

**The Assembly Water, Parks and Wildlife Committee**  
**State Capitol, Room 437**  
**Tuesday, November 16, 2010 (1:00 PM)**  
**Speaking points for**  
**Supervisor Don Nottoli, District 5, Sacramento County**

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I greatly appreciate the opportunity to be before your Committee today on behalf of the Delta Counties Coalition: the five counties that encompass the Delta:

Sacramento, Yolo, Solano, San Joaquin and Contra Costa Counties. The Coalition was formed roughly 2 years ago with the goal of collectively articulating the issues and interests from the perspective of the Delta region itself.

Your Committee members are well aware that the Coalition's leadership represent more than four million Californians many of whom live and work in the Delta. As a result, the Coalition is committed to working with the administration and our legislative partners (both Federal and State) to achieve comprehensive and balanced solutions. We appreciate the attention that you are giving the serious water management challenges facing our region and the entire state.

The central tenet of the 5 Delta Counties position on all proposals impacting the Delta is that: the Delta is an important agricultural, recreational and environmental area – not just a water delivery system.

As you know and the Chair noted earlier, the Sacramento-San Joaquin Delta Reform Act of 2009 established a new state policy of reducing reliance on water exports from the Delta and investing in alternative, regional water supplies. It is our position the BDCP has focused on increasing water exports from the Delta, and has not acknowledged this legislative mandate to reduce Delta diversions and invest in regional supplies, or considered actions outside of the Delta that contribute to water supply reliability. Federal support to ensure all levels of government and the public are working together to achieve fair, scientifically sound, and sustainable solutions to the broader set of complex problems is critically important.

- One of the primary goals of the Reform Act is providing/ensuring a reliable, long-term water supply. However, we won't know what a "reliable supply" from the Delta means until we really try to understand how much of the available supply to the Delta is necessary to meet the needs of the areas of origin and to restore the Bay-Delta ecosystem and its tributaries to some reasonable level. This, obviously, will vary depending on wet and dry cycles and the time of the year. Until we know what the "reliable supply" is it is scientifically unreasonable and fiscally imprudent to try to design an appropriate conveyance system. The BDCP approaches this problem from the wrong end, identifying the exportable supply and the conveyance system first, before the needs of the Delta are determined.

Further, in our view, the BDCP's approach presents inconsistencies with:

1. Prior vested water rights;
  2. The area of origin statutes;
  3. The Delta Protection Act;
  4. The shortage provisions in the State and Federal water rights permits and export contracts;
  5. The public trust doctrine and the State and Federal Endangered Species Acts; and
  6. The Clean Water Act and other environmental protection statutes.
- Regarding eco-system restoration.....We are now hearing that a 10-member Implementation Office (IO) is being considered as part of the implementation framework for BDCP. Isn't this counter to the provisions in the Delta Reform Act given it clearly identifies the Delta Conservancy Board (DCB) as the "primary State agency for implementing ecosystem restoration in the Delta" (Public Resources Code Section 32322)? All five of the Delta Counties are represented on the Conservancy Board providing a ready-made implementation structure with on-the-ground knowledge of those sensitive areas which warrant preservation and conservation enhancement.
  - Also of note are local conflicts with the BDCP's Restoration Opportunity Areas (ROAs): In May of this year Supervisor Jim Provenza, from Yolo County, and I were before many members of this Committee to share concerns regarding the need for greater coordination between the 5-county's HCP restoration areas and the BDCP's ROAs....to date it's been non-existent. Obviously, the goal is to develop working regional/ local partnership to avoid implementation overlaps and conflicts. Successful collaboration on this front could be the catalyst for implementing long-term habitat restoration and conservation strategies and actions for the entire Delta region.

The BDCP process is at a crossroads. While millions of dollars have been committed to the process, surprisingly, there is little agreement among members (other than exporters) on study components (i.e., purpose/need, effects analysis), and before additional financial commitments are made, they want federal assurances. Many of the Committee members are well aware that there's been a rush to closure even when the basic studies, such as the effects analysis, have not been completed. This is problematic as no disclosure of impacts to others or how those impacts will be mitigated have been identified.

We also believe that, in order to attain that goal of reliable water supply and to facilitate regional self sufficiency, we need to devise a robust flood management strategy and a plan for the Central Valley which protects life, property and infrastructure, while incorporating opportunities to access and replenish ground water storage vacated by overdraft. Replenishing ground water storage will help provide "reliable" water supplies in the drier years. Failing to strengthen flood

protection for the Delta is extremely shortsighted given the populations, the infrastructure and the economies which are at stake.

If the BDCP process is to be successful, we (state, counties, key stakeholders, and residents) all need to move forward together and any federal or state proposal needs to respect local water rights, water quality standards, County land use authority and stewardship of lands within its jurisdiction as well as provide mitigation for future local adverse economic impacts in the Delta associated with implementing any habitat restoration or conveyance. This includes support for economic mitigation, sustainable Delta communities, loss of productive agricultural lands, management of habitat restoration over the long-term, and payments for third party impacts. Further, it is critically important that the Counties in the DCC be officially and completely informed of any projects or plans that the BDCP considers. Efforts to address the water supply and ecosystem problems in the Delta must be carried out with the support and concurrence of the 5 Delta Counties (and the local advocates and stakeholders.)

Thank you for the opportunity to present the DCC 's position to you today and we look forward to working with the State of California, and the other stakeholders in the Delta in solving these important, yet complex issues and achieving the co-equal goals while working to preserve and enhance the unique values of the Delta.