

# Public Water Coalition of California

February 20, 2009

Hon. Mike Chrisman  
Secretary for Resources  
Chair, Delta Vision Committee  
650 Capitol Mall  
Sacramento, CA 95814

## **RE: Comments on Adopted Delta Vision Committee Implementation Report**

Dear Secretary Chrisman:

The Coalition applauds the Committee for concluding the Delta Vision process within the Governor's aggressive time frame. Your work and that of the Blue Ribbon Task Force have significantly advanced the discussion on California water policy and laid out a thoughtful agenda for the future. We especially thank the Committee for recognizing in its Implementation Report that resolving California's primary water conflict requires water-conveyance improvements in the Delta and additional storage. We also concur with establishment of an Interim Delta Policy Group to further evaluate governance needs, rather than creating a new Council. In addition, we share your desire for a much more rigorous assessment of the potential use of a Coastal Zone Management Act structure to promote federal conformance with implementation efforts.

As we conveyed in our December 22, 2008 letter to you, we look forward to working with implementing agencies, other stakeholders, and the Legislature to refine and improve the Committee's recommendations related to the issues with which we have continuing concerns, as briefly summarized below.

- **Water Rights**

As the Implementation Report indicated, the existing water rights system (including area of origin principles) should remain intact, without fundamental modifications. To be consistent with this system, any regulatory action intended to improve Delta conditions must be supported by evidence and findings that prove the activities of affected water users have contributed to the relevant ecosystem problem and the proposed action's impact on each water user is proportional to that user's contribution to that problem.

- **Delta Conservancy**

The Coalition agrees that a Delta Conservancy is necessary. The governing structure for the Conservancy will need to be established in the legislation creating the Conservancy.

- **Flow and Water Quality Standards**

Consideration of any new flow and water quality standards must a) be based on peer reviewed science with a clearly defined correlation between the proposed standard and the desired result, b) identify water-supply reliability impacts and c) be consistent with the co-equal goals of restoring the Delta ecosystem and creating a more reliable water supply for California. Moreover, the determination of such standards must be undertaken

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by the State Water Resources Control Board (SWRCB), through its public processes, and not in some newly established forum.

- **Policy Group**

The proposed Interim Delta Policy Group will coordinate existing agencies' activities, including the SWRCB. However, there must be a clear separation between the SWRCB's Policy Group role and the exercise of its regulatory authorities.

- **Diversion Data**

We agree this data should be reported electronically to maximize its utility. Because substantial amounts of electronic diversion data currently exist, but are not well-organized, organizing and optimizing existing electronic databases must occur while, or ideally before, reporting programs are expanded.

- **Regional Water Conservation**

Efforts to achieve water use reduction goals must recognize that characteristics unique to each region and locality – e.g. climate, soils, hydrology, prior water-supply investments, mix of economic activity and existing reuses of water – will determine the parameters and needs of an effective and practical conservation program. Actions to achieve agricultural water conservation goals must further recognize that market conditions, are the primary drivers of farmers' cropping choices. Consistent with existing law, water conservation programs must recognize that resulting water supply benefits are to be first available to the conserving community.

- **Funding and Fees**

Fees on specific water users may be appropriate to fund specific programs that are demonstrated to benefit those water users, provided nexus and proportionality exist. For example, Coalition members who would benefit from improved Delta conveyance intend to contribute to its construction. Fees for general state or federal agency activities, however, are not appropriate and would trigger significant opposition and resistance.

- **Codifying Co-Equal Goals**

Statutes governing improved Delta conveyance and funding could include the co-equal goals of a vital Delta ecosystem and improved water quality and supplies. However, these goals should not be inserted into the Water Code generally because many water uses bear little or no relation to the Delta and because Article X, section two, of the California Constitution already states "reasonable use" as an overriding principle of water law. In addition, the common law public trust doctrine is well established to address environmental concerns in the public interest.

- **Delta Plan**

The role and content of the Committee's Delta Plan proposal are not clear. Any such plan must be consistent with the Bay-Delta Conservation Plan that is presently being developed.

- **Water Rights Accountability**

The SWRCB must coordinate with interested parties to develop means of streamlining its processes. Coalition members are committed to working with the SWRCB on this efficiency improvement.

- **Scope of Ecosystem Measures**

Ecosystem initiatives must recognize that all Delta stressors are relevant and should be addressed as quickly as possible. State agencies must aggressively pursue efforts to control non-native species such as striped and black bass -- predators of listed native species like delta smelt.

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• **Water Pricing**

Consistent with Proposition 218 and statewide conservation goals, local agencies must continue to be able to develop water pricing that recoups their costs, supports local and regional water management objectives, and accounts for revenue loss from cost-effective conservation programs reflecting their unique circumstances.

• **Coordination to Expedite Water-Saving Projects**

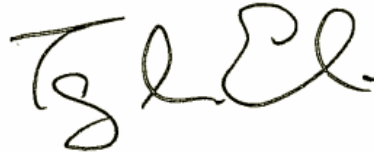
Consistent with Article X, section two's "reasonable use" requirement, water agencies already seek to optimize the utility of their water supplies to meet multiple purposes. To the extent water agencies are expected to redouble these efforts, legislation and state-agency coordination must assist in pursuing related projects expeditiously and in a cost-effective manner.

Again, thank you, your fellow Committee members, and your staff for your valuable work developing recommendations targeted on resolving these complex issues. We look forward to working with you in moving this process forward, and in so doing, securing California's water future.

Sincerely,



Donn Zea  
President & CEO  
Northern California Water Association



Terry Erlewine  
General Manager  
State Water Contractors



Allen Short  
San Joaquin River Group Authority



Daniel G. Nelson  
Executive Director  
San Luis & Delta- Mendota Water Authority

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