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2009 Delta Legislative Package

Summary

Seventh Extraordinary Session of 2009-10

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The following is a comprehensive summary of the key provisions of the Delta Water Package, the bills that were passed by both houses of the Legislature in the early morning hours of November 4, 2009. The Delta Water Package (SBX7 1, SBX7 2, SBX7 6, SBX7 7, and SBX7 8) is a body of work exemplifying the principles and policies of lengthy negotiations between a wide-ranging and exceptionally large group of stakeholders. It is the final revision of those discussions, and is the legislation that will become law as of February 2, 2010. Please see below for an analysis of each of the bills, and don't hesitate to contact ACWA's Legislative Department for further information.

SBX7 1 (Simitian): Policies, Programs, and Governance for the Sacramento-San Joaquin Delta.

Delta Vision Process:

In 2006, as called for by the ACWA Blueprint, legislation was passed by the Legislature and signed into law by the Governor requiring the development of a new vision for the Sacramento-San Joaquin Delta. SB 1575 by Senator Sheila Kuehl required a cabinet committee to present recommendations to the Legislature and Governor for a new and comprehensive vision for the Delta. In response, the Governor created the Delta Vision Blue-Ribbon Task Force to advise the Cabinet Committee. The Task Force, comprised of experts in water policy, produced a Strategic Plan and submitted it to the Cabinet Committee in October 2008. The Cabinet Committee largely adopted the Plan and submitted their slightly modified recommendations to Legislature and Governor on January 3, 2009. Over the past 10 months the Legislature has held numerous hearings on the Delta Vision and a set of five bills, including this one, were introduced to address various aspects of the Plan. In August, policy committees in both houses held hearings on the topics in these bills, which ultimately led to the Governor's call for an extraordinary session to focus only on the "Delta Package." The following describe the key aspects of SB 1 X7.

A New Legal Framework for the Delta:

The Delta Vision process spent more than 18 months investigating the Delta, engaging agencies and stakeholders, and considering the Delta's unique challenges, as well as prospects for change. The Task Force's first recommendation was to change the fundamental legal framework for the state to make decisions as to its activities in the Delta-which is the premise of the "coequal goals." The bill creates a new framework to be implemented that directs how the state should approach future decisions and remedy inherent conflict.

Scope of the Delta:

The Task Force also recommended definition of the confines of the Delta. This bill defines the Delta to include both the legally defined Delta as well as the Suisun Marsh. Both currently have separate legal protections in existing law; however they operate as a single system particularly for ecosystem purposes. Suisun Marsh's existing statutory protection is retained under this bill, but it brings public agency activities under the auspices of the Delta Stewardship Council and the Delta Plan (discussed below). The

intent is that this will ensure that the two areas act as the natural estuary system that they physically comprise. However, despite the broadening of the legal Delta, the bill narrows the focus of the ecosystem restoration to only the current Delta and the newly included Suisun Marsh. Ecosystem projects outside of the Delta will only be subject to the Delta plan consistency requirements if the Council finds the project contributes to the achievement of the coequal goals. The Conservancy is similarly limited in its focus (discussed below).

Effect on Existing Legal Protections:

This bill protects certain existing legal protections that currently exist in statute. These are contained in the several “savings” sections of the bill that protect statutes relating to water rights and other legal protections from any implied changes by the bill. These sections were included to ensure the continued effectiveness of various water law principles that protect other water right holders, particularly those upstream of the Delta. This includes “area of origin” protections, the “no injury” rule for all “legal users of water,” and the domestic use preference. Included in these saving sections are SWRCB jurisdiction and preservation of regulatory authority generally.

Early Actions:

The bill identifies a series of actions that existing and new agencies need to take as soon as possible—in other words, prior to the Council’s development and adoption of its new Delta Plan. While some actions are administrative, many are substantive protects for the Delta Ecosystem and /or water supply reliability. The early actions piece of the bill is a response to the current and existing crisis, and reflects necessary projects that can’t wait until the completion of the Plan.

