

An aerial photograph of a water control structure, likely a levee or dike, in a valley. The structure is a long, winding earthen wall that separates a large body of water from the surrounding land. The water is a deep blue color. The land on either side of the structure is a mix of green agricultural fields and brown, dry earth. In the background, there are rolling hills and mountains under a clear blue sky.

WATER RESOURCES ASSOCIATION OF YOLO COUNTY

**Delta Vision Strategic Plan Update
Sacramento Valley Water Supply Impacts
April 13, 2009**

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Delta Vision Update

Outline of Presentation:

- Why the Delta is important
- Overview of the Delta Vision Process
- Summary of Strategic Plan proposals impacting the Sacramento Valley
- Related processes (BDCP, SWRCB Bay-Delta hearings, legislative proposals)
- Proposed next steps for WRA

Why the Delta is important

As a place:

- Includes portions of Yolo, Solano, Sacramento, Contra Costa and San Joaquin Counties (3.7 million people)
- Agricultural economy produces over \$650 million in annual sales
- Recreation and tourism: 1,000 miles of navigable waterways

Why the Delta is important

As an ecosystem:

- largest estuary (1,300 square miles) on the West Coast of North and South America
- home to 55 species of fish (including several endangered species) and 750 species of plants and wildlife

Why the Delta is important

For flood control and water conveyance facilities:

- **Flood control: 1,300 miles of levees**
- **CVP/SWP export facilities:**
 - **Water supply for 25 million people (2/3 of State's population)**
 - **Water supply for millions of acres of productive farmland**

What's the problem in the Delta?

- Delta ecosystem crash (numerous factors)
- Delta-export water-supply reliability crisis:
 - SWP/CVP export operations limited by impacts to ESA-protected species
 - exacerbated by third year of drought
 - vulnerability of current levee conveyance system
 - climate change and sea level rise

Overview of Delta Vision Process

- **1994 Bay-Delta Accord launches CALFED process (\$ billions spent) ... but not the solution**
- **September 2006: Governor establishes Delta Vision Blue Ribbon Task Force**
- **November 2007: Delta Vision document**
- **October 2008: Delta Vision Strategic Plan**
- **December 31, 2008: Delta Vision Cabinet Committee Implementation Report**

Delta Vision Principles November 2007

- **coequal goals: sustainable Delta ecosystem and a reliable water supply for California**
- **comprehensive approach, including ecosystem restoration, new Delta conveyance infrastructure and water storage**
- **independent governance body with authority and funding to achieve the coequal goals**

Delta Vision Principles November 2007

Reduced diversions upstream from the Delta will be required:

- predisposition to “sharing the pain”
- no science, no reference to causation or proportionality, no operational or water-supply impacts analysis
- launching a water war as a pathway to a solution?



Strategic Plan

Impacts to Sacramento Valley

Strategic Plan: 7 sets of goals, strategies and actions

Delta Vision principle 7 is carried forward in the Strategic Plan:

- **upstream diversions from the Delta watershed upstream directly impact restoration of the Delta and the reliability of the state's water supply**



Strategic Plan

Impacts to Sacramento Valley

Increase Delta flows:

- flood the Yolo bypass periodically to improve fishery habitat (now generally in SB 12 – Senator Simitian)
- increase spring and fall Delta outflow by 2012 (now generally in SB 12)
- potential water supply impacts: 1 million acre-feet per year (maybe much more)



Strategic Plan

Impacts to Sacramento Valley

Where will the water come from?

Use less:

- reduce M&I per capita water use by 20 percent by the end of 2020 and by 40 percent by 2050 (now in SB 12)
- require water rates to encourage conservation by greater use of variable rates, tiered rates and connection fees (now in SB 12)



Strategic Plan

Impacts to Sacramento Valley

Where will the water come from? (cont.)

Redefine “reasonable use:”

- request the SWRCB to determine that reasonable use of water should “evolve away from the generally accepted practice of diverting surface water for irrigated agriculture” (now in SB 12 as mandatory requirement of SWRCB)



Strategic Plan

Impacts to Sacramento Valley

Where will the water come from? (cont.)

