



Principles for the CALFED Bay-Delta Program
Adopted by NCWA's Board of Directors, September 15, 1999

In 1994, the State of California and the United States signed a "Framework Agreement" pledging cooperation on a long-term plan to address chronic water supply and environmental problems in the Sacramento-San Joaquin River Delta and San Francisco Bay (Bay-Delta). Consistent with this pledge, certain urban, agricultural and environmental interests, also in 1994, signed the "Bay-Delta Accord" which established an interim management plan for the Bay-Delta. The Northern California Water Association (NCWA) is a signatory to the 1994 Bay-Delta Accord.

Beginning in 1996 through the present, NCWA helped develop and ultimately supported Proposition 204, the Safe, Clean, Reliable Water Supply Act; the California Bay-Delta Enhancement and Water Security Act; and federal CALFED appropriations for the past three years. Two NCWA Board members—Don Bransford and Tib Belza—have served on the Bay-Delta Advisory Council (BDAC) since its inception. NCWA is also a member of the BDAC Ecosystem Roundtable, and the Water Management Development Team (WMDT). This consistent and constructive participation in the CALFED process reflects our members' commitment to sound water management and environmental stewardship. This commitment has resulted in improved water quality in the Sacramento River and its tributaries, the production of high quality agricultural products, more efficient water use in the Sacramento Valley, increased protections for fisheries and the establishment of thousands of acres of privately managed habitat for waterfowl and wildlife.

NCWA supports the resolution of environmental problems in the Bay-Delta ecosystem, although we believe that Sacramento Valley water users are not major contributors to the environmental problems of the Bay-Delta. From the Northern California perspective, the CALFED process was intended to address problems in the Bay-Delta, which are largely associated with water uses south and west of the delta. NCWA initially endorsed the CALFED process to address these problems based on the CALFED promise that, in seeking solutions, it would not redirect impacts and problems northward. Put differently, Northern California will not tolerate nor in any way accept being the solution area for the rest of the state's water problems.

Despite our concerns, it now appears that CALFED and its agencies are increasingly looking to solve present and future water demands by targeting both water and land in Northern California. NCWA's support of CALFED will continue to be predicated upon CALFED solving problems in the delta, but doing so in a manner that will not redirect impacts to Northern California and will

not rely upon Northern California to solve the state's water problems. Most notably, this means that CALFED and its member agencies must fully recognize the senior water rights and entitlements held by entities and individuals within the areas of origin. Unfortunately, these fundamental rights and personal freedoms get lost in the zeal to move forward with the CALFED program. Unless these rights are, in fact, recognized and honored by CALFED and its member agencies, NCWA's support for the CALFED program, including support for future funding, will not continue.

NCWA intends to utilize the following principles to guide its participation in CALFED and any negotiations leading to a Record of Decision (ROD).

1. **Water Rights Priority.** The CALFED program must adhere strictly to California's water rights priority system. This system has guided water allocation decisions in this state from a time prior to statehood. The Bay-Delta Accord expressly provides that CALFED and its member agencies must fully honor "the water rights priority system and the statutory protections for areas of origin." The CALFED program must also adhere strictly to the commitments and policies articulated in state and federal law regarding the areas and watersheds of origin. This includes adherence to these commitments and policies, as they should be incorporated into water supply and water diversion contracts.

The CALFED agencies must recognize that all water supply and environmental issues are not necessarily delta-related. Sacramento Valley water users do not directly rely upon the delta for their water supplies and, as a consequence, are not major contributors to the environmental problems in the Bay-Delta. In our view, the Delta Protection Act (Water Code Section 12200 *et seq.*) requires the State Water Project and Central Valley Project exporters to meet delta salinity standards. Accordingly, the State Water Project and Central Valley Project should be required to meet current and future water quality objectives and standards associated with the State Water Resources Control Board's water quality control plans for the Bay-Delta, but not at the expense of water right holders or project water users upstream of the delta.

2. **Integrated Storage Investigation (ISI).** CALFED should accelerate its preparation of the Integrated Storage Investigation (ISI) and begin to immediately implement water storage programs that will be necessary to meet a growing population in California and to avoid redirecting impacts to Northern California.

