

To: Delta Vision Task Force members
From: John Kirlin
Subject: Developing a draft Task Force “durable vision for sustainable management of the Delta”
Date: August 31, 2007

The Task Force is scheduled to adopt its Delta Vision statement in late November. We have promised to present a preliminary draft recommendation one month prior to that. Governor Schwarzenegger’s Executive Order S-17-06, issued in September 2006, is attached.

This memo suggests an approach to preparing your Delta Vision.

The ultimate goal for today is sufficient direction so that your staff can draft an embryonic vision which provides a useful basis for public comment and for your discussion at the Task Force meeting September 20-21. To that end, the direction requested today focuses on (a) “style” of the vision, and (b) general issues to be addressed in the vision.

You are being asked for direction on how to develop a work product, not approval of any draft document or specific policy recommendations.

My suggestion is that you start with a simple approach to your vision statement.

Whatever else is in the document, these **guidelines** may be useful:

- The vision statement should be short.
- A brief summary should appear at the front of the document
- The vision must identify the most important priorities for California
- The vision should be written in understandable language, with a minimum amount of ‘insider’ terminology or acronyms
- The vision recommendations have to be as clear as possible, and
- The vision must set the stage for the Strategic Plan, a more detailed proposal to implement the Vision, due to be adopted by the Task Force in October 2008.

Recommendation 1

- ✓ Adopt the six guidelines outlined above regarding the length and style of a Task Force Vision for durable management of a sustainable Delta.

Recommendation 2

- ✓ Direct staff to draft a very short narrative about the Delta Vision process and what a successful vision could accomplish.

Recommendation 3

- ✓ Direct staff to write a draft section of your vision about what the Delta means to California, whether as a unique ecosystem, a way to send water somewhere else, or a special place where a rural, mostly agricultural life prevails. The ways in which the Task Force talks about the Delta is a key to writing the vision.

This draft should include a short discussion of the Delta as it now exists. Can we honestly expect to go back to pre-1900 Delta? If not, what are we hoping to achieve?

This section is where the vision should be stated clearly. That statement should include principles, priorities, and the main ideas about how the vision will result in a better future.

- ✓ Consider whether the Guiding Principles of Emerging Visions, presented to you by the Stakeholders Coordinating Group, can serve as the beginning point for developing guiding principles for your vision.
- ✓ Direct the staff to develop an initial draft of your vision giving highest priority to those factors which are commonly given highest priority in the ideas and visions which have been presented to date. By way of illustration only, this could be: (1) ecosystem values, both aquatic and terrestrial; (2) water supply and quality; (3) land uses and Delta as a place; and (4) governance.

Recommendation 4

- ✓ Direct the staff to draft a readable statement in which Delta Vision addresses the requirements of the Governor's Executive Order. Staff will be expected to:
 - Develop an effective presentation of the vision, which is likely to require addressing issues in a sequence different than presented in the Executive Order
 - Discuss possible policies to address the expected population and economic growth of California and patterns of water uses (large forces affecting water use in CA and therefore relevant to the Delta)
 - Discuss possible ways to address risks posed by current public policy institutions, policies, finances, incentives and allocation of risks. Two examples of such risks are seen in FEMA certification of levees providing 100 year flood protection resulting in development patterns that lead to large potential losses in the event of levee failure, and the *Paterno* decision resulting in state financial liability for failure of levees maintained by non-state entities

- Discuss possible ways to energize and mobilize other governments (including federal) and private individuals, firms and non governmental organizations to support the vision.
- Identify possible recommendations re state wide or Delta watershed policies. Among the examples that have been proposed are state water conservation, conjunctive use, more effective floodplain management in the Delta watershed and policies affecting upstream water use and water quality.
- Discuss how the vision addresses “drivers of change” from the DWR Status and Trends report, plus what is in DRMS (subsidence, sea level rise, winter flooding, seismic activity, introduced species and population growth and urbanization).
- Identify important strategies for immediate implementation, and illustrate the kind of additional details which will be more fully developed during 2008 as part of the strategic plan (e.g., adaptive management and/or “ladders” of decisions by different actors).

