

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2422**

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**Introduced by Assembly Member Bill Berryhill**

February 24, 2012

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An act to ~~amend Section 147 of~~ *add Section 148 to* the Water Code, relating to water resources, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2422, as amended, Bill Berryhill. ~~State Water Resources Development System: reporting requirement. Sacramento-San Joaquin Delta: Western Delta Intakes Concept: feasibility study.~~

Under existing law, the Department of Water Resources operates the State Water Resources Development System. ~~Existing law requires the department, on or before January 10, 2010, and annually thereafter, to prepare and submit to the chairpersons of the fiscal committees of the Legislature a report, as prescribed, about the budget of the State Water Resources Development System: that includes dams, reservoirs, and other infrastructure.~~

This bill would ~~make technical, nonsubstantive changes in these provisions:~~ *require the department to undertake an expedited evaluation and feasibility study of the Western Delta Intakes Concept, as defined, and to consult with the Department of Fish and Game, as specified. This bill would require the department to prepare and submit to the Legislature, on or before January 1, 2014, a prescribed report about the feasibility study.*

*Existing law, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative bond act approved by the voters at the November 7, 2006,*

statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program. Under existing law, \$65,000,000 of that bond money is available to the department for planning and feasibility studies related to the existing and potential future needs for California’s water supply, conveyance, and flood control systems.

This bill would appropriate \$750,000 of that bond money to the department to pay the costs of the study of the Western Delta Intakes Concept.

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

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

1     SECTION 1. Section 148 is added to the Water Code, to read:  
 2     148. (a) (1) The department shall undertake an expedited  
 3 evaluation and feasibility study of the Western Delta Intakes  
 4 Concept.  
 5     (2) For the purposes of this section, the “Western Delta Intakes  
 6 Concept” means a proposal that would provide a large scaleable  
 7 intake facility on the publicly owned land of Sherman Island in  
 8 the Western Delta, thereby allowing more natural freshwater to  
 9 flow through the Delta before any surplus water is extracted. The  
 10 concept also includes connecting tunnels and the construction of  
 11 up to two million acre feet of storage in the vicinity of the Clifton  
 12 Court Forebay in order to allow the extraction of more water in  
 13 periods of high flow to compensate for the extraction of less water  
 14 in periods of low flow. The purpose of the concept is to fully  
 15 achieve the coequal goals of ecosystem restoration in the Delta  
 16 and reliable water exports at the highest possible level.  
 17     (b) The department, in conducting the study required pursuant  
 18 to subdivision (a), shall consult with the Department of Fish and  
 19 Game with regard to the potential environmental and ecological  
 20 impacts and benefits of the Western Delta Intakes Concept,  
 21 including issues of water quality and fish entrainment.  
 22     (c) On or before January 1, 2014, the department shall prepare  
 23 and submit to the Legislature a report that includes its findings  
 24 pursuant to subdivision (a). If the department determines that the  
 25 implementation of the Western Delta Intakes Concept is feasible,

1 *the department shall include in the report recommendations with*  
2 *regard to specific facilities to be constructed, and shall identify*  
3 *potential funding sources, for the purposes of implementing the*  
4 *Western Delta Intakes Concept.*

5 *(d) (1) The requirement for submitting a report imposed under*  
6 *subdivision (c) is inoperative on January 1, 2018, pursuant to*  
7 *Section 10231.5 of the Government Code.*

8 *(2) A report to be submitted pursuant to subdivision (c) shall*  
9 *be submitted in compliance with Section 9795 of the Government*  
10 *Code.*

11 *(e) Of the funds made available pursuant to Section 75041 of*  
12 *the Public Resources Code, the sum of seven hundred fifty thousand*  
13 *dollars (\$750,000) is hereby appropriated to the department to*  
14 *pay the costs of the study required by this section.*

15 ~~SECTION 1. Section 147 of the Water Code is amended to~~  
16 ~~read:~~

17 ~~147. (a) On or before January 10, 2010, and annually thereafter,~~  
18 ~~the department shall prepare and submit to the chairpersons of the~~  
19 ~~fiscal committees of the Legislature a report with regard to the~~  
20 ~~budget for the State Water Resources Development System.~~

21 ~~(b) The department shall include in the report all of the following~~  
22 ~~information:~~

23 ~~(1) A description of the expenditures made, or projected to be~~  
24 ~~made, as applicable, on behalf of the State Water Resources~~  
25 ~~Development System, by program and fund, and of the total~~  
26 ~~revenues expended, or projected to be expended, as applicable,~~  
27 ~~for that system, including each fund source.~~

28 ~~(2) A description of the positions within the department that~~  
29 ~~carry out functions related to the State Water Resources~~  
30 ~~Development System, and the total number of those positions.~~

31 ~~(3) A description of any funds, other than funds generated by~~  
32 ~~the State Water Resources Development System, that are expended,~~  
33 ~~or projected to be expended, as applicable, for the State Water~~  
34 ~~Resources Development System, including those funds used for~~  
35 ~~cost-sharing purposes.~~

36 ~~(4) An itemization of all contracts related to the Bay-Delta~~  
37 ~~Conservation Plan financed, or projected to be financed, as~~  
38 ~~applicable, in full or in part with funds generated by the State~~  
39 ~~Water Resources Development System, including the dollar amount~~

1 of those contracts and a brief description of the purposes of those  
2 contracts:  
3 (e) ~~The department shall include in each report information~~  
4 ~~relating to three fiscal years including the two completed fiscal~~  
5 ~~years that immediately precede the year in which the report is due,~~  
6 ~~along with applicable information for the fiscal year in which the~~  
7 ~~report is due. The department shall prepare the first report required~~  
8 ~~under subdivision (a) for the 2007-08, 2008-09, and 2009-10~~  
9 ~~fiscal years.~~