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California legislators strike a final water deal

The package includes an \$11-billion bond measure, groundwater monitoring and a conservation plan. Some critics call the policy changes weak and harmful to salmon fisheries.

By Bettina Boxall

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Reporting from Sacramento

Lawmakers capped months of discussions, weeks of tedious negotiations and years of chasing a water deal with approval of major legislation in a marathon session that ended Wednesday as the sun rose.

The package, which includes an \$11.1-billion bond that must go before voters, would nudge California in new directions on water policy while giving something to each of the major factions that have warred over the state's supplies.

The measure, likely to reach the governor's desk early next week, would establish a statewide program that for the first time would measure if too much water is being pumped from underground aquifers. It mandates an overall 20% drop in the state's per capita water use by 2020 and creates a new, politically appointed council to oversee management of the Sacramento-San Joaquin River Delta, the state's water hub.

The bond measure -- decried as pork barrel by some legislators -- would shower money around the state for new storage, watershed improvements, delta restoration, recycling and groundwater cleanup.

Proponents heaped the measure with superlatives, saying they broke a decades-old deadlock on water policy.

But it is not a magic wand that will open California's spigot.

The bond has to be approved by voters, a gamble in a time of gaping budget deficits and job losses.

The big infrastructure projects it would fund are probably years away from construction. Mending the crippled delta is far from a sure thing.

The package's broad scope is in part a recognition that the good old days are gone, and that the state must embrace new approaches to meet its water needs.

"This is California slowly and painfully coming to terms with a static water supply," said Phil Isenberg, a former legislator who has grappled with water issues for years. "There are big problems and [we] have to do a bunch of different things."

The final aye votes represented a redemption of sorts for lawmakers who had a thin record of achievement for the year.

"This is something that legislatures for decades have tried to take on and have been unable to do so," said Senate President Pro Tem Darrell Steinberg. "This Legislature took it on and we were successful."

The measure's sweep gives an often embattled governor a chance at a legacy greater than budget crises and partisan gridlock.

"This is not about me," said Gov. Arnold Schwarzenegger, who hounded the Legislature to take action on water. "This is about California. This is about California's future."

The package had its share of fierce critics. Some environmental groups complained that the policy changes were meek and that new reservoirs and canals would hurt collapsing salmon fisheries.

"Our big, big concern is that it really sets the stage for new conveyance and surface storage, which will further diminish the water needed by the estuary to maintain the fisheries," said Zeke Grader, executive director of the Pacific Coast Federation of Fishermen's Assns.

The legislation does not specifically authorize an aqueduct to skirt the delta -- nor does the bond pay for it. But the new council helps clear the way for a bypass canal.

In remarks at a news conference Wednesday, Schwarzenegger said, "This will build the canal in order to protect the delta."

Delta communities complained they were losing control over their own fates.

The size of the bond worries some liberal Democrats, conservative Republicans and public employee unions.

It ballooned as legislative leaders sweetened the financing with something for every part of the state and every major water interest.

"There's no arguing in many ways it's a political document," conceded Sen. Dave Cogdill

(R-Modesto), who drafted the bond measure. "It creates constituents of support as we go to the polls. That's not anything new."

The bond issues would be staggered, and backers said debt payments will not kick in until some existing bonds are retired. But when fully issued, the debt service will amount to more than \$600 million a year, potentially taking money from education and other programs supported by the general fund.

Opponents questioned why state taxpayers should shoulder such a financial burden, pointing to the State Water Project, which was mostly financed by users.

A proposal to increase penalties for illegal water diversions and give the state water board more enforcement clout was gutted at the last minute. Tim Quinn, executive director of the Assn. of California Water Agencies -- who praised the final package -- said the initial enforcement proposal had been "too punitive and harsh."

Other provisions were weakened to garner votes, but backers said the policy overhaul still marked a leap forward.

"There is so much nonsense in the bond. But there is so much good in the delta bills that we've never had before," said Cynthia Koehler, senior consulting attorney with the Environmental Defense Fund.

She cited a requirement that the state water board set standards for how much water must flow through the delta to maintain a healthy estuary. The measure also makes it official policy that the state reduce its reliance on the beleaguered delta as a water supply.

The urban conservation targets, she added, move water-saving out of the realm of "if I feel like it" to targets and actions.

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