

Q & A: Bay Delta Conservation Plan—What It Means to EID

EID's Communications and Community Relations Director, Mary Lynn Carlton talks with EID Deputy General Counsel Brian Poulsen (far left) and General Counsel Tom Cumpston

I have heard a lot about the Bay Delta Conservation Plan (BDCP) lately. Can you tell me about it?

The BDCP is a habitat conservation plan and natural communities conservation plan under the federal Endangered Species Act and the California Natural Communities Conservation Planning Act, respectively. When completed, the BDCP would provide the basis for the issuance of endangered species permits for the operation of the state and federal water projects that pump water out of the Delta and export it to other parts of the state. The heart of the BDCP is a long-term (50-year) conservation strategy that sets forth actions needed for (1) ecosystem restoration in the Delta, and (2) water supply reliability for those that export water from the Delta. These are known as the “co-equal goals.”

Who is participating in the development the BDCP?

The BDCP is being prepared collaboratively by state, federal, and local water agencies, state and federal fish and wildlife agencies, environmental organizations, and other interested parties. As an upstream water agency that has senior, area-of-origin water rights, EID is actively monitoring the development of the BDCP. We routinely, along with other similar agencies, comment on aspects of the BDCP that may affect EID's water rights and other interests.

Why does the District have to be concerned about the BDCP? We're a long way from the Delta.

The two co-equal goals of the BDCP—restoration of the Delta ecosystem and water supply reliability for Delta exporters—have the potential to adversely impact upstream users, like EID, in the mountain counties. Upstream users are concerned about the prospect of having to raise water rates for their customers to fund ecosystem repair in the Delta. We are also concerned about being required to reduce our water diversions or release water from our reservoirs to provide additional flows in and through the Delta. Such requirements could significantly decrease EID's present and future water supplies, and drastically reduce EID's hydropower generation. They could also degrade the environment locally, harm agriculture, and adversely impact regional recreation and tourism.

Could the District lose any water rights with this plan?

That is certainly a major concern to us and other upstream water users. The issue is that by requiring EID to forego diversion and use of water in order to provide more water for the Delta's needs, EID would essentially be deprived of our senior water rights for the benefit of junior water rights holders who divert water from the Delta.

Why is the BDCP being developed and why is this situation in the Delta considered such a crisis? The Delta operates as the central “hub” of infrastructure that conveys water from



California's water-rich areas, like the mountain counties, to its water-poor areas, like southern California. The sustained export of water out of the Delta over the past half-century, along with other factors like the physical alteration of the Delta, the introduction of non-native predator species, and the degradation of water quality, have led to a dramatic decline in fish species native to the Delta estuary.

Consequently, litigation in recent years has restricted the amount of water exported from the Delta in order to protect the Delta ecosystem. These two factors—the decline of the Delta's ecosystem and the restriction of Delta water exports—prompted the present efforts to restore the Delta ecosystem and increase water supply reliability through the BDCP.

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— Tom Cumpston

What is the status of the development of the BDCP right now?

The BDCP has been under development since 2006, and is scheduled for completion by 2013. A draft environmental impact review/study is scheduled for release by July 2012, and will be available for public review and comment. Present versions of the BDCP include recommendations for an alternative conveyance system to move water around, rather than through, the Delta and for the creation of over 100,000 acres of fish and wildlife habitat. As mentioned earlier, this plan would then be implemented over the next 50 years. BDCP participants have released more than 10,000 pages of analysis and information related to the habitat conservation plan. Although no preferred alternative has been identified yet, the draft plan will be subject to an independent science review soon.

Who will fund this plan? The finance plan for the BDCP is based on the following key tenants: “beneficiaries” (those who benefit from the water resources of the Delta and its watershed) should pay for the benefits they receive and “stressors” (those whose actions adversely affect the Delta ecosystem) should pay for the stresses they place on the ecosystem. Water agencies that would benefit from an alternative conveyance facility (for example, tunnels under the Delta) have expressed their willingness to pay for construction of that facility. Of concern to EID and other upstream water users, however, is that upstream water users will be identified as stressors and will be required to pay, and/or provide water, for habitat restoration.

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Is the District doing anything proactive to shape the outcome of the BDCP?

Yes, the District is part of a regional water resources coalition called the North State Water Alliance, whose mission is to lobby, advocate and influence statewide policies that have the potential to severely impact water rights and resources, especially in the mountain counties and other areas of origin. We are hopeful that through our efforts, we will be able to have a positive impact on the plan and other Delta planning efforts, in order to protect our water rights.

What other Delta planning efforts are underway?

Legislation in 2009 created the Delta Stewardship Council, and tasked it with creating a Delta Plan that is also intended to meet the co-equal goals of Delta ecosystem restoration and a reliable water supply. The Delta Plan was scheduled to be completed last January 1, but it has fallen behind schedule. Five of seven successive draft plans and a 2,000-page draft

environmental impact report have been released for public review and comment. As with the BDCP, EID is actively participating in the Delta Plan's development, both individually and as part of several broader coalitions. We are particularly concerned that the final Delta Plan will reach far beyond the Delta itself to likewise threaten EID's ability to maintain and enhance its water rights, and to impose costs on our customers to mitigate Delta conditions we are not responsible for.

Is there anything else underway that could affect our water rights and business? The proposed State Water Bond would also affect the Delta and our local interests, although it looks like a vote on that bond will again be postponed past this November. The Delta Plan and the State Water Bond are both topics that deserve their own separate conversations. Perhaps we can have those talks sometime in the near future.