



REVIEW

This section features a listing of state or federal legislation that the Delta Conservancy. Each bill number (in bold typeface) is followed by the author's name, the bill title, a summary of the bill, the status of the bill, the Conservancy's interest in the bill and a staff recommendation.

A * before a bill number indicates a change from last report.

State Legislation

Assembly Bills

***AB 134 (Dickinson)**. Appropriation of water: Sacramento Regional County Sanitation District. The bill will authorize the Sacramento Regional County Sanitation District (SacRegional) to file a permit application with the State Water Resources Control Board (SWRCB) to appropriate the same amount of water from the Sacramento River based on the amount of treated water SacRegional discharges into the river and recovers for reuse. The bill would also require that the SWRCB permit be subject to existing water rights. Amendment on 03-23-11 deleted exemption of the new SacRegional appropriation from existing SWRCB permit process. Amendment on 04-15-11 deleted the legislative findings, changed the amount of water from "same amount" to "an amount," and adding language that the SWRCB shall comply with Water Code section 1200 regarding definition of public water and appropriations prior to issuing a permit to SacRegional.

STATUS: Introduced 01-12-11, amended 03-23-11; passed Water, Parks, & Wildlife Committee; in Assembly Appropriations.

CONSERVANCY INTEREST: Bill deals with treated wastewater discharge into and water appropriation out of the Sacramento River above the Delta.

RECOMMENDATION: continue to follow the bill.

AB 157 (Jeffries). Safe, Clean, and Reliable Drinking Water Supply Act of 2012. Amends current water bond bill by reducing by 25 percent the total amount of bonds authorized pursuant to the Safe, Clean, and Reliable Drinking Water Supply Act of 2012, and would make conforming reductions to amounts specified to be allocated from these bond funds for certain purposes. The \$2.25 billion proposed for Delta Conservancy-type programs would be reduced to \$1.687 billion.

STATUS: Introduced 01-20-11; in Water Parks & Wildlife Committee, also referred to Environmental Safety and Toxic Materials Committee.

CONSERVANCY INTEREST: This is a revision to the water bond that would provide funding for Conservancy programs.

RECOMMENDATION: work with author to amend language so ecosystem restoration funds from the bond would go into the Sacramento-San Joaquin Delta Conservancy Fund.

***AB 550 (Huber).** Sacramento-San Joaquin Delta: peripheral canal. Prohibits constructing a peripheral canal around the Delta unless expressly authorized by the Legislature. Requires the Legislative Analyst's Office to complete an economic feasibility analysis before the Legislature enacts a statute to authorize a peripheral canal. Prohibits construction and operation of a peripheral canal for diminishing or negatively affecting water supplies, water rights, or water quality for water uses in the Delta water shed, or from imposing new infrastructure or financial burdens on people residing in the Delta or the Delta watershed.

STATUS: Introduced 02-16-11; referred to Water, Parks & Wildlife and Assembly Appropriations.

CONSERVANCY INTEREST: If a peripheral canal is built, Conservancy will have a role regarding ecosystem restoration and support of economic sustainability in the Delta.

RECOMMENDATION: continue to follow the bill.

***AB 576 (Dickinson).** Delta Stewardship Council: Delta Plan: financing. Significant amendments would require the Delta Stewardship Council to develop a long-term finance plan to pay for implementing the Delta Plan by January 1, 2013. Amendments specify content for the finance plan, and that the DSC shall publically distribute a draft plan six months before the final plan is approved. The DSC would be prohibited from adopting new fees unless a statute is enacted that allows them to do so.

STATUS: Introduced 02-16-11; in Water Parks & Wildlife Committee.

CONSERVANCY INTEREST: The Conservancy will implement aspects of the Delta Plan and is interested in the plans about how and who distributes the funds to carry out the Plan.

RECOMMENDATION: continue to follow the bill.

***AB 627 (Berryhill).** State Water Resources Development System: Delta Corridors Plan: feasibility study. Significant amendments would require the Department of Water Resources to expedite an evaluation and feasibility study of the Delta Corridors Plan, including the Two-Gates Fish Protection Demonstration Project, by January 1, 2013.

STATUS: Introduced 02-16-11, amended 03-31-11; passed Water, Parks and Wildlife; in Assembly Appropriations.

CONSERVANCY INTEREST: The Delta Corridors Plan would fit within the purview of the Conservancy's co-equal responsibilities.

RECOMMENDATION: continue to follow the bill.

