

ATTACHMENT A

RESOLUTION NO. 2017-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, SUPPORTING THE CALIFORNIA WATERFIX PROGRAM FOR IMPROVEMENTS TO THE SACRAMENTO-SAN JOAQUIN DELTA WATER DELIVERY SYSTEM AND THE CALIFORNIA ECORESTORE PROGRAM FOR DELTA HABITAT RESTORATION

WHEREAS, the Sacramento-San Joaquin Delta ("Delta"), formed by the confluence of the Sacramento and San Joaquin Rivers as they come together and flow into San Francisco Bay, is a major water hub for California's water supply system for the majority of the State, including thirty percent (30%) of the supplies for Southern California, and therefore underpins the overall economy of California;

WHEREAS, the Delta historically was a complex and dynamic natural system driven by tidal fluctuations and natural marsh flooding that has been highly altered over the last one hundred (100) years, with many of the levees and islands reclaimed from former marshlands for development or farming. As the Delta was never intended to be a water conveyance facility, the Delta is not sustainable as it exists today and changes must be made to stabilize conditions;

WHEREAS, from a fisheries, farming and water-management perspective, the Delta will continue to decline at an increasing rate due to the ongoing impacts of the environment, farming, and artesian conditions as well as levee failures becoming more frequent and more expensive to mitigate or repair as time passes;

WHEREAS, twenty-five (25) million residents rely on water from the Delta, and local conservation cannot replace the water the Delta has historically supplied to Southern California even though that amount is only four percent (4%) of the annual average Delta flows;

WHEREAS, no practical and economically efficient way exists to improve existing levees to keep pace with the environment, farming, artesian conditions or to prevent levee collapse during a large earthquake. The consequences to the Delta ecosystem, the water supply and the California economy would be immediate, severe and negative if a large earthquake were to occur;

WHEREAS, approximately fifty-five (55) years ago, voters approved the State Water Project ("SWP"), which was never completed and does not include an independent conveyance facility that would allow increased capture and storage of water during periods of high flows and would also minimize conflicts with fisheries;

WHEREAS, as the result of federal court decisions, U.S. Fish & Wildlife Service and National Marine Fisheries Service Biological Opinions, as well as other regulatory

constraints to protect native species in the Delta, the SWP has not been able to collect, store, and deliver an estimated volume of 3.6 million acre-feet of water since 2008;

WHEREAS, although restoration of the Delta to the conditions of the historical past is not possible, much has been learned through scientific studies about what is needed to improve the management and utilization of the Delta to enhance fish, wildlife and water management for the future;

WHEREAS, Governor Brown has proposed the California WaterFix and California EcoRestore programs as the preferred alternatives for managing the Delta's combined water and land resources in a manner that will realistically achieve improvements in both water supply reliability and ecosystem protection for the Delta;

WHEREAS, the proposed California WaterFix and EcoRestore programs will help with water supply reliability by improving essential Delta ecosystem functions so that populations of endangered or threatened aquatic species will be strengthened;

WHEREAS, the California WaterFix program includes construction of three (3) intakes north of the Delta, two (2) thirty-five (35) mile tunnels up to 150 feet below the Delta and Clifton Court fore bay modifications, all of which will provide operational pumping flexibility and protect against water supply disruption due to changes in sea levels, earthquakes and flood events. The three (3) new intakes north of the Delta will improve environmental conditions in the Delta by reducing reverse-flow conditions, minimizing the trapping of migrating fish, and reducing diversions during critical fish migration periods, which will all allow more operational flexibility to enhance water deliveries especially during wet periods;

WHEREAS, improving the SWP system can increase regional storage reserve levels. These storage reserves are used to protect the region from devastating effects of drought and other emergencies. The California WaterFix will help ensure that Orange County will have sufficient supplies at critical times when we need them;

WHEREAS, the California EcoRestore program will pursue more than 30,000 acres of critical Delta restoration over the next five (5) years, including the improvements of habitat conditions for fisheries migration, restoring tidal and non-tidal wetland habitat for native wildlife, and improving connectivity among existing grassland and other natural habitats;

WHEREAS, in partnership with the Municipal Water District of Orange County ("MWDOC"), the City of Newport Beach participated in the recent 2016 Orange County Water Reliability Study ("OCWRS") to evaluate scenarios and projects that enhance or sustain water supplies to the region. The OCWRS revealed a number of important findings with implications for the county's water reliability, including that by 2030 projected water shortages would be too frequent and overall reliability would not be sustainable without new supply and system investments by the Metropolitan Water District of Southern California ("MWD"), its member agencies and Orange County;

WHEREAS, implementation of the proposed California WaterFix and California EcoRestore programs, as currently proposed, represents the most cost-effective large-scale reliability solution to improve regional water supply reliability for all of Southern California over the next twenty-five (25) years. The OCWRS indicates the California WaterFix program will result in “recovery” of historical supplies in the amount of approximately 440,000 acres per year on average and notes that adjustments to the project costs or supply development could result in changes to this recommendation;

WHEREAS, in December 2016, the MWDOC Board of Directors adopted a resolution of support for the California WaterFix program, which is approaching the final stages for its permits and environmental documents. More than one hundred (100) alternatives were considered during a ten (10) year study period that drew thirty thousand (30,000) public comments before the California WaterFix program was recommended;

WHEREAS, Orange County ratepayers have invested millions of dollars to build and maintain the SWP as well as portions of MWD’s regional storage, distribution and treatment systems that take delivery of SWP supplies. Modernizing the system through the California WaterFix program will protect this investment for decades to come;

WHEREAS, moving forward with the California WaterFix program is the most cost-effective investment of the ratepayers’ dollars to maintain and continue economic vitality for the region, and all of the costs for the California WaterFix program will be paid for exclusively by water agencies benefiting from the program; and

WHEREAS, doing nothing in the Delta is far costlier to the businesses, residents and economy in the State of California and Orange County than investing in the proposed California WaterFix and California EcoRestore programs.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby support the California WaterFix program for improvements to the Delta water delivery system and the California EcoRestore program for Delta habitat restoration, as each are generally described in their environmental documents with reasonable adherence to the current public operating criteria and cost allocation principles and assumptions therein.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 14th day of November, 2017.

Kevin Muldoon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

**APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE**



Aaron C. Harp
City Attorney

Handwritten notes: HAW 10.16.17