



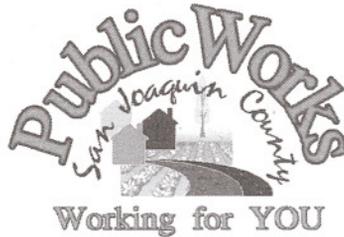
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August 4, 2008

Mr. John Kirlin, Executive Director  
Delta Vision Blue Ribbon Task Force  
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**SUBJECT: OPPOSITION TO DELTA VISION BLUE RIBBON TASK FORCE STRATEGIC PLAN SECOND STAFF DRAFT**

Over the past several months, the San Joaquin County Board of Supervisors has taken actions in response to your Delta Vision process. Specifically, by Resolution R-08-269, the Board expressed numerous concerns as to the content of your Delta Vision Report of November 2007, and, by adoption of Resolution R-08-363, joined with the other four Counties of the Delta (Contra Costa, Sacramento, Solano, and Yolo) to set forth a statement of principles regarding impacts to the Delta. The concerns and recommendations listed below are crafted around the concepts in the cited Resolutions.

After preliminary review of the Second Staff Draft of the Delta Vision Strategic Plan, San Joaquin County has significant concerns and questions regarding the proposed actions embodied in that document. Due to the short time-frame imposed by the Delta Vision Blue Ribbon Task Force (Task Force) for response to the latest Draft, and because of the preliminary nature of the Task Force's proposed actions, a complete response is not possible. Accordingly, the County will continue to review this Draft, and subsequent drafts, and respond further.

As to the latest Draft, however, the County objects to the apparent preconceived notion that an isolated or dual conveyance system must move forward without a complete and thorough analysis of the impacts of such a system on the Delta, especially when the proposed actions appear to ignore the system of water appropriation and water rights administration developed in the State. The proposed actions do not appear to ensure and promote the idea of local self governance, which is embodied in our State law.

The Plan notes the fact that "with respect to the ecosystem, enforcement of laws and regulations is driven more by court decisions...". We concur this is the case, but it should be noted that it has been driven by forces that see the Delta as a resource rather than an area to be protected. The Plan also cites "inappropriate urbanization" of the Delta; this needs further explanation and justification. It appears that the State is attempting to solve a problem which does not exist.

OPPOSITION TO DELTA VISION  
STRATEGIC PLAN SECOND STAFF DRAFT

This County, along with the Counties of Contra Costa, Sacramento, Solano and Yolo, believe that any actions proposed by the Task Force must adhere to the principles embodied in a Joint Resolution adopted by all these Counties, which principles are as follows:

1. Protect and improve water quality and water quantity in the Delta region and maintain appropriate Delta outflow for a healthy estuary;
2. Protect the existing water right priority system and legislative protections established for the Delta;
3. Respect and safeguard Delta Counties' responsibilities related to land use, water resources, flood management, tax revenues, public health and safety, economic development, agricultural stability, recreation, and environmental protection in any new Delta governance structures;
4. Represent and include local government in any new governance structures for the Delta;
5. Protect the economic viability of agriculture and the ongoing vitality of communities in the Delta;
6. Support rehabilitation, improvement, and maintenance of levees throughout the Delta;
7. Support the Delta pool concept, in which the common resource provides quality freshwater supply to all Delta users, requiring mutual responsibility to maintain, restore, and protect the common resource;
8. Support immediate improvements to through-Delta conveyance;
9. Require that any water conveyance plan for the Delta be aligned with the principles established by this Resolution and supported by clearly demonstrated improvement of the entire State's water management;
10. Protect and restore the Delta ecosystem, including adequate water supply and quality to support it in perpetuity; and
11. Include the study of storage options and implementation of conservation, recycling, reuse, and regional self-sufficiency as part of a Statewide improved flood management and water supply system.

Additionally, and without prejudicing this County's opportunity to continue to respond after further review of the Task Force's latest Draft, the County wishes to make the following observations regarding the proposed Strategies and Actions, with specific focus on the Governance and Finance element:

**Strategy 1: Create a multi-part governance structure, with a California Delta Ecosystem and Water Council, a strengthened Delta Protection Commission, a Delta conservancy, and a Delta Science and Engineering Board. The Council will develop and adopt the California Delta Ecosystem and Water Plan, and will have ongoing responsibility for its implementation.**

- It is not clear how this structure will be any more successful than was CalFed. This is a complicated structure with many potential points of conflict.
- We have a high level of concern as to the relationship of this new Council to the existing local agencies responsibilities and authorities. Another layer of government is not needed. This is not detailed or clearly explained and potentially establishes an element of governance without adequate representation of those citizens living within the Delta or with specific property interests.
- Delta as a Place should be included as one of the values of the Council.

