

Delta Vision Committee Implementation Report

Summary Recommendation to the Governor

In its October 2008 *Delta Vision Strategic Plan*, the Governor's Blue Ribbon Task Force drew a fundamental and significant conclusion that California's Delta must be managed according to two coequal goals:

"Restore the Delta ecosystem and create a more reliable water supply for California."

The Delta Vision Committee agrees and recommends that this concept, as further defined herein, be incorporated into state law.

In addition to the commendable accomplishment of achieving consensus on this level, the Task Force was able to take a highly politicized topic and distill rhetoric and diverse opinions and recommendations into a list of recommended actions. The Delta Vision Blue Ribbon Task Force's Strategic Plan is a robust document, developed through public input under the leadership of an accomplished team, that will serve as an important guide and reference as California moves forward to make improvements in the Delta.

We agree with the Task Force that strong action is needed to stop the continued decline of water reliability and concurrent deterioration of the Delta ecosystem. Based upon our review of the Strategic Plan document, we present here a concise summary of the Delta Vision Committee's recommended near-term actions necessary to achieve Delta sustainability and to avoid catastrophe.

The priorities that form the foundation for a sustainable Delta include the following "fundamental actions":

- A new system of dual water conveyance through and around the Delta to protect municipal, agricultural, environmental, and the other beneficial uses of water;
- An investment commitment and strategy to restore and sustain a vibrant and diverse Delta ecosystem including the protection and enhancement of agricultural lands that are compatible with Plan goals;
- Additional storage to allow greater system operational flexibility that will benefit water supplies for both humans and the environment and adapt to a changing climate;
- An investment plan to protect and enhance unique and important characteristics of the Delta region;
- A comprehensive Delta emergency preparedness strategy and a fully integrated Delta emergency response plan;
- A plan to significantly improve and provide incentives for water conservation – through both wise use and reuse – in both urban and agricultural sectors throughout the state;
- Strong incentives for local and regional efforts to make better use of new sources of water such as brackish water cleanup and seawater desalination; and
- An improved governance system that has reliable funding, clear authority to determine priorities and strong performance measures to ensure accountability to the new governing doctrine of the Delta: operation for the coequal goals. Completion of

this fundamental action is absolutely essential to the sustained operation and maintenance of all of these recommendations.

The Delta ecosystem is experiencing a step decline. This condition, in addition to increasing seismic risk, added year-round water demand and the impacts of climate change have already caused severe reductions in the Delta-dependent water supply and in the reliability of that supply. These reductions impact our economy, our food security and our quality of life. The stakes are high, and Californians must come together now to take fundamental actions to preserve and protect the many uses of the Delta.

Context

Governor Schwarzenegger has been committed to improving California's flood and water infrastructure since the day he took office. His support of Proposition 1E resulted in the passage of the largest one-time investment in California's aging flood control system in the state's history. Additionally, his support for Proposition 84 led to unprecedented levels of funding dedicated to improving water quality and fundamentally investing in ecosystem protection and restoration.

In an effort to overcome the historic political paralysis surrounding water policy in California, in September 2006 Governor Schwarzenegger signed Executive Order S-17-06. This Executive Order built on the Legislature's SB 1574, AB 1200 and AB 1803. The Executive Order launched the Delta Vision process by establishing a Blue Ribbon Task Force, a Cabinet-level Delta Vision Committee, Delta Science Advisors, and a Stakeholder Coordination Group. The independent 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 Executive Order charged a Committee of the Governor's Cabinet Secretaries, the Delta Vision Committee, to review the completed work of the Task Force and to make their own implementation recommendations to both the Governor and Legislature by December 31, 2008. This report sets forth those recommendations.

The Committee, in this implementation report, draws on the detailed recommendations in the Task Force's Strategic Plan, and provides a summary of fundamental actions to be undertaken in the next two years. Many actions will take more than two years to complete but significant progress can be made within this time frame to ensure that infrastructure and planning improvements will be in place for the next Administration to carry on. Additionally, in this report the Committee lists a number of strategies set forth by the Task Force to support the fundamental actions. These are a significant part of a comprehensive approach, but require additional development and perhaps additional authority from the Legislature in order to implement.

There is no time to waste and we must accelerate implementation of near-term fundamental actions. Additional delay will only compound the risk to the state and its citizens. The Committee therefore recommends, as illustrated in the following timeline, the series of fundamental actions to be taken now and a phased implementation of most of the supporting strategies from the Delta Vision Strategic Plan as detailed herein.

