



CapitolVoice

Sierra Club California —Your Voice in the State Capitol

California's Delta: An Ecological Wonder in Trouble

by Jim Metropulos

You are standing in mushy, wet soil on a clear fall day. Overhead, the sky is periodically blackened by huge flocks of geese and ducks; the air is filled with their honking and quacking. You quietly paddle your canoe among the reeds and cattails. There is a big splash to your right -- you turn your head in time to see a large Chinook salmon hit the water. As you move, fearless muskrats and beavers dive to their submerged homes but not before checking you out with great curiosity. Beneath you, a prehistoric looking green sturgeon, over six feet in length and over 50 years old, silently glides along the bottom of the dark, salty water.

Less than 200 years ago, you could have experienced all of this not far from what is today urbanized Sacramento, Stockton, and Vallejo. This is California's amazing Delta.

Today, only remnants remain of the abundant fish and wildlife and it is under duress from toxic runoff, non-native predatory species, water transfers, and development. Sierra Club California is helping to protect and restore what is left of this once fertile estuary.

The San Francisco Bay/Sacramento-San Joaquin Delta, or Delta for short, is home to a unique ecosystem. The Delta is created at the confluence of the Sacramento and San Joaquin rivers as they flow into San Francisco Bay. The Delta ecosystem—the largest wetland habitat in the western United States—supports more than 750 wildlife species and more than 120 species of fish, as well as one of the state's largest commercial and recreational fisheries. The Delta also provides migration corridors for two-thirds of the state's salmon and nearly half of the birds that use the Pacific Flyway.

What makes this situation so challenging is that the Delta also happens to be the hub of California's water supply and delivery system. While precipitation falls predominantly north of the Delta, much of the state's water is used south of the Delta. The federal Central Valley Project and California's State Water Project store water in major reservoirs upstream from the Delta, let it flow through the Delta, and then export the water south using enormous pumps. Southern California relies on the Delta for 30% of its water supply, while San Francisco's South Bay relies on the Delta for 33% of its supply.



This magnificent and vital system is facing a myriad of problems. Within the Delta are 1,100 miles of levees in various states of repair that protect both physical development and water supplies. An earthquake or heavy winter storms could cause the levees to rupture, threatening neighborhoods. We saw this occur two years ago when the Jones Tract levee failed

continued on page 3



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Law and Sausage

by Bill Allayaud

It has been said that “Laws are like sausages, it is better not to see them being made.” Though that comment was made over 100 years ago, it remains true to this day for most people. Of course, for those concerned about the environment, ignoring the political sausage-making process is simply not an option.

Fortunately, your four Sierra Club California lobbyists have the intestinal fortitude to not only watch the Legislature and Governor make law, but to roll up their sleeves and participate in that lawmaking. Sierra Club California was created two decades ago for the express purpose of having full-time advocates on the frontlines, representing our members on the environmental issues of the day.

For example, today we are deeply involved in the fight over whether to build new dams. Unfortunately, many of the negotiations and decisions are taking place behind closed doors in what were formerly smoke-filled rooms. Our water expert Jim Metropulos is attending what limited hearings there are, lobbying legislators, and doing a lot of great media work to make our position known and to help sway the decision-makers.

Another case in point: As you know, the Legislature could not pass the State Budget for many weeks because the Senate Republicans were holding out for what were mostly unspecified cuts. These fourteen Senators eventually narrowed their demands to one — weaken the California Environmental Quality Act (CEQA) so that it could not be used to challenge projects regarding their impacts on global warming.

Sierra Club California launched into the fight, as CEQA is the primary state law used to defend the environment. We were keenly interested in what the Democrats might offer to get the two Republican votes needed to pass a budget. There was no public hearing on this important issue, but Democratic leadership consulted with us on the language being considered. It took me several readings and extensive knowledge about the State bureaucracy, but I knew things would be OK. I’ll let you read the language so you can see what sausage-making can be like:

The failure to analyze adequately [in a CEQA-required environmental impact report] the effects of greenhouse gas emissions otherwise required to be reduced pursuant to regulations adopted by the State Air Resources Board...for either a transportation project funded under [Proposition 1B] or a flood project funded under [Prop 1E] does not create a cause of action for a violation of [CEQA]. (Abridged, from Senate Bill 97)

The Republicans read this and claimed victory. I think they are wrong. While the courts could eventually interpret this language, as a practical matter this language (which sunsets on January 1, 2010) does not stop CEQA lawsuits unless and until the Air Resources Board produces regulations. And, those regulations are not forthcoming for at least two years. Do the math; the calendar is on our side.

As you can see, the work of our lobbying team can be far from transparent, but it is always challenging and fulfilling. Our staff feels privileged to represent people who care about protecting the environment and the flora and fauna that have no voice in the sausage-making machine.

continued from cover page

near Stockton and the State spent \$100 million to repair it. Multiple levee failures in the Delta would threaten the delivery of drinking water to 23 million people in Southern California.

The population and health of many native fish species in the Delta are declining. One species, the delta smelt, is of particular importance when evaluating the health of the Delta. The delta smelt was listed as a threatened species in 1993 under the federal and state endangered species acts. Though it was the most abundant fish in the delta as recently as 30 years ago, fish biologists agree that the smelt are currently on the brink of extinction.



304' TALL MONTICELLO DAM ON PUTAH CREEK IN YOLO COUNTY

In the 1960's and 70's there may have been as many as 800,000 adult smelt in the Delta. Today their population is estimated to be less than 35,000. This year, the fish monitoring stations in various parts of the delta recorded only 25 fish, less than 10 percent of last year's count. Like the canary in a coalmine, the smelt's condition immediately lets you know about the health of the Delta. The fall of the smelt population can be traced to rising exports of water by the federal and state water projects, declining water quality, and the invasion of exotic species. If the Delta is no longer able to sustain the smelt, will other fish species such as Chinook salmon, steelhead trout, and green sturgeon also disappear?

