2013 Delta Vision Report Card

DELTA VISION FOUNDATION

Report Card Category	2012 Grade	2013 Grade	Comments
Progress: Implementation of the *Delta Vision Strategic Plan*			
Near-Term Actions	D-	C-	Improved action on emergency preparedness. Coordinated support from stakeholders, but continued inaction by agencies to advance near-term projects. No state leadership on near-term actions and inadequate program management to drive action.
Governance	B-	B	Continued advancement of planning processes on multiple fronts, but inadequate effort to work with stakeholders and public to equitably resolve issues. Insufficient funding and goal-setting.
Ecosystem Restoration and Recovery	C	C+	Improved understanding, science, biological objectives, and local coordination in some areas. Increasing momentum toward action, but little actual project implementation.
Delta Vitality and Security	C	C-	Continued regional coordination on emergency response. No organized strategy for levee improvement or investment. Insufficient funding to support regional economic development.
Water Supply Reliability	C-	C-	Improved regional water management and efficiency guidance in place to guide action. State's single focus on conveyance is not advancing system flexibility.
Citizenship: Leadership, Effectiveness, and Cooperation			
State, Federal Agencies and Stakeholders	C	B	Continued high level of focus and effort; improving collaboration on science issues. Continued lack of integration across issues and actions leads to opposition and conflict. Implementation capacity still needed.
Results: Two Co-Equal Goals			
Efforts to Reduce Risks for the Ecosystem and Water Supply Reliability	D-	C-	Strong effort; continued advancement of planning with *Delta Plan*, *BDCP*, and *CVFPP*, but nothing accomplished to reverse years of neglect. Conditions remain critical. Incomplete definition of performance outcomes and common objectives.
Status of the Two Co-Equal Goals: Low, Moderate, High, Very High, Critical, Extreme			
Delta Ecosystem Restoration			**Critical**
Water Supply Reliability			**Critical**

The Delta Vision Foundation identified the following overall conclusions about efforts to achieve the Two Co-Equal Goals of restoring the Delta ecosystem and ensuring water supply reliability while protecting and enhancing the Delta as an evolving place. State and Federal agency progress in major planning and regulatory actions is positive, but lacks integration, resulting in ongoing polarization among stakeholders. Critical near-term actions such as levee investments have stalled and there is little, if any, progress in advancing the Two Co-Equal Goals together.

Reasons for Hope

1. The level of effort and coordination remains impressive.
2. The Two Co-Equal Goals influence discussion and decision-making across all organizations.
3. Major plans and science programs are advancing.

Cause for Concern

1. Coordination efforts lack integration and public accountability.
2. Near-term actions are stalled, even those with broad support.
3. Performance outcomes are missing.
4. The State lacks focus and capacity for implementation.
5. Important Delta programs are underfunded.

ED_000938_00001733-00001

2013 Delta Vision Report Card
Executive Summary

DELTA VISION FOUNDATION

Introduction and Background

The *2013 Delta Vision Report Card* assesses the status of the Delta and water supply reliability and the progress and effectiveness of State agencies and appointed governing bodies, Federal agencies, and other organizations in implementing the actions recommended in the *Delta Vision Strategic Plan*. The *Report Card* provides a broad assessment of actions and organizations so that elected officials, agency executives and staff, and stakeholders and the public can understand the opportunities and barriers for achieving the Two Co-Equal Goals. It is based on information gathered from elected officials' staff, agency executives and staff, stakeholders, and the public. The *Report Card* also includes recommendations for action and improvement to accelerate implementation and ensure that strategies and actions are comprehensive, coordinated, and integrated.

The Delta Vision Foundation assessed three aspects of efforts to implement the *Delta Vision Strategic Plan* and achieve the Two Co-Equal Goals:

Actions Progress – For each of the 85 actions recommended in the *Delta Vision Strategic Plan*.

Leadership, Effectiveness and Cooperation – Of the State, Federal agencies, and stakeholders and other interested parties.

Status of the Two Co-Equal Goals – To reduce risks for the ecosystem and water supply reliability.

Urgent Action Needed—Near-term Actions Stalled

The status of the Two Co-Equal Goals remains critical. The ecosystem remains at critical risk of losing species and habitat in the Delta. Water supply reliability remains at critical risk of supply disruption or shortages. Since the *Delta Vision Strategic Plan* was issued in 2008, there have been few significant actions implemented that reduce these risks and advance the Two Co-Equal Goals. Implementation of near-term actions has stalled, in part due to attention on long-term planning.

Leadership, Integration, and Action Essential

State agencies, federal agencies, and stakeholders continue to work diligently to plan and implement the legislative requirements. Coordination has improved in all areas. However, the Delta Vision Foundation finds that coordination among agencies is not sufficient to assure workable solutions and earn public trust. Agencies and stakeholder must develop mechanisms to link the major components of the *DVSP* and subsequent implementing legislation into a cohesive strategy to assure progress in all areas. Additional vision, integration, and direction are needed at all levels to resolve critical conflicts. The *2013 Delta Vision Report Card* assessment underscores the urgency for action and implementation. The progress of and accountability for implementation has been inadequate, particularly for the near-term actions identified in the *DVSP* to protect and secure the existing water supply infrastructure and begin ecosystem improvements.

