

- **Board of Directors**  
**Communications and Legislation Committee**

April 10, 2007 Board Meeting

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**8-21**

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**Subject**

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Support and seek amendments to SB 27 (Simitian, D-Palo Alto; Machado, D-Linden; Perata, D-Oakland; and Steinberg, D-Sacramento) regarding the Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2008

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**Description**

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Recent amendments to SB 27 (Simitian, et al.) (Attachment 1) dramatically change the original version of the bill and set the stage for major decisions in the Legislature regarding the Bay/Delta in 2008. The bill, as introduced, proposed financing and construction of a Clean Water Facility and included requirements for governance, export water supply, water quality and water use efficiency. The March 29 amendment, now co-authored by Senators Simitian, Machado, Perata and Steinberg, eliminates all of the prior provisions. Instead, the recent amendment requires detailed analysis of the five alternatives recommended for further analysis in the recent report by the Public Policy Institute of California (PPIC), "Envisioning Futures for the Sacramento-San Joaquin Delta." These alternatives include two options with an isolated conveyance system, two options with reduced exports and one option with an armored but not fully isolated system. The bill states the intent of the Legislature to make a decision among these alternatives, or hybrids of them, during 2008 and to enact legislation accordingly.

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**Summary of the Revised Bill**

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**Selection of a Long-Term Alternative:** Consistent with the PPIC report, SB 27 recognizes the importance of the Bay/Delta for multiple environmental and economic uses and declares that the "Delta cannot sustain these environmental and economic values under current conditions." SB 27 affirms the aggressive time schedule for decision-making developed by the Governor in his Executive Order S-17-06 which directs that by January 1, 2008, the Blue Ribbon Task Force (Task Force) present a final vision report to the Governor that meets the requirements of AB 1200 (Laird), Statutes of 2005, and SB 1574 (Kuehl), Statutes of 2006, that assesses the risks and consequences of the alternatives in light of changing climate, seismic and other conditions and develops a program for sustainable management of the Delta's multiple uses.

SB 27 encourages the Task Force to focus on the five PPIC alternatives (or hybrids) and asks the Task Force to report "which of the options, or hybrid of options, the Task Force believes best meets the requirements of existing law and the Governor's Executive Order."

**No Regrets Actions:** Language in SB 27 further finds that a number of actions should begin immediately. These include:

- Investments in essential emergency preparedness, such as stockpiling materials and constructing cutoff levees to impede the movement of salt into the South Delta following a catastrophic event;
- No regrets projects, such as the purchase of key habitat areas, a demonstration project at Frank's Tract or new fish screens at Clifton Court;
- Strengthening critical levees and identifying levees that the state should not repair if they fail; and
- Habitat improvements for Delta smelt and other pelagic fish, such as restoration actions in the Suisun Marsh and Cache Slough regions.

**Evaluation Criteria:** The revised bill identifies criteria for the evaluation of alternatives and states that a successful system must be designed to accomplish the following:

- Optimize opportunities to manage the Delta as a fluctuating tidal estuary;
- Use “best available technologies” to minimize entrainment of native species during water export, and to restore populations of native fisheries in the Sacramento, San Joaquin, Mokelumne and Cosumnes river systems;
- Significantly improve water quality for export uses;
- Diminish or eliminate invasive species;
- Optimize opportunities for existing in-Delta water users to use their water rights and to protect existing water transmission and transportation facilities;
- Allow for export of water at times that have the least impact on native fish populations, water quality, and water supply; and
- Maximize the opportunity to preserve existing Delta islands for purposes of preservation and restoration of native fish and wildlife and agricultural protection consistent with such preservation and restoration.

**Governance:** SB 27 further requires future legislation to include a management and governance structure consistent with the principles laid out in the PPIC report.

