

# 2011 Delta Vision Report Card

## Executive Summary

### Introduction and Background

The *2011 Delta Vision Report Card* assesses the progress and effectiveness of State agencies and appointed governing bodies, Federal agencies, and other organizations in implementing the actions recommended in the *Delta Vision Strategic Plan* and the status of the Delta and water supply reliability. The *Report Card* provides a broad assessment of actions and organizations so that elected officials, agency executives and staff, and stakeholders and the public can understand the opportunities and barriers for achieving the Two Co-Equal Goals. It is based on information gathered from elected officials' staff, agency executives and staff, stakeholders, and the public. The *Report Card* also includes recommendations for action and improvement to accelerate implementation and ensure that strategies and actions are comprehensive, coordinated, and integrated.

The Delta Vision Foundation assessed three aspects of efforts to implement the *Delta Vision Strategic Plan* and achieve the Two Co-Equal Goals:

**Actions Progress** – For each of the 85 actions recommended in the *Delta Vision Strategic Plan*.

**Leadership, Effectiveness and Cooperation** – Of the State, Federal agencies, and stakeholders and other interested parties.

**Status of the Two Co-Equal Goals** – To reduce risks for the ecosystem and water supply reliability.

#### ***Urgent Action Needed***

The status of the Two Co-Equal Goals remains critical. The ecosystem remains at critical risk of losing species and habitat in the Delta. Water supply reliability remains at critical risk of supply disruption or shortages, despite significant rain and snowfall this year. Since the *Delta Vision Strategic Plan* was issued in 2008, there have been few significant actions implemented that reduce these risks and advance the Two Co-Equal Goals.

#### ***Leadership and Integration Essential***

In 2009, the Legislature and Governor approved legislation in response to the *Delta Vision Strategic Plan*. The legislation established the Two Co-Equal Goals as State policy, established new and revised governance organizations, and directed State agency research, planning, and implementation to achieve the Two Co-Equal Goals, while protecting and enhancing the Delta as an evolving place. Since that time, State agencies, federal agencies, and stakeholders have been working earnestly to plan and implement the legislative requirements. However, the Delta Vision Foundation finds that additional leadership and direction is needed at all levels to ensure that planning and actions are linked and integrated to remove implementation constraints.

#### ***Immediate Implementation Imperative***

The Delta Vision Foundation *2011 Delta Vision Report Card* assessment underscores the urgency for action and implementation. This sense of urgency needs to be re-energized by the State of California Administration and Legislature. The progress of implementation has been inadequate, particularly for the near-term actions identified in the *Delta Vision Strategic Plan* to protect and secure the existing water supply infrastructure, prepare for emergency response in the Delta, and begin ecosystem improvements.

#### ***Delta Vision Foundation***

The Delta Vision Foundation was established by former members of the Delta Vision Blue Ribbon Task Force, the independent body established under Governor's Executive Order S-17-06. The mission of the Delta Vision Foundation is to encourage implementation and progress by the State of California toward achieving the Two Co-Equal Goals as defined in the *Delta Vision Strategic Plan*:

- (1) Restore the Delta Ecosystem
- (2) Ensure Water Supply Reliability

The Delta Vision Foundation monitors, evaluates, and provides information to government officials, policymakers, and the public about implementing the *Delta Vision Strategic Plan* recommendations as a set of integrated and linked actions.

## Implementation Progress

Overall, the 85 actions recommended in the *Delta Vision Strategic Plan* are 25% complete. Listed below are the summary grades for near-term actions and each of the four evaluation topics.



### Near-Term Actions

**D** Progress on near-term actions has been entirely inadequate, particularly related to preparing for emergency response in the Delta, securing the existing water supply infrastructure, and beginning ecosystem improvements.

