

Mountain Counties view status of Delta water plans

By Roberta Long
MCWRA writer

High-ranking representatives of state and federal water agencies came to the June 19 joint program of Mountain Counties Water Resources Association (Mountain Counties) and the Association of County Water Agencies (ACWA) to talk about the status of the two largest water plans proposed in California for decades. There were approximately 100 people that attended this program, which was held at The Ridge Golf Course and Events Center in Auburn.

The Bay Delta Conservation Plan (BDCP) is part of the California Natural Resources Agency. The Delta Plan is the charge of the Delta Stewardship Council, an independent agency. The two plans are separate types of water plans, but there is a connection. The BDCP addresses endangered and threatened species in the Sacramento San Joaquin Bay Delta and the unreliability of water deliveries from the State Water Project and Central Valley Project. It has regulatory and permitting authority.

The Delta Plan is a legally enforceable comprehensive management plan for the Delta. By statute, its co-equal goals are: 1) to provide a more reliable water supply for California; and 2) to protect, restore, and enhance the Delta ecosystem in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

The role of the Delta Stewardship Council is chiefly oversight and coordination, with some appellate authority.

The BDCP and Delta Plan, along with their accompanying Environmental Impact Reports/Environmental Impact Statements (EIR/EIS) have been in process for the past few years. Early BDCP began in 2009 under a Steering Committee. The Delta Stewardship Council started work on the Delta Plan in 2010.

The BDCP will be incorporated into the Delta Plan, and eligible for state funding, when it is approved by the Department of Fish and Wildlife as a Natural Community Conservation Plan, and approved as a Habitat Conservation Plan by the federal fish agencies, Fish and Wildlife Service and National Marine Fisheries Service.

The task of following, understanding and commenting on the four complex documents with respect to possible impacts on mountain counties' water rights, management of their watersheds, and maintenance and construction of their infrastructure has required careful vigilance by Mountain Counties and its members.

The Bay Delta Conservation Plan

The Bay Delta Conservation Plan is being developed under the California Natural Resources Agency. The intent for the plan is to change the way water is diverted from the Delta to better protect fish. It ties future water deliveries to the health of the Delta's fish and wildlife populations. It carries regulatory authority.

Under the federal Endangered Species Act, the BDCP creates a comprehensive Habitat Conservation Plan (HCP). The HCP is integrated with a Natural Community Conservation Plan under California's Natural Community Conservation Planning Act. The BDCP has a 50-year timeframe during which a number of agencies and organizations will carry out their specific roles and responsibilities using adaptive management.

Between March 14 and May 29, the lead agencies (U.S Department of Interior, U.S Department of Reclamation, California Natural Resources Agency and California Department of Water Resources) published the 12 chapters of the public draft Bay Delta Conservation Plan and the consultant administrative draft EIR/EIS on the BDCP. That document contains 35 chapters in 20,000 pages.

Comments will be accepted following the formal public review period, and written responses will be part of the Final BDCP and Final EIR/EIS. An Executive Summary will be available with the Public Draft EIR/EIS, scheduled for release by Oct. 1.

The end of the plan process, when the federal Final Record of Decision and state Notice of Decision are published, is targeted for around April 2014.

The Delta Plan

Three years, eight drafts, nearly 100 public meetings, and almost 10,000 comments led to the adoption of the Delta Plan by the Delta Stewardship Council on May 16. At the same meeting, the Council certified the final Programmatic Environmental Impact Report and adopted regulations to implement the policies of the plan. The Delta Plan contains 14 enforceable regulatory policies and 73 non-binding recommendations.

With the BDCP taking charge of the conveyance question and restoration of Delta habitats, the Delta Plan implementation will address other actions, including improved efficiency, more storage, the development of other local water supplies, protection of Delta farmlands and communities, and improvement of Delta levees.

The Office of Administrative Law has to approve the Delta Stewardship Council's package of proposed regulations and Statement of Reason and submit them to the Secretary of State in order for the policies to become enforceable regulations. That action is anticipated before Oct. 1.

The Council is in the process of morphing from planning to implementation. An Implementation Committee made up of state and federal agencies that are responsible for the actions proposed in the Delta Plan will oversee the transition.

In the meantime, seven lawsuits against the Plan were filed by organizations, agencies and individuals. Under the California Environmental Quality Act, parties are given 30 days following adoption of the Plan to file suit.

Tim Quinn, Executive Director, Association of County Water Agencies

Quinn said that ACWA views the completion of the Delta Plan as good news. He said that California needs statewide solutions that take into account multiple species and multiple jurisdictions.