Flow Requirements:

Of the early actions specified in the bill, one key action is the development of “flow criteria” by the SWRCB. The new legal concept of flow criteria is different from the federal water quality concept of water quality “criteria,” and state “flow objectives.” The legal concept of flow criteria established by this legislation reflects the state exercising its public trust authority to determine what the Delta needs before completing plans for fundamental change to the nature of the Delta, as envisioned by the BDCP. Any flow criteria established for the Delta ecosystem are not to be considered “predecisional.” This word means that flow criteria do not predetermine how any future issue will be decided in any proceeding before the SWRCB. Nor will any flow criteria establish any obligations on other parties outside of the BDCP process. Further, to transform any criteria into “flow objectives” as defined in the Porter-Cologne Water Quality Control Act would require further proceedings pursuant to existing law, as defined in *United States v. State Water Resources Control Board*, 182 Cal.App.3d 82 (1986). The Court’s decision established a two-step process for developing flow objectives and then allocating responsibility for those objectives among water rights holders. Newly established “flow criteria” may be used for a foundation for developing water quality objectives, but the SWRCB will continue to be required to follow the entire two-step process as defined by the Supreme Court.

As stated above, flow criteria are not to be predecisional, therefore they do not require a particular outcome in future proceedings. Their development does not have the effect of a regulatory standard, and they do not affect the legal burden of proof. Because the development of the flow criteria does not amount to a determination as to how future issues shall be decided, a board or staff member is not required to avoid participation in the development of the criteria in order to avoid the appearance of prejudging issues that may later be heard before the Board.

The suggestion that upstream users will be responsible for complying with any established flow criteria, while valid, is not likely to come to fruition. The focus on use of flow criteria in early Delta planning efforts, specified processes for developing flow criteria, and the savings clauses contained in the legislation ensure consistent legal protection for upstream water users without rewriting water law to focus protections on specific concerns.

The Delta Stewardship Council:

SB 1 changes existing statute and policy by the creation of a Delta Stewardship Council, comprised of seven voting members. The Stewardship Council is intended to do just that—provide stewardship and guidance over Delta policy and programs in the years to come. Members of the Council would be required to possess diverse expertise and reflect a statewide perspective. However, this bill also designates the chair of the Delta Protection Commission as a voting member of the Council, *ex officio*. Council members would have for or six-year terms, with subsequent four-year terms. Membership will be determined by several different entities, and will include one regional representative from the Delta. Members shall be confirmed by the Senate to ensure that the Governor’s appointees fairly balance different interests and reflect different expertise. In addition, both houses of the Legislature may appoint one member to the Council.

Consistency:

The foundational breakthrough of this bill is the requirement that a comprehensive Delta Plan be developed and implemented by the Council that shall be focused on the two coequal goals of water supply reliability and ecosystem restoration. Several standards must be utilized during development of the Plan, such as use of best available science. Under the requirements of the Plan, state and local agencies will be required to conform to its parameters when proposing and implementing so-called “covered actions,” or those actions that are regulated by the Delta Plan. Agencies proposing a covered action must submit certifications of the project’s consistency with the Plan, and the Council is charged with determining if in fact there is consistency. If the Council finds issues of inconsistency, the proponent must amend and resubmit a new certification if they plan on moving forward with their proposed project.

The Council's role in developing and enforcing consistency with the Delta Plan will provide a critical component of crafting long-term state policy for the Delta. As the Delta Vision Task Force noted, more than 200 federal, state and local agencies have authority

in the Delta. State policy often has made competing demands on Delta resources, which has led to gridlock between agencies while determining how to proceed. The Council is charged with providing some coherence to how the State manages important water and environmental resources in the Delta.

Inclusion of Bay-Delta Conservation Plan:

It is required under this bill that the Council *consider* the BDCP for inclusion into the larger Delta Plan, but conditions state funding and incorporation of BDCP on the Department of Fish and Game's approval of the plan as a Natural Community Conservation Plan, as well as the completion of the CEQA process for the BDCP.

Levees and Flood Protection:

A major tenant of the Delta Plan is the requirement that it "reduce risks to people, property, and levee investments." The Plan must include recommendations for priorities for state investment in levees. These recommendations, in combination with the Council's authority to ensure state agencies act consistently with the Delta Plan, are intended to ensure that levee spending reflects the above priorities.

Covered Actions:

The definition of "covered action" has four factors for determination. The first factor for that determination is that the project "will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh." Actions that outside the legal boundaries of the Delta (including Suisun Marsh), such as upstream diversions, will not be covered actions and, therefore, not subject to certification and consistency review by the Council. The remaining three factors for determination are whether a plan, or project as defined in Section 21065 of the Public Resources Code (2) will be carried out, approved, or funded by the state or a local public agency, (3) is covered by one or more provisions of the Delta Plan, and (4) will have significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and state interests in the Delta.