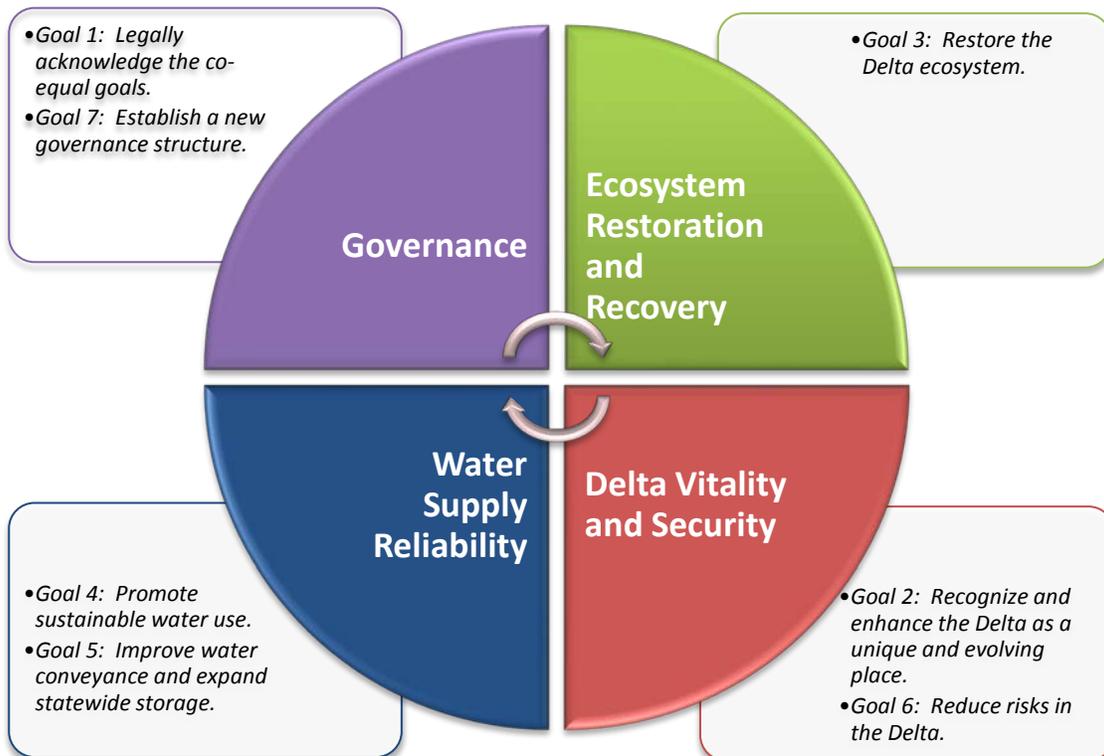
### Mid-term and Long-term Actions

New governance structures have been established, but implementation is lagging in all areas.

**B+**

**C-**

Figure 1. Evaluation Topics and Delta Vision Goals



**D+**

**C-**

## Leadership, Effectiveness and Cooperation

### State of California

The Delta Vision Foundation recognizes and acknowledges the State's dedicated and sincere effort to implement the *Delta Vision Strategic Plan*. Important direction has been set and planning is underway for all components. The *2011 Delta Vision Report Card* gives credit for the effort demonstrated over the past two years. However, the urgency of conditions in the Delta and precarious statewide water supply stability demand action. Accordingly, the State must demonstrate more leadership, action, and implementation in the immediate future.

