

Overview of Delta/Water Use Efficiency Legislative Package

Special Bay-Delta Committee

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Background

- Priority of Governor and Legislature
- Public release of legislative package
- Water Policy Conference Committee
 - Appointees
 - Process

Background (continued)

- Expected Legislation

- Delta Plan/Early Actions (AB 39)
- Delta Governance/Delta Stewardship Council/Conveyance (SB 12)
- Delta Conservancy/Delta Protection Commission (SB 458)
- Water Use Efficiency (AB 49)
- Governance/Early Actions/Water Rights/Groundwater Regulation (SB 229)
- Financing

- Joint Informational Hearings

- August 18 in Sacramento

- Legislative calendar

- Fall recess Sept. 11 2009

Criteria for Evaluating Delta Legislation

- Synthesizes 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 Legislation – Emerging Issues

- Co-Equal Goals: Reliable Water Supply/Ecosystem Restoration
 - How are goals defined?
 - Are goals balanced?
 - Will legislation require reduced dependence on Delta diversions – for exporters and/or throughout the watershed?
- Delta Stewardship Council
 - Delta Vision Recommendation: appointees by Governor; no geographic requirements to reflect statewide significance of Delta
 - Legislative versus gubernatorial appointees?
 - Length of terms for appointees?
 - Authority and responsibilities?

Delta Legislation – Emerging Issues (cont'd)

- Approval of Conveyance
 - Will legislation create role for new Delta Stewardship Council?
 - Options: Certification of BDCP EIR/EIS by Council; inclusion of BDCP in Delta Plan; approval of new conveyance by Council
 - Will legislation assign operation of future conveyance to new entity?
- Bay Delta Conservation Plan
 - What is BDCP's role in new Delta Plan?
 - What is Delta Stewardship Council's role in reviewing/approving BDCP?
 - Are there new conditions/requirements for approval?
 - Is NCCPA discretionary or mandatory?

Delta Legislation – Emerging Issues (cont'd)

- Federal Participation Options
 - How are federal BDCP-implementing agencies integrated into Delta Plan?
 - Will legislation require Coastal Zone Management Act (e.g. California Coastal Commission approach) for federal action consistency with state Delta plan?
 - Will legislation embrace alternate approach – integration through cooperative agreements/contracts between federal/state governments?
- Area of Origin Protections
 - Will legislation reinforce or expand county and watershed of origin protections?
- Geographic Scope of Delta Plan/Habitat Actions
 - Legal Delta?
 - Tributaries? Above/below dam?

Delta Legislation – Emerging Issues (cont'd)

- Delta Conservancy

- Number of local appointees?
- Scope of work: habitat restoration, agriculture preservation, economic development
- Role in implementing BDCP?

Delta Legislation – Emerging Issues (cont'd)

- Role of State Water Resources Control Board
 - Will legislation deviate from SWRCB's Delta Strategic Plan?
 - Isolated facility permit – conditions for approval for change of diversion?
 - Instream flow requirements for Delta and some/all tributaries?
 - Timing of review?
 - What are goals for any new flow objectives and are goals balanced with consumptive needs?
 - Responsibility for flow requirements?
 - Who pays for any review process?

Delta Legislation – Emerging Issues (cont'd)

- Independent Science
 - Will Cal-Fed Independent Science Panel be replaced?
 - Who would appoint new Science Panel?
 - How would new Science Panel be integrated into Delta Plan, Delta Stewardship Council, BDCP?
- Delta Protection Commission
 - Will legislation amend land use decision-making in Delta primary zone under existing Delta Protection Act?
- Early Action Mandates?
 - Implement short-term habitat improvements
 - Study separation of State Water Project from DWR
 - Interim instream flow mandates
 - Test 2-Gates Project and fish screens at Clifton Court
 - Develop financing strategy for implementing Delta Plan

Delta Legislation – Emerging Issues (cont'd)

- Finance Questions

- Start-up costs for Delta Council and Delta Conservancy
- Fee proposals – beneficiaries pay approach; targeted fees on specific water users; or fees on other uses within Delta watershed
- Funding mechanisms for water bond – public goods surcharge, diversion fee and/or general fund

Delta Legislation – Emerging Issues (cont'd)

● Water Use Efficiency

- Requires 20% reduction in statewide urban per capita water use by 2020 (10% by 2015)
- Provides three pathways for compliance to maximize local flexibility
- May require minimum efficiency requirement from all retailers
- Provides credit for use of recycled water
- Acknowledges past investments in water conservation
- Requires agricultural water suppliers over defined acreage threshold 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 Legislation – Emerging Issues (cont'd)

- What's next?
 - Goal is comprehensive package
 - Achieving co-equal goals – a balanced approach
 - BDCP – assuring timely success, integrity of process