



SAN JOAQUIN COUNTY

FLOOD CONTROL & WATER CONSERVATION DISTRICT

P. O. BOX 1810

STOCKTON, CALIFORNIA, 95201

TELEPHONE (209) 468-3000

FAX NO. (209) 468-2999

MICHAEL SELLING
DEPUTY DIRECTOR OF PUBLIC WORKS

ADVISORY WATER COMMISSION

July 15, 2015, 1:00 p.m.

Public Health Conference Room, 1601 E. Hazelton Avenue, Stockton, California

AGENDA

Roll Call

Approve Minutes for the Meeting of May 20, 2015

SCHEDULED ITEMS

I. Action Items:

- A. No Action Items

II. Discussion Items:

- A. Update on Drought Activities (See Attached) – Brandon Nakagawa
- B. Update on State Budget Trailer Bills (See Attached) – Brandon Nakagawa
- C. Update on Smith Canal Gate Project Draft Environmental Impact Report – Fritz Buchman

III. Communications (See Attached):

- A. July 9, Announcement of Public Review Period for BDCP Recirculated Draft EIR/EIS.
- B. July 9, 2015, Delta Counties Coalition Press Release on Governor's Latest Tunnel Proposal.
- C. June 4, 2015, Joint Press Release Contra Costa and San Joaquin Counties, Funding to Combat Invasive Aquatic Weeds.

Public Comment (Non-Agenda Items)

Adjournment

Next Regular Meeting: August 12, 2015, 1:00 p.m.
Public Health Conference Room

Commission may make recommendations to the Board of Supervisors on any listed item.

If you need disability-related modification or accommodation in order to participate in this meeting, please contact the Water Resource Staff at (209) 468-3089 at least 48 hours prior to the start of the meeting. Any materials related to items on this agenda distributed to the Commissioners less than 72 hours before the public meeting are available for public inspection at Public Works Dept. Offices located at the following address: 1810 East Hazelton Ave., Stockton, CA 95205. These materials are also available at <http://www.sjwater.org>. Upon request these materials may be made available in an alternative format to persons with disabilities.

**REPORT FOR THE MEETING OF
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
May 20, 2015**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, May 20, 2015, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

Roll Call

Present were Commissioners Roberts, Neudeck, Holbrook, Price, Hartmann, Winn, Uecker, Flinn, Holman, Sandelin, Secretary Nakagawa, and Chairman McGurk. Others present are listed on the attendance sheet. The Commission had a quorum.

Approval of Minutes for the Meeting of April 15, 2015.

Motion and second to approve the minutes of March 18, 2015 as amended to add Commissioner Kuil to those present during roll call (Neudeck/Holbrook). Unanimously approved.

SCHEDULED ITEMS

Fritz Buchman, Deputy Director/Development SJC Public Works Department, led the agenda.

I. Action Items:

A. No Action Items

Commission

II. Discussion Items:

A. Update on Water investigation Zone No. 2 Fee Renewal Process – Brandon Nakagawa

Mr. Brandon Nakagawa, San Joaquin County Water Resources Manager, announced that the San Joaquin County Board of Supervisors approved the Water Investigation Zone No. 2 Proposed Fee on May 19, 2015 by unanimous vote. To adhere to Proposition 218 requirements, the renewal efforts were conducted in accordance with the protest process guidelines. Over 200,000 protest forms were mailed to parcel owners throughout San Joaquin County. Of the forms mailed, 17% were returned. Over 5,000 of the returned protest forms were actually undeliverable, but were counted towards the protest vote. The total fee per parcel will appear on the 2015 property taxes.

Following the Zone No. 2 discussion, Commissioner Hartmann shared an update on the farmers' collaborative efforts to voluntarily fallow land as a water conservation measure.

The program entails offering riparian water right holders the option to either fallow 25% of their land that was intended to be planted or have already been planted, or conserve 25% of their water through reduced diversions and using 2013 as the base year. A third option is to have a combination of the other 2 options with the use of other forms of water efficiency. If farmers

decided to participate in the program, the SWRCB will not enforce curtailments. The deadline to apply for the program was June 1st.

In speaking with farmers, Mr. Hartmann found massive distrust with the State and, thus, the farmers do not believe that the SWRCB has the power to exempt them from water curtailments. Legal action is very likely to be taken by local attorneys on this issue.

Curtailments have already occurred with junior water rights and were planned for pre-1914 water right holders. The first round of curtailments was likely to happen during the week of May 25th and a second curtailment was to occur shortly after. Once pre-1914 curtailments are in place, SWRCB and DWR will continue to measure flow in various waterways which will eventually lead to riparian curtailments, depending on the State's findings. Mr. Hartmann also referred to a chart developed by the State that estimated that there will not be water available for riparian rights as of mid-June or early-July.

The following program came about when Mr. Hartmann was approached by an SWRCB Board member, who requested to be anonymous, but hoped to change the dialogue among stakeholders in the Delta. After agreeing to take part in this effort, Mr. Hartmann was introduced to Dan Nelson of the San Luis Delta-Mendota Joint Powers Authority. Together, they developed an initial demonstration following program which was later rejected by State water contractors, Metropolitan Water District and Kern County and ultimately did not receive the approval of the Department of Water Resources. Subsequently, a new voluntary following program was developed through collaborative efforts between Mr. Hartmann, attorney Jennifer Spaletta, SWRCB, and Mr. Michael George (Water Master). This new program brought together Delta farmers and farmers south of the Delta at McDonald Island for a tour of the Delta. The tour made a positive impact by changing farmers' perceptions about each other and initiated a building of trust. Farmers located south of the Delta previously believed that Delta farmers were hoarding water but were shown that Delta farmers actually pump more water back into the Delta than what they divert. They were also shown water saving measures utilized by Delta farmers.

Although the concept of the program has received approval by the Executive Director of the SWRCB, there is much risk and uncertainty surrounding the program. One of the criticisms of the program is that the State requires access to properties in order to verify amounts of water conserved and to perform experiments to find out how much water is saved by following. Mr. Hartmann indicated that they are working to prevent the access to the properties. He also argued that water loss has, more or less, been proven if Delta water is curtailed. At this time, farmers cannot afford to run their pumps to empty seepage out of the islands, therefore, the islands fill with water, vegetate and lose more water through evaporation.

Commissioner Chris Neudeck commented that a baseline data to measure water savings against does not exist and questioned the likelihood of success for the program. Mr. Hartmann suggested that he pose his question to the Water Master who will be attending the meeting at Roberts Union Farm Center on May 21, 2015 to answer questions.

B. Update on Smith Canal Gate Project – Roger Churchwell

Mr. Churchwell, Deputy Executive Director of SJAFCA, was not in attendance to present. This item was discussed in his absence.

A comment was made that the Department of Water Resources (DWR) awarded SJAFCA funding to cover 50% of the cost share for the Smith Canal Gate Project. It is a goal of the project, upon completion, to remove certain areas from the 100 year floodplain by 2018: Country Club, Weber Tract, and east of Pershing Avenue.

The other 50% project cost share will be funded through annual property assessments over a 30-year period and the project will relieve homeowners from paying flood insurance if they have a federally-backed home loan. Flood insurance has recently increased to 18% and may have some homeowners paying in excess of \$15,000 per year.

Mr. Fritz Buchman, County Public Works Deputy Director, commented that recent changes with the National Flood Insurance Program may help homeowners. Grandfathering provisions for areas that were mapped into a floodplain will remain intact, which allows homeowners to be charged at cheaper rates rather than at the full-risk rate. Another change was the removal of home sales as a trigger to increase flood insurance to the full risk rate.

Commissioner Neudeck added that the Cities of Lathrop and Manteca were awarded a portion of the DWR funding received by SJAFCA for design work on levees subject to 200-year flood protection.

C. Update on State Urban Flood Risk Reduction Grant – Roger Churchwell

Mr. Roger Churchwell was not present to lead the discussion and the Commission did not discuss this item in his absence.

D. Discussion on 2015 Drought Emergency (See Attached) – Mike Cockrell

Mr. Mike Cockrell, County Office of Emergency Services, led the discussion. He stated that New Melones and Don Pedro would normally have run off at this time of the year but have accelerated to a down slope. In addition, Central Sierra snow packs are 2% of normal.

The capacity of the New Melones Dam is at 31% and the Don Pedro dam is at 55%. Areas north of San Joaquin County, including Trinity, Shasta, Oroville and Folsom dams are in much better condition.

Availability of natural flows in June will dip into riparian rights. Water curtailments have already begun up north including curtailments in April on the San Joaquin River and on May 1st with all post-1914 water right holders. The curtailments are used to bring more flows to the Delta in order to meet water quality needs. Currently, the water quality of the San Joaquin River is of concern. Mr. Cockrell also indicated that no one is exempt from curtailments and there are

waivers available should health and safety issues need to be addressed. Violations of curtailments carry a penalty of \$1,000 per day and \$2,500 per acre-foot.

Mr. Cockrell also mentioned the installation of the Delta Barriers that began on May 5th and should be completed by June 15th. The barriers are intended to be removed in November 2015, but some of the footings will remain in place to preserve infrastructure that may be needed for barriers next year. The addition of these barriers necessitated outreach to boaters advising them on alternate navigation routes.

Mr. Cockrell also described some of the conservation rules that went into effect. He noted an exemption for water suppliers that provide water for commercial agriculture. The portion of water supplied to agriculture may be excluded from the 25% conservation requirement. Water suppliers are also tasked to handle conservation rules with their commercial, industrial, and institutional consumers.

In terms of achieving conservation rules, the Cities of Lodi and Ripon rank the highest with the amount of water that needs to be conserved. On the other hand, CalWater and City of Lathrop have much less water to target for conservation. The City of Tracy will consider on June 2nd whether to elevate the drought status to Stage 4.

In other upcoming events and news, the Association of California Water Agencies (ACWA) and the Governor's Office are planning to release a series of three webinars on the following topics: 1) urban water conservation; 2) emergency, regulation, enforcement, and water rate structure, and 3) regulation for small systems.

On June 19th, the State Water Resources Control Board will meet with the eight Counties of the valley to discuss conservation efforts and to provide a tour of the more drastic areas due to drought. The meeting may have the attendance of elected officials but they are unknown at this time.

Another State activity includes the development of hotlines for drought conservation and curtailments and an online form which all may be used to report water wasters. When the State receives a water waste report, the State will then research and contact the agency to be notified.

