

Recent Water Legislation

By DWR Legislative Affairs Office

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Legislative changes and programmatic actions within the last five years have provided new definition for planning for improved water supply reliability. In addition to the Water Bonds mentioned earlier, new legislation has focused on local water planning.

Improve Water Management and Integrated Planning

The California Legislature has produced several regulations to improve water management and integrated planning at the local level.

- **SB 1075 (Johnston, Chapter 583, Statutes of 1998) – Delta Protection Commission.** Senate Bill 1075 extends the Delta Protection Commission to January 1, 2010, and authorizes the commission to facilitate the implementation of any joint habitat-restoration programs within the primary zone of the Delta.
- **SB 1765 (Peace, Chapter 813, Statutes of 1998) – Colorado River Management Program.** Senate Bill 1765 appropriates funds to DWR. The funds are for lining the All American Canal and the Coachella Branch of the All American Canal and for other studies.
- **AB 1593 (Villaraigosa, Chapter 1017, Statutes of 1999) – Wild and Scenic Rivers: South Yuba River.** Assembly Bill 1593 designates the South Yuba River as “wild and scenic” to be effective January 1, 2001. This is the companion bill to SB 496.
- **SB 496 (Sher, Chapter 1016, Statutes of 1999) – Wild and Scenic Rivers: South Yuba River.** Senate Bill 496 adds the South Yuba River to the State’s wild and scenic rivers system. AB 1593 is the companion bill, which delays designation of the South Yuba River for 1 year.
- **SB 970 (Costa, Chapter 938, Statutes of 1999) – Water Rights.** Senate Bill 970 enacts the Water Rights Protection and Expedited Short-term Water Transfer Act of 1999 to streamline the administrative process for approval or denial of water transfers by the State Water Resources Control Board and requires general public notice of water transfers.
- **SB 1062 (Poochigian, Chapter 210, Statutes of 1999) - The California Water Plan.** Senate Bill 1062 requires DWR to include various strategies for meeting the state's water supply needs in its updates to the California Water Plan. The update must identify all federal and state permits, approvals or entitlements that might be required in order to implement the strategies. It also establishes an advisory committee to help DWR update the plan.
- **AB 1147 (Honda, Chapter 1071, Statutes of 2000) – Flood Control.** Assembly Bill 1147 establishes legislative intent for the Governor to establish a Floodplain Management Task force, provides for greater State oversight of flood control projects, changes the nonfederal cost share equation for flood control projects, and authorizes several flood control projects.
- **SB 1341 (Burton, Chapter 720, Statutes of 2000) - State Water Plan.** Senate Bill 1341 requires DWR to release a preliminary Draft of the *California Water Plan’s* water assumptions and estimates and restructures Water Code Section 10004 relevant to the *California Water Plan*.

- **SB 221 (Kuehl, Chapter 642, Statutes of 2001) - Certification of Sufficient Water Supply.** Senate Bill 221 requires local agencies to provide written verification that sufficient water supply is available before approving plans for new development.
- **SB 610 (Costa, Chapter 643, Statutes of 2001) - Water Supply Planning.** Senate Bill 610 requires additional information be included as part of an urban water management plan if groundwater is identified as a source of water available to the supplier. It requires an urban water supplier to include in the plan, a description of all water supply projects and programs that may be undertaken to meet total projected water use. In response to SB 221 and SB 610, DWR prepared *The State Water Project Delivery Reliability Report* to assist the SWP contractors in assessment of the adequacy of the SWP component of their overall water supplies. DWR has also published a guidebook on how cities and counties can comply with Senate Bills 221 and 610.
- **SB 672 (Machado, Chapter 320, Statutes of 2001) - Regional Planning & Water Plan Update.** Senate Bill 672 requires the State to include in the California Water Plan, a report on the development of regional and local water projects, within each hydrologic region to improve water supplies to meet municipal, agricultural, and environmental water needs and minimize the need to import water from other hydrologic regions. This bill also requires urban water suppliers to describe in their urban water management plans, water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.
- **AB 857 (Wiggins, Chapter 1016, Statutes of 2002) - State Strategic Planning.** Assembly Bill 857 establishes three specific planning priorities for the State:
 1. To promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas, and to preserving cultural and historic resources.
 2. To protect environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands, natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands, recreation lands such as parks, trails, greenbelts, and other open space, and landscapes with locally unique features and areas identified by the state as deserving special protection.
 3. To encourage efficient development patterns by ensuring that any infrastructure associated with development that is not infill supports new development that uses land efficiently, is built adjacent to existing developed areas to the extent consistent with the priorities specified pursuant to subdivision (b), is in an area appropriately planned for growth, is served by adequate transportation and other essential utilities and services, and minimizes ongoing costs to taxpayers.