If the project "occurs" in the Delta, it still may not be a "covered action" because an exemption may apply. The first exemption applies to "regulatory actions," in order to clarify that the Council does not have authority to countermand a regulatory determination, such as a water right or water quality order or a determination under the California Endangered Species Act. This exemption reaffirms the intent of the bill that the Council does not become a "super-regulator" that can trump regulatory decisions of other agencies. Other exemptions include:

- 1) Regional transportation plans are exempt.
- 2) "Grandfather" certain existing activities in the Delta, or activities that have completed the CEQA process by the time the Council adopts the Delta Plan.
- 3) Allow continued "routine maintenance and operation" of Delta facilities.
- 4) Support sustainable land-use planning under state law.

Delta Protection Commission:

The bill reshapes the DPC with the intention of making it stronger and a more cohesive voice for the interests of those who live and work in the Delta. A majority of the membership will come from the Delta, and the DPC Chair shall represent a county board of supervisors as well as sit on the Delta Stewardship Council as an *ex-officio* voting member. The reformed DPC will have responsibility for developing a Delta economic sustainability plan and the Delta Investment Fund. The DPC will also study and recommend whether to change the boundaries of the Delta's existing Primary Zone. It will continue to retain the authority to consider appeals of land-use decisions within the Primary Zone.

Delta Conservancy:

The structure of the newly created Delta Conservancy was developed in close connection with a group of in-Delta stakeholders, particularly the five Delta counties. The Conservancy's Board reflects the Delta Counties' request that each board of supervisors have one representative out of the 11 total members, which is just under a quorum. The Conservancy will have the dual role of ecosystem restoration and economic development. The Conservancy will be considered a state agency, "to work in collaboration and cooperation with local governments and interested parties." Previous conservancies have been created with the primary purpose of conserving, restoring, or enhancing natural resources. However, the Delta Vision Task Force recommended the creation of a conservancy "for implementing and coordinating Delta ecosystem enhancement and related revitalization projects." Therefore, statute does not set ecosystem restoration as the conservancy's primary mission.

Delta Watermaster:

This bill includes a provision that requires SWRCB to appoint a Delta Watermaster. This version, however, is much narrower than the proposal in the August pre-print version, which had broader authority. The Watermaster in this bill acts by delegation of authority from the SWRCB. It is SWRCB's enforcement - not adjudicatory - officer, with specified delegated authorities. The Watermaster's jurisdiction is limited to diversions in the Delta and conditions on permits that relate to conditions in the Delta.

Delta Science Program:

This legislation establishes a "Delta Independent Science Board" and science program, molded closely after the successful CALFED-Bay-Delta science program. The CALFED program has received acclaim for success as an effective and *independent* science program despite criticism associated with CALFED's general failure to address the Delta's crisis. The program contained in this bill adopts and succeeds the CALFED program.

SBX7 6 (Steinberg): Groundwater

SBX7 6 establishes a groundwater monitoring program that allows local entities to voluntarily propose to be designated by the Department of Water Resources (department) as groundwater monitoring entities for the purposes of monitoring and reporting groundwater elevations in all or part of a basin or subbasin. The intent of the program is to have a systematic monitoring and public reporting of groundwater elevations (i.e., distance from surface to water) in all groundwater basins and subbasins. Groundwater elevation monitoring will begin on January 1, 2012, and the information is to be made readily available to the public. The elements of the program are as follows:

Local agencies eligible for groundwater monitoring include:

- a) A water master or water management engineer.
- b) A groundwater management agency.
- c) A water replenishment district.
- d) A local agency managing all or part of a groundwater basin or subbasin.
- e) A county that is not managing all or part of a basin or subbasin pursuant to a legally enforceable groundwater management plan.
- f) A voluntary cooperative groundwater monitoring association.

A local agency that is interested in being designated a groundwater monitoring agency will have until January 1, 2011 to provide the pertinent information to the department. The measure authorizes the department to make recommendations for improving an existing monitoring program, and to require additional monitoring wells under certain circumstances. The department would be required to fund any additional monitoring wells it deems necessary. On or before January 1, 2012, the department shall identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin.

The department would be required to perform groundwater monitoring functions under circumstances where there is no voluntary monitoring agency and there has been an established need for groundwater monitoring set by the department,

The penalty an entity faces for failing to comply with groundwater monitoring requirements under this bill will result in a prohibition to receiving any state water grants or loans. The funding prohibition ends when the county or a local agency implements groundwater monitoring requirements. Also, agencies that provide documentation designating their entire service area as a disadvantaged community are exempt from the penalty for failing to meet the groundwater monitoring requirements.