- release more water from storage
- reduce the amount of water diverted from the Delta watershed
- re-allocate water supplies from existing uses through uncompensated regulatory actions
- access to state funding (e.g., grant money) will be contingent on applicant's full compliance with Delta Plan



Strategic Plan

Impacts to Sacramento Valley

How to pay for the Strategic Plan?

- levy water diversion fees and taxes (for the Delta and funding DWR, DFG, SWRCB and RWQCBs)
(water diversion fees now in SB 12)

How to implement the Strategic Plan?

- legislation by May 2009 (see SB 12)
- add the coequal goals to the California Constitution and statutes (now in SB 12)
- require all state agencies to follow Delta Plan (now in SB 12)




Strategic Plan

Impacts to Sacramento Valley

How to implement the Strategic Plan? (cont.)

- new Delta governance with the authority, responsibility, accountability, science support and secure funding to achieve these goals **(now in SB 12)**
- Yolo County has provided leadership with 5 Delta Counties on governance issues

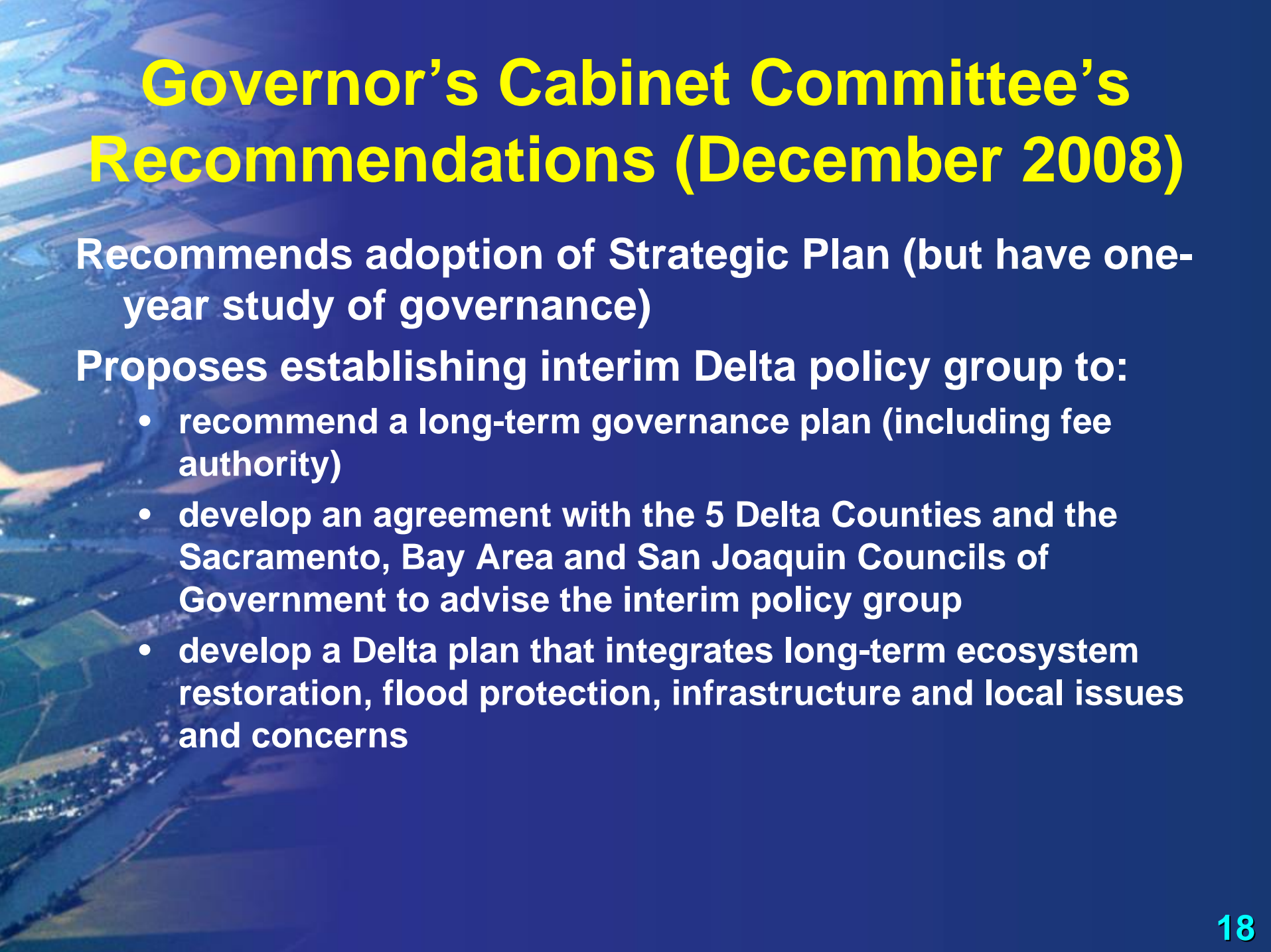


Strategic Plan

Impacts to Sacramento Valley

Yolo County's comments (December 2008) on the Delta governance proposal:

- Delta Vision proposals must be integrated with the BDCP and the Central Valley Plan of Flood Protection**
- governance must include representation from the 5 Delta Counties**
- the Delta plan must include economic viability, agriculture, recreation, ecosystem management and water and flood management**




Governor's Cabinet Committee's Recommendations (December 2008)

Recommends adoption of Strategic Plan (but have one-year study of governance)

Proposes establishing interim Delta policy group to:

- recommend a long-term governance plan (including fee authority)**
- develop an agreement with the 5 Delta Counties and the Sacramento, Bay Area and San Joaquin Councils of Government to advise the interim policy group**
- develop a Delta plan that integrates long-term ecosystem restoration, flood protection, infrastructure and local issues and concerns**



Governor's Cabinet Committee's Recommendations (December 2008)

Begin construction of new Delta conveyance infrastructure in 2011

Complete feasibility studies by 2010 for construction of water storage facilities, including Sites Reservoir (but no date specified to commence construction)

