

California Water Plan Update 2009

The Advisory Committee View A Mini-Assessment

December 2009

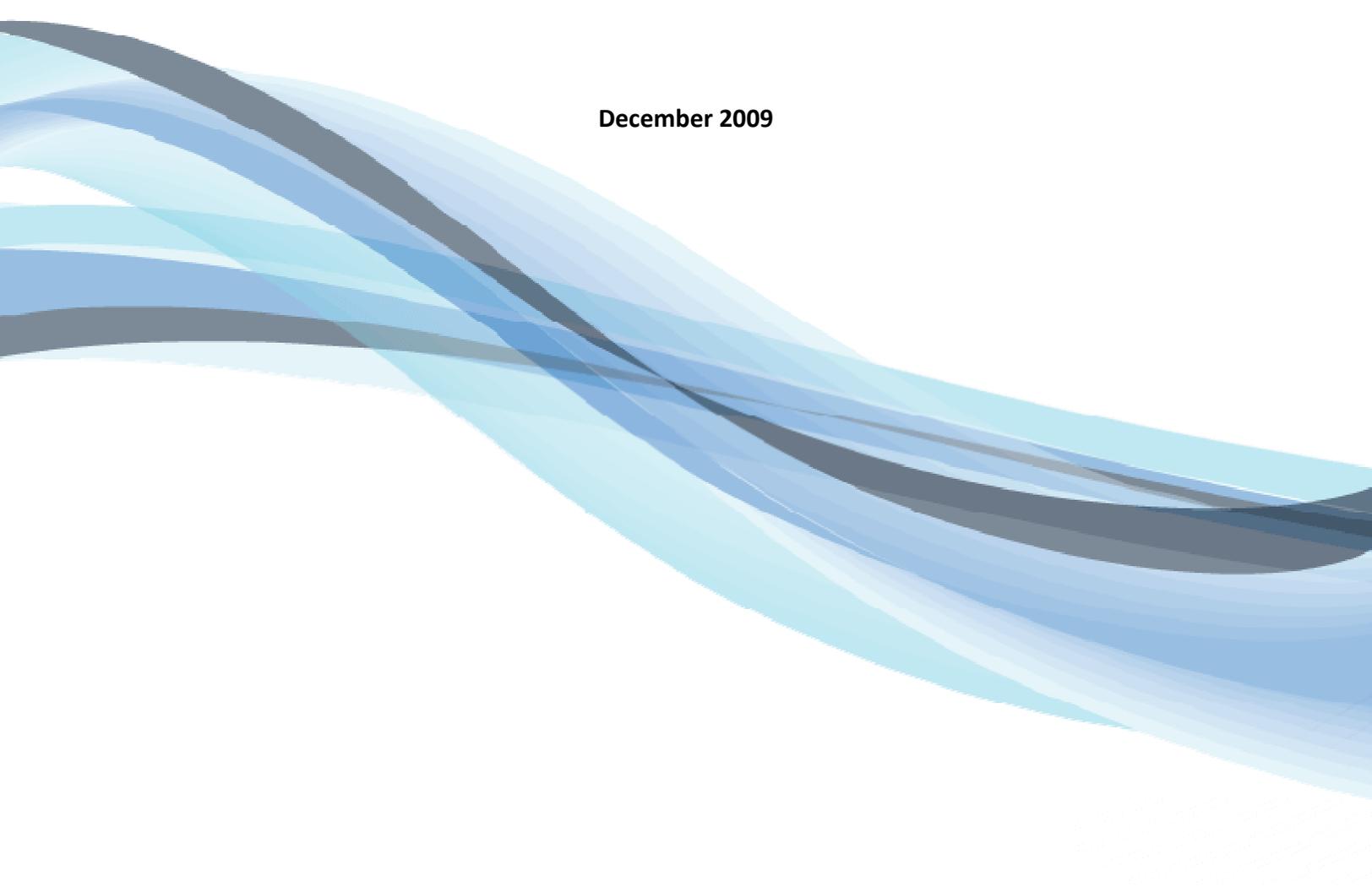


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Introduction

California Water Plan Update 2009, the ninth since 1957, comprehensively reviews the State's water challenges and opportunities and makes recommendations for strategic responses. The 2009 plan builds on Water Plan Update 2005 and reflects progress toward implementation of integrated water management. It also focuses on:

- Recent years of below average precipitation
- New demands for Conservation
- Critical California Bay-Delta (Delta) issues
- Emerging information on climate change, and
- Related uncertainties

While the Department of Water Resources (DWR) and a State Agency Steering Committee (SC) shepherded development of the 2009 Update, an Advisory Committee (AC) was charged with providing guidance on what would be required for a high-quality and robust document.