In 2005, ACWA developed a 12-point action plan, Blueprint for California Water, titled "No Time to Waste." It is based on the experiences and insights of ACWA's 440 member local water agencies.

He called attention to the first policy statement, which states: "Improve the existing Delta water conveyance system to increase flexibility and enhance water supply, water quality levee stability and environmental protection in the near term."

He pointed out that Randy Fiorini, vice chair of the Delta Stewardship Council, and a farmer from the Turlock area in Stanislaus County, is a former ACWA president (2006-07) and served as chair of Region 4.

Quinn discussed the water bond that is scheduled for the November 2014 ballot. The total amount is being reduced from \$11.14 billion. The current proposed amount is \$8.2 billion.

He said ACWA's board is against everybody's' earmarks. ACWA opposes public goods charges. "There should be no fees on water," he said. ACWA supports the development of regional financing tools.

Paul Helliker, Deputy Director of Delta and Statewide Water Management, California Department of Water Resources (DWR)

As Director of Delta and Statewide Water Management, Helliker oversees DWR's Bay-Delta Office.

Helliker said the Bay Delta Conservation Plan is not a water master plan. It is a water supply reliability project.

Deliveries of water to the contractors of the State Water Project and Central Valley Project were seriously curtailed by court orders in recent years due to declining fish populations in the Delta. The Bay Delta Conservation Plan envisions a new conveyance system to transfer water from northern California to central and southern areas, and reestablishment of habitat that support the fish and other endangered and threatened species. The 50-year plan would remove the periodic specie-by-specie challenges to water transfers.

The Department of Water Resources is responsible for making water demand forecasts.

Helliker listed some of the uncertainties involved. By 2070-99, California's snowpack is expected to be drastically reduced from 1961-1990 averages. Multiple levee breaks, allowing seawater intrusion, could result in loss of water supply for three years. The Delta islands are now between 5 and 30 feet below sea level. The USGS reports that the overall probability of a magnitude 6.7 or greater earthquake in the Greater Bay Area is 63 percent.

Four alternative water conveyance alignments are considered in the BDCP: western, middle, eastern and through Delta. The preferred alternative features two tunnels that take water from three intakes in the northern Delta and carry the water by gravity 35 miles straight south. Helliker said the project is designed to be a dual operation because it will use the existing export pumps. He said the benefit to the fish is that they can swim by instead of being collected and returned.

The project has been downsized from five intakes to three, and from 15,000 cubic feet per second (cfs) to 9,000 cfs. He said the final size has yet to be determined. The tunnels will be 150 feet down, and the tunnel material—silty loam—will be reused.

Another alternative that California Democratic lawmakers asked to be analyzed is proposed by Natural Resources Defense Council. It calls for one 3,000-cfs North Delta intake facility and a single tunnel sized for 3,000 cfs gravity flow.

Helliker said that he would repeat what Congressman John Garamendi told members of the Natural Resources Defense Council; namely, that BDCP does not solve all of California's water problems.

Janet Barbieri, BDCP North State Field Representative

Barbieri informed the audience that she is "not a cheerleader, not a flack" for the BDCP. Her goal is to provide "genuine information before the public draft is issued."

Barbieri said the formal public review process scheduled to start Oct. 1 will be extended beyond the minimum required 45 days.

The 12 chapters of the Draft Administrative BDCP have been released in groups over several weeks. Chapters 8-12 were released on May 29. They are available on the website, www.baydeltaconservationplan.com. [Editor's note: A public meeting was held in Sacramento on July 17 to give interested parties a chance to ask questions about the material and talk with project staff. A video of the meeting is posted on the website.]

In its early stages, the BDCP was criticized for not being inclusive and operating in secret. Statewide liaisons are now working throughout California.

As the North State Field Representative, Barbieri said her job is to get more information out to individuals and organizations, help find answers to questions, arrange for presentations and ensure concerns are reaching decision makers.

She said the most common topics of interest among northern Californians revolve around water rights, groundwater, upstream reservoir options, assurances, governance and storage. She invites anyone interested in the BDCP to contact her at 530-919-9306, or janet@jbenvirocomm.com.

Several members of the audience had questions or comments regarding the BDCP and related issues. Responding to some questions, Helliker said the BDCP has no affect on upstream water rights, and does not affect groundwater transfers.

