

**Policy Proposals Make Modest
Progress Toward Implementing the
Delta Vision Strategic Plan**



DELTA VISION
FOUNDATION

www.deltavisionfoundation.org

GRADE: INCOMPLETE

Since the Delta Vision Blue Ribbon Task Force unanimously approved the Delta Vision Strategic Plan (October 2008), progress toward implementing their recommendations has been modest.

The **Delta Vision Cabinet Committee**, created by Executive Order S-17-06, supported all seven goals of the Blue Ribbon Task Force, modifying only the governance recommendations.¹

The **Governor** has not responded to the recommendations of the Delta Vision Strategic Plan or the Cabinet Committee's action. The Governor advocates water conservation, continues to support the Bay Delta Conservation Plan process and construction of improved Delta conveyance facilities--plus additional dams--but has no integrated or linked policy on overall water or Delta ecosystem problems.

In the **California Legislature**, sixteen bills related to the Task Force recommendations remain under consideration. Though some legislative bills seek to be comprehensive, the existing bills--if enacted--would not achieve the Delta Vision Strategic Plan recommendations. For example, no bill advances coherent Delta ecosystem restoration, and the financing provisions of all bills together are inadequate.

RECOMMENDATIONS

The Governor should state his position on the recommendations of the Delta Vision Task Force and the largely supportive response to those recommendations from his Cabinet Committee. The urgency of California's water supply problems and the crisis of the Delta ecosystem can be addressed by a clear statement of support for the linked and integrated recommendations proposed by the Task Force and supported by his Cabinet Committee.

The Legislature leadership should impose consistent policy direction on water and Delta ecosystem bills to achieve coherent overall water and Delta ecosystem policy this year. Legislative work groups continue to devote an impressive amount of time and intelligence to considering state water policy, energies that can be harnessed to more effective results.

¹ Delta Vision Blue Ribbon Task Force adopted the Delta Vision Strategic Plan in October 2008. Delta Vision Committee adopted their "Implementation Report" in January 2009. www.deltavision.ca.gov

SEVEN GOALS IN THE DELTA VISION STRATEGIC PLAN

1. Make the co-equal goals of water supply reliability and ecosystem restoration the legal foundation of Delta and water policy making.
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.
3. Restore the Delta ecosystem as the heart of a healthy estuary.
4. Promote statewide water conservation, efficiency and sustainable use.
5. Build facilities to improve the existing water conveyance system and expand statewide storage; operate both to achieve the co-equal goals.
6. Reduce risks to people, property and state interests in the Delta by effective emergency preparedness, appropriate land uses and strategic levee investments.
7. Establish a new governance structure with the authority, responsibility, accountability, science support and secure funding to achieve these goals.

IMPLEMENTATION BY KEY ACTORS

Administration (California)

In recent months, the Governor has been most visible linking drought and comprehensive water reform, defined as increasing storage, improving conveyance, protecting the Delta ecosystem and promoting greater water conservation. He issued an executive order declaring a statewide drought (June 2008), jointly proposed with Senator Feinstein a \$9.3 billion state bond explained largely as drought response (July 2008), joined the “California March for Water Rally” (April 2009) and urged Californians to respond to a “Save Our Water” public education campaign (April 2009).

The Governor continues to ask the Legislature to adopt a 20 percent per capita water conservation goal to be achieved by 2020, but the Legislature has not acted on that recommendation. The Governor also continues to support the Bay Delta Conservation Plan (described below), and construction of improved Delta conveyance facilities, plus additional dams, but has no integrated or linked policy on overall water and Delta ecosystem problems. The “Safe, Clean, Reliable Drinking Water Supply Act of 2009” (SB 371-Cogdill) largely incorporated the June 2008 recommendations of the Governor and Senator Feinstein into a proposed \$9.98 billion general obligation water bond bill, but failed to get a second reading in the Senate.

