



*To advance the economic, social and environmental sustainability of Northern California
by enhancing and preserving the water rights, supplies and water quality.*

**Bay-Delta Policy
Regarding the Proposed Bay-Delta Conservation Plan
and Delta Conveyance Proposals**

Recitals

WHEREAS, the Sacramento Valley is a rich mosaic of farm lands, cities and rural communities, refuges and managed wetlands, providing waterfowl and shorebird habitat and spawning grounds for numerous salmon and steelhead trout. This natural and working landscape between the crests of the Sierra Nevada and the Coast Range includes:

- Several million acres of family farms that provide the economic engine for the region, providing a working landscape and pastoral setting while serving as valuable habitat for birds along the Pacific Flyway and other terrestrial species;
- Small towns and rural communities that form the backbone of the region, as well as the State Capitol that serves as the center of government for the State of California;
- Habitat for 50% of the threatened and endangered species in California, including the winter-run and spring-run salmon, steelhead and many other fish species;

- Six National Wildlife Refuges, more than fifty State Wildlife Areas and other privately managed wetlands that support the annual migration of waterfowl in the Pacific Flyway. These seasonal and permanent wetlands provide for 65% of the North American Waterfowl Management Plan objectives; and
- Forests and meadows in the numerous watersheds of the Sierra Nevada and Coast Range;

WHEREAS, under natural conditions, water in the Sacramento River and its various tributaries and watersheds flows south past the Capitol through the Sacramento-San Joaquin River Delta and San Francisco Bay (hereinafter “Bay-Delta”) and then to the Pacific Ocean. Since the late 1800s, leaders throughout the Sacramento Valley have secured a variety of water rights and other entitlements to water and have invested significant public and private capital so that water supplies can either be directly diverted or stored to meet the various Northern California needs. These water rights, entitlements and supplies help support the socio-economic foundation upon which the Sacramento Valley and Northern California is based and also serve as an effective tool to meet various environmental goals consistent with the values of the region;

WHEREAS, to provide water supplies and improve water quality for all of these diverse purposes, Sacramento Valley public and private agencies have developed a highly efficient system of water facilities and they continue to refine integrated regional water management programs to facilitate even better cooperation among themselves. The Sacramento Valley has also partnered on numerous occasions with diverse parties throughout the state to help improve water quality, habitat conditions and to help meet supplemental water supply needs outside the region. One of the most recent and dramatic examples of this collaboration was the execution of the Sacramento Valley Water Management Agreement in September 2001;

WHEREAS, the Northern California Water Association (NCWA) was a strong and constructive participant in the CALFED process. In 1994, NCWA was a signatory to the Bay-Delta Accord which pledged commitment to address a long-term plan to address water supply and environmental problems in the Bay-Delta. NCWA subsequently helped develop and ultimately supported Propositions 204, 13 and 50, the federal California Water Supply, Reliability and Environmental Improvement Act; and various federal appropriations for the program. The NCWA Board of Directors adopted policies on CALFED on October 29, 1996 and September 15, 1999, and originally developed and approved this policy on October 4, 2006;

WHEREAS, over the past 15 years, NCWA Board Members, staff, and member representatives have served on the various appointed councils that advised the CALFED program and they have actively participated in the various committees and work groups assisting in the development and implementation of the CALFED program objectives and the Delta Vision. This consistent and constructive participation reflects NCWA members' commitment to sound water management and environmental stewardship. Most important, this commitment has resulted in improved water quality in the Sacramento River and its tributaries, the production of high quality agricultural products that are consumed around the world, more efficient water use in the Sacramento Valley, increased protections for fisheries, and the establishment of thousands of acres of public and privately managed habitat for waterfowl and wildlife;

WHEREAS, NCWA recognizes that the Bay-Delta is an important economic and environmental resource benefiting all of California and the nation, and that there is much at stake in how one implements the numerous ecosystem restoration and water management actions that are under consideration. In this context, NCWA remains committed to work toward a successful resolution to that area's complex environmental and water supply problems; and

WHEREAS, it is essential, as a predicate to NCWA participation or partnership in any Bay-Delta solutions, that the following be understood and agreed upon:

- Water use within the Sacramento Valley region does not cause the problems that have been identified in the Bay-Delta and which are being addressed by the consortium of entities working on the development of the Bay-Delta Conservation Plan (BDCP), discussed below.

- Because of its location upstream from the Bay-Delta, all water not consumptively used within the Sacramento Valley returns for subsequent diversion by others or for Bay-Delta outflow. To the extent that use of water within the Sacramento Valley has had any impact on the environment, that impact is related specifically and directly to upstream diversion and use and not to any adverse consequences in the Bay-Delta. Much of the impact has been beneficial. Water users within the Sacramento Valley, however, have also provided for environmental mitigation, protection and enhancement activities that have been properly focused on issues such as fish screens, related fish passage and upstream-related fishery habitat issues. Direct Sacramento Valley actions have led to improved fisheries in the Sacramento Valley. More generally, the use of water within the Sacramento Valley itself contributes to habitat improvement, including the creation and enhancement of habitat for waterfowl, terrestrial species and fish.

NOW, THEREFORE, NCWA HEREBY RESOLVES AND ADOPTS THIS POLICY as a framework in which those with a direct interest in the Bay-Delta can work with NCWA on the development and implementation of a Bay-Delta Habitat Conservation Plan (HCP) and/or Natural Community Conservation Planning Act Plan (NCCP) (presently proposed through the BDCP) and to develop conveyance solutions associated with the Bay-Delta.