Thankfully the courts have recently stepped in to protect the smelt from extinction. Conservation groups sued the State and Federal government in federal district court. On August 31, 2007, the court issued a ruling that for the time being protects the smelt. The court ordered that flows

continued on page 4

Legislature Debates New Dams in California

Sierra Club California is currently working the special session of the Legislature called by Governor Schwarzenegger to deal with water issues, including the Delta. The main action has centered on competing water bond proposals that might be placed before voters in 2008, one backed by Governor Schwarzenegger and Republicans in the Legislature and the other authored by Senator Don Perata and backed by the majority Democrats in the Legislature.

Senator David Cogdill introduced SBX2 3, the Governor's \$9 billion water bond proposal. The Governor's proposal includes \$5.6 billion for dams and is being cheered by big agriculture and developers in the Central Valley. This money for dams could be used to fund all or some of the construction costs for two new dams and expansion of another. Notably, the bill also includes sweeteners such as funds for restoration projects in the Delta and other smaller water restoration projects.

We oppose the Governor's water bond because it focuses mainly on building new dams, and requires progress on a peripheral canal or some other form of conveyance around the Delta in order to access the restoration funding. State and federal studies demonstrate that California has better options to meet our water needs through recycling, groundwater clean-up, and urban water use efficiency rather than new dams. SBX2 3 died in committee.

Senate President Perata also introduced a water bond in the special session. SBX2 2 includes \$2 billion for regional grants to improve water supply reliability, \$2.4 billion for restoration projects in the Delta, \$1 billion for water conservation programs, \$1 billion for groundwater protection and water quality programs, and \$250 million for water recycling.

Sierra Club California has taken a neutral position on SBX2 2. Under this proposal, new dam projects would be eligible to receive funding from the \$2 billion side aside for water supply reliability. However, any dam proposals would have to compete with other projects in order to be funded. The bill failed to get enough votes to be placed on the ballot by the Legislature, but Senator Perata has indicated that he intends to place it on the ballot via an initiative campaign.

Sierra Club California is asking the Legislature and Governor to invest in water use efficiency, water reclamation and recycling, and underground water storage rather than fiscally and environmentally irresponsible dams. These investments will produce more water at less cost and with fewer impacts to the environment. We also believe that the state must have a completed long-term strategy for protecting the Delta before making major investments there. Sierra Club California will encourage voters throughout California to reject any water bond that substantially funds new dams and facilitates Delta water diversions at current or increased levels.

of water through the Delta be increased between December 2007, when the smelt are about to spawn, until June 2008, when the juvenile fish move to other areas with better habitat. The ruling also mandates improved monitoring of the location and numbers of the smelt, especially near the diversion pumps. The Court's order could cut the amount of water delivered to Southern California and the San Joaquin Valley by 35%.

Water districts from the Bay Area to San Diego are scrambling to deal with the ramifications of the court's ruling. The state's largest water agency, the L.A. Metropolitan Water District, has already announced that it would cut water shipments to agricultural uses by 30 percent and that all customers will pay higher rates. San Diego County Water Authority is implementing aggressive conservation measures, including a "20-gallon challenge" in which residents are asked to conserve that much water a day. And due to long term dry weather, all water agencies in the southern part of the state are considering mandatory water rationing.

The Legislature has called more urgently for a long-term plan to resolve the conflicts in the Delta. In response to the Legislature, the Governor initiated a Delta Vision task force to recommend future actions to achieve a healthy Delta. A preliminary Delta Vision report recommends that the state reduce its reliance on the Delta for water supplies, but at the same time, it also suggests creating multiple ways to move water around the Delta.

Calls have already emerged for construction of an "isolated facility," otherwise known as a peripheral canal to divert water from the Sacramento River around the Delta and into the canals that head south. In 1982, the Sierra Club opposed and California voters soundly rejected a peripheral canal. The Sierra Club felt that the proposal did not have sufficient safeguards to ensure that the canal would be operated to be a net environmental benefit. In addition, a central concern was that even if a peripheral canal could theoretically be beneficial for the environment, the southern water users would take advantage of the new facility to significantly increase the quantity of water that is exported to the south.

Today, Sierra Club California and the local chapters of the Club remain concerned about proposals to change the method of delivery of water from northern to southern California. We fear that if fresh water is shipped around the Delta, the estuary could be further damaged. As it is now, the state and federal governments pump water directly out of the Delta and thus have reason to sustain it.

Sierra Club California will continue to fight to decrease the state's reliance on water from the already overtapped and threatened Delta ecosystem. We support ecosystem restoration measures that will improve conditions for endangered species such as the Delta smelt and allow for investments in water infrastructure and much needed flood management.

Sierra Club California was formed 20 years ago to allow California's 13 Club chapters to speak with one strong, effective voice in Sacramento. We represent the interests of California's 200,000 Sierra Club members at the Legislature, in the Governor's office, and before state agencies.

With a political climate much more favorable to environmental protection than exists at the federal level, Sierra Club California has been instrumental in passing groundbreaking environmental protections that set the standard for the rest of the country. Initiatives started in this State, such as reducing greenhouse gas emissions from cars, are replicated across the country.

People like you make our work possible, and we thank you for your past support. **We receive less than \$2 dollars from each California membership and rely on individual donations for the remainder of our budget.** Please take a moment to make whatever donation you can afford, *so we can continue to represent your values in the Capitol.*

Please return the remit form, or go our website to make an on-line donation.

Thank you. We can't do it without you!

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