E. Update on California Eco Restore and California Water Fix (See Attached) – Brandon Nakagawa

Mr. Brandon Nakagawa stated that the BDCP is dead; however, elements of the BDCP were rebirthed in new documents known as California Eco Restore and California Water Fix. Mr. Nakagawa explained that the BDCP was a habitat conservation plan that was designed restore habitat for a total area of 140,000 acres in exchange for permits to operate large export projects and to build twin tunnels. The tunnels would take fresh water from the Sacramento River, go around the Delta, and end up at the Delta export pumps in Tracy. The County has

argued that the BDCP will not work; it will not recover species but harm them; and it is a water grab. The EPA at the federal level and the Department of Fish and Game agreed with the County and put an end to the BDCP.

With the development of the California Eco Restore and California Water Fix, the State is still in pursuit of the twin tunnels. In addition, there is money for restoration efforts with the passage of Prop 1. Under the California Eco Restore, there is the recommendation for 30,000 acres of habitat restoration. Most of the restoration is not directed at San Joaquin but rather Staten Island in the Delta. Staten Island was first purchased by CalFed but later turned over for conservatorship under the State Conservancy. The Island is currently used for agriculture but is held open for other uses. Over the years, Staten Island may have been used for temporary storage for flood water. It is also possible that the Island may be converted completely to habitat.

Mr. Nakagawa also shared details regarding the Governor's State Budget revision. In one revision, he noted \$25 million set aside for eco-restoration under the Cap and Trade account. In a later revision, Mr. Nakagawa also found that Cap and Trade was increased by another \$40 million. It appears that the total of \$65 million plus Prop 1 funding will be used for eco-restoration.

Commissioner Hartmann questioned whether there is proof that eco-restoration produces results. Mr. Nakagawa responded that he has not seen any. He added that the County has had about the same amount of habitat for the past 20 to 30 years, yet species have declined.

With regards to the California Water Fix, it appears to be guidelines for constructing the twin tunnels and would be funded by the taxpayers. The tunnels, each 48ft in diameter, are intended to move 9,000 cfs of water. There was also some talk that the EIR/EIS will be reconfigured and released as of June.

III. Communications (See Attached):

- A. May 14, 2015, Recordnet.com, "State Chips in \$22 Million for Smith Canal Gate".
- B. May 7, 2015, Delta Counties Coalition Press Release.
- C. May 6, 2015, Capital Public Radio, "Brown Defends Tunnel Project, Agricultural Industry".

Adjourn: 2:34 PM

Next Regular Meeting: June 17, 2015, 1:00 p.m.
Public Health Conference Room

**ATTACHMENT
II.B.**

Lawsuits over California water rights are a fight a century in the making

By BETTINA BOXALL

JUNE 29, 2015, 4:00 AM

The lawsuits hit the courts within days of the state mailing notices to some Central Valley irrigation districts: They were to stop diverting from rivers and streams because there wasn't enough water to go around.

Unsurprising as the move may be in this fourth year of drought, to the districts, the notices amounted to an assault on water rights they have held for more than a century.

"This is an attempted water grab," said Steve Knell, general manager of the Oakdale Irrigation District, one of several San Joaquin Valley agencies suing the state to block the curtailments. "It is a power move and we will fight tooth and nail to make sure that this doesn't happen."

The drought has highlighted the arcane workings of California's water rights system, one that rewards those who got here first and underpins agriculture's position as the state's dominant water user.

The irrigators' rush to court shows how deeply entrenched the system is — and how any attempt to substantially remake it would encounter a legal and political minefield.

In California and much of the West, most rights to surface water are based on when flows were first diverted and used, a priority system known as "first in time, first in right." The most senior rights predate 1914, when the state started to issue diversion permits. In times of drought, those with junior rights are cut off first to leave water for more senior diverters.

This year and last, the State Water Resources Control Board told thousands of junior rights holders in the Central Valley to stop drawing water from rivers and streams. Then on June 12, regulators reached further back, sending curtailment notices to more than 100 districts and growers with rights dating to 1903.

On Friday, it issued additional orders curtailing four of San Francisco's early 1900s rights as well as others that date to the mid-1800s. More are expected as flows continue to decline this summer.

Regulators had halted senior diversions once before, in the severe 1976-1977 drought. But it is unclear how widely those curtailments were enforced or whether any legal challenges were filed.

This time, irrigation districts lost no time challenging the state. They have already filed four separate lawsuits with multiple claims.

Chief among their arguments is that because California didn't start administering water rights until 1914, the state has no jurisdiction over pre-1914 rights. It is up to the senior rights holders themselves to enforce the rights' pecking order, the irrigators say, and the oldest districts have not complained that others are taking their water.

Moreover, the districts say the state hasn't fully enforced this year's junior curtailments: The state board revealed last week that compliance forms had been filed for about a third of the notices issued this year, the vast majority of which deal with junior rights.

"The state ... is coming in trying to regulate people who cannot be regulated for the benefit of people who don't want to be regulated," said attorney Steve Herum, who filed one of the lawsuits on behalf of the Banta-Carbona Irrigation District.

Federal and state agencies have in recent decades restricted senior diversions for environmental reasons: to protect imperiled fish and maintain water quality. But in many respects, senior diverters have been left alone. The state board doesn't even know how much water many of them are taking from California's rivers and streams.

Although reporting requirements have been on the books since 1966 and were beefed up by the Legislature in 2009, they have been largely ignored. According to the state board, a majority of senior rights diversions aren't being measured and reported, a fact that prompted lawmakers this month to again tighten the filing regulations.

"Water-use data in California is a huge problem," said attorney Eric Garner, an adjunct professor of water law at USC. "You cannot manage a resource without data."

The lack of good diversion information raises the question of how the state board can determine what rights to curtail and when. "We know well enough from the reports we get and from other estimates available," said Andrew Sawyer, the state board's assistant chief counsel. "We definitely could use better data."

Sawyer called the lawsuits premature, because the curtailments are technically notices, not orders. But if the districts continue to withdraw water, the board could issue enforcement orders, subjecting diverters to steep fines and even court prosecution.

"This is about diverting when there's no water available under your water right priority," Sawyer said. "What the water board is trying to do is implement the priority system."

He cited three recent court cases, unrelated to the drought, in which diverters challenged the board's oversight of pre-1914 rights, as well as riparian rights, under which landowners can pump supplies from streams and rivers flowing by their property. "The water board won all three," Sawyer said.

Although some Northern California cities have senior rights, irrigation districts and growers hold far more. That mismatch of water and population has led some to suggest it is time to revamp a rights system that dates to the Gold Rush. They point to Australia, which recently overhauled its water rights after a devastating drought.

But legal experts don't see any radical changes on the horizon.

"I don't think the water rights system is going to be blown up this year or any time soon," said Holly Doremus, a UC Berkeley law professor of environmental regulation.

"I've always thought the people who say, 'Let's just become Australia' — that's incredibly naive," she said. "Because it would require extraordinary political changes and because they didn't have the property rights protection that we do. It would be such a mess in terms of takings claims."

Still, mounting pressure on California's water supply will inevitably turn more attention to how and by whom water is used in the nation's most populous state.

"No water right is set in stone," Garner said. "I think that all water rights and all water users are going to be getting greater scrutiny."

The most likely vehicle for that scrutiny is Article X, Section 2 of the California Constitution, a core principle of state water law that says every water use must be reasonable and beneficial. The state Supreme Court has ruled that what is considered beneficial can change with conditions.

Citing that provision, the state board this month approved an emergency drought regulation that includes a ban on watering lawns in the watersheds of four creeks that feed into Northern California's Russian River. The prohibition is intended to reduce water use — and thus diversions and well withdrawals — that is diminishing stream flows crucial to the survival of endangered Central California Coast coho salmon and steelhead trout.

The board "is starting to say certain kinds of uses are unacceptable, even if you hold senior rights, at least under dry conditions," Doremus said.

"I think every time the board says these specific things are not reasonable uses of water, they are waste — I think ... they become more likely to do it again," she said.

bettina.boxall@latimes.com

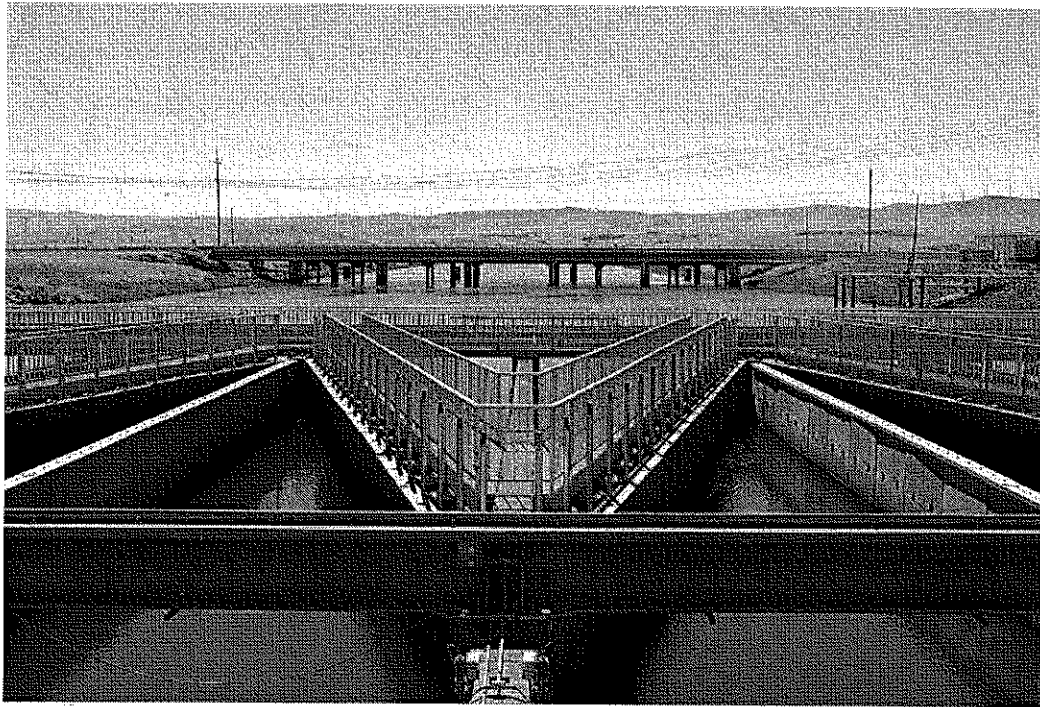
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SFGATE <http://www.sfgate.com/science/article/House-GOP-pushes-bill-to-pump-more-delta-water-6376064.php>

House GOP pushes bill to pump more delta water

By Carolyn Lochhead Updated 3:12 pm, Thursday, July 9, 2015
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The John E. Skinner Delta Fish Protective Facility is near Tracy. House Republicans' proposed bill would override protections for endangered fish.

