

Subject: Save Our Delta's Future Response to Delta Vision Strategic Plan Number 4

Save Our Delta's Future (hereafter SODF) is a broad coalition of business people, farmers, community organizations, and other concerned citizens who live, work, and recreate in the Sacramento - San Joaquin Delta. Because this is where we live, work and recreate, we feel it is imperative that we respond to the Delta Vision Blue Ribbon Task Force Strategic Plan since it will have such a direct influence on our future and our children's future. While many groups responding to the Delta Vision Strategic Plan Number 4 (hereafter 4SD) represent specific constituencies such as agriculture, reclamation districts, water boards, recreation, or local governing bodies, our group is trying to bring to the discussion the vital interests of those people who call the Delta home, no matter what other place they find themselves in life. Therefore, the majority of our comments address our most basic concern: the Delta as place.

As we follow the different drafts of the Delta Vision Strategic Plan we see some movement on part of the Delta Vision Blue Ribbon Task Force to give greater recognition of the Delta as place. It is certainly discussed more in 4SD more than the previous three. There is great concern, however, that the greater acknowledgement of the Delta as place is still an insufficient part of the document as a whole. SODF believes it is essential that the final Delta Vision Plan's primary goal be expanded to recognize, in addition to 'the Delta [as] ecosystem and a reliable water supply': 'the Delta as a unique and valued place for people to live, do business, and maintain economically viable communities.' While the area may be deemed 'the California Delta' when viewed globally (and from state offices in Sacramento), when viewed regionally it is the Sacramento-San Joaquin River Delta. For those of us who live and do business here -- some for several generations -- it is 'home.' We want it recognized and protected as such, and equal with the concerns of those interests who see the Delta as ecosystem and those that need it as a reliable water supply.

We will address in the following comments specific issues that relate to our more basic concern that the Delta as place is not given enough recognition by 4SD:

Volume 2 of the 4SD, 'Strategy Descriptions,' Strategy 2.1 recommends applying to Congress to have the Delta designated as a federally recognized National Heritage Area (NHA) by 2010. It then states: 'Despite being a federal designation, NHAs do not entail any federal ownership or regulation of land.' That is a questionable and even naive comment. A NHA is operated by the U.S. Park Service, within the U.S. Department of Interior, which means that a NHA has certain national park-like requirements. This type of federal management is entirely inconsistent with the Delta being a place for people to live, work, and maintain economically viable communities.

Strategy 2.2 recommends creating a multi-unit State Recreation Area, under the California State Parks Service. Once again, this adds another bureaucratic layer of park system requirements on those Delta businesses already providing effective recreational facilities. SODF believes this recommendation will lead to direct government control over land and water uses in the Delta.

Strategy 2.3 recommends 'creat[ing] market structures or incentives for a sustainable Delta agriculture that produces public benefits by 2010. Such public benefits include wildlife habitat, subsidence reversal, carbon sequestration, flood management, and recreational and tourism opportunities.' Again, it is clear that this gives no recognition to the Delta as place where people love and work. This recommendation would have government mandated 'market structures and incentives' transform the Delta into an entirely different place socially and economically – an ecological experiment, devoid of people except for 'recreational and tourism opportunities,' meaning people engaged in limited activities on a temporary, passing-through basis.

The several subsections of Strategy 2.3 recommend: (a) ensuring carbon sequestration farming; (b, c, and d) requiring state government agencies and commissions to allocate U.S. Department of Agriculture Farm Bill funding for farmers who switch crops to multi-functional forms of agriculture, especially carbon-sequestering crops; (e) utilizing federal, state, and local mitigation requirements and agricultural easement programs to push Delta growers toward multi-functional forms of agriculture, particularly habitat and flood management; (f and g) bringing in the University of California's Agricultural Issues Center and the U.S. Department of Agriculture's Natural Resources Conservation Service to study and support crops that slow or reverse subsidence, improve water use efficiency and quality, and that are compatible with wildlife, and floodplain management; (h) imposing strategies that protect multi-functional forms of agriculture by use of agriculture conservation easements, Williamson Act contracts, and transfer of development rights; and (I) requiring the Delta Protection Commission to work with the U.S. Department of Agriculture to promote natural resource-based economic development, including the seeking of funding to develop housing for agricultural laborers in and around the Delta. These recommendations are in essence a government-mandated farm program – forcing those engaged in agriculture in the Delta to not rely on the free market but a government dictates. By and large, Delta agriculture has been highly successful over several generations, and at the same time has been as good - or even far better - stewards of the Delta's land, waters, and natural resources than government entities have been in caring for and maintaining lands, waters, and natural resources under their control.

Strategy 3.1, occupying 26 pages of Volume 2 of the 4SD, is the proposed attempt to return the Delta's land and hydrological features to their natural state prior to the building of the levees over 100 years ago. Strategy 3.1 calls for 'restor[ing] extensive interconnected habitats, especially critical land-water interfaces, within the Delta and Delta watershed.' In short, this strategy should be labeled: 'the Delta as experiment.' According to this strategy, each of the Delta's ecosystem components must be present and fully capable of providing its function to sustain the ecosystem as a whole. Because major disruptions of this ecosystem complex have contributed significantly to the system's current failures, they must be 'revitalized.' This revitalization cannot be implemented piecemeal, states the strategy; it must be coordinated, conducted, and managed consistently and across all agencies and jurisdictions. The restoration work would be carried out by a new government body (to be known as the Delta Conservancy) created by the Legislature, in concert with several other state and federal agencies. Strategy 3, which is a lengthy portion of the 4SD, was crafted largely by biologists, hydrologists and others with educational ecosystem expertise. The complex and extensive proposals recommended in Strategy 3 are vast and far-reaching and, if implemented, would begin a drastic modification of the land and hydrological features of the Delta that would continue over the next half century.