The AC includes a diverse group of 45 organizations (see Attachment A for member list) dedicated to managing California's water resources. The AC represents wide interests including business, public health, multiple levels of government, the environment, recreation, purveyors, consumers, regulated water agencies, and flood managers among others.

The AC has attended numerous meetings over the past three years to provide input and guidance to the planning process, improve information, point out areas that need greater attention or clarity and raise difficult questions.

AC View 2005

In order to better articulate areas of agreement, disagreement, and points needing further explanation, a document titled the AC View was drafted as part of Water Plan Update 2005. Authored by the AC and adopted by consensus, the document explained the diverse AC perspectives to both constituents of the organizations they represented and to DWR.

DWR leadership found the first AC View extremely helpful in making final Water Plan edits and providing background information to decision makers. DWR requested a similar document be prepared for Update 2009.

AC Mini Assessment 2009

Following release of the Update 2009 Public Review Draft, the Water Plan facilitation team, staffed by the Center for Collaborative Policy, California State University Sacramento, prepared a first draft of the 2009 AC View based on meeting notes, comments received and other input from AC members. The draft was then reviewed by the AC members with interests as diverse as agriculture, flood management, public health, water quality, environmental, government, and urban planning, during small-group work sessions. These work sessions were conducted between March 27th and April 15th, 2009 and engaged 28 members with the goal to use the draft as the first step in developing a document

similar to the one used in 2005. Additional comments were also received from members not able to attend work sessions.

AC Members provided many comments on the AC View Draft. Interestingly, many members questioned the relevance of the AC View for Update 2009 and whether it was necessary. There were a variety of reasons for this conclusion:

1. The 2005 Update represented a dramatic shift in approach that required some explanation. As an extension of the 2005 Plan, the approach for 2009 will not need a similar explanation.
2. While Update 2009 may include areas of substantial policy disagreement, many of the more contentious issues are being managed outside of the AC process. These will be incorporated by reference in the Plan. For example water conservation requirements, management options for the California Bay-Delta and drought planning are companion efforts with a separate review process. As a result the AC has not had an opportunity to, as a group, establish a collective view.
3. Further, due to a number of factors, some of the large and potentially contentious policy recommendations have yet to be made. The group felt even attempting some statement about them would be premature.
4. Finally with a shift to more State agency and regional outreach as recommended in Water Plan Update 2005, the 2009 AC did not meet as frequently and members were less interdependent. As a result there was not a perceived need to create a cohesive group statement or document.

After learning more about the value of the AC View to DWR, members suggested that a more useful product may be a mini-assessment¹ prepared by the facilitation team and reviewed by the AC. A mini-assessment had been conducted by the facilitation team in 2008 and the group and DWR found that process helpful.

Given the AC feedback, comments gathered during the spring 2009 small-group work sessions were used to revise text and transition the document to an assessment format. This second iteration was then reviewed and refined by the AC during its August 2009 meeting and additional subcommittee sessions.

Mini-Assessment Structure

The mini-assessment considers the following topics:

- AC member agreement and disagreement with Update 2009 as proposed
- AC perspectives about the Update 2009 Approaches and Process
- AC Role in 2009

¹ A mini-assessment is a high level situation assessment. As designed, it outlines AC perceptions of Update 2009 key elements, an assessment of the current text and a projection of future reactions by stakeholders. The review was limited in scope to Advisory Committee discussion items as the Water Plan will contain text incorporated by reference and not part of the Water Plan deliberations.

Areas of Agreement

I. Why the Water Plan is Necessary

Although some have questioned the relevance of the Water Plan, those participating in the assessment believe the Water Plan is necessary. The group identified five areas they consistently agreed the Plan should address:

- Urgency
- Water Quality
- Data
- Reliable Supply
- Uncertainty

Urgency

The AC agreed there is an urgent need to address California's water situation and found:

- Nearly every aspect of the water management is facing crisis, and water infrastructure is severely strained and aging.
- The ecosystem, communities and the economy are all at risk unless swift and appropriate action is taken.