Under the monitoring program of this bill, the department is not authorized to enter private property or to require private property owners to submit groundwater monitoring information.

SBX7 7 (Steinberg): Water conservation.

SBX7 7 contains the water conservation element of the Delta Package. This bill establishes a statewide water conservation program that requires achievement of a 20% reduction in urban per capita water use in California by 2020.

Urban Retail Water Supplier:

SBX7 7 requires the state to achieve a 20% reduction in urban per capita water use in California on or before December 31, 2020, with incremental progress of at least 10% by 2015. Urban retail water suppliers are required to develop urban water use targets and interim water use targets by July 1, 2011.

Flexibility

This bill provides several options for how water agencies can achieve higher levels of water conservation but requires those options to meet a per capita reduction in water use. The bill sets the "20 by 2020" target (and the interim 2015 target) for the entire state and then allows water agencies to choose one of four methods for determining their own water-use target for 2020. These options are designed to address the regional diversity of water use practices, climate, history of investment in water conservation, and reductions in urban water use. Water suppliers also can choose to join with a broader group of suppliers to meet the targets regionally. Finally the bill provides urban water suppliers with the option of shifting more water use to recycled water to meet their targets. The four methods are:

- A 20% reduction in baseline per capita use.
- A combination of efficiency standards for residential indoor use, which is 55 gallons per capita daily, residential outdoor use (Model Water Efficient Landscape Ordinance); and a 10% reduction in commercial, industrial, and institutional use.
- A 5% reduction from DWR targets for applicable region.
- A method yet to be developed by the Department, using a public process, that will be reported to the Legislature by December 31, 2010.

Commercial, Industrial, and Institutional Water Management:

This bill restricts urban water suppliers from imposing conservation requirements on process water, except in water shortage emergencies. Other sections of the proposal address other CII concerns, including requiring urban water suppliers to avoid disproportionate impacts on any one sector and requiring an open transparent process for all water customers to review and provide input into the water supplier implementation plan. The bill also does not mandate conservation requirements or targets in the bill for CII.

Agricultural Water Management:

For agricultural water management, this bill relies on implementation of efficient water management practices (EWMPs) for water use, which have been developed, at least in

part, by the Agricultural Water Management Council (AWMC). The bill creates two EWMP categories: "critical" that all agricultural water suppliers (i.e., measurement and quantity based pricing structures) must implement and "additional" EWMPs that must be implemented if the measures are locally cost effective and technically feasible. "Additional" EWMP's consist of a wide range of activities from finding alternate uses for land with exceptionally high water use to incentive pricing structures. The two mandatory EWMPs are already required of all federal water contractors (e.g., Westlands WD and Friant WA) since 1992 under the Central Valley Project Improvement Act.

The Department is required to propose new statewide targets for regional water resources management practices, such as recycled water, brackish groundwater desalination, and infiltration and direct use of urban stormwater runoff by January 1, 2011. In addition, DWR is required to develop a standardized water use reporting form to meet the water use information needed to comply with conservation targets and best management practices.

Agricultural Water Management Plans

This bill reauthorizes dormant provisions of the Water Code that require agricultural water suppliers to prepare agricultural water management plans. This bill places agricultural water suppliers on an equal footing with urban suppliers who have been required to prepare and submit water management plans for approximately 15 years. This bill defines agricultural water suppliers as those with 10,000 acres of irrigated land, but exempts from the bill's requirements any supplier serving less than 25,000 acres of irrigated land if the state does not provide funding for implementation. Each supplier is required to adopt a plan on or before December 31, 2012, update the plan by December 21, 2015, and every five years thereafter. However implementation of an agricultural water management plan does not require the implementation of water conservation programs or practices that are not locally cost effective.

An agricultural water management plan shall include descriptions of the following:

- **The supplier and its service area**, including information related to the size and location of the service area and facilities, terrain and soils, climate, operating rules and regulations, water delivery measurements or calculations, water rate schedules and billing, and water shortage allocation policies.
- **The quantity and quality of water resources**, including surface water supply, groundwater, other supplies, source quality monitoring practices, various uses of water, drainage from the service area, water accounting, and overall water supply reliability.

