

1 **The Bay Delta Conservation Plan: seeking an optimal approach to**
2 **managing the Sacramento-San Joaquin Delta and mitigating**
3 **California’s water crisis**

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6
7 **Executive summary**

8 The Sacramento-San Joaquin Delta (Delta) remains a critical, yet vulnerable, natural
9 resource for the state of California. While policy makers debate how to manage the region
10 optimally, scientists agree that current practices are unsustainable. This discord stems from
11 difficulties in balancing a rich ecosystem against water exports from the region that support over
12 25 million Californians and nearly 500,000 acres of agricultural lands. The Bay Delta
13 Conservation Plan (BDCP), recently split into two separate efforts and renamed “California
14 Water fix” and “California Eco Restore”, aims to meet both of these goals by securing a
15 foundational water supply for dependent localities while improving the overall ecological health
16 of the region at a cost of over 16 billion dollars. This article provides a background to the Delta,
17 explains current threats to the region, and assesses the ability of the BDCP to meet these
18 pressures. We find that the BDCP successfully utilizes a holistic approach to manage Delta
19 sustainably; however, financing for the project through a ‘beneficiary pays’ model raises

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Contributing authors are graduate student members of the Water Social, Engineering, and Natural Sciences Engagement interdisciplinary training program at UC, Riverside. This work has been funded by an Integrative Graduate Education and Research Traineeship grant provided by the National Science Foundation

20 concerns. Furthermore, we suggest that a ‘portfolio approach’, that goes beyond the BDCP, is
21 necessary to mitigate the California water crisis.

22 **1. The California water crisis and the Delta**

23 California continues to endure a drought yet unprecedented in the state’s 163 year
24 history. With 2013 ending as the least amount of precipitation on record, the Governor of
25 California, Jerry Brown, began the 2014 calendar year by declaring a ‘Drought State of
26 Emergency’ and eventually halting all water exports from the State Water Project (SWP) (The
27 Office of Governor Edmund G. Brown Jr., 2014). At the heart of this issue lies the Delta, which
28 directly supplies freshwaters to the SWP, and in total, serves the needs of over 25 million
29 Californians and approximately 500,000 acres of agriculture. In addition to water supply, this
30 rare inland delta contains a unique and dynamic habitat including numerous species, many of
31 which are found nowhere else in the world. A historical precedent towards serving the needs of
32 Californians has transformed this once vast marsh into agrarian land, leaving multiple species as
33 threatened or endangered. Therefore, if the Delta is to remain a habitat and a resource, careful
34 planning and external supervision is required (Fish and Wildlife Service, 2008).

35 The proposed BDCP, with some portions of bond legislation already approved by voters
36 California’s November 2014 election, aims to restore balance to the Delta by ensuring future
37 actions are restorative and sustainable in nature. Whether or not the BDCP will fulfill this
38 mission, the time for long-term action in the Delta is imminent. In this paper, we describe the
39 issues impeding the formulation of durable solutions for managing this natural water resource
40 and assess the BDCP’s ability to solve these problems. Specifically, we will define four
41 impending threats to the Delta; flow variability, subsidence, seismic activity, and climate change,
42 that contribute to its current unsustainability both as a habitat and resource. Finally, we will

43 assess the political climate as well as identify strengths and weakness in funding proposals for
44 the BDCP.

45 **2. A brief introduction to the Delta**

46 The Delta includes the watersheds of the Sacramento and San Joaquin Rivers, the two
47 largest rivers in the State of California, in addition to smaller rivers from the east. These rivers
48 originate in the Sierra Nevada, Coast Range, and Cascade Range and flow through the Central
49 Valley before entering the Delta. The waters of the Delta mainly arise from precipitation (both
50 rainfall and snowmelt) in the Sierra Nevada Mountains (Herbold and Moyle, 1989). The
51 combined flow travels west through the Suisun Bay, the San Pablo Bay and out to the ocean
52 through a narrow pass in the San Francisco Bay (Figure 1).

53 Prior to the 19th century, the Delta existed as a tidal marshland, where fresh river waters
54 from the east mixed with saline inputs from the Pacific Ocean in the west. These opposing and
55 dynamic forces created a diverse habitat that nurtured a unique wetland ecosystem including
56 various plant, aquatic, terrestrial, and avian species. Nearly 60% of Delta land became
57 submerged under water (inundated) on a daily basis, and could remain waterlogged for months
58 during rainy seasons (Thompson, 1957). Seasonal inundation created nutrient rich organic
59 material, called peat, that has accumulated over a 7,000 year period (Atwater, 1980). Combined
60 with a temperate Mediterranean climate, the region was eventually transformed into a thriving
61 agricultural region (Knowles, 2002).