Delta Vision Foundation

The Delta Vision Foundation was established by former members of the Delta Vision Blue Ribbon Task Force, the independent body established under Governor's Executive Order S-17-06. The mission of the Delta Vision Foundation is to encourage implementation and progress by the State of California toward achieving the Two Co-Equal Goals as defined in the *Delta Vision Strategic Plan*:

(1) Restore the Delta Ecosystem

(2) Ensure Water Supply Reliability

The Delta Vision Foundation monitors, evaluates, and provides information to government officials, policymakers, and the public about implementing the *Delta Vision Strategic Plan* recommendations as a set of integrated and linked actions.

Board of Directors

Linda Adams
Mike Chrisman
A.G. Kawamura
Mike Madigan
Thomas McKernan
Sunne Wright McPeak (President)
William Reilly
Raymond Seed (Secretary)

Staff

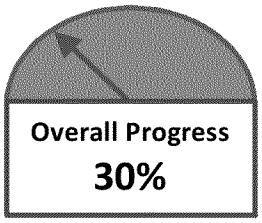
Charles Gardiner, Executive Director
Rita Holder, Policy Research Associate
Julie Dixon, Resource Media, Media Relations and Communications

www.deltavisionfoundation.org

ED_000938_00001733-00002

Implementation Progress

Overall, the 85 actions recommended in the *Delta Vision Strategic Plan* are 30% complete. This is a slight improvement compared with the 25% complete reported in the *2011 Delta Vision Report Card*.



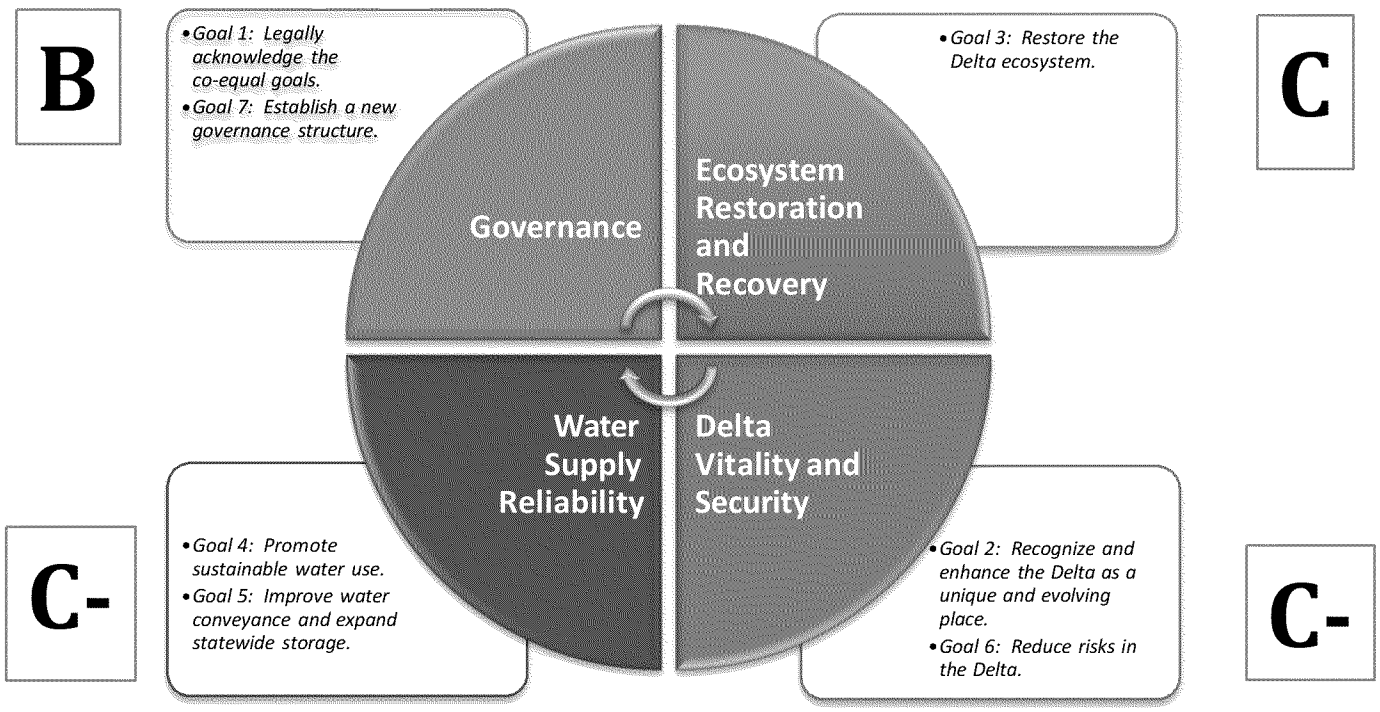
Near–Term Actions

C-

There is a continued lack of action to address near-term Delta risks and ecosystem restoration. In 2012 and 2013, there has been increased attention and momentum on near-term actions, particularly from the stakeholder community. Planning for near-term restoration actions is nearing readiness for construction. There has been some action to improve emergency response planning. However, there has been little investment to reduce the risk of catastrophic flooding of Delta islands caused by an earthquake or major flood event. Overall, the progress on near-term actions continues to be entirely inadequate, particularly related to securing the existing water supply infrastructure and beginning ecosystem improvements. Because of the stakeholder efforts to drive progress, the progress grade improved from a "D-" in 2012 to a "C-" in 2012.

