



From: Richard Morat <rjmorat@gmail.com>
Sent: Wednesday, November 8, 2017 10:06 AM
To: WB-DWR-Bay-Delta
Subject: Phase II Bay-Delta Plan Input

General comment: The Board alone is accountable for any plan of implementation. The Board must reject any negotiated agreements regardless of the exuberance of the two parties that negotiated it if it is not in the public interest and appropriately protective of other beneficial uses. Any plan of implementation adopted by the Board must be realized without delay using enforcement as necessary. The Board must anticipate many suggestions for implementation that offer non-flow alternatives. However, at this point in the condition and status of the Central Valley aquatic resources there is generally no substitute for inflow and outflow if reasonable protection of fish and wildlife resources is to be achieved.

1. A policy provision that in-progress and future applications to appropriate, petitions for change, and temporary urgency change petitions will only be granted with conditions for protection of beneficial uses consistent with or exceeding those of the plan implemented irrespective of scope of the impact. The bar of "not significant" must cease to be utilized as cumulative and incremental impacts are today so significant. The new bar for future applications and petitions should be "no measurable or modeled impact".

1.a. Deferred implementation to await for voluntary negotiated should not exceed 6 months with no allowance for extension. Implementation must proceed in a timely manner. Those parties that reach agreement after the grace period and offer an equally acceptable or better alternative to the plan implemented by the Board should be allowed to petition for change after-the-fact. Non-compliance in operating to the terms of a voluntary agreements would not be allowed and result in an immediate cease and desist order with full enforcement.

1.b. Without voluntary implementation the Board must use all water rights enforcement tools available starting with the most effective. Potential extinction of species demands immediate action.

2. By use of the full water code and immediate and unforgiving enforcement.

3. The best available science.

4. I do not understand the use of the term "coordinated". Did you mean to say "achieved"? Irrespectively, using the best available science should get you there.

5. Utilize a 3-year transition period wherein operators of storage and diversion projects assist in meeting both the inflow-based Delta outflow objective and the tributary requirements. This may result in some over-achievement of protection of aquatic resources relative to the plan, but after decades of significant under-achievement and the specter of species extinction, this contingency will prove informative and beneficial. It should be looked at as an experiment for adaptive management. At the end of the 3-year period evaluate and adapt to a new interim plan of implementation.

6. Adaptively, after-the-fact, if real accomplishments are realized.

7. Set well described metrics for reference conditions and population indexes that must be met, then monitor the metrics. In a system where risk assessment has been so lopsided for

decades, adaptive management demands the inclusion of contingency, such as described in #5 above.

8. First, accept non-flow measures only for wildlife improvement purposes. Non flow measures for fishery purposes should be only accepted after-the-fact if they prove successful as described in #6 above. Where the Board has a term in a water quality control plan it must use all the tools in the Board's tool box to enforce them.

9. Rely on terms that reduce deliveries/the right to divert from users and uses that are replaceable and the most discretionary and/or have alternate supplies or non-flow measures to reduce economic impact.

10. Only human health and safety should be the basis for triggering any drought-related relaxation to implementation of the plan.

11. Incentivize but never subsidize. Incentivize first those proposals that focus on improving fish and wildlife immediately. Employ scientists to evaluate those proposals and require all appropriate agencies to weigh in. Drought measures proposed that seek off-ramps from the plan, a lessening of protection for aquatic resources, only bring the State back to situation we are in today. Drought measures must be planned in advance of any dry period before the barrel is empty. The incentives should be for foresight and contingencies, not bail outs.