62 Although small numbers of native Miwok and Maidu tribes historically populated the
63 Delta, a major population influx occurred after the California Gold Rush in the mid-1800s.
64 Settlers sought agricultural lands in the Delta to support the growing number of residents in the
65 San Francisco Bay Area. This process was met with several challenges, however. Although peat

66 soils contain rich amounts of nutrients, periodic inundation of land was not conducive to a
67 growing agricultural industry. Therefore, settlers built crude levees that provided stably
68 accessible land for crops while holding back the tidal waters of the Delta. Large-scale
69 reclamation of the Delta for agricultural use began in 1879 with the advent of clam dredging
70 technology. By 1930 the complex and dynamic environment of the Delta was replaced with a
71 network of levees and sloughs which reclaimed a majority of the 1,150-square mile area for
72 agricultural use supplying produce to domestic and international markets (Thompson, 1957;
73 Wolff, 2003). In addition to irrigating these rich agrarian lands, Delta waters are also utilized as
74 a natural resource throughout the state. Large pumping stations located near the south of the
75 Delta supply fresh water to the State Water and Central Valley Projects bringing Delta waters to
76 over 25 million citizens throughout California. Ironically, the combined alterations towards
77 reliability in the region collectively resulted in the overall present instability in the region.

78 Consequently, the Delta of today is unsustainable and threatens both the overall
79 ecological health and natural resource benefits provided by the region. For example, increased
80 water exports reduce the amount of fresh waters available to oppose saline inputs from the
81 Pacific Ocean in the west. This process has altered the natural variability of Delta water flows, a
82 change to which species have not adapted (National Research Council, 2012). There are also
83 other regular crises in the region related to its structural integrity. Since 1900 there have been
84 160 levee failures, with the last occurrence in 2004 costing around \$100 million in repairs.
85 These interactions will be discussed in the following section in detail; however, tradeoffs
86 between the ecology and resources of the region are readily apparent.

87 In 2009, the Delta Reform Act established two coequal goals for the Delta in an attempt
88 to improve management strategies. Specifically, the health of the Delta ecosystem must be

89 balanced with water exports. These goals lead to a complex set of problems, and in many cases
90 portend major compromises ahead between improving the ecosystem or the reliability of water
91 exports to south of the Delta.

92 **3. Tradeoffs between an ecosystem and a natural resource**

93 The following sections individually address the major impending threats on the Delta;
94 flow variability, subsidence, seismic activity, and climate change. The effects of these threats to
95 various habitats within the Delta and the occupying species will also be discussed.

96 ***3.1. Flow variability and Delta fauna***

97 In addition to geographical changes, alterations in the natural flow patterns have placed
98 additional strains on native species. Increased water exports reduce the amount of fresh river
99 water available to overcome ocean forces from the west, thus creating a saltier Delta to which
100 species may not necessarily be adapted (Fish and Wildlife Service, 2008). Levees and multiple
101 water pumping plants additionally alter the ebbs and flows of the Delta and may confuse or block
102 migratory fish populations (Poff and Allan, 1995; Naiman *et al.*, 2008). In addition to
103 geographical changes listed above, alterations in the natural flow patterns that have shaped the
104 Delta have exposed native species to competition from foreign invasive organisms.

105 Although it is difficult to assess the history of the diverse species within the Delta, it is
106 known that most of the organisms currently occupying the Delta are not native to Northern
107 California. The Delta ecosystem contains around 300 species, 29 of which are threatened or
108 endangered. Foreign organisms, ranging from plants to vertebrates, account for 97% of the total
109 number of species, and 99% of its biomass, making the Delta the most invaded estuary in the
110 world (Cohen and Carlton, 1998). Sources for nonnative species have included ballast discharge
111 from ships, escape of fish from rearing facilities, and purposeful introduction of species for

112 habitat control or restoration. Species invasion rates are expected to increase over time and place
113 additional competition on native organisms (Moyle, 1986; Nichols, Thompson and Schemel,
114 1990; Zanden and Olden, 2008).

115 **3.2. Loss of wetlands and consequent subsidence**

116 Reducing flow variability within the Delta to meet population needs reduced the number
117 of habitable niches and has permanently altered the natural processes that shaped the region.
118 Transformations began with the reclamation of wetlands for agricultural use. Under natural
119 periods of waterlogged conditions, Delta soils remained in anaerobic (oxygen-poor) conditions
120 allowing decaying plants to slowly oxidize and accumulate as peat (Figure 2). Levee
121 construction exposed these lands to air (aerobic *i.e.* oxygen-rich conditions) and accelerated the
122 oxidation process resulting in no peat production and a net loss in soil thickness, termed
123 subsidence. Combined with agricultural practices that further deplete soils, other Delta regions
124 have subsided up to 30 feet (Ingebritsen *et al.*, 1999), and this process continues today at a rate
125 of around one to three inches of peat loss per year (Seiler, Skorupa and Peltz, 1999).