### **Analysis**

SB 27 is substantially consistent with Metropolitan’s April 2006 Delta Policy Principles. Like those principles, SB 27 emphasizes the importance of Delta sustainability and recognizes that the Delta is not sustainable today given current practices. The bill adopts the PPIC report as a framework for taking actions on the Delta. Moreover, SB 27 makes it clear that the legislative leadership is committed to making difficult choices on matters of significant interest to Metropolitan in a time frame consistent with the Governor’s ongoing processes.

### **Potential Amendments**

Staff has identified a few specific concerns with the current version of SB 27. First, the bill stresses that fish screens at Clifton Court may be the “best available technology” for potential installation. In 2005, a forum to examine this issue, which included representatives of DWR, USBR, DFG, USFWS, NOAA Fisheries and Metropolitan, concluded that fish screens at Clifton Court would be very costly and ineffective for protecting both in-Delta and anadromous species and recommended that fishery investments would be better made elsewhere. This issue should be carefully considered before making a potentially ineffective investment. Second, while SB 27 recommends implementation of emergency preparedness actions to protect water supplies in the event of earthquake or other natural disaster, the approach could be inconsistent with and more costly than the strategy recommended to Metropolitan’s Board in the April 2007 Board Letter 8-17. Finally, the evaluative criteria contained in the recent amendment and described above do not appear to place sufficient weight on water quality and supply concerns of Southern California relative to other criteria in the legislation. All of these concerns could be resolved with appropriate amendments.

### **Policy**

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By Minute Item 46637, dated April 11, 2006, the Board adopted policy principles related to short-term emergency preparedness and long-term actions for the Sacramento-San Joaquin River Delta.

### **California Environmental Quality Act (CEQA)**

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CEQA determination for Option #1:

The proposed actions are not defined as a project under CEQA because they involve continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed actions in question may have a significant effect on the environment, the proposed actions are not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

**Board Options**

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**Option #1**

Adopt the CEQA determination and authorize the General Manager to express Metropolitan’s support for SB 27 and to seek amendments consistent with this letter.

**Fiscal Impact:** None

**Business Analysis:** None

**Option #2**

Take no position on SB 27.

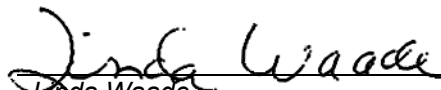
**Fiscal Impact:** None

**Business Analysis:** None


**Staff Recommendation**

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Option #1

  
Linda Waade  
Deputy General Manager, External Affairs

4/5/2007  
Date

  
Jeffrey Kightlinger  
General Manager

4/5/2007  
Date

Attachment 1 – SB 27

BLA #5392

AMENDED IN SENATE MARCH 29, 2007

**SENATE BILL**

**No. 27**

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**Introduced by Senator Simitian *Senators Simitian, Machado, Perata,  
and Steinberg***

December 4, 2006

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An act to add Division 26.6 (commencing with Section 79600) to the ~~Water Code, relating to financing a water conveyance and environmental improvement program, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.~~ *the Water Code, relating to the Sacramento-San Joaquin Delta.*

LEGISLATIVE COUNSEL'S DIGEST

SB 27, as amended, Simitian. ~~Clean Drinking Water, Water Supply Security, and Environmental Improvement Bond Act of 2007. Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2008.~~

~~Under existing law, various bond acts have been approved by the voters to provide funds for water projects, facilities, and programs.~~

~~This bill would enact the Clean Drinking Water, Water Supply Security, and Environmental Improvement Bond Act of 2007 which, if approved by the voters would authorize, for purposes of financing a water conveyance and environmental improvement program, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$5,000,000,000. The bill would require the Secretary of State to submit the bond act to the voters at the \_\_\_\_\_, statewide election.~~

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~~This bill would declare that it is to take effect immediately as an urgency statute.~~

*Under existing law, various state agencies administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta.*