Like urban water suppliers, agricultural suppliers can meet the requirements of an agricultural water management plan by implementing its own urban water management plan or by participating in an area-wide, regional watershed or basin wide management plan, if those plans meet or exceed the requirements of this bill. Prior to plan adoption, the supplier must make the proposed plan available for public inspection and comment at a public hearing. Following adoption or revision, the supplier must supply a copies of the

plan to a variety of state and local agencies, including the department and local governmental entities. Finally, CEQA does not pertain to agricultural water management plan, and those suppliers who choose not to comply with implementation of a plan are not eligible for grants or loans from the state.

Sustainable Water Management:

This bill requires DWR to develop incentives for sustainable water management and alternative water supplies such as brackish water desalination and stormwater recovery.

SBX7 8 (Steinberg): Water diversion and use: reporting: resources: Disaster Preparedness and Flood Prevention Bond Act of 2006: Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

This bill requires all in-Delta diverters to record and report all diversions, regardless of method or volume of their diversion, to SWRCB. Historically, Delta diversions were exempt from water diversion reporting requirements, which date back to 1965, due to their distinct nature. However, as discussion of the need for greater information on water diversions has developed, it has been determined that there is a need for information on all diversions. In October 2008, the Delta Vision Strategic Plan issued by the Delta Vision Blue Ribbon Task Force, confirmed that need, noted the uncertainty of Delta decision-making without accurate reporting, and recommended repeal of the Delta's reporting exemptions. The cabinet-level Delta Vision Committee concurred in that recommendation to the Governor.

Delta Reporting Exemptions:

This bill repeals provisions in current law that exempt in-Delta diverters from reporting requirements. These diverters will be required to begin monitoring and reporting as soon as January 2011, rather than 2012 for other diverters. Previous legislation, AB 1404 (Laird) of 2007, exempted in-Delta users from post-2012 requirements to provide monthly reports of water diversions. The lack of reporting on in-Delta diversions (other than CVP/SWP diversions) has resulted in very little information on the quantity and timing of diversions within the region. By contrast, the CVP/SWP diversions are tracked with precision, and thus there exists a wealth of information on such diversions.

Levee Bond Appropriations:

In November 2006, voters approved a substantial amount of bond funding for watershed protection and Central Valley flood protection, including improvements to Delta levees. This bill relies on bond funding approved by voters in Propositions 1E (legislative bond) and 84 (initiative bond) to address address an urgent issue that was not foreseen in 2006 - the current drought - but the purposes of these appropriations were nevertheless authorized for bond funding.

Water Rights Fund Appropriation:

This bill includes a \$3.75 million appropriation from the Water Rights Fund, which is funded by fees on water right holders to support operation of the Water Rights Division of the SWRCB.

SBX7 2 (Cogdill): Safe, Clean, and Reliable Drinking Water Supply Act of 2010.

Total: \$11,140,000,000

Chapter 5: Drought Relief

- ✓ **\$190M:** for planning, design, and construction of local and regional drought relief projects that reduce impacts of drought conditions, including the impacts of reductions of in-Delta diversions.
Eligible projects: water conservation and efficiency projects including installation of water efficient fixtures, water recycling and related infrastructure, groundwater cleanup, local and regional conveyance projects, local and regional water supply reliability projects, and local and regional surface storage projects that provide emergency water supplies and supply reliability. Projects must be operational within two years of receipt of grant money.
 - **\$100M:** Local and regional surface storage projects that provide emergency water supplies and supply reliability in drought conditions in San Diego County.
- ✓ **\$90M:** Grants for drought relief projects and programs in disadvantaged and economically distressed communities experiencing economic impacts from drought.
- ✓ **\$75M:** State Water Resources Control Board (SWRCB) for grants for small community wastewater treatment projects.
- ✓ **\$80M:** Deposit to the Safe Drinking Water State Revolving Fund.
 - **\$8M:** City of Maywood, Ca, for water supply infrastructure upgrades that provide safe drinking water
- ✓ **\$20M:** Water quality and public health projects on the New River.