Mid-term and Long-term Actions

New governance structures have been established and planning is underway, but implementation is lagging in all areas. The Governance grade increased from a "B-" in 2012, to a "B" this year, due to completion of the *Delta Plan* and *Central Valley Flood Protection Plan*, and advancement of the BDCP analysis. Grades for Ecosystem Restoration and Recovery increased from a "C" to a "C+" this year due to improved understanding and planning of the habitat restoration needs for the Delta. However, actual physical improvements appear years away. The grade for Delta Vitality and Security decreased from "C" to "C-" due to the continued delays in developing a Delta levee investment strategy and inadequate funding for Delta economic development. The Water Supply Reliability grade remained at "C-" for this year. These grades recognize the significant and commendable efforts made to advance plans and policy making in all areas. However, "C" is a "barely passing" grade—few "on-the-ground" actions have actually been implemented to improve water supply reliability, ecosystem restoration, or Delta vitality and security.



ED_000938_00001733-00003

Leadership, Effectiveness and Cooperation

State of California

The *2013 Delta Vision Report Card* evaluates implementing agencies for their leadership, strategic direction, coordination, results, and accountability. Given feedback from some State Agencies that they think past DVF grades have been unfair and did not fully recognize all their work, DVF asked each agency this year to complete a self-evaluation to provide the public and policymakers with the most complete information and transparency on accountability. DVF also completed an assessment as in the past. Both results are summarized below. DVF did not ask for evaluations from the Legislature or the Governor's Office. Agencies noted with a dash (–) declined to participate in the self-assessment. Whether or not State Agencies chose to participate in this *Report Card* process, the State of California overall needs to foster a culture of accountability for results and increased transparency on performance.

Table 3-2. State Leadership and Effectiveness Summary

Organization	Self	DVF	Comments
Legislature	**NA**	**C**	Limited oversight of Delta actions and inadequate near- and long-term funding of Delta governance and implementation since 2009 legislation. Need to re-engage now.
Governor's Administration	**NA**	**C+**	Improved direction to State Administration, but no defined vision or strategy to link and integrate actions, develop workable programs, and secure funding. Narrow focus on one part of the solution, BDCP.
Delta Stewardship Council	**B+**	**B**	Completed *Delta Plan*, but deferred important, tough issues – levees, near-term actions, performance measures, and implementation.
Natural Resources Agency	**–**	**B**	Advanced BDCP analysis and rollout—high level of effort and outreach. Inadequate coordination of linked, integrated actions to develop a workable solution. Decision-making approach lacks responsiveness to full range of stakeholders. Lack of focus on near-term actions.
Department of Water Resources	**–**	**B**	Advanced BDCP analysis and rollout—high level of effort. Supported progress in emergency preparedness and regional water management. Consumed by BDCP planning at the expense of critical investments in Delta levees and conveyance and demonstration of statewide integration.
Department of Fish and Wildlife	**–**	**B**	Improved leadership and coordination regarding BDCP. Ecosystem restoration planning is coordinated with others but lacks management strategies and deadlines to drive implementation.
Sacramento-San Joaquin Delta Conservancy	**A**	**A-**	Developed and implemented effective strategies and relationships with limited budget. Needs near-term projects and funding to demonstrate success.
Delta Protection Commission	**A**	**A-**	Represented Delta interests effectively. Advanced initiatives and assignments successfully. Needs funding and partnerships to achieve multiple benefits.
State Water Resources Control Board	**A**	**A-**	Advanced its strategic plan, reassigned resources to address highest priorities and improved coordinated action with the Regional Boards. Effectively seeking sound science. Needs to maintain focus for tough balancing decisions ahead.
Central Valley Regional Water Quality Control Board	**A**	**A-**	Coordinated strategies with State Water Board. Advanced programs and requirements to address critical water quality issues. Improved collaboration among monitoring programs.

ED_000938_00001733-00004

Table 3-2. State Leadership and Effectiveness Summary			
Organization	*Self*	*DVF*	*Comments*
California Water Commission	**B+**	**B+**	Adopted a strategic plan and approved regulations for urban and agricultural water use. Supported and advanced water storage and integrated water management. Needs to continue action on water storage, levees, and the SWP.
Emergency Management Agency	**B+**	**B+**	Continued effective coordination and enhancement of Delta emergency management. Initiated *Northern California Catastrophic Flood Response Plan*.
Central Valley Flood Protection Board	**–**	**B+**	Approved *CVFPP*. Initiated coordination with *Delta Plan* and other processes. Needs more alignment among flood, water, ecosystem actions and on Delta levee strategies.
Department of Food and Agriculture	**A+**	**B+**	Coordinated effectively with other State agencies and the agricultural community on Delta planning issues. Needs strategy to localize and implement Ag Vision 2030 to Sacramento, San Joaquin, and Delta regions.
Science Programs	**B+**	**B+**	Advanced coordinated science, science plan, and identification of key policy-science questions. Provided valuable independent review. Need resources to synthesize and communicate science efforts.