Bay Delta Conservation Plan (BDCP)

BDCP is structured to meet federal and state Endangered Species Act review requirements for continued exports of water from the Delta, and especially on construction of a new Delta water conveyance facility as a major contribution to satisfying the conservation requirements of those acts. BDCP seeks to satisfy the legal requirements of the federal and state endangered species acts by actions limited to the legal Delta. If successfully completed and implemented, the activities anticipated in BDCP would address Delta conveyance elements of Goal 5 and parts of Goal 3. However, successful completion of BDCP would not satisfy a single one of the seven goals recommended in the Delta Vision Strategic Plan.

United States Government

The Obama Administration offers promise of a partnership with the state on Delta and state water policy. However, it is unlikely that the federal government will rapidly develop its policy on such issues as operation of the Central Valley Project, how to deal with salt impacted lands in the Central Valley, or the complicated environmental damage to the Delta. The current federal response has been fragmented. There has been irregular progress on ecosystem and species protection. Federal review of levees is underway but far more work needs to be done. The recent commitment of federal economic stimulus funds to flood control and water supply mostly focused on improving existing infrastructure.

California Legislature

Sixteen pending bills advance some of the Task Force recommendations, in one form or another. A few come close to our comprehensive recommendations. Others omit or weaken Task Force recommendations, even when those recommendations are supported by the Cabinet Committee. Several bills relevant to the Task Force recommendations have failed to advance in the Legislature, including all “water bond” bills (SB 371-Cogdill, and SB 735-Steinberg). The bills are discussed in more detail below.

Absent strong legislative leadership there appears little chance of developing a coherent body of legislation that expresses linked and integrated state policy on water and the Delta ecosystem.

Evaluating the bills collectively against the seven goals shows both the promise of current legislation and identifies areas where further development is needed:

| GOAL | PROGRESS TO DATE, BILLS AS A SET (Discussion in following pages) |
|--------------------------|--|
| 1. Co-equal goals | Modest progress |
| 2. Delta as place | Little progress |
| 3. Ecosystem restoration | No progress |
| 4. Water policy | Some progress |
| 5. Water facilities | No progress |
| 6. Risk reduction | Little progress |
| 7. Governance | Some progress |

Particularly disappointing is the absence of a broad working understanding of the Delta ecosystem and what is needed to improve it, and equally lacking is a way to break the deadlock on improvements in the Delta water export system, or the need for additional above or below ground water storage. The financing provisions of these bills are also inadequate in all regards: the sources identified, the amounts generated, the activities funded, and in decision making over use of funds.

BROAD BILLS AND TARGETED BILLS ADDRESS SOME, BUT NOT ALL, STRATEGIC PLAN RECOMMENDATIONS

As noted above, the bills now being considered in the California Legislature address some but not all of the recommendations of the Delta Vision Strategic Plan and are deficient in important areas. Sixteen bills remain under active consideration and two additional water bond bills may again be considered. Three of the bills--SB 12, SB 229 and SB 457--are “broad,” addressing most of the goals of the Strategic Plan, and one additional “spot” bill--AB 39-- could become broad but has no specific provisions at this time. Nine bills--SB 122, SB 261, SB 460, SB 565, SB 681, AB 49, AB 300, AB 900 and AB 1408--deal with Goal 4 of the Strategic Plan, focusing on one or another dimension of water conservation, efficiency and sustainable use. AB 1165 cleans up previous legislation regarding flood control, related to Goal 6 of the Strategic Plan. Two bills--SB 458 and AB 13--deal with Goal 7 of the Strategic Plan, proposing elements of governance. Also related to the financing and governance elements of Goal 7 are two water bond bills--SB 371 and SB 735--which did not have a first committee vote, but may be revived for further consideration and possible action.

Except as addressed in the broad bills or as a feature of governance responsibilities, no legislation is pending regarding Goal 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.” Similarly, except as addressed in the broad bills, no legislation is pending regarding Goal 3, “Restore the Delta ecosystem as the heart of a healthy estuary.”