*This bill would require the Secretary of the Resources Agency, on or before January 1, 2008, to begin implementing certain actions on behalf of the Sacramento-San Joaquin River Delta, including investing in emergency preparedness, funding projects to aid sustainability in the Delta, identifying critical levels to be strengthened, and commencing Delta restoration projects. The secretary would be required to take necessary action to ensure that the requirements of a specified Governor’s executive order relating to the Delta are met in a timely manner. The bill would declare legislative intent to enact legislation to begin implementing a program for sustainable management of the Delta in 2008. The bill would make related declarations and findings.*

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1     *SECTION 1. Division 26.6 (commencing with Section 79600)*  
2     *is added to the Water Code, to read:*

3  
4             *DIVISION 26.6. SACRAMENTO-SAN JOAQUIN RIVER*  
5             *DELTA, CLEAN DRINKING WATER, WATER SUPPLY*  
6             *SECURITY, AND ENVIRONMENTAL IMPROVEMENT ACT OF*  
7                             *2008*

8  
9     79600. *This division shall be known, and may be cited, as the*  
10 *Sacramento-San Joaquin River Delta, Clean Drinking Water,*  
11 *Water Supply Security, and Environmental Improvement Act of*  
12 *2008.*

13     79601. *The Legislature finds and declares all of the following:*  
14     (a) *The Sacramento-San Joaquin River Delta is a web of*  
15 *channels and reclaimed islands at the confluence of the Sacramento*  
16 *and San Joaquin Rivers. It forms the eastern portion of the wider*  
17 *San Francisco Estuary, which includes the San Francisco, San*  
18 *Pablo, and Suisun Bays. The Delta collects water from California’s*  
19 *largest watershed, which encompasses roughly 45 percent of the*

1 state's surface area and stretches from the eastern slopes of the  
2 Coastal Ranges to the western slopes of the Sierra Nevada.

3 (b) The Delta supports a unique and irreplaceable combination  
4 of environmental and economic values, including all of the  
5 following:

6 (1) A unique ecosystem. The Delta and the adjacent Suisun  
7 Marsh, an integral part of the Delta ecosystem, provide habitat  
8 for 700 species, including 12 species listed under either the  
9 California or federal endangered species acts. Eighty percent of  
10 the state's commercial fishery species live in or migrate through  
11 the Delta. It is a major stopping point for hundreds of thousands  
12 of migrating birds along the Pacific Flyway. The Suisun Marsh  
13 alone contains more than 10 percent of California's remaining  
14 wetlands.

15 (2) Water supply. Two-thirds of the state's population relies on  
16 the Delta for part or all of their drinking water. Water exported  
17 from the Delta irrigates 45 percent of the fruits and vegetables  
18 produced in the United States.

19 (3) Agricultural and other land uses. Delta lands have  
20 contributed significantly to the agricultural economy in California.  
21 Supporting a population of about 470,000, the cities, towns, and  
22 settlements within the Delta are of significant historical, cultural,  
23 and economic value.

24 (4) Major transportation corridors. The Delta is crossed by  
25 three state highways, three rail lines, and two deepwater channels  
26 and is home to two inland ports. Most of these transportation  
27 corridors serve other areas of the state.

28 (5) Utility corridors. The Delta is crossed by hundreds of gas  
29 lines, five high voltage lines, and a pipeline that provides drinking  
30 water to residents in east San Francisco Bay. The Delta is also  
31 home to numerous underground natural gas storage sites.

32 (6) Recreation. The Delta's 635 miles of boating waterways are  
33 served by 95 marinas containing 11,700 inwater boat slips and  
34 dry storage for 5,500 boats. In 2000, there were an estimated 6.4  
35 million boating-related visitor-days, with 2.13 million boating  
36 trips. Other major recreational activities in the Delta include  
37 fishing, waterfowl, and upland game bird hunting, wildlife viewing,  
38 bird watching, and windsurfing.

