



Office of the Governor

ARNOLD SCHWARZENEGGER
THE PEOPLE'S GOVERNOR

EXECUTIVE ORDER S-17-06

09/28/2006

WHEREAS the Sacramento-San Joaquin Delta estuary, including Suisun Bay and Marsh (hereafter "Delta"), supports a unique and irreplaceable combination of environmental and economic resources. The Delta is a source of water for farmlands, growing communities and businesses and provides a unique estuarine habitat for many resident and migratory fish and birds, some listed as threatened or endangered species. It is an area that supports vital energy, transportation, communications and water facilities, and important agricultural, recreational and cultural resources. The Delta is of state and national significance and must be protected and managed effectively for the future well being of the people and the environment; and

WHEREAS the Delta is intersected by highways, roads, and utility lines critical to regional, state and interstate commerce and economy; and

WHEREAS the Delta is the hub of California's two largest water distribution systems, the federal Central Valley Project and State Water Project, and at least 7,000 other permitted water diverters have developed water supplies from the watershed feeding the Bay-Delta estuary, providing drinking water to about 23 million people and irrigation water to about 7 million acres of highly productive agricultural lands; and

WHEREAS recent events like the Lower Jones Tract levee failure and Hurricane Katrina, and recent findings that indicate a two in three chance of a major earthquake occurring in or near the Delta in the next fifty years, have raised awareness and concerns about the vulnerability of Delta levees. Failure of Delta levees can have devastating consequences on farms, communities, roads, railways, power and fuel transmission lines, water conveyance and quality, wildlife resources, and the local and state economy; and

WHEREAS threats such as an aging levee system, regional climate change, rising sea levels, seismic events and urbanization pose an imminent threat to the Delta; and

WHEREAS recent legislation, a number of planning efforts and scientists have affirmed that current uses and ecosystem health in the Delta are unsustainable over the long-term; and

WHEREAS there is growing recognition that prior Delta and Suisun strategic planning efforts have been too narrowly focused on only a few of the Delta's many uses and resources; and

WHEREAS the combined threats and changing conditions within the Delta require immediate attention because of the potentially catastrophic environmental and economic consequences if timely action is not planned for and undertaken; and

WHEREAS the existing complex system of Delta governance has been criticized because no one level of government is fully in charge, or capable of responding in an orderly and effective way to address and mitigate the range of threats to the Delta.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power vested in me by the Constitution and statutes of the State of California, do hereby order effective immediately:

1. I hereby initiate the Delta Vision and establish an independent Blue Ribbon Task Force to develop a durable vision for sustainable management of the Delta. Making the Delta more sustainable will require a concerted, coordinated and creative response from leaders at all levels of government, stakeholders, academia and affected communities, and will require significant private and public partnerships and investments. The Delta Vision is designed to accomplish these goals:

- (a) Meet the requirements of Assembly Bill 1200 (Water Code Sections 139.2 and 139.4), Assembly Bill 1803 (Water Code Section 79473) and SB 1574.
- (b) Coordinate and build on the many ongoing but separate Delta planning efforts.
- (c) Assess the risks and consequences to the Delta's many uses and resources in light of changing climatic, hydrologic, environmental, seismic, and land use conditions. This assessment will look at:
 - The environment, including aquatic and terrestrial functions and biodiversity.
 - Land use and land use patterns, including agriculture, urbanization, and housing.
 - Transportation, including streets, roads, highways, waterways, and ship channels.
 - Utilities, including aqueducts, pipelines, and gas/electric transmission corridors.
 - Water supply and quality, municipal/industrial discharges and urban and agricultural runoff.
 - Recreation and tourism, including boating, fishing, and hunting.
 - Flood risk management, including levee maintenance.
 - Emergency response.
 - Local and state economies.
- (d) Develop a program for sustainable management of the Delta's multiple uses, resources and ecosystem. Sustainable management of the Delta means managing the Delta over the long term to restore and maintain identified functions and values that are determined to be important to the environmental quality of the Delta and the economic and social well being of the people of the state. As part of the Delta Vision, priority functions and values will be identified, and measures necessary to provide long-term protection and management will be evaluated.
- (e) Develop a Strategic Plan to implement findings and recommendations for public policy changes, public and private investment strategies, Delta-Suisun preparedness and emergency response plans for near-term catastrophic events, levee maintenance options, and how to monitor and report performance.
- (f) Develop recommendations on institutional changes and funding mechanisms necessary for sustainable management of the Delta. Recommendations may include a discussion of oversight, land use and implementation authorities.
- (g) Inform and be informed by current and future Delta planning decisions such as those pertaining to the CALFED Bay-Delta Program, Bay Delta Conservation Plan, Suisun Marsh Plan, Water Plan, updates of related General Plans, transportation and utilities infrastructure plans, integrated regional water management plans, and other resource plans.