126 The extent of subsidence additionally raises concerns as to whether or not these changes
127 are permanent. The natural flooding and evaporative processes necessary to generate wetlands
128 cannot occur today due to the heavy level of subsidence in the Delta. If Delta lands were
129 inundated with water today, the depth would be too great to support vegetative growth and
130 subsequent peat production. Current research endeavors seek to address this issue through
131 developing peat production strategies; ironically, this research commences adjacent to
132 agricultural areas that still dominate the Delta today and continue to subside (National Research
133 Council, 2012).

134 In addition to supplying organic material for peat acquisition, wetland vegetation serves
135 as a habitat for both aquatic and avian species; thus, landscape changes also lead to shifts in the
136 species that populate the Delta. For instance, altering waterways in Delta geography resulted in
137 80% of the salmon habitat becoming inaccessible and largely contributed to the population crash
138 and subsequent protection of the Chinook salmon under the Endangered Species Act (Yoshiyama
139 *et al.*, 1996; National Marine Fisheries Service and National Oceanic and Atmospheric
140 Administration, 2005). However, even if wetlands are restored, a return to an ecosystem before
141 human intervention is not guaranteed, as geography alone cannot account for species survival
142 and diversity.

143 ***3.3. Seismic activity***

144 The third threat to the Delta is seismic activity. The San Francisco Bay region has been
145 struck with earthquakes of magnitudes ranging from six and higher on the Richter scale in the
146 years 1836, 1838, 1865, 1868, 1906 and 1989 (Working Group On California Earthquake
147 Probabilities, 2003). Surprisingly a direct impact on Delta levees from these earthquakes is not
148 known. The famed San Francisco earthquake of 1906, recorded as a 7.8, did not impact the
149 levees because they were smaller or nonexistent at the time. However, a so called ‘worst-case’
150 scenario described by the Department of Water Resources and Fish and Game would cause
151 catastrophic levee failure and result in over \$22 billion in repairs and another \$8 billion in
152 economic loss due to interrupted Delta productivity (Department of Water Resources and
153 Department of Fish and Game, 2008).

154 Although an earthquake in the immediate Delta area would have a direct effect on the
155 levees, more concerning is the indirect effect of earthquakes that lead to liquefaction (Ingebritsen
156 *et al.*, 1999). Liquefaction occurs when the land is water-saturated and transforms into a

157 substance that acts like a liquid, thereby losing its stiffness and strength. Liquefaction in the
158 Delta, due to a large earthquake in the region, would weaken the foundation of the levees and
159 likely lead to levee failure and subsequent flooding. The USGS has predicted a 99% probability
160 that a 6.7 magnitude or larger earthquake will be experienced in California by 2032 with a 63%
161 probability it will be centered in the San Francisco Bay area (Working Group On California
162 Earthquake Probabilities, 2003). Flood waters resulting from a 6.5 magnitude earthquake,
163 centered on the coast of San Francisco, would produce a rise in water level of 16 inches per
164 minute and spill over the levees leaving the subsided areas inundated in less than 30 minutes and
165 remain inundated for several months (Witt Associates, 2008). While flooding may cause loss of
166 levees and crops, the major devastation from an earthquake would be salt intrusion, rendering
167 Delta waters too saline for export for a period of six months to two years. This too would have
168 catastrophic impacts on the species inhabiting the region.

169 ***3.4. Climate change and compounded risks***

170 Exacerbating the previous threats is climate change. Increases in air temperature result in
171 elevated sea levels along with less snowpack available to supply Delta headwaters. Reduced
172 volume of Delta headwaters equates to less available freshwater to oppose waters from the
173 Pacific Ocean, leading to saltwater intrusion. Increased sea levels place additional stress on the
174 already fragile levee systems and alterations in the snowmelts change flow variability to which
175 species are adapted (National Research Council, 2012). These changes further evidence the
176 unsustainability of the current Delta, and must be accounted for in future management strategies
177 (Lund *et al.*, 2007).

178 Clearly, the interrelatedness of threats to the Delta compound each other and jeopardize
179 both the ecology and natural resource benefits of the region. For example, continued subsidence

180 and sea level rise driven by climate change places additional stress on levees. The increased
181 stress amplifies levee susceptibility to seismic events and elevates the required amount of
182 unimpeded outward flows to maintain appropriate salinity gradients, thereby reducing the
183 amount of exportable waters. Current status quo practices, such as repairing failing levees, are
184 merely reactive in nature; therefore, some extent of preparation for these interactions must be
185 included in management proposals.

186 **4. Evaluating proposed solutions to the Delta**

187 Deviations from the natural processes that regulate Delta ecology, along with increasing
188 threats to reliable water supply, evidence the failure of current management practices to meet
189 either of the coequal goals. In the following section, we evaluate currently proposed alternatives
190 for the Delta and their ability to balance the coequal goals. Those evaluated include the BDCP,
191 maintaining current practices, halting activities within the Delta (including water exports), and
192 meeting water demand through a diverse array of conservation and reuse strategies, termed the
193 ‘portfolio approach.’