Recommendation 5

- ✓ Direct staff to develop panels and materials for the September 20-21 Delta Vision Blue Ribbon Task Force meeting organized around the key themes of:
 - Interrelationships among (1) ecosystem function, (2) water use and quality (including conveyance and storage), (3) flood control and levees, and (4) land forms and land uses (or whatever other priorities you may choose to identify). The intent is to enhance understanding of how decisions in these areas are interdependent, the likely magnitude of investments required, and trade-offs among strategies. This discussion should not be artificially limited to the legal Delta but incorporate the spatial scales needed to meet the charge to Delta Vision.
 - Alternatives for future water uses and management in California, and consequences for durable management of a sustainable Delta. This theme includes demographic trends, possible changes in uses (efficiencies, shifts among sectors), technological and management changes (desalinization or conjunctive use), and the institutions and policies affecting water use and management.
 - Governance (with the intent of identifying the range of ideas re goals, spatial extent, needed powers, structure, getting incentives aligned, etc, and any specific proposals)

EXECUTIVE ORDER S-17-06

WHEREAS the Sacramento-San Joaquin Delta estuary, including Suisun Bay and Marsh (hereafter "Delta"), supports a unique and irreplaceable combination of environmental and economic resources. The Delta is a source of water for farmlands, growing communities and businesses and provides a unique estuarine habitat for many resident and migratory fish and birds, some listed as threatened or endangered species. It is an area that supports vital energy, transportation, communications and water facilities, and important agricultural, recreational and cultural resources. The Delta is of state and national significance and must be protected and managed effectively for the future well being of the people and the environment; and

WHEREAS the Delta is intersected by highways, roads, and utility lines critical to regional, state and interstate commerce and economy; and

WHEREAS the Delta is the hub of California's two largest water distribution systems, the federal Central Valley Project and State Water Project, and at least 7,000 other permitted water diverters have developed water supplies from the watershed feeding the Bay-Delta estuary, providing drinking water to about 23 million people and irrigation water to about 7 million acres of highly productive agricultural lands; and

WHEREAS recent events like the Lower Jones Tract levee failure and Hurricane Katrina, and recent findings that indicate a two in three chance of a major earthquake occurring in or near the Delta in the next fifty years, have raised awareness and concerns about the vulnerability of Delta levees. Failure of Delta levees can have devastating consequences on farms, communities, roads, railways, power and fuel transmission lines, water conveyance and quality, wildlife resources, and the local and state economy; and

WHEREAS threats such as an aging levee system, regional climate change, rising sea levels, seismic events and urbanization pose an imminent threat to the Delta; and

WHEREAS recent legislation, a number of planning efforts and scientists have affirmed that current uses and ecosystem health in the Delta are unsustainable over the long-term; and

WHEREAS there is growing recognition that prior Delta and Suisun strategic planning efforts have been too narrowly focused on only a few of the Delta's many uses and resources; and

WHEREAS the combined threats and changing conditions within the Delta require immediate attention because of the potentially catastrophic environmental and economic consequences if timely action is not planned for and undertaken; and

WHEREAS the existing complex system of Delta governance has been criticized because no one level of government is fully in charge, or capable of responding in an orderly and effective way to address and mitigate the range of threats to the Delta.

NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power vested in me by the Constitution and statutes of the State of California, do hereby order effective immediately:

1. I hereby initiate the Delta Vision and establish an independent Blue Ribbon Task Force to develop a durable vision for sustainable management of the Delta. Making the Delta more sustainable will require a concerted, coordinated and creative response from leaders at all levels of government, stakeholders, academia and affected communities, and will require significant private and public partnerships and investments. The Delta Vision is designed to accomplish these goals:

(a) Meet the requirements of Assembly Bill 1200 (Water Code Sections 139.2 and 139.4), Assembly Bill 1803 (Water Code Section 79473) and SB 1574.

