

2009 Proposed Delta/Water Legislative Package

Communications and Legislation Committee

August 18, 2009

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Legislative Update

- Legislative priority for Senator Steinberg and Assembly Speaker Bass
- Delta/Water Policy Conference Committee
- August 4 release of five “preprints”
- Informational hearings (August 18, 25 and 27)

Legislative Update (continued)

- Summary of Preprints

- Delta Plan/BDCP (PAB 1)
- Delta Governance/Delta Stewardship Council/Conveyance (PSB 1)
- Delta Conservancy/Delta Protection Commission (PSB 4)
- Water Use Efficiency (PAB 2)
- Water: Diversion and Use: Groundwater (PSB 3)
- Bond?

- Legislative calendar

- Fall recess: September 11, 2009

Criteria for Evaluating Delta Legislation

- Applicable Metropolitan Board-Adopted Policies
 - Delta Policy Principles (April 2006)
 - Delta Action Plan (June 2007)
 - Criteria for Conveyance Options (September 2007)
 - Delta Governance
 - Delta and Statewide Infrastructure Financing
 - Water-Use Efficiency Policy Principles

Delta Preprints

- Co-Equal Goals (PAB 1 and PSB 1)
 - PSB 1 definition inconsistent with Delta Vision
 - Cultural, recreational and agricultural values given equal status with ecosystem restoration and water supply reliability
 - New policy goal in PSB 1: Reduce dependence on water from Delta watershed

Delta Preprints

- Delta Stewardship Council (PSB 1)
 - Seven members, four appointed by Governor, two by Legislature, one from Delta Protection Commission
 - Staggered initial appointment terms: 2-6 years
 - All subsequent appointments: 8 years
 - Crafts Delta Plan; determines consistency of state agency plans

Delta Preprints

- Approval of Conveyance (PSB 1)
 - Council to approve “any water conveyance facility”
 - Multiple conditions required for approval
- Bay Delta Conservation Plan (PAB 1)
 - Council, not DWR/DFG, to certify EIS/EIR
 - Multiple new ecosystem requirements for Plan
 - NCCPA mandatory

Delta Preprints

- Federal Participation Options (PAB 1 and PSB 1)
 - Coastal Zone Management Act (e.g. California Coastal Commission approach) proposed for federal action consistency
 - Would require approval of Delta Plan by Secty of Commerce
 - Alternative approaches not identified

Delta Preprints

- Area of Origin Protections (PAB 1 and PSB 1)
 - Redundant language leading to conflicting interpretation
- Geographic Scope of Delta Plan/Habitat Actions (PAB 1)
 - Legal Delta, upstream to first dams
 - Council can expand scope

Delta Preprints

- Delta Conservancy (PSB 4)
 - 11 appointees – 5 from Delta counties, 4 from Governor, 2 from Legislature
 - Roles include habitat restoration and economic/recreation development
 - Clarifies that Conservancy will acquire interest in property but cannot hold fee title

Delta Preprints

- Role of State Water Resources Control Board
 - New in-Delta flow requirements by June 30, 2010 (PAB 1 and PSB 1)
 - New “Watermaster” with broad enforcement powers, including ESA (PSB 1)
 - New interim relief powers, increased fines (PSB 2)
 - Groundwater management required statewide (PSB 2)

Delta Preprints

- Independent Science (PAB 1 and PSB 1)
 - New Delta Independent Science Board
 - 11 appointees made by Council
 - Advises Council, reviews BDCP
- Delta Protection Commission (PSB 4)
 - Members reduced from 23 to 15
 - Similar role in local land use review inside Delta
 - Strengthens DPC's input into Delta Plan

Delta Preprints

- Early Action Mandates (PAB 1 and PSB 1)
 - Implement short-term habitat improvements
 - Study separation of State Water Project from DWR
 - Interim instream flow mandates
 - Study 2-Gates and 3 Mile Slough Barrier Projects
 - Test fish screens at Clifton Court
 - Develop interim financing strategy for Delta Plan

Delta Preprints

- Finance

- Council can assess watershed fees, issue bonds (PSB 1)
- No clear limits on “beneficiaries pay” principle (PSB 1)
- Potential exposure to mitigate past environmental damage (PSB 1)
- Exporters to fund SWRCB instream flow study/decision process (PAB 1 and PSB 1)
- Water Bond?

Water Use Efficiency Preprint

- PAB 2 (Feuer/Huffman)
 - Requires 20% reduction in statewide urban per capita water use by 2020
 - Provides three pathways for compliance to maximize local flexibility
 - Requires 5% minimum efficiency requirement from all retailers
 - Provides credit for use of recycled water

Water Use Efficiency Preprint

- PAB 2 (Feuer/Huffman)
 - Acknowledges past investments in water conservation
 - Requires agricultural water suppliers over 10,000 irrigated acres to prepare agricultural water management plans
 - Agricultural water suppliers to implement water management practices already required for CVP contractors
 - Compliance for urban and agricultural water suppliers precondition for receiving state water management grants and loans

Delta/Water Policy Preprints

- What's next?

- Informational hearings on preprints
- Two-house conference committee
- End of session – September 11

- Metropolitan Approach to Preprints

- Recommend retaining overall framework (Delta Council, Conservancy, Delta Plan, Water Use Efficiency)
- Revise language to support:
 - Bay Delta Conservation Plan
 - State Water Resources Control Board jurisdiction
- Seek state funding to provide public benefits of BDCP