TOTAL: \$455M

Chapter 6: Water Supply Reliability:

- ✓ **\$1.05B:** for water supply reliability projects in specified hydrologic regions: Of these funds, not less than 10% shall be allocated to disadvantaged communities.
 - North Coast: \$45M
 - San Francisco Bay: \$132M
 - Central Coast: \$58M
 - Los Angeles subregion: \$198M
 - Santa Ana subregion: \$128M
 - San Diego subregion: \$87M

- Sacramento River: \$76M
 - San Joaquin River: \$64M
 - Tulare/Kern: \$70M
 - North/South Lahontan: \$51M
 - Colorado River Basin: \$47M
 - Mountain Counties Overlay: \$44M
 - Interregional: \$50M
 - \$10M: Grant to the University of California, Sierra Nevada Research Institute for development and deployment of measurement infrastructure and related technology to identify and analyze water supply impacts of climate change on the Sierra Nevada snow pack and runoff.
- ✓ **\$350M:** construction of local and regional conveyance projects that support regional and interregional connectivity and water management. Projects shall be consistent with an adopted regional water management plan.

Total: \$1.4B

Chapter 7: Delta Sustainability

- ✓ **\$750M:** Delta sustainability projects that provide public benefits, including grants to Delta counties and cities within the Delta.
Eligible projects: water supply stability in the event of catastrophic levee failure, preservation of economically viable and sustainable agriculture, drinking water quality, improvements to levee and flood control facilities, physical improvements to create water flow and water quality conditions to provide adequate habitats, etc. (Section 79731)
- **\$50M:** Earmarked for matching grants for improvements to wastewater treatment facilities upstream of the Delta.
 - **\$250M:** Assistance for Delta local governments and local agricultural economies due to loss of productive agricultural lands for habitat and ecosystem restoration within the Delta.
- ✓ **\$1.5B:** Delta ecosystem sustainability projects.
Eligible Projects: development and implementation of the Bay-Delta Conservation Plan, protection and restoration of native fish and wildlife dependent on the Delta ecosystem, including acquisition of water rights, projects to reduce greenhouse gas emissions from Delta soil, reduction of impacts of mercury contamination of the Delta and its watersheds, scientific studies and assessments that support above projects.

Total: \$2.25B

Chapter 8: Statewide Water System Operational Improvements

- ✓ **\$3B (continuously appropriated):** public benefits associated with water storage projects that improve the operation of the state water system.
 - **Public Benefits defined as:**
 - Ecosystem Improvements, including changing the timing of water diversions, improvement in flow conditions, temperature or other benefits that contribute to restoration of aquatic ecosystems and native fish and wildlife, including those ecosystems and fish and wildlife in the Delta.
 - Water quality improvements in the Delta, or in other river systems, that provide significant public trust resources, or that clean up and restore groundwater resources.
 - Flood control benefits, including, but not limited to, increases in flood reservation space in existing reservoirs by exchange for existing or increased water storage capacity in response to the effects of changing hydrology and decreasing snow pack on California's water and flood management system.
 - Emergency response, including, but not limited to, securing emergency water supplies and flows for dilution and salinity repulsion following a natural disaster or act of terrorism.
 - Recreational purposes, including, but not limited to, those recreational pursuits generally association with the outdoors.

Eligible Projects: Surface storage projects identified in the CALFED Bay-Delta ROD, excluding the expansion of Shasta Reservoir, groundwater storage and contamination prevention or remediation projects that provide storage benefits, conjunctive use and reservoir reoperation, local and regional surface storage projects that improve operation of state water systems and provide public benefits.

Total: \$3B

Chapter 9: Conservation and Watershed Protection

- ✓ **\$1.785B:** for ecosystem and watershed protection and restoration projects including those in listed regions. (Section 79750(a)-(u)), of which:
 - **\$250M:** State Coastal Conservancy, of which:
 - \$40M: for San Diego County, of which not less than \$20M in grants to the San Diego River Conservancy.
 - \$40M: for the Santa Ana River Parkway
 - \$20M: Bolsa Chica wetlands and adjacent uplands.
 - **\$100M:** Wildlife Conservation Board for acquisition of water rights, and the conveyance of water for the benefit of migratory birds on wildlife refuges and wildlife habitat areas.

- **\$215M:** Wildlife Conservation Board for protection or restoration of watershed lands or rivers and streams that support species listed as threatened or endangered, of which:
 - \$25M: San Joaquin River Conservancy for river parkway projects.
 - \$20M: Ventura County watershed protection projects that reduce fragmentation of habitats by promoting linkages of existing public lands.