Additionally, this bill requires State agencies to ensure that their functional plans, which the California Water Plan is considered, are consistent with the State planning priorities by January 1, 2005, and to annually demonstrate how their requests for infrastructure projects are consistent with these priorities.

- **AB 2534 (Pavley, Chapter 727, Statutes of 2002) – Watershed, Clean Beaches, and Water Quality.** Assembly Bill 2534 provides \$175 million in Proposition 40 funding as grants to public agencies and nonprofit organizations for projects designed to improve water quality at public beaches, improve water quality monitoring and sewer capability, reduce storm water runoff pollution, improve agricultural water quality and develop and implement local watershed management projects.
- **AB 2587 (Matthews, Chapter 615, Statutes of 2002) – Food: Water Usage Forecasts.** Assembly Bill 2587 requires the Department of Food and Agriculture to estimate food, fiber, livestock, and other farm products production and provide that information to the Department of Water Resources for estimating related water usage reported in Bulletin 160. The bill also states the intent of the Legislature that the food forecasts include the following considerations:
 1. Neither the state nor the nation should be allowed to become dependent upon a net import of foreign food.
 2. As the nation’s population grows, California should produce enough food to supply the state and also continue to supply the historical proportion of the nation’s food supply, approximately 25 percent of the nation’s table food.
 3. Countries such as Japan are heavily dependent on imported food, some of which comes from California. California is also called upon to ship food to prevent famines and to protect our national interest by providing food to maintain stability elsewhere in the world. Consideration should be given to maintaining the state’s ability to meet these export needs.
- **SB 482 (Kuehl, Chapter 617, Statutes of 2002).** Senate Bill 482 was passed to help clear the way for the Colorado River Water Use Plan. Since the Plan could negatively impact some Salton Sea species, SB 482 permits the take of certain fully protected species found in the Salton Sea.
- **SB 1653 (Costa, Chapter 812, Statutes of 2002) – California Bay-Delta Act.** Senate Bill 1653 creates the California Bay-Delta Authority. The Authority will sunset on January 1, 2006, unless federal legislation has been enacted authorizing the participation of appropriate federal agencies in the Authority.
- **SB 1672 (Costa, Chapter 767, Statutes of 2002) - Integrated Regional Water Management Planning.** Senate Bill 1672 authorizes local public agencies to form regional water management groups and adopt regional plans to address “qualified programs or projects.” This bill requires DWR and other departments to give preference to “qualified programs or projects” when establishing criteria for funding under various programs.
- **SB 1938 (Machado, Chapter 603, Statutes of 2002) - Groundwater Management Plans.** Senate Bill 1938 requires a local agency, in order to qualify for state funds, to prepare and implement or consent to be subject to a groundwater management plan, a basinwide management plan, or other integrated regional water management program or plan that addresses five specific groundwater management components described in the bill. SB 1938 amended Water Code section 10750 et seq.

