

AMENDED IN SENATE JUNE 18, 2008

AMENDED IN ASSEMBLY APRIL 17, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2501

**Introduced by Assembly Member Wolk
(Coauthor: Assembly Member DeSaulnier)**

February 21, 2008

An act to add Part 1.6 (commencing with Section 10100) to Division 6 of, and to add Division 33 (commencing with Section 83000) to, the An act to add Division 33 (commencing with Section 83001) to the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2501, as amended, Wolk. ~~Climate change and water~~ *Water* resources.

~~(1) Under existing law, various state and local agencies engage in water resource planning.~~

~~This bill would enact the Climate Change and Water Resource Protection Act of 2008. The bill would require the Department of Water Resources, as part of its statewide water resource management responsibilities, to include an analysis of the potential effects of climate change, to the extent applicable, in reports or plans relating to water management or planning that the department is required to prepare. The bill would prohibit the department from approving a request for a specified grant, submitted after January 1, 2011, unless certain requirements are met. The department would be required, by July 1, 2009, to identify available peer-reviewed information, or the best available scientific information, regarding climate change and water~~

resources for the state and each of the state's hydrologic regions for specified uses. The bill would require an urban water supplier or an agricultural water supplier that is required to prepare a water management plan to take certain action relating to specified climate change information, as provided.

~~The bill would require the department, in collaboration with other state agencies, to prepare a report that quantifies the energy savings and greenhouse gas emission reductions associated with water supply development. The department would be required to submit the report to the Governor and the Legislature, and to make it available to the public, on or before January 1, 2010. The bill would require the state board and each California regional water quality board to consider specified matters relating to climate change for the purpose of reviewing applicable water quality standards in accordance with the federal Clean Water Act.~~

~~(2) Under~~

Under existing law, various bond acts have been approved by the voters to provide funds for water projects, facilities, and programs. The Disaster Preparedness and Flood Prevention Bond Act of 2006, a bond act approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$4,090,000,000 for the purposes of financing disaster preparedness and flood prevention projects. 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. The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, approved by the voters at the November 5, 2002, statewide general election, authorizes, for the purposes of financing a safe drinking water, water quality, and water reliability program, the issuance of bonds in the amount of \$3,440,000,000.

This bill, with regard to those bond funds, would appropriate ~~\$610,160,000~~ \$294,760,000 as follows: of the funds made available pursuant to the Disaster Preparedness and Flood Prevention Bond Act of 2006, \$54,000,000 to the Department of Water Resources for essential emergency preparedness supplies and projects, ~~and \$150,000,000 to the department for stormwater flood management project grants~~; of the funds made available pursuant to the Safe Drinking Water, Water

Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, \$50,000,000 to the State Department of Public Health for grants for small community drinking water system infrastructure improvements and related actions, \$50,400,000 to the State Department of Public Health for grants for projects to prevent or reduce the contamination of groundwater that serves as a source of drinking water, \$40,000,000 to the department for planning grants and local groundwater assistance grants, \$55,000,000 to the department for drinking water intake facility projects, \$60,000,000 to the department to increase the department's ability to respond to levee breaches and to reduce the potential for levee failure, \$100,000,000 to the department for the acquisition, preservation, protection, and restoration of Sacramento-San Joaquin Delta resources, \$12,000,000 to the department to complete planning and feasibility studies associated with new surface storage under the California Bay-Delta Program, \$15,000,000 to the department for planning and feasibility studies to identify potential options for the reoperation of the state's flood protection and water supply systems, \$10,000,000 to the department for response to climate change, and \$10,000,000 to the department for planning and feasibility studies to implement the Delta Vision; and of the funds made available under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, \$3,760,000 to the department for planning and feasibility studies associated with surface storage under the California Bay-Delta Program.

The bill would provide that up to 5% of the funds appropriated by the bill may be expended to pay for the administrative costs of that program. The bill would provide that funds appropriated by the bill are available for encumbrance until June 30, 2010. On January 10, 2009, program recipients would be required to report to the fiscal committees of the Legislature with regard to the committed and anticipated expenditures of these funds.