Timeline of Proposed Delta Actions and Associated Events

2009

Delta Vision Report to Governor and Legislature
Governor's State of the State

Executive Order creating Delta Policy Group

Letter to Interior Secretary inviting participation in Delta Policy Group

Delta Policy Group to meet at least quarterly to:

- Develop Delta Governance Proposal (including recommendations for improvements in State agency management and efficiency)
- Review and make recommendations to Governor and Legislature on key Delta actions. Track budgets and schedules to meet key milestones such as the Bay Delta Conservation Plan Environmental Impact Report/Environmental Impact Statement (BDCP EIR/EIS) and interim actions
- Develop Memorandum of Agreement (MOA) with Delta Counties to assist in developing Delta Plan
- Develop Delta Plan

Legislation proposed for:

- Water Bond
- Water Fees
- Delta Conservancy
- Enhanced administrative water rights authority for the State Water Resources Control Board (SWRCB)
- Water Conservation

Scoping meetings for BDCP EIR/EIS with stakeholders

National Oceanic Atmospheric Administration Fisheries releases salmon Biological Opinion

BDCP conservation strategies released

BDCP Draft EIR/EIS

2010

Delta Policy Group continues to meet at least quarterly:

- Recommends long-term governance for the Delta
- Continues to track budgets and schedules to meet key multi-departmental actions
- Continues MOA with Delta Counties to complete developing initial Delta Plan
- Oversees Key Ecosystem Restoration Actions until Conservancy can assume role

2010 (cont.)

Legislation Proposed for:

- Long-term governance for the Delta
- Enhanced Bay Delta Protection Commission

Final BDCP EIR/EIS adopted and permits secured

Surface storage feasibility studies completed (Sites Reservoir, Los Vaqueros expansion, and San Joaquin River Basin)

Department of Water Resources to apply for water rights for new point of diversion for Hood

SWRCB to complete Suisun Marsh Plan

SWRCB to Develop Water Recycling Plans

Apply for Delta National Heritage area

Develop Delta Economic Plan

2011

Goal: New Conveyance Breaking Ground
Continue Ecosystem Restoration activities

SWRCB to adopt water rights changes in accordance with the Delta Plan

2012

Conveyance procurement and construction continues
Continue Associated Ecosystem Restoration actions

Department of Fish and Game to recommend instream flows for the Delta

SWRCB to revise San Joaquin River flow objectives and implement as soon as possible to improve Delta water quality

The Delta

The Delta is formed by the confluence of the state's two largest rivers – the Sacramento flowing south and the San Joaquin flowing north – which carved the land, enriched its soil, and created a unique variety of habitats. Today, the Delta is one of California's most valuable and unique resources of this economically powerful and ecologically diverse state.

The Delta provides valuable benefits to California: it is the source of drinking water for 25 million Californians, fuels a \$37 billion agricultural industry and serves as an important habitat to more than 750 known animal and plant species. The 1,000-square-mile estuary supports 80 percent of California's commercial salmon fisheries, and its 1,100 miles of levees protect farms, cities, schools and people.

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 many of California's utility and transportation corridors.

Long-standing conflicts arising from these often competing uses are compounded by new scientific information suggesting increased risks to the Delta as we know it – from climate change which is causing both sea level rise extending into the Delta and the potential for increased flooding along Delta rivers. This new science also indicates the risk of major seismic events, potentially causing devastating impacts on public health, safety and welfare, is greater than previously understood.

Change is Inevitable

The water supply for two-thirds of Californians and much of the state's irrigated agriculture is held in jeopardy by the risks from floods, sea level rise and earthquakes as well as court decisions reducing exports of Delta water to central and southern California. Those risks have been increasing regularly – as the new science provides a new picture of the risks.

Unbeknownst to many of the Californians who rely upon it, today's Delta landscape is a highly-altered human invention – a complex maze of 57 major "islands" carved by dredges for the purpose of land reclamation more than 100 years ago. Today, the Delta's land surface is as much as 30 feet below sea level, intersected by a network of shallow channels and sloughs. Since 1900, levee failures have flooded Delta islands 166 times; some of these flooded islands have never been recovered, while others have flooded multiple times. No Delta levee has failed as a result of a major earthquake; nonetheless, the risk of widespread damage from a major earthquake in the future is high. A 6.5 magnitude earthquake could cause multiple levee failures and the simultaneous flooding of several islands.

The Delta ecosystem is becoming severely degraded. Court decisions, closure of the salmon fishery in 2008 and a procession of listings of species as threatened or endangered (winter-run Chinook salmon, Delta smelt, Central Valley spring-run Chinook salmon, and Longfin smelt) are evidence of this degradation.

Climate change is altering the Delta and is expected to do so more in the future. Sea level rise of several inches in the past 100 years is expected to accelerate in the next decades

and the Delta Vision science advisors recommended using an expected sea level rise of 55 inches by 2100 in making major policy and infrastructure decisions. More variable precipitation and extreme weather will challenge the stability of Delta levees and increase the difficulty of achieving a reliable water supply.

In addition, the Delta is rapidly becoming more urban. Despite the recent downturn in the housing market, millions more people are expected to inhabit the five Delta counties by the middle of this century. Wise land use decisions that preserve public safety, promote ecosystem restoration, and permit long-term climate change adaptation are essential.