39 (7) Flood management. The Delta is the natural drain to a  
40 42,500 square mile watershed that includes the Central Valley

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1 *and the western slope of the Sierra Nevada from Fresno to Mount*  
2 *Shasta. As such, it is the main conduit for floodwaters to flow out*  
3 *to the ocean. The Delta itself is protected by extensive, but fragile,*  
4 *flood management facilities, including about 1,100 miles of levees*  
5 *in the Delta and about 230 miles of levees in the Suisun Marsh.*  
6 *These levees protect about 65 islands and tracts in the Delta. Most*  
7 *of these levee-protected lands are below sea level, some areas are*  
8 *as much as 25 feet below sea level.*

9 *(c) The Delta cannot sustain these environmental and economic*  
10 *values under current conditions. All of these values either are*  
11 *already in significant decline or are at risk of sudden failure.*  
12 *Several factors are intensifying the problems, including all of the*  
13 *following:*

14 *(1) Land subsidence, sea level rise, and changes in climate make*  
15 *Delta levees increasingly vulnerable to failure from earthquakes,*  
16 *floods, and other causes. Over the next 50 years, there is a*  
17 *two-thirds chance of a catastrophic levee failure in the Delta,*  
18 *leading to multiple island floodings and the intrusion of seawater.*  
19 *For one such scenario, the Department of Water Resources*  
20 *estimates that a large earthquake near the Delta would cause*  
21 *major interruptions in water supplies for Southern California, the*  
22 *San Joaquin Valley, and the San Francisco Bay area, as well as*  
23 *disruptions of power, road, and shipping lines, costing the state's*  
24 *economy as much as \$40 billion. These failures also would create*  
25 *major environmental disruptions and local flooding risks.*

26 *(2) Endangered species and fisheries have continued to decline*  
27 *in the Delta and disruptive nonnative species continue to invade.*  
28 *In the fall of 2004, routine fish surveys registered sharp declines*  
29 *in the numbers of several open-water (pelagic) species, including*  
30 *the delta smelt, already listed as threatened under the federal and*  
31 *state endangered species acts. Subsequent surveys have confirmed*  
32 *the trend, raising concerns that the smelt, which are sometimes*  
33 *seen as an indicator of ecosystem health in the Delta, risks*  
34 *extinction if a solution is not found quickly.*

35 *(3) Delta water quality remains at risk from salts entering from*  
36 *the ocean and the San Joaquin Valley's agricultural drainage, as*  
37 *well as from pesticides and metals coming from agricultural and*  
38 *urban lands. Chronic toxicants continue to be a problem, and*  
39 *episodic toxic events from urban and agricultural applications are*  
40 *also a major problem.*

1     (4) *Regional population and economic growth has increased*  
2 *pressure to urbanize Delta lands near major transportation routes*  
3 *and urban centers. This “hardening” of Delta lands simultaneously*  
4 *raises the costs of flood risks and reduces the flexibility of land*  
5 *management options. Unlike most other activities in the Delta,*  
6 *urbanization is generally irreversible. Additionally, urbanization*  
7 *is self-accelerating. Urbanization in one location significantly*  
8 *increases the value of adjacent lands. This, coupled with declining*  
9 *profit margins for farming, will increase the pressure to convert*  
10 *farmlands to subdivisions. This shift will come at the expense of*  
11 *habitat protection and other services, such as water quality and*  
12 *water supply, that are important for other parts of California.*

13     (d) *Failing to address anyone of these issues would have severe*  
14 *environmental and economic consequences. Failing to address all*  
15 *of these issues would be inviting a catastrophe.*

16     79602. *The Legislature further finds and declares all the*  
17 *following:*

18     (a) *The Legislature has increasingly called for actions to resolve*  
19 *the conflicts in the Sacramento-San Joaquin Delta. During its*  
20 *2005–06 Regular Session, the Legislature passed and the Governor*  
21 *signed Assembly Bill 1200 (Laird), Senate Bill 1574 (Kuehl), and*  
22 *Assembly Bill 1803 (Committee on Budget). Together, these bills*  
23 *require an assessment of the potential impacts on water supplies*  
24 *of catastrophic failures in the delta, identification and evaluation*  
25 *of options to protect water supplies and the ecosystem of the delta,*  
26 *the development of a vision for a sustainable delta, and a strategic*  
27 *plan to achieve a sustainable Sacramento-San Joaquin Delta.*

