

# The 2009 Delta Legislation

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## The Sacramento-San Joaquin Delta Heart of California's Water System



- 1315 Square Miles
- 470,000 Residents
- Estuary Ecosystem
- Islands & Sloughs
- Agriculture – Rich Soil
- Freshwater Stream – or – Tidal Wetland
- Drainage System

## The 2009 Delta Legislation: *The Context*

- Ecosystem Collapse – "The POD"
- Failure of CALFED Bay-Delta Program
- Interagency Conflict & Gridlock
- Judge Oliver Wanger Rulings
- Delta Vision Strategic Plan
- Schwarzenegger Administration

## The 2009 Delta Legislation: Foundation In Delta Vision

- Co-equal Goals
- Delta as Place
- Ecosystem as Heart of Healthy Estuary
- Statewide Water Conservation
- Delta Water Infrastructure
- Reduce Risks to People, Property & State
- New Delta Governance

## The 2009 Delta Legislation: The Legislative Process

- Informational Hearings
- Bi-Partisan, Bi-Cameral Discussion Groups
- Author Work Group
- Pre-Print Bills & Hearings
- Conference Committee
- Compilation – SB 68 (Steinberg)
- The Lull
- Bill Deadline – Big Five
- Final Resolution

## What's In: SB 1 X7 (Simitian): Delta Policy

- Scope of Delta – Suisun Marsh
- Reduced Reliance on Delta
- Land-use Policies
- Reasonable Use & Public Trust
- Protection of Existing Rights
- Transition of CALFED Program

## What's In: SB 1 X7 (Simitian): Delta Governance

- Delta Protection Commission Reform
- Delta Conservancy
- Delta Stewardship Council
- Delta Independent Science Board
- Delta Water Master
- Role of Existing Agencies
- Role of Federal Agencies

## What's In: SB 1 X7 (Simitian) The Delta Plan

- Delta Vision
  - Co-equal Goals – state management & investment
  - 6 Substantive Delta Vision Goals:
    - Specific Requirements – Delta as Place, Levee Priorities
- Council & Existing Agencies
- Emphasis on the Delta
- Science & Adaptive Management
- Ecosystem – characteristics & strategies
- Water Supply – reasonable, economics, quality

## What's In: SB 1 X7 (Simitian) The Delta Plan II

- Bay Delta Conservation Plan
  - Required Elements of CEQA Analysis
  - DFG Determination of NCCP
  - Fishery Agency Participation in Transparent Process
- Conveyance Limitations
- Consistency Appeals & Determinations
- Other Plans – Existing vs. Future Plans

## The “Other” 2009 Legislation: Connection to Delta

- Groundwater Elevation Monitoring (SB 6)
  - Importance of All Storage Resources
  - Delta Watershed Challenges
- Conservation (SB 7)
  - 20 x 2020 – regardless of Delta connection
  - Upstream Users
- Water Diversion Reporting/Enforcement (SB 8)
  - In-Delta Diversion Reporting
  - Delta Vision: Too Many Water Rights
- Water Bond (SB 2)
  - Funding for Delta Ecosystem & Counties
  - Storage: Measurable Improvements to the Delta Ecosystem

## What's NOT In: SB 1 X7 (Simitian)

- Scope of Consistency Appeals
  - Upstream Actions
  - Regulatory Actions
- Authorization of Peripheral Canal
- Delta Fees
- Water Rights Enforcement Tools
- Upstream Watermaster
- Upstream Water/Flow Requirements
- Scope of DELTA Plan – not upstream

## The 2009 Delta Legislation: The Challenges Ahead

- Incorporating Legislative Opponents
- Science & Adaptive Management
- Setting Priorities & Balance
- The Challenges of Collaboration
- The Difficulty of Decisions