The Delta Ecosystem Must be Protected and Revitalized

Fish population crashes are only the most recent manifestations of a long decline in ecosystem health. Several factors, including habitat destruction, invasive species, fish and productivity losses to water diversions, contaminants, and flow alterations have together gravely damaged the largest estuary on the West Coast of the United States.

It is important to note that agriculture is part of the existing environment and sustaining long-term agricultural productivity through soil, water, and air conservation and protection is necessary to achieve both coequal goals. Large scale habitats must be restored and agricultural landowners provided incentives for actions that integrate ecosystem restoration with their operations. Also, migratory corridors for birds, fish, and other animals must be established, fish populations must be protected and restored by addressing sources of mortality, and invasive species must be controlled.

Several important actions are required as listed below. Additional resources need to be dedicated to carrying out many of these recommended actions.

Recommended actions that have authorization:

- Complete the Bay Delta Conservation Plan (BDCP) and associated environmental assessments by the end of 2010. These actions provide for effective Delta ecosystem revitalization and strong recommendations designed to increase the quality of exported water, increase fish populations and protect water supplies against earthquakes and floods.
- Update Bay-Delta regulatory flow and water quality standards to protect beneficial uses of water by 2012. Fully implement these new standards as well as the existing standards.
- 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. Projects will proceed with due consideration and recognition of local jurisdiction and concerns, and implementation will be conducted in coordination with the affected parties.
- Evaluate in 2009 and begin construction on Delta gates and barriers that improve water quality, water supply reliability and ecosystem function.

- Develop and implement streamflow recommendations throughout the annual hydrograph for tributaries to the Delta. Direct the Department of Fish and Game to develop streamflow recommendations for tributaries in the Delta watershed, as specified in Public Resources Code Section 10000 – 10005. Direct the State Water Resources Control Board to undertake appropriate proceedings to consider and implement the flows.
- Control aquatic invasive species within the Delta. Funding the Aquatic Invasives Management Plan developed by the Department of Fish and Game, a comprehensive effort to prevent new invasions and minimize impacts from established invaders, would aid the restoration of desirable habitat. The Department of Water Resources and the Department of Fish and Game, working in cooperation with federal and local Delta agencies, should implement this comprehensive invasive species management and control program. Implementation will require securing additional funds from the Legislature to strengthen and expand these programs.
- Require the state and regional water boards and the Department of Fish and Game to immediately expand their evaluation of potential stressors of the aquatic habitat and continue to adopt long-term programs to regulate discharges from irrigated agriculture and urban areas. Specific areas requiring attention are stormwater runoff from urban areas, agricultural drainage, and ammonium discharges from wastewater treatment plants. All of these alter water quality and sediment characteristics of the Delta. The effects of these inputs on aquatic foodwebs, algal blooms, and non-native species in the Delta require concerted study. This activity should be based on sound science and closely coordinated with the CALFED Science Program and a Science and Engineering Board, which will require financial support.
- In addition, by 2010 begin comprehensive monitoring of Delta water quality and fish and wildlife health, and by 2012 develop and implement Total Maximum Daily Load programs for the Delta and its tributary areas to eliminate water quality impairments, including but not limited to reduction of organic and inorganic mercury entering the Delta from tributary watersheds.

Recommended actions requiring authorization:

Large-Scale Habitat Restoration – Within the Delta Plan (described in the governance section), identify funding and direct restoration by 2100 of large areas – on the order of 100,000 acres – of interconnected habitats in coordination with flood control planning and implementation within the Delta and adjacent areas. These habitats should include tidal marshes, floodplains, open water, adjacent grasslands, seasonal wetlands, selected wildlife-friendly farmlands, and migratory corridors (both instream and riparian). Wildlife-friendly farming practices also should be encouraged. The habitats should be connected in ecologically beneficial ways, and lands adjacent to tidal marshes should be conserved in agricultural or open space uses to allow for long-term sea level rise. Flows and water quality conditions necessary to sustain the habitats must also be provided. Require the Resources Agency to establish a task force of state, federal and local Delta agencies to integrate the Ecosystem Restoration Plan into the proposed Delta Plan.

Reduce Effects of Non-Project In-Delta Diversions – In-Delta diversions have the potential to impact native fishes directly through entrainment and indirectly through effects on hydrology and the quality of return water flow. Secure additional funds from the Legislature by 2010 for the Department of Fish and Game to evaluate the effects of in-Delta diversions on native fishes and to make recommendations to minimize their effects while respecting their water rights. These evaluations should consider the costs and benefits of moving diversion points to locations where fish impacts are lower and water quality is higher. Proceedings should be initiated before the State Water Board to determine whether methods of diversion are reasonable based on the recommendation of the Department of Fish and Game.

The State's Water Supply Must be More Reliable

Twenty-five million Californians—nearly two-thirds of the state's population—depend on the Delta for at least some of their water supply. Millions agricultural acres are irrigated with water from the Delta watershed. The survival of many endangered species also depends on flows through the Delta. Significant changes are occurring in the Delta—including sea level rise, climate change effects, levee deterioration, ecosystem degradation, and urbanization—that threaten the sustainability and reliability of the Delta. Actions must be implemented immediately to deal with these changes and ensure the sustainable future of California's water supply. The actions inherent to water supply reliability must include increased surface and groundwater storage, a reliable conveyance facility, increased utility of existing facilities, and assurances to counties and watershed of origin that their priority to water resources shall be protected.