<i>Organization</i>	<i>Grade</i>	<i>Comments</i>
<b>Legislature</b>	<b>B+</b>	Enactment of 2009 water legislation is a major accomplishment. Needs to establish oversight on performance and refine funding and financing.
<b>Governor's Administration</b>	<b>B+</b>	Initial key leadership appointments are strong. Needs to set clearer direction for integrated actions, coordinate work, complete appointments, and engage Federal support.
<b>Delta Stewardship Council</b>	<b>B+</b>	Has strong leadership and good transparent process. Needs to set overall direction for implementing the Two Co-Equal Goals and link actions with performance metrics.
<b>Natural Resources Agency</b>	<b>B+</b>	Has strong leadership in transition with increasing transparency. Needs to develop approach to coordinate linked actions to achieve the Two Co-Equal Goals.
<b>Department of Water Resources</b>	<b>B-</b>	Has capable management for multiple responsibilities. Needs stronger strategic management with clearer purpose to guide planning, particularly on water supply reliability, and to drive implementation.
<b>Department of Fish and Game</b>	<b>C+</b>	Has capable coordination on restoration planning. Needs stronger leadership and strategic management with clearer purpose to guide action, particularly on restoration and resource protection, and to drive implementation.
<b>Sacramento-San Joaquin Delta Conservancy</b>	<b>B+</b>	Has launched strong start and developed interim strategic plan. Needs to coordinate plan with others and develop implementation partnerships.
<b>Delta Protection Commission</b>	<b>B+</b>	Has initiated substantive efforts to complete required reports and studies. Needs to coordinate with others, particularly recreation and agriculture agencies, and incorporate input.
<b>State Water Resources Control Board</b>	<b>B</b>	Has initiated substantive efforts to complete required reports and actions with a strategic plan to guide implementation. Needs to streamline processes and accelerate action.
<b>California Water Commission</b>	<b>B</b>	Has renewed focus and strong commitment to work. Needs to develop clearer purpose and strategic plan.
<b>Science Programs</b>	<b>B</b>	Has established a good foundation, broadening into critical research areas. Needs focused priorities with better synthesis of information for decision-makers.

## Federal Cooperation

Federal agencies have made substantial progress in coordinating activities among the agencies and increasing cooperation with the State, as demonstrated by the interagency Memorandum of Understanding, Federal Action Plan, and Near-term Science Strategy. Federal leadership could be strengthened with distinct delegation from Washington to a single point of contact to remove barriers, find workable solutions, and speed implementation.

B

## Stakeholder Cooperation

Cooperation and coordination among stakeholders is more important than ever to develop and implement workable solutions that meet multiple objectives. However, the Delta Vision Foundation sees disturbing trends in constructive cooperation. No category of stakeholders gets high marks for constructive participation. Lawsuits continue to be the battleground for decisions that will favor one interest or another. Stakeholder interests are increasingly selecting the process, program, or project that best meets their specific need and supporting it at the exclusion of companion elements that meet needs of others.

B-

## Essential Leadership

The need for action and implementation remains urgent. Strong and decisive agency and organizational leadership is needed to ensure both decisiveness and coordination among actions.

The **Governor** must provide the leadership to ensure that all State agencies are focused and coordinated. At the same time, the **Legislature** must provide the resources to implement and the oversight to ensure accountability.

The **Delta Stewardship Council (DSC)** must complete a *Delta Plan* that guides and, to the extent possible, requires action. DSC leadership must demonstrate how integrated, linked actions achieve the Two Co-Equal Goals and protect and enhance the Delta as an evolving place.

The **Natural Resources Agency** must lead, coordinate, and align its departments, commissions, and the Delta Conservancy to implement the *Delta Plan*. The Bay Delta Conservation Plan process is only one piece of a well-coordinated plan. Agency leadership is critical for ensuring that all the pieces are integrated and implemented efficiently.

The State agencies with historic responsibility for water and ecosystem issues in the Delta—**State Water Resources Control Board, Department of Water Resources, and Department of Fish and Game**—must step up to a new level of leadership to move from planning to action. The leadership in these agencies must find new ways to use their capable resources efficiently to address past challenges, including capacity, conflicts, decision-making, and inter-agency roadblocks.

The new or reinvigorated State organizations—**Delta Protection Commission, Delta Conservancy, and California Water Commission**—must bring forth new thinking on building vital communities, restoring habitats, and funding important public benefits. The leadership of these organizations must work collaboratively with other agencies and organizations to demonstrate how to implement real solutions in the Delta that also will contribute to water supply reliability.

**Federal agencies and Congress** must be active partners to help develop and implement workable solutions. Federal initiative, leadership, and alignment are needed to bring guidance and resources to implement near-term and long-term solutions.