*Action 1.1: Create a California Delta Ecosystem and Water Council to govern the co-equal values of healthy estuarine ecosystem function and a reliable water supply, and to approve policies for enhancing the Delta as a place.*

- Representatives should include a significant representation from in-Delta residents, local agencies and related interests.
- Exporters of water from the Delta should be limited in their influence in this Council.
- The authority of this Council should be limited to the Primary Zone of the Delta only.
- The need for this Council to be "quasi-legislative" should be explained and justified.

*Action 1.2: Refine the capacity of the Delta Protection Commission to govern land use and promote economic development in the Delta Region.*

- The authority of the Delta Protection Commission should not be expanded beyond the Primary Zone.
- The Delta Protection Commission should coordinate land use, not govern it.
- One of the basic strategies of the plan is a "strengthened Delta Protection Commission". Why is this necessary? What problems would be solved in such a structure?
- It is not clear as to why compatibility with the Coastal Zone Management Act is necessary. This idea needs to be either justified, or eliminated.
- The appeal function should be retained by the Delta Protection Commission.
- The State's interests in the lower San Joaquin River floodplain should be detailed and explained.
- The economic development component is better managed by local entities that have a direct interest in such activities, and which are better equipped to deal with such issues.

*Action 1.3: Create a California Delta Conservancy to undertake ecosystem restoration and enhancement projects and conduct other activities in support of the California Delta Ecosystem and Water Plan, and to coordinate effectively with non-governmental organizations, businesses, property owners, and all units of government.*

- This Conservancy needs local representation.
- Property acquisition should be voluntary only.
- Please explain in detail the meaning and the intent of the phrase “incentives and support for private interests”.

*Action 1.4: Create a Delta Operations Team and a California Water Utility to manage Delta Water flows and the State Water Project in concert with Central Valley Project operating guidelines and measures.*

- Since the Operations Team will have control of water within the estuary, and will thus have impacts on in-Delta users, local representation on this Team is essential. The Team should also be charged with satisfying the existing in-Delta needs and adhering to the legal rights of persons and entities with interests in the Delta.
- How will the Operations Team control inflow into the Delta; what will be the impact on upstream water rights?
- Please explain in detail how this Water Utility will relate to flood control. Will this Utility assume responsibility for all flood control activities within the Delta?
- If the Water Utility will assume responsibility for the management of the State Water Project and the Central Valley Project, what systems will the State Department of Water Resources manage?

*Action 1.5: Create a Delta Science Program and a Delta Science and Engineering Board to support the Council in pursuit of the co-equal goals, and to design and oversee the adaptive management plan (see Action 1.6)*

- Membership on the Panel should involve individuals from the Delta who have a local working knowledge of the science and issues in the Delta.

*Action 1.6: Develop a robust, science-based adaptive management program that enables frequent management adjustments in response to changing Delta conditions.*

- Any actions under this item must fully address concerns and rights of in-Delta property owners and existing activities.
- All financial impacts, both short and long-term, as well as both private and public, must be fully mitigated.

*Action 2.1: Develop a legally binding California Delta Ecosystem and Water Plan to establish a detailed management structure for attainment of the co-equal goals as well as identified land use issues in the Delta region.*

- Local and in-Delta interests need to be included in the functions.

- What is meant by a "legally binding" plan? What special provisions does this envision?
- The State interests in flood control and floodplain management in the Delta and beyond need to be detailed.

*Action 2.3: Improve the compliance of the diversion and use of water with all applicable laws and regulations.*

- This should be a State-wide issue, not just focused on the Delta.
- The Regional Water Quality Control Board is not presently enforcing water quality standards in the south Delta. Such enforcement should be required by this action.

**Strategy 3: Finance the activities called for in the CDEW Plan by creating effective and transparent revenue-generation mechanisms that reflect the true value of resources and are linked to value-creation for beneficiaries and future generations of Californians.**

Does this item propose that those existing Delta watershed water right holders be taxed, or otherwise charged or assessed to finance delivery of water to those downstream of the Delta? Has an adequate evaluation of costs been performed to review other less costly methods of furnishing water to those downstream of the Delta?

Based on a preliminary review of the latest Draft produced by the Task Force, we are very concerned that the Delta Vision Blue Ribbon Task Force is proposing to fundamentally change the system of governance in the Delta to the detriment of the people and interests represented by the Delta Counties. Nowhere in the proposed strategies and actions is the precise and practical effect of these strategies and actions spelled out with sufficient particularity. How the proposed strategies and actions deal with local land use authority, water rights, property interests, habitat and resource management, emergency response must be explained in detail so that this County, and the people governed in this County, can understand exactly what is being changed and at what cost. Until that happens, this County, and the other Counties in the Delta, cannot reasonably begin to work toward solutions to the Delta's problems.

Sincerely,



T. R. FLINN  
Director of Public Works

TRF:NE  
SJC OPPOSITION TO DVBRTF.DOC

c: Board of Supervisors  
Manuel Lopez, County Administrator  
David Wooten, County Counsel