

AMENDED IN ASSEMBLY APRIL 15, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1594

**Introduced by Assembly Member Huber
(Coauthors: Assembly Members Chesbro, Fong, Gaines, Torlakson,
and Yamada)**

(Coauthors: Senators DeSaulnier and Wolk)

January 4, 2010

An act to add Chapter 1.5 (commencing with Section 115) to Division 1 of the Water Code, relating to the Sacramento-San Joaquin Delta.

LEGISLATIVE COUNSEL'S DIGEST

AB 1594, as amended, Huber. Sacramento-San Joaquin Delta: peripheral canal.

Existing law requires various state agencies to administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta.

This bill would prohibit the construction of a peripheral canal, as defined, that conveys water from a diversion point in the Sacramento River to a location south of the Sacramento-San Joaquin Delta, unless expressly authorized by the Legislature. The bill would require the Legislative Analyst's Office to complete an economic feasibility analysis prior to the enactment of a statute authorizing the construction of a peripheral canal. The bill would ~~also require that~~ *prohibit* the construction and operation of a peripheral canal ~~not diminish or negatively affect from diminishing or negatively affecting~~ the water supplies, water rights, or quality of water for water users within the Sacramento-San Joaquin Delta watershed, *or imposing any new burdens*

on infrastructure within, or financial burdens on persons residing in, the Delta or the Delta watershed.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Chapter 1.5 (commencing with Section 115) is
2 added to Division 1 of the Water Code, to read:

3
4 CHAPTER 1.5. PERIPHERAL CANAL
5

6 115. As used in this chapter, the following terms have the
7 following meanings:

8 (a) “Delta” means the Sacramento-San Joaquin Delta, as defined
9 in Section 12220.

10 (b) “Peripheral canal” means a facility or structure that conveys
11 water directly from a diversion point in the Sacramento River to
12 pumping facilities of the State Water Project or the federal Central
13 Valley Project south of the Delta.

14 116. (a) Notwithstanding any other law, a peripheral canal
15 shall not be constructed unless expressly authorized pursuant to a
16 statute enacted by the Legislature on or after the date on which
17 this section becomes effective.

18 (b) Prior to the enactment of any statute authorizing the
19 construction of a peripheral canal, the Legislative Analyst’s Office
20 shall complete an economic feasibility analysis that includes ~~both~~
21 *all of the following:*

22 (1) The total cost of the ~~construction project~~ *project, including*
23 *environmental review, planning, design, construction, mitigation,*
24 *and all related expenses, and the methods for paying those costs.*

25 (2) Expected impacts of the ~~construction project~~ on taxpayers,
26 water ratepayers, and the General Fund.

27 (3) *Expected environmental and economic impacts of the project*
28 *on existing public infrastructure in and around the Delta and the*
29 *Delta watershed.*

30 118. Notwithstanding any other law, the construction and
31 operation of a peripheral canal shall not diminish or negatively
32 affect the water supplies, water rights, or quality of water for water
33 users within the Delta watershed, *or impose any new burdens on*

- 1 *infrastructure within, or financial burdens on persons residing in,*
- 2 *the Delta or the Delta watershed.*

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