



The Honorable Darrell Steinberg
Senate President Pro Tempore
State Capitol, Room 205
Sacramento, CA 95814

The Honorable Karen Bass
Speaker of the Assembly
State Capitol, Room 219
Sacramento, CA 95814

October 28, 2009

Dear Senator Steinberg and Speaker Bass:

We write to register our support for SB1 7x, as introduced on October 23, 2009, a package of water policy bills that represents the most ambitious and comprehensive approach to state water management in more than a quarter century. This package is borne of the broad recognition that California must modernize the way we manage the complex ecosystem in the Sacramento – San Joaquin Delta - to provide reliable water supplies for homes and farms, to save California's commercial and recreational fisheries and to meet our economic needs.

Our public interest organizations have stretched to come to agreement on this set of policies. The package includes legislative compromises that would not be the first policy choice from the perspective of our organizations. However, we support SB1 7x because we believe strongly that, as a package, it has the potential to break the cycle of conflict and environmental damage that has plagued California's water management system for decades.

Underlying our support for this bill is its provision stating that “the longstanding constitutional principle of reasonable use and the public trust doctrine [that] shall be the foundation of state water management policy and are particularly important and applicable to the Delta,” (sec. 85023, p.91)

SB1 7x provisions that are important improvements over the status quo include but are not limited to:

Conservation is a cornerstone - a comprehensive and enforceable water conservation program that addresses industrial and agricultural as well as urban water use. Our organizations, water agencies and business leaders all agree that efficiency is the most cost-effective and the largest source of new water supply. The bill creates an ambitious conservation program designed to reduce California’s per capita water use 20 percent by 2020. The bill gives credit for water recycling and for past investments in conservation. Waste and unreasonable use provisions, as noted above, are a key: this section of the bill does not compromise existing constitutional protections.

Reduced reliance on the Delta and public trust flow determinations - provisions requiring the State Board to develop public trust flow determinations which are the foundation of any meaningful effort to restore and sustain the Delta estuary and fisheries. The Bay-Delta ecosystem cannot survive a return to the record levels of water diversions we saw several years ago. This bill recognizes this by calling for a reduction in our reliance on the Delta. Across California water agencies recognize the need to reduce their reliance on this troubled ecosystem.

Improved environmental standards for Delta planning, no conveyance authorization - an ambitious effort to implement the recommendations of the Delta Vision Task Force, including development of a comprehensive Delta plan which must meet the requirements of the Natural Communities Conservation Planning Act — the highest standard under state law for restoration programs. The bill does not authorize a peripheral canal. Rather, it provides direction and environmental protection to ensure that current planning efforts (specifically the Bay-Delta Conservation Planning process) incorporate adequate environmental protections and protections for taxpayers. For example, in addition to the SWRCB and NCCPA provisions mentioned previously, the bill would require any future conveyance facilities to be paid for by water exporters. It would also require a comprehensive analysis of alternatives. This is the right approach to find real, workable solutions, rather than simply replaying the water disputes of the past.

Coordinated governance - Delta Stewardship Council and a Delta plan - A new board with balanced membership between gubernatorial and legislative appointees with staggered terms. Further, we oppose any additional amendments to weaken the bill to exempt projects within the primary or secondary zone of the Delta from the Council’s consistency review. The bill would also require the preparation of a comprehensive Delta plan to coordinate the activities of all agencies.

Groundwater monitoring - would require mandatory groundwater reporting, allowing us to catch up with every other state in the West. Counties would have the responsibility to monitor and the Department of Water Resources would collect data for improved management.

Improved enforcement capacity at the State Water Resources Control Board - stronger enforcement tools for the board to improve its ability to stop illegal water diverters, benefitting the environment as well as legal water users. Additional enforcement staff in the water rights division at SWRCB are included, as are meaningful penalties for illegal diversions or permit violations reflecting the market rate of water;

Delta Conservancy – a new entity with the authority to acquire lands in fee title from willing sellers and to work with local landowners for the purposes of restoration and conservation.

We look forward to working with the State Legislature to move this important bill forward. As designed, it provides substantial ecosystem and water management benefits and maintains and builds on existing legal protections. Thank you again for your efforts on behalf of Californians who drink water, farmers who irrigate with it, fish that swim in it and ecosystems that depend on it.

Sincerely,

Barry Nelson, Natural Resources Defense Council

Cynthia Koehler, Environmental Defense Fund

Leo Winternitz, The Nature Conservancy

Kim Delfino, Defenders of Wildlife

Gary Bobker, The Bay Institute

Dan Taylor, Audubon California