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January 14, 2013

Mr. Phil Isenberg, Chair
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, California 95814

Dear Chairman Isenberg:

Subject: Draft Final Sacramento-San Joaquin Delta (Delta) Plan and Draft Program
Environmental Impact Report

On behalf of the Los Angeles Department of Water and Power (LADWP), thank you again for the opportunity to comment on the Draft Final Delta Plan and Draft Program Environmental Impact Report (EIR). We appreciate the Delta Stewardship Council's (Council) continued consideration of the input of Delta stakeholders, including export interests, throughout the public review process on the Delta Plan and Draft EIR.

Annually, LADWP purchases, on average, 52-percent of water needed to serve the City of Los Angeles from the Metropolitan Water District of Southern California (MWD). Of this amount, approximately 85-percent comes from the Delta through the State Water Project. Our comments reflect our ongoing concerns with the reliability of Delta supplies and the important role the Delta Plan (and Bay Delta Conservation Plan (BDCP) by incorporation) have in providing for the State's water needs.

LADWP has submitted comments throughout the Delta Plan and EIR drafting process, most recently in June 2012, on your sixth draft of the Delta Plan. We continue to be encouraged by the evolution of the Delta Plan and EIR; however, we believe the following issues must still be addressed:

- **Incorporation of the Bay Delta Conservation Plan:** LADWP continues to be concerned that the current procedures in the Delta Plan appendix do not clearly support the intent to incorporate BDCP as a core component of the Delta Plan if the BDCP meets the conditions specified in the 2009 Delta Reform Act legislation. The Delta Plan cannot achieve its statutory objectives without incorporating BDCP's plans for the implementation of ecosystem restoration and water supply reliability as a core component.

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- **Delta Water Export Supplies:** The Draft EIR assumes that Delta Plan implementation will result in less water being exported through the Delta. In our view, the implementation of conveyance improvements, ecosystem restoration, and actions to reduce "stressors" that harm Delta species will make great strides towards achieving the mandated co-equal goals to restore both water supply reliability and the Delta ecosystem, potentially without a reduction to historical water exports.
- **Replacement Water:** The Draft EIR also claims that replacement water sources exist, but does not analyze the feasibility, cost effectiveness, or economic and environmental impacts of developing these supplies. LADWP is committed to making investments in local water resource development including conservation, recycling, groundwater replenishment, groundwater remediation, and stormwater harvesting as detailed in our 2010 Urban Water Management Plan (UWMP). However, the City of Los Angeles will continue to require supplemental water from MWD's Delta supplies to meet our current and projected demands in normal years, and cope with water supply shortages during dry years. Without this supplemental water, LADWP will not be able to provide a reliable supply to its customers.
- **Regulatory Authority:** LADWP continues to believe that the Delta Reform Act did not give the Council regulatory authority to review water management decisions outside of the Delta. As currently drafted, the Delta Plan may penalize responsible agencies for the failings of other neighboring districts, simply because they share the same wholesale resource for imported water. While we appreciate assurances from Council members, the intent of this discretion is to address alleged "bad actors". We continue to object to this proposed policy as currently expressed.

We appreciate the work of the Delta Stewardship Council to develop a plan for a new governance structure and guidance for the Delta's many stakeholders to cooperatively resolve California's water resource challenges. In the spirit of this cooperation, we hope that you will seriously consider LADWP's concerns as you continue efforts towards meeting the co-equal goals.

If you have any questions, please contact Mr. David R. Pettijohn, Director of Water Resources, at (213) 367-0899.

Sincerely,



James B. McDaniel

Senior Assistant General Manager – Water System

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