

Draft: Policy Questions from Context Memos

The following policy questions are those listed in the context memos. In some instances, the context memo did not explicitly list policy issues, and so were inferred from the relevant section.

Agriculture

(Iteration 2, page 3, lines 30-39)

Four policy questions regarding agriculture that are pertinent to a Delta vision are:

1. Do the values of agriculture in the Delta out-weigh the values of competing land and water uses and the cost of levee maintenance?
2. If Delta agriculture is determined to have a role in the Delta's future, what is the critical mass of agricultural land and uses necessary to sustain it economically?
3. If agriculture is to continue in the Delta, what kind of agriculture will it be?
4. If agriculture is to be part of the Delta Vision, how will market value be given to the full array of Delta services that are, or could be provided for an environmentally, socially and economically sustainable Delta?

Analog Systems

(Iteration 2, page 2, lines 23-37)

Governance

1. Does the agency have the ability to directly implement its decisions?
2. Are all of the agencies with powers and duties affecting the ecosystem problem involved in the decision-making process?
3. Does the body have the ability to affect the activities of the constituent agencies?
4. Is the decision-making process open and transparent?
5. Do scientific and public voices have a forum?
6. Have all of the agencies with operating responsibilities adopted the plan set out by the program?

Finance

1. Is there a reliable system for financing restoration programs?
2. Are the financial obligations shared among the affected agencies?

Delta Governance

(inferred from Section 9, “The New Millennium and Beyond: Current Issues and Emerging Ideas;” Iteration 1, page 1, line 1 to page 20, line 24)

1. Are discrete restoration plans, like the Suisun Marsh Plan and the Bay-Delta Conservation Plan, the best or more workable approach to restoring those respective areas?
2. How is the financing principle, “beneficiary pays,” going to be defined and carried out? Which agency would be responsible for overseeing that accounting?
3. What is the best way to merge a vision for a future Delta (Delta Vision/PPIC) with the needs to adequately manage the system as it exists today?
4. Should the Delta Vision focus only on water issues, despite its charge?
5. Should the Delta Protection Commission be augmented or changed for its existing configuration; could this include new authority as well as new members?
6. Does land use in the Delta need to be dealt with other than at a local level?
7. Should there be a new understanding of what is the Primary Zone and what is the Secondary Zone? Also, remember that Suisun Marsh has a primary and secondary zone too.
8. Are legal determinations regarding water operations the best or last resort to achieve a balance between the competing uses in the Delta?

Demand Management (Water Use Efficiency)

(Iteration 2, page 3, lines 14-23)

Policy questions that the Delta Vision Task Force should be aware of include:

1. What is the State’s role in regulating the implementation of water use efficiency actions at the regional and local level?
2. Considering costs, benefits, and tradeoffs among water management strategies what is the appropriate level of water use efficiency at the local and regional level?
3. Considering costs, benefits, and tradeoffs among water management strategies what is the appropriate level of Bay-Delta supplies that should be available to local and regional agencies?

Ecosystem

(Iteration 1, see pages next to policy questions)

1. How can the State best ensure the necessary physical structures and processes to accommodate desired species and ecosystems in the Delta? *(pg. 2, lines 31-33 and pg. 50, line 34 to pg. 51, line 11)*
2. What management policies need to change to recognize the importance of the physical template and cyclical variation to establish essential conditions for survival of native species? *(pg. 25, lines 27-29)*
3. What human uses of the Delta need to change to accommodate the necessary variability in the physical template and to respond to changing sea level and flood risk? *(pg. 25, lines 31-33)*
4. Should the State adopt the concept of ecosystem-based management (EBM) as a way of developing sustainable governance for the Bay-Delta? *(pg. 63, lines 22-40)*
5. What changes in management policies need to be made to place consequences of actions in the context of the whole ecosystem rather than in terms of their effects on an immediate perceived problem? *(pg. 43, lines 15-17)*
6. To achieve a sustainable balance of ecosystem services and biodiversity conservation in the Delta, how can the State increase land and water allocation to support natural and semi-natural systems? *(pg. 43, lines 26-29)*
7. Is the State willing to accept the extinction of a species? *(pg. 51, lines 7-8)*
8. Given that the Delta has a high invasive species invasion rate, should the State consider adopting a multi-faceted, multi-barrier program to minimizing invasions similar to that recommended by the United Nation's Global Invasive Species Program? *(pg. 53, lines 36-40)*

Emergency Response

To be developed

Flood Management and Levees

(Iteration 2, page 4, lines 13-27)

Five policy questions are:

1. Which levees are of long-term importance?
2. What is the appropriate standard to which they should be built and maintained?
3. How and by whom will decisions about levee reinforcement and maintenance be made?
4. How shall levee construction and maintenance be financed?
5. How shall the consequences of levee failure be distributed?

