Stewardship Council Lawsuit Press Conference

17 June 2013

Good morning, Bill Jennings, California Sportfishing Protection Alliance

After three decades of water rights and water quality proceedings, a suite of biological opinions and myriad collaborative, restoration, stakeholder and adaptive management processes; the Delta’s biological tapestry is collapsing and the state’s water delivery system is in crisis.

In frustration, finding that existing policies are not sustainable, the California Legislature enacted the Delta Reform Act.

The Act established the Delta Stewardship Council and directed it to fix the problem by developing a comprehensive plan to meet the co-equal goals of restoration and reliability.

The Plan was to be based on best available science and include quantitative performance measures.

The Act proclaimed that, “the longstanding constitutional principle of reasonable use and the public trust doctrine shall be the foundation of state water management policy.”

To assist the Council in developing the Delta Plan, it directed:

1. The Department of Fish and Wildlife to develop Delta flow criteria and quantifiable biological objectives, and
2. The State Water Board to develop flow criteria for the Delta ecosystem necessary to protect public trust resources.
3. The Delta Protection Commission to develop an economic sustainability plan for the Delta.

However, the Stewardship Council ignored these three mandated reports and embraced an artificial reality to ensure a predetermined result – protection of the status quo.

They refused to:

1. Even acknowledge or analyze the implications of the flow reports, both of which recommended substantial increase in Delta outflow.
2. Include biological performance objectives.
3. Consider more effective less expensive alternatives to protect water supply and Delta infrastructure against catastrophic events
4. Undertake a water availability analysis, critical for addressing the five-fold over-appropriation of water.
5. Evaluate the waste and unreasonable use of water, necessary for ensuring that a limited resource is used to the maximum benefit.
6. Conduct a benefit cost analysis, crucial for developing new water supplies and regional self-reliance, and
7. Balance the public trust, essential for ensuring that the common property right of all Californians are protected and balanced against those of special interests.

In pursuit of the status quo, they wasted millions of dollars and squandered a marvelous opportunity to resolve California’s water crisis.

And by embracing the status quo, they ushered in the next generation of California water wars.

And forced our coalition to bring suit for violations of the explicit statutory requirements of the Delta Reform Act, CEQA and Public Trust Doctrine.

In the final analysis, California is in a water supply crisis because we have over-promised, wasted and inequitably distributed a limited resource. And the Delta’s ecological tapestry is disintegrating because we have deprived the estuary of half its historical flow, turned its hydrograph on its head and used its waters as sewers.

You cannot “fix” a problem if you don’t address what created it.

The Stewardship Council failed in its mission because it couldn’t bring itself to address the causes because it was committed to supporting an unsustainable status quo.