

CONFERENCE COMMITTEE
ON
SB 12, SB 229, SB 458, AB 39 and AB 49

Steinberg and Bass, Chairs

Outstanding Issues – Options

2. Who Certifies EIR – AB 39

Issue: Who should certify the Bay Delta Conservation Plan's (BDCP) environmental impact report (EIR)?

Comment: Preprint Senate Bill 1 (PSB 1) proposed that the new Delta Stewardship Council certify the BDCP EIR.

Options:

- (1) AB 39 proposes, on page 11 in §85320 (f), that DWR prepare the EIR and consider the Delta Stewardship Council's recommendations in DWR's final EIR.
- (2) No other option proposed at this time

4. Delta Stewardship Council Membership & Terms – SB 12

Issue 1: Who should serve on the Delta Stewardship Council?

Comment: Delta Vision proposed that all Council members be appointed by the Governor and confirmed by the Senate, and NOT reflect any representation of regions, categories or professions (e.g. DPC Chair). Delta representatives assert that the Council needs more local representation.

Options:

- (1) SB 12 proposes, on page 7 in §85200 (b)(1), Council membership includes 7 members: 4 appointed by Governor, 2 by the Legislature, and the chair of the Delta Protection Commission (DPC).
- (2) Remove designated slots (DPC chair or legislative)
- (3) Add regional representatives for the Delta and other regions
- (4) Specify slots for certain expertise.

4. Delta Stewardship Council Membership & Terms – SB 458

Issue 2: How long should Council members serve?

Comment: PSB 1 proposed staggered terms of 8 years with no opportunity for reappointment – Delta Vision proposed 5-year terms. SB 12 current has blanks for length of terms.

Options:

- (1) Establish 8-year terms with no opportunity for reappointment
- (2) Establish 4-year terms with two term opportunity for reappointment
- (3) Establish 4-year terms with no term limits
 - (a) Stagger terms in one year increments
 - (b) Stagger terms in 2 year increments
 - (c) Don't stagger terms

8. Reduce Dependence on the Delta – SB 12, AB 39

Issue: Should there be an official state policy to reduce dependence on the Delta?

Comment: SB 12 and AB 39 propose, on pages 3 & 2 respectively, in §85021, “The policy of the State of California is to reduce dependence on water from the Delta watershed, over the long-term, for statewide water supply reliability. Each region that depends on water from the Delta shall improve its regional self-reliance for water through investment in water-use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts.

Options:

- (1) Maintain current language
- (2) Delete §85021 from both bills
- (3) Modify current language, to state “It is the intent of the Legislature, in enacting this division, to reduce dependence on water from the Delta watershed ...”

10.Delta Conservancy – SB 458

Issue 1: Should the conservancy be allowed to hold Fee Title?

Comment: All state conservancies are established to make investments in important conservation lands within the jurisdiction of each conservancy. These conservancies also have a management program for these lands. Conservancies enter into contracts with willing sellers, and the terms of those transactions may cover the entire range of possible interests in land ranging from fee title to easements. The major exception is the Sierra Nevada Conservancy which, as a political compromise, is not allowed to hold lands in fee.

Options:

- (1) SB 458, on page 17, in §32366, prohibits the Conservancy from acquiring fee interest in real property.
- (2) Allow the Conservancy to own lands in fee
- (3) Require the Conservancy to own conservation easements without restriction but provide that it could own lands in fee for a limited time (2-3 years) while it attempts to locate another entity that could own these lands.
- (4) Authorize the Conservancy to enter into a joint powers agreement (JPA) with one or more delta counties to hold fee interest.

10.Delta Conservancy – SB 458

Issue 2: What should be the priority or priorities for the Conservancy?

Comment: All existing conservancies focus on their conservation mission. SB 458 also provides that the proposed Delta Conservancy would fund eligible infrastructure, agricultural, and other economic investments. The Delta Protection Commission, a different entity, is focused on identifying these investment opportunities in the Delta, but has never had funding to pursue them. The question is not whether these other activities should receive funding. Instead, the question is whether the conservancy's mission should include these activities.

Options:

- (1) SB 458, on page 13, in §32322 (a), make the conservancy's primary mission to "support efforts that advance both environmental protection and the economic well-being of Delta residents in a complementary manner ..."
- (2) Make the conservancy's primary mission conservation and ecosystem restoration.
- (3) Authorize the conservancy to serve as the fiscal agent for infrastructure and other investments approved by the Delta Protection Commission so that there can be some coordination between the environmental restoration work of the conservancy and the economic and infrastructure work of the commission, but retaining the separate responsibilities of each entity. prohibits the Conservancy from acquiring fee interest in real property.

10. Delta Conservancy – SB 458

Issue 3: Who should chair the Conservancy?

Comment: Most conservancies elect their chairperson from its membership. The membership of these conservancies is comprised of a negotiated mix of state and local representatives, with the state generally holding a majority (since it is a state entity).

Options:

- (1) SB 458, on page 115, in §32332, requires the chairperson to be one of the representatives of the Delta Counties
- (2) Eliminate proposed language and allow conservancy to elect its own chairperson.
- (3) Establish some rotational system for in-Delta chairs every 4 years, or some similar proposal.

10. Delta Conservancy – SB 458

Issue 4: Should recipients of grants from the conservancy be required to provide in lieu payments to local governments?

Comment: The Delta counties are concerned that lands transferred to a non-governmental organization would be exempt from paying property taxes. Staff is not aware of a similar provision for other conservancies.

Options:

- (1) SB 458, on page 17, in §32364.5 (b) (4), requires recipients of grants from the conservancy be required to provide in lieu payments to local governments
- (2) Delete existing language.

11. Science Program – SB 12

Issue: How should the Delta science program be structured?

Comment: PSB 1 contained language establishing a Delta Science Board, but not a Delta Science Program. One of the few highpoints of the CalFed program was its independent science program. SB 12 contains language to establish an independent Delta Science Board and Delta Science Program patterned after the CalFed program.

Options:

- (1) SB 12, on page 11, in Chapter 4, establishes provision for a Delta Science Board and Delta Science Program.
- (2) Modify current language to allow the inclusion of qualified engineers on the Science Board