Strategic Plan – Legal Issues

What is the legal authority for water reallocations?

- relies on July 9, 2008 memorandum from Deputy Attorney General, concluding that state agencies may reallocate water without compensation among water uses pursuant to various legal authorities, including:
 - Article 10, section 2 of the California Constitution (waste and unreasonable use)
 - the public trust doctrine
 - nuisance law

Strategic Plan – Legal Issues

What is the legal authority for water reallocations? (cont.)

- Deputy AG's memorandum concludes that the state may require water users to contribute water to Delta ecosystem improvements in proportion to their diversions rather than in proportion to their impacts to the Delta ecosystem

Strategic Plan – Legal Issues

What is the legal authority for water reallocations? (cont.)

Deputy AG's memorandum is contrary to current law:

- the state does not have authority to involuntarily reallocate water supplies to ecosystem enhancements without compensation unless the relevant impacts are caused by the diversions and the reallocations are proportional to these impacts

Proposed Delta Solution Strategies

How do we solve the Delta crisis?

- there is a lot of good work in the Delta Vision Strategic Plan:
 - e.g., recommends a comprehensive approach to the Delta, including ecosystem restoration, conveyance infrastructure and development of new surface and groundwater water supplies

Proposed Delta Solution Strategies

How do we solve the Delta crisis? (cont.)

- **but the implementation strategy must be workable:**
 - account for the multiple causes of the Delta's decline and not simply focus on some of them
 - don't redirect adverse impacts from one area to another as part of the Delta solution
 - utilize beneficiary pays principles (no water tax)
 - utilize sound science and analysis

Proposed Delta Solution Strategies

How do we solve the Delta crisis? (cont.)

- no involuntary water reallocations unrelated to causation and proportionality
- don't manipulate Article 10, section 2 of the California Constitution or the Public Trust Doctrine
- respect the authority of the Delta counties, cities and other land use agencies

Proposed Delta Solution Strategies

How do we solve the Delta crisis? (cont.)