I. BDCP/HCP/NCCP. State, federal and so-called “applicant” agencies have been working and presumably will continue to work on an HCP and NCCP for the Bay-Delta. In this context, there has been discussion of including within the “geographic scope” of the BDCP HCP/NCCP areas on the Sacramento River and its tributaries, above the “I”

Street Bridge in the City of Sacramento. The following articulates NCWA's policy with respect to the development of the BDCP or any Bay-Delta HCP/NCCP:

1. NCWA recognizes the importance to California's future of restoring the environmental health of the Bay-Delta and providing high quality and reliable water supplies for all beneficial uses, and has been and remains willing to play a constructive role in implementing necessary solutions to Bay-Delta problems.

2. The Sacramento Valley is unique and distinct from the Bay-Delta and must be recognized as such. NCWA has consistently maintained a distinction, both geographically and otherwise, between the Bay-Delta and the Sacramento Valley. In scope and in application these two areas are distinct. NCWA will not support any program or party that does not recognize this key distinction and separation.

3. In any and all actions involving the Sacramento Valley, federal, state and applicant agencies must refrain from imposing on the Sacramento Valley any burden for mitigating impacts to the Bay-Delta that have been caused by the construction and operation of the Central Valley Project (CVP) and State Water Project (SWP).

4. Any Bay-Delta HCP/NCCP must adhere strictly to California's water rights priority system and must also adhere strictly to the commitments and policies articulated in state and federal law regarding the areas and watersheds of origin.

5. Actions associated with any Bay-Delta HCP/NCCP must be undertaken in a manner that insures that solutions implemented to resolve problems within the Bay-Delta will not redirect any negative impacts to the Sacramento Valley and/or impose any taxes or fees to support the Bay-Delta.

6. Acceptable assurances must be provided that Sacramento Valley water rights and entitlements will not be sacrificed in favor of other Bay-Delta objectives. Federal and state agencies must work with, not against, Sacramento Valley interests in

meeting their mutual water supply needs and environmental objectives. The State Water Resources Control Board (SWRCB) and/or any other state or federal agency must not use its regulatory authority to reallocate watershed-of-origin water supplies to meet Delta water quality standards and other environmental objectives in the Bay-Delta system.

7. New water supplies, including those that would be made possible through the construction of a Sites Reservoir, must be advanced to meet current and future water supply needs in the Sacramento Valley as well as throughout the rest of the State of California. Simply relying on the reallocation of existing supplies and demand reduction as a means to address water supply shortages is not acceptable.

8. The full realization of a Bay-Delta HCP/NCCP can best be accomplished through a partnership that incorporates sustainability and regional self-sufficiency in the Sacramento Valley and recognizes integrated regional water management throughout the region. Sacramento Valley water users have committed to help improve water supply reliability, water quality and environmental benefits and to provide water supplies and improve water quality for the diverse purposes described above. Integrated regional plans contain conservation elements that highlight the significant improvements that have been made throughout the region for fish, birds and other species. They also include water management strategies that will be pursued to enhance and improve water supplies and the ecosystem in this region. NCWA believes that it may be appropriate to coordinate this effort with the otherwise distinct Bay-Delta HCP/NCCP process.

II. Delta Conveyance. NCWA will consider supporting the implementation of means to assure reliable export water supplies, including the development of more viable means to convey water through the Delta in a way that provides water security, for water users within the Sacramento Valley and users of export water supplies, and that improves the Bay-Delta ecosystem. NCWA support of conveyance proposals will be predicated upon the development of detailed assurances that include, but are not limited to, the following:

1. Water rights and water supplies of Sacramento Valley communities must not be adversely affected by the construction, operation or management of new water supply facilities. Area-of-origin protections shall be honored and should be strengthened through constitutional amendment.

2. The CVP and SWP must continue to meet Delta water quality standards and objectives and any formal proposal must incorporate an acknowledgment of the continuation of that obligation on the CVP and SWP, coupled with a prohibition on the imposition, of any responsibility for such standards, directly or indirectly on Sacramento Valley water right holders.

3. CVP and SWP Bay-Delta obligations, including flow and water quality standards and objectives, shall not be shifted to Sacramento Valley water right holders through the application of SWRCB Term 91 or through other regulatory means.

4. The Delta conveyance facility(ies) must be sized in a manner that relates directly to the needs for water security in other areas without jeopardizing Sacramento Valley water supplies or rights.

5. NCWA shall be directly involved in all operation and management decisions with respect to the Bay-Delta conveyance facility, including in the development of a management plan that assures NCWA that Sacramento Valley interests are fully protected.

6. NCWA and/or its members must have significant representation on any new management entity or institution designed to manage or administer both new and existing conveyance and associated facilities and projects, including a Sites Reservoir or any BDCP-related projects and programs.

7. A mechanism is created to provide infrastructure for the use of water within the Sacramento Valley to help meet current and future needs within areas of origin, including water for farms, rural communities, fisheries, waterfowl, and cities.

8. New water supplies, including those that would be made possible through the construction of a Sites Reservoir, must be identified to meet current and future water supply needs in the Sacramento Valley as well as throughout the rest of the State of California. More specifically, delta conveyance planning should be coordinated with the Sites reservoir formulation process so the joint operations will be analyzed (including the potential benefits and impacts to the Sacramento Valley) and available for review by Sacramento Valley interests.

9. The conveyance and associated facilities and projects must be designed, financed and operated in a manner that actually improves the Bay-Delta ecosystem and its dependent fish and wildlife species.

PASSED AND ADOPTED by vote of the NCWA Board of Directors on May 15, 2013. This policy was originally adopted on October 4, 2006.