

Delta Vision Committee Discussion Document

The Delta Vision Committee was charged to review the Delta Vision Blue Ribbon Task Force Strategic Plan and provide implementation recommendations to the Governor and Legislature by December 31, 2008. This document identifies options and is the first step in developing an implementation report to meet that charge.

This draft discussion document identifies areas of possible recommendation for action in the next two years. The specific draft recommendations are intended to stimulate discussion among stakeholders and Committee members. Consistent with the intent to stimulate discussion, alternative recommendations are sometimes provided.

Context

California's Delta has long been at the center of competing demands, both as the hub of the state's water system and the heart of the largest estuary on the Pacific Coast. But it is much more than that: home to more than 500,000 residents, an agricultural center, a recreational draw from around the state, and a crossroads for much of California's utilities and transportation corridors.

Long-standing conflicts arising from these often-competing uses are compounded by new scientific information about the effects of climate change, sea level rise, subsidence, and the increasing potential threat to public health and safety from a devastating seismic event. Gov. Arnold Schwarzenegger has been actively involved in working to resolve Delta issues, ordering a 2005 review of the CALFED Bay-Delta Program, a 2006 Action Plan to deal with declining pelagic organisms, and in February 2008 he outlined several actions that should be undertaken immediately as part of the long-term sustainable management plan for the Delta developed through Delta Vision.

Governor Schwarzenegger launched the Delta Vision process through Executive Order S-17-06, which established an independent Blue Ribbon Task Force, a Delta Vision Committee, the authority to appoint Delta science advisors, and a Stakeholder Coordination Group. The Governor's Blue Ribbon Task Force was charged with developing both a long-term vision for the Delta and a plan to implement that vision. That same Order charged a Committee of the Governor's Cabinet Secretaries to review the work of the Task Force and to make their own recommendations to both the Governor and Legislature.

Over the past 20 months, through hundreds of hours of public meetings, the Task Force developed goals, strategies, and actions that are comprehensive, interrelated, and go beyond positions any single stakeholder interest would take. The Task Force recommended two foundational and co-equal goals: restore the Delta ecosystem and create a reliable water supply for California. The Task Force also recommended enhancing and protecting the Delta to protect life and property in recognition of its valued ecosystem and continuing contribution to California's heritage.

Using Existing Authorities and Funding

Among specific important actions to discuss, seek input on, and then potentially recommend continuing, accelerating or enhancing are:

- Direct the Department of Water Resources (DWR) to prepare a Delta Multi-Agency Integrated Flood Emergency Operations Plan, which will integrate with federal, state and local agency plans. This interagency plan will improve emergency response capability throughout the Delta, to respond to various flood related incidents, including multiple levee failures.
- Increase emergency preparedness and response in the Delta by reducing DWR's emergency response time, increasing the capacity for bringing materials to the Delta, stockpiling flood response materials, and by immediately improving planning and coordination between local, state, and federal agencies.
- Complete the Delta Levee Policy Interim Investment Strategy to direct the wise expenditure of Proposition 84 and Proposition 1E bond funds allocated for Delta levees. Direct DWR to develop guidelines to allocate these funds in accordance with the adopted strategy. In the interim, continue to fund and implement levee improvement projects, while also expanding levee special projects and subvention programs.
- Complete the Bay Delta Conservation Plan (BDCP) and associated environmental assessments, leading to the rapid implementation of ecosystem revitalization and conveyance water improvements by acquiring permits required to keep water exports in compliance with species protection laws, improve quality of exported water, and protect water supplies against earthquakes and floods. This process and the associated environmental evaluations are key to moving forward
- Complete analyses of CALFED surface storage investigations.
- Continue to work with the Legislature to place a comprehensive water bond package on the next statewide ballot so that critical infrastructure projects can move forward.
- Update Bay-Delta regulatory flow and water quality standards to protect beneficial uses of water. Fully implement these new and existing standards.
- Identify and reduce other stressors to the ecosystem such as toxic discharges, nutrient loading, unscreened diversions, invasive species and others.
- Initiate the Governor's objective to reduce per capita water usage 20 percent by 2020.
- Continue funding for implementation of the CALFED Ecosystem Restoration Program (ERP), including finalization of the ERP Conservation Strategy. Complete several ecosystem projects such as Dutch Slough, Mein's Landing and Hill Slough tidal restoration projects and improved habitat in the Yolo Bypass.
- Direct DWR to continue its in-depth study of critical issues impacting the administration of the State Water Project. This includes identifying and analyzing alternatives to resolve the issues, identifying a preferred alternative, developing an implementation plan for the preferred alternative and serving as the focal point for discussion.

- Evaluate, permit, and construct Delta gates and barriers that improve water quality, water supply reliability and ecosystem function.
- Provide financial incentives and technical assistance through the Integrated Regional Water Management Plans and Local Groundwater Assistance Program to improve surface and groundwater monitoring and data management.

