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THOMAS M. GAU
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Public Works
San Joaquin County
Working for YOU

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TO: Members, Blue Ribbon Task Force

DATE: May 28, 2008

SUBJECT: DELTA VISION OPPOSITION

TRANSMITTED HEREWITH: X

UNDER SEPARATE COVER: ____

No. of Copies	Description
1	LETTER OPPOSING DELTA VISION BLUE RIBBON TASK FORCE RECOMMENDATIONS
1	RESOLUTION R-08-269, OPPOSING DELTA VISION BLUE RIBBON TASK FORCE RECOMMENDATIONS

Remarks: The attached documents, approved by the San Joaquin County Board of Supervisors on May 13, 2008, are being forwarded to you for your consideration and support. Action by your agency in consideration of this Resolution is strongly urged.

We look forward to working with you in the future on this important effort. If you have further questions or comments, please feel free to contact Thomas Flinn, Director of Public Works, at (209) 468-3100.

Nancy A. Estoll

NANCY A. ESTOLL
Administrative Coordinator

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DELTAVISION-BRTF-TRANS.DOC

c: T. R. Flinn, Director of Public Works
Tom Gau, Chief Deputy Director
Mel Lytle, Water Resource Coordinator

PUBLIC WORKS 5/13/08 Letter PC-33

SAN JOAQUIN COUNTY
FLOOD CONTROL & WATER CONSERVATION DISTRICT
P. O. BOX 1810
1810 EAST HAZELTON AVENUE
STOCKTON, CALIFORNIA 95201
TELEPHONE (209) 468-3000
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THOMAS R. FLINN
DIRECTOR OF PUBLIC WORKS
FLOOD CONTROL ENGINEER

May 2, 2008

Board of Supervisors
Courthouse, Room 701
Stockton, California 95202

ADOPT RESOLUTION OPPOSING DELTA VISION BLUE RIBBON TASK FORCE RECOMMENDATIONS FOR THE SACRAMENTO-SAN JOAQUIN RIVER DELTA

Dear Board Members:

IT IS RECOMMENDED:

That the Board of Supervisors adopt a Resolution opposing the Delta Vision Blue Ribbon Task Force recommendations for the Sacramento-San Joaquin River Delta.

REASONS FOR RECOMMENDATION:

On September 28, 2006, Governor Arnold Schwarzenegger established the Delta Vision Committee, which is a Blue Ribbon Task Force and Stakeholder Coordination Group, to help develop a Delta vision and strategic plan to ensure its future and long-term sustainability. This Delta visioning process, over the past several months, has progressed to the point where the Task Force has released its Delta Vision Report (Report) entitled, "Our Vision for the California Delta." The recommendations outlined in the Report are far-reaching and have proposed changes to a wide array of issues affecting the Delta and San Joaquin County including future water supply, water quality, flood control, land use, habitat, and local governance.

This Report also challenges long-standing water resource principles established under California law including the Delta common pool, areas of origin, watershed protection, and the water rights priority system upon which the State of California was built. These radical recommendations support the central theme of this vision effort, which is the legitimizing of the development and construction of a Peripheral Canal, or isolated water conveyance facility, around the Delta by various water interests in California.

The Report goes so far as to acknowledge that, currently, there is insufficient information to determine whether an isolated facility, dual conveyance system, or Through-Delta conveyance is the best solution for the Delta; however, the final recommendation of the Delta Vision Report states that an "assessment of a dual conveyance system proceed as the preferred direction."

With nearly two-thirds of the Delta located in San Joaquin County, there is great concern for the protection of the quantity and quality of water available within the Delta for our urban users, a vital agricultural community and of the significant negative impacts that such a facility would have on the County's infrastructure, business economy, recreation, and the fragile Delta environment.

The Blue Ribbon Task Force has apparently presupposed the need for a Peripheral Canal, isolated or dual conveyance facility in the Delta, despite the lack of consideration for other more viable alternatives and without sound science and technical analysis needed for an informed decision. County representatives have worked cooperatively with Delta interests and other local water agencies to inform the continuing Delta vision process of other more viable alternatives with only limited success.

As a result, County representatives have worked with the 19-member agency, San Joaquin County Flood Control and Water Conservation District Advisory Water Commission to develop a Resolution that urges the Blue Ribbon Task Force to consider the long-standing views of County Water interests and recognize existing laws which protect the water rights of our community. On April 16, 2008, the Advisory Water Commission voted unanimously to recommend that the San Joaquin County Board of Supervisors adopt this Resolution to oppose the recommendations in the Delta Vision Report.

FISCAL IMPACT:

Cost to the County consists of staff processing time, which will be funded from the Water Investigation Zone No. 2 Special District Budget.