~~(3) Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with authority over matters relating to water quality:~~

~~This bill would require the state board, in consultation with other agencies, to develop pilot projects in the Tulare Lake Basin and the Salinas Valley focused on nitrate contamination. The bill would require the state board to create an interagency task force, as needed, to oversee the pilot projects, and to submit a report to the Legislature on the scope~~

~~and findings of the projects within 2 years of receiving funding. The state board would be required to implement recommendations for developing a groundwater cleanup program for the Central Valley Water Quality Control Region and the Central Coast Water Quality Control Region based upon pilot project results within 2 years of submitting the report to the Legislature.~~

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

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

1 SECTION 1. Division 33 (commencing with Section 83001) is
2 added to the Water Code, to read:

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4 DIVISION 33. INTEGRATED WATER SUPPLY AND FLOOD
5 PROTECTION PLANNING, DESIGN, AND IMPLEMENTATION

6
7 83001. The sum of two hundred ninety-four million, seven
8 hundred sixty thousand dollars (\$294,760,000) is hereby
9 appropriated as follows:

10 (a) Of the funds made available pursuant to Chapter 1.699
11 (commencing with Section 5096.800) of Division 5 of the Public
12 Resources Code, pursuant to subdivision (c) of Section 5096.821
13 of the Public Resources Code, the sum of fifty-four million dollars
14 (\$54,000,000) is hereby appropriated to the department for the
15 acquisition, design, and construction of essential emergency
16 preparedness supplies and projects in accordance with that
17 subdivision. Prior to the design or construction of any project
18 funded pursuant to this subdivision, the California Bay-Delta
19 Authority, or its successor, shall approve the specific project or
20 program.

21 (b) Of the funds made available pursuant to Division 43
22 (commencing with Section 75001) of the Public Resources Code,
23 the sum of two hundred thirty-seven million dollars (\$237,000,000)
24 is hereby appropriated as follows:

25 (1) Pursuant to Section 75026 of the Public Resources Code,
26 the sum of forty million dollars (\$40,000,000) to the department
27 for planning grants and local groundwater assistance grants.

28 (2) Pursuant to Section 75033 of the Public Resources Code,
29 the sum of one hundred sixty million dollars (\$160,000,000) to the

1 department and the Central Valley Flood Protection Board, as
2 follows:

3 (A) Sixty million dollars (\$60,000,000) to increase the
4 department's ability to respond to levee breaches and to reduce
5 the potential for levee failure, including, but not limited to, the
6 following:

7 (i) Acquisition and positioning of emergency construction
8 materials and equipment.

9 (ii) Emergency projects to prevent levee failure or repair levees
10 or other flood control facilities to restore conveyance and flood
11 protection.

12 (iii) Preparation for, and implementation of, a delta emergency
13 operations plan.

14 (iv) Emergency contracts for activities relating to a flood fight
15 or levee failure to prevent or mitigate loss of, or damage to, life,
16 health, property, or essential public services.

17 (B) One hundred million dollars (\$100,000,000) for the
18 acquisition, preservation, protection, and restoration of
19 Sacramento-San Joaquin Delta resources in accordance with
20 Section 75033. The department shall expend these funds pursuant
21 to priorities that reflect the value of the resources and land uses
22 protected by the levees to the state as a whole, consistent with the
23 Delta Vision. Projects shall be selected to improve the stability of
24 the delta levee system, reduce subsidence, and assist in restoring
25 the ecosystem of the delta. Priority shall be given to projects that
26 improve conditions for delta smelt and other native fish without
27 regard to long-term decisions as to the management and
28 conveyance of water south of the Delta, including, but not limited
29 to, all of the following projects:

30 (i) Restoration of floodplain habitat and fish migration through
31 the Yolo Bypass.

32 (ii) Restoration of tidal marsh in Suisun Marsh.

33 (iii) Expedited implementation of Dutch Slough tidal marsh
34 restoration project.

35 (iv) Acquisition and restoration of Decker Island.

36 (v) Restoration and enhancement of the Cache Slough region.

37 (vi) Implementation of the McCormack Williamson Tract flood
38 control and ecosystem restoration project.

