

**Municipal Services Agency**  
Paul Hahn  
Agency Administrator



**County Executive**  
Terry Schutten

## County of Sacramento

August 13, 2008

The Honorable Phillip Isenberg  
Chair, Delta Vision Blue Ribbon Task Force  
428 J Street, Suite 440  
Sacramento, CA 95814

Re: The Position of the County of Sacramento on the Delta Vision and Strategic Plan

Dear Mr. Isenberg:

The County of Sacramento has not, to date, directly commented on either the Delta Vision or the various drafts of the so-called "Delta Vision Strategic Plan" (most recent draft dated July 11, 2008, hereinafter referred to as "Strategic Plan").<sup>1</sup> Nor has Sacramento County been contacted by the "Blue Ribbon Task Force" or any of its staff regarding the critical Sacramento County governmental functions that may be adversely affected by the Delta Vision. This omission, which is of great concern to Sacramento County, should be corrected prior to the Blue Ribbon Task Force Delta Vision proceeding with or finalizing its work. In addition, and related to this point, the following positions must be addressed by the Blue Ribbon Task Force:

1. The Delta Vision Recommendations Must Be Modified to Better Address the Interests of Those Who Work and Reside in the Delta and within the Sacramento Valley

> Governance

There is no question that the Delta is of critical statewide importance. Nonetheless, this fact should not be utilized as a means to ignore local governments and their needs to act for the welfare of their citizens. Nor should the importance of the Delta be used to create a governance in which County and local governmental oversight and control are ignored. The Blue Ribbon Task Force itself is devoid of this type of essential membership. The proposals in the Delta Vision and in the Strategic Plan fail to acknowledge County and other local agency governance.

1

Comments, relevant to Sacramento County's interests and concerns, have been provided by the Sacramento Regional County Sanitation District, dated July 1, 2008, and August 1, 2008. These letters are attached hereto.

In this regard, the Delta Vision Recommendation No. 10 is of great concern. It not only recommends modification of Delta boundaries, but also a change in Delta governance systems. While citing a rationale of environmental protections, the recommendation is driven by the need for an improved water supply for areas in the San Joaquin Valley and in Southern California. After all, ignoring local land use and governments for the purposes of exporting water away from areas of origin is not a new concept. However, there is no need to repeat historic errors.

As a first step in addressing these concerns, the two so-called co-equal values of Delta ecosystem protection and a reliable water supply for California, i.e., "South of Delta California," articulated in Recommendation No. 1, must be modified to provide, either as a condition of moving forward with the "two co-equal values," or as a third equal value, the following:

**In meeting the goals of ecosystem protections and a reliable water supply for areas of California that are south of the Delta, counties and areas of origin assurances, protections and priorities to water will be honored and adhered to. Programs or facilities implemented or constructed in the Delta will be subject to Delta counties and other local governance, and will not result in significant adverse environmental, economic or social impacts to Delta counties or the watersheds of origin of Delta waters.**

The concepts articulated in the Strategic Plan are of equal concern to Sacramento County and other local governments. These concepts also focus on improved water delivery through or around the Delta. To this end, it is proposed that the roles of Sacramento County, other Delta counties and other local governments be replaced by a strengthened Delta Protection Commission "to govern land use" in the Delta. Also proposed are the development of "Councils," "Commissions," "Boards" and a "Conservancy." If accomplished, this proposal would supplant County and local governments, and create a State non-elected authority governing questions that have historically been matters of County and local governmental concern and control. Indeed, other than an apparent role in the Conservancy, and an indirect seat on the Delta Protection Commission ("DPC"), the role of the County of Sacramento in the Delta is virtually ignored.

Consistent with the manner in which County and local governments within the Delta are dealt with in Recommendation Nos. 1 and 10, Recommendation Nos. 5 and 7 appear to be a means to ignore water rights priorities and watersheds of origin protections for the benefit of Delta exporters. Sacramento County believes in the importance of providing reliable water supplies to areas of California south of the Delta. However, those areas developed predicated upon promises, borne out of the experience of Inyo and Mono Counties, that the export of water would be subject to the then existing and future needs of those within the counties and areas of origin, and that those prior rights to water would be honored. The Blue Ribbon Task Force attempts to re-write these protections so that the diversion of water upstream and within the Delta become subservient to meeting the "two co-equal goals," including the export of water south of the Delta. Recommendation Nos. 5 and 7 and their implementation within the Strategic Plan must be modified to fully honor and protect these senior water rights.

