

## ASSEMBLY THIRD READING

AB 1811 (Mike Fong)

As Amended April 7, 2022

Majority vote

**SUMMARY**

Deletes references to "Bay-Delta Conservation Plan" (BDCP) and "BDCP" in existing law and replaces them with "multispecies conservation plan;" likewise, deletes obsolete references to "Department of Fish and Game" in existing law and replaces them with "Department of Fish and Wildlife."

**Major Provisions**

- 1) Cleans up the sections of the Water Code and Public Resources Code.
- 2) 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.

**COMMENTS**

The Delta Reform Act 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 Council, whose purpose is to advance two co-equal goals in a manner that protects and enhances the Delta's unique characteristics. The two co-equal goals are: 1) a more reliable statewide water supply; and 2) a healthy and protected ecosystem. Toward this end, in 2013, the Council developed its "Delta Plan," which detailed several policies and numerous recommendations to achieve the co-equal goals. Among the Delta Plan's recommendations was the completion of the BDCP.

State and federal agencies proposed the BDCP in 2007 to meet federal Endangered Species Act (ESA) permit requirements for operations of the Federal Central Valley Project and the State Water Project within the Delta. BDCP would have covered proposals for new points of diversion in the North Delta, new operations criteria, a new conveyance facility around the Delta, extensive floodplain and tidal marsh restoration, and new governance, oversight and adaptive management programs. BDCP sought to obtain permit coverage under both the federal ESA and the California Endangered Species Act for a period of 50 years. A draft Environmental Impact Report/Environmental Impact Statement for BDCP was released in December 2013; however, BDCP soon after attracted numerous lawsuits by local agencies and non-governmental organizations. In 2015, state and federal agencies abandoned BDCP and instead switched their focus to the "California WaterFix" which contemplates the construction of new water conveyance facilities under the Delta and "EcoRestore" which aims to restore as much as 30,000 acres of habitat in the Delta.

**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.

**Arguments in Support**

None on file

**Arguments in Opposition**

None on file

**FISCAL COMMENTS**

According to the Assembly Appropriations Committee, this bill will result in negligible state costs.

**VOTES**

**ASM WATER, PARKS, AND WILDLIFE: 8-4-3**

**YES:** Nazarian, Bennett, Friedman, Cristina Garcia, Levine, Muratsuchi, Blanca Rubio, Ward

**NO:** Megan Dahle, Bigelow, Salas, Smith

**ABS, ABST OR NV:** Kalra, Nguyen, Villapudua

**ASM APPROPRIATIONS: 13-0-3**

**YES:** Holden, Bigelow, Bryan, Calderon, Carrillo, Mike Fong, Gabriel, Eduardo Garcia, Jones-Sawyer, Quirk, Robert Rivas, Akilah Weber, Wilson

**ABS, ABST OR NV:** Megan Dahle, Davies, Fong

**UPDATED**

VERSION: April 7, 2022

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