2. The Secretary of the Resources Agency as chair, and the Secretaries of the Business, Transportation and Housing Agency, Department of Food and Agriculture and the California Environmental Protection Agency, along with the President of the Public Utilities Commission shall be the Delta Vision Committee, for the Delta Vision. They shall undertake the following:

- (a) Explore entering into agreements with private and non-governmental organizations to receive funding for Delta Vision. In addition, the Director of Finance may also accept monetary and in kind contributions to support the activities of the Delta Vision.
- (b) Create a Stakeholder Coordination Group to involve local government, stakeholders, scientists, engineers, and members of the public in this effort to develop a Delta Vision.
- (c) Select Delta Science Advisors from diverse scientific disciplines to provide independent review and advice to the Blue Ribbon Task Force on technical, scientific, and engineering data, analyses, and reports.
- (d) Report to the Governor and the Legislature by December 31, 2008 with recommendations for implementing the Delta Vision and Strategic Plan.

3. I will appoint the members of a Blue Ribbon Task Force to include diverse expertise and perspectives, policy and resource experts, strategic problem solvers, and individuals having successfully resolved multi-interest conflicts. The Task Force will seek input from a broad array of public officials, stakeholders, scientists, and engineers. The Task Force will prepare an independent public report that will be submitted to the Delta Vision Committee and Governor that sets forth its findings and recommendations on the sustainable management of the Delta by January 1, 2008 and a Strategic Plan to implement the Delta Vision by October 31, 2008.

4. Upon submittal of the Delta Vision Committee's recommendations to the Governor and Legislature, the Delta Vision initiative shall terminate unless extended by another executive order.

5. This order is not intended to create, and does not create, any right or benefit, whether substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, agents, or any other person.



IN WITNESS WHEREOF I have here unto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of September 2006.

Assembly Bill No. 1200

CHAPTER 573

An act to add Sections 139.2 and 139.4 to the Water Code, relating to water.

[Approved by Governor October 6, 2005. Filed with
Secretary of State October 6, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1200, Laird. Sacramento-San Joaquin Delta.

Existing law, the California Bay-Delta Authority Act, requires the California Bay-Delta Authority and certain implementing agencies to carry out programs that address the goals and objectives of the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, on behalf of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

This bill would require the Department of Water Resources to evaluate the potential impacts on water supplies derived from the Sacramento-San Joaquin Delta resulting from subsidence, earthquakes, floods, changes in precipitation, temperature, and ocean levels, and a combination of those impacts. The bill would require the Department of Water Resources and the Department of Fish and Game to identify, evaluate, and comparatively rate the principal options available to implement certain objectives that relate to the delta or the Sacramento and San Joaquin river systems. The bill would require the departments to jointly report to the Legislature and the Governor the results of their evaluations and comparative ratings, as specified, no later than January 1, 2008.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Substantial water supplies are derived from the Sacramento-San Joaquin Delta for the greater Silicon Valley area, Alameda County, eastern Contra Costa County, Napa County, Solano County, the San Joaquin Valley, and southern California.

(b) In a document entitled "Seismic Stability of Delta Levees," the Department of Water Resources estimated that a single 100-year earthquake would result in three to 10 delta levee breaks and that a single 1,000-year earthquake would result in 18 to 82 delta levee breaks.

(c) A report to the California Bay-Delta Authority Independent Science Board estimated that sea-level rise caused by climate change, continuing subsidence of delta lands, floods, and earthquakes have a 64 percent probability of resulting in catastrophic flooding of delta islands over the next 50 years.

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(d) The state's economy, and the governmental programs that are dependent on a healthy economy and a healthy environment, cannot afford a catastrophic disruption of the water supplies derived from the delta.

SEC. 2. Section 139.2 is added to the Water Code, to read:

139.2. The department shall evaluate the potential impacts on water supplies derived from the Sacramento-San Joaquin Delta based on 50-, 100-, and 200-year projections for each of the following possible impacts on the delta:

- (1) Subsidence.
- (2) Earthquakes.
- (3) Floods.
- (4) Changes in precipitation, temperature, and ocean levels.
- (5) A combination of the impacts specified in paragraphs (1) to (4), inclusive.

SEC. 3. Section 139.4 is added to the Water Code, to read:

139.4. (a) The department and the Department of Fish and Game shall determine the principal options for the delta.

(b) The department shall evaluate and comparatively rate each option determined in subdivision (a) for its ability to do the following:

- (1) Prevent the disruption of water supplies derived from the Sacramento-San Joaquin Delta.
- (2) Improve the quality of drinking water supplies derived from the delta.
- (3) Reduce the amount of salts contained in delta water and delivered to, and often retained in, our agricultural areas.
- (4) Maintain delta water quality for delta users.
- (5) Assist in preserving delta lands.
- (6) Protect water rights of the "area of origin" and protect the environments of the Sacramento-San Joaquin river systems.
- (7) Protect highways, utility facilities, and other infrastructure located within the delta.
- (8) Preserve, protect, and improve delta levees.

(c) The Department of Fish and Game shall evaluate and comparatively rate each option determined in subdivision (a) for its ability to restore salmon and other fisheries that use the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

(d) On or before January 1, 2008, the department and the Department of Fish and Game shall jointly report to the Legislature and Governor, in writing, with regard to the results of the evaluation required by Section 139.2 and the comparative ratings required by subdivisions (b) and (c).