Additional resources need to be dedicated to carrying out many of these recommended actions.

Recommended actions with authorization:

Near-Term Water Conveyance Improvements – Complete the Bay Delta Conservation Plan (BDCP) and associated environmental assessments by the end of 2010. Completion of these actions would ensure that Delta water exports comply with state and federal species protection laws and water quality standards. These actions would also lead to strong recommendations for water conveyance improvements designed to increase the quality of in-Delta and exported water, increase fish populations and protect water supplies against earthquakes and floods.

Water Use Reductions – Initiate the Governor's objective to reduce per capita water usage 20 percent by 2020. To achieve this objective, all currently available authority should be used, in particular using the incentive of grants to insure compliance. Additionally, legislative action should be taken as outlined below.

Surface Storage Investigations – Complete analyses of CALFED surface storage feasibility studies and their environmental assessments by December 2010. As called for in SBX2 1, each feasibility study will identify the preferred reservoir location and size, project appurtenances, operations under climate change conditions, cost, and benefits. The studies should also describe how the storage projects could contribute to the coequal goals of restoring the Delta ecosystem and creating a reliable water supply for California.

Water Bond – Continue to work with the Legislature to place a comprehensive water bond package on the next statewide ballot so that critical regional and state infrastructure and ecosystem restoration projects can move forward.

Financial and Technical Assistance – Immediately 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.

Recommended actions requiring authorization:

Long-Term Water Conveyance Improvements – In 2011, implement conveyance improvements and associated ecosystem restoration projects upon the completion of the BDCP evaluations now under way. While conveyance by itself does not require funding or changes in authority, any public share of costs for the BDCP ecosystem restoration objectives may require additional funding authorization.

Conservation Improvements - Enact legislation in 2010 requiring urban water suppliers or regions to reduce their per capita water use sufficiently to achieve a statewide average 20 percent reduction in per capita water use by 2020. This effort should take into account regional differences and find ways to improve agricultural efficiency as well as urban water use efficiency. The first priority should be on incentive-based approaches; however, the State Water Resources Control Board's relevant authority should be streamlined. This will facilitate fair, timely and effective enforcement action and the assessment of monetary penalties for failure of water suppliers and users to achieve conservation targets and implement best management practices. Enact legislation to require urban and agricultural water agencies to adopt volumetric water pricing and expand outreach and information programs. In particular, it is essential that any conservation mandates include sufficient flexibility to avoid unintended consequences such as impacts on low income communities, groundwater recharge, regional differences, and agronomic needs (e.g. salt management, climatic variations). Additionally, improving agricultural efficiencies is not intended to result in a proscriptive mandate for each crop.

Expand Surface and Groundwater Storage - Complete analyses of surface storage, groundwater storage, flood control, and improved reservoir operations by 2012 and implement feasible and effective projects. Provide financial incentives to promote local and regional water storage projects in conjunction with the CALFED surface storage project feasibility studies and their environmental assessments, described previously.

Water Rights Accountability – Enact legislation in 2010 to enhance and expand the State Water Resources Control Board's water rights administrative accountability. These recommendations are not intended to adversely affect the current water right priority system, including area-of-origin priorities but rather to strengthen the current administrative system. Appropriate enforcement will protect existing water rights.

- The State Water Resources Control Board needs authority to collect and disseminate accurate information on all surface water diversions in the state. Consequently, all statutory exemptions from water diversion and use reporting should be repealed and enforcement authority extended, and a

streamlined process implemented requiring complete, timely, and accurate information from all diverters. The gathering and submittal of this information should be as easy as possible, as described below.

- The Water Board needs authority to require interim remedies, after opportunity for hearing, to prevent irreparable harm to the environment and other water right holders, while underlying proceedings continue. Interim remedies could include requiring the diverter to take appropriate action to mitigate potential harm or to provide necessary information. As with courts, Water Board evidentiary proceedings can take many years. Unlike courts, however, the Water Board currently has no authority to issue interim orders designed to prevent irreparable harm.
- Further, the Water Board needs to clarify existing water rights in many parts of the State in light of poorly defined or unreported riparian and appropriative water right claims and the unquantified needs of fish and wildlife. The Board needs the authority to initiate stream adjudications and collect adjudication costs from the parties diverting water. This process will respect area of origin rights.
- Many existing water right permit terms and conditions are not directly enforceable, and the law should be amended to correct this problem.

Water Use Reporting - 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 streamline and simplify water diversion and use reporting requirements to reduce the reporting burden on local agencies and improve the quantity and quality of water diversion and use data. The legislation should mandate electronic submission of water diversion and use data to a central database. In addition, a pilot project should be mandated to install real-time telemetered monitoring devices on surface water diversions in and tributary to the Delta. The pilot project should be extended to all diversions above a specified size upon successful completion of the pilot.