ACTION FOLLOWING APPROVAL:

The Board letter and Resolution will be distributed to appropriate parties. Department of Public Works Staff will work with other local governments, water agencies and interests to carry out the direction of the Board of Supervisors.

Sincerely,

T. R. FLINN
Director of Public Works

TRF:CML:to
WR-8D071-T2A

c: Board Clerk
May 13, 2008 Agenda

BEFORE THE BOARD OF SUPERVISORS OF THE SAN JOAQUIN COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
STATE OF CALIFORNIA

RESOLUTION

R-08-269

RESOLUTION OPPOSING THE DELTA VISION
BLUE RIBBON TASK FORCE RECOMMENDATIONS
FOR THE SACRAMENTO-SAN JOAQUIN RIVER DELTA

- - - - -

WHEREAS, on September 28, 2006 under Executive Order S-17-06, Governor Arnold Schwarzenegger established the Delta Vision Committee, a Blue Ribbon Task Force and Stakeholder Coordination Group to help develop a durable vision for sustainable management of the Delta with the goal of 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; and,

WHEREAS, the planning process has progressed to the point where, on November 30, 2007, the Task Force released their Delta Vision Report (Report) entitled, "Our Vision for the California Delta." In the report it describes both short- and long-term recommendations that propose changes to a wide array of issues affecting the Delta including water supply, water quality, flood control, land use, habitat, and local governance; and,

WHEREAS, while this planning effort together with the several Report recommendations has outlined ideas that may allow the Delta to meet future beneficial needs in a sustainable way, it also supports and calls for the studies, modeling, investigations, and potential development of an isolated water conveyance facility, Peripheral Canal singularly or as a part of a dual conveyance system; and,

WHEREAS, the construction and operation of a Peripheral Canal or a similar facility would require the taking of prime agricultural land and possibly urban areas for the construction of the canal itself and the loss of additional acreage from seepage from that canal, will cause severance damage to additional prime agricultural land, will sever and impair utilities and local road systems, will create significant new flood dangers to agricultural lands and urban areas within the City of Stockton and San Joaquin County, will adversely affect the water rights of water users within San Joaquin County, will circumvent the Delta common pool, and will seriously impair Delta water quality and an adequate supply for all beneficial uses, and the protection of endangered fish populations, wildlife, and other recreational resources within the County; and,

WHEREAS, given the fact that the Report acknowledges on page 13 that there is not currently sufficient information to determine whether an isolated facility, dual conveyance system or through-Delta conveyance is the best solution for the Delta, the recommendation on page 14 of the Report that an "assessment of a dual conveyance system proceed as the preferred direction" cannot be supported; and,

WHEREAS, San Joaquin County is concerned that the Seventh Principle of the Report, which provides that a "revitalized Delta ecosystem may require reduced diversions, or changes in patterns of diversion upstream, within and exported from the Delta," does not specifically consider and respect California's water right priority system and statutory protections for watershed protection areas and areas of origin; and,

WHEREAS, San Joaquin County is concerned that the Report considers upstream diversions and diversions within the Delta for local use as a problem to be addressed when these uses must be included within the Delta ecosystem that the State must strive to protect the County from the adverse impacts of Delta exports; and,

WHEREAS, San Joaquin County is concerned that the Report focuses on the Public Trust Doctrine as principles of State law to be recognized, while ignoring other equally important principles of State law, including, but not limited to, the water right priority system, and the protection of areas of origin and watershed protection areas; and,

WHEREAS, other more practical alternatives exist as outlined under a locally-supported proposal for greater regional self-sufficiency than a Peripheral Canal that can be constructed more rapidly at substantially less cost and will not create the destruction and problems that would be created by an isolated water conveyance facility; and,

WHEREAS, the State of California Water Plan has also promoted the need for more integrated and regionally-focused water resource solutions including greater efficiency in the use of available surface supplies, expansion of conjunctive use programs, better management of groundwater resources, desalination, conservation and recycling to establish greater self-sufficiency in areas of the State that rely on imported water supplies; and,

WHEREAS, the Blue Ribbon Task Force has apparently pre-supposed the need for a Peripheral Canal, isolated or dual conveyance facility in the Delta despite the lack of consideration for other more viable alternatives and without sound science and technical analysis needed for an informed decision. County representatives have worked cooperatively with Delta interests and other local water agencies to inform the Delta Vision process of other more viable alternatives with only limited success; and,

WHEREAS, on April 16, 2008, the 19-member agency San Joaquin County Flood Control and Water Conservation District Advisory Water Commission voted unanimously to recommend approval of this resolution.