194 ***4.1. The Bay Delta Conservation Plan***

195 The BDCP intends to meet both goals through “a comprehensive conservation strategy
196 for the Sacramento-San Joaquin River Delta designed to restore and protect ecosystem health,
197 water supply and water quality within a stable regulatory framework” ((California Department of
198 Water Resources, 2013) 1-1). This framework represents a diverse mixture of parties and
199 interests in the Delta region, intended to maximize both ecosystem health and water supply
200 reliability. Meeting these goals requires investing over 16 billion in constructing and operating a
201 peripheral canal in addition to protecting or restoring specific regions within the Delta over the
202 next 50 years. The associated costs of the project raise concerns regarding the level of policy

203 implementation; however, the BDCP provides a holistic approach to reaching both coequal
204 goals. Moreover, in April 2015 state and federal agencies divided the BDCP into two separate
205 efforts based upon these co-equal goals. The conveyance, underground tunnel system, aimed at
206 improved water supply and transportation was named “California Water Fix”. While, the habitat
207 and ecosystem restoration focused projects were named “California Eco Restore.”

208 California Water Fix program includes building three intake sites to pump water directly
209 from the Sacramento River in the north through two underground tunnels that convey water to
210 existing pumping facilities in the south (Figure 3). An underground tunnel inherently avoids the
211 seismic risks associated with the Delta region by directly moving waters from the Sacramento
212 River to southern pumping stations. Bypassing the Delta additionally allows flows within the
213 region to return to a more natural pattern. The \$14.9 billion required to fund the tunnels derives
214 from a variety of sources, including bonds. Specifically, the ability to market water to
215 consumers allows water contractors to utilize revenue bonds. Revenue bonds involve less capital
216 and require approval from over 70% of water managers in lieu of voter consent. Even though the
217 bonds have obtained approval, start dates for the project remain uncertain while construction is
218 estimated to be completed around 2025 (Figure 4).

219 Restorative efforts assist in reversing negative impacts pumping activities have on Delta
220 species. Obtaining funding for restorative efforts however, is questionable. The BDCP’s
221 conservation measure was originally set to restore 70,000 acres of Delta land in addition to
222 establishing 60,000 acres of protected reserve areas ((California Department of Water Resources,
223 2013) 3). Estimated costs of restorative efforts were approximately \$7.3 billion, to be paid by
224 California taxpayers. The new plan, Eco Restore, has cut costs to only 300 million, reducing the
225 effort to a total of only 30,000 acres in the immediate Delta region.

226 Should bond solicitation fail voter approval, the BDCP merely lists issuing additional
227 bonds and adjusting restorative goals until budgets are met ((California Department of Water
228 Resources, 2013) 8-128). Relying on such measures does not demonstrate a commitment to
229 restorative efforts. Guaranteeing funding is not expected; however, an assurance to establish
230 both delivery infrastructure and restoration efforts is required to meet both goals. As currently
231 written, the BDCP could result in a Delta that reliably delivers water via a peripheral canal but
232 does little to improve restorative efforts. This scenario is reinforced by the Safe, Clean, and
233 Reliable Drinking Water Act being delayed for the ballot twice (McGreevy, 2010; McGreevy,
234 2012). If funding is secured however, the BDCP restorative efforts show promise to improve the
235 ecological health of the Delta by incorporating a level of environmental complexity.

236 Framing the conservation measures in a context that favors broad strategies, while
237 additionally outlining strategies unique to specific organisms, allows the BDCP to balance
238 holistic approaches with individual needs. The ecological goals of the BDCP derive from
239 biological opinions issued by the U.S. Fish and Wildlife Service and National Marine Fisheries
240 Service obtained from ecological studies of Delta. These hierarchically ordered goals focus on
241 broad interventions met through 22 specific conservation measures adhering to the following
242 framework:

- 243 A. Landscape, by enhancing or restoring distributed and connected areas that promote natural
244 processes required for specie development;
- 245 B. Natural Community, by providing support for the interaction of ecologically connected
246 species and, thereby, increasing biotic production allowing diverse population growth; and

247 C. Species development, focused on interventions specific to certain organisms, including
248 eliminating stressors and promoting population distribution ((California Department of Water
249 Resources, 2013) 3.1, 5.2)