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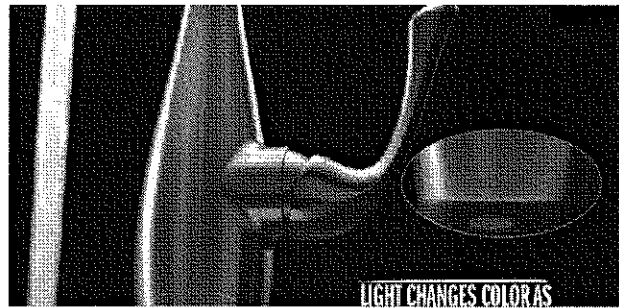
Future of Broadcast Supply.

WASHINGTON — House Republicans from the San Joaquin Valley advanced legislation Thursday that would deliver more water to their constituents, a replay of their failed efforts throughout California's four-year drought.

Eager to show that they are doing something in Washington as water deliveries are slashed for farmers holding even the oldest and most secure water rights in the state, Republicans repurposed legislation backed last year by House Majority Leader Kevin McCarthy of Bakersfield that would pump more water south through the Sacramento-San Joaquin River Delta. The bill would override protections for endangered fish and push new dams and reservoirs.

If the increased delta pumping threatens endangered salmon with extinction, the bill would direct federal agencies to determine whether the fishes' plight was caused by something other than a lack of water before pumping can be restricted.

ADVERTISING



The legislation cleared the House Natural Resources Committee on a largely party-line vote Thursday. The lone Democrat to side with the GOP was Rep. Jim Costa of Fresno, who has aligned himself with Republicans on water. McCarthy has made it a top priority for action in July, and it is expected to pass the full House on a party-line vote as early as next week.

Republicans held no public hearings on the legislation.

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Rep. Jared Huffman, D-San Rafael, battled the bill in committee and introduced his own legislation this week that emphasizes recycling, watershed restoration in the Sierra and groundwater recharge, as well as speeding approval of new reservoirs and other surface storage that could be completed within 10 years.

Huffman said his bill came from collaboration with experts and stakeholders around the state and a novel crowd-sharing experiment that solicited nearly 1,000 ideas from the public. Those include a \$2,000 tax credit to homeowners to install gray-water systems that can collect and reuse water from showers and laundry.

"There certainly is plenty we could do to help people and to address our water shortages," Huffman said, adding that the GOP bill is "is not even remotely close to that kind of response."

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McCarthy said in a statement when the bill was introduced that it would "restore the water our communities desperately need by more fully utilizing the most sophisticated water system in the world."

The bill's chances in the Senate look dim. Republicans would need six Democratic votes to overcome a filibuster. Sen. Dianne Feinstein, D-Calif., has long been sympathetic to farmers and spent months last year negotiating similar legislation with House Republicans, but her office said she was not involved in the new version.

Feinstein has said the bill's latest incarnation "includes some useful provisions" to make it easier to deliver water to farms, along with others that "violate environmental law, which I've said many times I cannot support." Feinstein said she wants a more comprehensive approach that includes such things as water recycling and desalination.

Rep. David Valadao, R-Hanford (Kings County), is the main sponsor of the GOP bill. Valadao is pushing separate legislation to speed approval of five new reservoirs or dam expansions, including raising the Shasta and Los Vaqueros dams, expanding the San Luis reservoir, and building new dams at Sites, north of the delta, and Temperance Flat, behind the existing Friant Dam east of Fresno.

Carolyn Lochhead is The San Francisco Chronicle's Washington correspondent. E-mail: clochhead@sfgate.com

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By Fenit Nirappil
The Associated Press

[Print Page](#)

July 01, 2015 5:00PM

SJ cities among those cutting use at record levels

SACRAMENTO — California's drought-stricken cities set a record for water conservation, reducing usage 29 percent in May, according to data released by a state agency Wednesday.

Even some of the cities in San Joaquin County that had struggled to save showed dramatic improvement, officials said.

Regulators hope the savings will last through summer as California communities are under order to cut water use by 25 percent compared to 2013 levels. Gov. Jerry Brown announced his mandatory conservation order in April.

Felicia Marcus, chairwoman of the State Water Resources Control Board enforcing Brown's order, said the results show it's possible to meet steep conservation targets.

"It's gratifying that far more communities are stepping up, and we want to see this much more through the summer," Marcus said. "It ends up putting off the need for much harsher rationing, which has greater impacts on people and the economy."

California is in a four-year drought that has devastated some rural communities, prompted some farmers to leave fields unplanted or tap expensive water supplies and dented fish populations. Many cities have avoided the brunt of the dry spell because of backup supplies and preparation, but the governor wanted conservation efforts ramped up with no clear end to the drought in sight.

May's water savings were the best showing since the state started tracking conservation last summer. The report followed several months of tepid conservation, 13.5 percent in April and 4 percent in March.

The data is self-reported by more than 400 California water departments and includes residential and business consumption. All regions of the state showed improvement.

The southern coast, which includes Los Angeles and San Diego, conserved 25 percent in May after months of lackluster savings. Sacramento and its surrounding communities were the state's top performer, cutting water use by nearly 40 percent.

Conservation may have been skewed by rain in parts of the state in May, which reduces the need to water lawns. Regulators have been encouraging Californians to let their lawns go dry this summer as the easiest way to save large amounts of water and maintain local supplies if the drought continues.

The water board has assigned each community a mandatory conservation target between 4 and 36 percent, depending on how much water residents used last summer, that will be tracked between June and February. Cities that don't meet these targets face fines or state-imposed restrictions on water use.

Some have complained these targets are unfair because it doesn't take into account water savings made before the drought or how secure local supplies are. The city of Riverside is suing the water board over conservation, saying it has ample groundwater supplies.

Cutting back

Communities in San Joaquin and Calaveras counties stepped up their water conservation efforts in May 2015, saving anywhere from 29 percent to 38 percent of the water they used in May 2013, before the drought had been declared. Calaveras County Water District: 38 percent reduction (residents used 71 gallons per person) Cal Water (Stockton): 29 percent (71 gallons per person) City of Stockton: 38 percent (99 gallons per person) Lathrop: 37 percent (99 gallons per person) Tracy: 30 percent reduction (107 gallons per person) Manteca: 34 percent (116 gallons per person) Lodi: 32 percent (124 gallons per person) Ripon: 34 percent (188 gallons per person)

<http://www.recordnet.com/article/20150701/NEWS/150709963>

[Print Page](#)

ATTACHMENT
II.C.

Senate Bill No. 88

CHAPTER 27

An act to add Sections 116680, 116681, 116682, and 116684 to the Health and Safety Code, to add and repeal Sections 21080.08, 21080.45, and 21080.46 of the Public Resources Code, and to amend Sections 375, 375.5, 377, 1058.5, 1552, 1846, 5103, and 5104 of, to add Sections 377.5, 79708.5, and 79716.5 to, and to add Article 3 (commencing with Section 1840) to Chapter 12 of Part 2 of Division 2 of, the Water Code, relating to water, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 24, 2015. Filed with
Secretary of State June 24, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 88, Committee on Budget and Fiscal Review. Water.

(1) Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, and imposes on the State Water Resources Control Board various responsibilities and duties. Existing law requires the state board to conduct research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, to adopt regulations to implement the California Safe Drinking Water Act, and to enforce provisions of the federal Safe Drinking Water Act. Existing law prohibits a person from operating a public water system unless the person first submits an application to the state board and receives a permit issued by the state board, as specified.

This bill would authorize the state board to order consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. This bill would authorize the state board to order the extension of service to an area that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation. The bill would require the state board, prior to ordering consolidation or extension of service, to conduct an initial public meeting and a public hearing and to make specified findings. The bill would limit the liability of a consolidated water system, wholesaler, or any other agency in the chain of distribution that delivers water to a consolidated water system, as specified.

(2) Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project

will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts certain projects from its requirements.

This bill would, until January 1, 2017, or a specified date, whichever is earlier, exempt from CEQA certain groundwater replenishment projects.

This bill would, until July 1, 2017, exempt from CEQA the development and approval of building standards by state agencies for recycled water systems.

This bill would, with specified exceptions and until July 1, 2017, or a specified date, whichever is later, exempt from CEQA the adoption of an ordinance to impose stricter conditions on the issuance of well permits or changes in the intensity of land use that would increase demand on groundwater.

(3) The California Constitution declares that the general welfare of the state requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, and that the right to the use of water does not extend to the waste or unreasonable use, method of use, or method of diversion of water. Existing law requires the state board to take all appropriate proceedings or actions to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water in this state. Existing law states the intent of the Legislature that the state take vigorous action to enforce the terms and conditions of permits, licenses, certifications, and registrations to appropriate water, to enforce state board orders and decisions, and to prevent the unlawful diversion of water.

This bill would, commencing January 1, 2016, require a person who diverts 10 acre-feet of water per year or more under a permit or license to install and maintain a device or employ a method capable of measuring the rate of direct diversion, rate of collection to storage, and rate of withdrawal or release from storage, as specified, and with certain exceptions. This bill would require the permittee or licensee to maintain a record of all diversion monitoring and the total amount of water diverted and submit these records to the state board, as prescribed. This bill would require a person who diverts water under a registration, permit, or license to report to the state board, at least annually. This bill would authorize the state board to adopt regulations requiring measurement and reporting of water diversion and use by specified persons and would require that the initial regulations be adopted as emergency regulations and that these emergency regulations remain in effect until revised by the state board. This bill would exempt from CEQA the adoption of the initial regulations by the state board.

(4) Existing law authorizes a person or entity in violation of a term or condition of a permit, license, certificate, or registration issued by, an order adopted by, or certain emergency regulations adopted by, the state board to

be civilly liable for an amount not to exceed \$500 for each day in which the violation occurs.

This bill would expand this civil liability to any violation of any regulation adopted by the state board.

Existing law makes this civil liability applicable only in a critically dry year immediately preceded by 2 or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions.

This bill would eliminate this requirement.

(5) Existing law, with certain exceptions, requires each person who diverts water after December 31, 1965, to file with the state board a statement of diversion and use, and to include specified information. Existing law requires supplemental statements of diversion and use to be filed at 3-year intervals prior to July 1 of the year next succeeding the end of each interval, and requires, if there is a change in the name or address of the person diverting water, a supplemental statement be filed with the state board that includes the change. Existing law provides that the making of a material misstatement in connection with these provisions is a misdemeanor punishable as prescribed.

This bill would require supplemental statements of diversion and use to be filed annually prior to July 1, as provided. By expanding the definition of a crime, this bill would impose a state-mandated local program.

