

## California Progress Report

# Proposed "Water Tunnels" a Death Sentence for the Bay Delta

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**By Bill Jennings**

For over a quarter of a century I've labored in the trenches of the water rights and water quality processes trying to protect it. We have a broad suite of laws protecting the Bay Delta - among them: the state constitution; water code; public trust doctrine; state and federal endangered species, water quality and environmental review acts; fish and wildlife code; and the Central Valley Project Improvement Act (CVPIA) to mention a few. Yet the biological tapestry of this estuary is collapsing. And the agencies that have violated and failed to enforce these laws over three decades are now bringing you the Bay Delta Conservation Plan (BDCP).

BDCP is simply a scheme to perpetuate an unsustainable

*status quo* that enriches a few powerful water brokers at the expense of reliable water supplies and healthy fisheries. It is a classic shell game to benefit special interests and, if implemented, would represent a death sentence for one of the world's great estuaries.

When the actual project yield, costs and who-pays are finally revealed, it will be shown to be yet another plot to plunder the pocketbooks of ratepayers and the public to subsidize southern California's Metropolitan Water District and the Central Valley's Westside irrigators.

To best illustrate what BDCP is, you must look at what it ignores and rejects.

- **BDCP ignores the fact that the legal rights to divert Central Valley water exceeds actual water five-fold - that's 153.9 million acre-feet of consumption rights to divert 30 MAF of average unimpaired flow.** That's why it rejects a water availability analysis - because the majority of northern California water rights are senior to export rights. At its heart, BDCP is a backdoor attack on 150 years of California water rights law.
- **BDCP ignores the fact that the State Water Board has already concluded that Delta outflow must be significantly increased in order to protect the public trust resources of the Delta.** It rejects an analysis of how much water the estuary needs in order to survive as a functioning ecosystem - because increased outflow translates to reduced exports.
- **BDCP ignores the enormous waste of water in California and the opportunities to conserve, reclaim and recycle limited water supplies.** That's

why it rejects a comprehensive benefit/cost study of how we distribute water or an evaluation of reasonable alternatives that would restore the Delta ecosystem while ensuring water reliability at far lower cost. South Coast wastewater treatment plants discharge millions of acre-feet of water to the sea. That water is more reliable and can be reclaimed at far less cost, while creating far more jobs, than BDCP's tunnel scheme.

- **BDCP ignores the consequences of global warming and sequential drought years.** The system is over-appropriated and the tunnels will be dry by the second or third year of a drought.
- **BDCP uses fear mongering to mask the real threats to water supply security.** It focuses solely on the upper 35 miles of a 400-mile water delivery system that is entirely at risk from potential seismic events while ignoring the 4 million people and billions of dollars of infrastructure in the Delta. The best security for the Delta is improved levees, and for southern California its regional self-sufficiency - not a vulnerable 400-mile delivery system.
- **Rather than seeking reasonable solutions to California's water crisis, BDCP offers up 8,000 pages of smoke and mirrors, rejecting common sense.** You can't restore an estuary hemorrhaging from lack of flow by stealing more fresh water from it. You can't restore a polluted waterbody by further depriving it of clean water to dilute wastes.

Don't be misled by the elaborate PR campaign. The battle lies ahead. BDCP will have to navigate numerous

administrative processes, at least seven lawsuits in state and federal courts, a full-blown water rights adjudication and a ballot initiative - because those of us who live in and love this Delta will never surrender the fisheries, family farms and communities of this estuary in order to irrigate the vast plantations of the southern desert.

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