***AB 781 (John A. Perez).** Preservation of lands: open-space subventions. This bill would authorize a city, county, or city and county to accept contribution from public and private entities to offset a reduction in state subvention payments for lands identified under Government Code Section 16144.

STATUS: Introduced 02-17-11; amended 03-23-11; passed Assembly Committee on Agriculture; referred to Local Government Committee.

CONSERVANCY INTEREST: This bill may affect Conservancy program development (e.g., grants program) regarding assisting local governments and open-space prerogatives.

RECOMMENDATION: continue to follow the bill.

***AB 903 (Berryhill).** Sacramento-San Joaquin Delta: dredging. Amendments legislative findings about the importance of dredging in the Sacramento-San Joaquin River and would require the SWRCB to provide priority review for dredging permits in the Delta.

STATUS: Introduced 02-17-11, amended 04-12-11; in Water, Parks and Wildlife Committee.

CONSERVANCY INTEREST: Dredging in the Delta would fit within the purview of the Conservancy's co-equal responsibilities.

RECOMMENDATION: continue to follow the bill.

***AB 1023 (Wagner).** Maintenance of the codes. Makes nonsubstantive changes in various provisions of law as recommended made by the Legislative Counsel to the Legislature; this bill is 680 pages. Specific sections of interest to the Conservancy: SEC. 263, amends Public Resources Code Section 29735 regarding Delta Protection Commission membership (changes Contra Costa County to the County of Contra Costa, pg. 439); SEC. 264, amends Public Resources Code Section 32330 regarding Delta Conservancy Board alternates (clarifies that alternates for county boards of supervisors appointees are appointed by the respective county boards of supervisors, pg. 441); and SEC. 315, amends Water Code Section 85031 regarding Delta Stewardship Council's management of the former CALFED science program (adds the management would be in accordance with Water Code Division 26.4 as it read on December 31, 2009, pg. 583).

STATUS: Introduced 02-18-11; hearing set for 05-10-11 in Assembly Committee on Judiciary.

CONSERVANCY INTEREST: This is a technical clean-up bill that mentions the Conservancy Board.

RECOMMENDATION: continue to follow the bill.

Senate Bills

***SB 34 (Simitian).** California Water Resources Investment Act of 2011. Significant amendments still would establish the California Water Resources Investment Fund (Fund) but changes how fees would be collected and distributed. New language includes legislative findings that describe beneficiary pays principle, polluter pays principle, how public benefit is derived from water related projects, and how agricultural and nonagricultural water use fees would be assessed. The amendment would make the State Board of Equalization responsible for collecting the fees and administering the Fund; money deposited into the fund would be split 50-50 between a State Investment Account and an unspecified number of regional investment accounts. Money from the regional investment accounts would fund regional water related projects and programs. Money from State Investment Account would pay for administration costs of the Fund, keep an unspecified amount of money in a reserve account, and pay for the operating costs of the Delta Stewardship Council and the Delta Science Program.

STATUS: Introduced 12-06-10, amended 03-23-11, amended 04-13-11; hearing set for 05-04-11 in Governance and Finance Committee.

CONSERVANCY INTEREST: This is another financing plan for carrying out the Delta Plan; like AB 576 this bill focuses on the Delta Stewardship Council as the only recipient of funding for implementing the Delta Plan.

RECOMMENDATION: work with author to amend language so some funding would go into the Sacramento-San Joaquin Delta Conservancy Fund.

***SB 52 (Steinberg).** Water quality. Sacramento Regional County Sanitation District. This bill would appropriate \$50 million to the Department of Water Resources from Prop. 1E and Prop. 84 to provide financial assistance to the Sacramento Regional County Sanitation District to offset rate increases associated with capitol improvements costs to the district's regional sewage treatment plant.

STATUS: Introduced 12-15-10; hearing set for 05-02-11 in Senate Environmental Quality Committee.

CONSERVANCY INTEREST: Improvements to the regional treatment plan would benefit water quality in the Delta, one of the purviews of the Conservancy under the Sacramento-San Joaquin Delta Conservancy Act of 2009.

RECOMMENDATION: continue to follow the bill.

***SB 200 (Wolk).** Sacramento-San Joaquin Delta: Bay Delta Conservation Plan. This bill would require any state agency responsible for authorizing or implementing any action in carrying out the BDCP to ensure that the action will not result in significant unmitigated negative impacts to another entity or region, has viable funding for the entire period of carrying out the action, that funding is consistent with the beneficiary pays principle (as defined in bill), is consistent with protecting and maintaining public trust resources in the Delta and other conditions.