Yet, in formulating these proposals that will have such a high level impact on the Delta, very little history of the Delta's ecosystem was asked of persons living or farming in the Delta for many years – people with substantial experience and on-the-job expertise and interest in the health of the Delta. Moreover, the 4SD contains no requirement that the recommended Delta Conservancy nor any of the other bodies directing the Delta's revitalization include any persons living, farming, or otherwise doing business in the Delta. This demonstrates quite clearly that the process being envisioned by the DVBRF is one that does not take into account the unique perspectives, wisdom and expertise of those who have lived and grown up in the Delta, who have farmed its land, repaired its levees, and have even helped maintain the health of its eco-system.

A principal component of 4SD that gives rise to major concerns within the Delta community, as well as local governing agencies that have a stake in the future direction taken, is the proposal to create a new regional governance structure with broad powers and authorities. SODF strongly disagrees with many of the facts and conclusions used to support certain responsibilities and authorities assigned to

a new, appointed, California Delta Ecosystem and Water Council (hereafter CDEW Council), as well as many of the strategies that will directly affect the lives of Delta residents and usurp long standing local governance authorities.

A major disagreement that we have, is with the numerous inferences, in the plan, that local decision making processes and planning is not capable of coping with future change or giving adequate consideration to regional impacts. This conclusion, that is supported with what we feel is erroneous assumptions, lacking real evidence, is then used to justify establishing a regional authority to dictate and supercede local processes. From various comments embedded in the 4SD, it is clear that state interests will become the overarching priority of the CDEW Council and override local priorities and planning. We in the Delta, who have managed the resources, under our control, responsibly, believe that such a drastic change in ultimate approval authority is unnecessarily draconian.

For example, 4SD proposes that the Delta Conservancy have the ability to “acquire or place under its management such land as is needed to implement the CDEW plan.” Further, “It should have the power to enter into contract to buy and sell land and other property.” and that “- the DPC (Delta Protection Commission) land acquisition authority” –shall- “transfer to the CDC.” If needed the CDEW can acquire the ‘ability to issue orders to seek injunctive relief against other governing agencies including counties in the Delta” using the “California State Attorney General’s Office.” Currently the DPC which has similar authority works in conjunction with local governments such as counties and has local representatives on the commission when addressing such land issues. We strongly object to the CDEW plan as envisioned which takes this authority out of the control of local representatives of the people and puts it in the hands of a larger state body.

Another example comes from 4SD 6.1. There is no pressure for significant urbanization in the Primary Zone and therefore no justification to anoint the Delta Protection Commission with approval authority over all projects in the Primary Zone. There are sufficient, and reasonable, growth controls written into the Delta Protection Act to allow local planning decisions to preserve and protect the Delta as a place. There are even sufficient opportunities in the EIR process to insure that land use changes in the Secondary Zone are subject to careful scrutiny, where any adverse impacts to elements of the DPC Management Plan or a CDEW Plan would be exposed and have to be addressed.

We believe that local governing structures know what is the best to address both the strengths and weaknesses of the Delta as a place. Yet 4SD presumes state bureaucracy knows more, and calls for overriding local government authorities currently responsible for land use planning and decisions, levee maintenance and improvements, as well as building standards and conventions. Further, there are no assurances in the 4SD for the CDEW Council to include any persons living, farming or otherwise doing business in the Delta and therefore local input will have little or any value or influence in its governance. 4SD states, for instance, the CDEW council is to be appointed by governor and to exclude “geographic, occupational or representational criteria.” This will result in a Delta as a place where an unaccountable few, with no local stake, will have ultimate control over our future. We believe that there are existing Delta governance elements that are not broken and do not need to be fixed with another layer of bureaucracy. Any crucial elements of a CDEW Council Plan can be incorporated, for consideration, into existing local decision making processes and, thereby, subsequently vetted fairly at the local stakeholder level.

Much of the 4SD strategies for the future of the Delta are largely an experiment, which the document itself recognizes when it states: "While current understanding cannot give quantitative predictability in ecosystem response to restoration and other revitalization efforts combined with uncertainty in the nature of climate change, sea level rise, population growth, seismic activity, and similar uncontrollable drivers of change, [this strategy] is sufficient to guide initial actions from which

much can be learned.'

The enormity of the 4SD's Delta Vision experiment would be unprecedented –perhaps in American history. The economic cost alone will involve multi-millions of dollars. More importantly, however, SODF asserts that the social impact of this experiment will lead to in the end the utter elimination of the Delta as home to many thousands of people who have over many years, even generations, chosen to live, do business, and be a part of the Delta way of life. It is our hope, a collaborative wish, as we try to comprehend both the long-term health of the Delta as place, as well as the needs of California as a whole, that our words in this response will offer some helpful perspectives to the proposals of the Delta Vision Blue Ribbon Task Force Strategic Plan.

Many thanks to all those who contributed to the above and to the Delta Vision Blue Ribbon Task Force for allowing us to share our input with you.

On behalf of the Steering Committee of SODF