- A. **Surface Storage.** The CALFED preferred alternative must encourage the development of new locally controlled and owned off-stream storage in the Sacramento Valley (such as Sites Reservoir, Waldo and Redbank) that will create new yield for upstream needs to meet urban and agricultural demands, to provide flood control benefits and supplement environmental water needs. Enlarging Lake Shasta and Lake Oroville is also critical for flood control and water supply purposes, as long as area of origin rights are protected. In remanaging flows on these rivers, downstream levee seepage and water conveyance issues must be fully addressed.
 - B. **Groundwater Management.** With respect to groundwater management opportunities in the Sacramento Valley, CALFED can best assist interested local water users to undertake pilot studies and other projects that will help local water users better understand and manage the groundwater resources in their area. State or federally driven programs will stifle local groundwater management opportunities and should be avoided by CALFED and its member agencies. Groundwater management cannot be considered as a substitute for new surface storage.
 - C. **Reoperation of PG&E Facilities.** CALFED should continue to study the potential water supplies that can be obtained by reoperating existing facilities, including those held by Pacific Gas and Electric (PG&E) in Northern California. This is particularly true if watershed and area of origin benefits can be attained from reoperation. As part of this process, it must be recognized that there are downstream water users within the area of origin that have water rights and contracts with PG&E that must be fully honored before any reoperation or change in water rights can be assumed. Most importantly, the study to examine reoperation potential cannot be used to delay or otherwise prevent improvements in other parts of the ISI, including surface storage.
3. **Delta Conveyance.** The staged development and operation of any new delta conveyance facilities should be consistent with state and federal law and CALFED's policy of "no redirected impacts." Water rights and water supplies of Northern California communities must not be adversely affected by the construction, operation or management of new water supply facilities, or by the integrated management of existing State Water Project or Central Valley Project facilities. Northern California communities and water users should also have fair representation on any new management entity or institution designed to manage or administer both new and existing facilities or projects.

4. **Environmental Water Account (EWA).** The EWA largely relies on water transfers from Northern California to fund the account during the initial years. CALFED must recognize that Northern California water users cannot transfer water for the account until the water rights issues are resolved in the current State Water Resources Control Board (SWRCB) Bay-Delta proceedings. CALFED must avoid becoming a “deep pockets” competitor for Sacramento Valley water supplies when there are still unmet needs in Northern California. In addition to water transfers, CALFED must recognize that there are limited upstream opportunities in the Sacramento Valley for CALFED and its agencies to purchase or otherwise develop water assets without developing new surface water storage. We strongly encourage CALFED to increase flexibility in the delta so that water users can fully utilize delta water supplies, but only to the extent that there are no additional obligations to Northern California water users.
5. **Water Transfers.** Water transfers cannot be used as a substitute for developing new water supplies, such as storage. CALFED should implement water transfer policies consistent with and as a supplement to the broader and long-term solution to water supply problems in the Bay-Delta. The policy should recognize that the actual water right holder—the owner of the water right—should determine the disposition of the water to be transferred, unless otherwise provided by law. These guidelines should also ensure that a transfer will not cause unreasonable community, financial, water supply, operational or environmental impacts. Transfer proposals that would result in degradation of groundwater quality or the overdraft of the safe yield of affected groundwater basins should be restricted. Transfers between parties within the same basin should be encouraged and facilitated. Transfers in accord with these policies should be deemed a beneficial use of water, including the transfer of water made possible through conservation or efficient water management practices.
6. **Ecosystem Restoration Program.** The CALFED program must fully address the environmental problems in the Bay-Delta ecosystem. CALFED’s restoration efforts must consolidate the myriad of existing agency programs into a cohesive plan that focuses upon maintaining existing habitat and fully utilizing existing public lands for habitat purposes. CALFED should recognize that while upstream water users are not major contributors to the environmental problems in the Bay-Delta, protection and enhancement of upstream fish and wildlife habitat on the Sacramento, Feather, and Yuba rivers and their tributaries has already helped resolve certain Bay-Delta environmental problems.

Whenever possible, the CALFED program should support continuing agricultural activities on farmland. There should be no unilateral governmental action that restricts or otherwise dictates how private property shall be farmed. The CALFED program should also recognize and be consistent with voluntary water management and agricultural production practices that provide associated waterfowl and wildlife benefits. The NCWA Board on June 16, 1999 adopted a policy entitled “Responsible Land Acquisition for Environmental Purposes” that describes the Board policies on these issues. This has previously been provided to CALFED.