Integrated Regional Water Management – Continue to improve water supply reliability by encouraging regional self-sufficiency, promoting alternative supplies, and by increasing local and regional water storage capacity. Provide financial incentives to promote alternative supplies such as reused water, recycled water, stormwater, and desalinated water. 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.

The Delta is a Unique and Valued Place

Despite the risks and inevitable changes, the Delta is a unique and important region for both the state and the nation. Investing in the sustainability of the Delta is critical for its character, its agriculture and recreation, the Delta ecosystem and statewide water supplies.

The people, assets, and resources of the Delta are subject to substantial and increasing risks. The Delta levee system is critical to protecting the entire landscape, the state's water system, and the Delta ecosystem, but it is deteriorating. Delta levees provide marginal protection under present conditions and face growing threats from sea level rise, earthquakes, and floods. Land use decisions and emergency preparedness efforts must

account for these realities. Placing more people in risky locations — and failing to safeguard those who are already there — is irresponsible. Action is necessary to ensure people remain out of harm's way.

Additional resources need to be dedicated to carrying out many of the recommended actions below.

Recommended Actions that have authorization:

Improve Flood Protection and Emergency Response – Immediately increase emergency preparedness and response in the Delta by continuing to stockpile flood response materials. Complete by 2010 a Delta-wide regional emergency response plan that achieves legally binding regional coordination between local, state, and federal agencies, and by carrying out near-term emergency preparation actions such as those recommended in the Delta Vision Strategic Plan. In addition, use existing bond funds to quickly acquire easements or fee title to lands needed to form a south Delta flood bypass.

Strengthen the Delta levee system – Continue to fund and implement levee improvement projects especially in urban areas, while also expanding the levee special projects and subvention programs until a long-term levee strategy is formulated. Require the California Public Utilities Commission and the California Department of Transportation to conduct by 2012 a comprehensive analysis of the costs and benefits of various infrastructure protection strategies, including those identified in the Delta Risk Management Strategy.

Create a Delta National Heritage Area – By 2010, achieve federal designation for portions of the Delta as a National Heritage Area and expand the State Recreation Area network in the Delta. Direct the Delta Protection Commission, with support from the Department of Parks and Recreation, to apply for federal designation for 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.”

Develop a Delta Economic Plan - Direct the Secretary of Business, Transportation and Housing and Secretary for Food and Agriculture to work with Delta counties and the Delta Protection Commission to develop a Delta regional economic plan by 2011 to support increased investment in agriculture, recreation, tourism, and other resilient land uses. As part of the informational baseline for this plan, conduct a Delta-wide agricultural analysis to identify opportunities, needs and barriers to agricultural sustainability in the Delta. Direct the Secretary of Business, Transportation and Housing to initiate, by March 1, 2009, a focused and coordinated effort, working together with local governments, the Delta Protection Commission and businesses in the Delta, to identify projects and programs, including those relating to agriculture, recreation, and tourism, that have the potential to quickly improve the economic vitality of the Delta, 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 governance section.

Recommended Actions Requiring authorization:

Establish a Delta Investment Fund - Establish by 2010 a Delta Investment Fund to provide a credit base for a more broad-based and resilient Delta economy. 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 described in the governance section.

Plan for Appropriate Land Uses for At-Risk Areas in the Delta – Seek legislation in 2009 that would require local land use plans for (1) the Cosumnes/Mokelumne floodway and the San Joaquin/South Delta lowlands, (2) urbanized areas below sea level on Bethel and Brannan-Andrus Islands, and (3) certain towns within the Delta primary zone, including Walnut Grove, Locke, Clarksburg, Courtland, and Terminous. These are locations within both the primary and secondary zones where public safety, flood management, ecosystem restoration, and/or climate change adaptation needs require greater land use oversight. The local plans should be created by local governments, but must be consistent with the Delta Plan described in the governance section.

Long-term Levee Planning. Prepare a comprehensive long-term levee investment strategy by 2012 that matches the level of protection provided by Delta levees to the uses of land and water enabled by those levees. Direct the Department of Water Resources to develop the plan in coordination with local reclamation districts and other relevant state agencies and provide funding to support their participation. The levee plan must include full consideration of the levees' role in protecting people, land, reliable water supplies, water quality, aquatic ecosystems, infrastructure, the aesthetic and cultural values of the Delta, and the capacity for the Delta to evolve over the long term. It must also consider the effects on restoration of the Delta ecosystem, potential threats posed by climate change, seismicity, subsidence, localized deterioration, and any possible "domino effect" resulting from individual levee failures.

Strengthen Delta Governance & Provide Reliable Funding

State, federal, and local interests are inextricably intertwined in the Delta, and a successful coalition of these interests is critical to the success of improvements in water supply reliability, ecosystem health and protection of the Delta as a place.

