

SB X7 1 (Steinberg) --Key Provisions
Office of Legislative Affairs
October 25, 2009

I. Delta Stewardship Council

- Sets the coequal goals of "providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem" as the foundation for state decisions as to Delta management.
- Establishes 7-member Delta Stewardship Council and requires the Council to develop, adopt, and commence implementation of a "Delta Plan" by January 1, 2012, to achieve the coequal goals of Delta ecosystem restoration and a reliable water supply.
- Requires the Council, Department of Water Resources (DWR) or Department of Fish & Game (DFG) to take certain "early actions," including:
 - a) Appointing a Delta Independent Science Board
 - b) Developing a strategy to engage the federal government in the Delta
 - c) Developing DFG recommendations for Delta instream flow needs
 - d) Implementing certain Delta ecosystem restoration projects to start now, before the Delta Plan is completed, including the "Two-Gates Fish Protection Demonstration Project"

II. Water Rights Regulatory Enhancement

- *Statements of Diversion and Use* - expands and improves reporting of water diversion and use.
- *Enforcement* - Imposes or increases penalties for violating water rights laws, including increased penalties for illegal diversions.
- *Improved Monitoring and Reporting* - Authorizes the State Water Board to require diverters to submit technical or monitoring program reports related diversions.
- *Statutory Adjudications* - Authorizes the State Water Board to initiate statutory adjudications on its own motion.
- *Delta Water Master* - Requires the State Water Board, in consultation with the council, to appoint a "Delta Watermaster" and to delegate authority to the Delta Watermaster, including authority to require monitoring and reporting and take enforcement actions.
- *Resources* - Authorizes an additional 25 permanent full time positions and continuously appropriates \$3.75 million from the Water Rights Fund for this purpose.
- *Fees* - Expands water rights fee authority.

III. Water Conservation

- Establishes a statewide target of 20 percent reduction in statewide urban per capita water use by December 31, 2020.
- Requires each urban water retail water supplier to develop an urban water use target and interim urban water use target by December 31, 2010 and to meet its urban water use target by December 31, 2020.
- Requires agricultural water suppliers to prepare and adopt agricultural water management plans with specified components before December 31, 2012, and update the plan by December 31, 2015, and on or before December 31 every five years thereafter.
- Requires implementation of efficient water management practices by July 31, 2012, and reports to DWR.
- Requires state agencies to condition water management grants or loans on the meeting of specified conservation requirements by specified dates.

IV. Sacramento-San Joaquin Conservancy/Delta Protection Commission

- Creates a new Sacramento-San Joaquin Delta Conservancy and authorizes the Conservancy, as a primary state agency for ecosystem restoration, to support efforts that advance environmental protection and the economic well-being of Delta residents.
- Authorizes the Conservancy to acquire, manage and transfer interests in property and water rights, with a preference for conservation easements.
- Reconstitutes the Delta Protection Commission (DPC) and requires the DPC to create a regional economic sustainability plan, including creation of a Delta Investment Fund in the State Treasury.
- Establishes the Sacramento-San Joaquin Delta Conservancy Fund in the State Treasury, which may provide funding for ecosystem restoration projects consistent with the Conservancy's strategic plan or for "regional sustainability" consistent with the DPC's "Regional Sustainability and Land Use Plan."

V. Groundwater Monitoring

- Specifies the intent of the Legislature that, by January 1, 2012, groundwater elevations in all groundwater basins and subbasins be regularly and systematically monitored locally and that the resulting groundwater information be made readily and widely available.
- Requires DWR to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin and subbasin by January 1, 2012.
- Requires DWR to work with local entities to encourage the local agencies to monitor and report groundwater elevations in each basin and subbasin.

- Requires DWR to notify a county where there is no agency that volunteers to monitor groundwater elevations and requires counties that are so notified by DWR to monitor groundwater elevations themselves or to form/facilitate a group to monitor groundwater elevations. If a county fails to do so, the bill specifies that they will be ineligible for a water loan or grant from the state until they do.

VI. Other

- Requires the State Water Board to develop new flow criteria for the Delta ecosystem necessary to protect public trust resources and specifies the process and substance of development of flow criteria.
- Requires State Water Board approval of change in point of diversion for the State Water Project or Central Valley Project point of diversion to include flow criteria.
- Requires the State Water Board, by December 31, 2010, to submit to the Legislature a prioritized schedule and estimate of costs to complete instream flow studies for the Delta and for high priority rivers and streams in the Delta watershed by 2012, and for all major rivers and streams outside the Sacramento River watershed by 2018.