

**Express Opposition to  
H.R. 1837 (Nunes, R-CA)  
unless amended**

**Sacramento-San Joaquin Valley Water  
Reliability Act**

Communications and Legislation Committee

8-14

March 13, 2012

# Purpose of Presentation

- Review provisions and status of amended federal legislation
- H.R. 1837 (Nunes, R-CA)  
San Joaquin Valley Water Reliability Act
- Key Concerns
- Recommendation

# Status

- Bill originally sponsored in May 2011; amended February 2012
- Passed House Floor on February 29
- Requires Senate action and President's signature to become law

# Historic Background

- Central Valley Project Improvement Act 1992
- Bay-Delta Accord 1994
- San Joaquin River Restoration Settlement 2006

# H.R. 1837

- Central Valley Project Improvement Act
- San Joaquin River Restoration
- Regulation of project water rights
  - SWRCB—D-1641

# Summary of Key Provisions

- CVPIA and Project Regulation
  - Limits ESA/regulatory requirements to 1994 Bay-Delta Accord
  - Requires replacement of 800 TAF previously dedicated to the environment by 2016
  - Shifts focus to native species
  - Increases contract renewals from 25 years to 40 years and allows for conversion from water service to repayment contracts
  - Creates Restoration Fund Advisory Board and broadens the use of funds

# Summary of Key Provisions

- San Joaquin River Restoration
  - Repeals and prohibits implementation of San Joaquin River Restoration Settlement Act
  - Codifies specified flow for purposes of California Department of Fish and Game Code
  - Provides for recovery of flows downstream

# Regulations of State Water Rights

- Prohibits California regulation of CVP and SWP beyond Bay-Delta Accord
- Prohibits regulation of any water users to protect fish affected by SWP/CVP or under Public Trust Doctrine
- Adds language requiring regulation of SWP/CVP to “strictly adhere” to water rights priorities



# Key Concerns

- Potential impacts to Metropolitan
  - Regulatory compliance obligations could be shifted
  - Potential conflict with BDCP/Conveyance objectives
  - Proposed “strictly adhere” to language may require SWP/CVP to mitigate for water diversion impacts of other water users

# Proposed Amendments

- (i) Require the CVP to repay the SWP supplies for any shift in environmental obligations; and
- (ii) Preserve the Secretary of the Interior's and Secretary of Commerce's authority to approve the BDCP as a habitat conservation plan under FESA.

# Board Options

- Option #1  
Adopt the CEQA determination and express opposition to H.R. 1837, unless amended
- Option #2  
Take no position on H.R. 1837

# Recommendation

- **Option #1**