The broad bills are discussed below; then those focused on water, followed by the bills focused on governance, and closing with the two water bond bills.

BROAD BILLS

SB 12 (Simitian): This comprehensive bill addresses all seven goals of the Strategic Plan. It is especially well developed regarding water management (Goal 4) and governance (Goal 7). Most other goals would be addressed through a required California Delta Ecosystem and Water Plan, largely consistent with recommendations in the Strategic Plan, but often without specifying strategies and actions included in the Strategic Plan. The proposed Delta Ecosystem and Water Council is consistent with Strategic Plan recommendations, adding specifics on appointments and terms of Council members.

Here is the Legislative Counsel’s Digest on SB 12 (excerpted):

SB 12, as amended, Simitian. Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009.

(1) Existing law requires various state agencies to administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta. The Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 creates the Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the Sacramento-San Joaquin Delta.

This bill would enact the Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environ-

mental Improvement Act of 2009. The bill would establish the Delta Ecosystem and Water Council. The council would be required to prepare and adopt a plan referred to as the California Delta Ecosystem and Water Plan (plan) to advance the co-equal goals of restoring the Delta ecosystem and creating a more reliable water supply in California.

The council would be required to establish a goal for the adoption of the plan by December 1, 2010. If the plan is not completed by that date, the council would be required to adopt an interim strategic plan. The plan would be required to include specified components, including species protection requirements, Delta water flow and water quality requirements, and information relating to land use in the Delta.

The council would have the exclusive authority to determine the consistency of any project proposed or approved by a state agency or local government with the plan, and would be required to assume responsibility for any conservation or habitat management plan developed for the Delta, ensure that federal and state actions are consistent with the plan, receive and allocate funds to advance policies and programs related to the Delta, establish policies and procedures that ensure that the operations of water export systems are consistent with the plan, and take other action on behalf of the Delta. By authorizing the council to impose requirements on projects undertaken by local governments, the bill would impose a state-mandated local program.

The bill would authorize the council to impose a per-acre-foot fee on water diversions within the Delta watershed and a fee on any water conveyed through or around the Delta. The moneys generated by the imposition of the fee would be required to be deposited in the Delta Ecosystem and Water Fund, which would be established in the State Treasury. The moneys in the fund, upon appropriation by the Legislature to the council, would be required to be expended by the council for the exclusive purpose of carrying out the bill's provisions.

The bill would establish the California Delta Conservancy to implement the ecosystem restoration elements of the plan. The bill would establish the Delta Science and Engineering Board to carry out a Delta science and engineering program under the direction of the council.

The bill would revise the membership of the Delta Protection Commission to include one of the members of the Central Valley Flood Protection Board, or that member's sole designee. The bill would require the commission to extend invitations to specified federal agencies to participate in the activities of the commission in a nonvoting capacity. The bill would require the commission to revise its resource management plan to be consistent with the plan required to be adopted by the council. The bill would require each Delta county, as defined, and each city within a Delta county, to submit to the commission for review proposed amendments to make its general plan consistent with the commission's revised resource management plan. By imposing requirements on those counties and cities with regard to the preparation of their general plans, the bill would impose a state-mandated local program. The bill would establish a permit process for projects, as defined, requiring the commission to review and determine whether any project proposed to be carried out or approved by a local government within the primary zone is consistent with both the commission's revised resource management plan and the plan, and requiring the commission, until a Delta county or a city within a Delta county in which a project is located has adopted general plan amendments to make the general plan consistent with the commission's revised resource management plan, to review and determine whether any project proposed to be carried out or approved by a local government within the secondary zone is consistent with both the commission's revised resource management plan and the plan. The bill would make any person who undertakes a development project within the commission's jurisdiction without securing a permit from the commission guilty of a misdemeanor, thereby imposing a state-mandated local program by creating a new crime. The council would be authorized to review the general plans of those counties and cities, and to review development projects in

the primary and secondary zones for consistency with the plan adopted by the council.