Federal Agencies

The *2013 Delta Vision Report Card* also evaluates the Federal agencies for their leadership, strategic direction, coordination, results, and accountability. Previous report cards evaluated the Federal agencies as a whole. This year's evaluation provides an individual assessment, based on a self-evaluation and the DVF assessment. Table 3-3 summarizes the results for the Federal agencies evaluated. Agencies noted with a dash (–) declined to participate in the self-assessment.

Table 3-3. Federal Leadership and Effectiveness Summary			
Organization	*Self*	*DVF*	*Comments*
Department of the Interior	**–**	**C+**	Provided strong leadership and coordination of federal participation in BDCP and biological opinions. Inadequate progress on storage. Uncertain commitment of new leadership for near-term future.
Bureau of Reclamation	**C+**	**C+**	Provided strong leadership and coordination of federal participation in BDCP and biological opinions. Inadequate progress on storage and linkages to conveyance.
U.S. Fish & Wildlife Service	**B**	**B**	Coordinated effectively with state and federal agencies. Provided planning, science, and regulatory oversight to critical Delta processes. Needs resources and coordinated decision-making to resolve key issues for BDCP and implementation actions.
National Marine Fisheries Service	**B+**	**B+**	Provided strong leadership, management, and coordination. Improved strategies for science collaboration. Uncertain impacts of agency reorganization.
U.S. Environmental Protection Agency	**B**	**B**	Developed coordinated strategy for Bay-Delta, focused on water quality and restoration. Improved coordination with the State Water Board. Need resources and follow-through to implement.

ED_000938_00001733-00005

Stakeholder Cooperation

B-

Since completion of the *DVSP* and passage of the 2009 water legislation, cooperation among stakeholders has become even more important. In the past year, several collaborative efforts were underway among stakeholders: (1) the Partnership for the San Joaquin Valley and the Delta Counties Coalition (12 counties total) working together to identify water, ecosystem, and security projects that would collectively serve the needs of these 12 counties; (2) the informal Coalition for Delta Projects, which identified 43 projects that should advance in their respective planning processes and were supported by 37 signatories; (3) the "Delta Dialogues" process initiated by the Delta Conservancy; (4) improved collaboration with and among stakeholders in floodplain planning in the Yolo Bypass and the lower San Joaquin River; and (5) the Ag-Urban Coalition efforts to help bridge regional differences within the water community.

Based on these efforts, primarily initiated by stakeholders, the DVF improved the grade for stakeholder cooperation from a "C" in 2012 to a "B-" in 2013. However, the DVF sees disturbing trends regarding constructive cooperation. The continual repetition of the same positions and proposals has delayed action. The DVF notes that there is no forum or process for considering, addressing, and resolving these big issues. The DVF also notes that lawsuits have returned as the mechanism of choice to advance stakeholder interests and stop action. The lawsuits cost time and resources that would be better spent developing science and workable solutions.

Stakeholders and State and Federal agencies need new mechanisms for increasing understanding, clarifying issues, identifying solutions, and developing agreements. Everyone needs a new path to workable solutions, implementation, and results.

Linkage and Integration is Essential

In the *2011 Delta Vision Report Card*, DVF stressed the urgency for action and the essential importance of leadership. Fortunately, there has been improvement in leadership and coordination over the past two years in all agencies. There is more shared knowledge and a better understanding of the inherent interconnectedness of the agencies with regards to the Delta. Leaders and managers are coordinating better on major programs. Science programs are more closely integrated with policy decisions and efforts to implement more collaborative science are increasing.

However, coordination among agencies is not sufficient to assure workable solutions and earn public trust. Agencies and stakeholder must develop mechanisms to link the major components of the *DVSP* and subsequent implementing legislation into a cohesive strategy to assure progress in all areas—levees, conveyance, storage, ecosystem restoration, flood management, water quality, economic development, etc. These linkages are the first, and most important, step in resolving the historic conflicts about the Delta and building public trust that the State will implement solutions that solve the Delta challenge.

For example, the State has not articulated an approach that effectively links habitat, conveyance, storage, and water operations in a way that enhances ecosystem function <u>and</u> improves water supply reliability through the "big gulp-little sip" strategy. The *Delta Plan* has been approved, but does not yet describe a long-term vision and plan with linked performance measures to track progress toward the Two Co-Equal Goals and Delta protection and enhancement. The *Central Valley Flood Protection Plan* was approved on time, but integrated flood management, ecosystem, and water supply actions are one or two study cycles in the future.