As stated in the Executive Order that established the Delta Vision process, effective governance and stable, sufficient funding are absolute requirements for successfully addressing the challenges in the Delta. For two decades, a governance structure that allows for effective coordination and policy direction has proven elusive. The California Bay-Delta Authority, created as a mix of state and federal agency and public members in 2003, has been judged in several independent reviews to have been largely ineffective. Its failure has been largely attributed to a lack of statutory authority to enforce priorities and an inability to direct policy through a budgetary approval process.

The Delta Vision Blue Ribbon Task Force recommended an independent Council that would be responsible for adopting a California Delta Ecosystem and Water Plan, and would have the statutory authority and budgetary control to ensure compliance by state, regional and local agencies. The Council would seek to ensure such compliance by federal agencies through provisions of the Coastal Zone Management Act. This approach is both sweeping in its scope and innovative in its method. However, the breadth of the proposal, combined with as yet undeveloped standards and criteria creates significant concerns worthy of consideration.

Specifically, it is not yet clear how the coequal goals would be balanced and achieved under this new structure. Achievement of goals for the Delta has eluded existing governing entities for decades. But simple articulation of the coequal goals is unlikely to help resolve conflict without a clear set of standards and criteria for the Council to apply when making consistency determinations for proposed agency actions. In the absence of standards and criteria, it will be difficult to achieve predictability for those decisions. An example of the type of approval actions that need predictability, and thus standards and criteria, is proposed pumping regimes for Delta exports. For example, how much may be pumped at what hour and at what rate and how is that pumping regime to be modified when conditions change? Furthermore, would those changes override decisions by the Department of Fish and Game or the federal fishery agencies? Many questions of similar significance remain unanswered.

In the above example, standards and criteria are necessary to determine whether the agency guidance to the operators of the water projects is consistent with the coequal goals. Development of those standards and criteria involves legal and technical issues of enormous complexity. Therefore it would be most appropriate to do so in the context of a public process, similar to that of the Task Force, before a long-term governance proposal is ready to be submitted to the Legislature. While the public process will be complex and contested, it is necessary.

The governance recommendation of the Task Force is innovative and has merit; however, many additional issues must be clarified and questions answered before we can recommend implementation. That said, there are both immediate and short-term governance actions that should be taken and we make the following recommendations:

Recommended actions that have authorization:

- Complete the Central Valley Plan of Flood Protection, a building block for land use decisions in the Delta.
- Continue existing CALFED programs which articulate state and federal activities.
- Continue a strong and consistent investment in science and engineering important to the Delta through a robust, well-coordinated Delta Science and Engineering Program with transparent oversight and review from a Delta Science and Engineering Board.

Recommended actions requiring authorization:

Establish the Interim Delta Policy Group - composed of the Secretary for Resources; Secretary for Food and Agriculture; Secretary for Business, Transportation and Housing; Secretary for Environmental Protection; President of the Public Utilities Commission; Director of the Department of Water Resources; Director of the Department of Fish & Game; Executive Director of the State Water Resources

Control Board and an elected official chosen by the five Delta counties. Request the federal government to participate in the policy group at the highest appropriate level. This group is intended to be in place for 12 months and until a long-term governance structure is in place.

The recommended immediate goals for the Policy Group:

- 1) Propose to the Governor a long-term governance plan that will ensure that the coequal goals are achieved in a coordinated manner among state, federal and local agencies. Development of the governance plan should include existing and potential new fee authorities necessary to achieve the coequal goals. An example of this might be to modify and revitalize the California Water Commission and give it changed authority. The California Transportation Commission might be an example of how this revised water commission could work.
- 2) Provide oversight for implementation of Delta actions until a long-term governance mechanism is in place.
- 3) 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) that will advise the Policy Group on Delta implications of their governance proposals and Delta Plan.
- 4) Develop a Delta plan that addresses in an integrated way the long term Ecosystem Restoration Plan, flood protection, infrastructure and local issues and concerns until a long-term governance mechanism is established. Make recommendations for how best to make the Delta Plan enforceable through statute.
- 5) Evaluate how best to place the coequal goals into state statute. This should include clear standards for interpretation and application of the coequal goals. Those standards and the coequal goals of a vital Delta ecosystem and more water supply reliability for California should be the foundation of policy making and management of Delta resources, consistent with California water rights law, and federal and state laws that protect water quality, endangered species, and other beneficial uses of water. The statute should also require that the coequal goals are included in any contract or financing instrument, such as a bond, related to Delta resources.

Enhance the Delta Protection Commission - The existing Delta Protection Commission (DPC) should be modified to focus its efforts in the areas of land use and economic development. The Committee recommends that the Delta Protection Commissioners include: five county supervisors, one from each Delta County selected by its Board of Supervisors, three representatives of Delta cities, selected by Councils of Governments, and three representatives of Delta Reclamation Districts or water agencies. Consistent with the recommendation of the Task Force, the DPC may invite state and federal agencies to participate as non voting members. The Delta Protection Commission will ensure that all projects in the Delta are consistent with the plan. The changes to the Delta Protection Commission should take place only upon implementation of an overall governance structure to be developed by the Delta Policy Group.