While generally consistent with the recommendations of the Delta Vision Strategic Plan, and admirably encompassing all seven goals in an effective bill structure, this bill falls short of the Strategic Plan recommendations in three important areas:

1. While pursuit of the co-equal goals is incorporated appropriately in several sections of SB 12, the language is more permissive than mandatory, including “should” implement rather than “must” implement their statutory duties in a manner that advances these co-equal goals (Section 79855 (b)).
2. The extensive Strategic Plan recommendations on ecosystem restoration, encompassing five strategies and 19 actions including targets and timelines are reduced to a general inclusion of the requirement that restoring the Delta ecosystem is one of five principles or goals to guide preparation of the Delta Ecosystem and Water Plan (Section 79882(2)).
3. As illustrated in the example of ecosystem restoration, SB 12 does not usually include strategies, actions, performance goals or time lines except in the areas of water policy and governance and finance.

SB 229 (Pavley): This broad bill redefines the composition, powers and responsibilities of the existing California Water Commission, placing it in the Natural Resources Agency as a five member independent body with primary authority to implement, approve and oversee the implementation of the “Bay Delta Interim Governance Act of 2009.” In Section 80530(a), the bill specifies, “It is the policy of the state that, to the maximum extent practicable, projects and programs of state agencies that affect the Bay-Delta shall achieve the two coequal goals of ecosystem recovery and improvements to the reliability of public water supplies.”

Here is the Legislative Counsel’s digest of SB 229 (excerpted):

SB 229, as amended, Pavley. California Water Commission: Bay-Delta.

(1) Existing law establishes the 9-member California Water Commission in the Department of Water Resources and requires the commission to conduct an annual review of the progress and operation of the State Water Project and to carry out various other related functions.

This bill would revise the membership and functions of the commission. The bill would establish the commission in the Natural Resources Agency as an independent commission. The commission would consist of 5 members appointed by the Governor and subject to the confirmation of the Senate. The commission would have primary authority to implement and approve and oversee the implementation of the Bay-Delta Interim Governance Act of 2009, as described in (2). The bill would require the commission to serve as lead agency to implement projects recommended by the final environmental impact report of the Bay-Delta Conservation Plan, or delegate these responsibilities to other appropriate state or local entities.(2) Existing law requires various state agencies to carry out programs, projects, and activities on behalf of the Sacramento-San Joaquin Delta.

The California Bay-Delta Authority Act establishes in the Natural Resources Agency the California Bay-Delta Authority. The act requires the authority and the implementing agencies to carry out programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those projects, programs, commitments, and other actions that address the goals and objectives of the CALFED Bay-Delta Programmatic Record of Decision, dated August 28, 2000, or as it may

be amended.

This bill would enact the Bay-Delta Interim Governance Act of 2009 to provide for interim management and governance measures for the Bay-Delta, as defined, and to enhance the reliability of water supplies that originate in the Bay-Delta. The act would require the agency to adopt a Bay-Delta Conservation Plan for the Bay-Delta. The development and implementation of the plan would be funded through a fee established by the commission and paid by all entities that are beneficiaries, as defined, of the plan and those entities that divert water from a Bay-Delta water body. The act would require the State Board of Equalization to collect the fee and deposit the moneys collected in the Delta Governance Account, which the bill would establish. Moneys in the account would be available, upon appropriation by the Legislature, only for expenditure on projects or programs contained in the plan.

Though changing the recommendation regarding governance to modification of the existing water commission, the powers and responsibilities of that body are largely consistent with the Delta Vision Strategic Plan. Some provisions of the bill are not well explained in the digest above. The Natural Resources Agency would be charged with developing and adopting a “Bay-Delta Conservation Plan” that is consistent with the Natural Community Conservation Planning Act and the California Environmental Quality Act, but shall also include other “interim” issues, including, but not limited to, transportation, utilities, recreation, water supply and flood control. The commission would establish a fee paid by beneficiaries of the plan and those who divert water from a Bay-Delta water body. Expenditures would be limited to projects or programs included in the plan. Plan projects could also be funded by general obligation bonds enacted before January 1, 2010, or subsequent general obligation or revenue bonds. These provisions broaden the reach of the proposed plan and add accountability provisions through linkage of the plan to funds.

