

## Recommendations to the Conference Committee on Delta related bills, September 3, 2009<sup>1</sup> (based on proposed amendments dated September 1, 2009)

The seven goals of the *Delta Vision Strategic Plan* provide the structure for success and the current conference committee bills satisfy or can be modified to address each of the seven goals.<sup>2</sup>

**1. Legally acknowledge the co-equal goals of restoring the Delta ecosystem and creating a more reliable water supply for California.**

AB 39, section 85054 provides a definition closer to the *Delta Vision Strategic Plan* than do SB 12 or SB 458. All bills should be returned to the Delta Vision Task Force original language on co-equal goals.

**2. Recognize and enhance the unique cultural, recreational and agricultural values of the California Delta as an evolving place, an action critical to achieving the co-equal goals.**

AB 39, section 85301 is close to the *Delta Vision Strategic Plan*. SB 458 should be revised to be consistent with AB 39. Further improvements are possible by incorporating the specific strategies from the *Delta Vision Strategic Plan*.

**3. Restore the Delta ecosystem as the heart of a healthy estuary.**

AB 39 should be improved by adding numerical targets for habitat restoration, on the order of 100,000 acres by 2100 as recommended in the *Delta Vision Strategic Plan*. AB 39, section 85302, otherwise lays out elements close to the *Delta Vision Strategic Plan*.

**4. Promote statewide water conservation, efficiency and sustainable use.**

AB 49 and SB 229 are largely consistent with the *Delta Vision Strategic Plan* as is AB 39, section 85303.

**5. Build facilities to improve the existing water conveyance system and expand statewide storage; operate both to achieve the co-equal goals.**

AB 1 includes related provisions in section 85304 and section 85320 through 85322. SB 1 addresses this in section 85230. These bills would be improved by (1) clarifying the intent to complete the BDCP process and related actions needed for improved conveyance, (2) specific language on expectations for improved storage, surface and ground, (3) new language to achieve improved operations of conveyance and storage facilities, (4) provisions to expedite decisions and project completion related to contracting and CEQA, and (5) refining the powers of the Delta Watermaster. Any bond legislation should incorporate or reference these provisions and the policies articulated in the package of bills.

**6. Reduce risks to people, property and state interests in the Delta by effective emergency preparedness, appropriate land uses and strategic levee investments.**

AB 39, section 85305 incorporates many recommendations from the *Delta Vision Strategic Plan*. The bill would be improved by making clear that decisions in the Delta, including levee investments, land uses and infrastructure investments and protection, will conform to the Delta Plan. SB 4 must be revised for consistency.

**7. Establish a new governance structure with the authority, responsibility, accountability, science support and secure funding to achieve these goals.**

SB 12, sections 85200 through 85280 and AB 39, sections 85300 through 85306 address governance. These bills would be improved by: (1) different composition of Council members to ensure statewide values, through appointments by the governor with Senate confirmation, (2) strengthen language to ensure that state and local government actions must conform to the adopted Delta plan, (3) include provisions for adequate financing, including bonds and fees that support the Delta Plan, and (4) revise SB 458, making the Delta Protection Commission and Delta Conservancy provisions consistent with recommendations in the *Delta Vision Strategic Plan* and SB 12 and AB 39.

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1 . More extensive analyses and recommendations are available at: <http://www.deltavisionfoundation.org/index.php>

2 . Final report of Delta Vision Blue Ribbon Task Force, October 2008. Delta Vision was launched under Governor's Executive Order S-17-06, responsive to AB 1200, AB 1803 and SB 1574. The Delta Vision Committee (Cabinet secretaries) *Delta Vision Implementation Report* endorsed all seven goals of the Strategic Plan and supported twenty of twenty-two recommended strategies, modifying one and suggesting additional study on another, both regarding governance (December 2008).