28     (b) *The Public Policy Institute of California has made significant*  
29 *progress in addressing many of the issues raised by that legislation.*  
30 *In February 2007, the institute released a document entitled*  
31 *“Envisioning Futures for the Sacramento-San Joaquin Delta.”*  
32 *This report did a highly credible job of describing the various*  
33 *challenges facing the Delta and identified nine potential*  
34 *approaches to resolving those challenges. The authors found that*  
35 *four of the nine options were not promising and should not be*  
36 *considered further. The five remaining options included two*  
37 *versions of an isolated conveyance system, two options with*  
38 *reduced exports, and one option featuring an armored, but not*  
39 *isolated, conveyance system. The authors further suggested that*  
40 *the creation of a hybrid solution, relying on some combination of*



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1 *key elements, may provide the most promising path forward. The*  
2 *University of California’s Department of Landscape Architecture*  
3 *and Environmental Planning similarly made important*  
4 *contributions to developing a long-term sustainable Delta in its*  
5 *March 2007 report entitled “ReEnvisioning the Delta: Alternative*  
6 *Futures for the Heart of California.”*

7 *(c) The recent work by the Public Policy Institute of California*  
8 *and the University of California’s Department of Landscape*  
9 *Architecture and Environmental Planning demonstrates that there*  
10 *already is a significant body of knowledge regarding the challenges*  
11 *to the Delta and potential options for resolving those challenges.*  
12 *Accordingly, the Legislature expects, consistent with the*  
13 *Governor’s Executive Order S-17-06, that by January 1, 2008, the*  
14 *Blue Ribbon Task Force will present a report to the Delta Vision*  
15 *Committee and Governor that does all of the following:*

16 *(1) Meets the requirements of Assembly Bill 1200 and Senate*  
17 *Bill 1574.*

18 *(2) Assesses the risks and consequences to the Delta’s many*  
19 *uses and resources in light of changing climatic, hydrologic,*  
20 *environmental, seismic, and land use conditions. This assessment*  
21 *is expected to address all of the following:*

22 *(A) The environment, including aquatic and terrestrial functions*  
23 *and biodiversity.*

24 *(B) Land use and land use patterns, including agriculture,*  
25 *urbanization, and housing.*

26 *(C) Transportation, including streets, roads, highways,*  
27 *waterways, and ship channels.*

28 *(D) Utilities, including aqueducts, pipelines, and gas and*  
29 *electric transmission corridors.*

30 *(E) Water supply and quality, municipal and industrial*  
31 *discharges, and urban and agricultural runoff.*

32 *(F) Recreation and tourism, including boating, fishing, and*  
33 *hunting.*

34 *(G) Flood risk management, including levee maintenance.*

35 *(H) Emergency response.*

36 *(I) Local and state economies.*

37 *(3) Develops a program for sustainable management of the*  
38 *Delta’s multiple uses, resources, and ecosystem. Sustainable*  
39 *management of the Delta means managing the Delta over the long*  
40 *term to restore and maintain identified functions and values that*

1 *are determined to be important to the environmental quality of the*  
2 *Delta and the economic and social well being of the people of the*  
3 *state. As part of the Delta Vision process, priority functions and*  
4 *values are expected to be identified, and measures necessary to*  
5 *provide long-term protection and management are expected to be*  
6 *evaluated.*