Possible New Authorities and Funding

Key to the Delta Vision Blue Ribbon Task Force recommendations is commitment to the co-equal goals of ecosystem restoration and increased water supply reliability. Water conveyance and ecosystem revitalization are to proceed together on parallel tracks. The Task Force concluded that the time to make these key strategic decisions about major investments in the Delta ecosystem, conveyance and storage is now, so that all other issues may be resolved in light of those decisions.

New authority or funding is required for many recommendations impacting water supply reliability, ecosystem health, enhancing and protecting the Delta's unique place, governance and strategic finance. Of initiatives identified, which must be initiated immediately?

Water Supply Reliability Potential Committee recommendations include:

1. Move forward with conveyance improvements and associated ecosystem restoration

- ✓ Continue to evaluate conveyance through BDCP and the EIR/EIS process already under way. Conveyance by itself does not require funding or changes in authority; however any public share of costs for the BDCP ecosystem restoration objectives may require statutory authority and funding.

2. Ensure the sustainability of water supplies by improving water diversion and use reporting, strengthening water rights accountability, and increasing water use efficiency.

- ✓ Enact legislation to improve, by 2012, the quality and quantity of water diversion and use information by requiring reporting of all diversion and use of water in the state and improving compliance with reporting requirements, while ensuring that reporting mechanisms are as simple as possible in order to minimize the reporting burden on local agencies.
- ✓ Enhance and expand the State Water Resources Control Board's water rights accountability, including but not limited to: repeal of statutory exemptions from water diversion and use reporting, streamline process to impose civil penalties for violations of water right permits and licenses, provide interim relief authority for water rights actions to prevent irreparable harm to the environment and other water right holders, provide authority to require technical or monitoring reports from persons who divert water to obtain information needed to protect the environment and other water right holders, and initiate a process to clarify water rights.

- ✓ Enact legislation requiring urban water suppliers or regions to reduce their per capita water use sufficient to achieve a statewide average 20 percent reduction in per capita water use by 2020, expand implementation of agricultural efficient water management practices. Streamline the State Water Resources Control Board's authority to take enforcement action and to assess monetary penalties for failure of water suppliers and users to achieve conservation targets and implement best management practices
 - ✓ Enact legislation as soon as possible to require urban and agricultural water suppliers to adopt more aggressive volumetric water pricing and expand outreach and information programs.
- 3. Improve water supply reliability by encouraging regional self-sufficiency, promoting alternative supplies, and by increasing local and regional water storage capacity.**
- ✓ Provide financial incentives through Integrated Regional Water Management to promote alternative supplies such as reused and recycled water, stormwater, and desalinated water..
 - ✓ Provide financial incentives through Integrated Regional Water Management to promote local and regional water storage projects.

Ecosystem Restoration

Potential Committee recommendations include:

- 1. Require the Resources Agency to establish a task force of state, federal and local Delta agencies to integrate the CALFED ERP Conservation Strategy into a proposed Delta Plan.**
 - ✓ The Delta Plan would identify funding and direct restoration of large areas – on the order of 100,000 acres – of interconnected habitats, in coordination with flood control planning, ERP and BDCP, within the Delta and adjacent areas by 2100, but achieving substantial restoration by 2020.
- 2. Direct DWR and the Department of Fish and Game (DFG), working in cooperation with federal agencies and local Delta agencies, to start implementing restoration projects in accordance with the ERP Conservation Strategy and BDCP.**
- 3. Secure additional funds from the Legislature to implement the California Aquatic Invasive Species Control Plan.**
- 4. Require the Water Boards and the DFG to expand their evaluation of potential stressors of the aquatic habitat. Specific areas requiring attention are stormwater runoff from urban areas, agricultural drainage, and ammonia discharges from waste water treatment plants. This activity should be closely coordinated with the Science and Engineering program and a Science and Engineering Board, which will require financial support.**
- 5. Direct the DFG to develop streamflow recommendations for tributaries in the Delta watershed, as specified in Public Resources Code sections 10000 – 10005. Direct the State Water Resources Control Board to undertake appropriate proceedings to consider and implement the flows, as appropriate.**

6. **Secure additional funds from the Legislature for the DFG to evaluate the effects of non-project in-Delta diversions on native fishes and make recommendations to minimize their effects as appropriate.**

Enhancing and Protecting the Delta

Potential Committee recommendations include:

