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May 12, 2008

Phil Isenberg, Chair
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RE: Comments submitted for consideration in development of Delta Vision's strategic plan – Area (2) Reliable Water for California

Dear Mr. Isenberg:

The Planning and Conservation League submits the following recommendations for the Delta Vision strategic plan, with particular emphasis on Area (2) of your invitation: Reliable Water for California. First, we propose some general guidelines for the development of policies that support the co-equal goals of reliable water supply and a healthy Delta ecosystem. Second, we highlight several bills currently under consideration in the California Legislature which exemplify some of our key policy recommendations.

The "Water Efficiency and Security Act" (AB 2153), jointly authored by Assembly Members Krekorian and Hancock, ensures that California maintains water supply reliability while accommodating growth. In doing so, AB 2153 can maximize water availability for the Delta while ensuring water supply reliability by reducing the growth in surface water diversions upstream of the Delta, and reducing reliance on Delta water in exporter areas.

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AB 2175, co-authored by Assembly Members Laird and Feuer, establishes mechanisms for reducing per capita water use by 20%.

Our implementation suggestions are particularly relevant for the following Delta Vision recommendations:

1. *The Delta ecosystem and a reliable water supply for California are the primary, co-equal goals for sustainable management of the Delta.*
4. *California's water supply is limited and must be managed with significantly higher efficiency to be adequate for its future population, growing economy, and vital environment.*
5. *The foundation for policymaking about California water resources must be the longstanding constitutional principles of "reasonable use" and "public trust;" these principles are particularly important and applicable to the Delta.*
6. *The goals of conservation, efficiency and sustainable use must drive California water policies.*
7. *A revitalized Delta ecosystem will require reduced diversions -- or changes in patterns and timing of those diversions upstream, within the Delta, and exported from the Delta -- at critical times.*

While we strongly recommend that the Delta Vision strategic plan include recommendations for legislative solutions in 2008 and beyond, we also urge participants in the Delta Vision process to, *this year*, actively support key water legislation (such as AB 2153 and AB 2175) that is consistent with Delta Vision objectives. If supported by both the Assembly and Senate, these bills may already be on the Governor's desk by the time that the Delta Vision Strategic Plan is released. Successful passage of these bills during the current legislative session will assist the Delta Vision process by building momentum for improved management of water in California.

I. Proposed policy guidelines for improving water reliability for California

PCL recommends that Delta Vision include the following policy guidelines in the Delta Vision strategic plan to be released in October 2008.

Proposed policy guidelines:

Policies for a sustainable Delta must have as their foundation an understanding of how much water the Delta ecosystem needs
The recent dramatic declines in native Delta fish populations are clear evidence that current practices in the Delta are not sustainable. Toxics, invasive species, habitat degradation, salinity and turbidity patterns, altered flows and high water exports all contribute to the Delta's ecological problems.

Policies for a sustainable Delta must be built on a comprehensive understanding of what flow regimes (e.g., quantity, flow direction, seasonal, annual and inter-annual variability) and water quality conditions (e.g., temperature, salinity, turbidity, contaminant load) are required under a variety of conditions (e.g., water year types, potential climate change impacts, different points of diversions) to provide for a healthy and sustainable Bay Delta Estuary (e.g., healthy, self sustaining populations of pelagic fish, anadromous fish, wildlife, terrestrial species and all elements of their food webs).

Policies for a sustainable Delta must go beyond "changes in patterns and timing" of diversions
CALFED's Environmental Water Account is just one example of how "changes in patterns and timing" of diversions have failed to adequately protect the Delta ecosystem. While the patterns and timing of diversions are certainly important components of any operation plan, we have seen no plausible evidence that the Delta ecosystem can be recovered simply by "tuning" the Delta.

Policies for a sustainable Delta must be designed with the ecosystem end in mind
Policies to restore the Delta must provide sufficient protections to allow for species recovery. Importantly, the needs for ecosystem restoration should be defined by science, not by what is feasible under current export levels. We are concerned that some processes, such as the Bay Delta Conservation Plan, emphasize maintenance of exports as the barometer of the type and extent of restoration possible.

Policies for a sustainable Delta must address both near- and long-term solutions
It is necessary and appropriate that any plan to restore and protect a healthy Delta include long-term planning on policies or projects that will be implemented on the scale of decades. However, it is crucial that protective policies be implemented in the near-term as well.

Options for near-term actions should be screened for feasibility and, if promising, should be implemented on a reversible, experimental, basis, with real time monitoring and adaptive management.

Policies for a sustainable Delta must take advantage of opportunities throughout the state

Delta ecosystem health and water supply reliability can be and must be addressed at least in part by solutions outside of the Delta itself.

Improvements in regional water efficiency and regional water supplies are key components of a successful revival of the Delta by reducing demand on Delta water supplies. Restoring habitat and flow conditions upstream of the Delta will contribute to a sustainable Delta by improving spawning and rearing conditions for salmon and other Delta species.

