



CENTRAL DELTA WATER AGENCY

235 East Weber Avenue • P.O. Box 1461 • Stockton, CA 95201
Phone 209/465-5883 • Fax 209/465-3956

DIRECTORS

George Biagi, Jr.
Rudy Mussi
Edward Zuckerman

COUNSEL

Dante John Nomellini
Dante John Nomellini, Jr.

January 14, 2013

Via email to: recirculateddpeircomments@deltacouncil.ca.gov; and
deltaplancomment@deltacouncil.ca.gov

Re: **SUPPLEMENTAL** Comments on the Delta Stewardship Council's (1)
"Recirculated Draft Delta Plan Program Environmental Impact Report, Volume
3," and (2) "November 2012 Final Draft Delta Plan."

Dear Delta Stewardship Council:

The Central Delta Water Agency (CDWA) hereby wishes to supplement its prior comments on the above-referenced matters with the additional comments set forth in the attached January 14, 2013 letter entitled, "SUPPLEMENTAL COMMENTS re Proposed Regulations 11/16/2012" While those additional comments are directed to said regulations, those comments are directly relevant to the above-referenced matters because those regulations are based on the policies and recommendations set forth in the November 2012 Final Draft Delta Plan and examined in the Recirculated Draft PEIR.

Thank you for considering these comments along with the previously submitted comments.

Very truly yours,

Dante John Nomellini, Jr.
Attorney for the CDWA.

Enclosure



CENTRAL DELTA WATER AGENCY

235 East Weber Avenue • P.O. Box 1461 • Stockton, CA 95201
Phone 209/465-5883 • Fax 209/465-3956

DIRECTORS
George Biagi, Jr.
Rudy Mussi
Edward Zuckerman

COUNSEL
Dante John Nomellini
Dante John Nomellini, Jr.

January 14, 2013

Via Email to RulemakingProcessComment@deltacouncil.ca.gov

Delta Stewardship Council

Re: **SUPPLEMENTAL COMMENTS re**
Proposed Regulations 11/16/2012
CCR Title 23 Division 6
Chapter 2. Consistency with Regulatory
Policies Contained in the Delta Plan

The following comments are in addition to the comments which we included in our earlier submittal. Please include these comments along with our prior comments.

Section 5001(e)(3)(D): “Encourage recreation and tourism” falls short of the statutory requirement to “protect and enhance the unique cultural, recreational, and agricultural values” (Water Code sections 85020(b) & 85054.) The regulation is inconsistent with the statutes.

Section 5001(e)(3)(E): This regulation uses the term “sustain” for the Delta economy when the statutes mandate “protect and enhance the unique cultural, recreational and agricultural values” (Water Code sections 85020(b) & 85054.) Sustaining is not enhancing. Including agriculture as part of a mix ignores the Economic Sustainability Plan of the Delta Protection Commission which determined that agriculture was the primary driver of the present and future economy of the Delta. The regulation is contrary to the statutes.

Section 5001(e)(3)(F): This regulation is inconsistent with Water Code section 85020(g), which provides: “Reduce risks to people, property, and state interests in the Delta by effective preparedness, appropriate land uses, and investments in flood protection.” (Emphasis added.) The regulation omits the critical elements necessary to reduce flood risks. The language of the statute should replace the proposed language in (F).

Yours very truly,

Dante John Nomellini
Manager and co-counsel.