Land Use

(Iteration 2, page 2, lines 6-17)

1. To what extent should future land use change the Delta-Suisun region and limit the choices for future comprehensive strategies for water conveyance, utilities, agriculture, transportation and ecosystem restoration?
2. To what extent should Delta-Suisun land use be taken under consideration as more than a landscape for water conveyance and agriculture, and more than a utility corridor for roads, rail, gas, and power?
3. To what extent should the Delta-Suisun Marsh region be valued as a place with history, culture, and a unique regional identity with 1,300 miles of levees characterized as an inland coast where life and land use are shaped by physical constraints and public policies?

Local and State Economies

(Iteration 1, page 18, line 29 to page 19, line 25)

In summary, the key policy issues identified in this memo are:

1. Current water operations in the Delta have a goal of keeping the water in the Delta sufficiently low in salinity to allow its use for export and diversion for agricultural and urban users in the Delta and to the south of the Delta. The current water quality standards may be revised to enhance environmental benefits in the Delta. Changing the water operations to encourage a more brackish Delta, or a Delta with more variable salinity could have economic effects on the water supply uses of the Delta and could change the economics of alternative concepts for routing water south of the Delta.
2. Research for DRMS indicates that the size of economic costs of a Delta levee failure event depends on where the levee failure occurs. For some islands there is little economic risk. The economic cost of any flood of urbanized areas or major highways is substantial, but some areas are well-protected. The economic costs from some supply disruptions; water, natural gas, and railroads, depend largely on the duration of the outage, and this duration also depends on location of failures. For Delta levees, one size does not fit all.
3. Urbanization and other development in the Delta region are occurring. There is an ongoing opportunity to reduce future State costs by ensuring that high standards for flood protection are researched, developed and enforced.
4. Private incentives to internalize risk may be distorted by public policies that pay for costs of flooding. The key permitting authority is held by local government agencies that have little economic responsibility for flood protection. State and federal agencies bear a large responsibility for flood damages but have little input into local land use decisions.
5. Future land use and investment decisions related to the Delta will need to recognize the complex interrelationships between Delta activities and the broader state. Some of the benefits to the state may be large relative to the expected value of the benefit to the Delta economy.
6. Some multi-purpose projects, especially storage and conveyance facilities, that address Delta issues have other purposes and benefits that are largely unrelated to the flood risks. The State needs to consider all of the potential benefits regardless of their relationship to the Delta.

Recreation

(inferred from Section 2, "Trends and Issues;"

Iteration 1, page 15, line 9 to page 20, line 1)

1. Will recreation continue to be a growing and integral part of the Delta scene? How would restored native species populations (fish and birds) affect the current downward trend of hunting and fishing in the Delta?
2. To what extent does secondary zone urban development encroach upon the ability of the primary zone to provide quality recreational opportunities?
3. What sorts of boating services (waste disposal, refueling, marinas, policing) are needed in the Delta?
4. What needs to be done to develop more recreational sites and improve access in order to accommodate growth and diversity of recreational activities?

Strategic Financing

To be developed

Suisun Marsh

(Iteration 1, see page numbers after questions)

1. What effect would changes in Delta hydrology or geometry have on the salinity and water quality in the Suisun Marsh? *(pg. 15, lines 4-11)*
2. What management actions or legal authorities are needed to diminish subsidence and encroaching urbanization? *(pg. 15, lines 21-29)*
3. Should the 1995 water quality standards be re-evaluated based on hydrodynamic modeling and restoration alternatives being evaluated for the Suisun Marsh Plan? *(pg. 21, lines 13-15)*
4. To what extent is the State willing to fund Suisun Marsh levees as a component of ecosystem restoration and enhancement and as contributing to protecting Delta drinking water? *(pg. 22, lines 31-36)*

Sustainability

(Iteration 2, page 4, line 2-13)

In the context of existing law, policy, and academic information on the meaning of sustainable management, the Task Force will be faced with the following policy questions to develop a program and plan for sustainable management of the Delta:

1. What does sustainable management of the Delta mean?
2. Why is the Delta currently unsustainable?
3. What actions must be taken to achieve sustainable management of the Delta?
4. Who will take the actions?
5. When must the identified actions be taken?
6. How do these actions adjust to “Drivers of Change,” such as global climate change?¹

Transportation

(Iteration 1, page 2, lines 1-25)

Key policy issues are:

1. To what extent should transportation infrastructure be added in the Delta region to support the expected increase in transportation needs?
2. How should regional land use management planning for the Delta and the Central Valley affect decisions for improving or expanding transportation systems?
3. To what extent should islands that have transportation facilities or levees with roads on them receive special attention for additional levee protection?
4. What alternatives to levee protection might be viable for key transportation features?
5. How can the costs of transportation outages be minimized?
6. What transportation planning and infrastructure and related communications planning might help to reduce costs of flooding and reconstruction following a levee failure event?
7. How should waterways be integrated into regional transportation and emergency response planning?