250 The top priority represents an attempt at restoring the Delta landscape to historical
251 conditions. However, the selection of the lands in these efforts does raise concern. As stated,
252 many of the natural processes that shaped the Delta cannot revert to historical conditions,
253 primarily due to subsidence. Of the nearly 130,000 acres enhanced under the BDCP, over
254 55,000 acres of restored lands include tidally influenced habitats. Restoration of these lands
255 would allow for appropriate tidal cycling due to seasonal inundation and thereby enhancing
256 wetland production and reversing subsidence. However, not all lands targeted by the BDCP
257 contribute to the ecological goals. Restorative efforts call for protection of over 45,000 acres of
258 cultivated land to provide habitats for native life. Although some species, such as the
259 Swainson's Hawk, rely on agricultural lands for nesting, protecting lands responsible for
260 continual subsidence would be counterproductive to restoring the natural processes that shaped
261 Delta ecology. This issue is only compounded by the fact that the region is currently dominated
262 by over 500,000 acres of agriculture ((California Department of Water Resources, 2013) 3.3). In
263 addition to restoring a landscape conducive to Delta ecology, the BDCP allows specie specific
264 interventions to enhance the Delta ecosystem.

265 Establishing a foundational landscape through broad approaches while allowing for
266 organism-specific interventions creates a holistic approach to improve Delta ecology. The
267 BDCP outlines targeted specie interventions that are missed through broad approaches. These
268 include reducing invasive and predatory species (like pepperweed plants and striped bass),
269 preventing introductions of nonnative species, timing flow variability with individual life cycles

270 of migratory fish populations, setting population goals for protected organisms (such as the
271 Chinook salmon), and creating barriers that reduce entrainment. In total, the BDCP outlines
272 strategies specific to 57 species; 11 fish, 18 plants, and 28 other ‘wildlife’ organisms occupying a
273 range of ecological niches ((California Department of Water Resources, 2013) 3.1). By
274 combining these specific approaches with broad landscape restoration, the BDCP demonstrates
275 an understanding of the relatedness of factors that dictate Delta ecology: for “the conservation
276 strategy is intended to be greater than the sum of its parts” ((California Department of Water
277 Resources, 2013) 3.2-9).

278 ***4.2. Maintaining current practices or halting pumping activities***

279 Failing to adopt the BDCP and maintaining current status quo practices in the Delta is
280 unlikely to achieve either coequal goal. As demonstrated in section three, the Delta of today is
281 unsustainable with risks of disaster only increasing with time. Current Delta management has
282 resulted in a declining water supply containing the most invaded estuary in the world (Cohen and
283 Carlton, 1998). Overcoming increasing salt water intrusion will require more unimpeded
284 outward flows from the fresh waters of the Sacramento River, resulting in less or no exportable
285 water over time. Furthermore, constant subsidence, places additional stresses on the already
286 fragile levee system, leaving the region more susceptible to seismic activity. Current practices
287 additionally fail to nurture a thriving ecosystem due to destruction of native habitats and altered
288 flow patterns resulting from pumping activities in the Delta. Interestingly, ceasing all pumping
289 activities is likely to create a Delta unable to achieve either coequal goal as well.

290 Although the ever present, yet unlikely, option exists; ceasing all water pumping
291 activities will yield a Delta unable to meet either water supply or ecological goals. Abandoning
292 the Delta as a water supply cannot return the ecosystem to a thriving state due to already present

293 and irreversible transformations within the region. These problems are compounded by
294 subsiding agricultural lands that are protected by a fragile levee system, a circumstance that
295 dominates the Delta of today. As previously stated, inundating currently subsided Delta lands
296 would not be conducive to wetland vegetation growth; therefore, abandoning current agricultural
297 practices would not be conducive to peat formation. With no plant biomass available to convert
298 to peat, elevation levels would remain stagnate. It might be argued that this would restore the
299 original state of the region. However, failing to recreate the necessary marshlands and other
300 habitats for native species cannot ensure a return to a pristine Delta ecosystem. Additionally,
301 foreign or invasive species would be able to outcompete native life, a process that already
302 complicates any efforts to restore the ecosystem. Restricting human actions in the region, such
303 as farming, would surely allow some ecosystem to thrive there. However, the region as a whole,
304 and the species that populate it, would differ dramatically from anything previously seen in that
305 setting.

306 ***4.3. A portfolio approach***

307 Meeting the current water needs of Californians requires some reliance on Delta waters;
308 however, efforts towards self-sufficiency and the BDCP should not be viewed as mutually
309 exclusive. Local governments, such as those of San Diego and Orange Counties, have remained
310 proactive in meeting their water needs through a diverse portfolio approach of water reuse
311 strategies, encouraging efficient water use practices, and tapping into local water supplies.
312 Additionally, both counties have looked towards desalination to reduce their reliance on Delta
313 waters, often being viewed as a ‘last resort’ scenario. Despite completion of both plants
314 occurring as early as 2020, San Diego and Orange Counties will still import 40% and 35% of
315 their water supplies, respectively (South Coast Water District, 2013; Garrick, 2014). The BDCP

316 is intended to secure a foundational and sustainable water supply, but it does not claim to be a
317 solution to the California water crisis. The fact of the matter remains that around 65% of
318 Californians receive, in some part, Delta waters for household use. Thus, to some extent, the
319 Delta will continue to be utilized in California as a natural resource. However, this practice can,
320 and from a long-range perspective must, exist alongside efforts by local water agencies to move
321 towards self-sufficiency. Successful implementation of these strategies however, requires an
322 understanding of historical efforts as well as political barriers to enacting positive change in the
323 Delta.