**Stakeholders** must step beyond their specific interests and support solutions that provide multiple benefits and contribute to the Two Co-Equal Goals. Key leaders from all interest groups must step up to bridge the gaps in perspective and understanding to develop and support actions that meet California's challenges.

## Status of the Two Co-Equal Goals

The Delta Vision Foundation *2011 Delta Vision Report Card* assessment of the status of the Two Co-Equal Goals describes the risk that substantial, undesirable outcomes could occur for California. It is based on the observations and perspectives provided by the people who provided input to the Delta Vision Foundation.

### Delta Ecosystem

The Delta ecosystem remains at critical risk of failure. Since the Delta Vision Task Force began its work in early 2007, substantial effort has been expended to develop the *Delta Vision Strategic Plan*, implementing legislation, implementation guidelines, and project plans. While effort and attention on the Two Co-Equal Goals and plans to achieve them is commendable, there have been few “on-the-ground” changes to protect and restore the Delta ecosystem.



The scope and scale of necessary actions to restore and recover a functioning ecosystem in the Delta is substantial. The urgency for action cannot be understated. Restoration planning must now move rapidly into implementation to accelerate habitat restoration and demonstrate measurable improvements in ecosystem function, but ecosystem management by litigation is not a sustainable approach. Pilot projects, with the associated performance monitoring, must be implemented immediately to inform future large-scale restoration actions.

### Water Supply Reliability

Water supply reliability statewide also remains at critical risk of failure. The 2011 water year has brought abundant snow and rainfall and late season storms into June that ended three years of drought and refilled reservoirs. However, few significant actions have improved the long-term reliability of water supplies from the Delta, on which several regions of California depend. The last four years demonstrate that California’s water supply system lacks the flexibility to adapt to variable precipitation and meet the needs of people and the environment.



The complexity and challenge of increasing flexibility and security in California’s water supply system is daunting. As with ecosystem restoration, the urgency for action cannot be understated. Drought contingency planning, water transfer procedures, and other immediate-term water management actions must be finalized immediately. Design, implementation, and testing of through-Delta conveyance improvements must accelerate to effect near-term improvements in water supply reliability. At the same time, conveyance and storage studies must be completed efficiently and collaboratively to identify long-term solutions. Regional water management planning and implementation must continue as a collaborative effort between the State and local government.

### Linkages

The *Delta Vision Strategic Plan* described a comprehensive set of integrated and linked goals, strategies, and actions to achieve the Two Co-Equal Goals. Many of the actions will take decades to implement, but to be successful, the State, the federal government, water users, and stakeholders must advance the Two Co-Equal Goals by maintaining the linkages among actions in planning and implementation, now and in the future. There are warning signs that the urgency for action and the increasing litigious response to the Delta conflicts is taking precedence over the thoughtful, reasoned approach to maintaining critical linkages. Work toward achieving the Two Co-Equal Goals will require even more collaboration, balance, and substantial investment than has been demonstrated thus far.

## Conclusions and Recommendations

The *Delta Vision Strategic Plan* recommended a comprehensive set of integrated and linked actions to achieve the Two Co-Equal Goals. It also underscored a sense of urgency that needs to be re-energized by the State of California Administration and Legislature. While there are many very dedicated and committed individuals that are sincerely pursuing their assigned responsibilities, there is not sufficient overall intensity of focus on water issues nor enough effective coordination to integrate efforts and link actions in a manner that will achieve the Two Co-Equal Goals. Thus, the lack of tangible progress in implementing the *Delta Vision Strategic Plan* and resulting authorizing legislation is sobering. Further, the Delta and Water Supply Reliability both remain in critical condition, threatening California's environmental and economic future. The following "5 Overall Recommendations" reflect the thinking of the Delta Vision Foundation and are intended to present the highest priorities for attention by the State Administration and the Legislature.