NOW THEREFORE, BE IT RESOLVED that the San Joaquin County Board of Supervisors does not support the Blue Ribbon Task Force's Delta Vision Report recommendations and the continued strategic planning process so long as this effort supports and promotes the development of a Peripheral Canal or any other isolated water conveyance facility in the Delta; and hereby urges the following:

1. That the Sacramento-San Joaquin River Delta, not California Delta as listed in the Report, be sustained as a unique and valued area, warranting continued investment, preservation, maintenance and special legal protections wherein the State must adopt explicitly in policy that the over-arching goal is the continuous and simultaneous improvement in health of the Delta, the Bay/Delta Estuary and other Northern California tributaries through improved water supply,

reliability, water quality, and flood protection by sustaining priorities for the Delta, areas of origin and other watershed protection areas in California.

2. That the priority for meeting the needs in the Delta and Northern California tributaries from which water is exported should be acknowledged and forthrightly honored by both the Central Valley Project and State Water Project to comply with the San Joaquin River, Watershed and Delta Protection Statutes and the continuation of the Delta as a common pool to the maximum extent possible for all local beneficial uses and export as described in Water Code Section 12200 et seq.

3. That in order for the recommendations in the Report to be consistent with the technical findings acknowledged in the Report, the Task Force should also recommend assessment of Through-Delta conveyance.

4. That regardless of what Delta improvements are ultimately supported by the State, any Delta improvements must acknowledge that water users and interests within San Joaquin County are entitled to priority water use and protection from exports under existing California law, and insure that State actions are consistent with those rights and protections.

5. That the foundation for recommendations by the Report for any new water resource policy must: 1) recognize the priority for the water needs in the Delta and other areas of origin and watershed protection areas; 2) provide for the protection of California's water rights priority system; 3) provide for Delta salinity control; and 4) recognize the established fundamentals of California water law wherein the California State Constitution Article X, Section 2 prohibits waste, unreasonable use, and unreasonable method of use of water resources and it further provides that "the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare."

6. That future water supplies for the State of California be developed through greater regional self-sufficiency as prescribed by "A Water Plan for the 21st Century: Regional Self-Sufficiency" to include increased conservation, recycling, efficiency, conjunctive use, desalination, surface and groundwater storage and reclamation.

7. That the State set a priority to support self-sufficiency through improved Integrated Regional Water Management planning and implementation activities throughout the State to develop and utilize local water storage for the capture and management of available flood waters or other projects for improved conjunctive use, recharge, banking and groundwater storage in California.

8. That Delta levees be strengthened and operable gates or other facilities installed at strategic locations to improve future Delta sustainability, urban flood protection, ecosystem integrity, agricultural health and facilitate recovery from seismic or other emergency to optimize through-Delta conveyance and work in cooperation with other agencies to develop additional supplies to address the needs for the entire State.

9. That the primary and secondary boundaries of the Delta remain as established under California law and that any new governance proposal in the Report must first recognize and support: 1) the vested private property rights of land owners and the constitutionally recognized land use controls of local governments that encompass the Delta; 2) provide for

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the protection of California's water rights priority system; and 3) provide for the protection of watershed protection and area of origin rights.

NOW THEREFORE, BE IT FURTHER RESOLVED that in conjunction with these declarations, the San Joaquin County Board of Supervisors further urges recognition of the following:

1. That the failure of the State Water Project to develop the promised 5 million acre-feet of supplemental water supply for California from North Coast rivers, as listed in Department of Water Resources Bulletin 76, limits the export of only surplus water from the Delta to periods and times when senior water rights, areas of origin and other beneficial uses are not adversely impacted.

2. That the San Joaquin River should also be recognized as a unique and valued watershed to be restored and protected as a vital element of a healthy Delta to provide for the reestablishment of sufficient in-stream flows for all beneficial uses and fishery habitat from the Friant Dam to the Delta.

3. That a long-term sustainable drainage solution in the San Joaquin Valley that incorporates ocean outfall must be implemented so agricultural tail water and groundwater accretions high in salinity from lands in the Westside Service Area, Grasslands and wildlife refuges does not drain into the San Joaquin River. This solution should result in the preservation of our valued agriculture economy in the Valley and in greater regional water supply, improved water quality and sustainability through the conservation of hundreds of thousands of acre-feet of water released annually from the Stanislaus River or other Eastside tributaries to comply with the Vernalis and South Delta Salinity Standards.

PASSED AND ADOPTED **5/13/08**, by the following vote of the Board of Supervisors, to wit:

AYES: **Ruhstaller, Ornellas, Gutierrez, Mow, Vogel**

NOES: **None**

ABSENT: **None**

ATTEST: LOIS M. SAHYOUN
Clerk of the Board of Supervisors
of the County of San Joaquin,
State of California

By _____
Deputy Clerk

Ken Vogel
KEN VOGEL, Chairman
Board of Supervisors
of the San Joaquin County Flood Control
and Water Conservation District,
State of California

WR-8D071-T3