- **AB 1168 (Berg, Chapter 117, Statutes of 2003) - Albion and Gualala Rivers.** Assembly Bill 1168 includes segments of the Albion and Gualala Rivers within the California Wild and Scenic Rivers system and would designate those segments as recreational.
- **AB 1405 (Wolk, Chapter 693, Statutes of 2003) - California Watershed Protection and Restoration.** Assembly Bill 1405 enacts the California Watershed Protection and Restoration Act to encourage the California Environmental Protection Agency and The Resources Agency to provide assistance and grants to those who choose to participate in watershed restoration and enhancements, and would declare that local collaborative watershed partnerships are in the State's interest in terms of effectiveness, citizen involvement and community responsibility. This bill authorizes, to the extent funds are available, certain State agencies to provide technical assistance to local watershed partnerships and requires that State guidelines adopted for use by local watershed partnerships provide flexible mechanisms to achieve quantifiable watershed objectives.
- **SB 56 (Hollingsworth, Chapter 730, Statutes of 2003) - Water Development Projects: Murrieta Creek Project.** Senate Bill 56 authorizes the Murrieta Creek Flood Control Project in Riverside County. This bill authorizes the entire project on the downstream reach but only the fish, wildlife and recreation enhancement elements of the upstream reach of the project. It is the legislative intent that no State funds be appropriated for this project until July 1, 2013.
- **SB 277 (Ducheny, Chapter 611, Statutes of 2003) - Water: Salton Sea.** SB 277 is part of a triple-joined legislative package to implement the Colorado River Quantification Settlement Agreement; specifically, this bill: 1) enacts the Salton Sea Restoration Act; 2) establishes the Salton Sea Restoration Fund to fund various purposes relating to the restoration of the Salton Sea; 3) authorizes DWR to buy and sell water made available through voluntary reduction or elimination of water used to achieve the goals of the Salton Sea Restoration Act; and 4) requires the Department of Food and Agriculture, if funds are appropriated for the activity, to review and report on the nature and extent of any economic impacts related to the Quantification Settlement Agreement in the Imperial Valley.
- **SB 317 (Kuehl, Chapter 612, Statutes of 2003) - Resources.** Senate Bill 317 is part of a triple-joined legislative package to implement the Colorado River Quantification Settlement Agreement. This bill provides the funding mechanisms for restoration of the Salton Sea ecosystem, in part through sale of transferred water, and directs The Resources Agency to develop a preferred alternative for restoration of the Salton Sea ecosystem.
- **SB 654 (Machado, Chapter 613, Statutes of 2003) - Water: Salton Sea: Colorado River.** Senate Bill 654 is part of a triple-joined legislative package to implement the Colorado River Quantification Settlement Agreement. This bill authorizes the Department of Fish and Game to enter into a joint powers agreement with QSA parties to provide for payment of environmental mitigation costs, and extends the completion date of the lining of the All-American Canal and the Coachella Branch of the All-American Canal to December 31, 2008.
- **AB 107 (Steinberg, Chapter 498, Statutes of 2004) – Flood Control Standards.** Assembly Bill 107 adds a section to the Water Code permitting the governing board of local flood control agencies, under the jurisdiction of The Reclamation Board, authority to adopt prospective encroachments

standards that are more protective of public safety than those adopted by the Board, subject to its approval and revision.

