

I. Legislative Calendar

As February largely revolved around the introduction deadline for new legislation, March was marked by a variety of hearings in the Legislature related to the state's budget, and an informational hearing on the economic impact of pending Delta decisions on the San Francisco Bay Area.

With regards to the Legislative Calendar, members are currently on Spring Break and scheduled to reconvene this coming Monday. The next significant deadline for bills is April 22nd, where all bills that have a cost associated with their implementation will have to pass out of their first policy committees in order to continue on in the process.

II. Budget

In budget-related news, last Wednesday, the Council's budget proposal went before its Assembly Budget Subcommittee and was approved by a vote of 3-0. The Senate's Budget Subcommittee will consider the proposal at its hearing on April 7th. As the Council may recall, the proposal seeks additional resources to amend the Delta Plan and fund critical science investigations in the Delta.

III. State Legislation

AB 2092 by Assemblymember Frazier would provide an additional source of funds to address abandoned commercial vessels, which could be beneficial to the Delta, by deleting the provision in current law that prohibits the use of funds from the Abandoned Watercraft Abatement Fund. As the Council may be aware, Assemblymember Frazier represents the 11th Assembly District which includes significant portions of the Delta and Suisun Marsh.

III. State Legislation (Cont.)

AB 2087 by Assemblymember Levine would provide the Department of Fish and Wildlife with the ability to develop regional conservation frameworks that identify wildlife and habitat conservation needs and guide investments in conservation, infrastructure planning, and mitigation efforts. The bill would allow a conservation action implemented in accordance with such a framework to fulfill compensatory mitigation requirements under CEQA and the California Endangered Species Act.

Senator Wolk introduced SB 1317 which would require individuals planning to construct new wells in high or medium priority groundwater basins to obtain conditional use permits. Specifically, the bill would require a local municipality to establish a process for how these permits would be issued, with the primary consideration being whether the proposed well creates an undesirable result as defined in the Sustainable Groundwater Management Act such as significant land subsidence or degraded water quality. The bill would also halt the construction of new wells in the 21 critically over-drafted basins in the state.

AB 2583 by Assemblymember Frazier is a bill that I discussed last month that in its introduced version would have defined California WaterFix in the Delta Reform Act and characterized the initiative as a covered action. However, on the 17th of this month, the bill was substantially amended to, among other things, provide direction to the Council in terms of how conveyance should be addressed in the Delta Plan.

Specifically, the measure spells out 10 conditions that a new Delta water conveyance project would be required to meet in order to be certified as consistent with the Delta Plan. These conditions include:

III. State Legislation (Cont.)

- 1) A legally-binding financing agreement signed by all state and federal water contractor beneficiaries of the project;
- 2) An enforceable mitigation plan and a monitoring and adaptive management plan that, once approved, would be the subject of oversight by the Independent Science Board to assess the adequacy and effectiveness of each; and
- 3) A new conveyance project would also be required to reduce reliance on the Delta as illustrated by each regional beneficiary demonstrating at least a 50 percent improvement in regional self-reliance.

In addition, AB 2583 requires the State Water Board to update the Bay-Delta Water Quality Control Plan, prior to approving a change in the point-of-diversion for a new Delta Conveyance project.

The bill, which is author-sponsored, is anticipated to be heard in its first policy committee in April.

IV. Delta Select Committee Informational Hearing

On March 11th, Senator Wolk, as chair of the Senate Select Committee on the Delta, held a hearing in San Francisco entitled, “Pending Delta Decisions and their Potential Economic and Other Impacts on the Bay Area.” The hearing primarily focused around a panel discussion of the following invitees: Jeff Michael from UOP, Christina Swanson from the NRDC, George Torgun from the San Francisco Bay Keeper, and other representatives from the fishing and restaurant industries.

The three-and-half hour hearing covered a broad range of topics including: potential financial impacts to Bay Area water agencies, the importance of fresh water flows from the Delta, and concerns regarding the potential impacts that new Delta conveyance could have on the Bay Area’s fishing industry. Since it was an informational hearing, no action was taken and no further hearings are scheduled at this time.