Establish a Delta Conservancy - Given the scope, urgency and need for effective integration among multiple ecosystem restoration efforts, the Committee recommends the establishment of a Delta Conservancy. Until such legislation is

enacted, Delta ecosystem restoration projects will continue to be implemented by the Department of Fish and Game, the Department of Water Resources and other responsible agencies. Actions taken by the Conservancy shall be consistent with the Delta Plan. The Conservancy shall have the following responsibilities, attributes and powers:

Responsibilities:

- Develop a strategic plan to coordinate and/or implement ecosystem restoration activities consistent with the Delta Plan.
- Bring necessary lands under management consistent with its ecosystem restoration activities, through easement, leases, acquisition or other means.
- Support appropriate recreation and economic development activities in the Delta, including those of the National Heritage Area designation.

Attributes:

- A new entity focused on the statutory Delta, the Suisun Marsh and the Delta watershed as addressed in the Delta Plan.
- Governed by nine members, including the Resources Secretary, Director of Finance, Chair of the Delta Protection Commission, and six public members, at least three of whom shall be elected county officials from within the five Delta-region counties.

Powers:

- To enter into contracts, to buy and sell land and other property and the power to acquire land through the State Public Works Board.
- To apply for, receive and expend grants or contracts from local, state or federal agencies, non profit or business organizations.
- To engage in partnerships with any organization to support implementation of its programs.

Implement Strategic Financing for Delta Sustainability - The Committee supports the recommendations made regarding strategic finance by the Task Force. The Committee recommends immediate legislative action to provide authority to implement state water supply and environmental resource protection fees. We recommend that fees be tailored to specific purposes where fee payers can see the specific work products associated with fees.

The Policy Group and long term governing body or implementing agencies should have authority to impose these fees in specific circumstances when necessary and when consistent with the law and the Delta Plan. The authority to set fees and the responsibility for allocation of the proceeds are consistent with legislative authorization and oversight. Revenue bond authority should be associated with fee authority.

Bond financing will also be a critical element of a financing plan and the Delta Vision Committee urges quick action on pending bond proposals which include funds for ecosystem restoration, Integrated Regional Water Management, storage, Delta revitalization, water recycling, conservation and water quality improvements.

This table lists the Goals and Strategies from the Delta Vision Blue Ribbon Task Force's Strategic Plan and identifies where they are addressed in the Delta Vision Committee's report. The Committee accepted all the recommended goals proposed by the Task Force. They also accepted all recommended strategies with the exception of two strategies regarding governance, for which they proposed modifications. It is expected that the interim governing entity will continue to evaluate and direct specific actions.

Goals and Strategies from the Delta Vision Task Force's Implementation Report	Decision		Location in Delta Vision Committee Implementation Report
	Yes	No	
Goal 1: Legally acknowledge the co-equal goals of restoring the Delta ecosystem and creating a more reliable water supply for California	X		Page 1: Summary Recommendation to the Governor
Strategy 1.1: Make the co-equal goals the foundation of Delta and water policy making.	X		Page 14: Evaluate how best to place the coequal goals into state statute
Goal 2: Recognize and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place, an action critical to achieving the co-equal goals	X		Page 10: The Delta is a Unique and Valued Place
Strategy 2.1: Apply for federal designation of the Delta as a National Heritage Area, and expand the State Recreation Area network in the Delta.	X		Page 11: Create a Delta National Heritage Area
Strategy 2.2: Establish market incentives and infrastructure to protect, refocus, and enhance the economic and public values of Delta agriculture.	X		
Strategy 2.3: Develop a regional economic plan to support increased investment in agriculture, recreation, tourism, and other resilient land uses.	X		Page 11: Develop a Delta Economic Plan
Strategy 2.4: Establish a Delta Investment Fund to provide funds for regional economic development and adaptation.	X		Page 12: Establish a Delta Investment Fund
Strategy 2.5: Adopt land use policies that enhance the Delta's unique values, and that are compatible with the public safety, levee, and infrastructure strategies of Goal 6.	X		Page 12: Plan for Appropriate Land Uses for At-Risk Areas in the Delta
Goal 3: Restore the Delta ecosystem as the heart of a healthy estuary	X		Page 6: The Delta Ecosystem Must be Protected and Revitalized
Strategy 3.1: Restore large areas of interconnected habitats—on the order of 100,000 acres—within the Delta and its watershed by 2100.	X		Page 7: Large-Scale Habitat Restoration
Strategy 3.2: Establish migratory corridors for fish, birds, and other animals along selected Delta river channels.	X		Page 7: Large-Scale Habitat Restoration

