

Today California's Delta Stewardship Council begins its deliberations on a Delta Plan that promises to be a big part of the answer to one of that state's most pressing environmental questions: can California's Delta be saved?

Creation of the Delta Stewardship Council was a key element of landmark 2009 California legislation designed to address the myriad ecological, water supply, economic and public safety crises facing the Delta. A new state agency with broad powers to chart future Delta policy, the Council's first and most important mandate is adoption of a comprehensive "Delta Plan" by January 1, 2012, to which decisions by other state and local regulatory and planning agencies must then conform.

The Council's staff released a first draft of the Delta Plan last week, and the Council will begin deliberations on that draft in public hearings scheduled over the next two days. (The draft Delta Plan can be accessed here:

http://www.deltacouncil.ca.gov/docs/draft_delta_plan/Preliminary_Staff_Delta_Plan_2011_02_14.pdf) This is just the first cut at a document that will go through numerous drafts over the next 10 months, be subject to a detailed environmental analysis, and likely generate thousands of comments from interested stakeholders and private citizens.

Nevertheless, the staff draft the Council will be scrutinizing this week contains some noteworthy, provocative and bound-to-be-controversial findings. Among them:

- "California's total water supply is oversubscribed. California regularly uses more water annually than is provided by nature."
- "California's water supply is increasingly volatile."
- "Even with substantial ecosystem restoration efforts, some [Delta] native species may not survive."
- "There is no comprehensive state or regional emergency response plan for the Delta."
- "Surface and groundwater supplies will only be reliable on a long-term basis if groundwater overdraft is eliminated."
- "[Water] conveyance must be changed and re-operated to improve water supply reliability."
- "Land use decisions must discourage development in floodprone areas."

The Delta Stewardship Council is also likely to raise some political hackles because its staff's draft Delta Plan construes the Council's legal jurisdiction broadly. Rather than simply limit the Plan's scope to the geographic confines of the Delta itself, the draft includes within its proposed purview "areas within the Delta watershed [fully half of California's land area], other areas that contribute water to the Delta watershed through imports...and areas

outside of the Delta watershed that use water from the watershed.” The Council’s staff is casting a broad jurisdictional net indeed—but one that this commentator believes is both legally supportable and fully justified as a matter of public policy.

Conspicuously absent from the initial staff draft of the Delta Plan are any details on the single most contentious issue confronting the Council: whether to authorize a so-called “Peripheral Canal” (or tunnel) to transport water from the Sacramento River around the Delta to thirsty farmlands and communities in Central and Southern California. (Currently, both the federal Central Valley Project and California’s State Water Project divert massive amounts of water from the south end of the Delta, a longstanding water conveyance system that has done major damage to the Delta ecosystem.)

Hopefully, later drafts of the Council’s Delta Plan will address that key issue head-on. And then the Delta Stewardship Council’s controversial Delta Plan will become more controversial still.