7 *(d) The Legislature further expects that the Blue Ribbon Task*  
8 *Force will focus most of its attention on exploring and evaluating*  
9 *the five options that the Public Policy Institute of California found*  
10 *most promising; two versions of an isolated conveyance system,*  
11 *two options with reduced exports, and one option featuring an*  
12 *armored, but not isolated, conveyance system. It is the expectation*  
13 *of the Legislature that the Blue Ribbon Task Force will report to*  
14 *the Delta Vision Committee and Governor which of the five options,*  
15 *or hybrid of options, the task force believes best meets the*  
16 *requirements of existing law and the Governor's Executive Order*  
17 *S-17-06.*

18 *(e) The Legislature further finds and declares that while the*  
19 *Delta Vision process established under last session's Senate Bill*  
20 *1574 holds great promise, the Legislature cannot sit idly by while*  
21 *the risks to the Delta continue to mount. As both the Public Policy*  
22 *Institute of California and the University of California's*  
23 *Department of Landscape Architecture and Environmental*  
24 *Planning conclude, there are a number of actions that should begin*  
25 *immediately. These include the following:*

26 *(1) Investing in essential emergency preparedness, such as*  
27 *stockpiling emergency repair materials in the Delta and*  
28 *constructing one or more cutoff levees to allow isolation of the*  
29 *south Delta from brackish water following a catastrophic flooding*  
30 *event in the Delta.*

31 *(2) Funding projects that would aid sustainability regardless*  
32 *of the ultimate plan to achieve a sustainable Delta, such as using*  
33 *bond funds to set aside or purchase key habitat areas and investing*  
34 *in demonstration projects such as the Franks Tract pilot project*  
35 *or new fish screens at Clifton Court.*

36 *(3) Identifying critical levees that must be strengthened*  
37 *immediately to protect the beneficial uses and resources of the*  
38 *Delta, as well as those levees that the state would not repair should*  
39 *they fail.*

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1 (4) Commencing restoration projects to improve habitat  
2 conditions for the Delta smelt and other pelagic fish species, such  
3 as restoration actions in the Suisun Marsh and Cache Slough  
4 regions.

5 79603. It is the intent of the Legislature to enact legislation to  
6 begin implementing a program for sustainable management of the  
7 Delta in 2008. It is the desire of the Legislature that this legislation  
8 be based on the results of the Blue Ribbon Task Force's report  
9 that is to be submitted to the Delta Vision Committee and the  
10 Governor by January 1, 2008. However, should that report fall  
11 short of expectations, the Legislature intends to move in all due  
12 haste to develop its own program for sustainable management of  
13 the Delta.

14 79604. (a) It is the intent of the Legislature that the  
15 implementation of this division accomplish all of the following:

16 (1) Provide significant improvements to the quality of the  
17 drinking water derived from the Delta and used as a part of the  
18 drinking water supply of 23 million Californians.

19 (2) Ensure that urban and agricultural water supplies derived  
20 from the Delta, including water supplies used within the Delta,  
21 are not disrupted because of catastrophic failures of delta levees  
22 resulting from earthquakes, floods, land sinking, rising ocean  
23 levels, or other forces.

24 (3) Provide a safe, clean, high quality, secure, affordable, and  
25 sufficient water supply to meet the needs of California's  
26 environment, residents, farms, and businesses.

27 (4) Improve and increase aquatic and terrestrial habitats and  
28 improve ecological functions in the San Francisco Bay-Delta  
29 watersheds to support sustainable populations of plant, fish, and  
30 animal species.

31 (5) Improve water quality and reduce pollution within the  
32 watersheds of the Bay-Delta.

33 (6) Reduce the reliance of water users on the Delta through  
34 conservation, reclamation, reuse, and other means.

35 (7) Create sustainable land use patterns.

36 (8) Create sustainable flood structures.

37 (9) Protect and enhance recreation and tourism opportunities.

38 (10) Maintain and improve transportation within and around  
39 the Delta.

1 (11) Accommodate the transmission of utilities either in or  
2 around the Delta.

3 (12) Develop and implement an appropriate emergency response  
4 plan.

5 (13) Protect and enhance the local economy.

6 (b) Programs funded by this division shall maximize where  
7 feasible scientifically based procedures to reduce global warming  
8 gases emitted by exposed Delta soils.