¹ The Drivers of Change are listed in the *Status and Trends of Delta-Suisun Services* Public Review Draft (March 2007, p. 3).

Utilities

(Iteration 1, Part1, page 19, line 14 to page 21, line 2 and page 23, line 10 to page 24, line 13)

Assuming that this overall policy is to continue, the following state policy questions/initiatives could be considered:

1. Should legacy communities in the Delta Primary Zone (as of 1992) and their associated infrastructure and utilities receive upgraded protection from the risks of levee breach flooding?
2. Should this upgraded protection for Delta legacy communities be in the form of ring levees built to a higher standard than typical Delta Levees?
3. If better levees are to be provided, what standard should pertain? FEMA standards? DWR urban levee standards? Some seismic capability standard? And what financial aid should be provided?
4. Should special standards for Primary Zone legacy-community infrastructure and utility construction be implemented (and supported financially)? These would pertain to infrastructure and utility maintenance and essential upgrades, in order to reduce infrastructure flooding damage and facilitate recovery after flooding occurs.
5. What policy and program (including financial assistance) should the state have for assisting with Delta Primary Zone legacy-community (infrastructure and utilities) recovery after flooding occurs?
6. How should the state address liability issues (e.g., the Paterno Decision) as it pertains to local infrastructure and utilities in the Primary Zone?

For areas in the Secondary Zone that are already developed:

7. Should these existing communities and their associated utilities receive upgraded protection from the risks of levee breach flooding?
8. Should this upgraded protection be in the form of levees built to a higher standard than typical Delta Levees?
9. If better levees are to be provided, what standard should pertain? FEMA standards? DWR urban levee standards? Some seismic capability standard? And what financial aid should be provided, if any?
10. Should special standards for Secondary Zone infrastructure and utility construction be suggested in order to reduce infrastructure flooding damage and facilitate recovery after flooding occurs? Should financial support be provided?
11. What policy and program (and what financial assistance, if any) should the state have for assisting with Delta Secondary Zone community (utilities) recovery when flooding occurs?
12. How should the state address liability issues (e.g., the Paterno Decision) as it pertains to local utilities in existing Secondary Zone communities?

Finally, for Secondary Zone areas that are not yet developed but may experience development pressure, one must start with a special policy question/issue:

13. Should development (and associated utilities) in these areas be discouraged or prohibited?
14. If development is to be allowed, one must then address issues similar to those posed above. But, in this case, it is likely more attention will be devoted to having developers and local

agencies shoulder the costs and to making certain that prospective purchasers are adequately informed of the risks.

Overall Delta Infrastructure and Utility Policies. The following overall infrastructure and utilities policy issues for the Delta are identified:

15. Is the existing state/federal policy on Delta-area flood management and associated emergency response relative to utilities appropriate for the future?
16. Is there a need for a comprehensive infrastructure plan (or policy, or strategy or guideline) for the Delta?
17. How should changing risks, risk perceptions, and regional and statewide infrastructure and utility risks be considered?

The question remains as to how these risks should be considered moving forward.

This policy debate can be summarized in the following questions:

18. Is increased risk exposure from future Delta infrastructure investments the right future for the state's financial position? Can this risk be adequately mitigated?
19. Is increased risk exposure the right future for the state's communities and citizens who might live with the increased risks (e.g., in the Secondary Zone)? Can this risk be adequately mitigated?
20. Is increased risk exposure the right future for the region's and the state's economy? Can this risk be adequately mitigated?

Water Governance

(Iteration 2, page 2, lines 22-37)

The following fundamental policy questions frame the key issues embodied in this context memo:

1. How do governing agencies meet their legal mandates regarding specific resources in the context of multiple demands for the same resources?
2. How can local, state, regional, and federal law be reconciled to best meet the water management needs of the Delta?
3. How can incongruities in the implementation of laws and regulations as well as planning mechanisms among land use, water, and environmental agencies – even at the same level of government – be reconciled to meet the water management needs of the Delta?
4. How can competing public demands for alternative water uses and the desire for water conveyance through the Delta be reconciled, if at all, with the existing water rights framework?

Water Supply and Water Quality

(Iteration 2, page 2, lines 24-35)

The following fundamental policy questions frame the presentation of factual information included in this context memo:

1. Does the status quo of Delta water management serve the long-term interest of any existing beneficiary of Delta water supplies?
2. Is the statewide significance of export supplies great enough to justify the impacts that existing operations and export methods are having on Delta beneficial uses?
3. To what extent should in-Delta water use be modified in light of the need to manage the Delta ecosystem and water supply exports?
4. Are the long-term public health needs and economic considerations of urban users reliant on Delta water supplies compatible with the continuation of current in-Delta and export water supply operations?
5. Should the water quality, quantity and timing needs of “humans” and the “ecosystem” continue to be seen separately or can they be integrated?