to reduce statewide reliance on water from the Delta and, for those regions that use water from the Delta watershed, to improve their regional self-sufficiency. Some examples follow.

12. Chapter 3, page 100, lines 1-13:

An assessment of future water supply reliability is now required in Urban Water Management and Agricultural Water Management Plans as well as in voluntary regional water planning documents known as IRWMPs. For areas that rely upon water from the Delta ~~watershed~~, the failure of many water suppliers to identify and evaluate actions to reduce their reliance on the Delta is a significant impediment to achieving the coequal goals.

Problem Statement

The lack of full participation by water suppliers throughout California to implement laws, programs, and projects that improve water efficiency and expand local and regional water supplies, and reduce reliance on the Delta watershed contributes to higher water demands and less water supply to meet these demands. A lack of growth in local or regional efficiency or supplies may impose greater pressure on the Delta ecosystem for its water, and more vulnerability to the impacts of climate change and catastrophic events. ~~At a minimum,~~ all water suppliers should demonstrate ~~full~~ compliance with applicable State water efficiency and management laws, goals, and regulations to demonstrate reasonable and beneficial use of the state's water resources.

13. Chapter 3, page 100, lines 23-30:

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 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.

14. Chapter 3, page 101, lines 24-36:

Water suppliers that receive water from the Delta ~~or the Delta~~ watershed should include an expanded Water Supply Reliability Element, starting in 2012~~0~~, as part of the update of its Urban Water Management Plan, Agricultural Water Management Plan, ~~Integrated Water Management Plan~~ or other plan that provides equivalent information about the supplier's planned investments in water use efficiency conservation and water supply development. The expanded Water Supply Reliability Element should detail how those water suppliers who receive water from the Delta are contributing to the goal of reducing reliance on the Delta. Those water users who receive water from the Delta watershed should show how they are improving regional self-reliance. The plans should illustrate the programs and projects that will be consistent with and improving regional self-reliance consistent with Water Code section 85021. ~~through investments in local and regional programs and projects, and should document achievement of a reduction in net water use, or in percentage of water used from the Delta watershed.~~ At a minimum, these plans should include a plan for possible interruption of ~~Delta~~ any water supplies exported from the Delta up to 36 months due to catastrophic events, evaluation of the regional water balance, a climate change vulnerability assessment and an evaluation of the extent to which the supplier's rate structure promotes and sustains efficient water use.”

15. Chapter 3, page 101, line 41:

... suppliers can implement WR - R4 by 2015~~20~~.

16. Chapter 3, page 103, lines 12-16:²

Water suppliers that receive water from the Delta ~~watershed~~, and that obtain a significant percentage of their long-term average water supplies from groundwater sources should develop and implement sustainable groundwater management plans that are consistent with both the required and recommended components of local groundwater management plans identified by the Department of Water Resources' Bulletin 118 (Update 2003) by December 31, 2014. “

17. Chapter 3, page 108, lines 13-18:

Reduced Reliance for water use from ~~on the Delta Watershed~~ and improved regional self-reliance for those agencies that receive water from the Delta

²The groundwater storage graph on page 97 of the sixth draft Delta Plan indicates that there is no significant overall groundwater problem in the Delta watershed, which comprises the Sacramento, Delta and Eastside Streams and San Joaquin Basin.

watershed. The Delta Plan identifies two core measures of water management consistent with Water Code section 85021. The first is for statewide reduced reliance on the Delta for meeting future water supply needs. The second is that each region that depends on water from the Delta watershed shall improve its regional self-reliance.: ~~a significant reduction in net water use, or in the percentage of water used, from the Delta watershed. Potential additional measures should be identified and evaluated, especially those that, when implemented in the Delta and the upper watershed, will benefit the Delta (amount of water, quality of water, and timing of flows) and contribute to reduced reliance on the Delta watershed, consistent with Water Code section 85021.~~

18. Chapter 3, page 109, lines 6-8:

Water suppliers that receive water from the Delta watershed have documented achievements of improved regional self-reliance through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts, consistent with existing water rights and the State's area of origin statutes and Reasonable Use and Public Trust Doctrines." ~~net reductions in volume of water used from Delta or expansion of local supplies relative to Delta water use.~~
(WR R4)

19. Chapter 6, page 229, lines 9-13:

The State Water Resources Control Board and Central Valley Regional Water Quality Control Board should consider requiring participation by all relevant water users that are supplied water from the Delta or the Delta Watershed, or discharge significant amounts of wastewater to the Delta or the Delta Watershed, and make a demonstrable contribution to the problems addressed by ~~to participate in the Central Valley Salinity Alternatives for Long-Term Sustainability Program (CV-SALTS) to participate in that program.~~