- **AB 1020 (Steinberg, Chapter 749, Statutes of 2004) – Flood Control: Local Cooperation.** Assembly Bill 1020 authorizes the Sacramento Area Flood Control Agency (SAFCA), at the discretion of The Reclamation Board, to provide assurances of local cooperation for the South Sacramento County Streams Project in lieu of those same assurances by the Board. The purpose of this bill is to authorize SAFCA to provide to the federal government, with Board approval, the assurances necessary for federal participation in the South Sacramento Streams Group project.
- **AB 2141 (Longville, Chapter 878, Statutes of 2004) – Floodplain Management: Alluvial Fan Task Force.** Assembly Bill 2141 requires that the Director of DWR establish the Alluvial Fan Task Force, with prescribed membership determined by the Director, review the state of knowledge regarding alluvial fan floodplains, to develop a model ordinance on alluvial fan flooding and prepare recommendations relating to alluvial fan floodplain management. This bill authorizes the Director to enter into an interagency agreement with an appropriate agency to oversee the Task Force. The bill does not allow for the use of State funds for implementation.
- **AB 2717 (Laird, Chapter 682, Statutes of 2004) – California Urban Water Conservation Council.** Assembly Bill 2717 declares the Legislature’s intent that the California Urban Water Conservation Council be requested to form a stakeholders workgroup composed of public and private representatives to evaluate and report on the Model Water Efficient Landscape Ordinance, water budgets for landscapes, incentives to encourage efficiency and other matters. State agency stakeholders are not required to pay any expenses of the workgroup and contributions from non-State stakeholders are strictly voluntary. This bill is permissive.
- **SB 117 (Machado, Chapter 716, Statutes of 2004) - Water Security, Clean Water, Coastal Protection.** Senate Bill 117 requires each State agency, implementing a Proposition 50 bond program, to provide technical assistance and outreach to disadvantaged communities and authorizes each agency to waive matching fund requirements at its discretion.
- **SB 1214 (Kuehl, Chapter 614, Statutes of 2004) – Salton Sea Restoration: Restoration Study.** Senate Bill 1214 provides further details of the Salton Sea Restoration Study required by the Salton Sea Restoration Act and requires that alternatives be identified in a restoration plan to be developed by The Resources Agency. The bill also sets forth some of the functions and duties of the Salton Sea Advisory Committee created by SB 317 (Kuehl) - Chapter 612, Statutes of 2003.
- **SB 1280 (Ortiz, Chapter 616, Statutes of 2004) – Flood Damage Reduction: American River Watershed.** Senate Bill 1280 authorizes the American River Watershed Project in Sacramento County. The bill requires the Sacramento Area Flood Control Agency to enter into an agreement with DWR in which SAFCA agrees to indemnify and hold harmless the State for any and all liability arising out of the flood control project authorized by this bill. The adopted and authorized project is in accordance with federal law and the cost to the State shall be later appropriated by the California Legislature on the recommendation of DWR or The Reclamation Board.

- ***SB 1889 (Senate Environmental Quality, Chapter 744, Statutes of 2004) - Environmental Protection: Actions Against Agency.*** This bill adds to CEQA a statutory definition of "trustee agency," patterned on CEQA Guideline 15386, to be any State agency with jurisdiction over natural resources that are held in trust for the people and are affected by a project. Requires, consistent with CEQA Guideline 15086, a State or local lead agency, prior to completing an environmental impact report, to consult with each trustee agency with resources affected by the project. Requires, consistent with CEQA Guideline 15063, a State or local lead agency, prior to determining whether an environmental impact report, negative declaration or mitigated negative declaration is required for the project to consult with each trustee agency.
- ***AB 466 (Mathews, Chapter 567, Statutes of 2005) - Natural resources: Department of Fish and Game: California Bay-Delta*** Assembly Bill 466 authorizes DWR to expend State funds to carry out the Alluvial Fan Task Force, if State funds are used to provide a matching cost share, as required by the federal government for the use of federal funds. The bill contains other related provisions relating to contracting services for scientific experts employed by the California Bay-Delta Authority for delta fish studies, and an appropriation to the Department of Fish and Game to continue development of a comprehensive conservation plan for the development of the University of California Merced project.
- ***AB 1200 (Laird, Chapter 573, Statutes of 2005) - Sacramento-San Joaquin Delta.*** Assembly Bill 1200 requires DWR to evaluate the potential impacts on water supplies derived from the Sacramento-San Joaquin Delta resulting from subsidence, earthquakes, floods, changes in precipitation, temperature, and ocean levels, and a combination of those impacts. Requires DWR and DFG to identify, evaluate, and comparatively rate the principal options available to implement certain objectives that relate to the delta or the Sacramento and San Joaquin river systems. Requires the departments to jointly report to the Legislature and the Governor the results of their evaluations and comparative ratings no later than January 1, 2008. The requirements of this bill are very similar to an existing study being conducted by DWR and DFG.
- ***AB 1328 (Wolk – Chapter 576, Statutes of 2005) - Wild and scenic rivers: Cache Creek.*** Assembly Bill 1328 includes various sections of Cache Creek, located in Lake and Yolo Counties, within the California Wild and Scenic River system. This bill protects existing and future water rights for various public water agencies within the Cache Creek watershed; provides that the wild and scenic designation would not hinder any efforts to remove invasive plant species or toxic substances from the river; and, prohibits the State from petitioning for a federal wild and scenic designation of the river.
- ***SB 264 (Machado, Chapter 583, Statutes of 2005) - Delta Flood Protection Fund: delta levee maintenance.*** Senate Bill 264 extends the existence of the Delta Flood Protection Fund until July 1, 2008 to help implement the delta levee maintenance subventions program.
- ***SB 347 (Ortiz, Chapter 584, Statutes of 2005) - Flood control: American River flood damage reduction project.*** Senate Bill 347 requires the State to cost share the funding for construction of a bridge at Folsom Dam as part of the Folsom Dam Mini-Raise project. The State cost share shall be at least \$5.2 million, but shall not exceed \$9 million. Requires the City of Folsom to serve as the

