

September 30, 2008

John,

In order to meet the September 30th deadline for final comments, this email will serve as Reclamation's Mid-Pacific Regional response to the Delta Vision Strategic Plan as described in the 4th Staff Draft. Our comments build on Reclamation's response to the Illustrative Questions to Departments dated May 2008 and the testimony of our Deputy Regional Director, John Davis, at the July Task Force Meeting. While this has been very focused as a State process, Reclamation was also able to provide some funding, along with assigning one staff person to serve as a Federal Liaison throughout the process. We are committed to being part of the solution and look forward to working together as implementation roles out in 2009.

Delta Vision in itself has been an enormous undertaking in a relatively short period of time. All involved at all levels are to be commended for their hard work that led to a Vision in 2007, and soon a Strategic Plan by the end of 2008. At that point it will be critical that the things that have failed us in the past are not repeated, that we learn from our mistakes and take corrective actions along the way. A plan that can sustain Administrations (both State and Federal) will be foundational to long-term success. Given the political climate and crisis that both the Nation and California are faced with, this must be a partnership between the State and Federal governments to the extent possible. That partnership must be obtained by closely working together with the California Congressional Delegation and the next Administration as a priority.

In reviewing the 4th Staff Draft, understanding it is already well into a 5th Staff Draft and that an editorial writer was hired, we offer the following areas where we see improvements could be made. Some of these will fall out as part of how you implement a long-term plan and may not be as critical to the Final Strategic Plan. We will leave that up to the experts to determine.

Acknowledging again that Delta Vision has been a State process, the absence of Federal Government in a Strategic Plan that addresses water supply reliability for all of California and ecosystem restoration for the Delta as its foundation seems unrealistic. The Dorian Chart is a great example of the presence of the Federal Government in just about every activity going on in the State that affects the Delta. The Federal Government should not be an obstacle, rather a partner. Subsuming CALFED into the California Delta Ecosystem and Water Council brings the Federal agencies to the table. Acknowledging that in the Strategic Plan will be important.

What was different in the 4th Staff Draft was the acknowledgment of the 7 years of good work that CALFED did and the partnerships and coordination amongst the agencies that are still ongoing. We believe bringing CALFED along was a giant step towards achieving your goals as you already have 25 Federal and State agencies committed under that umbrella. However, we believe it will be even more important how you engage those agencies who committed to a 30-year program when they signed a Record of Decision (ROD) and accompanying documents in 2000. Engaging them early on and at a "high" level will be critical.

We see the Central Valley Project (CVP) as a major piece of California's plumbing that must be acknowledged in meeting the co-equal goals. The two water projects work together under a Coordinated Operations Agreement and are both critical to the solution. The CVP serves as the largest water project in the State of California with some 250 water service contracts compared to the State Water Project's 30 some contracts.

Reclamation understands the Delta must have a Governance structure that can provide the leadership necessary to lead and make decisions, but would caution on how wording or intent could affect Federal agency authorities and appropriations as currently written or as we move forward. Specifically, under the Governance section (p.26 Vol. 1 & p.53 Vol. 2), parts of the statement that read, "The Council should replace both the Bay-Delta Authority and subsume programs of CALFED. Since some continuing federal funds are budgeted to CALFED, the Council would assume any remaining authority and program responsibility." are incorrect and cannot be accomplished. Federal funds are not budgeted to CALFED (Bay-Delta Authority), rather they are budgeted to the Federal CALFED agencies through Federal appropriations for implementation of CALFED actions based on agency implementing responsibility. Additionally, Federal authority for those actions cannot be assumed by a State Council, nor can that Council take program responsibility for a Federal action. Using just the first sentence of that statement is enough to relay the message, the details following just become a matter of confusion. When we get to working out details, this will become important as Federal legislation and funding are currently authorized under the existing structure and it is not clear how either would be affected by this new governance that has broader responsibility than envisioned in the ROD.

In reading the OAG's letter on the use of the Coastal Zone Management Act (CZMA) to gain Federal consistency, the focus is very much on the Delta, and whether it would work even for the Delta is not a sure thing. Given CZMA were to cover "the Delta", you would still have to figure out

how to work with project facilities or new facilities that exist outside of the Delta relative to water supply reliability for all of California or ESA issues? It seems the Plan has put all of its cards into CZMA Federal consistency with little consideration as to engaging Federal agencies as partners. Either way there are no guarantees, but a partnership is more productive in gaining Federal support and funding and more in line with subsuming CALFED programs which are managed by both State and Federal agencies.

Lastly, this entire process has been based on 2 co-equal goals. However, the 4th Staff Draft included a list of 7 goals on p.2 of Vol 1 which has been confusing to the reader as to how many goals there actually are. At the September meeting the Task Force requested the 2 co-equal goals be pulled out of the list of 7 goals as overarching and not defined as part of the 7 goals. The Final Strategic Plan should be clear there are only the 2 goals and find different terminology for the other 5 if they are still included.

Hopefully these comments are constructive to the process. We look forward to working towards finding solutions. Please contact me if there are questions.

Thanks Diane Buzzard
Delta Vision Federal Liaison
Special Projects Office/BOR
916/978-5525
dbuzzard@mp.usbr.gov