STATUS: Introduced 2-8-11, amended 03-24-11; in Senate Natural Resources & Water Committee; also referred to Senate Environmental Quality Committee.

CONSERVANCY INTEREST: The Conservancy has been identified as a state agency that will implement the BDCP and would be subject to the requirements listed in the bill.

RECOMMENDATION: continue to follow the bill.

***SB 237 (Wolk).** California Global Warming Solutions Act of 2006: agriculture. This bill would fund activities to reduce greenhouse gas (GHG) emissions or adapt to global warming in the agriculture section. No state agency is identified to administer the funds. The bill also creates the California Agricultural Climate Benefits Advisory Committee to assist in carrying out the requirements of the bill. Amendments delete proposed funding source; establish eligible uses for funds allocated to the agricultural sector from market-based compliance mechanism for reducing GHG emissions.

Status: Introduced 02-09-11, amended 03-29-11; passed Senate Environmental Quality Committee; hearing set for 05-02-11 in Senate Appropriations.

CONSERVANCY INTEREST: Carbon sequestration projects are listed as those eligible for funding under this bill.

RECOMMENDATION: continue to follow the bill.

***SB 571 (Wolk).** California Water Commission: water resources investment. Significant amendments would change how the reconstituted California Water Commission (CWC) would be formed; and would (a) revise California Water Plan requirements to make it more comprehensive and clearly make cost assessments of potential action, (b) establish the CWC as an independent agency in state government, (c) establish the CWC process to develop and adopt the California Water Investment Plan (similar to the state transportation improvement plan), (d) establish the CWC process to make funding allocations for specific projects and programs, and (e) establish a process to develop state and regional water investment priorities, establish regional water resources planning agencies, and establish a process for water resources planning and funding similar to that used in transportation planning and funding. The Delta Conservancy is not one of the agencies specified with which the CWC would be required to collaborate with.

STATUS: Introduced 02-17-11, amended 04-13-11; passed Natural Resources and Water, set for hearing on 05-02-11 in Senate Appropriations.

CONSERVANCY INTEREST: This is the fourth bill (along with AB 157, AB 576, and SB 34) that discusses establishing funds and distribution policies for water-related projects that may fall under the purview of the Conservancy's co-equal responsibilities.

RECOMMENDATION: work with author to amend language so some funding would go into the Sacramento-San Joaquin Delta Conservancy Fund.

***SB 834 (Wolk).** Integrated regional water management plans: contents. Requires integrated regional water management plans for those regions that receive water supply from the Delta watershed, to demonstrate the manner in which the plan complies with state policy of reducing reliance on the Delta and regional self-sufficiency (Water Code Section 85021). Amendment changed “water that originates in the Sacramento-San Joaquin Delta” to “water from the Delta watershed.”

STATUS: Introduced 02-18-11, amended 04-13-11; passed Natural Resources and Water; in Senate (third reading).

CONSERVANCY INTEREST: Reducing reliance on water from the Delta watershed could benefit water quality and flows in the Delta, and would assist with the meeting the Conservancy’s co-equal responsibilities.

RECOMMENDATION: continue to follow the bill.

Federal Legislation

House of Representatives

HR 486 (Garamendi). Sacramento-San Joaquin Delta National Heritage Area Establishment Act. This Act would establish the Sacramento-San Joaquin Delta National Heritage Area in California, and would designate the Delta Protection Commission as the management entity for the Heritage Area. The bill would require the Commission to submit a proposed management plan for the Heritage Area to the Secretary of the Interior for approval. The bill would bar approval of the management plan until the Secretary has received certification from the Commission that the Delta Stewardship Council has reviewed such plan for consistency with the plan adopted by the Council pursuant to state law.

STATUS: Introduced January 26, 2011; referred to Committee on Natural Resources; referred to Subcommittee on National Parks, Forests and Public Lands.

CONSERVANCY INTEREST: A Heritage Area designation for the Delta could be an element to the Delta Protection Commission’s Economic Sustainability Program. S. 29 is the Senate version of this bill.

RECOMMENDATION: continue to follow the bill.

Senate

S 29 (Feinstein). Sacramento-San Joaquin Delta National Heritage Area Establishment Act.
Identical to HR 486.

STATUS: Introduced January 25, 2011; referred to the Committee on Energy and Natural Resources.

CONSERVANCY INTEREST: A Heritage Area designation for the Delta could be an element to the Delta Protection Commissions Economic Sustainability Program. HR 486 is the House version of this bill.

RECOMMENDATION: continue to follow the bill.