

## ELEMENTS OF A DELTA GOVERNANCE SOLUTION

Element	Delta Vision Strategic Plan	Environmental Straw Proposal	ACWA Straw Proposal
Is a CDEW Council Necessary?	Yes	Yes	Yes Proposes a Delta Stewardship Council (DSC) to oversee environmental restoration, water supply reliability, and <b>Delta-as-a-Place</b>
1) What functions should the CDEW perform and how?  a. Plan development	Yes Proposes Council with broad planning authority	Yes Need comprehensive blueprint that establishes targets for outcomes, funding, and assurances	Yes Substantial agreement on need for comprehensive planning to accomplish coequal goals and Delta-as-a-place
b. Plan Approval	CDEWC Approves Plan	CDEWC Approves Plan	DSC Approves Plan
c. Accountability i. Budget Recommendation Authority  ii. Fee Authority	Council has substantial control over budgets of implementing agencies  Undefined, but presumably broad fee authority	Council reviews budgets for consistency with plan; recommends changes to agencies/legislature  Collects fees on diversions and other appropriate sources to implement Plan;	Council reviews budgets for consistency with plan; recommends changes to agencies/ coordinating group/legislature <b>BDCP will result in \$billions for plan implementation through collaborative process.</b>

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<p data-bbox="449 319 716 347">Fee Authority (con't)</p> <p data-bbox="432 451 709 516">iii. Regular Progress Reports</p> <p data-bbox="422 620 720 647">iv. Findings Authority</p> <p data-bbox="428 721 625 786">v. Consistency Authority</p>	<p data-bbox="877 451 999 479">Required</p> <p data-bbox="852 620 1024 647">Not Specified</p> <p data-bbox="789 721 1087 748">Pre-approval Authority</p>	<p data-bbox="1182 319 1486 412">Can pass fee revenues to SWRCB, DFG, Delta Conservancy, others</p> <p data-bbox="1173 451 1495 544">Regular reports by implementing agencies to Council</p> <p data-bbox="1178 620 1491 680">Council makes periodic findings re coequal goals</p> <p data-bbox="1157 721 1512 948">Council “responsible for assuring that projects and actions of federal, state, and local agencies” are consistent with the Plan. Type of consistency determination depends upon action.</p>	<p data-bbox="1541 319 1913 412">Council may recommend fees, but ultimate decision should remain in legislature</p> <p data-bbox="1541 451 1913 581">Bi-annual consistency review of agency actions with reports to coordinating group/legislature</p> <p data-bbox="1570 620 1883 680">Council makes biannual findings re coequal goals</p> <p data-bbox="1541 721 1913 1013">Council has post-approval authority; reviews actions for consistency with Plan and recommends corrections. Ultimate authority remains with implementing agency under its statutory authority; disputes referred directly to 3<sup>rd</sup> District Court of Appeals</p>
<p data-bbox="285 1091 657 1151">d. Authority over ESA/Other Permits</p>	<p data-bbox="758 1091 1121 1151">Council appears to have very broad authority</p>	<p data-bbox="1178 1091 1499 1221">Council does not have authority over ESA/other permits beyond findings authority above.</p>	<p data-bbox="1570 1091 1892 1221">Council does not have authority over ESA/other permits beyond findings authority above.</p>

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e. Authority Over BDCP Implementation	Council appears to have very broad authority	<p><b>Council does not have authority over BDCP.</b></p> <p>Permits incorporated into Plan. Council would review progress and make findings. <b>“Findings will trigger nondiscretionary changes in operations . . . [and] adaptive management process.”</b></p>	<p><b>Council does not have authority over BDCP.</b></p> <p>Permits incorporated into Plan. Council would review progress and make findings. Enforcement of permits remains with implementing agencies.</p>
f. Operational Authority Over Water Project Operations	Council controls “day-to-day operations” to assure coequal goals	Creates <b>Independent Water System Operator</b> to make operational decisions for SWP, CVP, and Delta Water and Ecosystem Plan. IWSO reports to Council.	Operational authority remains with SWP/CVP/Water Utility successor. <b>Creates Special Master</b> to assure real time compliance with permits
2) What structure should the CDEWC have?	Proposes Council with 5-7 members, appointed by Governor with Senate confirmation. Council members with fixed, staggered terms	Specifics TBD once functions decided, form should follow function.	Specifics TBD once functions decided, form should follow function.

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3) State and Federal Agency Coordination	Council would have authority over federal agencies under Coastal Zone Management Act	Recognizes need for <b>strong state-federal partnership</b> ; reestablishes state-federal policy group	<b>CZMA inappropriate.</b> Governor creates state coordinating group; President creates fed coordinating group; state-fed group created by MOU; eventually federal legislation required
4) Other Governance Issues a. Enhanced DPC  b. California Water Utility   c. Delta Conservancy  d. Independent Science Board	Proposes enhanced DPC  Not Addressed  Recommends creation of Delta Conservancy  Recommends continued reliance on ISB	Proposes enhanced DPC  Not Addressed  Recommends creation of Delta Conservancy  Recommends continued reliance on ISB; <b>Lead Scientist sits on Council</b> ; members on Operations Group	Proposes enhanced DPC  <b>Proposes creation of a Water Utility</b> for combined operation of SWP and CVP; separation of SWP operations and state policy in DWR will improve both  Recommends creation of Delta Conservancy  Recommends continued reliance on ISB; adds engineering/water supply planning expert; no direct participation in policy or operations

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<p>e. <b>Public Interest Advocates Group</b></p> <p>f. <b>SWRCB</b></p>	<p>Not Addressed</p> <p>Full implementation of existing water rights may be most important recommendation of Delta Vision</p>	<p><b>Proposes advocacy group appended to Council</b></p> <p>Proposes legislation to report all surface and groundwater diversions; set flow standards and maintain migratory corridors; establish system of <b>administrative law judges</b>; all with sufficient funds</p>	<p><b>Does not support creation of public advocacy group</b></p> <p>Modifications to water rights should occur within existing system; Protection of area of origin rights is prerequisite; recommends creation of system of <b>administrative law judges</b></p>