nonfederal sponsor of the bridge and to enter into a hold harmless agreement with the Department of Water Resources.

- **SB 826 (Maldonado, Chapter 687, Statutes of 2005) - State maintenance areas.** Senate Bill 826 requires The Reclamation Board or DWR, as applicable, to proceed with the formation of a maintenance area in accordance with specified procedures for any project for which a local agency has submitted an application for the formation of the maintenance area to DWR on or before July 1, 2003. Requires DWR and the local agency to sign an indemnity agreement holding the State harmless for any damages arising out of the design, operation, maintenance, repair or rehabilitation of the project or dissolution or modification of a maintenance area. (Note: the only project this bill would apply to is a proposed project located at Arroyo Grande in San Luis Obispo County.)

Recycling, Desalination and Groundwater Potential for Increasing Supplies

- **AB 303 (Thomson, Chapter 708, Statutes of 2000) – Groundwater.** Assembly Bill 303 enacts the Local Groundwater Management Assistance Act of 2000 to establish a grant program within DWR to provide funding to local public agencies to implement groundwater monitoring and management activities.
- **AB 331 (Goldberg, Chapter 590, Statutes of 2001) - 2002 Recycled Water Task Force.** Assembly Bill 331 requires DWR to report to the Legislature by July 1, 2003, on opportunities for increasing the use of recycled water in industrial and commercial applications and identify the constraints and impediments to increasing such use. The bill requires DWR to convene the Recycled Water Task Force with specified members who would advise the Department on preparing the report. The bill requires the DWR to carry out the provisions only to the extent that funds from the Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act (Proposition 13) are made available by the State Water Resources Control Board.
- **AB 599 (Liu, Chapter 522, Statutes of 2001)—The Groundwater Quality Monitoring Act of 2001.** Assembly Bill 599 requires the State Water Resources Control Board to integrate existing monitoring programs and design new program elements for the purpose of establishing a comprehensive groundwater quality monitoring program to assess all groundwater basins in the State. This bill requires SWRCB to create an interagency task force to assist SWRCB in designing the monitoring program and requires SWRCB to convene an advisory committee to assist the interagency group. This bill requires a multiagency report to the Governor and the Legislature by January 1, 2002, on the status of implementation of the new law.
- **SB 1191 (Speier, Chapter 745, Statutes of 2001) –State and Local Reporting Requirements.** Senate Bill 1191 eliminates specific legislatively mandated reports, which are prepared by the Department.
- **AB 2717 (Hertzberg, Chapter 957, Statutes of 2002) – State Desalination Task Force.** Assembly Bill 2717 requires DWR, no later than July 1, 2004, to report to the Legislature on potential opportunities and impediments for using seawater and brackish water desalination, and to examine

what role, if any, the state should play in furthering the use of desalination technology. Rather than accepting the \$600,000 appropriation in the bill, Governor Davis reduced the appropriation to \$100,000 and directed DWR to explore funding partnerships with interested local and private entities to accomplish the study.

