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## DELTA STEWARDSHIP COUNCIL

*A California State Agency*

October 3, 2016

**Chair**  
Randy Fiorini

Rachel Ballanti, Acting Executive Director  
California Water Commission  
Water Storage Investment Program  
901 P Street, Room 200  
Sacramento, CA 95814

**Members**  
Aja Brown  
Frank C. Damrell, Jr.  
Patrick Johnston  
Mary Piepho  
Susan Tatayon  
Ken Weinberg

**Executive Officer**  
Jessica R. Pearson

### **RE: Water Storage Investment Program's Draft Regulations and Guidelines**

Dear Ms. Ballanti:

Thank you for the opportunity to review and comment on the California Water Commission's (Commission) Water Storage Investment Program's draft regulations and guidelines related to Proposition 1 funding. We appreciated meeting with you and your staff on September 30, 2016 to discuss details of the draft regulations and guidelines. We are pleased to see additional language within the current draft regulations and guidelines that provides clarification on:

- Requirements for applicants to analyze future conditions beyond a sensitivity analysis including without project future conditions, and with project future conditions
- Requirements for modeling and analysis to include sources of uncertainty such as climate change (including sea level rise), future projects, and other sources of uncertainty identified by the applicant
- Evaluation of applicant's assurances of measurable improvements to the Delta ecosystem or to the tributaries to the Delta for projects within or not within the Delta or its tributaries
- Evaluation of proposed project advancement of long-term objectives of restoring ecological health and improvement of water management for beneficial uses of the Delta

In general, the Delta Plan encourages a variety of water storage projects including large and small, surface and groundwater, and those that are strategically located not only within the existing Delta water management system, but also outside of this system, but function on the whole to provide a more reliable water supply while protecting, restoring, and enhancing the Delta ecosystem. As the Commission moves towards finalizing its regulations and guidelines

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*"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."*

– CA Water Code §85054

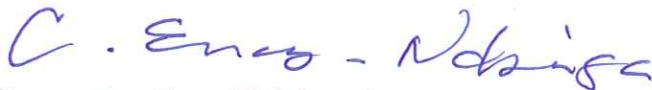
to ensure proposed public benefits come to fruition by future funding awardees, the Council provides the following recommendations to the proposed regulations:

- Recommend the use of the existing definition for “Best Available Science” as defined in Title 23 CCR § 5001(f), *“Best available science’ means the best scientific information and data for informing management and policy decisions. Best available science shall be consistent with the guidelines and criteria found in Appendix 1A.”*
- Recommend that the annual report to the Water Commission require:
  - The results of completed monitoring under the proposed project’s adaptive management plan
  - A description of whether monitoring triggers were or were not reached per the proposed project’s adaptive management plan
  - If triggers were reached, what decisions (both required and unrequired) were made to alter the proposed project’s operation and implementation outlined in the project’s adaptive management plan

The Delta Stewardship Council recognizes the Commission’s efforts to aid in the development and construction of additional water storage in the state. This effort is one piece in a mosaic of actions that will support the state’s coequal goals of providing a more reliable water supply and protecting, restoring and enhancing the Delta ecosystem. The Council is happy to continue to coordinate with and provide assistance to the Commission to successfully implement the Water Storage Investment Program and looks forward to coordinating on any future regulations and review of future applications for Proposition 1 funding. In addition, the Council is looking forward to coordinating with the Commission during the development, now underway, of a Delta Plan amendment to address Delta conveyance, storage and the operations of both to further the coequal goals.

If you have any questions or would like to discuss the comments presented here, please feel free to contact Anthony Navasero at [Anthony.Navasero@deltacouncil.ca.gov](mailto:Anthony.Navasero@deltacouncil.ca.gov) or (916) 445-5471.

Sincerely,



Cassandra Enos-Nobriga  
Deputy Executive Officer  
Delta Stewardship Council