A comment was made that Folsom and Shasta reservoirs are at “deadpool” 10 percent of the time due to climate change. A concern was expressed that San Juan Water District, a wholesaler in Granite Bay that serves northeast Sacramento and south Placer counties, would not be able to serve its customers. Helliker said the BDCP has to analyze future conditions. A comment was made that vegetation management should be considered for water storage purposes.

“Who pays?” was another question. Helliker said a combination of funding from the state and federal water contractors who receive water from the projects and public financing for many of the habitat restoration elements are the major sources.

Other concerns centered on a cost-benefit analysis. Requests were made for more transparency.

[Editor’s note: The Finance Working Group is scheduled to meet on Aug. 8 to review the draft Statewide Economic Impact Study. The location has not been announced.]

David Murillo, Mid-Region Director, U.S. Bureau of Reclamation, Department of the Interior

Murillo has been in his position for seven months. He came from Washington, D.C., where he was deputy commissioner of operations. He said that as a federal agency, the U.S. Bureau of Reclamation (Reclamation) is subject to sequestration. The bureau has undergone five percent across-the-board cuts and expects higher cuts next year. “We’re being asked to do more with less,” he said.

He talked about the ways Reclamation is working with state and local water interests to deal with the problems they are facing. He described the WaterSMART program. Under the SECURE Water Act, federal water and science agencies are authorized to work with state and local water managers to plan for climate change and other threats to water supplies, and to take action to secure water resources for the communities, economies and ecosystems they support. WaterSMART allows all bureaus in the Department of the Interior to work with states, local governments, tribes and non-governmental organizations toward that end. As Interior’s main water management agency, Reclamation plays a key role.

Reclamation offers WaterSMART grants that provide cost-shared funding for water and energy efficiency projects.

Under the Title 16 program, Reclamation identifies and investigates opportunities to reclaim and reuse wastewaters and naturally impaired ground and surface water. It includes funding for planning studies and the construction of water recycling projects.

Due to the dry conditions this spring, Reclamation reduced its allocations to agricultural and municipal and industrial water service contractors in the Central Valley Project. Even if 2014 is an average water year, "It's going to be tough," he said. "Conservation won't be sufficient." Murillo is scheduling meetings with all interested parties to prepare for the near future. "We will need flexibility in operations, biological opinions, water quality and standards," he said. "We have to look at projects as a whole. We have to work together."

Chris Knopp, Executive Officer, Delta Stewardship Council

Chris Knopp came to the Delta Stewardship Council in September 2012, as the Delta Plan and its accompanying EIR/EIS were in their final phases. His selection as executive officer followed a career in the U.S. Forest Service, where he held state, regional, national and international positions in watershed hydrology, soils, air and fisheries.

His immediate task is to carry out the directive in the Delta Reform Act of 2009 to "establish and oversee a committee of agencies responsible for implementing the Delta Plan." The Implementation Committee is composed of two parts: agency leaders who are responsible for actions affecting the attainment of the Delta Plan's co-equal goals, and Work Groups made up of stakeholders.

The Committee is composed of seven federal, seven state and four Delta decision-makers. DSC Vice Chair Randy Fiorini will chair the committee. It will meet twice a year, with one meeting focusing on scientific exchange related to adaptive management. Meetings will be open to the public.

Membership on the work groups is unrestrictive. The members are expected to develop solutions to issues and follow through to see that decisions are effective.

Knopp talked about the seven lawsuits filed against the Delta Plan. The seven plaintiffs are: California Water Impact Network, et al; Central Delta Water Agency, et al; North Coast Rivers Alliance, et al; San Luis & Delta-Mendota Water Authority and Westlands Water District; Save the California Delta Alliance, State Water Contractors, et al, and City of Stockton.

His take on the lawsuits is that some of them are "shotgunning for an issue," and some of them were filed in an attempt to stop the BDCP. "Lawsuits will not help change the dynamic," he said. "I would rather try and see if it works."

In addressing one of the major goals of the Delta Plan, he asked, "What does "Restore the Delta" mean?" The Delta has been heavily modified, so to what point should it be restored? Knopp said he prefers the concept of Reconciliation Ecology. One definition of Reconciliation Ecology is that it is the science of inventing, establishing and maintaining new habitats to conserve species diversity in places where people live, work and play.

Knopp said he views science as a path, not an answer. "We use conflict to move forward," he said.

The meeting was underwritten by Sanders & Associates Geotechnical Engineering, Inc. (SAGE), in Granite Bay.

The next program will be held on Oct. 18 at the Ridge Golf Course and Events Center in Auburn. For more information, visit www.mountaincountieswater.com.