- **SB 1518 (Torlakson, Chapter 261, Statutes of 2002) – Recycled Water.** Senate Bill 1518 allows sanitation districts, after proper notification, to provide recycled water within the boundaries of a city, water district or other local agency that also provides similar water service. This bill requires that specific information about the use of recycled water be added to urban water management plans.
- **AB 314 (Kehoe, Chapter 206, Statutes of 2003) – Desalination.** Assembly Bill 314 declares that it is the policy of the State that desalination projects, developed by or for public water entities, be given the same opportunities for State assistance and funding as other water supply and reliability projects. This bill also declares that desalination be consistent with both State water supply and efficiency policy goals and joint State-federal environmental and water policy and principles promoted by the CALFED Bay-Delta Program.
- **AB 514 (Kehoe, Chapter 680, Statutes of 2003) – Water Meters.** Assembly Bill 514 requires that on or before January 1, 2013, an urban water supplier that, on or after January 1, 2004, receives water from the federal Central Valley Project under a water service contract or subcontract, must install water meters on service connections to residential and nonagricultural commercial buildings constructed prior to January 1, 1992. On and after March 1, 2013, or according to the terms of a CVP water contract, the water purveyor would be required to charge its customers for water based on the actual volume of measured deliveries and could also recover the cost related to installation and operation of the water meters from its rates, fees or charges.
- **AB 318 (Alpert, Chapter 688, Statutes of 2004) – Urban Water Suppliers: Desalination Water.** Assembly Bill 318 requires that an Urban Water Management Plan contain a description of the opportunities for development of desalinated water, including but not limited to, ocean water, brackish water and groundwater as a long-term supply. The new information required by this bill provides valuable information for decision-making bodies at all levels of government concerning the opportunities for improving water supplies and water supply reliability through the exploration of desalination technology throughout the State.
- **AB 2572 (Kehoe, Chapter 884, Statutes of 2004) – Water Meters.** Assembly Bill 2572 requires all urban water suppliers, as defined: (a) to install water meters on all municipal and industrial water service connections on or before January 1, 2005; and (b) on or before January 1, 2010 to charge each customer that has a service connection for which a meter has been installed, based on volume of deliveries, as measured by the water meter.
- **AB 2733 (Strickland, Chapter 535, Statutes of 2004) – Water Resources.** Assembly Bill 2733 requires each person who extracts groundwater in a State Water Resources Control Board designated local area and who is otherwise subject to provisions of existing law, to file the required notice with a local public agency or court appointed watermaster that has been designated by the

Board to receive the notice instead of the Board. Requires the local agency to undertake certain actions and provides authority for charging a fee for related administrative expenses.

- **AB 2918 (Laird, Chapter 648, Statutes of 2004) – Desalination Facilities.** Assembly Bill 2918 authorizes the California Public Utilities Commission to evaluate the interrelationship between PUC’s electricity policies and water policies as they relate to saline water conversion through ocean desalination. The evaluation required by this bill begins to address the recommendations of the Water Desalination Task Force.
- **SB 1155 (Machado, Chapter 612, Statutes of 2004) – Water Quality Standards: Sacramento-San Joaquin Delta.** Senate Bill 1155 requires the Director of DWR, in collaboration with the Secretary of Interior, to prepare a plan to meet existing permit and license conditions for which DWR has an obligation under the State Water Resources Control Board Decision 1641. Requires the plan to be prepared on or before January 1, 2006, and submitted to SWRCB and the California Bay-Delta Authority prior to increasing the existing permitted diversion rate at the State Water Project at Harvey O. Banks Pumping Plant.
- **SB 1319 (Burton/Alpert, Chapter 719, Statutes of 2004) – Natural Resources: Ocean Protection.** Senate Bill 1319 enacts the California Ocean Protection Act, which creates the Ocean Protection Council and establishes the California Ocean Protection Trust Fund. The purpose of this bill is to streamline and consolidate oversight of California’s ocean resources, designate ocean and marine ecosystems as a public trust, promote ocean protection policies based on sound science and facilitate the designation of marine protected areas. DWR does not have a direct role or special expertise in ocean resources protection; however, DWR’s interest in SB 1319 is specifically related to DWR’s role in administering the Chapter 6(a) Desalination Program authorized by Proposition 50.