

Assembly Bill No. 1200

CHAPTER 573

An act to add Sections 139.2 and 139.4 to the Water Code, relating to water.

[Approved by Governor October 6, 2005. Filed with
Secretary of State October 6, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1200, Laird. Sacramento-San Joaquin Delta.

Existing law, the California Bay-Delta Authority Act, requires the California Bay-Delta Authority and certain implementing agencies to carry out programs that address the goals and objectives of the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, on behalf of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

This bill would require the Department of Water Resources to evaluate the potential impacts on water supplies derived from the Sacramento-San Joaquin Delta resulting from subsidence, earthquakes, floods, changes in precipitation, temperature, and ocean levels, and a combination of those impacts. The bill would require the Department of Water Resources and the Department of Fish and Game to identify, evaluate, and comparatively rate the principal options available to implement certain objectives that relate to the delta or the Sacramento and San Joaquin river systems. The bill would require the departments to jointly report to the Legislature and the Governor the results of their evaluations and comparative ratings, as specified, no later than January 1, 2008.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Substantial water supplies are derived from the Sacramento-San Joaquin Delta for the greater Silicon Valley area, Alameda County, eastern Contra Costa County, Napa County, Solano County, the San Joaquin Valley, and southern California.

(b) In a document entitled "Seismic Stability of Delta Levees," the Department of Water Resources estimated that a single 100-year earthquake would result in three to 10 delta levee breaks and that a single 1,000-year earthquake would result in 18 to 82 delta levee breaks.

(c) A report to the California Bay-Delta Authority Independent Science Board estimated that sea-level rise caused by climate change, continuing subsidence of delta lands, floods, and earthquakes have a 64 percent probability of resulting in catastrophic flooding of delta islands over the next 50 years.

(d) The state's economy, and the governmental programs that are dependent on a healthy economy and a healthy environment, cannot afford a catastrophic disruption of the water supplies derived from the delta.

SEC. 2. Section 139.2 is added to the Water Code, to read:

139.2. The department shall evaluate the potential impacts on water supplies derived from the Sacramento-San Joaquin Delta based on 50-, 100-, and 200-year projections for each of the following possible impacts on the delta:

- (1) Subsidence.
- (2) Earthquakes.
- (3) Floods.
- (4) Changes in precipitation, temperature, and ocean levels.
- (5) A combination of the impacts specified in paragraphs (1) to (4), inclusive.

SEC. 3. Section 139.4 is added to the Water Code, to read:

139.4. (a) The department and the Department of Fish and Game shall determine the principal options for the delta.

(b) The department shall evaluate and comparatively rate each option determined in subdivision (a) for its ability to do the following:

- (1) Prevent the disruption of water supplies derived from the Sacramento-San Joaquin Delta.
- (2) Improve the quality of drinking water supplies derived from the delta.
- (3) Reduce the amount of salts contained in delta water and delivered to, and often retained in, our agricultural areas.
- (4) Maintain delta water quality for delta users.
- (5) Assist in preserving delta lands.
- (6) Protect water rights of the "area of origin" and protect the environments of the Sacramento-San Joaquin river systems.
- (7) Protect highways, utility facilities, and other infrastructure located within the delta.
- (8) Preserve, protect, and improve delta levees.

(c) The Department of Fish and Game shall evaluate and comparatively rate each option determined in subdivision (a) for its ability to restore salmon and other fisheries that use the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

(d) On or before January 1, 2008, the department and the Department of Fish and Game shall jointly report to the Legislature and Governor, in writing, with regard to the results of the evaluation required by Section 139.2 and the comparative ratings required by subdivisions (b) and (c).