SB 229 also requires the revised commission to recommend at least one individual to “serve as a watermaster who shall be charged with the responsibility of enforcing all statutory provisions that are relevant to successful implementation of the Bay-Delta Conservation Plan or the interim governance plan.” This is a different approach to the compliance dimensions of water use policies than recommended in the Delta Vision Strategic Plan.

While generally consistent with the intent of the Delta Vision Strategic Plan, the bill suffers weaknesses when assessed against the Strategic Plan:

1. The bill does not address many goals of the Strategic Plan, being silent in regard to Goals 2, 3, 4, 5 and 6, except as they may be incorporated into development of the plan under the Bay Delta Conservation Plan, any modifications to the CALFED Bay-Delta Programmatic Record of Decision, or as an “interim” issue.
2. The extensive Strategic Plan recommendations on ecosystem restoration, encompassing five strategies and 19 actions including targets and timelines, are not mentioned and the reduced set of ecosystem restoration activities expected to result from the Bay Delta Conservation Plan becomes the focus of implementation in this bill.
3. In general, SB 229 does not include strategies, actions, performance goals or time lines.
4. The meaning of an “interim” plan is not specified.

SB 457 (Wolk): This comprehensive draft bill intends to require development of a “Delta Stewardship Plan” intended “to achieve the primary goals of Delta Vision” (Section 27300(d)). The Plan would be developed by the Delta Protection Commission but adopted by the Delta Stewardship Council. In general, this bill gives lead responsibilities to the Commission but requires it to act consistent with a Council approved plan.

Here is the Legislative Counsel's digest of SB 457 (excerpted):

SB 457, as amended, Wolk. Sacramento-San Joaquin Delta.

Existing law requires various state agencies to carry out programs, projects, and activities on behalf of the Sacramento-San Joaquin Delta.

The Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 creates the 23-member Delta Protection Commission and requires the commission to prepare and adopt a comprehensive long-term resource management plan for specified lands within the Sacramento-San Joaquin Delta. That act establishes a primary zone where further development is barred and a secondary zone surrounding the Delta where development may proceed under certain conditions.

The California Bay-Delta Authority Act establishes in the Natural Resources Agency the California Bay-Delta Authority. The act requires the authority and the implementing agencies to carry out programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those projects, programs, commitments, and other actions that address the goals and objectives of the CALFED Bay-Delta Programmatic Record of Decision, dated August 28, 2000, or as it may be amended.

This bill would create a nine member Delta Stewardship Council in the Natural Resources Agency with specified powers and responsibilities relating to the Delta, including approving the Delta Stewardship Plan to guide and shape management of the Delta. The bill would require the commission to present the council with a draft plan on or before October 1, 2010. The bill would require the council to adopt the plan on or before January 1, 2011. The bill would require the council to review, and if necessary, amend the plan at least every five years.

The bill would require the council by March 1, 2010, to appoint a Delta Science and Engineering Board and create a Delta Science and Engineering Program. The bill would state the intent of the Legislature that the Delta Science and Engineering Program be a replacement for, and a successor to, the CALFED Science Program, with specified responsibilities, and that the Delta Science and Engineering Board be a replacement for the CALFED Independent Science Board.

The bill would require the commission to require all general plans of cities and counties within the Delta, and the resource management plan, to be consistent with the Delta Stewardship Plan, thereby imposing a state-mandated local program on cities and counties. The bill would require the commission to revise all of its plans and policies to be consistent with the Delta Stewardship Plan, to review and certify all city and county general plans for consistency with the resource management plan and the Delta Stewardship Plan, to exercise appeal authority over actions taken by a local government or other local agency in the primary zone, to review, hold public hearings and receive testimony, and provide recommendations to the council on all proposed projects subject to approval by the council, and develop a regional economic development plan. The bill would require the council to determine appeals from the commission on water conveyance and storage project decisions.