### 1. Intensify Focus and Immediately Implement Near-Term Actions

The Governor and Legislature must elevate the importance of implementing the *Delta Vision Strategic Plan* and authorizing legislation with a sense of urgency. This can be accomplished by explicit and transparent leadership: (a) the Governor should delegate responsibility for overall leadership and coordination to a single individual and agency (such as the Secretary of the Natural Resources Agency) and require development of a comprehensive work plan and publication of a progress report at least annually for the Legislature and public; and (b) the Legislature should hold oversight hearings to review the work plan, monitor progress, and make recommendations for course corrections as necessary. The Administration should implement immediately the *Delta Vision Strategic Plan* 10 Near-Term Actions that focus on emergency preparedness for the Delta communities, readily-doable ecosystem habitat improvements, and through-Delta conveyance improvements. Conveyance can be substantively enhanced in the short-term with increased through-Delta capacity. Investment in "strategic levee systems" using voter-approved Proposition 1E bonds (2006) will protect the water supply for fish, farmers, factories, and families. The Administration should begin construction of improved through-Delta conveyance and strategic levee systems in the next year. This can be accomplished with leadership, focus, and commitment.

### 2. Improve Coordination Among Agencies and Appointed Bodies

The Administration needs to establish a mechanism in the form of an "action team" to coordinate the activities of all agencies, departments, and appointed governing bodies (policy, planning, and regulatory) responsible for implementing the *Delta Vision Strategic Plan* and authorizing legislation. The action team must be led by the person delegated responsibility by the Governor to develop and implement the work plan referenced above. Currently there is an obvious tension between the process being led by the Administration through the Natural Resources Agency and the Delta Stewardship Council process, which was established by the Legislature. The Natural Resources Agency Bay Delta Conservation Plan process addresses only the isolated conveyance component, yet the Delta Stewardship Council *Delta Plan* is intended to set forth a comprehensive solution with performance goals and metrics. These two processes must be coordinated and aligned.

The urgency of the problems and the importance of the coordinated action will require the "action team" to meet frequently (such as monthly) and be held accountable for significant, measurable progress on at least a quarterly basis. Without this kind of planned and purposeful leadership and coordination, coupled with accountability, there will not be sufficient linkage and integration of actions to produce the requisite results. In addition, the "action team" should establish a process for input from all the stakeholders so that there is an efficient and convenient way for the public to provide input to the overall effort. Stakeholders must include all affected and interested parties (including but not limited to): local governments (Counties and Areas of Origin as well as active representatives from local governments and communities in the Sacramento Valley, Delta, San Joaquin Valley, Southern California, and Bay Area), agriculture, urban water agencies, environmental organizations, employers, labor, and environmental justice groups.

### 3. Link Strategies and Actions for a Workable Solution

The Administration must understand the rationale and importance of linked actions as set forth in the *Delta Vision Strategic Plan* and direct responsible agencies to maintain those linkages. It is only through integrated implementation that the State can implement workable solutions to California's water resource management problems and achieve the Two Co-Equal Goals. Specifically, the following linked actions are fundamental: (a) existing and new facilities must be required to operate consistent with Delta ecosystem restoration; (b) optimization of conservation and efficient water use must be required of any user, exporter, or diverter of water from the Delta watershed; and (c) new "water banking" surface and groundwater storage facilities must be coupled to expanded conveyance (particularly to an isolated facility). Actions can and must be legally linked through: adopting comprehensive plans (by Delta Stewardship Council, California Water Commission, State Water Resource Control Board, Delta Protection Commission, and Delta Conservancy) with integrated actions certified as the environmentally-preferred alternative; adding explicit intent language and linkage requirements to bond covenants and contracts; and enacting clarifying legislation, if needed. The Administration must accelerate planning and engineering for construction of storage to capture water truly surplus to the environment as a linked and companion component to conveyance, as explicitly recommended and underscored in the *Delta Vision Strategic Plan*. The current and past Administrations have been focused primarily on advancing the isolated conveyance component of the *Delta Vision Strategic Plan* recommendations through the Bay Delta Conservation Plan process to the neglect of other essential parts of the solution. Further, it is important to require any entity benefiting from new facilities to apply the most responsible water resource management with performance goals and metrics.