1 (3) Pursuant to Chapter 4 (commencing with Section 75041) of
2 Division 43 of the Public Resources Code, the sum of thirty-seven
3 million dollars (\$37,000,000) to the department as follows:

4 (A) (i) Twelve million dollars (\$12,000,000) to complete the
5 planning and feasibility studies associated with new surface storage
6 under the California Bay-Delta Program.

7 (ii) The planning and feasibility studies shall include the
8 following information:

9 (I) The identification of specific construction and operation
10 conditions proposed for each surface storage facility, including
11 consideration of climate change, an estimated schedule for the
12 construction and completion of each project funded under Section
13 75041, and the total costs of constructing each project.

14 (II) A description of the estimated total costs to construct each
15 project and an allocation of the costs to public and private
16 beneficiaries.

17 (iii) Any feasibility study conducted or funded by the state for
18 new surface storage under the California Bay-Delta Program shall
19 evaluate funded projects consistent with all statutory and other
20 legally established requirements for the protection of
21 environmental and natural resources, including protections for
22 the McCloud River pursuant to Section 5093.542 of the Public
23 Resources Code.

24 (iv) The planning and feasibility studies shall be prepared and
25 submitted to the Governor and the Legislature no later than June
26 30, 2010.

27 (B) (i) Fifteen million dollars (\$15,000,000) for planning and
28 feasibility studies to identify potential options for the reoperation
29 of the state's flood protection and water supply systems that will
30 optimize the use of existing facilities and groundwater storage
31 capacity.

32 (ii) The studies shall incorporate appropriate climate change
33 scenarios and be designed to determine the potential to achieve
34 the following objectives:

35 (I) Integration of flood protection and water supply systems to
36 increase water supply reliability and flood protection, improve
37 water quality, and provide for ecosystem protection and
38 restoration.

39 (II) Reoperation of existing reservoirs, flood facilities, and other
40 water facilities in conjunction with groundwater storage to improve

1 *water supply reliability, flood control, and ecosystem protection*
2 *and to reduce groundwater overdraft.*

3 *(III) Promotion of more effective groundwater management and*
4 *protection and greater integration of groundwater and surface*
5 *water resource uses.*

6 *(IV) Improvement of existing water conveyance systems to*
7 *increase water supply reliability, improve water quality, expand*
8 *flood protection, and protect and restore ecosystems.*

9 *(C) Ten million dollars (\$10,000,000) for planning and*
10 *feasibility studies to implement the Delta Vision.*

11 *(c) Of the funds made available pursuant to subdivision (a) of*
12 *Section 79550, the sum of three million seven hundred sixty*
13 *thousand dollars (\$3,760,000) is hereby appropriated to the*
14 *department for planning and feasibility studies associated with*
15 *surface storage under the California Bay-Delta Program.*

16 *83002. Up to 5 percent of the funds appropriated by this*
17 *division may be expended to pay the administrative costs incurred*
18 *in the implementation of that program.*

19 *83003. Funds appropriated by this division shall only be*
20 *available for encumbrance until June 30, 2010. On January 10,*
21 *2009, any program that is the recipient of an appropriation made*
22 *by this division shall report to the fiscal committees of the*
23 *Legislature on the details of all committed and anticipated*
24 *expenditures of these funds. The report shall include all of the*
25 *following information:*

26 *(a) Fiscal detail of state operations support and local assistance*
27 *costs.*

28 *(b) A general description of the project and the project funding*
29 *made available by an appropriation in the annual Budget Act for*
30 *the 2009–10 fiscal year or proposed to be made available in the*
31 *annual Budget Act for the 2009–10 fiscal year.*

32 *(c) A description of the manner in which funds have been*
33 *expended and a plan for the future expenditure of funds.*

34 *(d) An anticipated timeframe for the full expenditure of the*
35 *appropriation.*

36 *(e) An anticipated timeframe for the full completion of the*
37 *designated project.*

38 *(f) The amount of total matching project funding that is being*
39 *provided by an entity other than the state.*

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**All matter omitted in this version of the bill
appears in the bill as amended in Assembly,
April 17, 2008 (JR11)**

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