While the group members do not always agree on the actions that should be taken, they share this urgency and think the document should strongly emphasize the consequences of failing to plan and act now. Many suggested the document should be a call to action and inspire people to do something.

Yet, even while this was a driving theme, there was concern from some that DWR was being characterized as passive for not going as far as the AC recommended and this was counter-productive.

Action in Uncertainty

AC members agreed that major uncertainties exist in both the natural world and policy environments. They cited:

- Timing and severity of climate change
- Availability of funding
- Speed of Plan implementation
- Specifics of legislation
- Integration of land use and water planning

Some AC members stressed that without a solid plan in place and implementation of the recommended actions, maintaining basic water needs up to the next Water Plan Update is uncertain. Members also felt it necessary to acknowledge the external factors that will affect the ability to implement the Water Plan such as other state policies and initiatives and the current fiscal situation. Most members agree conceptually with the ability to fashion at least some no regrets actions in the face of uncertainty.

Reliable Supply

The AC agreed a reliable water supply is a high priority. With drought affecting many parts of the State and increasing restrictions on Delta pumping, current water supplies across California are critically low. The Committee agreed that an adequate and reliable water supply is crucial to both people and the environment and that augmentation options such as additional aggressive conservation and other supplemental strategies must be developed. The group agrees that not all options are appropriate in all places but does not agree on the full suite of potential augmentation strategies. Some in the group believe there should be acknowledgment that factors outside of the Water Plan scope could affect the ability to implement the plan.

Water Quality

Members concur that water quality must be a central consideration in water planning, not only because of the need to maintain the highest standards of water quality for currently available supplies, but also because of its potential to contribute to new supplies. One member pointed to the trend of regional water suppliers and retail purveyors placing increasing reliance on treating contaminated water to augment local water supplies; citing water quality as one aspect to improve local flexibility as part of integrated water management.

Data

There is an increasing need for additional investments in comprehensive high quality water management data,² sophisticated quantitative data analysis, and robust peer review. The Committee agrees that these three elements are the foundation of a common understanding of the problems facing California and a credible, widely supported and genuinely strategic plan.

II. Approaches

The Committee found broad agreement on the approaches promoted in Update 2009. Strategic Planning, the State Agency Steering Committee, Integrated Water Management, Regional Management, Integrated Flood Management, and Land Use Planning were cited.

Strategic Planning

The AC felt that a strategic planning approach is appropriate for the Water Plan effort.

The Committee generally supports the final drafts of the vision, mission, goals, objectives, and Volume 1 recommendations of Update 2009. The development of multiple scenarios to consider future water use and related conditions was also valued.

State Agency Steering Committee

Members noted their support for and appreciation of the increased participation of state agencies. They believed this collaboration would be essential in defining integrated planning and resource management approaches.

² DWR, CBDA, CPUC, DPH, and SWRCB are working to improve the integration of water consumption data collected by state agencies as part of SB7.

Integrated Water Management

AC members felt Update 2009 places the right focus on comprehensive and integrated management of water resources. This approach was articulated in Update 2005 as “a comprehensive, systems approach for determining the appropriate mix of demand and supply management options that provide long-term, reliable water supply at the lowest reasonable cost and highest possible benefits to customers, economic development, environmental quality, and other social objectives.” The group found utility in the expanded approach of providing both short-term flexibility and long-term adaptability. Members agreed that integrated water management should be linked to regional management.

Regional Management

Many in the group suggested statewide policy direction should be linked with regional, on-the-ground applications. The Committee believed policy must translate into meaningful practice at the regional level and individual members have devoted considerable effort to enhancing regional information. The AC stressed the need to begin articulating performance indicators to measure success of regional water management efforts to ensure effectiveness in achieving regional and statewide objectives and goals.

Some members urged that regional management should be linked with place-based policy actions and projects. It was noted by some members, however, that cost allocation of regional projects among the customers of retail urban water suppliers should be a foremost consideration in regional management and must be fully vetted to achieve consensus. Other expressed concern that drafts of the Water Plan’s regional strategies were not made available to the AC for review.

Integrated Flood Management

The AC found the integration of water and flood management was long overdue. Central to a comprehensive approach to managing California’s water resources, integrated flood management is a new and important component of the Water Plan. Participants outlined the importance of addressing the threats of catastrophic flooding resulting in loss of life and property. The AC proposed important strategies and actions needed to manage flood risk on a system-wide basis and through an integrated approach linked to integrated water resources management, land use planning and environmental stewardship.