Goals and Strategies from the Delta Vision Task Force's Implementation Report	Decision		Location in Delta Vision Committee Implementation Report
	Yes	No	
Strategy 3.3: Promote viable, diverse populations of native and valued species by reducing risks of fish kills and harm from invasive species.	X		Pages 6 and 7: Several actions to reduce stressors
Strategy 3.4: Restore Delta flows and channels to support a healthy Delta estuary.	X		Page 7: Develop and implement streamflow recommendations
Strategy 3.5: Improve water quality to meet drinking water, agriculture, and ecosystem long-term goals.	X		Page 7: Require relevant state agencies to immediately expand evaluation of potential stressors.
Goal 4: Promote statewide water conservation, efficiency, and sustainable use	X		
Strategy 4.1: Reduce urban, residential, industrial, and agricultural water demand through improved water use efficiency and conservation, starting by achieving a statewide 20 percent per capita reduction in water use by 2020.	X		Page 8: Water Use Reductions Page 9: Conservation Improvements
Strategy 4.2: Increase reliability through diverse regional water supply portfolios.	X		Page 9: Financial and Technical Assistance Page 10: Integrated Regional Water Management
Goal 5: Build facilities to improve the existing water conveyance system and expand statewide storage, and operate	X		
Strategy 5.1: Expand options for water conveyance, storage, and improved reservoir operations.	X		Page 8: Surface Storage Investigations Page 9: Long-Term Water Conveyance Improvements; Expand Surface and Groundwater Storage
Strategy 5.2: Integrate Central Valley flood management with water supply planning.	X		
Goal 6: Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and strategic levee investments	X		
Strategy 6.1: Significantly improve levels of emergency protection for people, assets, and resources.	X		Page 11: Improve Flood protection and Emergency Response; Strengthen the Delta Levee System
Strategy 6.2: Discourage inappropriate land uses in the Delta region.	X		Page 12: Plan for Appropriate Land Uses for At-Risk Areas in the Delta
Strategy 6.3: Prepare a comprehensive long-term levee investment strategy that matches the level of protection provided by Delta levees and the uses of land and water enabled by those levees.	X		Page 12: Long-Term Levee Planning

Goals and Strategies from the Delta Vision Task Force's Implementation Report	Decision		Location in Delta Vision Committee Implementation Report
	Yes	No	
Goal 7: Establish a new governance structure with the authority, responsibility, accountability, science support, and secure funding to achieve these goals	x		Page 12 - 13: Strengthen Delta Governance & Provide Reliable Funding
Strategy 7.1: Establish a new California Delta Ecosystem and Water Council as a policy making, planning, regulatory, and oversight body. Abolish the existing California Bay-Delta Authority, transferring needed CALFED programs to the California Delta Ecosystem and Water Council. Establish a new Delta Conservancy to implement ecosystem restoration projects, and increase the powers of the existing Delta Protection Commission.		X	Page 13: Establish the Interim Delta Policy Group, rather than a Council
Strategy 7.2: Require the California Delta Ecosystem and Water Council to prepare a California Delta Ecosystem and Water Plan to ensure sustained focus and enforceability among state, federal, and local entities.	X		Page 14: The interim Policy Group is to start developing a Delta Plan in coordination with local government
Strategy 7.3: Finance the activities called for in the California Delta Ecosystem and Water Plan from multiple sources.	X		Page 15: Implement Strategic Financing for Delta Sustainability
Strategy 7.4: Optimize use of the CALFED Record of Decision and Coastal Zone Management Act to maximize participation of federal agencies in implementation of the California Delta Ecosystem and Water Plan.		X	Pages 12 - 13: Consider issues that must be clarified before proceeding with recommendation.
Near-Term Actions			
1. Obtain needed information on water diversion and use.	X		Page 10: Water Use Reporting
2. Initiate collection of improved socio-economic, ecosystem, and physical structure data about the Delta to inform policy processes and project level decision making by all public agencies, local, state, and federal.	X		
3. Accelerate completion of in-stream flow analyses for the Delta watershed by the Department of Fish and Game.	X		Page 7: Develop and implement streamflow recommendations.
4. Conduct a Middle River Corridor Two Barrier pilot project.	X		Page 6: Evaluate in 2009 and begin construction of Delta gates and barriers that improve water quality, water supply reliability and ecosystem function.

Goals and Strategies from the Delta Vision Task Force's Implementation Report	Decision		Location in Delta Vision Committee Implementation Report
	Yes	No	
5. Complete construction of an alternative intake for the Contra Costa Water District.	X		
6. Evaluate the effectiveness of a Three Mile Slough Barrier project.	X		Page 6: Evaluate in 2009 and begin construction of Delta gates and barriers that improve water quality, water supply reliability and ecosystem function.
7. Construct a demonstration fish protection screen at Clifton Court Forebay.			Not considered.
8. Advance near-term ecosystem restoration opportunities.	X		
9. Stockpile rock and other emergency response materials.	X		Page 11: Improve Flood Protection and Emergency Response
10. Assess and improve state capacity to respond to catastrophic events in the Delta.	X		Page 11: Improve Flood Protection and Emergency Response