- **respect area-of-origin principles:**
 - **legislation funding or implementing a Delta conveyance solution should incorporate area-of-origin principles**
 - **area-of-origin principles should be added to the California Constitution**

Proposed Delta Solution Strategies

How do we solve the Delta crisis? (cont.)

- pursue region-specific water conservation reflecting the climatic and water-management variations among regions of the state (not “one size fits all” requirements)
- launching a water war is not a pathway to a Delta solution!

Delta Vision Strategic Plan Coordination on Comments

Yolo County FC&WCD has coordinated participation in the Strategic Plan with:

- Yolo County**
- WRA**
- Northern California Water Association**
- Regional Water Authority**
- Association of California Water Agencies**
- export area CVP and SWP contractors**
- the Public Water Coalition of California (water suppliers from around the state: north/south, ag/urban)**

Delta Vision Strategic Plan Update

Next steps:

- adoption by the Administration
- implementing legislation
- implementation by regulatory agencies
- expect M&I and ag water conservation requirements
- expect water fees and taxes
- expect water bond from legislature
- expect BDCP process to move forward
- expect SWRCB Bay-Delta process to move forward



Other Delta-Related Processes

Bay-Delta Conservation Plan

- **goals and objectives designed to achieve:**
 - **long-term authorization under ESA and CESA for CVP and SWP Delta operations, even if these operations impact listed species**
 - **coverage for new Delta conveyance infrastructure**

Bay-Delta Conservation Plan

Potential impacts:

- **implement habitat and flow proposals of Strategic Plan that would require water supplies from the Sacramento Valley (e.g., 1 million acre-feet per year or more)?**
- **extend scope of conservation plan area to upstream tributaries?**

Bay-Delta Conservation Plan

Potential impacts:

- **modify Fremont Weir and Yolo Bypass to provide higher frequency and duration of inundation**
 - **see Lower Yolo Bypass Planning Forum December 2008 comments**
 - **need to coordinate activities in Yolo Bypass with local wetlands and wildlife protection organizations**

SWRCB Bay-Delta Hearings

- **SWRCB previously adopted water quality control plans in 1970, 1991, 1995 and 2006**
- **July 2008 adoption of strategic workplan, including:**
 - **revise water quality and flow objectives by end of 2011**
 - **participate in preparation of BDCP EIR/EIS**
 - **prevent unauthorized diversions of water and violations of water right permits**
 - **limit authorized diversions when necessary to implement flow objectives**
 - **promote water conservation/water use efficiency**

Governor's Emergency Drought Declaration (February 2009)

The Governor has broad authority to declare a drought state of emergency:

- suspend laws and regulations**
- exercise all police powers vested in the state**
- utilize property as he deems necessary (must pay the reasonable value)**
- mandate water rationing to protect health, safety and general welfare (see Gov. Code sec. 8627 and 1977 Attorney General Opinion)**

Legislative Proposals

- Numerous proposals to implement aspects of the Delta Vision Strategic Plan
- Five water bond proposals
- Expect mandatory M&I and agricultural water conservation and fees for water use

Legislative Analyst Water Right Proposal (October 2008)

Recommends fundamental changes in California's water right system:

- redefine “reasonable use” by allowing the use of only the supply deemed needed after considering available water efficiency and conservation measures**
- regulation of groundwater by the state for statewide needs rather than by local agencies (groundwater users to pay costs of statewide regulation)**

An aerial photograph of a river delta, likely the Sacramento-San Joaquin River Delta, showing a complex network of waterways and agricultural fields. The water is a deep blue, and the land is a mix of green and brown, indicating different types of crops and possibly some dry areas. The overall scene is a vast, flat landscape with a prominent waterway system.

A “perfect storm” of events for bad water policy?

- **unreliable and vulnerable Delta conveyance infrastructure**
- **historically-low water supplies**
 - **tens of thousands of lost jobs**
 - **billions of dollars of lost agricultural production**
- **significant economic downturn**

Proposed next steps for WRA

- Continue to provide information and coordination within Yolo County
- Develop a position on Delta issues
- Develop and implement a communications/outreach strategy
- Seek collaborations with others with similar interests



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