Policies for a sustainable Delta must not impair water resources elsewhere in California

While we encourage the development of policies that take advantage of opportunities throughout the state, too often, a solution to an existing problem creates a new problem elsewhere. Policies that manage water demand on the Delta should not simply displace the negative impacts of water delivery, but should reduce the environmental impacts of water delivery statewide.

For example, while one tool to manage demand from the Delta may be a more active management of groundwater storage, the appropriateness of any such plan for groundwater use will depend on local circumstances. Many residents in the Sacramento River Valley north of Sacramento have domestic wells which tap into the Tuscan Aquifer. Because of the region's geology, any intensification of withdrawals from this aquifer is likely to cause serious economic and environmental impacts in the region.

<u>How the proposed policy guidelines will contribute to achieving the vision:</u>

The above policy guidelines contribute to achieving the vision in that they, consistent with Delta Vision's 12 linked recommendations, provide direction for the sustainable management and use of California's limited water supply.

Potential barriers to successful policy solutions:

Besides the usual disagreements over reasonable and beneficial uses of water, some significant barriers to implementing successful policy solutions are:

- the disinclination to reduce exports from the Delta,
- the reluctance to embrace out-of-Delta solutions, and
- the unprecedented challenge of dealing with the coming effects of climate change.

How the proposed policy guidelines will serve California through 2030 and 2070

One of the themes in the policy guidelines recommended above is "living within California's water means". Policies that shape California's water demand within the limitations of the state's water supply are more likely to be sustained over the long-term than policies that focus on investment in marginal gains in traditional supplies.

How the proposed policy guidelines will address a changing Delta, including population growth, sea level rise, seismic events, and changed hydrology due to climate changes

Our policy recommendations recognize the need for water management strategies to adapt to the changing conditions in the Delta. New policies must clearly identify their resilience to a changing environment.

II. Policy measures currently under consideration in the state legislature

PCL recommends that Delta Vision actively support AB 2153 (the "Water Efficiency and Security Act", authored by Assembly Members Krekorian and Hancock) and AB 2175 (the water conservation bill authored by Assembly Members Laird and Feuer) and encourage the Assembly, Senate, and Governor to pass these important measures.

Current bills:

AB 2153 (Krekorian/Hancock)
This critical measure (co-sponsored by the Planning and Conservation League and the Environmental Justice Coalition for Water) directs new development projects to use cost-effective water use efficiency measures and to mitigate their water demand through

investments in efficiency in existing communities or development of sustainable local water supplies.

According to the Department of Finance, by 2030 California's population will grow by 11 million. Even if those new residents conserve the 20% called for in the Governor's February letter to state senators, their annual water use will still be over two million acre-feet (of the same order of magnitude as the amount of water that the SWP can reliably deliver). While the surface storage projects currently being debated cannot meet that projected demand, AB 2153 offers a way to accommodate much of this growth.

AB 2175 (Laird/Feuer)
This important bill (sponsored by the Natural Resources Defense Council) directs California's Department of Water Resources to achieve a 20% reduction in urban per capita water use by 2020, and to reduce annual agricultural water use by at least 500,000 acre-feet by 2020.

How the current bills will contribute to achieving the vision:

Delta Vision's linked recommendations, particularly Recommendations 1, 4, 5, 6, and 7, highlight the idea of sustainability. To sustain both the Delta ecosystem and reliable water supply in the long-term, California must come to grips with the idea of limits and start to make the difficult decisions on how best to use and apportion its limited water resources.

Both AB 2153 and AB 2175 encourage the development of more water-efficient practices statewide. AB 2175 focuses on reducing per-capita water use in urban areas and on a statewide reduction in agricultural water use. AB 2153 ensures that the water demands on existing sources will not increase as we accommodate millions of new Californians.

Potential barriers to passage of these current bills:

One barrier to passage of these bills is a reluctance to accept that water from the Delta will not be the primary source to accommodate future growth. Delta Vision's recommendation (#7) for reduced diversions from the Delta is an important message that can help build support for needed changes to water use such as those proposed in AB 2153 and AB 2175.

How the current bills will serve California through 2030 and 2070

AB 2153 manages the water footprint of residential and commercial water use in a way that allows population and economic growth without further damaging the water reliability of current residents and businesses. The water conservation targets for urban and agricultural uses called for in AB 2175 complement AB 2153, since the water needs of new development will in part be mitigated by water efficiencies in the urban and agricultural sectors.

Both AB 2153 and AB 2175 provide the flexibility to incorporate new technologies and adapt to new circumstances. The hard goal of reducing (or at least not increasing) California's water demand is accomplished by measures that can evolve over the next 20 to 50 years.

How the current bills will address a changing Delta, including population growth, sea level rise, seismic events, and changed hydrology due to climate changes

Even under the expected scenario of increasing population growth and effects of climate change such as sea level rise and changing hydrology, both AB 2153 and AB 2175 promote investments in water that will "pay off" year after year. While these two bills are of course not a complete solution to California's water woes, they are an important step forward.

Sincerely,

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cc: John Kirlin