- **\$75M:** San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for projects identified in the Los Angeles River Revitalization Master Plan.
- **\$75M:** Santa Monica Mountains Conservancy for implementation of watershed protection activities throughout the upper Los Angeles River.
- **\$20M:** Baldwin Hills Conservancy.
- **\$25M:** Santa Monica Bay watershed projects pursuant to Division 23 of the Public Resources Code.
- **\$50M:** State Coastal Conservancy for coastal salmonid restoration projects.
- **\$100M:** Lake Tahoe Conservancy for the Lake Tahoe Environmental Improvement Program.
- **\$20M:** Department of Conservation for the California Farmland Conservancy Program Act. Up to \$5M may be used for the Watershed Coordinator Grant Program.
- **\$50M:** California River Parkways Act projects, of which \$20M may be transferred to the department for the Urban Streams Restoration Program.
- **\$75M:** Sierra Nevada Conservancy.
- **\$100M:** Salton Sea restoration activities identified in “Period 1” of the Natural Resources Agency report “Salton Sea Ecosystem Restoration Program Preferred Alternative Report and Funding Plan.”
- **\$10M:** Natural Resources Agency for planning for natural resources and watershed protections to address climate change impacts and adaptation.
- **\$30M:** Department of Parks and Recreation for grants for watershed education facilities, of which \$20M shall be available for capital improvements to watershed education centers that serve an urban areas with a population over one million.
- **\$10M:** Deposit to the California Waterfowl Habitat Preservation Account for purposes of implementing the California Waterfowl Habitat Program, the California Landowner Incentive Program, and the Permanent Wetland Easement Program.

- **\$100M:** Department of Forestry and Fire Protection, as follows:

- \$67M: for the purpose of fuel treatment projects that will reduce wildfire risks, protect watersheds tributary to water storage facilities, and promote watershed health.
 - \$25M: for fuel treatment and reforestation project grants to eligible landowners.
 - \$8M: reimbursement of various costs to the Department.
- **\$250M:** available for dam removal and related measures in the Klamath River watershed if specified criteria are met.
 - **\$20M:** allocated Siskiyou County for economic development activities. Upon submission of materials, the Secretary of Business, Transportation, and Housing may authorize an additional \$10M.
 - **\$50M:** California State University, for purposes of funding agricultural water supply, water use, efficiency, water quality, and related research and education efforts in accordance with the CSU Water Resources and Policy Initiatives.
 - **\$50M:** State Coastal Conservancy, for projects that meet the requirements of the California Ocean Protection Act.
 - **\$60M:** for various projects authorized under the Central Valley Improvement Act that provide salmonid fish passage into the Sacramento River Watershed.
 - **\$50M:** Wildlife Conservation Board, for efforts to capitalize an advanced public infrastructure revolving fund mitigation program, to be established by statute, designed to improve the environmental effectiveness and efficiency of infrastructure mitigation.

Total: \$1.785B

Chapter 10: Groundwater Protection and Water Quality

- ✓ **\$1B:** Department of Public Health for prevention or reduction in contamination of groundwater that serves as a source of drinking water, of which:
 - **Not less than \$100M:** for projects part of a basinwide management and remediation plan for which federal money has been allocated, or a project that addresses contamination at a site on the National Priorities List.
 - **\$100M:** to the Department of Public Health to finance emergency and urgent actions in accordance with this section on behalf of disadvantaged communities and economically distressed areas to ensure that safe drinking water supplies are available to all Californians.

Total: \$1B

Chapter 11: Water Recycling Program

- ✓ **\$1B:** for water recycling and advanced water treatment technology projects that meet specified criteria.
Eligible Projects: Water recycling, contaminant and salt removal, including groundwater and seawater desalination, dedicated distribution infrastructure for recycled water, including commercial and industrial end-user retrofit projects to allow use of recycled water, pilot projects for new salt and contaminant removal technology, groundwater recharge infrastructure, technical assistance and grant writing assistance for disadvantaged communities.
 - Not less than **\$50M** shall be available for projects designed to help restore lost water supply reliability in areas with widespread groundwater contamination in locations that contain sites that are listed by the DTSC or the National Priorities List, pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.
- ✓ **\$250M:** Direct expenditures, grants, and loans for water conservation and water use efficiency plans, projects, and programs.
Eligible Projects: urban water conservation projects and programs intended to achieve urban water use targets pursuant to Chapter 3 (commencing with Section 10608.16) of Part 2.55 of Division 6, agricultural water use efficiency projects and programs, and agricultural water management plan.

Total: \$1.25B

Chapter 12: Fiscal Provisions

TOTAL General Obligation Bonds: \$11,140,000,000B

- ✓ No water fee provision, as was the case in earlier versions proposed by Senator Steinberg.