Many in the group advocated strategies that highlighted the:

- Connection between land use policies that effectively address flood risk, including reducing risk associated with climate change.
- Importance of accurate statewide information on flood risk, infrastructure and floodplain resources.
- Integration of natural floodplain functions with more traditional flood risk management methods.

They suggested this effort could provide an essential tool in planning for sustainable communities, ecosystems and natural resources.

Land Use Planning

This update considers the complex interrelationships among land use planning and management, climate change, water supply, and flood management. There was general agreement that local governments should consider land use policies that promote compact development to reduce greenhouse gases, water demands, flood risks, and nonpoint source pollution. Overall, the group also agreed there were benefits in more fully exploring the Land-Water Use Nexus in Update 2013.

However, the members disagreed on implementation strategies, for example whether the State should mandate these policies or, recognizing California's strong tradition of local control over land use, simply provide guidance and incentives. For example, some members suggested the Plan should recommend a mandatory General Plan Water Element, whereas others prefer the current approach of the State providing guidance for an optional Water Element. There was also disagreement about the effectiveness of current legislation (SB 610 and SB 221) directing local governments to coordinate with water supply agencies when making land use decisions.

III. Considerations

Members highlighted some areas where important considerations needed to be made to ensure success of the effort. For example, they found the Plan must address environmental justice concerns. They also highlighted the importance of understanding:

- Tribal Perspectives
- Climate Change
- Definitions

Environmental Justice

The AC recognized that major disparities exist in the ability of different California communities to manage their water resources. The Committee agreed a complete and inclusive plan hinges on engaging and assisting disadvantaged communities in planning for flood, water supplies and quality, infrastructure and costs.

Tribal Perspectives

Water Plan Update 2009 promoted a new appreciation of important and complex tribal perspectives. The members agreed inclusion of tribal interests, issues and concerns in the plan was essential to understanding the full California water dynamic. Members understood that Update 2009 could only serve to initiate a needed on-going relationship and future plans would continue to expand this relationship.

Climate Change

The AC recognized that climate change will profoundly affect water and flood management in the coming decades. They saw needs for mitigation and that patterns of water use are closely coupled with energy and land use. For this reason the Committee extended the scope of its deliberations to begin addressing these linkages. The AC does not agree on the science

and the potential implications of climate change but found it important to move forward in discussion, even with uncertainty.

Definitions

AC members strongly agree that common definitions are very important in this multi-discipline group. Terms must be consistently defined. There is agreement that consistent use of terms is needed throughout Update 2009, and that a glossary should be provided. In instances where a term is being used in a different context, the specific meaning should be called out.

Areas of Disagreement

- Water Rights
- California Bay-Delta Solutions
- Sustainable Funding
- Water Pricing
- Groundwater Management and Regulations
- Surface Storage and Conveyance
- Agricultural Water Conservation
- Structure and Definition of Scenarios
- Definition of Conserved Water

Water Rights

The AC does not agree on the extent to which considerations of reasonable use and public trust, areas of origin, and impacts to different users, should factor into water management decisions. Discussions of Delta region water right holder contracts for diversions and claims that they exceed available supply did not provide incentive for agreement. No new policies are recommended in this Update but these topics are raised. Many members suggested that the water rights debate is a fundamental dispute outside the scope of the Water Plan.

Surface Storage and Conveyance

As mirrored in the larger public debate, the AC has highly divergent views on the need for, scale and location of surface storage and water conveyance. This Update incorporates existing State policy and includes discussion of surface storage and improved conveyance as potential appropriate options in some circumstances.

Some members believe these options should not be pursued because better water management (e.g., increase water conservation, better groundwater management) could be sufficient to balance the State's water supplies and demand. Others argue the surface storage and conveyance options presented are not adequate to meet existing needs. Even so, the AC agreed that as a strategic plan, the Water Plan is not a vehicle for promotion of specific projects or resolution of site-specific issues. Instead the document outlines the State strategy for moving forward with technical and policy evaluation of such options on a case-by-case basis. At the same time, many group members believe the Plan should be more aggressive in outlining a definitive plan of action in the area of surface water and conveyance.