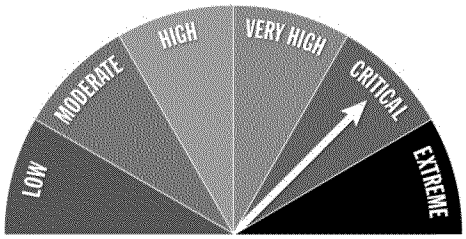
In spite of these examples, the Delta Vision Foundation finds reason for optimism. The opportunity is now to negotiate among agencies and stakeholders to fashion commitments and assurances to link and integrate actions in a workable solution.

ED_000938_00001733-00006

Status of the Two Co-Equal Goals

The Delta Vision Foundation *2013 Delta Vision Report Card* assessment of the status of the Two Co-Equal Goals describes the risk that substantial, undesirable outcomes could occur for California. It is based on the observations and perspectives provided by the people who provided input to the Delta Vision Foundation.

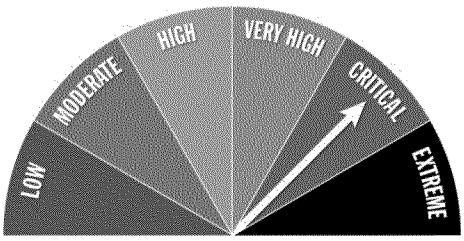
Delta Ecosystem



The Delta ecosystem remains at critical risk of failure. Since the Delta Vision Task Force began its work in early 2007, substantial effort has been expended to develop the *DVSP*, implementing legislation, implementation guidelines, and project plans, including the *Delta Plan*, *Delta Economic Sustainability Plan*, *Delta Conservancy Strategic Plan*, *Central Valley Flood Protection Plan*, and administrative draft *Bay-Delta Conservation Plan*. While effort and attention on the Two Co-Equal Goals and plans to achieve them is commendable, there have been few "on-the-ground" changes to protect and restore the Delta ecosystem.

The scope and scale of necessary actions to restore and recover a functioning ecosystem in the Delta is substantial. Habitat improvements of all types and revised water management strategies are needed. Restoration planning must now move rapidly into implementation and adaptive management. Additional pilot projects, with monitoring and performance evaluation, are needed immediately. The core agencies (Department of Fish and Wildlife, Department of Water Resources, Delta Conservancy, and State and Federal Water Contractors Agency), along with Federal agencies and non-governmental organizations and in coordination with local landowners, must develop an implementation focus through further collaboration to accelerate habitat restoration and demonstrate measurable improvements in ecosystem function.

Water Supply Reliability



Water supply reliability statewide also remains at critical risk of failure. The 2011 water year was wet, 2012 was dry until late season rain improved the outlook, and 2013 was wet early and extremely dry since January. These three years together demonstrate the need for and inadequacy of California water management and infrastructure. In 2011, there was more water available than could be stored for future use. In 2012, water users were faced with substantial cutbacks, just a year after all the reservoirs filled. In 2013, early rains raised expectations that water could be delivered south of the Delta, but dry conditions changed the outlook.

The complexity and challenge of increasing flexibility and security in the State water supply system is daunting. As with ecosystem restoration, the urgency for action cannot be understated. Increasing the flexibility to capture more water in wet years and make it available where needed in dry years requires substantial planning and investment, which is taking decades. Storage studies continue to delay planning documents and decisions. Long-term conveyance and storage studies must be integrated to identify workable solutions that increase water availability and storage for people and the economy in wet years and leave water in the Delta and its tributaries for fish and habitat in dry years. Design, implementation, and testing of through-Delta conveyance and Delta water quality improvements have stopped completely. Concerted, focused action is needed to finalize and implement interim actions. Regional water management planning and implementation must continue as a collaborative effort between the State and local government because it has proven to be the most effective means for developing water supply flexibility. Long-term funding for both infrastructure investment and water management is needed now.

ED_000938_00001733-00007

Linkages

The *DVSP* described a comprehensive set of integrated and linked goals, strategies, and actions to achieve the Two Co-Equal Goals. Many of the actions will take decades to implement, but to be successful, the State, Federal agencies, water users, and stakeholders must advance the Two Co-Equal Goals by maintaining the linkages among actions in planning and implementation, now and in the future.

Without leadership and action, the State and stakeholders will remain in the endless do-loop of plan, approve, sue, and plan again.

The urgency for decisions on specific components of the solution, continued litigation about current operations, and ongoing positional advocacy are taking precedence over the near-term actions and linked, integrated approaches that will actually solve problems, improve conditions, and build capacity for long-term success. Plans and policies are not effectively linked to performance, monitoring, and accountability. Success in these areas is impossible without leadership from the Governor and Legislature to provide near-term and long-term funding to balance public benefits and beneficiary pays.

These linkages are some of the core issues that have eluded resolution for decades. There are signs of positive, constructive coordination to link actions to achieve multiple benefits. However, the State lacks leadership direction and interagency alignment to act on a coordinated, linked plan of near-term and long-term actions. Without leadership and action, the State and stakeholders will remain in the endless do-loop of plan, approve, sue, and plan again. State and Federal agencies and stakeholders must refocus efforts to develop policies, assurances, and commitments that link actions and incent performance to achieve the Two Co-Equal Goals while protecting and enhancing the Delta as an evolving place.