1. **Achieve federal designation for parts of the Delta as a National Heritage Area and expand the State Recreation Area network in the Delta.**
 - ✓ Direct the Department of Parks and Recreation to apply for federal designation of all or portions of the Delta as a National Heritage Area, a place designated by Congress “where natural, cultural, and recreational resources combine to form a cohesive, nationally-distinctive landscape arising from patterns of human activity shaped by geography.” Expand the State Recreation Area network in the Delta.
2. **Establish a Delta Investment Fund to provide funding and a credit base for a more broad-based and resilient Delta economy, as soon as possible.**
 - ✓ Structure the fund to accept federal, state, local and private funding, ultimately achieving a base of \$50 to \$100 million, to ensure long-term stability. Once created, the fund should be placed under the joint management of the Delta Protection Commission and a consortium of local governments to ensure that it is used for the benefit of local economies. Expenditures of funds should be consistent with the Delta Plan recommended in the next section.
3. **Direct the Secretary of Business, Transportation and Housing and the Secretary of Food and Agriculture to work with Delta counties and the Delta Protection Commission to develop a Delta regional economic plan to support increased investment in agriculture, recreation, tourism, and other resilient land uses.**
 - ✓ Require the secretaries of Business, Transportation and Housing and the Department of Food and Agriculture to initiate a focused and coordinated effort to identify projects and programs that have the potential to quickly improve the economic vitality of the Delta. These efforts will require local governments, the Delta Protection Commission and business to work together to identify these projects and programs, including those related to agriculture, recreation, and tourism, and focusing on optimum leverage of federal, state, local and private sector resources to address critical economic needs. The results of this effort shall be included in the Delta Plan described in the next section.
4. **Accelerate appropriate land use policies for at risk areas in the Delta.**
 - ✓ Seek legislation which would require review and improvement of local land use plans for (1) the Cosumnes/Mokelumne floodway and San Joaquin/South Delta lowlands, and (2) urbanized and urbanizing areas in the Delta at flood risk (Bethel Island, the City of Isleton, Brannan-Andrus Island, and Walnut Grove— including residential areas on Grand Island, Locke, Clarksburg, Courtland and Terminous). The legislation would specify the standards the

improved land use plans must meet and treat the named areas as within the Delta primary zone until the improved plans were completed and accepted by the Delta Protection Commission.

Effective Governance and Reliable, Sufficient Funding

Potential Committee recommendations include:

1. Modify interim governance for the Delta. Some parties have suggested this alternative could be the long-term governance solution.

- ✓ Immediately establish the Delta Policy Group composed of the Secretary for Resources; Secretary for Food and Agriculture; Secretary for Business, Transportation and Housing; Secretary for the California Environmental Protection Agency; Director of the Department of Water Resources; Director of the Department of Fish & Game; Director of the California Bay Delta Authority and the Chair of the State Water Resources Control Board. Request the Federal Government to participate in this Policy Group.
- ✓ One of the key recommendations of the Task Force was the development of an enforceable Delta Plan. One of the possible strategies for developing this plan is to have this Policy Group develop a Memorandum of Agreement with the counties of Contra Costa, Sacramento, San Joaquin, Solano and Yolo and three Councils of Governments (Sacramento, Bay Area and San Joaquin) to begin development of the Delta Plan. The Delta Plan would address major issues of strategic levee investments, ecosystem restoration, infrastructure and accommodation for projected sea level rise and other climate changes. The Delta Plan would build on existing plans, including the adopted CALFED Record of Decision, the CALFED Ecosystem Restoration Plan, the Bay Delta Conservation Plan, and the Delta Protection Commission's Land Use and Resource Management Plan, among others.

2. Evaluate Establishing new long term governance for the Delta.

- ✓ Request that the Legislature establish a long-term governance entity as a successor to the Policy Group. This entity would be responsible for ensuring consistency of state, federal and local government agencies through development of the Delta Plan (referenced above) that meets the requirements of the Coastal Zone Management Act.

3. Enhance the Delta Protection Commission as a forum for regional decision making on land use and economic development.

- ✓ Within the broader features of the proposed Delta plan, more detailed plans, and close coordination with local governments will be required. The existing Delta Protection Commission could be modified to meet this need and focus its efforts in the areas of land use and economic development.

4. Establish a Delta Conservancy for implementation of ecosystem restoration projects.

- ✓ Given the scope, urgency and need for effective integration among multiple ecosystem restoration efforts, establish a Delta Conservancy. Actions taken by the Conservancy shall be con-

sistent with the Delta Plan. Governance of the conservancy could be a mix of local officials and gubernatorial appointees.

5. Implement strategic finance for Delta sustainability.

- ✓ Work with the Legislature to provide authority for statewide or regional water supply and environmental resource protection fees. This fee authority could apply broadly to all water uses in the state and expenditures of proceeds from the fee should support the core resource management activities of the DFG, the DWR and the State Water Boards, as well as activities consistent with the Delta Plan. The Policy Group or long term governing body should have authority to impose fees applied in specific circumstances when necessary and when consistent with the law. The authority to set fees and the responsibility for allocation of the proceeds, consistent with legislative authorization and oversight, should rest with the Policy Group and its successor.
- ✓ Work with the Legislature to pass the Governor's pending bond proposal, which includes funds for ecosystem restoration, integrated regional water management, storage, Delta revitalization, water recycling, conservation and water quality improvements, are key to implementing a fix in the Delta.