### 4. Optimize the Value of Independent Science

The Administration needs to optimize the value of scientific input to the policy promulgation and planning processes by clarifying the issues to be addressed and increasing transparency. These objectives can be served if the Administration inventories from the "action team" (see Recommendation #2) all the outstanding science questions facing the spectrum of agencies, departments, and appointed governing bodies. It is only then that the Administration can focus the work of a variety of independent science bodies by setting forth specific questions to be addressed and delineating working assumptions. Independent scientific investigation needs to address the policy priorities of the State and not the personal preferences of individual academicians. Most critical now is to obtain independent scientific peer review of qualitative and quantitative outcomes and metrics for the Two Co-Equal Goals that will guide "adaptive management." Further, there needs to be additional disciplines incorporated into the scientific consultation. Most importantly, the science panels need practical engineering and construction expertise to provide implementation and efficiency perspectives. In the absence of these kinds of steps to optimize the value and role of independent science, there is much greater likelihood of unfocused investigation and conflicting conclusions from various scientific panels.

### 5. Refine Funding and Financing Plan

Additional work is needed to refine a fair and prudent funding and financing plan for implementing all components of the *Delta Vision Strategic Plan*. The Administration and Legislature need to consult one another and stakeholders to delineate an appropriate process to accomplish this task. There needs to be greater clarity as to the meaning and practical interpretation of the concept of "beneficiaries" pay. This concept needs to be coupled with a commitment to the principle of collecting revenues statewide only to the extent that statewide interests are served. In addition to General Obligation Bonds, which are appropriate to fund and finance public-interest improvements, the use of Revenue Bonds backed by user fees should be optimized in a refined plan to assist with facilities that benefit primarily beneficiaries or specific water users. Further, the Administration should prioritize the sequence of projects to fund and finance with General Obligation bonds when submitting capital budgets to the Legislature to ensure that the highest needs are addressed first in time.

# 2011 Delta Vision Report Card

## Interview Participants

### *State Agencies and Legislative Staff*

- Delta Stewardship Council – Phil Isenberg and Joe Grindstaff
- Natural Resources Agency – John Laird and Jerry Meral
- Department of Water Resources – Mark Cowin, Kamyar Guivetchi, Dale Hoffman-Floerke, Gary Bardini, and Bob Yeadon
- Department of Fish and Game – John McCamman and Scott Cantrell
- California Water Commission – Anthony Saracino and Sue Sims
- Delta Protection Commission – Mike Machado
- Delta Conservancy – Mary Nejedly Piepho and Campbell Ingram
- State Water Resources Control Board – Tom Howard, Barbara Evoy, and Les Grober
- Delta Science Program and Interagency Ecological Program – Cliff Dahm and Anke Mueller-Solger
- Assembly Water, Parks, and Wildlife Committee – Tina Cannon Leahy

### *Federal Agencies*

- U.S. Department of the Interior – David Nawi
- U.S. Bureau of Reclamation – Don Glaser and Sue Fry
- U.S. Geological Survey – Roger Fujii
- National Marine Fisheries Service – Maria Rea
- U.S. Army Corps of Engineers – Col. William Leady and Paul Roberschotte
- U.S. Environmental Protection Agency – Karen Schwinn
- U.S. Department of Agriculture, Natural Resources Conservation Service – Luana Kiger

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Fiscal Agent: Resource Media

### *Stakeholders*

- Northern California Water Association – David Guy and Todd Manley
- Southern California Water Committee – Rich Atwater
- Planning and Conservation League – Jonas Minton
- Metropolitan Water District of Southern California – Jeff Kightlinger
- Central Delta Water Agency – Tom Zuckerman
- Bay Institute – Gary Bobker
- Natural Resources Defense Council – Cynthia Koehler
- Westlands Water District – Jason Peltier
- Association of California Water Agencies – Tim Quinn
- Defenders of Wildlife – Kim Delfino
- State and Federal Contractors Water Authority – Byron Buck
- Environmental Justice Coalition for Water – Debbie Davis

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