Conclusions

The Delta Vision Foundation identified the following overall conclusions about efforts to achieve the Two Co-Equal Goals while protecting and enhancing the Delta as an evolving place. Three conclusions offer hope for the State's ability to address the complex Delta problems that have defied solution for decades.

1. **The level of effort and coordination remains impressive**.
2. **The Two Co-Equal Goals influence discussion and decision-making across all organizations**.
3. **Major plans and science programs are advancing**.

However, the status of the Two Co-Equal Goals both remain in critical condition, threatening California's environmental and economic future. The State, Federal agencies, and stakeholders have made little, if any, progress in reducing the risks to water supplies and the environment and resolving historic conflicts that have impeded progress. The following are five factors that demonstrate the underlying reasons for the overall lack of progress and results.

1. **Coordination efforts lack integration and public accountability.**
2. **Near-term actions are stalled, even those with broad support**.
3. **Performance outcomes are missing**.
4. **The State lacks focus and capacity for implementation**.
5. **Important Delta programs are underfunded**.

ED_000938_00001733-00008

Recommendations
Alignment, Assurance, Accountability, and Action

The following "Five Overall Recommendations" provide a roadmap for the State Administration, Legislature, Federal agencies, and stakeholders to act with the necessary urgency to advance the Two Co-Equal Goals while protecting and enhancing the Delta as an evolving place. The *2013 Delta Vision Report Card* also includes 107 specific recommendations regarding actions progress and organization leadership and effectiveness.

Strong, visionary leadership is needed to establish the alignment, assurances, accountability, and action of State and Federal agencies in solving Delta challenges. That leadership must come from the Governor and Secretaries of the Department of the Interior (Interior) and Department of Commerce (Commerce). The Governor and the Secretaries must define and commit the State and Federal Governments to the long-term vision for the next 50 to 100 years and how it will be achieved through a comprehensive, integrated set of actions that address the full suite of problems in the Delta—sustainability and resiliency of natural resources, water supply, and the economy. Further, the leaders must work with agency leadership and stakeholders to develop the commitments and accountability to assure action, progress, and results that will endure through changes in administrations.

The Delta Vision Foundation is concerned that the narrow focus of the Governor's Administration and new and acting leadership at Interior and Commerce are not providing the overall vision, strategy, and action plan that are necessary to align agencies and stakeholders to a common purpose and committed action.

1. Align Strategies, Actions, and Agencies

Aligning, linking, and integrating statewide and Delta strategies, actions, and agencies is the only means for defining and advancing Delta solutions that are technically, politically, and economically feasible.

Strategies. The following strategies, grounded in the *Delta Vision Strategic Plan*, describe the means to accomplish the Two Co-Equal Goals while protecting and enhancing the Delta as an evolving place. These strategies are the basis for aligning agencies and stakeholders over the long term.

- Secure the existing system to prevent further loss of species, water supply, people, and Delta resources.
- Invest in system improvements that increase flexibility to store and retain water in wet periods and divert less in dry periods.
- Manage water and restore habitats through adaptive and real-time management based on sound science.
- Support change, adaptation, and resiliency of economies, natural systems, and infrastructure.
- Increase the efficiency of government and stakeholder decision-making and implementation.

Actions. The following core actions must be linked and integrated through investment commitments, legislation and policies, contracts and covenants, and regulation. These actions are broadly acknowledged as necessary elements of solving the Delta challenge, but commitments and linkages are not sufficient to ensure consistent, continuous action in all areas that will endure through changes in elected leadership.

- Levee Investments and Through-Delta Conveyance.
- Surface and Groundwater Storage, particularly in the San Joaquin Valley and Tulare Lake Basin.
- Improved Conveyance.
- Habitat Restoration and Ecosystem Management.
- Regional Water Efficiency and Alternate Supplies.

ED_000938_00001733-00009

Agencies. State and Federal agencies with core management roles must be aligned, coordinated, and publicly accountable. The Delta Vision Foundation has repeatedly recommended a public-facing State Action Team that articulates the vision, strategy, work plan, and progress reporting necessary for success. While State and Federal coordination has improved, the agencies do not demonstrate a coordinated implementation plan or address areas that are not advancing. The Governor should establish, by executive order, a Delta Strategic Action Team of State agencies, with cooperation of relevant Federal agencies, and direct it to prepare a coordinated implementation work plan, consistent with and incorporating the Delta Stewardship Council's Implementation Committee. The following are the agencies with core management responsibilities.

- Natural Resources Agency (including Department of Water Resources and Department of Fish and Wildlife).
- Delta Agencies (Delta Stewardship Council, Delta Protection Commission, and Delta Conservancy).
- State Water Resources Control Board (and regional boards).
- Departments of the Interior and Commerce (Reclamation, USFWS, and NMFS).
- Other Federal Agencies (USEPA, Army Corps of Engineers, USGS).

