

● Update on the California Bay-Delta Authorization Act

Summary

On October 25, 2004, the President signed the California Bay-Delta Authorization Act. The legislation, HR 2828, which was approved by the Congress in October 2004, authorizes \$395 million over six years to improve statewide water supplies and flood control, enhance source water quality, and restore the Sacramento-San Joaquin Delta ecosystem.

Although this legislation has been contentious, in the end the California delegation and the water user community were unified in their support for passage of the bill. Senator Dianne Feinstein, Resources Committee Chairman Richard W. Pombo, Water and Power Subcommittee Chairman Ken Calvert, and Ranking Member Grace Napolitano played key roles in crafting the legislation and developing support among the delegation.

Detailed Report

The legislation approves the CALFED Record of Decision (ROD) with its commitment to balance and continuous progress in all program elements as the general framework to move forward with the CALFED Bay-Delta Program. The following is a summary of the key elements in the legislation:

Use of Existing Authorities

Directs the federal agencies to use existing Congressional authorities to undertake CALFED activities including:

- **Storage** - Provides for development of additional groundwater storage and surface storage for identified projects including: expansion of Shasta and Los Vaqueros Reservoirs, Sites Reservoir, and upper San Joaquin River storage. If a surface storage project recommended by the Secretary of Interior is not authorized by the end of the next full session of Congress after submittal, the legislation directs the Secretary to declare the program imbalanced, putting all Program funding at risk.
- **Conveyance** - Provides for through-Delta conveyance improvements, including expansion of pumping capacity at the SWP Banks Pumping Plant and an intertie between the California Aqueduct and the Delta Mendota Canal. Requires the development and implementation of a program to meet water quality standards, improving water quality for in-Delta and export water users.
- **Water Use Efficiency** - Promotes conservation, water recycling and desalination, and groundwater remediation projects in northern and southern California.
- **Environmental Restoration** - Authorizes large-scale environmental restoration projects, habitat improvements, removal of obstacles to fish passage, fish screens, land acquisition, and other activities. Requires an annual report on ecosystem restoration plans and requires advance notification of land purchases.
- **Water Quality** - Authorizes activities related to source control, water treatment technology, regional water quality management plans, water quality exchanges, and other activities to improve water quality.
- **Other Actions** - Promotes activities related to water transfers, interregional water management plans, watersheds, science, and diversification of water supplies for wildlife refuges.

New Authorizations

Provides \$395 million for newly authorized activities, including:

- **Conveyance** - \$184 million for solutions to the San Luis Reservoir “low-point” problem, water quality improvements at Frank’s Tract, relocation of intake facilities for in-Delta water users, an intertie between the CVP Tracy and SWP Banks pumping plants, and fish screens.
- **New Melones Reservoir** - \$30 million to purchase and re-circulate water and for other activities to meet environmental and water quality requirements in a manner that reduces pressure on New Melones Reservoir and provides water supply benefits for local water agencies.

- **Environmental Water Account (EWA)** - \$90 million of non-reimbursable taxpayer funds, and up to \$10 million annually of water user funds through the CVPIA Restoration Fund for water purchases to implement the EWA.
- **Levee Stability** - \$90 million of new funds for projects to improve the stability of Delta levees and for better emergency response programs in the Delta.
- **Folsom Reservoir Temperature Control** - \$6.25 million to fund construction of a temperature control device on Folsom Reservoir to enhance cold water flows for salmon habitat.
- **Program Management** - \$25 million for program administration, providing that at least 50 percent is provided for activities of the California Bay-Delta Authority.

Other Provisions

- **Governance** - Authorizes the federal agencies to participate as non-voting members of the California Bay-Delta Authority.
- **Science** - Requires that all program activities are subject to credible and objective scientific review and are based on the best available scientific information.
- **Reporting** - Requires extensive reporting of all program activities to track program accomplishments and expenditures.
- **Crosscut Budget** - Requires an interagency crosscut budget to improve coordination and avoid redundant costs among federal agencies.
- **Federal Share of Costs** - Limits federal share of aggregate program costs to 33.3 percent.
- **Term** - Authorizes activities for a period of 6 years, 2005 through 2010.