324 **5. A brief historical account of California politics and the BDCP**

325 An attempt to address the instability in the Delta is certainly not unique to the BDCP, nor
326 is this the first time that the various interest groups, political parties, and constituents
327 representing a range of opinions have discussed Delta management. Water is among the most
328 contentious issues in California today, making it difficult to contrive policies that satisfy
329 everyone's preferences in regards to the BDCP. Two particular political issues: the defeat of
330 Proposition 9 in 1982 and the failure of CALFED in 2004 are central to understanding and
331 evaluating reactions to the BDCP. Yet these concerns are poorly addressed in the BDCP
332 proposal, which, in turn, has created doubts as to the plan's effectiveness. The recent changes to
333 the BDCP, despite proposition 1's statewide approval, demonstrates the volatility and
334 uncertainty surrounding actual implementation as well.

335 ***5.1. Public Opinion Statewide and Approval of Proposition 1 (November 2014)***

336 Northern and Southern Californians are divided in their views about transporting water
337 throughout the state. California has numerous water resources, but most are located in the
338 northern part of the state. In addition, scarcity of water in southern California coupled with an

339 arid climate and massive population growth has resulted in tension between Northern and
340 Southern California. In recent years this tension has been largely centered on the Delta. In 1982,
341 Proposition 9 asked voters to weigh in on the construction of an above ground peripheral canal in
342 northern California to deliver fresh river water supplies to pumping stations in the south. This
343 canal was to bypass the Delta in a manner very similar to the current BDCP proposal. The
344 proposition was rejected by voters by a significant margin (37.3% in favor, 62.7% opposed).
345 However, voting results were were extremely correlated with region and geography. Over 50%
346 of Southern California voters approved the measure and 90% of Northern California voters
347 rejected it (Elias, 2009). To date, this is the sharpest split in voting outcomes between Northern
348 and Southern California (Gwynn, Thompson and L'Ecluse, 1990).

349 The recent declaration of a 'drought State of Emergency' by the Governor and significant
350 media attention to water scarcity and conservation, however, proved to be significant in changing
351 voter attitudes towards state spending on water projects. Proposition 1 (formally known as
352 Proposition 43, which authorized 7.12 billion dollars water bonds, passed with a large margin of
353 67.1% yes and 32.9% no in November of 2014 (California State Secretary, 2014). The measure
354 had been planned for the 2010 and 2012 statewide elections, but was eliminated from the ballot
355 due to polling indicators that the measure would not pass (Tulchin Research, 2010) While it is
356 not entirely clear why the political climate concerning water spending has changed, it is evident
357 that California voters are more supportive of such spending than they were in past years with the
358 approval of Proposition 1. Despite this, approving revenue bonds for tunnel construction still
359 rests in the hands of water managers and only 2.25 billion dollars of proposition 1 were
360 designated for the BDCP (California State Secretary, 2014). Governor Jerry Brown along with
361 state and federal water officials announced in April of 2015 that the restoration efforts of the

362 BDCP would be cut significantly in order to speed up the approval process of the BDCP.
363 However, uncertainty and ambiguity still characterizes the BDCP as financing proposals
364 continue to fail to account for historical precedents established by the legacy of CALFED's
365 failure.

366 **5.2. CALFED**

367 The failure of CALFED to successfully implement a 'beneficiary pays' model adds other
368 potential difficulty in financing the water delivery tunnels proposed by the BDCP. In a
369 beneficiary pays model the consumer pays the full cost of the goods. While the North-South split
370 in the 1982 vote for a peripheral canal is just one example, the Bay Delta policy more generally
371 is characterized by high fragmentation and conflict in policy and supply. This was the impetus
372 for the creation of CALFED in 1994, which was seen as an institution that would mediate and
373 coordinate opposing stakeholder interests in achieving long term water supply, reliability,
374 quality, habitat restoration, and levee maintenance. The name itself "CALFED" represented the
375 collaboration between state and federal agencies, which both had authority in the Delta.

