



American Rivers
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**MEDIA STATEMENT ON RELEASE OF THE DRAFT
BAY DELTA CONSERVATION PLAN DOCUMENTS**

December 9, 2013

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Today the state of California is releasing the long-awaited draft Bay Delta Conservation Plan (BDCP), along with the plan's accompanying federal and state draft environmental review documents. The BDCP is an attempt to develop a long-term permit for the federal and state water project pumping plants in the Delta and has been a central part of a larger effort by Governor Brown to address California's long-standing water issues and ensure a more reliable water supply for the future while restoring and conserving California's imperiled ecosystems. With California facing a possible third consecutive dry year and with poor environmental conditions in the Bay Delta, it is imperative that California makes significant progress on a comprehensive ecosystem and water supply solution. Our groups strongly support efforts to find those solutions, and have participated extensively in the BDCP process for that reason.

With the release of the draft State Water Action Plan last month, we were pleased to see the Governor set forth an agenda based on the realization that a more comprehensive solution is necessary for the Delta – a strategy that encompasses strong, new flow and water quality requirements adopted and enforced by the State Water Resources Control Board; ambitious actions to reduce reliance on the fragile Delta ecosystem as a water supply source and instead focuses on local self-reliance through conservation, recycling, alternative supplies, and other means; and well-considered changes within the

MEDIA STATEMENT ON RELEASE OF DRAFT BDCP DOCUMENTS

December 9, 2013

Page 2

Delta itself to avoid disruption of the water supply system and restore large blocks of habitat as envisioned within the BDCP.

Our organizations— American Rivers, The Bay Institute, Defenders of Wildlife, the Natural Resources Defense Council, and The Nature Conservancy — have been deeply involved over the past seven years in the process to produce an acceptable BDCP as part of a larger solution. Past versions of the plan have not met the threshold we seek – and the law requires – to develop and implement a set of actions that will 1) restore and sustain the Delta’s vanishing species and habitats, including California’s unique and commercially important Chinook salmon runs, and 2) reduce the vulnerability of the state’s water supply system to catastrophic failure, in a manner that reduces reliance on the Delta and respects Delta communities. Achieving these co-equal goals from the 2009 Delta Reform Act is critical because the status quo in the Delta is unacceptable from environmental, water supply and public safety perspectives.

Our organizations will now begin the intensive task of reviewing and analyzing the more than 30,000 pages of the draft BDCP. As we do so, we will be looking to see if the following elements of a successful plan have been included:

***Significantly improved flows into, through and from the Delta into San Francisco Bay**, as the best available science demonstrates is necessary to conserve salmon and other native fish and wildlife. The overwhelming scientific consensus is that current levels of water diversions from the Delta are not sustainable from both the ecosystem and water supply perspectives, helping drive numerous species to the brink of extinction and creating conflicts over allowable exports every year. These problems will only worsen as a result of climate change.

***A clear and workable adaptive management framework for achieving specific, science-based biological objectives** that are necessary to conserve the Delta’s native fish, wildlife and natural communities. The plan must avoid the pitfall of providing guarantees for minimum water supply from the Delta that would in effect prevent adaptive management actions as informed by science to reduce exports as needed if biological objectives are not being achieved.

***Decision making authority in the hands of the state and federal fish and wildlife agencies** about whether the BDCP’s objectives are being met and what action must be taken to meet those objectives. The plan must take care to protect the integrity of the science-based decision-making process, such as decisions that might reduce exports, from being controlled by the exporters themselves.

*** Avoidance of the mistakes of the past in using public monies to provide flows**, such as the failure of the Environmental Water Account and other prior efforts to acquire water for the environment, and not propose to pay exporters to maintain the export status quo in the Delta.

***A cost-effective approach**, in light of needed statewide investments in local and regional water supplies (including conservation, recycling, and stormwater capture) **that could reduce reliance on the Delta and provide more reliable water**. The law requires the water agencies who receive exported

MEDIA STATEMENT ON RELEASE OF DRAFT BDCP DOCUMENTS

December 9, 2013

Page 3

water to pay for all of the following: (1) the costs of the construction and operation of a new facility; (2) the mitigation actions necessary to fully mitigate all the environmental impacts associated with the project; and (3) contribute to the funding of the environmental restoration program. The plan must have a credible financing plan for both the exporter and public contributions, in order to ensure adequate funding for implementation.

***A complementary approach to the Governor's draft State Water Action Plan.** The draft SWAP begins to lay out a meaningful strategy in which final decisions about Delta conveyance and habitat are made in the context of accompanying decisions about Bay-Delta flow and water quality standards, water conservation, and a suite of other actions that together define an overall solution to the Delta crisis. Refinement of the BDCP and greater definition of the SWAP should go hand in hand in the coming months.

As part of the larger context, advancing a water bond will be an important step in helping to implement California's broader water sustainability goals. The bond can play an important role in integrating conservation, water use efficiency, groundwater recharge, recycling, local infrastructure, drought response measures, integrated water management and environmental protection measures that would help achieve critical objectives in the Water Action Plan.

BDCP is a work in progress, and it's likely that the new plan has not resolved or even fully clarified all the issues identified above. Given the scope of the Delta's problems and the effort involved in developing a complex and defensible plan over the last few years, we expect that the new plan will need further work over the course of 2014 to continue to improve the Administration's proposed project, to incorporate the elements listed above, and to better achieve the Delta Reform Act's co-equal goals and other requirements. A BDCP project that meets this threshold could be implemented as part of a broader statewide Water Action Plan that includes significant investments in local water supplies to reduce reliance on the Delta, and flow and habitat improvements throughout the watershed.

It is essential that accurate information is made publicly available during the public comment period, including information about funding, governance and scientifically credible information about the effects of the proposed project and alternatives on water supply and the Delta ecosystem. We look forward to reviewing the documents in detail, and will actively participate in independent scientific reviews of BDCP and in the public process to review the BDCP and to achieve a successful BDCP that includes these elements.