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Water bill boosts enforcement powers

By **John Howard** | 10/24/09 12:00 AM PST

The leader of the state Senate has proposed a top-to-bottom overhaul of the management of the heart of California's water-delivery system, the Sacramento-San Joaquin River Delta, by setting up a new panel to decide critical policy, expand the power of California's water-use enforcers and create the position of Delta Watermaster to ride herd over the delta protections.

The legislation, the product of months of negotiations, faces its first hearing Monday. It would set up an independent scientific panel to examine the delta's needs. It includes fines of up to $5,000 per day for illegal diversions of water. It authorizes the State Water Resources Control Board to initiate investigations on its own, rather than in response to complaints, and it requires the state to put into effect an aggressive groundwater management program.

The delta is a vast estuary east of San Francisco through which flows most of California's drinking and agricultural water. The delta, fed by the state's major rivers, is crisscrossed by aging, fragile levees and sloughs. Powerful pumps at the southern edge of the delta pull water into the California Aqueduct and move it to central and southern California. Sustaining the health of the delta -- balancing the needs for water with environmental protections -- represents the crux of the debate over California's water future.

The legislation by Senate Leader Darrel Steinberg, D-Sacramento, would repeal the California Bay-Delta Authority Act, currently the principal statute governing the delta, and shifts key authority to a seven-member Delta Stewardship Council that would decide delta policy. The Council which would be an independent state agency, and would have authority over delta development.

Steinberg introduced the legislation Friday night. The 116-page bill contains stringent conservation and groundwater management programs, details how delta-area local governments will participate in the management of the delta. It includes mandatory conservation requiring a per capita, 20 percent cut in water use by 2020.

The bill, however, does not reflect an agreement on an omnibus water package. But it does give lawmakers, for the first time, a printed description of the details of the proposal facing the Legislature next week in a special session called by the governor. The text of the bill was posted on the Senate's Web site on Saturday.

The legislation, SB 1 of the 7th Special Session, also does not contain what are perhaps the most controversial proposals in the debate over water. One is whether a canal should be built to skirt the periphery of the Delta. The second is whether new reservoirs should be built. The capital projects are separate issues - indeed, the canal could be authorized under existing law - and will be negotiated separately.

Gov. Arnold Schwarzenegger has asked lawmakers to consider a water package that would get more water to the central and southern parts of the state, ensure environmental protections for the delta and provide long-term storage to protect against drought.

Water has long prompted the fiercest political fights in the Capitol, traditionally with lawmakers from the rain-rich north opposing efforts to transfer water southward. But several sources say the north-south split is not dominating the latest discussions. The most sensitive areas are funding and the creation of the Stewardship Council.

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