

Date of Hearing: May 11, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 1811 (Mike Fong) – As Amended April 7, 2022

Policy Committee: Water, Parks and Wildlife Vote: 8 - 4

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill deletes references to “Bay-Delta Conservation Plan” (BDCP) and “BDCP” in existing law and replaces them with “multispecies conservation plan.” Additionally, this bill deletes obsolete references to “Department of Fish and Game” in existing law and replaces them with “Department of Fish and Wildlife.”

FISCAL EFFECT:

Negligible state costs

COMMENTS:

- 1) **Purpose.** According to the author, this bill will help to leverage the statutory framework created by the Sacramento-San Joaquin Delta Reform Act of 2009 to enable relevant state authorities to consider creating multispecies conservation plans. The author maintains the existing references to the BDCP are obsolete.
- 2) **Background.**
 - a) **The Delta.** The Sacramento-San Joaquin Delta (the Delta) is an integral part of the two major water delivery systems in the state, the State Water Project (SWP) and Central Valley Project (CVP). It is also a biologically diverse ecosystem, home to significant agricultural and urban areas, and an important infrastructure corridor. However, the Delta faces a number of significant issues, such as the declining health of its ecosystem, worsening water quality and declining fish and wildlife populations.
 - b) **Delta Reform Act.** In 2009, the Legislature passed the Delta Reform Act (Act), which reformed several state policies and programs, as well as governance, relating to the Delta. Among its provisions, the Delta Reform Act created the seven-member Delta Stewardship Council (Council), whose purpose is to advance two co-equal goals in a manner that protects and enhances the Delta’s unique characteristics: (i) a more reliable statewide water supply; and (ii) a healthy and protected ecosystem. To that end, in 2013, the Council developed a Delta Plan, which detailed policies and recommendations to achieve the co-equal goals. Among the Delta Plan’s recommendations was the completion of the BDCP.
 - c) **Bay Delta Conservation Plan (BDCP).** The Bay Delta Conservation Plan was a habitat conservation plan proposed by the California Department of Water Resources, U.S. Fish

& Wildlife Service, National Marine Fisheries Service and Bureau of Reclamation, under the Endangered Species Act, to address the most critical water issues facing California by constructing new water delivery infrastructure and restoring aquatic habitat. In 2015, after attracting numerous lawsuits by local agencies and non-governmental organizations, the BDCP was recast as California WaterFix with a focus on the construction and operation of proposed new water export intakes on the Sacramento River to divert water into a proposed 40-mile twin tunnel conveyance facility.

The author's office contends that references to the BDCP in the statute have been rendered obsolete. This bill cleans up the code and replaces references to the BDCP with "multispecies conservation plan," which is a habitat conservation plan that covers multiple species and multiple habitats in a diverse landscape.

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