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6. WATER: Calif. lawmakers sink storage bond bills; Gov. Schwarzenegger OKs flood control, ocean protections (10/11/2007)

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Three weeks into a special session called by Gov. Arnold Schwarzenegger(R) to craft a solution to California's deepening water woes, the state Legislature has come up dry.

The state Senate on Tuesday rejected a bill sponsored by its President Pro-Tem Don Perata (D-Oakland) that would have floated a \$6.8 billion bond package February. The measure failed on a 23-12 vote, without gaining a single Republican vote. The Republican caucus favors some version of the governor's \$9.1 billion plan for water infrastructure, levee repairs and programs meant to boost the health of the Sacramento-San Joaquin Bay Delta (*Land Letter*, Sept. 20). The governor's plan has not yet been put to a vote, and Sacramento sources say it is increasingly unlikely there will be a deal reached, as lawmakers need to move on to healthcare issues in the special session. Monday appears to be a deadline to pass a statutory bond package in time for February's election.

The difference between the two water plans comes down to Schwarzenegger's proposal for three big water storage projects, including a new dam at Temperance Flat on the San Joaquin River, a huge, new Sites Reservoir in the Sacramento Valley and expansion of the existing Los Vaqueros Reservoir in Contra Costa County. The Perata bill accedes to include groundwater storage and recharge projects, but favors recycling and conservation over dams and reservoirs.

Failing to win legislative backing, Perata this week pledged to mount a signature gathering drive to bring his bond package to the ballot; although it would not qualify for the presidential primary election in February, it could reach the ballot for next November's general election.

That raised the possibility of two competing measures purportedly meant to accomplish the same results. While not unheard of in California politics, that scenario usually spells defeat for both measures because conflicting claims by proponents lead to voter confusion, fatigue or outright hostility.

Schwarzenegger expressed hope that some deal could be reached to short-circuit the conflict. "I think we are very close to a deal," he said during a Sacramento news conference yesterday. "As you know, yesterday it blew up, but I think that is just part of the rhythm of this Capitol, he said. "They always have to blow things up first before they go and get things done. So I'm not discouraged about it."

Nonetheless, the governor pressed lawmakers yet again to support his plan, sending a letter to the Democratic leadership of both houses acknowledging the controversy over storage proposals, but arguing that they represent an essential component of the solution to future water problems.

"Opponents of building new reservoirs have used three major arguments to make their case," Schwarzenegger wrote. "First, that California has plenty of reservoir capacity. Second, that we can solve California's growing water crisis with conservation and recycling. Third, that reservoirs should be paid for only by local water agencies, not the statewide public."

He countered the arguments by pointing out that state reservoirs "are dangerously low this year" and that new storage will provide needed flexibility for the future. "In 2006, the state's major reservoirs released millions of acre-feet of flood waters, well beyond that needed for the environment or other beneficial purposes – and more than enough to fill the proposed new reservoirs," he continued. "This water, had some of it been captured, could have been used to maintain water quality in the delta, protect threatened fish populations and complete water deliveries to cities and farms when the delta pumps were shut down to protect endangered fish."

Instead, he added, drought conditions have brought reservoir levels to 2.5 million acre-feet below normal for this time of year. "Had my comprehensive water plan been in place this year, we would have started 2007 water year with an additional 3.3 million acre-feet of water in storage," he claimed.

Schwarzenegger also argued that conservation is key but cannot solve the water crisis, and that the public has a strong interest in building new reservoirs. "California needs a balanced and comprehensive plan for our water future," he concluded. "While some want to limit the actions we take, we must invest in a wide range of tools including expanded storage, new conveyance and conservation. The plan does not work if we don't have all three."

Flood control measures find bipartisan support

There was far more unanimity of purpose during Schwarzenegger's public signing ceremony for a package of six flood control measures mid week. Flanked by Democratic lawmakers – though not from the leadership of either the House or Senate – the governor stressed the importance of strengthening delta levees and changing the pattern of residential development inside flood-prone areas.

"Today's bills are the next step to ensuring the safe future for California," the governor declared. "We will develop a comprehensive Central Valley Flood Protection Plan to guide the way in improving safety. We will establish 200-year flood protection as the standard for urban development in the Central Valley so that our growth will be safe growth, and the state Department of Water Resources will work with all the local communities to help them meet these goals," he said.

Several of the measures have a long history of failing to reach the governor's desk, but the emphasis this year on flood control and the growing recognition of a looming crisis was in part a response to the 2005 hurricane disasters in Louisiana and Mississippi. References to Katrina abounded, as did a sense that while the state can take up some responsibility for prevention, all jurisdictions are at risk if a catastrophic flood strikes.

Assemblymember Dave Jones (D-Sacramento) had fought for several years to win approval for his A.B. 70 that links flood policy and land-use laws. "Right now, we have a disconnect where the state bears 100 percent of the responsibility in the event of a flood, and yet it's the local governments that decide whether and how to place new homes and businesses behind levees," Jones said. "A.B. 70 addresses that by making sure that we have shared responsibility, that everyone has some skin in the game, so everyone is encouraged to make the best possible decisions to manage the risk of development, to make sure we make better decisions with regard to locating homes and businesses, and make sure we prevent the worst from happening."

The disparate threads of the half dozen bills were pulled together with technical amendments afforded by A.B. 5, authored by Assemblymember Lois Wolk (D-Davis). "This package of laws is a 21st century response to the 21st century challenge that faces us. It's balanced, it emphasizes good planning, it still allows for new housing but housing that is protected," she said.

Wolk's companion measure, A.B. 162, requires cities and counties to address flood planning in their general plans. "We know that there are currently plans to site at least 100,000 new houses in areas that were under 10 or 12 feet of water twice in the last 20 years. That is unacceptable," she said.

The big sea

While the main events this week dealt with inland water supplies and controls, Schwarzenegger also cleared his desk of a half-dozen bills related to coastal protections and ocean health. Together the bills promote research, encourage fisheries management plans and counter the threats of aquatic invasive species. One measure, A.B. 1056 by San Francisco Assemblymember Mark Leno (D), authorizes the Ocean Protection Council to establish a science advisory team to prioritize research projects and fund them without needing approval from the State Coastal Conservancy.

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