2. Assure Comprehensive Implementation

Establishing a sustainable, resilient Delta will only occur through implementation of the comprehensive set of actions outlined in the *Delta Vision Strategic Plan*—near-term and long-term, in the Delta, and outside the Delta. The political success of this effort requires that assurances and commitments are in place to advance all actions equitably, reasonably, promptly, and efficiently.

Linkages. The following are several examples of the critical linkages that must be assured.

- Link habitat restoration, species improvement, and water diversions.
- Link storage, retention, and conveyance to assure flexibility, particularly in dry years.
- Link levee investment to statewide benefits and to beneficiaries who will invest.
- Link regional water management and efficiency improvements to accessibility of water from the Delta watershed.
- Link science, adaptive management, and performance monitoring to regulatory decision-making and real-time management.

Commitments. Establishing these linkages and commitments is critical, but not easy. The following are several possible mechanisms for assuring coordinated, linked progress.

- Compact signed by the State and major stakeholders with a framework for linked actions
    - Performance requirements and metrics for adaptive management
    - Work plan to implement linked actions
    - Timeframe to perform
- Companion legislation to the 2014 Bond Measure to require linkages and progress
- Bond covenants
- Contract requirements for isolated conveyance facilities
    - Legal obligation to operate to restore Two Co-Equal Goals
    - Obligation to optimize water conservation and water use efficiency
    - Operational performance requirements
    - Contractors deposit funds into account to fund storage
    - Oversight responsibilities and rights
    - Limitations on amount of water exported through isolated conveyance until storage is constructed (timing; requisite outflows for kinds of years)

ED_000938_00001733-00010

3. Answer to the Public and Remain Accountable

For more than two decades, the State and Federal Governments and stakeholders have failed to establish a meaningful, effective system of accountability for progress, results, and efficiency. Without such a system, public support and funding for critical investments is evaporating. Without uniform, objective reporting, positional posturing based on disparate objectives dominates discussion and decision-making. Four types of accountability are critical—issues, institutions, public, and performance.

Issues. The Delta Strategic Action Team recommended above must begin by defining the overarching outcomes, objectives, and strategies to achieve the Two Co-Equal Goals while protecting and enhancing the Delta. Without this common definition, planning and regulatory actions will continue as disparate actions achieving differing interpretations of state and federal law. As discussed below, the work to define and resolve these issues to date has lacked sufficient public accountability and responsiveness.

Institutions. Implementation strategies must be designed with the appropriate mix of independent decision-making and collaborative processes. Regulatory and oversight decision-making must remain independent, consistent with legal authorities. These decisions should be informed by collaborative, transparent work in science, engineering, economics, law, and policy. Proposed implementation structures must maintain this distinction.

Public. Current planning activities for the Delta lack effective public accountability and oversight. The Legislature should expand its oversight of the 2009 water legislation to identify where additional action by the Legislature is needed to ensure implementation, e.g., funding. The Governor should establish a Stakeholder Oversight Council as a companion to the Delta Strategic Action Team to advise the State and Federal agencies on critical issues for attention and resolution and to provide performance and fiscal oversight.

Performance. Three to five top-level, policy performance measures must be defined and implemented immediately to report objectively on results towards the Two Co-Equal Goals. The performance measures should be consistent with the outcomes, objectives, and strategies defined by the Delta Strategic Action Team. The following are initial examples for consideration, based on input provided to the Delta Vision Foundation.

Ecosystem

- Population trends for high priority aquatic species such as delta smelt and winter-run Chinook salmon.
- Population trends for high priority avian species.

Water Supply Reliability

- Trends in water diversions from the Delta watershed, by water year type and region (the objective is more in wet and less in dry).
- Trends in water availability at the end user from all sources, by water year type and region.

Delta as Place

- Annual farm gate receipts and total agricultural output and annual economic output from recreation and hospitality for the Delta region, showing actual amounts and growth trends relative to other regions.
- Delta levee failure risk and quantification of people, assets, and infrastructure at risk.

Fiscal

- Planning and administrative costs as a percentage of construction/implementation costs for State and Federal programs and projects (objective is downward trend), benchmarked against similar multi-disciplinary restoration programs.

ED_000938_00001733-00011

4. Act Now to Build Implementation Capacity

The State and Federal Governments must immediately accelerate implementation of five or six near-term projects. A variety of projects in or related to the Delta should be selected to demonstrate streamlined coordination and build implementation capacity. The Delta Strategic Action Team should consider projects that are ready or near-ready for implementation in ecosystem restoration, Delta levees, economic development, fish protection, and Delta water quality. These projects could be drawn from the list developed by the Coalition for Delta Projects. The Delta Strategic Action Team should ensure that project implementation teams include appropriate accountable leadership, expedited permitting, science review, work planning, progress reporting, monitoring plans, and adequate funding. The Legislature should act as necessary to fund these projects. The Governor should direct State agencies to expedite the projects. The Delta Strategic Action Team should commit to streamlining reviews and approvals, addressing public concerns, and removing barriers to implementation.