9 79605. (a) The Secretary of the Resources Agency shall take  
10 necessary action to ensure the requirements of the Governor's  
11 Executive Order S-17-06 are met in a timely manner.

12 (b) On or before January 1, 2008, the Secretary of the Resources  
13 Agency shall develop and begin implementing the following actions  
14 on behalf of the Sacramento-San Joaquin River Delta.

15 (1) Investing in essential emergency preparedness, such as  
16 stockpiling emergency repair materials in the Delta and  
17 constructing one or more cutoff levees to allow isolation of the  
18 south Delta from brackish water following a catastrophic flooding  
19 event in the Delta.

20 (2) Funding projects that would aid sustainability regardless  
21 of the ultimate plan to achieve a sustainable Delta, such as using  
22 bond funds to set aside or purchase key habitat areas and investing  
23 in demonstration projects such as the Franks Tract pilot project  
24 or new fish screens at Clifton Court.

25 (3) Identifying critical levees that must be strengthened  
26 immediately to protect the beneficial uses and resources of the  
27 Delta as well as those levees that the state would not repair should  
28 they fail.

29 (4) Commencing restoration projects to improve habitat  
30 conditions for the Delta smelt and other pelagic fish species, such  
31 as restoration actions in the Suisun Marsh and Cache Slough  
32 regions.

33 (c) Nothing in this section grants any new authority to the  
34 secretary or authorizes the use of funds not otherwise appropriated  
35 by the Legislature for the express purposes of this section.

36 79606. The Legislature finds and declares that, in developing  
37 a model for water movement that is consistent with the five options  
38 described in subdivision (b) of Section 79602, a successful system  
39 must be designed to accomplish the following:

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- 1     (a) *Optimize opportunities to manage the Delta as a fluctuating*  
2 *tidal estuary within and between water years to mimic historic*  
3 *salinity patterns throughout the Bay-Delta ecosystem.*
- 4     (b) *Optimize opportunities for recovery and restoration of native*  
5 *aquatic and terrestrial species utilizing best available technologies*  
6 *for minimizing entrainment of native fish during water export.*
- 7     (c) *Significantly reduce quantities of salts, halides, dissolved*  
8 *solids, pollutants, organic chemicals, and carcinogenic precursors*  
9 *in water exported from the Delta for municipal, agricultural, and*  
10 *industrial uses.*
- 11     (d) *Use the best available science and technology to restore*  
12 *populations of native fisheries in the Sacramento, San Joaquin,*  
13 *Mokelumne, and Cosumnes River systems.*
- 14     (e) *Optimize the operation of the Delta to diminish, or if*  
15 *possible, eliminate undesirable invasive nonnative aquatic plants,*  
16 *fish, and invertebrates.*
- 17     (f) *Optimize opportunities for existing in-Delta users to receive*  
18 *water pursuant to their water rights.*
- 19     (g) *Allow for export of water at times and in ways that have the*  
20 *least impact on native fish populations, water supply, and water*  
21 *quality.*
- 22     (h) *Provide for the greatest possible protection of existing water*  
23 *transmission and export facilities and transportation facilities*  
24 *within the Delta.*
- 25     (i) *Maximize the opportunity to preserve existing Delta islands*  
26 *for purposes of preservation and restoration of native fish and*  
27 *wildlife, and agricultural production consistent with that*  
28 *preservation and restoration.*
- 29     79607. (a) *The legislation described in Section 79603 shall*  
30 *include a funding mechanism consistent with the option selected*  
31 *pursuant to subdivision (b) of Section 79602.*
- 32     (b) *The legislation described in Section 79603 shall include a*  
33 *management and governance structure consistent with the*  
34 *principles set forth by the Public Policy Institute of California.*

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**All matter omitted in this version of the bill  
appears in the bill as introduced in the  
Senate, December 4, 2006 (JR11)**

O