7. **Flood Protection.** Upstream actions to improve environmental values must not threaten water rights, water supplies or flood control protection for Northern California communities. Flood protection policies, such as CALFED’s delta levee program, should apply to upstream levee sections in the Sacramento Valley. At the present time, ecosystem actions proposed by CALFED will exacerbate flooding in the Sacramento Valley and may conflict with existing floodplain management regulations. For example, proposed higher flows on the Sacramento, Feather and Yuba rivers, or other tributaries, may damage levees, bypasses and weirs that are saturated for longer periods of time, and may exacerbate levee stability in seepage-prone areas. In addition to threatening flood control protection, increased flows may raise local maintenance and repair costs for water suppliers as well as flood and levee districts. Additional seepage may also damage farmland adjacent to rivers.

CALFED’s proposed land acquisition projects for riparian forests within the Sacramento Flood Control Project may ultimately reduce the channel capacity of the Sacramento River, inhibit maintenance of levees and the removal of vegetation and weaken levees during flood events, resulting in more widespread flooding. Levee set-back and river meander projects—in which the river may change course—also threaten flood control protection, agricultural diversions, and fish screen projects. CALFED should complete a comprehensive analysis on the potential effect of these proposed actions on public safety in Northern California, recognizing that the Army Corps of Engineers and the Reclamation Board are conducting a comprehensive flood control assessment for the Central Valley.

8. **Water Use Efficiency.** The CALFED program should encourage overall water management as a means to better facilitate the development of water supplies. Traditional concepts of water conservation will have limited success in the Sacramento Valley in developing new water sources. The CALFED preferred alternative and any legislation

must focus on water use management through region-specific plans that provide incentives and take into consideration such factors as surface and groundwater quality and quantity, soil quality and type, cultural practices and economic and environmental benefits.

9. **Environmental Review.** CALFED must fully comply with both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). This must include a meaningful analysis of potential impacts to Northern California's water and land resources and it must address the cumulative impacts that will result from redirecting land and water to other parts of the state.
10. **Water Quality.** NCWA supports the need for high quality water throughout the state. CALFED must defer to existing regulations and laws regarding water quality and particularly the authority given to the SWRCB and the Regional Boards in California. Any water quality standards must be based upon sound scientific standards. It is important that other programs, such as efficient water management practices, do not result in water quality problems in the areas of origin.
11. **Fish Passage Improvements.** The CALFED preferred alternative must provide adequate financing and insure state and federal support for the implementation of a coordinated fish screening and fish passage program. This program should be implemented both upstream and in the Bay-Delta. The program should prioritize expenditures and implementation based upon criteria that will result in the greatest measurable benefit to the fishery. These improvements are the showpiece for CALFED and they provide known benefits to the ecosystem and agricultural water supply reliability.
12. **Endangered Species Act Compliance.** The CALFED preferred alternative must provide certainty that agreed upon project facilities and their operations will not be limited or otherwise prohibited based upon future regulatory determinations. The CALFED preferred alternative must include assurances that water users will be protected from future regulatory actions, regardless of their source.

CALFED must also assure that cooperating landowners will not be prevented from continuing their existing land use practices because of CALFED actions and particularly the multi-species conservation measures. An assurances program provides the critical avenue through which ecosystem conservation and restoration can occur in harmony with needs of landowners, counties, local agencies and other private interests.

13. **Watershed Management.** Although local watershed management programs have been beneficial in certain areas, such as Butte Creek, Mill Creek and Deer Creek, CALFED should proceed cautiously with watershed management programs until it is clear that there will be real and meaningful benefits. Any watershed program must comply with the land and water use authority held by local counties and water agencies.
14. **Financing.** The CALFED financial plan should be based upon a comprehensive program that includes significant financial commitments from state and federal agencies. CALFED should initially focus on the redirection or revised management of state and federal programs related to CALFED's goals. Program elements that provide broad public benefits should be funded by state and federal agencies and through new appropriations. Specific projects should be cost-shared wherever feasible. Water suppliers that contribute to the Central Valley Project Improvement Act Restoration Fund or to a specific project identified or recognized in the Category III or CALFED program should receive credit against any potential future financial obligation. New fee or contribution requirements must sunset so that funds are recovered only for the specific purposes and duration intended. There should be no tax or fee associated with the use or ownership of water.
15. **Local Coordination Plan.** CALFED should develop a local coordination plan for its member agencies that shows how the different program elements will be implemented in concert and with input from local interests.
16. **Solution Principles.** The CALFED preferred alternative must be consistent with the six solution principles established by CALFED (reduce conflicts in the system, be equitable, be affordable, be durable, be implementable, and have no significant redirected impacts). CALFED must carefully evaluate its plan to assure full compliance with the solution principles.