

**Bay Delta Conservation Plan
Review Document Comment Form**

Document: **Non-Project Diversions Entrainment Reduction Measure OSCM 21,
Comments on Chapter 3 and Chapter 8 (additional)**

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Please use this form to document your comments to the above document. Please number your comments in the first column and indicate the page, section, and line number (if provided) that reference the comment's location in the review document in the next three columns. **Return completed comment forms to Rick Wilder (wilderrm@saic.com).**

To be of the greatest value to the document development process, please make your comments as specific as possible (e.g., rather than stating that more current information is available regarding a topic, provide the additional information [or indicate where it may be acquired]; rather than indicating that you disagree with a statement, indicate why you disagree with the statement and recommend alternative text for the statement). Do not enter information in the **Disposition** column. This column will be used by SAIC to record how each comment was addressed during the document revision process.

No.	Page #	Section #	Line #	Comment	Disposition
1.	3-167			OSCM 20 and other measures include as a goal of the BDCP increasing smelt populations as well as better protecting existing smelt populations in the Delta. Thus, it is imperative that screening on all diversions (Project and no-Project) be designed to screen out delta smelt.	
2.	3-167			With respect to participation of owners of existing diversions, it is imperative that the conservation measure be designed to encourage participation by those diversion owners. For instance, those who participate will need assurances that participation will not lead to change their underlying water rights. This will especially be an issue with respect to the plan to consolidate diversion points. Consolidation of diversions that are	

				subject to the jurisdiction of the SWRCB will require the processing of a petition for a change in point of diversion under Water Code (e.g. § 1735) will be necessary.	
3.	3-167			To determine the best approach to consolidations from a SWRBC and water rights perspective, developers of this conservation measure should confer with the SWRCB and in-Delta diversion representatives. For instance, it may be appropriate to shield voluntary participants in these programs who can preliminarily demonstrate legal water rights from SWRCB water rights enforcement investigations/proceedings that could otherwise occur in during processing of petitions to change points of diversion. Without such assurances, many diverters may be unwilling to help implement this measure, potentially rendering it completely ineffective.	
4.	8-27	8		The cost estimate for implementation of OSCM 21 should include the costs of any water rights proceedings made necessary by consolidation of diversions; participating diverters cannot be expected to bear these costs.	
5.	8-27	8		Also important to the success of this measure will be the development of a concerted outreach program to diverters for potential participation. Project cost estimates should include these efforts.	