Existing law requires each statement of diversion and use, on and after January 1, 2012, to include monthly records of water diversions using best available technologies and best professional practices. Existing law prohibits this requirement from being construed to require the implementation of technologies or practices by a person who provides to the state board documentation demonstrating that the implementation of those practices is not locally cost effective.

This bill would require each statement to include at least monthly records of water diversions and would eliminate the above-described prohibition.

(6) Under existing law, emergency regulations of the state board are not subject to review by the Office of Administrative Law if the state board adopts findings that the emergency regulations are adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water to promote wastewater reclamation, or to promote water conservation, and that the emergency regulations are adopted in response to conditions which exist, or are threatened, in a critically dry year immediately preceded by 2 or more consecutive dry or critically dry years. Under existing law, a person who violates an emergency regulation adopted by the state board pursuant to these provisions or violates certain cease and desist orders relating to the enforcement of water rights may be liable for specified amounts. Revenues generated from these penalties are deposited into the Water Rights Fund, which are available, upon appropriation, for specified purposes.

This bill would require that a civil liability imposed for a violation of an emergency conservation regulation, as defined, that is adopted pursuant to

these provisions, or a violation of a cease and desist order of that emergency conservation regulation, be deposited, and separately accounted for, in the Water Rights Fund. The bill would require those funds to be available, upon appropriation by the Legislature, for water conservation activities and programs.

(7) Existing law authorizes any public entity, as defined, that supplies water at retail or wholesale for the benefit of persons within the service area or area of jurisdiction of the public entity to, by ordinance or resolution, adopt and enforce a water conservation program to reduce the quantity of water used for the purpose of conserving the water supplies of the public entity. Existing law provides that a violation of a requirement of a water conservation program is a misdemeanor punishable by imprisonment in the county jail for not more than 30 days, or by a fine not exceeding \$1,000, or both.

This bill would provide that a court or public entity may hold a person civilly liable in an amount not to exceed \$10,000 for a violation of a water conservation program ordinance or resolution, or certain emergency regulations adopted by the state board. This bill would prohibit the civil liability assessed by a court or public entity for the first violation by a residential water user from exceeding \$1,000, except as specified. This bill would provide that commencing on the 31st day after the public entity has notified the person of the violation, the person additionally may be civilly liable for an amount not to exceed \$10,000 plus \$500 for each additional day on which the violation continues. This bill would require civil liability imposed pursuant to these provisions to be paid to the public entity and to be expended solely for the purposes of the water conservation program. In addition to these remedies, this bill would authorize a public entity to enforce water use limitations by a volumetric penalty in an amount established by the public entity.

(8) Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The act requires each state agency that receives an appropriation from the funding made available by the act to administer a competitive grant or loan program under the act's provisions to develop and adopt project solicitation and evaluation guidelines before disbursing the grants or loans. The act requires the Secretary of the Natural Resources Agency to publish and post on the Natural Resources Agency's Internet Web site a list of expenditures pursuant to the act not less than annually, as prescribed, and to post on that Internet Web site the guidelines submitted by state agencies and the secretary's verification that the guidelines are consistent with applicable statutes and the purposes of the act.

This bill would require the secretary to post on the Natural Resources Agency's Internet Web site information on changes to project timelines and project spending, in order to facilitate oversight of funding and projects.

The act requires each state agency that receives an appropriation of funding made available by the act to be responsible for establishing metrics of success and reporting the status of projects and all uses of the funding on the state's bond accountability Internet Web site.

This bill would require each state agency that receives an appropriation of funding made available by the act to evaluate the outcomes of projects, report this evaluation on the state's bond accountability Internet Web site, and to hold a grantee of funds accountable for completing projects funded by the act on time and within scope.

(9) The bond act provides that the sum of \$810,000,000 is to be available, upon appropriation by the Legislature, for expenditures on, and competitive grants and loans to, projects that are included in and implemented in an adopted integrated regional water management plan and respond to climate change and contribute to regional water security. The bond act authorizes the use of \$100,000,000 of those funds for direct expenditures, and for grants and loans, for certain water conservation and water use efficiency plans, projects, and programs. Existing law establishes the CalConserve Water Use Efficiency Revolving Fund and provides that the moneys in the fund are available to the Department of Water Resources, upon appropriation by the Legislature, for the purpose of water use efficiency projects. Existing law requires moneys in the fund to be used for purposes that include, but are not limited to, at or below market interest rate loans to local agencies, as defined, and permits the department to enter into agreements with local agencies that provide water or recycled water service to provide loans.

Existing law transferred to the fund the sum of \$10,000,000 of the proceeds of these bonds for water conservation and water use efficiency projects and programs to achieve urban water use targets. Existing law requires the department to use \$5,000,000 for a pilot project for local agencies to provide water efficiency upgrades to eligible residents and requires the department to use the other \$5,000,000 for local agencies to provide low-interest loans to customers to finance the installation of onsite improvements to repair or replace, as necessary, cracked or leaking water pipes to conserve water.

This bill would appropriate the sum of \$10,000,000 available in the fund from the proceeds of the bond act for the purpose of these provisions.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(11) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

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

SECTION 1. Section 116680 is added to the Health and Safety Code, to read:

116680. The Legislature finds and declares as follows:

(a) It is the policy of the state to encourage orderly growth and development, which are essential to the social, fiscal, and economic well-being of the state. The Legislature recognizes that the logical formation, consolidation, and operation of water systems is an important factor in promoting orderly development and in balancing that development against sometimes competing state interests of discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending other government services. Therefore, the policy of the state should be affected by the logical formation, consolidation, and operation of water systems.

(b) The powers set forth in Section 116682 for consolidation of water systems are consistent with the intent of promoting orderly growth.

SEC. 2. Section 116681 is added to the Health and Safety Code, to read:

116681. The following definitions shall apply to this section and Sections 116682 and 116684:

(a) "Adequate supply" means sufficient water to meet residents' health and safety needs.

(b) "Affected residence" means a residence reliant on a water supply that is either inadequate or unsafe.

(c) "Consistently fails" means a failure to provide an adequate supply of safe drinking water.

(d) "Consolidated water system" means the public water system resulting from the consolidation of a public water system with another public water system, state small water system, or affected residences not served by a public water system.

(e) "Consolidation" means joining two or more public water systems, state small water systems, or affected residences not served by a public water system, into a single public water system.

(f) "Disadvantaged community" means a disadvantaged community, as defined in Section 79505.5 of the Water Code, that is in an unincorporated area or is served by a mutual water company.

(g) "Extension of service" means the provision of service through any physical or operational infrastructure arrangement other than consolidation.

(h) "Receiving water system" means the public water system that provides service to a subsumed water system through consolidation or extension of service.

(i) "Safe drinking water" means water that meets all primary and secondary drinking water standards.

(j) "Subsumed water system" means the public water system, state small water system, or affected residences not served by a public water system consolidated into or receiving service from the receiving water system.

SEC. 3. Section 116682 is added to the Health and Safety Code, to read:

116682. (a) Where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water, the State Water Resources Control Board may order consolidation with a receiving water system as provided in this section and Section 116684. The consolidation may be physical or operational. The State Water Resources Control Board may also order the extension of service to an area that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation. The State Water Resources Control Board may set timelines and performance measures to facilitate completion of consolidation.

(b) Prior to ordering consolidation or extension of service as provided in this section, the State Water Resources Control Board shall do all of the following:

- (1) Encourage voluntary consolidation or extension of service.
- (2) Consider other enforcement remedies specified in this article.
- (3) Consult with, and fully consider input from, the relevant local agency formation commission regarding the provision of water service in the affected area, the recommendations for improving service in a municipal service review, and any other relevant information.
- (4) Consult with, and fully consider input from, the Public Utilities Commission when the consolidation would involve a water corporation subject to the commission's jurisdiction.
- (5) Consult with, and fully consider input from, the local government with land use planning authority over the affected area, particularly regarding any information in the general plan required by Section 65302.10 of the Government Code.

(6) Notify the potentially receiving water system and the potentially subsumed water system, if any, and establish a reasonable deadline of no less than six months, unless a shorter period is justified, for the potentially receiving water system and the potentially subsumed water system, if any, to negotiate consolidation or another means of providing an adequate supply of safe drinking water.

(A) During this period, the State Water Resources Control Board shall provide technical assistance and work with the potentially receiving water system and the potentially subsumed water system to develop a financing package that benefits both the receiving water system and the subsumed water system.

(B) Upon a showing of good cause, the deadline may be extended by the State Water Resources Control Board at the request of the potentially receiving water system, potentially subsumed water system, or the local agency formation commission with jurisdiction over the potentially subsumed water system.

(7) Obtain written consent from any domestic well owner for consolidation or extension of service. Any affected resident within the consolidation or extended service area who does not provide written consent shall be ineligible, until the consent is provided, for any future water-related

grant funding from the state other than funding to mitigate a well failure, disaster, or other emergency.

(8) Hold at least one public meeting at the initiation of this process in a place as close as feasible to the affected areas. The State Water Resources Control Board shall make reasonable efforts to provide a 30-day notice of the meeting to the ratepayers, renters, and property owners to receive water service through service extension or in the area of the subsumed water system and all affected local government agencies and drinking water service providers. The meeting shall provide representatives of the potentially subsumed water system, affected ratepayers, renters, property owners, and the potentially receiving water system an opportunity to present testimony. The meeting shall provide an opportunity for public comment.

(c) Upon expiration of the deadline set by the State Water Resources Control Board pursuant to paragraph (6) of subdivision (b), the State Water Resources Control Board shall do the following:

(1) Consult with the potentially receiving water system and the potentially subsumed water system, if any.

(2) Conduct a public hearing, in a location as close as feasible to the affected communities.

(A) The State Water Resources Control Board shall make reasonable efforts to provide a 30-day notice of the hearing to the ratepayers, renters, and property owners to receive water service through service extension or in the area of the subsumed water system and to all affected local government agencies and drinking water service providers.

(B) The hearing shall provide representatives of the potentially subsumed water system, affected ratepayers, renters, property owners, and the potentially receiving water system an opportunity to present testimony.

(C) The hearing shall provide an opportunity for public comment.

(d) Prior to ordering consolidation or extension of service, the State Water Resources Control Board shall find all of the following:

(1) The potentially subsumed water system has consistently failed to provide an adequate supply of safe drinking water.

(2) All reasonable efforts to negotiate consolidation or extension of service were made.

(3) Consolidation of the receiving water system and subsumed water system or extension of service is appropriate and technically and economically feasible.

(4) There is no pending local agency formation commission process that is likely to resolve the problem in a reasonable amount of time.