Structure and Definitions of Scenarios

While the AC recognizes the value of scenario planning, it has not agreed on the scenarios to include in analysis, and how to characterize (or name) them. The disagreement is around the implied outcomes depicted in the scenarios and how they should be used. Some AC members commented that the scenarios are not realistic. Others felt they have not seen enough of the data to even comment on the scenarios. Some AC members felt the scenarios do not address the challenges being faced currently and in the next five years.

Definition of Conserved Water

The Committee has not agreed on how to categorize and credit water conservation efforts. The debate is over the owner of conserved water and whether it belongs to the conserver or to the system.

Groundwater Management and Regulation

While all Committee members favor proactive management of groundwater resources, some believe groundwater management should remain at the local level, as they feel it is essential to protect the State's economy in light of surface water supply losses due to government regulation. Others favor greater State involvement in groundwater management. Those AC members felt it important to note that California remains the only State that does not regulate groundwater.

While there is shared agreement on the importance of groundwater resources, disagreements arise on the approaches for protecting and regulating groundwater. This Update does not recommend an approach but does frame the issue.

CA Bay-Delta Solution

The AC did not agree on how much attention the Water Plan gives to recommendations for the Delta and many members directly disagree with the State's direction. While the Delta is the hub of the State and federal water projects and bridges the needs of northern and southern California, some suggest a Delta focus downplays the distinctive issues of non-Delta-dependent regions. This is in contrast to the views of others who see the Delta as the centerpiece for much of the California water supply and consider Delta issues as a topic with unique strategic importance. These members strongly favor a detailed and forthright approach to the issue in the Water Plan as one of critical importance. Further, in response to the argument that detailed discussion of Delta issues in the Water Plan will detract from ongoing regional planning, these members counter that a reliable water supply from the Delta is a key element of many of these regional planning efforts and should therefore factor prominently in the Water Plan.

Agricultural Water Use Efficiency

Debate continues about the extent and adequacy of existing efforts in the area of agricultural water use efficiency, as well as the extent of the potential gains which can be achieved in this area. This discussion includes the contribution of agricultural practices to statewide water conservation efforts, what types of crops should be grown in California, and what "sustainable" agriculture and food means. Some members believe agricultural practices and agricultural water use are not well understood and that both are frequently not fairly or accurately represented. In addition, these members question data and assumptions used to characterize the current situation and the potential for water savings. Others believe that agriculture, as the major consumer of California water, should be subject to improved water management. They suggest water use practices, crop choice, and agricultural practices can be altered to provide food and fiber with far less water than is used now. This plan does not make any new recommendations for agricultural water use efficiency, but does explore the topic in the planning scenarios, the resource management strategies and in the overall discussion of water use today.

Sustainable Funding

Committee members agreed on the need for sustainable funding to support comprehensive water management; however, it is not agreed whether water projects should primarily be funded by public monies or by the users or beneficiaries of these projects. This issue is particularly complex when ecosystem restoration projects are involved. Debate remained around how a beneficiary was defined. This Water Plan recommends sustainable funding without resolving the other issues.

Water Pricing

Some view water as under-valued and priced too low, while others cited the need to keep water affordable. The range of water prices and water quality across California, as well as the various arrangements and regulations for provision of water supplies, complicates the discussion of water affordability and the impacts of pricing. Some AC members believe using pricing to drive policy creates disparities. They noted that water pricing in itself is not a conservation method but a mechanism for rewarding and incentivizing conservation. Others see water pricing as a tool to manage demand. Part of the conflict is between agriculture and urban, and a conflict over tiered pricing models. There is also policy, legislation and regulation that affect the way water is priced and must be considered in the policy debate.

AC Perspectives about the Update 2009 Approaches and Process

As a planned continuation of Water Plan Update 2005, Update 2009 focused on key 2005 recommendations to:

- Improve Water Planning Collaboration among State Agencies
- Focus on Integrated Regional Water Management
- Increase Tribal Participation and Access to Funding³

Because of the emphasis on implementing Update 2005 recommendations related to state agencies, regions and tribes, the role of the AC was shifted to a statewide policy body. This new role and composition of members was challenged by:

1. Concurrent demands of many other processes that often conflicted and required attendance at other sessions on the same days
2. A downturn in the economy that caused some organizations to be unable to support the robust participation of representatives and in some cases high turnover of representatives assigned to the AC
3. A reduced quarterly meeting schedule resulting in difficulty in restarting and revisiting topics
4. Higher diversity leading to less on-going relationship building. In Water Plan Update 2005 members had occasion to do work together outside of meetings. With more disciplines now engaged in the Water Plan work, different members were less likely to interact outside of meetings.