5. Resolve Key Issues and Refrain from Litigation

The Delta Vision Foundation is encouraged by the recent advancement of Delta planning and regulatory activities, including the *Delta Plan*, the State Water Board *Bay-Delta Plan* proceedings, and the early release of BDCP planning and environmental review documents. These advancements offer an opportunity for real progress on some of the Delta's most vexing water management and restoration actions. The Delta Vision Foundation notes positive steps in some areas, particularly recent efforts to establish collaborative science for the Biological Opinions and the Delta Dialogues, which are convening diverse participants to explore interests and build understanding among historic opponents.

However, the Delta Vision Foundation also notes three important challenges:

1. As planning and regulatory decisions approach, stakeholder and agency positions are hardening, reducing the opportunity for discussion and resolution of critical issues. Reams of documents are now available for public review (a positive step), but transparency of documents is not a substitute for meaningful discussion and resolution of issues as stakeholders and the media seek to understand the implications.
2. Key interests are continuing to turn to the courts to resolve conflicts, and those that haven't sued yet, are rattling sabers in preparation. The courts are an expensive, resource-intense means of decision-making.
3. There are few effective forums for meaningful discussion and resolution of the broad conflicts and there are no alternatives to litigation.

Issues Resolution. The Governor should direct the Delta Strategic Action Team to identify, with input from the Stakeholder Oversight Group and others, the ten highest priority conflicts that impede progress in achieving the Two Co-Equal Goals while protecting and enhancing the Delta as an evolving place. Further, the Delta Strategic Action Team should be charged with recommending an action plan and budget to address and resolve these conflicts through collaboration, joint fact-finding, mediation, arbitration, alternative dispute resolution, or other similar means.

Lawsuit Restraint. Stakeholders from all interest groups must create a secure space for discussion and resolution of issues and conflicts. Stakeholders and agencies should develop and sign a joint commitment to use collaboration, joint fact-finding, mediation, arbitration, or alternative dispute resolution, to resolve conflicts before filing lawsuits. The Legislature, Federal agencies, and stakeholders should establish a fund and provide money to support these mechanisms to resolve conflicts and avoid lawsuits among agencies and stakeholders. Structure the fund to accept funding from Federal and State agencies and from stakeholders and other sources.

ED_000938_00001733-00012

Interview Participants

State Agencies and Legislative Staff

- Delta Stewardship Council – Chris Knopp and Keith Coolidge
- Department of Water Resources – Kamyar Guivetchi, Ajay Goyal, John Paasch, Art Hinojosa, Kent Frame, and Michael Ross
- Department of Fish and Game – Scott Cantrell, Dave Zezulak, and Hildegarde Spautz
- California Water Commission – Joe Byrne and Sue Sims
- Delta Protection Commission – Mike Machado
- Delta Conservancy – Campbell Ingram
- State Water Resources Control Board – Felicia Marcus, Les Grober, and Craig Wilson
- Central Valley Regional Board – Pamela Creedon, Tom Landau, and Jerry Bruns
- Emergency Management Agency – Jim Brown, Al Lehenbauer, and Jami Childress-Byers
- Department of Food and Agriculture – Sandra Schubert
- Delta Science Program and Interagency Ecological Program – Peter Goodwin, Lauren Hastings, Anke Mueller-Solger, and Rainer Hoenicke

Federal Agencies

- U.S. Department of the Interior – David Nawi
- U.S. Bureau of Reclamation – Sue Fry
- U.S. Fish & Wildlife Service – Dan Castleberry, Mike Chotkowski, and Mike Hoover
- National Marine Fisheries Service, Maria Rea, Jeff McLain, and Ryan Wulff
- U.S. Environmental Protection Agency – Tim Vendlinski
- U.S. Department of Agriculture, Natural Resources Conservation Service – Luana Kiger

Stakeholders

- Association of California Water Agencies – Tim Quinn
- California Farm Bureau Federation – Danny Merkley
- California Farm Water Coalition – Mike Wade
- Central Delta Water Agency – Tom Zuckerman
- Defenders of Wildlife – Kim Delfino
- Delta Counties Coalition – Doug Brown
- East Bay Leadership Council – Linda Best and Bob Whitley
- East Bay Municipal Utilities District – John Coleman and Doug Wallace
- House Subcommittee on Water and Power – Dave Wegner
- Metropolitan Water District of Southern California – Jeff Kightlinger
- North Delta Water Agency – Melinda Terry
- Northern California Water Association – David Guy and Todd Manley
- Planning and Conservation League – Jonas Minton
- Sacramento Regional County Sanitation District – Stan Dean
- San Luis-Delta Mendota Water Authority – Dan Nelson
- Southern California Water Committee – Rich Atwater
- The Bay Institute – Gary Bobker
- The Nature Conservancy – Leo Winternitz
- Westlands Water District – Jason Peltier

The complete *2013 Delta Vision Report Card* and appendices are available at www.deltavisionfoundation.org.

Support for the Delta Vision Foundation and the 2013 Delta Vision Report Card provided by the **S. D. Bechtel, Jr. Foundation** and the **Resources Legacy Fund, Western Conservation Program**.

ED_000938_00001733-00013