(5) Concerns regarding water rights and water contracts of the subsumed and receiving water systems have been adequately addressed.

(6) Consolidation or extension of service is the most effective and cost-effective means to provide an adequate supply of safe drinking water.

(7) The capacity of the proposed interconnection needed to accomplish the consolidation is limited to serving the current customers of the subsumed water system.

(e) Upon ordering consolidation or extension of service, the State Water Resources Control Board shall do all of the following:

(1) As necessary and appropriate, make funds available, upon appropriation by the Legislature, to the receiving water system for the costs of completing the consolidation or extension of service, including, but not limited to, replacing any capacity lost as a result of the consolidation or extension of service, providing additional capacity needed as a result of the consolidation or extension of service, and legal fees. Funding pursuant to this paragraph is available for the general purpose of providing financial assistance for the infrastructure needed for the consolidation or extension of service and does not need to be specific to each individual consolidation project. The State Water Resources Control Board shall provide appropriate financial assistance for the infrastructure needed for the consolidation or extension of service. The State Water Resources Control Board's existing financial assistance guidelines and policies shall be the basis for the financial assistance.

(2) Ensure payment of standard local agency formation commission fees caused by State Water Resources Control Board-ordered consolidation or extension of service.

(3) Adequately compensate the owners of a privately owned subsumed water system for the fair market value of the system as determined by the Public Utilities Commission for water corporations subject to the commission's jurisdiction or the State Water Resources Control Board for all other water systems.

(4) Coordinate with the appropriate local agency formation commission and other relevant local agencies to facilitate the change of organization or reorganization.

(f) For the purposes of this section, the consolidated water system shall not increase charges on existing customers of the receiving water system solely as a consequence of the consolidation or extension of service unless the customers receive a corresponding benefit.

(g) Division 3 (commencing with Section 56000) of Title 5 of the Government Code shall not apply to the consolidation or extension of service required pursuant to this section.

SEC. 4. Section 116684 is added to the Health and Safety Code, to read:

116684. (a) Liability of a consolidated water system, wholesaler, or any other agency in the chain of distribution that delivers water to a consolidated water system shall be limited as described in this section.

(b) (1) The consolidated water system, wholesaler, or any other agency in the chain of distribution that delivers water to a consolidated water system, shall not be held liable for claims by past or existing customers or those who consumed water provided through the subsumed water system concerning the operation and supply of water from the subsumed water system during the interim operation period specified in subdivision (d) for any good faith, reasonable effort using ordinary care to assume possession of, to operate, or to supply water to the subsumed water system.

(2) The consolidated water system, wholesaler, or any other agency in the chain of distribution that delivers water to a consolidated water system, shall not be held liable for claims by past or existing customers or by those who consumed water provided through the subsumed water system for any injury that occurred prior to the commencement of the interim operation period specified in subdivision (d).

(c) (1) The consolidated water system, wholesaler, or any other agency in the chain of distribution that delivers water to a consolidated water system, shall not be held liable for claims by past or existing customers or by those who consumed water provided through the subsumed water system concerning the provision of supplemental imported water supplies to the subsumed water system during the interim operation period specified in subdivision (d) for any good faith, reasonable effort using ordinary care to supply water to the subsumed water system.

(2) The consolidated water system, wholesaler, or any other agency in the chain of distribution that delivers water to a consolidated water system, shall not be held liable for claims by past or existing customers or by those who consumed water provided through the subsumed water system concerning the operation and supply of water from the subsumed water system for any injury that occurred prior to the commencement of the interim operation period specified in subdivision (d).

(3) This subdivision shall only apply if the water supplied by the consolidated water system through a temporary potable service pipeline to the subsumed water system meets or exceeds federal and state drinking water quality standards.

(d) (1) The interim operation period shall commence upon the connection of a temporary potable service pipeline by the consolidated water system to the subsumed water system, or upon the execution of an agreement between the consolidated water system, subsumed water system, and any other signatories to provide service to the customers of the subsumed water system, whichever occurs first.

(2) (A) Except as provided in subparagraph (B), the interim operation period shall last until permanent replacement facilities are accepted by the consolidated water system with the concurrence of the State Water Resources Control Board and the facilities and water supply meet drinking water and water quality standards.

(B) Upon the showing of good cause, the interim operation period shall be extended by the State Water Resources Control Board for up to three successive one-year periods at the request of the consolidated water system.

(3) The acceptance date of permanent replacement facilities shall be publicly noticed by the consolidated water system.

(e) Subdivision (b) shall only apply if the consolidated water system provides water to the subsumed water system in accordance with all of the following conditions:

(1) Water provided by the consolidated water system through a temporary potable service pipeline to the subsumed water system shall meet or exceed federal and state drinking water quality standards.

(2) Reasonable water system flow and pressure through a temporary potable service pipeline shall be maintained during the interim operation period based upon the condition and integrity of the existing subsumed water system, and any disruptions to water delivery resulting from construction-related activities associated with the installation of permanent replacement facilities shall be minimal.

(3) The consolidated water system shall notify fire officials serving the subsumed water system service area of the condition and firefighting support capabilities of the subsumed water system and planned improvements with the installation of permanent replacement facilities thereto. The consolidated water system shall maintain or improve the condition and firefighting support capabilities of the subsumed water system during the interim operation period.

(4) Customers of the subsumed water system shall receive written notice upon any change in possession, control, or operation of the water system.

(f) Nothing in this section shall be construed to do any of the following:

(1) Relieve any water district, water wholesaler, or any other entity from complying with any provision of federal or state law pertaining to drinking water quality.

(2) Impair any cause of action by the Attorney General, a district attorney, a city attorney, or any other public prosecutor, or impair any other action or proceeding brought by or on behalf of a regulatory agency.

(3) Impair any claim alleging the taking of property without compensation within the meaning of either the Fifth Amendment to the United States Constitution or Section 19 of Article I of the California Constitution.

SEC. 5. The Legislature finds and declares all of the following:

(a) Section 7 of Article XI of the California Constitution authorizes a county or city to “make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”

(b) The California Supreme Court has held that local regulations affecting economic interests in property are within local governments’ police power (*Birkenfeld v. City of Berkeley* (1976) 17 Cal.3d 129, 158).

(c) Counties may reasonably regulate land use under their police powers (*Associated Home Builders etc., Inc., v. City of Livermore* (1976) 18 Cal.3d 582).

(d) Counties may regulate groundwater, including well permitting, under their police powers (*Baldwin v. County of Tehama* (1994) 31 Cal.App.4th 166, 175-76), and numerous counties have exercised this authority through ordinances.

(e) The Legislature enacted the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code) to ensure that local agencies manage their high- and medium-priority groundwater basins sustainably. That act does not require the adoption of local groundwater sustainability plans until 2020 or 2022. Under the act, counties retain their authority to issue well permits.

(f) As local agencies are transitioning to the implementation of the Sustainable Groundwater Management Act, unregulated well permitting in stressed high- and medium-priority groundwater basins during the ongoing drought emergency is causing risks to the health, safety, and well-being of citizens.

SEC. 6. Section 21080.08 is added to the Public Resources Code, to read:

21080.08. (a) This division does not apply to a project that satisfies both of the following:

(1) The project is approved or carried out by a public agency for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor on January 17, 2014, pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(2) The project consists of construction or expansion of recycled water pipeline and directly related infrastructure within existing rights of way, and directly related groundwater replenishment, if the project does not affect wetlands or sensitive habitat, and where the construction impacts are fully mitigated consistent with applicable law.

(b) This section shall remain operative until the state of emergency due to drought conditions declared by the Governor in the proclamation issued on January 17, 2014, has expired or until January 1, 2017, whichever occurs first, and as of January 1, 2017, is repealed unless a subsequent statute amends or repeals that date.

SEC. 7. Section 21080.45 is added to the Public Resources Code, to read:

21080.45. (a) This division does not apply to the development and approval of building standards by state agencies for recycled water systems.

(b) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 8. Section 21080.46 is added to the Public Resources Code, to read:

21080.46. (a) Without limiting any other statutory exemption or categorical exemption, this division does not apply to the adoption of an ordinance by a city, county, or city and county to limit or prohibit the drilling of new or deeper groundwater wells, or to limit or prohibit increased extractions from existing groundwater wells, through stricter conditions on the issuance of well permits or changes in the intensity of land use that would increase demand on groundwater.

(b) (1) This section shall remain operative until July 1, 2017, or so long as the state of emergency due to drought conditions declared by the Governor in the proclamation of a state of emergency issued on January 17, 2014, remains in effect, whichever is later.

(2) This section is repealed on January 1 of the year following the date on which this section becomes inoperative.

(c) Notwithstanding subdivision (a) or (b), this section does not apply to either of the following:

(1) The issuance of any permit for a new or deeper groundwater well by a city, county, or city and county.

(2) The adoption of any ordinance affecting or relating to new residential, commercial, institutional, or industrial projects or any mix of these uses, or any change in the intensity or use of land for these purposes, if that project or change in use requires approval by a city, county, or city and county. Nor does this section apply to the adoption of any ordinance that would limit or prohibit new or deeper groundwater wells, or increased extraction from existing groundwater wells, that may be needed to serve these projects.

SEC. 9. Section 375 of the Water Code is amended to read:

375. (a) Notwithstanding any other law, any public entity that supplies water at retail or wholesale for the benefit of persons within the service area or area of jurisdiction of the public entity may, by ordinance or resolution adopted by a majority of the members of the governing body after holding a public hearing upon notice and making appropriate findings of necessity for the adoption of a water conservation program, adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity.

(b) With regard to water delivered for other than agricultural uses, the ordinance or resolution may specifically require the installation of water-saving devices that are designed to reduce water consumption. The ordinance or resolution may also encourage water conservation through rate structure design.

(c) For the purposes of this chapter, "public entity" means a city, whether general law or chartered, county, city and county, special district, agency, authority, any other municipal public corporation or district, or any other political subdivision of the state.

(d) For the purposes of this section and subdivisions (b) and (c) of Section 377, "person" means any person, firm, association, organization, partnership, business, trust, corporation, company, or public agency, including any city, county, city and county, district, joint powers authority, or any agency or department of a public agency.

SEC. 10. Section 375.5 of the Water Code is amended to read:

375.5. (a) A public entity may undertake water conservation and public education programs in conjunction with school districts, public libraries, or any other public entity.

(b) (1) A public entity may undertake water conservation and public education programs using an information booklet or materials for use in connection with the use or transfer of real estate containing up to four residential units. For the purposes of this subdivision, the public entity may use water conservation materials prepared by the department.

