

**Opening Statement of Assemblyman Jared Huffman
Chair, Assembly Water, Parks & Wildlife Committee
Joint Hearing: 2009 Proposed Delta/Water Legislation
August 18, 2009**

Today's hearing on the package of five bills regarding the Delta crisis and water reforms has 2 basic goals: 1) to introduce the initial pre-print bills the Legislature has developed to address these critical issues; and 2) to hear the perspectives of a broad set of experts and stakeholders – perspectives that will help inform the process of revising and voting on these bills in the weeks ahead.

I don't need to tell most of you that we arrive at this hearing at very auspicious moment for California water. We've got a dying Delta ecosystem; crashing fisheries; the 3rd consecutive year of drought for most of the state; the 2nd consecutive year of no salmon season in California. The Delta is at the center of a very real and severe water crisis, and the Delta is in bad shape.

Many of us were pleased last week when a top Obama administration official recognized the Delta as a resource of national and international importance – on par with the Everglades, the Great Lakes and the Chesapeake Bay. But this is also the year that the Delta earned a more dubious recognition – the #1 spot on the list of "America's Most Endangered Rivers," published annually by the conservation group American Rivers.

Scientists agree there are *three* major factors contributing to the demise of the Delta: excessive water diversions; polluted runoff and discharges from farms and cities; and invasive species. But I would argue there is a *fourth* culprit: the lack of accountable, transparent, and effective water governance.

Government agencies in the Delta – more than 200 of them – have failed to resolve this crisis, in part because no agency is really in charge. And rather than avoiding or leading us out of the crisis, some of them have made it worse. They've fought over the Delta, in interagency bureaucratic battles, in court, and in the Legislature.

As recently as the last few weeks, the Department of Water Resources filed briefs in federal court seeking to set aside peer-reviewed federal biological opinions for salmon and delta smelt – just after getting the Dept. of Fish & Game to adopt those same biological opinions under California’s Endangered Species Act. California cannot afford this continuing disarray on the most critical water and ecosystem issues facing our state.

Today’s hearing is part of the Legislature’s attempt to forge a way forward and out of this crisis. While some have characterized this effort as rushed, it’s actually been a long road and we’re building on an impressive body of work.

In 2006, the legislature directed a process that came to be known as “Delta Vision.” It led to the creation by the Governor of the Delta Vision Blue Ribbon Task Force, and culminated late last year with the Task Force’s completion of a comprehensive Strategic Plan for the Delta. Since that time, we’ve had multiple informational hearings in our respective houses and committees, and we convened a 60-day bicameral and bipartisan “working group” to assess the studies and plans developed over the past few years and to lay the groundwork for comprehensive legislation to address the statewide water crisis and the focal point of that crisis, the Delta.

As we begin a critical public phase of this process today, let’s remember what is at stake and what this debate is really about:

- Probably our most important decision is whether to continue with status quo, or to launch a new governance and planning framework for the Delta – to reset our goals for the recovery of endangered species and the reestablishment of a healthy estuarine ecosystem, instead of the chaos of trying to avoid extinction on permit-by-permit, species-by-species basis. The question is whether to change the way key policy and infrastructure decisions are made, and the *criteria* by which they are made.
- A lot of people seem to be under the impression that the decision before us is whether or not to build the Peripheral Canal. That is not correct. The legislation before you today takes no side on the *myriad* possibilities for improving Delta conveyance – whether fixes to the through-Delta system, new points of diversion, or new modes of conveyance. On the other hand, DWR and state and federal water contractors are *right now* pursuing a permit process that could result in permits for the development of a new conveyance option for the Delta. The administration has argued it doesn’t need approval from the legislature, or the voters, to implement that project. Not everyone agrees with them, but I think

everyone ought to agree that if we fail to pass legislation this year, that process will continue.

- Think about the status quo. *Right now* the Delta communities don't have any real say in how the state makes decisions on many of the key issues at stake in the Delta, including existing or future water conveyance. *Right now* there is no public forum where environmental groups and other interests can bring their concerns about whether water supply operations or ecosystem restoration are meeting the requirements of state and federal law. *Right now* there is no entity charged with balancing the conflicting interests of water supply, ecosystem restoration and protection of the Delta communities.

So what we have to decide in the next month, is whether to continue with the current situation and cross our fingers that the Delta will somehow pull out of this death spiral and wet weather will deliver us from drought; or show some vision and leadership to establish a bold new direction that is responsive to the crises we are facing.

It's time to hear from you. This morning's conversation is about perspectives on the Delta crisis – not vague, general perspectives, but panels that will provide informed and thoughtful input on the Delta crisis with the bill package we've released in pre-print form. My hope is that the witnesses will speak to the following basic questions:

- 1) Is the status quo acceptable? I don't think anyone can seriously argue that *current Delta policy* is sustainable, or that the *status quo* is working for the Delta – but if anybody does believe that, we need to hear from them today.
- 2) How important is it that we have a Delta solution this year?
- 3) What do you see as the elements of that package of Delta and water solutions?
- 4) How do you think we can improve the draft package we've developed?

This won't be the last chance for input. There will be two more informational hearing with the committees next week, and then an open and deliberative conference process where the pre-print bills will be examined in great detail.

So with that, I thank Chair Pavley and colleagues, and welcome the panel discussions.

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