(b) Coordinate and build on the many ongoing but separate Delta planning efforts.

(c) Assess the risks and consequences to the Delta's many uses and resources in light of changing climatic, hydrologic, environmental, seismic, and land use conditions. This assessment will look at:

- The environment, including aquatic and terrestrial functions and biodiversity.
- Land use and land use patterns, including agriculture, urbanization, and housing.
- Transportation, including streets, roads, highways, waterways, and ship channels.
- Utilities, including aqueducts, pipelines, and gas/electric transmission corridors.
- Water supply and quality, municipal/industrial discharges and urban and agricultural runoff.
- Recreation and tourism, including boating, fishing, and hunting.
- Flood risk management, including levee maintenance.
- Emergency response.
- Local and state economies.

(d) Develop a program for sustainable management of the Delta's multiple uses, resources and ecosystem. Sustainable management of the Delta means managing the Delta over the long term to restore and maintain identified functions and values that are determined to be important to the environmental quality of the Delta and the economic and social well being of the people of the state. As part of the Delta Vision, priority functions and values will be identified, and measures necessary to provide long-term protection and management will be evaluated.

(e) Develop a Strategic Plan to implement findings and recommendations for public policy changes, public and private investment strategies, Delta-Suisun preparedness and emergency response plans for near-term catastrophic events, levee maintenance options, and how to monitor and report performance.

(f) Develop recommendations on institutional changes and funding mechanisms necessary for sustainable management of the Delta. Recommendations may include a discussion of oversight, land use and implementation authorities.

(g) Inform and be informed by current and future Delta planning decisions such as those pertaining to the CALFED Bay-Delta Program, Bay Delta Conservation Plan, Suisun Marsh Plan, Water Plan, updates of related General Plans, transportation and utilities infrastructure plans, integrated regional water management plans, and other resource plans.

2. The Secretary of the Resources Agency as chair, and the Secretaries of the Business, Transportation and Housing Agency, Department of Food and Agriculture and the California Environmental Protection Agency, along with the President of the Public Utilities Commission shall be the Delta Vision Committee, for the Delta Vision. They shall undertake the following:

(a) Explore entering into agreements with private and non-governmental organizations to receive funding for Delta Vision. In addition, the Director of Finance may also accept monetary and in kind contributions to support the activities of the Delta Vision.

(b) Create a Stakeholder Coordination Group to involve local government, stakeholders, scientists, engineers, and members of the public in this effort to develop a Delta Vision.

(c) Select Delta Science Advisors from diverse scientific disciplines to provide independent review and

advice to the Blue Ribbon Task Force on technical, scientific, and engineering data, analyses, and reports.

(d) Report to the Governor and the Legislature by December 31, 2008 with recommendations for implementing the Delta Vision and Strategic Plan.

3. I will appoint the members of a Blue Ribbon Task Force to include diverse expertise and perspectives, policy and resource experts, strategic problem solvers, and individuals having successfully resolved multi-interest conflicts. The Task Force will seek input from a broad array of public officials, stakeholders, scientists, and engineers. The Task Force will prepare an independent public report that will be submitted to the Delta Vision Committee and Governor that sets forth its findings and recommendations on the sustainable management of the Delta by January 1, 2008 and a Strategic Plan to implement the Delta Vision by October 31, 2008.

4. Upon submittal of the Delta Vision Committee's recommendations to the Governor and Legislature, the Delta Vision initiative shall terminate unless extended by another executive order.

5. This order is not intended to create, and does not create, any right or benefit, whether substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, agents, or any other person.

IN WITNESS WHEREOF I have here unto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of September 2006.

ARNOLD SCHWARZENEGGER

Governor of California

ATTEST:

BRUCE McPHERSON

Secretary of State