(2) It is the intent of the Legislature that on or before December 31, 2007, a review of the program be conducted to obtain information on both of the following matters:

(A) The extent to which public entities have undertaken water conservation and public education programs referred to in paragraph (1).

(B) The extent to which water conservation may be attributable to the implementation of water conservation and public education programs referred to in paragraph (1).

(c) A public entity may take into account any programs undertaken pursuant to this section in a rate structure design implemented pursuant to Section 375.

(d) The Legislature finds and declares that a program undertaken pursuant to this section is in the public interest, serves a public purpose, and will promote the health, welfare, and safety of the people of the state.

SEC. 11. Section 377 of the Water Code is amended to read:

377. (a) From and after the publication or posting of any ordinance or resolution pursuant to Section 376, violation of a requirement of a water conservation program adopted pursuant to Section 376 is a misdemeanor. A person convicted under this subdivision shall be punished by imprisonment in the county jail for not more than 30 days, or by fine not exceeding one thousand dollars (\$1,000), or by both.

(b) A court or public entity may hold a person civilly liable in an amount not to exceed ten thousand dollars (\$10,000) for a violation of any of the following:

(1) An ordinance or resolution adopted pursuant to Section 376.

(2) An emergency regulation adopted by the board under Section 1058.5, unless the board regulation provides that it cannot be enforced under this section.

(c) Commencing on the 31st day after the public entity notified a person of a violation described in subdivision (b), the person additionally may be civilly liable in an amount not to exceed ten thousand dollars (\$10,000) plus five hundred dollars (\$500) for each additional day on which the violation continues.

(d) Remedies prescribed in this section are cumulative and not alternative, except that no liability shall be recoverable under this section for any violation of paragraph (2) of subdivision (b) if the board has filed a complaint pursuant to Section 1846 alleging the same violation.

(e) A public entity may administratively impose the civil liability described in subdivisions (b) and (c) after providing notice and an opportunity for a hearing. The public entity shall initiate a proceeding under this subdivision by a complaint issued pursuant to Section 377.5. The public entity shall issue the complaint at least 30 days before the hearing on the complaint and the complaint shall state the basis for the proposed civil liability order.

(f) (1) In determining the amount of civil liability to assess, a court or public entity shall take into consideration all relevant circumstances, including, but not limited to, the nature and persistence of the violation, the extent of the harm caused by the violation, the length of time over which the violation occurs, and any corrective action taken by the violator.

(2) The civil liability calculated pursuant to paragraph (1) for the first violation of subdivision (b) by a residential water user shall not exceed one thousand dollars (\$1,000) except in extraordinary situations where the court or public entity finds all of the following:

(A) The residential user had actual notice of the requirement found to be violated.

(B) The conduct was intentional.

(C) The amount of water involved was substantial.

(g) Civil liability imposed pursuant to this section shall be paid to the public entity and expended solely for the purposes of this chapter.

(h) An order setting administrative civil liability shall become effective and final upon issuance of the order and payment shall be made. Judicial review of any final order shall be pursuant to Section 1094.5 of the Code of Civil Procedure.

(i) In addition to the remedies prescribed in this section, a public entity may enforce water use limitations established by an ordinance or resolution adopted pursuant to this chapter, or as otherwise authorized by law, by a volumetric penalty in an amount established by the public entity.

SEC. 12. Section 377.5 is added to the Water Code, to read:

377.5. (a) A complaint or citation under subdivision (b) of Section 377 or subdivision (d) of Section 1058.5 may be issued by any of the following:

(1) A code enforcement officer, as defined in Section 829.5 of the Penal Code.

(2) A designee of the chief executive officer of a public entity authorized to adopt an ordinance or resolution under Section 375.

(3) A designee of the chief executive officer of a city, county, or city and county.

(b) For purposes of this section, the term "chief executive officer" includes a city manager, general manager, or other employee of the public entity who is the highest ranking officer or employee, other than a member of a multimember governing body, with responsibility for the operations of the public entity.

SEC. 13. Section 1058.5 of the Water Code is amended to read:

1058.5. (a) This section applies to any emergency regulation adopted by the board for which the board makes both of the following findings:

(1) The emergency regulation is adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.

(2) The emergency regulation is adopted in response to conditions which exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7

(commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions.

(b) Notwithstanding Sections 11346.1 and 11349.6 of the Government Code, any findings of emergency adopted by the board, in connection with the adoption of an emergency regulation under this section, are not subject to review by the Office of Administrative Law.

(c) An emergency regulation adopted by the board under this section may remain in effect for up to 270 days, as determined by the board, and is deemed repealed immediately upon a finding by the board that due to changed conditions it is no longer necessary for the regulation to remain in effect. An emergency regulation adopted by the board under this section may be renewed if the board determines that the conditions specified in paragraph (2) of subdivision (a) are still in effect.

(d) In addition to any other applicable civil or criminal penalties, any person or entity who violates a regulation adopted by the board pursuant to this section is guilty of an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

(e) (1) Notwithstanding subdivision (b) of Section 1551, subdivision (d) of Section 1845, and subdivision (f) of Section 1846, a civil liability imposed under Chapter 12 (commencing with Section 1825) of Part 2 of Division 2 by the board or a court for a violation of an emergency conservation regulation adopted pursuant to this section shall be deposited, and separately accounted for, in the Water Rights Fund. Funds deposited in accordance with this subdivision shall be available, upon appropriation, for water conservation activities and programs.

(2) For purposes of this subdivision, an “emergency conservation regulation” means an emergency regulation that requires an end user of water, a water retailer, or a water wholesaler to conserve water or report to the board on water conservation. Water conservation includes restrictions or limitations on particular uses of water or a reduction in the amount of water used or served, but does not include curtailment of diversions when water is not available under the diverter’s priority of right or reporting requirements related to curtailments.

SEC. 14. Section 1552 of the Water Code is amended to read:

1552. Except as provided in subdivision (e) of Section 1058.5, moneys in the Water Rights Fund are available for expenditure, upon appropriation by the Legislature, for the following purposes:

(a) For expenditure by the State Board of Equalization in the administration of this chapter and the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code) in connection with any fee or expense subject to this chapter.

(b) For the payment of refunds, pursuant to Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code, of fees or expenses collected pursuant to this chapter.

(c) For expenditure by the board for the purposes of carrying out this division, Division 1 (commencing with Section 100), Part 2 (commencing with Section 10500) and Chapter 11 (commencing with Section 10735) of

Part 2.74 of Division 6, and Article 7 (commencing with Section 13550) of Chapter 7 of Division 7.

(d) For expenditures by the board for the purposes of carrying out Sections 13160 and 13160.1 in connection with activities involving hydroelectric power projects subject to licensing by the Federal Energy Regulatory Commission.

(e) For expenditures by the board for the purposes of carrying out Sections 13140 and 13170 in connection with plans and policies that address the diversion or use of water.

SEC. 15. Article 3 (commencing with Section 1840) is added to Chapter 12 of Part 2 of Division 2 of the Water Code, to read:

Article 3. Monitoring and Reporting

1840. (a) (1) Except as provided in subdivision (b), a person who, on or after January 1, 2016, diverts 10 acre-feet of water per year or more under a permit or license shall install and maintain a device or employ a method capable of measuring the rate of direct diversion, rate of collection to storage, and rate of withdrawal or release from storage. The measurements shall be made using the best available technologies and best professional practices, as defined in Section 5100, using a device or methods satisfactory to the board, as follows:

(A) A device shall be capable of continuous monitoring of the rate and quantity of water diverted and shall be properly maintained. The permittee or licensee shall provide the board with evidence that the device has been installed with the first report submitted after installation of the device. The permittee or licensee shall provide the board with evidence demonstrating that the device is functioning properly as part of the reports submitted at five-year intervals after the report documenting installation of the device, or upon request of the board.

(B) In developing regulations pursuant to Section 1841, the board shall consider devices and methods that provide accurate measurement of the total amount diverted and the rate of diversion. The board shall consider devices and methods that provide accurate measurements within an acceptable range of error, including the following:

- (i) Electricity records dedicated to a pump and recent pump test.
- (ii) Staff gage calibrated with an acceptable streamflow rating curve.
- (iii) Staff gage calibrated for a flume or weir.
- (iv) Staff gage calibrated with an acceptable storage capacity curve.
- (v) Pressure transducer and acceptable storage capacity curve.

(2) The permittee or licensee shall maintain a record of all diversion monitoring that includes the date, time, and diversion rate at time intervals of one hour or less, and the total amount of water diverted. These records shall be included with reports submitted under the permit or license, as required under subdivision (c), or upon request of the board.

(b) (1) The board may modify the requirements of subdivision (a) upon finding either of the following:

(A) That strict compliance is infeasible, is unreasonably expensive, would unreasonably affect public trust uses, or would result in the waste or unreasonable use of water.

(B) That the need for monitoring and reporting is adequately addressed by other conditions of the permit or license.

(2) The board may increase the 10-acre-foot reporting threshold of subdivision (a) in a watershed or subwatershed, after considering the diversion reporting threshold in relation to quantity of water within the watershed or subwatershed. The board may increase the 10-acre-foot reporting threshold to 25 acre-feet or above if it finds that the benefits of the additional information within the watershed or subwatershed are substantially outweighed by the cost of installing measuring devices or employing methods for measurement for diversions at the 10-acre-foot threshold.

(c) At least annually, a person who diverts water under a registration, permit, or license shall report to the board the following information:

(1) The quantity of water diverted by month.

(2) The maximum rate of diversion by months in the preceding calendar year.

(3) The information required by subdivision (a), if applicable.

(d) Compliance with the applicable requirements of this section is a condition of every registration, permit, or license.

1841. (a) The board may adopt regulations requiring measurement and reporting of water diversion and use by either of the following:

(1) Persons authorized to appropriate water under a permit, license, registration for small domestic, small irrigation, or livestock stockpond use, or certification for livestock stockpond use.

(2) Persons required to comply with measurement and reporting regulations pursuant to subparagraph (B) of paragraph (1) of subdivision (e) of Section 5103.

(b) The initial regulations that the board adopts pursuant to this section shall be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of the initial regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations adopted under this section shall remain in effect until revised by the board.

(c) The adoption of the initial regulations pursuant to this article is exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.

SEC. 16. Section 1846 of the Water Code is amended to read:

1846. (a) A person or entity may be liable for a violation of any of the following in an amount not to exceed five hundred dollars (\$500) for each day in which the violation occurs:

(1) A term or condition of a permit, license, certificate, or registration issued under this division.

(2) A regulation or order adopted by the board.