The bill would create the Delta Stewardship Fund and would require the commission to deposit in the fund any moneys received from federal, state, local, and private sources for Delta stewardship. Moneys in the fund would be available, upon appropriation, for regional economic development consistent with the Delta Stewardship Plan.

While stating the intention to implement the Delta Vision Strategic Plan and incorporating language from the Strategic Plan at various points, this bill departs from that plan in important ways:

1. The co-equal goals become “primary” but not required (Section 27000(a) and Section 27301 (b))
2. There is no requirement for an ecosystem restoration plan, though recommended “management” actions to improve the ecosystem may be developed in the adaptive management processes (Section 27303(e)(3))
3. As with SB 12, SB 457 does not usually include strategies, actions, performance goals or timelines.

AB 39 (Huffman): This is a one page “spot” bill declaring the intent to “require the California Delta and Ecosystem Water Council to prepare a plan to implement the Delta Vision Strategic Plan issued by the Delta Vision Blue Ribbon Task Force in October 2008, and to submit that plan to the Legislature before January 1, 2011.”

GOAL 4

Promote statewide water conservation, efficiency, and sustainable use.

SB122 (Pavley): This bill focuses on ground water monitoring in basins and sub basins identified in DWR Bulletin No. 118. Local groundwater interests would have the responsibility for monitoring and reporting with the Department of Water Resources directed to do so in the absence of local reports. The Department is charged with reporting findings regarding pumping, recharge and overdraft to the Governor and Legislature not later than January 1, 2012 and thereafter in years ending in 5 and 10.

SB261 (Dutton and Ducheny): This bill focuses on urban water use efficiency. Regional water management groups would develop and implement a “water use efficiency and efficient water resources management plan” to reduce residential potable water use. Incentives are provided by awarding preference points in selected competitive grant programs of the State Water Resources Control Board and Department of Water Resources.

SB 460 (Wolk): This bill seeks to achieve a 20 percent reduction in urban water use by 2020, and also to achieve greater efficiency in use of water by agriculture. The bill would achieve its purposes by requiring local or regional management plans for both urban and agricultural water use, and compiling those data into statewide information. A water supplier who failed to develop and submit the required plans is ineligible to receive specified funds.

SB 565 (Pavley): Increased wastewater recycling is the goal of this bill, with a goal of ensuring that at least 50 percent of wastewater discharged into the ocean in 2009 is recycled and put to beneficial use by 2030. The State Water Resources Control Board is assigned responsibility for achieving this result and authorized to establish a fee to support the program on all wastewater discharges directly to the ocean.

SB 681 (Pavley): This bill improves and strengthens the collection of information on water diversion and use by the State Water Resources Control Board. The bill grants additional powers and remedies to the Board (e.g., to initiate determination of water rights on a stream or issue an interim relief order on its own motion or upon petition by an interested party). It also removes exemptions from requirements to report water diversion and use, establishes legal consequences for failure to file or inaccurate filings regarding water diversion and use, and increases penalties for failures to file or for violations of permits.

AB 49 (Feuer and Huffman): Water conservation in all sectors is the goal of this bill. The bill establishes a goal of 20 percent reduction in urban water use per capita by 2020, and interim targets for savings in 2015, largely relying on established programs and incentives in existing funding. The bill additionally would create an information and management system for water use in agriculture, including standardized information collection and processes to identify and encourage use of best management practices.

AB 300 (Caballero): Although water use implications of decision making regarding proposed subdivisions was not specifically identified in the Delta Vision Strategic Plan, improvements in water conservation at the community level is wholly consistent with the Strategic Plan. This bill encourages increased water conservation on subdivisions of greater than 500 units (or any subdivision of greater than 10 percent of connections in a district with fewer than 5000 connections). The bill includes requirements that reliable water supply be demonstrated, including demonstrated reliable water supply from any groundwater sources.

