

**Testimony of
Patrick Wright, Director
California Bay-Delta Authority**

before the
Subcommittee on Water and Power
of the
Committee on Energy and Natural Resources
United State Senate
regarding
S. 1097, the CALFED Bay-Delta Authorization Act

October 30, 2003

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Chairman Murkowski and members of the Subcommittee on Water and Power, thank you for the opportunity to appear before you this afternoon. Today I would like to provide a brief overview of the Bay-Delta Program's major accomplishments, with an emphasis on the events since I last testified before the Subcommittee.

But first, I want especially to express my appreciation for the leadership and persistence of your colleague Senator Dianne Feinstein. Together with Congressman Ken Calvert on the House side, she has been a strong champion of this unprecedented effort to implement a long-term comprehensive plan to address ecological health and water supply reliability problems in the Bay-Delta.

The California Bay-Delta Program is unique in its collaborative and non-regulatory approach to solving water and ecosystem problems. A partnership of state and federal agencies and stakeholders, it addresses four resource management issues concurrently and in a balanced fashion: water supply reliability, water quality, ecosystem restoration, and levee system integrity.

The issues in the Delta have broad effects statewide, and even throughout the West. The Bay-Delta system:

- Provides drinking water to 22 million people
- Supports a trillion dollar economy, including a \$27 billion agricultural industry
- Forms of the hub of the largest estuary on the west coast and is home to 750 plant and animal species and supports 80 percent of the State's commercial salmon fisheries.

We have made much progress since August 2000, when State and Federal CALFED agencies signed the Record of Decision (ROD), formally approving a long-term plan for the Delta. In its first three years, the Program has:

- Coordinated the expenditures of over \$2 billion in federal, state, and local funds to meet the Program's goals,
- Significantly improved the level of coordination among the nearly two dozen agencies that are involved in the program,
- Largely eliminated major conflicts over Delta operations, which previously led to annual shutdowns of the pumping plants, through the development of the Environmental Water Account, and
- Launched an Independent Science Program, which conducts workshops and independent reviews of all program elements.

At last year's hearing, I outlined our three top priorities for the coming year:

- Establishing a new governance structure to oversee implementation of the program,
- Securing passage of the state water bond, Proposition 50, to provide the state's share of funding for the program, and
- Congressional authorization for the federal agencies to fully participate in the program.

I am pleased to report to you that we now have a governance structure in place and a source of state funding to carry us through the next three years. What remains to be accomplished is the third objective: a bill to authorize federal partnership and full participation in the Program.

California Bay-Delta Authority Act of 2003

The California Bay-Delta Authority (Authority), established by California legislation enacted in 2002 (California Bay-Delta Authority Act), provides a permanent governance structure for the collaborative State-Federal effort that began in 1994. The Authority is charged specifically with ensuring balanced implementation of the Program, providing accountability to the Legislature, Congress and the public, and ensuring the use of sound science across all Program areas.

The Authority is composed of representatives from six State agencies and six Federal agencies, five public members from the Program's five regions, two at-large public members, a representative from the Bay-Delta Public Advisory Committee, and four *ex officio* members who are the chairs and vice-chairs of the California Senate and

Assembly water committees. At present, lacking specific authorization to be full participants, the federal members engage in discussions but do not vote. In addition, the legislation establishing the Authority contains a sunset clause that will eliminate the program unless a federal authorization bill is passed by 2006.

California Voters Pass Prop. 50

In November 2002, California voters passed a \$3.4 billion bond measure known as Prop. 50, which provides funding for water quality and local water supply projects, coastal land protection and acquisition, and for activities directly and indirectly related to the Bay-Delta Program.

In all, the \$825 million in direct funding and roughly 2 billion in funding for Bay-Delta related programs and projects means that the Program is on solid financial footing through FY 2006.

Federal Authorization

The Federal agencies have also contributed significantly to the program. In the first three years, we have coordinated the expenditures of approximately \$150 million, primarily from the Department of Interior, on programs and projects that directly contribute to the goals of the Bay-Delta Program.

We've also worked with the federal agencies to better clarify the elements of the Program that either already have – or still need – Federal authorization. We have concluded that

nearly all of the specific projects in the Record of Decision are authorized under existing statutes, including the Reclamation Act, the Central Valley Project Improvement Act, and the Clean Water Act, but that federal legislation is needed to authorize federal involvement in our efforts to better coordinate these programs with state and local programs to address the state's water supply, water quality, and ecosystem restoration needs.

In summary, with a governance structure and state funding in place, our primary goal now is to secure federal authorization and funding for the program. That is the only way we can continue to have a strong state/federal partnership, rather than a state effort with limited federal oversight.

Thank you again for hearing my comments.