Many members indicated an interest in including broader regional representation on the Update 2013 AC. They also indicated a need to retool the Update 2009 approach used for regional engagement, although many did note the process improved overtime.

³ Update 2005 Recommendation 13 – noted that DWR and other State agencies must invite, encourage, and assist tribal government representatives to participate in statewide, regional, and local water planning processes and to access State funding for water projects. Further, State agencies should include tribal water concerns and water uses in future water plan updates and should engage appropriate local, State, and federal agencies to resolve tribal water issues that are identified.

Attachment A

California Water Plan – Update 2009 Public Advisory Committee

American Farmland Trust	<i>Ed Thompson, Jr.</i>
Association of California Water Agencies	<i>David Bolland</i>
California Association of Resource Conservation Districts	<i>Patrick Truman, Alternate: Tacy Currey</i>
California Association of Realtors	<i>Elizabeth Gavric</i>
California Association of Sanitation Agencies	<i>Richard Atwater</i>
California Building Industry Association	<i>Steve E. LaMar, Alternate: Steve Cruz</i>
California Business Properties Association	<i>Rex Hime, Alternate: Matthew Hargrove</i>
California Central Valley Flood Control	<i>Mike Hardesty</i>
California Chamber of Commerce	<i>Valerie Nera</i>
California Chapter of the American Planning Association	<i>Al Herson , Alternate: Sande George</i>
California Council for Environmental & Economic Balance	<i>Jerry Secundy, Alternate: Bob Lucas</i>
California Conference of Environmental Health Directors	<i>Terry Schmidtbauer</i>
California Council of Governments	<i>Rusty Selix</i>
California County Planning Commissioners Association	<i>Ted Allured, Alternate: Ron Sprague</i>
California Farm Bureau Federation	<i>Chris Scheuring, Alternates: Justin Fredickson, Danny Merkle</i>
California Farm Water Coalition	<i>Michael Wade</i>
California Landscape Contractors Association	<i>Larry Rohlfes</i>
California Rural Indian Health Board	<i>James Crouch</i>
California Sportfishing Protection Alliance	<i>Mike Jackson, Alternate: Jim Crenshaw</i>
California State Association of Counties	<i>Merita Callaway, Alternate: Karen Keene</i>
California Urban Water Agencies	<i>Elaine Archibald</i>
California Urban Water Conservation Council	<i>Chris Brown, Alternate: Katie Shulte Joung</i>

California Water Association	<i>Jack Hawks, Alternate: Dawn White</i>
California Watershed Network	<i>Mary Lee Knecht</i>
Central Valley Project Water Association	<i>Bob Stackhouse</i>
Division of Ratepayer Advocates, California PUC	<i>Dan Sanchez, Alternate: Diana Brooks</i>
Ducks Unlimited	<i>Chris Unkel, Alternate: Kevin Petrik</i>
Environmental Defense	<i>Laura Harnish</i>
Environmental Justice Coalition for Water	<i>Gary Mulcahy</i>
Floodplain Management Association	<i>Iovanka Todt, Alternate: Pal Hegedus</i>
Friends of the River	<i>Betsy Reifsnider</i>
Institute for Ecological Health	<i>John Hopkins</i>
Inter-Tribal Council of California, Water Commission	<i>Atta Stevenson, Alternate: Randy Yonemura</i>
League of California Cities	<i>Kyra Ross</i>
League of Women Voters	<i>Jack Sullivan, Alternate: Wendy Phillips</i>
Local Government Commission	<i>Patrick Stoner, Alternate: Laura Podolsky</i>
Natural Resource Defense Council	<i>Barry Nelson, Alternate: Kristina Ortez</i>
Planning & Conservation League	<i>Jonas Minton, Alternate: Evon Parvaneh Chambers</i>
Recreational Boaters of California	<i>Lenora Clark, Alternate: Bob Riopel</i>
Regional Council of Rural Counties	<i>Kathy Mannion, Alternate: Nick Konovaloff</i>
Sierra Club California	<i>Jim Metropulos</i>
State Water Contractors	<i>Grace Chan, Lloyd Fryer</i>
The Nature Conservancy	<i>Susan Tatayon</i>
Trust for Public Land	<i>Kathleen Farren, Alternate: Rico Mastrodonato</i>
WaterReuse Association	<i>Paul Klein</i>