AB 900 (De Leon): This bill removes statutory exemptions from reporting diversions of water within the Delta.

AB 1408 (Krekorian): This bill modifies the requirement that a proposed subdivision demonstrate adequate reliable water supply. Instead, subdivision projects would seek at least 100 percent of the projected demand for water use in a proposed subdivision through a “Demand Mitigation” process, run by the public water system serving the proposed subdivision.

GOAL 7

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

SB 458 (Wolk): This bill creates a Sacramento-San Joaquin Delta Conservancy in the Natural Resources Agency, governed by 11 voting members, with an additional four nonvoting members specified. The proposed Conservancy is intended to “support efforts that advance both environmental protection and the economic well-being of Delta residents in a complementary manner,” including nine specified activities, but has no powers to initiate or compel any enumerated activity. The Conservancy can receive appropriated funds. Within two years of hiring an executive director, the Conservancy is to create and adopt a strategic plan consistent with the Resource Management Plan developed by the Delta Protection Commission and the Central Valley Flood Protection Plan.

AB 13 (Salas): The bill creates the Sacramento-San Joaquin Delta Conservancy in the Natural Resources Agency, governed by 11 voting members. The primary purpose of the Conservancy would be to restore, maintain and enhance Delta ecosystems consistent with the comprehensive Delta sustainability plan adopted by the Delta Ecosystem and Water Council. The Council would have final authority over management of an interest in lands by the Conservancy. The Conservancy could receive appropriated funds or accept funds provided by participants in the Bay Delta Conservation Plan or other habitat conservation plans, or gifts, donations, bequests and other funds. The Conservancy has no powers of eminent domain.

WATER BOND BILLS

SB 371 (Cogdill): Proposes a \$9,980,000,000 general obligation bond, the “Safe, Clean, Reliable Water Supply Act of 2009.” Specifies the allocation of funds among several purposes:

- Integrated regional water management, \$1.5 billion allocated in determined amounts among hydrological regions
- Local and regional conveyance projects that support regional and interregional connectivity and water management, \$500 million
- Local and regional drought relief, \$125 million
- Projects that provide public benefits and support Delta sustainability options, \$700 million
- Projects that protect and enhance the sustainability of the Delta ecosystem, \$1.2 billion, linked to projects of the Bay Delta Conservation Plan and “native fisheries projects that are consistent with the findings of the Blue Ribbon Task Force” and other projects, including acquisition of water rights
- Public benefits associated with water storage projects that improve the operation of the State Water Project, \$3 billion, continuously appropriated, for specified projects including Cal Fed surface storage projects and ecosystem improvements, among others
- For ecosystem and watershed protection projects in specified watersheds and further allocated among state agencies (e.g., Department of Fish and Game, State Coastal Conservancy), \$1 billion
- Projects to prevent or reduce ground water contamination, \$360 million
- And additional allocations for specified purposes (e.g., \$90 million through State Department of Public Health for disadvantaged communities, \$200 million through State Water Resources Control Board for small community waste water treatment projects, and \$500 million for water recycling projects)

SB 735 (Steinberg): Proposes a \$9,785,000,000 “Safe, Clean, and Reliable Water Supply Act of 2010” as a general obligation bond. Includes authority for the Department of Water Resources to establish and impose fees on water users in the state, with the proceeds of the fee funding the Department and reimbursing the General Fund for debt service payments on bonds issued under this act. This bill also specifies allocations to various purposes, but sometimes with more responsibility to meet broader state policies than does SB 317.

For example:

For Delta sustainability, \$1.9 billion, allocated under a comprehensive Delta Sustainability Plan developed by the Natural Resources Agency, taking into consideration the Delta Vision Blue Ribbon Task Force and Bay Delta Conservation Plan recommendations. However, the same language is found regarding “native fisheries restoration projects that are consistent with the recommendations of Blue Ribbon Task Force.” (Section 79731(b)(1)).