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# Assembly California Legislature



**JARED HUFFMAN**  
ASSEMBLY MEMBER, SIXTH DISTRICT

COMMITTEES  
CHAIR, WATER, PARKS AND  
WILDLIFE  
BUDGET  
JUDICIARY  
NATURAL RESOURCES  
UTILITIES AND COMMERCE

BUDGET SUBCOMMITTEE NO.3  
ON RESOURCES

June 28, 2012

Phil Isenberg, Chair  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814

RE: Sixth Staff Draft Delta Plan

Dear Chair Isenberg and members of the Council:

As the United States Supreme Court has often repeated, you "must presume that a legislature says in a statute what it means and means in a statute what it says there." Only if it is ambiguous do you need to look farther.

Almost three years ago the Legislature and the Governor acknowledged, in an unambiguous manner, that the Sacramento-San Joaquin Delta Estuary was in crisis and that existing Delta policies were not sustainable. In adopting the Delta Reform Act of 2009, the law unequivocally stated that the "policy of the State of California is to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency."

As one of the legislators who helped write that Act, and who specifically insisted on the inclusion of the "reduce reliance" provision, let me be clear: the Act means what it says. Reduce means reduce -- it means *use less Delta water*. Equally plain, it does not and cannot mean use more Delta water, even if technical justifications are offered based on per capita water use or other complex rationales.

There are those who seek to creatively reinterpret the word "future" to mean that all present reliance was somehow grandfathered in and that the goal of lessening our pressure on an oversubscribed Delta Estuary was somehow limited to some as-yet-unknown additional pressure.

These are inaccurate, self-serving interpretations of the Act by interests who knew full well in 2009 what the letter and spirit of the Act required. Having declared in 2009 that the level of reliance on the Delta was "unsustainable," it would make no sense to enshrine that unsustainable reliance as a means of fixing the Delta.



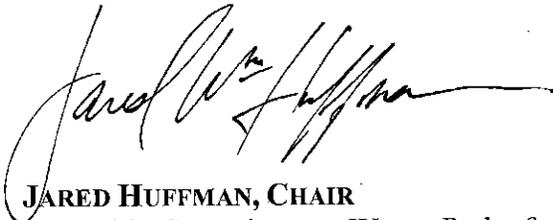
Let's be clear: in 2009 the year 2012 was the future. It is now the present. And it is past time to reduce our reliance on unsustainable Delta diversions.

It bears noting that had the legislature intended to grandfather-in existing levels of diversions, to apply the "reduce reliance" policy only to future additional demands, to apply it only to per capita water use, or to maintain existing contractual or "average" levels of Delta exports, the Act would have said so. It does not say any of those things and even the most tortured post-hoc interpretation cannot credibly bend the words of the Act to mean these things.

Finally, for those within the Delta watershed who seek to over-complicate the Act by arguing they are incapable of a reduction in reliance because they cannot "improve their regional self-reliance," that is an equally tortured interpretation. The statute does not say they must *eliminate* reliance on the Delta. Instead, it calls for water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts. There are many approaches in that portfolio that would lead to a reduction in the use of Delta water and hence reduced reliance on Delta diversions.

In closing, I urge the Council not to weaken Water Reliability Policy 1 in the Delta Plan but to instead hold all parties accountable for reducing their reliance on the Delta. To do otherwise will fundamentally undermine your own ability to achieve the coequal goals. It is only by reaching a more realistic expectation of what the Delta can sustainably provide, and moving aggressively to implement technologies that will enhance other water supply sources, that Californian's will enjoy a more reliable water supply and improved ecosystem health in the Delta.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Huffman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**JARED HUFFMAN, CHAIR**  
Assembly Committee on Water, Parks & Wildlife