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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Shirley Chen
for EXECUTIVE SECRETARY

February 22, 1996

(Water Planning and Resources Committee--Information)
To: Board of Directors (Committee on Legislation--Action)
From: General Manager
Submitted by: Debra C. Man
Chief of Planning and Resources
Subject: AB 619 (Bustamante, D-Fresno) Water Facilities: Environmental Bay Byways

RECOMMENDATION(S)

That the Board oppose AB 619 (Bustamante, D-Fresno) Water Facilities:
Environmental Bay Byways.

EXECUTIVE SUMMARY

AB 619, proposed by Assemblyman Cruz Bustamante (D - Fresno), would require the Department of Water Resources to submit a report to the Legislature by July 1, 1997 evaluating the construction of a waterway known as an "Environmental Bay Byway" for the purpose of delivering water to central and southern California. The Byway is not defined or otherwise described and the criteria which would be used to evaluate such a facility are not stated. The evaluation of methods to increase the reliability and quality of water supplies for central and southern California is a high priority need. However, it is equally important to evaluate at the same time the best methods for meeting the needs of the Bay-Delta ecosystem and water supply and quality needs of other areas of the state. The current CALFED process has made significant progress towards ultimately selecting an alternative which could meet water supply and quality needs as well as improve the Bay-Delta ecosystem. This bill, which would focus only on water supply needs of certain portions of the state, is duplicative of, and potentially conflicts with the goals of the CALFED process and could negatively impact that process. For this reason, it is recommended that AB 619 be opposed.

DETAILED REPORT

The CALFED Bay-Delta Program (CALFED) is a consensus based process in which all stakeholders in the Bay-Delta (including water users, environmental interests, environmental regulators and others) are attempting to develop a solution to the Bay-Delta's ecosystem, water supply, water quality and system vulnerability problems that would benefit all of the affected interests. A wide range of possible actions are being evaluated and formulated into alternative packages which potentially could meet the needs of all uses of the Bay-Delta Estuary. CALFED recently identified an initial set of twenty alternatives for further analysis. These alternatives range from pure demand management solutions to constructing new water storage and conveyance facilities of various sizes. Each of these alternatives will be evaluated in the CALFED process against a set of criteria that assures that the alternative ultimately chosen can satisfy the needs of each of the interests who must be a part of the Bay-Delta solution.

Against this background, Assemblyman Cruz Bustamante (D - Fresno) has introduced AB 619, which would require the Department of Water Resources to evaluate the construction of a "waterway known as the 'Environmental Bay Byway' for the purpose of providing water to central and southern California," and to report the result of its evaluation to the Legislature by July 1, 1997. The "Environmental Bay Byway" is not defined or otherwise described, but it is likely that it will be perceived as an isolated conveyance facility around the Delta. Additionally, the bill does not identify the criteria which would be used to evaluate the facility and appears to require DWR to focus only on options for providing water to central and southern California, without consideration of Bay-Delta ecosystem needs or the water supply and quality needs of other parts of the state.

The evaluation of methods for improving the reliability and quality of water supplies to central and southern California is an action of critical importance. However, given the range of issues implicated in the Bay-Delta and the need to address each of them, it is not appropriate to require evaluation of an alternative that could be seen as benefiting only a single interest. AB 619 focuses on a single action that would meet the needs of only a narrow range of interests which are currently involved in the development of a comprehensive and lasting Bay-Delta solution, and would be viewed as inconsistent with the goals of the CALFED process. Moreover, the evaluation would be carried out separately by DWR, outside the existing public CALFED process and without critical stakeholder input and participation. Such a parallel process could have a significant negative impact on the consensus participation that has been developed through the CALFED process.

The ongoing CALFED process to identify a consensus alternative for resolving, in concert, the ecosystem, water supply, water quality and system vulnerability problems in the Bay-Delta must be allowed the best possible opportunity to succeed. If enacted, AB 619 could short circuit that process thereby reducing possibilities for success. For that reason, it is recommended that the Board oppose enactment of AB 619.

AMENDED IN ASSEMBLY JANUARY 3, 1996

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

ASSEMBLY BILL

No. 619

Introduced by Assembly Member Bustamante

February 17, 1995

An act to add Article 8 (commencing with Section 347) to Chapter 2.5 of Division 1 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 619, as amended, Bustamante. Water facilities: Environmental Bay Byway.

Under existing law, the Department of Water Resources operates certain water development facilities as part of the State Water Resources Development System (State Water Project).

This bill would require the department to ~~construct~~ *prepare and submit, on or before July 1, 1997, a report to the Legislature that includes an evaluation of options concerning the construction of a waterway known as the "Environmental Bay Byway" for the purpose of providing water to central and southern California.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

AB 619

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The people of the State of California do enact as follows:

1 SECTION 1. Article 8 (commencing with Section
2 347) is added to Chapter 2.5 of Division 1 of the Water
3 Code, to read:

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Article 8. Environmental Bay Byway

347. The department shall ~~construct~~ *prepare a report that includes an evaluation of options concerning the construction of a waterway know as the "Environmental Bay Byway" for the purpose of providing water to central and southern California. The department shall include in its report a discussion of the construction costs associated with each option evaluated. The department shall submit a copy of its report to the Legislature on or before July 1, 1997.*

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