376 The inherent finance structure of CALFED, supported primarily through a 'beneficiary
377 pays' model, led, in part, to the organization's demise. The funding structure outlined in
378 CALFED is similar to that proposed to support the water conveyance tunnels included in the
379 BDCP. In CALFED the benefiting parties must burden the cost of any benefits. In the case of
380 the BDCP, for example, parties who benefit from Delta waters (i.e. water users) would assume
381 construction, operation, and maintenance costs of the tunnel conveyance system. The terms of
382 the CALFED beneficiary model were never explicitly decided upon or finalized; thus, this
383 burden was relegated to taxpayers (Lund *et al.*, 2007). In December of 2004 an \$8 billion plan to

384 finance Delta projects over the next 10 years was proposed, but was never approved by the
385 California State Legislature thereby forcing the disbanding of CALFED (Lurie, 2011).

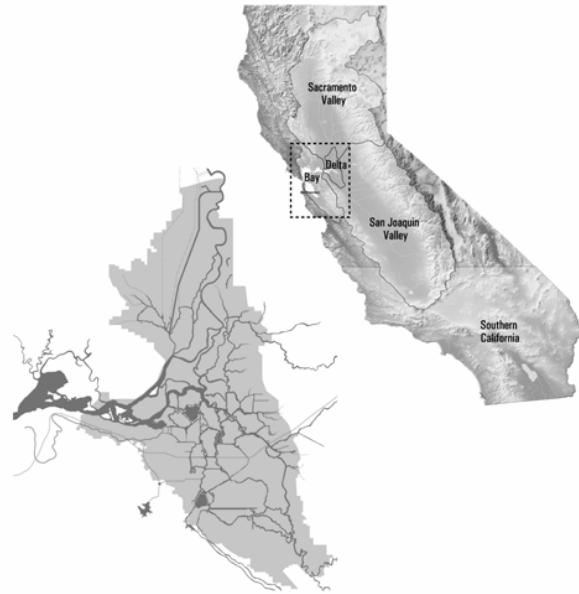
386 Similarly, ambiguity surrounding the ‘beneficiary pays’ model included in the current
387 BDCP makes the feasibility of the tunnels less certain. The framework of the BDCP ‘beneficiary
388 pays’ model states that \$16 billion in tunnel construction costs will be supported by ratepayers.
389 The fact that this project would require over twice as much as CALFED expenditures to fund
390 tunnel construction makes support for it among taxpayers extremely unlikely. In addition, over
391 70% of Delta water is utilized by agriculture, much of which requires subsidies to remain
392 profitable. Therefore, residential consumers would have to assume these costs as well
393 (Department of Water Resources and Department of Fish and Game, 2008). Moreover, the
394 question of the importance of agriculture in California is key to determining the outcome of the
395 BDCP.

396 California is the nation’s leading agriculture producer (Legislative Analyst’s Office,
397 2013). Although irrigation innovation and crop variation has improved profit or value in the
398 volume of water used ratios, agriculture continues to use over a quarter of California’s water
399 resources (Hanak, 2007). The agricultural sector generated \$44.7 billion (or 2.35%) of
400 California’s \$1.9 trillion economy in 2012, with a 3% increase projected annually for the next
401 several years (California Department of Food and Agriculture, 2012). With most of the Delta’s
402 water resources directed to California agriculture, this industry is critical to consider in the
403 BDCP funding plan. Thus, although the debates surrounding the BDCP often focus on water
404 needs in residential and commercial sectors of southern California, the agriculture sector is the
405 most important stakeholder for evaluating the impact that failure of the plan would have on the
406 state at large.

407 **6. Conclusion**

408 Failure to properly manage the Sacramento-San Joaquin Delta has resulted in an
409 unreliable water source for the state and a valuable ecosystem in decline. Altered flow
410 variability, subsidence, seismic activity, and climate change all pose imminent and compounding
411 threats to this “heart of California’s water system.” The economic costs from any combination
412 of these threats, were they to transpire, would range into the billions of dollars. In this paper, we
413 have argued that the BDCP is the most optimal plan for mitigating the four threats to the Delta.
414 However, valid and important concerns over funding both restorative and reliable water supply
415 efforts are difficult obstacles to overcome in achieving these goals. Furthermore, although the
416 BDCP would establish a sustainable water supply, it is not a solution to the California water
417 crisis. This plan alone will not meet the water demands of the state. Thus, a portfolio solution,
418 one that also includes innovations in technology, use practices by the array of stakeholders, and
419 reliance on local water sources, is needed. Several water districts of southern California that lead
420 the way in innovative recycle and reuse, conservation, drought-resistant landscaping practices
421 can serve as models of how to improve water reliability south of the Delta without relying solely
422 on the BDCP. Incorporation of these elements is pivotal for heading in the right direction as we
423 seek water solutions for the state of California.

