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December 5, 2008

Secretary Mike Chrisman, Chair
Delta Vision Committee
Resources Agency
1419 9th Street, Suite 1311
Sacramento, CA 95814

Dear Secretary Chrisman:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I am pleased to submit for consideration by the Delta Vision Committee (Committee) comments on the Delta Vision Committee Discussion Document (Discussion Document) dated November 25, 2008. As you know, RCRC has been an active participant in the Delta Vision process, submitting written comments to the Delta Vision Task Force (Task Force) on six occasions on both the Vision and the Delta Vision Task Force Strategic Plan (Strategic Plan), as well as verbal comments at various Task Force meetings. RCRC has also submitted to the Committee preliminary recommendations on implementation dated November 4, 2008.

Conveyance/Water Storage/Water Bond/Co-Equal Goals

The Discussion Document proposes, among other things, to complete the Bay-Delta Conservation Plan (BDGP), complete analyses of CALFED surface storage investigations, and work with the Legislature to place a comprehensive water bond on the next statewide ballot. The Discussion Document also recognizes the Task Force recommendation as it relates to the co-equal goals of ecosystem restoration and increased water supply reliability, and proposes to move forward with conveyance improvements and associated ecosystem restoration.

The proposed new water storage and new/improved water conveyance carry forward the policies of state water development of which the areas/counties/watersheds of origin statutes were integral parts. Express recognition and reiteration that the future water needs for water in the counties and watersheds in which this water originates will not be jeopardized is as essential to contemporary water resources planning as it was to the original California Water Plan.

As RCRC has previously stated in comments to the Task Force, RCRC does not disagree with the co-equal goals as “goals” but RCRC is concerned with the potential negative impacts on areas outside of the Delta given the “Delta-centric” nature of the Task Force recommendations.

The Senator Feinstein-Governor Schwarzenegger water bond proposal dated July 9, 2008 recognized the importance of area-of-origin assurances and included the following italicized language:

79717. *Nothing in this division shall limit or otherwise affect the application of Sections 10505, 10505.5, 11128, 11460, 11461, 11462, 11463, and Sections 12200 through 12220, inclusive.*

79730. (a) *Future management of the delta must improve delta ecosystem health and improve the means of delta water conveyance in order to protect drinking water quality, improve water supply reliability, restore ecosystem health, and preserve agricultural and recreational values in the delta, while providing to counties and watersheds of origin assurances that their priority to water resources will be protected and that programs or facilities implemented or constructed in the delta will not result in redirection of unmitigated, significant adverse impacts to the counties and watershed of origin.*

RCRC Comments

RCRC urges the Committee to include in their submittal to the Governor and the Legislature area of origin assurances. RCRC submits the following two statements for Committee consideration, and requests that they be incorporated in the Committee recommendations:

“The co-equal goals of Delta Vision are restoration of the Sacramento-San Joaquin Delta ecosystem and assurance of a reliable water supply for all reasonable and beneficial uses in California. Actions undertaken to achieve these co-equal goals shall be consistent with California water rights law, including Article X, Section 2 of the California Constitution, the public trust, and the area-of-origin statutes, and all federal and state laws that protect water quality, endangered species, and other beneficial uses of the waters of the State.”

“Future management of the delta must improve delta ecosystem health and improve the means of delta water conveyance in order to protect drinking water quality, improve water supply reliability, restore ecosystem health, and preserve agricultural and recreational values in the delta, while providing to counties and watersheds of origin assurances that their priority to water resources will be protected and that programs or facilities implemented or constructed in the delta will not result in redirection of unmitigated, significant adverse impacts to the counties and watershed of origin.”

Governance/Delta Plan/Funding

The Discussion document proposes to establish the Delta Policy Group as the interim governance entity, and to request that the Legislature establish a long-term governance entity as a successor to the Policy Group. This successor entity would be responsible for ensuring consistency of state, federal and local government agencies through development of the Delta Plan that meets the requirements of the Coastal Zone Management Act.

The enforceable Delta Plan would address major issues of strategic levee investments, ecosystem restoration, infrastructure and accommodation for projected seas level rise, and other climate changes.

Also under consideration is a recommendation to provide authority to the governance entity for statewide or regional water supply and environmental resource protection fees. These fees are proposed to support the core resource management activities of the Department of Fish and Game, the Department of Water Resources, and the State Water boards as well as activities consistent with the Delta Plan.

RCRC Comments

RCRC does not support the creation of a complex and costly governance structure including the creation of another layer of bureaucracy i.e. the Task Force proposed California Delta Ecosystem and Water (CDEW) Council with overreaching powers. Instead, RCRC believes that decision making and funding decisions should be carried out by the designated implementing agencies under their existing (or new if needed) authorities with clear direction provided by the Administration and the Legislature. RCRC therefore supports the Delta Policy Group (composed of the Secretary for Resources; Secretary of Food and Agriculture; Secretary for Business, transportation and Housing; Secretary for the California Environmental Protection Agency; Director of the Department of Water Resources; Director of the Department of Fish and Game, Director of the California Bay Delta Authority; and, Chair of the State Water Resources Control Board) assuming the governance role for the long-term.

RCRC has previously indicated our opposition to the creation of the legally enforceable CDEW Plan proposed by the Task Force, with our opposition stemming from the "Delta-centric" nature of the Task Force's recommendations, the proposed scope of the CDEW Plan, and the Task Force proposed overreaching authority for the proposed CDEW Council. RCRC requests clarification relative to the scope of the Committee envisioned "Delta Plan". If the Delta Policy Group is the long-term governance entity, the scope of the Delta Plan is clearly defined to include specific activities within the Delta, the Delta Plan is developed in cooperation with the Delta cities and counties, and appropriate assurances (no redirection of unmitigated, significant adverse impacts to the counties and watersheds of origin) are provided, RCRC would not oppose the creation of a Delta Plan.

As it relates to potential new fees, RCRC strongly believes there must be clear linkages between financing sources and the benefits received.

In conclusion, RCRC appreciates the opportunity to provide our perspective. Please feel free to contact me at (916) 447-4806 or kmannion@rcrcnet.org if you have any questions or comments.

Sincerely,



Kathy Mannion

cc: Secretary Linda Adams, Cal-EPA
Secretary A.G. Kawamura, Department of Food and Agriculture
Secretary Dale Bonner, Business, Transportation and Housing Agency
President Michael Peevey, Public Utilities Commission
John Moffatt, Deputy Legislative Secretary, Office of the Governor
Director Lester Snow, Department of Water Resources
Director Joe Grindstaff, CALFED Bay Delta Program