Excerpted from Assembly Bill 1803

Chapter 2.5. Sacramento-San Joaquin Delta Strategic Plan

79473. The Secretary of Resources, in collaboration with the Secretary of Business, Transportation and Housing, shall develop a strategic plan to achieve a sustainable Sacramento-San Joaquin Delta. The plan shall include all of the following:

- (a) A description, characterization, or definition of a sustainably managed delta, including the delta's multiple resources and uses for each of the following:
 - (1) Ecosystem functions, including aquatic and terrestrial flora and fauna.
 - (2) Land use and land use patterns.
 - (3) Transportation uses, including streets, roads and highways, and waterborne transportation.
 - (4) Utility uses, including aqueducts, pipelines, and power transmission corridors.
 - (5) Water supply uses.
 - (6) Recreation uses, including current and future recreational and tourism uses.
 - (7) Other aspects of sustainability determined to be desirable by the Secretary of the Resources Agency or the Secretary of Business, Transportation and Housing.
- (b) Measurable goals and objectives for achieving a sustainably managed delta.
- (c) A list of necessary actions to achieve a sustainably managed delta.
- (d) Recommendations for institutional changes, including creating new institutions, necessary for achieving a sustainably managed delta. The recommendations may include a discussion of any of the following:
 - (1) Oversight authorities.
 - (2) Implementation authorities.
 - (3) Land use authorities.
- (e) A strategic financing plan, including provisions for delta beneficiaries to pay their share for the benefits that they receive.
- (f) Contingency plans addressing all of the following:
 - (1) Response plans for local impacts, such as a levee failure on a single island.
 - (2) Response plans for widespread catastrophic losses, such as losses that may occur as a result of a significant seismic event.
 - (3) Adaptive management.
 - (4) The likely impacts of global warming, climate change, and sea-level rise.

Senate Bill No. 1574

CHAPTER 535

An act to add Section 12805.4 to the Government Code, relating to the Sacramento-San Joaquin Delta.

[Approved by Governor September 28, 2006. Filed with
Secretary of State September 28, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1574, Kuehl. Sacramento-San Joaquin Delta.

Existing law establishes the Resources Agency in state government and grants to that agency various supervisory powers over the state's resources. Existing law requires the Department of Water Resources and the Department of Fish and Game to identify, evaluate, and comparatively rate the principal options available to implement certain objectives that relate to the Sacramento-San Joaquin Delta or the Sacramento and San Joaquin river systems. Existing law requires the departments to jointly report to the Legislature and the Governor the results of their evaluations and comparative ratings, as specified, no later than January 1, 2008.

This bill additionally would require the Secretary of the Resources Agency to convene a committee to develop and submit to the Governor and the Legislature, on or before December 31, 2008, a Strategic Vision for a Sustainable Sacramento-San Joaquin Delta with specified components. The bill would authorize the committee, its members, and state agencies represented on the committee to enter into specified contracts.

The people of the State of California do enact as follows:

SECTION 1. Section 12805.4 is added to the Government Code, to read:

12805.4. (a) The Secretary of the Resources Agency shall convene a committee to develop and submit to the Governor and the Legislature, on or before December 31, 2008, a Strategic Vision for a Sustainable Sacramento-San Joaquin Delta.

(b) The committee shall include all of the following:

- (1) The Secretary of the Resources Agency.
- (2) The Secretary of the Business, Transportation and Housing Agency.
- (3) The Secretary for Environmental Protection.
- (4) The Secretary of Food and Agriculture.
- (5) The President of the Public Utilities Commission.

(c) The strategic vision shall address all of the following:

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(1) Sustainable ecosystem functions, including aquatic and terrestrial flora and fauna.

(2) Sustainable land use and land use patterns.

(3) Sustainable transportation uses, including streets, roads and highways, and waterborne transportation.

(4) Sustainable utility uses, including aqueducts, pipelines, and power transmission corridors.

(5) Sustainable water supply uses.

(6) Sustainable recreation uses, including current and future recreational and tourism uses.

(7) Sustainable flood management strategies.

(8) Other aspects of sustainability deemed desirable by the committee.

(d) The committee shall seek input from elected officials, governmental agencies, interested parties, educational institutions, and affected local communities. The Governor or the committee may appoint a “blue ribbon” or citizen commission, advisory committee, task force, or any other group or groups that the Governor or the committee deems necessary or desirable to assist in carrying out this section.

(e) For the purposes of carrying out this section, the committee may also seek input from other policy and resource leaders.

(f) All relevant state agencies, at the request of the committee, shall make available staff and resources to assist in the preparation of the strategic vision.

(g) (1) The committee, its members, and state agencies represented on the committee may contract for consultants to assist in the preparation of the strategic vision.

(2) Contracts entered into pursuant to paragraph (1) shall terminate no later than December 31, 2008.

(3) Contracts entered into pursuant to paragraph (1) are exempt from Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.