> Flood Control and Land Use

As noted, it is undisputed that the Delta is a unique and valued area. The Delta Vision concedes that the Delta is a place of natural beauty, with historic towns, productive farming and close-knit communities. It then ignores those local communities. Decisions with respect to levees and other means of flood protection must not be based upon meeting the limited “two co-equal goals” alone, but must also be based upon concepts that seek to protect the existing economies and communities within Sacramento County and the rest of the Delta. In this regard, Recommendation No. 9 must be revised to include these regional interests.

> Water Quality

A great deal of time has been spent recently on unsubstantiated speculation with respect to alleged impacts of the operation of the Sacramento Regional Wastewater Treatment Plant. These substantive issues have been addressed in the attachments hereto. Nonetheless, and as a matter of policy, focusing statewide resources, including billions of dollars in Bond funds, to meet water supply needs in south of the Delta, but at the same time requiring that the Sacramento Region alone bear the substantial costs of proposed infrastructure modifications to its wastewater treatment facilities to enable enhanced water exports, as is suggested in the Delta Vision is unacceptable. The interests of Sacramento County and the Delta should not be dealt with as being secondary to the interests of other areas of the State. At a minimum, if there is a statewide interest in modifying the Sacramento Regional Wastewater Treatment Plant, then State funds must be provided to pay for these modifications.

2. The Delta Vision Strategic Plan Action Items Need to Incorporate and Defer to County and Local Governmental Decision Making

At core, the Delta Vision recommendations and the draft Strategic Plan adopt a position avoiding County and local elected governmental structures in favor of appointed “Boards,” “Councils,” “Commissions,” “Teams,” a “Conservancy” and other similar bodies.

In this regard, the Blue Ribbon Task Force should explain the following:

- How would a “small body ... appointed by the Governor” (as the so-called California Delta Ecosystem and Water Council is described in the Strategic Plan (Action 1.1)) provide better governance for those who live and work in the Delta than elected County and local officials?
- How would this body be best positioned to control funds allocated to the Delta and to guide the other new, also non-elected, governmental bodies proposed in the Delta vision and Strategic Plan?
- Why is there no provision, at all, formal or ex officio, for County or other local governmental participation in this small body?

- Why should the appellate function of the DPC be moved to this appointed, small body?
- Why should the actions of the proposed Conservancy be answerable to the new small body instead of the elected governments within the Delta? How will the actions of the Conservancy be controlled to insure that local land use planning and decision making are not ignored or impaired?
- Why the efforts associated with a Delta Science Program and adaptive management can't be implemented consistent with elected government as opposed to the non-elected "Council" and "Board" governance that is proposed in the Delta Vision?
- The California Delta Ecosystem and Water Plan must recognize and honor senior water rights and the rights of those within the counties and areas of origin. The Blue Ribbon Task Force and Strategic Plan must make specific commitments in this regard, including commitments that the application of the public trust and the reasonable use doctrines will not be used as a means to reallocate water to the detriment of those with senior water rights or those within the areas of origin.
- How will the Delta Vision and Strategic Plan insure that the County of Sacramento and other local jurisdictions will not assume the financial burdens associated with Delta ecosystem restoration and water supply reliability?
- How will the Delta Vision and the Strategic Plan insure that the Delta is maintained as more than just an environmental preserve or a means to convey water to Southern California?
- How will the restoration proposals be undertaken to preserve local agriculture and communities in Sacramento County including providing adequate flood protection?
- How will the restoration activities, including the purchase of lands within the Delta, not turn into a means to send water and water rights secured for beneficial uses in Sacramento County to areas south of the Delta? What provisions are contemplated to insure that there are no lost tax revenues caused by the dedication of lands to environmental restoration?

3. Sacramento County Remains Willing to Assist the Blue Ribbon Task Force

Sacramento County is eager to receive your responses and comments with respect to the issues and concerns noted above. The Delta Vision and Strategic Plan have many concepts and proposals that, if properly implemented and not coupled with unacceptable mandates, would provide Statewide benefits as well as specific and meaningful benefits to the Delta. In this regard, Sacramento County is willing to work with the Blue Ribbon Task Force to address its concerns and assist in the development of a final plan that it can accept.

Very truly yours,



Paul J. Hahn  
Agency Administrator

PJH:ds

Enclosures: July 1, 2008 and August 1, 2008 letters to Phil Isenberg, Chair,  
Re: Comments on Staff Draft Delta Vision Strategic Plan

cc: Board of Supervisors, County of Sacramento  
State and Federal Legislative Representatives  
Terry Schutten, County Executive  
Delta Vision Blue Ribbon Task Force