



**Testimony of Barry Nelson**  
**Before the Assembly Water Parks and Wildlife Committee Oversight Hearing**  
**Delta Stewardship Council and the BDCP Progress and Update**  
May 11, 2010

My name is Barry Nelson. I am a Senior Policy Analyst with the Natural Resources Defense Council. Thank you for this opportunity to testify regarding the implementation of the water reform package. This is a very ambitious package of legislation. The work of implementation has only begun, with the creation of the Council. My testimony will cover four broad recommendations, which NRDC offered to the Council at their last meeting, to help ensure the success of both the Council and the BDCP process.

**Implementing Legislative Requirements for the BDCP:** Recently, the BDCP process released modeling results that reflected a focus on a single alternative, and that suggest a possible dramatic increase of maximum Delta exports to 9 million acre-feet in a single year. These results suggest that BDCP has not yet integrated important requirements of the reform package. Specifically, we offer the following recommendations to the BDCP process and the Council:

- Clarify how the BDCP intends to develop quantifiable biological objectives to provide the basis for the process, and to incorporate the work of DFG and the State Water Board's Public Trust process. These issues must be addressed now in order to allow the BDCP to be developed based on this foundational work. Resolution of these issues cannot wait until the end of the process.
- Include a full range of alternatives in a robust analysis of conveyance, including reduced diversions, smaller conveyance capacities and increased investments in alternative supplies. This analysis is needed to develop the proposed project. It should be done "up front", not merely in the NEPA/CEQA process.
- Revise the purpose and need statement for the BDCP. The existing statement emphasizes reaching "up to full deliveries" and is inconsistent with the reform package.
- Collaborate with the DSC to include Delta Science Program review at critical points. Recently, the Secretaries of Interior and Commerce wrote a letter outlining their strategy to incorporate science in to the management of the Bay-Delta on an ongoing basis, including regular independent scientific reviews of the BDCP process. The Council's Delta Science Program is one of the primary mechanisms to insure this integration of science and management – in all areas, not just the BDCP.

All of these recommendations reflect requirements of the legislative package.

**Developing a “Beneficiary Pays” Based Finance Plan for the Delta Plan:** This is an area in which CALFED did not succeed. We must learn from that failure. We support Chairman Huffman’s efforts, in AB 2092, to encourage the development of a strong “beneficiary pays” based finance plan for the Delta Plan. SB 7X 1 resolved one of these financing issues, regarding the financing of any new Delta conveyance facility. But implementation of the whole Delta Plan will cost tens of billions of dollars. These funds will not, nor should they be, exclusively, or even primarily, public dollars. The DSC needs to begin work on finance issues not just to ensure that its plan will be implemented, but to shape the plan itself. Should the DSC simply include lavish funding for the favorite projects of every stakeholder group, it could find itself with a white elephant plan that would not be implemented.

**Realistic and Detailed Phasing:** A great deal of attention in the Delta debate has been focused on long-term issues like conveyance. These are important decisions, but their implementation will take perhaps 20 to 25 years. The Council must focus not just on the long-term. It must also honestly assess how long it will take to reach the long-term. This should drive the Council to develop detailed and ambitious short and mid-term plans. An example of the importance of realistic phasing can be seen in my fourth recommendation.

**Integrate Flood Management and the BDCP Process:** The Council should take care to strengthen their credibility in the Delta. This is essential to develop a plan that meets the legislature’s requirements, but also to ensure cooperation from the Delta community to ensure that the Delta Plan is implemented. We have offered the Council several recommendations to achieve this goal, the most critical of which is to fully integrate Delta flood management with the ecosystem and water supply reliability planning taking place in the BDCP process. For example, for the next few decades at a minimum, the CVP and SWP will depend on the Delta flood management system to continue their operations in the Delta. This suggests the need for an ambitious early phase of investments in Delta flood management to provide water supply reliability benefits.

We thank the legislature for this ongoing oversight to work with the agencies to ensure that the requirements of this legislation are fully implemented, to help strengthen the work of the Council and to strengthen ongoing efforts that must evolve (including the BDCP and several other efforts) to reflect the requirements of the package.