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DELTA STEWARDSHIP COUNCIL

A California State Agency

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P. Joseph Grindstaff

May 26, 2011

Dr. Jerry Meral, Deputy Secretary
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear ~~Dr. Meral~~: Jerry

At the request of the Delta Stewardship Council, I am writing to request your help in identifying storage, conveyance and ecosystem restoration actions that should occur in the near-term (the next 15 years) to help achieve the State's coequal goals for the Delta.

Recognizing that it is the Natural Resources Agency's intent to have a final draft BDCP for environmental review sometime next year, followed by a permitting process and a period for construction of any facilities called for in the BDCP, what actions should occur now and through that interim period before BDCP can be fully implemented? It is our understanding that the state and federal agencies, working with the BDCP's potentially regulated entities, have discussed and evaluated a suite of actions that could/should be implemented in the near-term.

As you know, the Legislature created and tasked the Delta Stewardship Council with developing a comprehensive long-term management plan for the Delta that will achieve the state's coequal goals of providing a more reliable water supply for California, and protecting, restoring and enhancing the Delta ecosystem, all in a manner that protects and enhances the Delta as an evolving place. And the Legislature required that the BDCP be included in the Delta Plan, provided that the BDCP meets the requirements for inclusion set forth in the Delta Reform Act (compliance with the Natural Communities Conservation Planning Act and California Environmental Quality Act as specified), as well as other statutory requirements.

As the Council works to complete its Delta Plan in time to meet a statutory deadline of Jan. 1, 2012, it would be helpful and productive to understand BDCP's recommendations for near-term projects, any evaluations that have been done, and any obstacles that you believe could be addressed through policy principles and/or recommendations in the Delta Plan.

As you also are aware, the Legislature gave to the Council a role as appellate body should any individual or group appeal a determination by the Department of Fish and Game that the BDCP meets the requirements of the Delta Reform Act for inclusion in the Delta Plan. This request should not be viewed as prejudicing the Council in that role; instead it is merely a request for your recommendations and analysis that would be reviewed by Council staff and our independent consultant, ARCADIS, in preparation of a Delta Plan that will take effect in advance of the BDCP.

The Delta Stewardship Council is supportive of the development of a conservation plan for the Delta that advances the coequal goals and meets the statutory requirements of the Delta Reform Act. That Act also requires the Department of Water Resources (DWR) to consult with the Council during development of the BDCP, and assigned to the Council the role of "responsible agency" in the development of the BDCP's environmental impact report. In light of those roles, if there are ways we can assist you in development of the BDCP, please let me know.

Much like BDCP, the Delta Plan is on an aggressive timeline, with a draft EIR on the draft Delta Plan going out for a 45-day public review and comment period at the end of June. I appreciate in advance your prompt attention to this request.

Sincerely,

P. Joseph Grindstaff
Executive Officer

cc: John McCamman, Acting Chief Deputy Department of Fish & Game
Mark Cowin, Director Department of Water Resources
Phil Isenberg, Chair Delta Stewardship Council