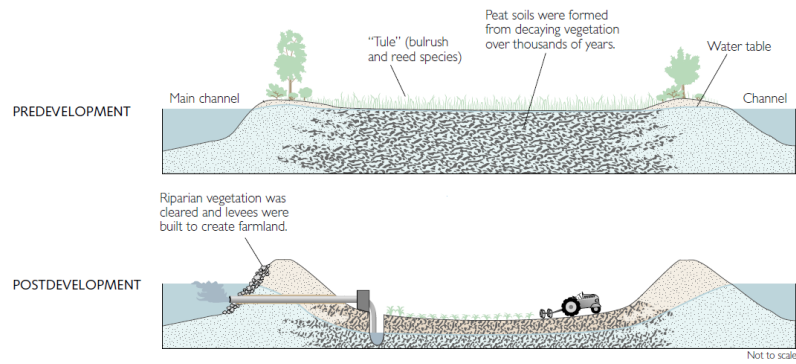
424 **7. Figures**



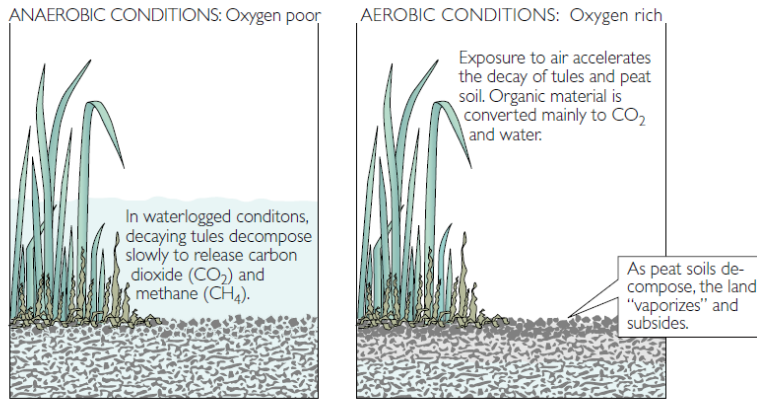
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426 **Figure 1:** Sacramento-San Joaquin Delta approximately 1,150 mi²— adapted from (U.S.

427 Environmental Protection Agency, 2011)



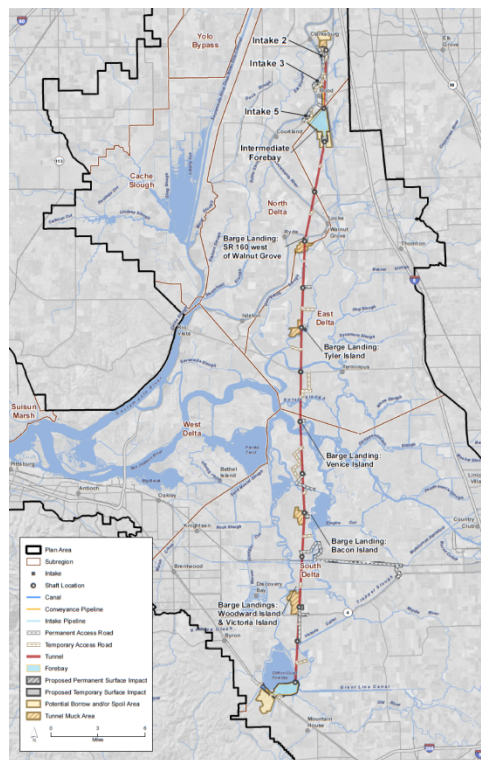
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430 **Figure 2:** Subsidence in the Delta region due to agricultural practices and microbial

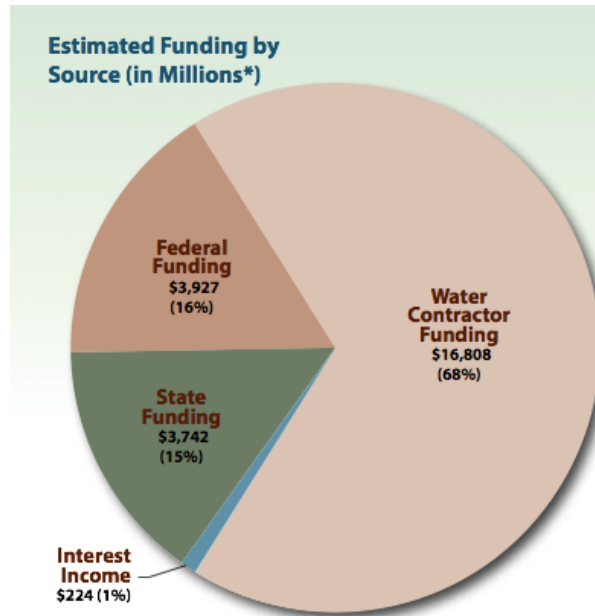
431 decomposition of plant material – modified from (Ingebritsen *et al.*, 1999)



432

433 **Figure 3:** Map of proposed BDCP Conveyance System – adapted from BDCP (California

434 Department of Water Resources, 2013)



* Over 50 years in undiscounted 2012 dollars

435

436 **Figure 4:** Funding sources of the BDCP – adapted from BDCP (California Department of Water
 437 Resources, 2013)

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