(b) Civil liability may be imposed by the superior court. The Attorney General, upon the request of the board, shall petition the superior court to impose, assess, and recover those sums.

(c) Civil liability may be imposed administratively by the board pursuant to Section 1055.

(d) In determining the appropriate amount of civil liability, the court, pursuant to subdivision (b), or the board, pursuant to subdivision (c), may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the corrective action, if any, taken by the violator.

(e) No liability shall be recoverable under this section for any violation for which liability is recovered under Section 1052.

(f) All funds recovered pursuant to this section shall be deposited in the Water Rights Fund established pursuant to Section 1550.

SEC. 17. Section 5103 of the Water Code is amended to read:

5103. Each statement shall be prepared on a form provided by the board. The statement shall include all of the following information:

(a) The name and address of the person who diverted water and of the person filing the statement.

(b) The name of the stream or other source from which water was diverted, and the name of the next major stream or other body of water to which the source is tributary.

(c) The place of diversion. The location of the diversion works shall be depicted on a specific United States Geological Survey topographic map, or shall be identified using the California Coordinate System, or latitude and longitude measurements. If assigned, the public land description to the nearest 40-acre subdivision and the assessor's parcel number shall also be provided.

(d) The capacity of the diversion works and of the storage reservoir, if any, and the months in which water was used during the preceding calendar year.

(e) (1) (A) At least monthly records of water diversions. The measurements of the diversion shall be made in accordance with Section 1840.

(B) (i) On and after July 1, 2016, the measurement of a diversion of 10 acre-feet or more per year shall comply with regulations adopted by the board pursuant to Article 3 (commencing with Section 1840) of Chapter 12 of Part 2.

(ii) The requirement of clause (i) is extended to January 1, 2017, for any statement filer that enters into a voluntary agreement that is acceptable to

the board to reduce the statement filer's diversions during the 2015 irrigation season.

(2) (A) The terms of, and eligibility for, any grant or loan awarded or administered by the department, the board, or the California Bay-Delta Authority on behalf of a person that is subject to paragraph (1) shall be conditioned on compliance with that paragraph.

(B) Notwithstanding subparagraph (A), the board may determine that a person is eligible for a grant or loan even though the person is not complying with paragraph (1), if both of the following apply:

(i) The board determines that the grant or loan will assist the grantee or loan recipient in complying with paragraph (1).

(ii) The person has submitted to the board a one-year schedule for complying with paragraph (1).

(C) It is the intent of the Legislature that the requirements of this subdivision shall complement and not affect the scope of authority granted to the board by provisions of law other than this article.

(f) The purpose of use.

(g) A general description of the area in which the water was used. The location of the place of use shall be depicted on a specific United States Geological Survey topographic map and on any other maps with identifiable landmarks. If assigned, the public land description to the nearest 40-acre subdivision and the assessor's parcel number shall also be provided.

(h) The year in which the diversion was commenced as near as is known.

SEC. 18. Section 5104 of the Water Code is amended to read:

5104. (a) Supplemental statements shall be filed annually, before July 1 of each year. They shall contain the quantity of water diverted and the rate of diversion by months in the preceding calendar year and any change in the other information contained in the preceding statement.

(b) If there is a change in the name or address of the person diverting the water, a supplemental statement shall be filed with the board that includes the change in name or address.

(c) A supplemental statement filed prior to July 1, 2016, shall include data satisfying the requirements of subdivision (a) for any diversion of water in the 2012, 2013, and 2014 calendar years, that was not reported in a supplemental statement submitted prior to July 1, 2015.

(d) This section does not limit the authority of the board to require additional information or more frequent reporting under any other law.

SEC. 19. Section 79708.5 is added to the Water Code, to read:

79708.5. In addition to the information required pursuant to Section 79708, in order to facilitate oversight of funding and projects, the secretary shall post on the Natural Resources Agency's Internet Web site information on changes to project timelines and project spending.

SEC. 20. Section 79716.5 is added to the Water Code, to read:

79716.5. Each state agency that receives an appropriation of funding made available by this division shall do the following:

(a) Evaluate the outcomes of projects funded by this division.

(b) Include in the agency's reporting pursuant to Section 79716 the evaluation described in subdivision (a).

(c) Hold a grantee of funds accountable for completing projects funded by this division on time and within scope.

SEC. 21. The sum of ten million dollars (\$10,000,000) available in the CalConserve Water Use Efficiency Revolving Fund from the proceeds of bonds issued pursuant to Division 26.7 (commencing with Section 79700) of the Water Code, is hereby appropriated for the purpose of Section 81023 of the Water Code.

SEC. 22. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 23. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

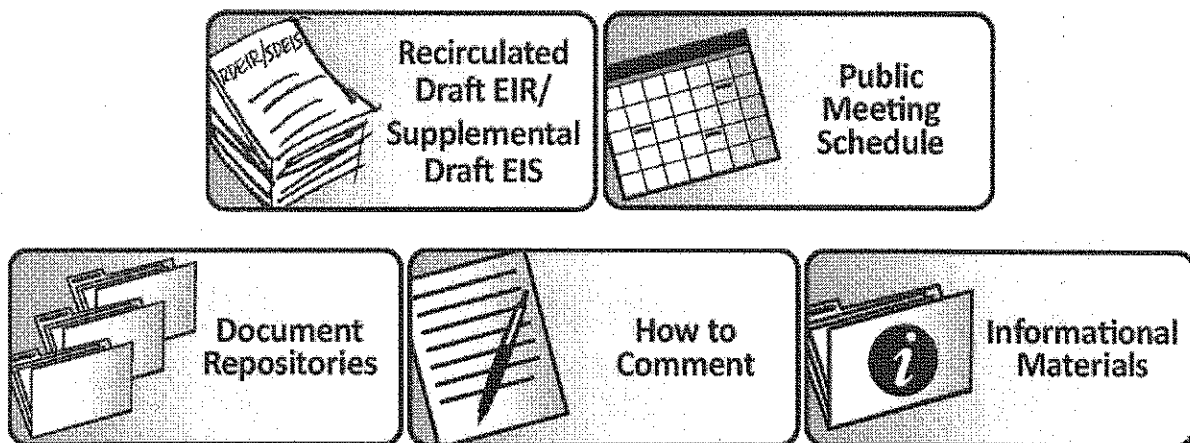
ATTACHMENT
III.

RDEIR/SDEIS Public Review

RDEIR/SDEIS Public Review (July 10, 2015 through August 31, 2015)

Bay Delta Conservation Plan/California WaterFix Partially Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) Now Available for Public Review

The RDEIR/SDEIS is being made available for public review and comment. The public review and comment period is effective July 10, 2015 through August 31, 2015.

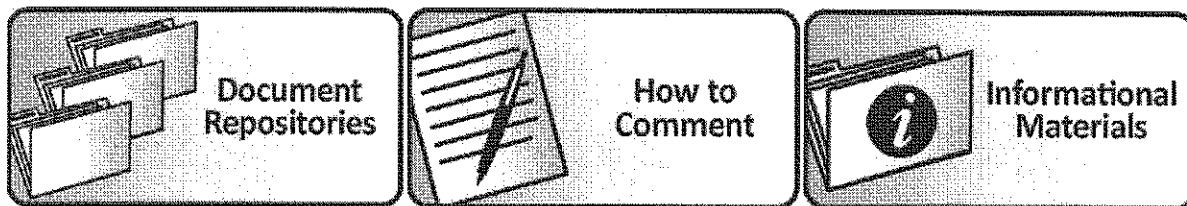
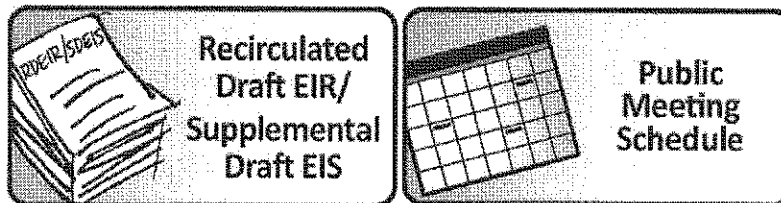


The RDEIR/SDEIS has been prepared by the lead agencies (California Department of Water Resources and U.S. Bureau of Reclamation) to provide the public and interested agencies an opportunity to review engineering refinements made to the water conveyance facilities; to introduce new sub-alternatives: Alternatives 4A (California WaterFix), 2D and 5A; to explore multiple regulatory approaches; and, to include updated environmental analyses that, in part, were conducted in response to issues raised in the more than 12,000 comments received on the 2013 Draft Bay Delta Conservation Plan (BDCP) Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Alternative 4A is the new California Environmental Quality Act (CEQA) Preferred Alternative, replacing Alternative 4 (the proposed BDCP). Alternative 4A is also the National Environmental Policy Act (NEPA) Preferred Alternative, a designation that was not attached to any of the alternatives presented in the Draft EIR/EIS. Alternative 4A includes water conveyance facilities (three new intakes along the Sacramento River and dual-bore tunnels to convey water to the existing state and federal pumping facilities) and operations elements similar to the BDCP (Alternative 4) and habitat restoration measures and other environmental commitments necessary to satisfy State and Federal environmental laws. Alternative 4A embodies a new regulatory approach for gaining necessary permits and authorizations for implementation under the California Endangered Species Act (CESA) and Federal Endangered Species Act (ESA). The RDEIR/SDEIS evaluates the potential impacts related to changes to Alternative 4, the proposed project (Alternative 4A) and two additional sub-alternatives, Alternatives 2D and 5A. The RDEIR/SDEIS also includes other substantive changes, and information added in response to technical comments received on the December 2013 public review draft documents. The RDEIR/SDEIS only includes those sections where changes or modifications have been made that necessitate additional public review according to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

The RDEIR/SDEIS is available online and at libraries throughout the state (beginning July 10) serving as document repositories. For a full list of locations, [click here](#). If you would like to request a DVD copy of the documents please email a request to BDPCComments@icfi.com.

Two public meetings will be held in July 2015 to provide more information on the contents of the RDEIR/SDEIS and to accept public comments. For public meeting dates and locations, [click here](#).

Comments must be received electronically or postmarked on or before August 31, 2015. For more information on how to submit comments, [click here](#).



All substantive comments received on the RDEIR/SDEIS (and those previously received during the comment period for the 2013 BDCP Draft EIR/EIS) will be responded to in the Final EIR/EIS and considered in the decision-making process. No final decisions have been made regarding going forward with the proposed project or in selecting an alternative; those decisions will only occur after completion of the CEQA and NEPA processes. The comment period ends 45-days after the publication of the Environmental Protection Agency's (EPA) Federal Register notice.

