

DRAFT

Agenda Item 3
Attachment 2

Conservation Improvements - Enact legislation requiring urban water suppliers or regions to reduce their per capita water use sufficient to achieve a statewide average 20 percent reduction in per capita water use by 2020. Streamline the State Water Resources Control Board's authority to take enforcement action and to assess monetary penalties for failure of water suppliers and users to achieve conservation targets and implement best management practices. Enact legislation to require urban and agricultural water suppliers to adopt more aggressive volumetric water pricing and expand outreach and information programs.

DRAFT

DRAFT

Water Rights Accountability – Enhance and expand the State Water Resources Control Board's water rights administrative accountability. This is not intended to change water rights, but to strengthen the current system. Existing water rights, including area-of-origin rights, need not be modified but rather affirmed.

- The State Water Resources Control Board needs authority to collect and disseminate accurate information on all surface water diversions in the State. Consequently, all statutory exemptions from water diversion and use reporting should be repealed and enforcement authority extended, and a streamlined process implemented requiring complete, timely, and accurate information from all diverters. Gathering of this information should be as easy as possible, as described below.
- The Board needs authority to provide interim remedies, after opportunity for hearing, to prevent irreparable harm to the environment and other water right holders, while underlying proceedings continue. As with courts, Board evidentiary proceedings can take many years. Unlike courts, however, the Board has no authority to issue interim orders designed to prevent irreparable harm while the proceedings continue. The Board needs authority to mandate interim relief to require diverters to take appropriate action or provide information while administrative processes are ongoing.
- Further, the Board needs to clarify existing water rights in many parts of the State in light of poorly defined or unreported riparian and appropriative water right claims and the unquantified needs of fish and wildlife. The Board needs the authority to initiate stream adjudications and collect adjudication costs from the parties diverting water. This process will respect area of origin claims.
- Lastly, many existing water right permit terms and conditions are not directly enforceable, and the law should be amended to correct this problem.

Water Use Reporting - Ensure the sustainability of water supplies by improving water diversion and use reporting, strengthening water rights accountability, and increasing water use efficiency. Enact legislation to streamline and simplify water diversion and use reporting requirements to reduce the reporting burden on local agencies and improve the quantity and quality of water diversion and use data. The legislation should mandate electronic submission of water diversion and use data to a central database. In addition, a pilot project should be mandated to install real-time telemetered monitoring devices on surface water diversions in and tributary to the Delta. The pilot project should be extended to all diversions above a specified size upon successful completion of the pilot.

DRAFT

DRAFT

Place the Co-equal Goals in Statute – This should include clear standards for interpretation and application of the co-equal goals. Those standards and the co-equal goals of a vital Delta ecosystem and more water supply reliability for California should be the foundation of policy making and management of Delta resources. Request the legislature to enact the co-equal goals into statute. That statute should also require that the co-equal goals are included in any contact or financing instrument, such as a bond, related to Delta resources.

Establish the Delta Policy Group - composed of the Secretary for Resources; Secretary for Food and Agriculture; Secretary for Business, Transportation and Housing; Secretary for the California Environmental Protection Agency; Director of the Department of Water Resources; Director of the Department of Fish & Game; Executive Director of the State Water Resources Control Board and the chair of the Delta Protection Commission. Request the Federal Government participate in the Policy Group at the highest appropriate level.

We recommend two immediate goals for the Policy Group:

- 1) Propose to the Legislature a long-term governance plan that will ensure that the co-equal goals are achieved in a coordinated manner among state, federal and local agencies. Additionally this governance should have the specific ability to impose fees to assure the goals can continue to be achieved. An example of this might be to modify and revitalize the Water Commission and give it changed authority.
- 2) Provide oversight for implementation of Delta actions until a long-term governance mechanism is put in place. Develop a Memorandum of Agreement with the counties of Contra Costa, Sacramento, San Joaquin, Solano and Yolo and three Councils of Governments (Sacramento, Bay Area and San Joaquin) to begin development of a Delta Plan which addresses in an integrated way the long term Ecosystem Restoration Plan, Flood Protection, Infrastructure and local issues and concerns until a long-term governance mechanism is established.

DRAFT

DRAFT

Enhance the Delta Protection Commission - The existing Delta Protection Commission (DPC) should be modified to focus its efforts in the areas of land use and economic development. The Committee recommends that the Delta Protection Commissioners include: five county supervisors, one from each Delta County selected by its Board of Supervisors, three representatives of Delta cities, selected by Councils of Governments, and three representatives of Delta Reclamation Districts or water agencies. Consistent with the recommendation of the Task Force, the DPC may invite state and federal agencies to participate as non voting members. The Delta Protection Commission will ensure that all projects in the Delta are consistent with the Plan.

DRAFT

DRAFT

Establish a Delta Conservancy - Given the scope, urgency and need for effective integration among multiple ecosystem restoration efforts, the Committee recommends the establishment of a Delta Conservancy. Until such legislation is enacted, Delta ecosystem restoration projects will continue to be implemented by the Department of Fish and Game, the Department of Water Resources and other responsible agencies. Actions taken by the Conservancy shall be consistent with the Delta Plan. The Conservancy shall have the following responsibilities, attributes and powers:

Responsibilities:

- Develop a strategic plan to implement ecosystem restoration activities consistent with The Delta Plan.
- Bring necessary lands under management consistent with its ecosystem restoration activities, through easement, leases, acquisition or other means.
- Supporting appropriate recreation and economic development activities in the Delta, including those of the National Heritage Area designation.

Attributes:

- A new entity focused on the statutory Delta, the Suisun Marsh and the Delta watershed as addressed in The Delta Plan.
- Governed by nine members, including the Resources Secretary, Director of Finance, Chair of the Delta Protection Commission, and six public members, at least three of whom shall be elected county officials from within the five Delta-region counties.

Powers:

- To enter into contracts, to buy and sell land and other property and the power to acquire land through the State Public Works Board. The Conservancy should be exempt from approval processes of the Department of General Services.
- To apply for, receive and expend grants or contracts from local, state or federal agencies, non profit or business organizations.
- To engage in partnerships with any organization to support implementation of its programs.

DRAFT

DRAFT

Implement strategic finance for Delta sustainability - The Committee supports the recommendations made regarding strategic finance by the Task Force. The Committee recommends immediate legislative action to provide authority to the Delta Policy Group or its' successor to implement state water supply and environmental resource protection fees. These fees may apply broadly to all water uses in the state and expenditures of proceeds from the fee should support the core resource management activities of the Department of Fish and Game, the Department of Water Resources and the State Water Resources Control Board and other State agencies. However, not all fees are the same and we recommend that fees be tailored to specific purposes when appropriate.

The Policy Group and long term governing body should have authority to impose these fees in specific circumstances when necessary and when consistent with the law and the Delta Plan. The authority to set fees and the responsibility for allocation of the proceeds, consistent with legislative authorization and oversight, should rest with the Policy Group and its successor.

Bond financing will also be a critical element of a financing plan and the Delta Vision Committee urges quick action the pending bond proposals, which include funds for ecosystem restoration, integrated regional water management, storage, delta revitalization, water recycling, conservation and water quality improvements which are key to implementing a fix in the Delta.

DRAFT