For more information, assistance in locating the documents or if you have special needs, contact 866-924-9955.

Para más información por favor llame al 1-866-924-9955

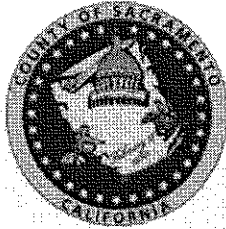
Để biết thêm thông tin, xin gọi số 1-866-924-9955

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如欲瞭解更多資訊，請致電 1-866-924-9955

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Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County

"Working together on water and Delta issues"

FOR IMMEDIATE RELEASE

July 9, 2015

CONTACT: NATASHA DRANE

(916) 874-4627

DELTA LEADERS EXPRESS ONGOING CONCERNS WITH GOVERNOR'S LATEST TUNNEL PROPOSAL

SACRAMENTO, CA — In response to the Brown Administration's latest draft of the California WaterFix Environmental Impact Report/Environmental Impact Statement, county supervisors from the Delta Counties Coalition (DCC), composed of the five Sacramento-San Joaquin Delta counties, issued the following comments today:

"We all agree California needs a comprehensive plan to address the state's ever-growing water needs; however, the 'California Water Fix' really doesn't fix anything as it relates to many other pressing California water issues, such as the need to capture, conserve and preserve our limited water supplies now and into the future," said Sacramento County Supervisor Don Nottoli.

"The latest tunnel plan not only moves away from the mandated co-equal goals of a stable water supply and enhanced environmental protection, but it still fails to provide one additional drop of water to our parched system," said San Joaquin County Supervisor Kathy Miller.

"We remain concerned about the potential impacts of the tunnels on local communities in the Delta, including Clarksburg," said Yolo County Supervisor Oscar Villegas. "A six-week comment period for a project of this magnitude, with significant local traffic, noise, water quality, and other impacts, does not allow affected agencies or residents enough time to review and provide meaningful comments."

"We agree there is an urgent need to address the problems with California's water supply and to restore the Bay-Delta ecosystem and are supportive of the comprehensive approach developed by the State in the January 2014 California Water Action Plan. However, this flawed California WaterFix proposal that solely looks at a Delta plumbing fix does nothing to improve the Delta ecosystem or provide a more reliable water supply" said Contra Costa County Supervisor Mary Nejedly Piepho. "The DCC calls on the State to refocus on setting flow requirements and export restrictions necessary to restore and sustain the Bay-Delta ecosystem and to support actions to produce additional local water supplies for the state (wastewater reuse projects, desalination, additional storage), rather than further sacrificing the already fragile Delta."

"The changes to the revised-BDCP do not make for a stronger, healthier Delta or reflect critical Delta stakeholder input," said Solano County Supervisor John Vasquez. "A six-week comment period for a project of this magnitude, with divestment of a major habitat conservation component and other

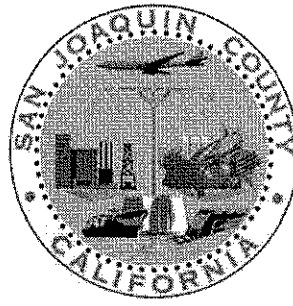
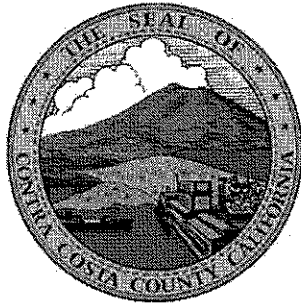
modifications, does not allow enough time for affected agencies such as the Delta Counties, to review and provide meaningful comment.”

The DCC has collaborated over the past seven years to advocate for protecting the interests of the Delta and California’s water supply and continue to seek opportunities to work with the State to address these critical issues. To achieve a Delta that has economic and environmental balance, the DCC has repeatedly pursued a Delta plan that genuinely meets the criteria of the 2009 Delta Reform Act. Such actions include:

- 1) Improving the ability to move water around as needed with water system improvements.
- 2) Increasing storage capacity.
- 3) Reinforcing our levee system.
- 4) Protecting and improving water quality and quantity.
- 5) Local storage, increased conservation plans, water reuse and recycling and desalination.
- 6) Restoring the Delta’s health.

The DCC was formed to better represent the nearly 4 million people throughout the Delta region and works collaboratively to give one voice to the Delta and engage in efforts to achieve three goals: improve the Delta ecosystem, provide a more reliable water supply for the State, and protect and enhance Delta communities.

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FOR IMMEDIATE RELEASE

June 4, 2015

CONTACT: LEA CASTLEBERRY
(925) 240-7260
Lea.Castleberry@bos.cccounty.us

CONTACT: KATIE PATTERSON
(209) 468-2997
Kpatterson@sigov.org

San Joaquin and Contra Costa County Leaders Applaud the USDA for Increased Support to Combat the Delta's Threatening Aquatic Weeds

New Funding will Aid in Enhanced Coordination among State and Local Partners along with USDA to Eradicate the Menacing Plants with more Effective Methods of Control

(Stockton, CA) San Joaquin and Contra Costa County leaders today applauded \$1 million in new funding from the U.S. Department of Agriculture-Agricultural Research Service (USDA-ARS), Areawide Pest Management Program to help in the ongoing battle to control the invasion of aquatic plants in the Delta.

"We wish to thank the USDA, and also acknowledge the important role of our local legislators and congressional delegation, along with other State, federal, county and community partners to secure these much needed federal funds to control these aquatic weeds that have severely impacted our local economy and all those who do business in the Delta Region," said Supervisor Kathy Miller. "These invasive plants have sucked the oxygen out of our Delta's waterways, prevented ships from reaching the Port of Stockton and deterred visitors from reaching marina businesses due to clogged waterways."

"The funding received could not have come at a better time due to the ongoing drought and unseasonably warm temperatures. The funds will be invested in improved coordination so these weeds and the mosquitos that nest and breed in them could be eradicated once and for all," said Supervisor Mary Nejedly Piepho.

"This is the result of parallel efforts by local, state and congressional leaders to fight the scourge of water hyacinth with tools that are equal to the scale of the infestation," Assemblymember Susan Talamantes Eggman said. "This infusion, and the operation it funds, in combination with the additional \$4 million in ongoing state funds secured by Delta representatives in the State Legislature, is a significant augmentation of the arsenal we have to deploy against water hyacinth."

"This federal funding represents a direct investment in the health of the Delta as an economic driver in the region, and our ability to eradicate dangerous and invasive plants from its ecosystem. It will provide critical new tools to better manage the growth of these aquatic weeds that can obstruct waterways and stifle the ability to provide water for urban and agricultural uses. I am thankful to the USDA and all of our partners who came together to address the threat that these invasive species can have on the Delta economy, environment, and agriculture," said Congressman Jerry McNerney (CA-9).

"Invasive species is a chronic problem in California which impacts hundreds of species. Eradicating water hyacinth is critical for healthier waterways, a better boating experience, expanding commerce at our ports and operating California's water systems," said Congressman Jeff Denham (CA-10).

"These federal funds will enable communities in the Delta to make use of new techniques that have proven to be far more effective in controlling the weeds than prior eradication methods that were ineffective and expensive," stated U.S. Rep. Mike Thompson, Co-Chair of the Invasive Species Caucus. "We all know invasive species pose a costly challenge to infrastructure, agriculture and the environment. These are preventing ships from reaching port, discouraging visitors and hurting business. By making use of new and better eradication techniques, we can get our delta waterways back to the healthy state on which so many jobs and businesses depend."

"This team effort jointly spearheaded by stakeholders in San Joaquin County, Contra Costa Counties, and the federal government will help address the invasive aquatic weeds that pose an environmental risk to our communities, which depend on the Delta to provide valuable water resources to the area," said Congressman DeSaulnier (CA-11).

"We've all seen how the drought has made the problem of invasive species worse in the Sacramento-San Joaquin Delta. Water hyacinth, Brazilian waterweed and emergent giant reed present massive threats to agriculture, navigation and the environment. As a member of the House Invasive Species Caucus, I am proud that we have worked together at the local, state and federal level to prevent further harm to our health and to the local economy," noted Congressman John Garamendi.

The inter-agency partnership for improved control is targeting floating water hyacinth and submerged egeria or Brazilian waterweed, as well as the shoreline giant grass known as arundo. All three plants are non-native and invasive and produce flowers, but typically spread via buds and fragments borne by Delta currents. They can grow throughout most of the year in the Delta. In the summer and fall of 2014, the Stockton Deepwater Ship Channel, Port of Stockton, private marinas and public boat ramps, and the state and federal water pumping stations around Tracy were plagued with dense mats of water hyacinth that made navigation dangerous or impossible, restricting commercial shipping and trapping recreational boats in their slips. Water hyacinth and egeria also reduced water flow to the South Delta pumping facilities,

requiring removal of tens of thousands of tons of plants over the fall and winter with conveyer belts, backhoes and huge dump trucks. Dense aquatic weeds caused similar problems in Discovery Bay and elsewhere in Contra Costa County. The mats of aquatic weeds made control of mosquitos by the San Joaquin and Contra Costa County Mosquito Vector Control Districts more difficult. Mosquito outbreaks led to detections of West Nile virus in mosquitos and birds in both counties in 2014.

The USDA-ARS Delta Areawide project, which first received funding in June 2014, is designed to develop and implement principles of IPM, to increase the efficiency and success of control of water hyacinth and other invasive aquatic plants, and to improve coordination among agencies responsible for their management in the Delta. Some of the funds will also be used to improve control in the western Delta in Contra Costa County. Key participants include the USDA-Agricultural Research Service, Exotic and Invasive Weeds Research Unit in Albany and Davis, which is leading the project and conducting research to improve weed control efficiency. The NASA-Ames Research Center in Mountain View is using satellites, areal images and visual models based on water nutrients and flow to pinpoint and predict where water hyacinth and other aquatic plants are growing and moving. This critical information is being used by California State Parks, Division of Boating and Waterways to prioritize the worst invasive populations of water hyacinth for treatment with herbicides and mechanical removal under its state-funded programs.

The San Joaquin and Contra Costa County Mosquito Vector Control Districts are receiving funding to augment their efforts to control mosquitos near aquatic plant-invaded waterways. Several departments at UC-Davis are also involved, providing new knowledge of weed and mosquito biology and an economic model to track project success. New partners this year include the California Department of Food and Agriculture-Plant Health and Pest Prevention Services, and the Sacramento-San Joaquin Delta Conservancy. The ultimate goal of the Delta Areawide project is to reduce or eliminate the economic and environmental damage caused by large populations of water hyacinth and other invasive aquatic plants, thereby improving protection of water resources and Delta habitats.

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