


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: October 15, 2015

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations, and
Neighborhoods Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst Council File No: 15-0002-S71
 Assignment No: 15-06-0540

SUBJECT: Resolution (Koretz – Huizar) to OPPOSE H.R. 2898 (Valadao) - Override
Environmental Protections for Delta and Native Fish Species

CLA RECOMMENDATION: Adopt Resolution (Koretz – Huizar) to include in the City's 2015-2016 Federal Legislative Program **OPPOSITION** to H.R. 2898 (Valadao) that seeks to override/weaken environmental protections for the Delta and its native fish species.

SUMMARY:

Resolution (Koretz – Huizar), introduced on June 26, 2015, states that the Sacramento-San Joaquin River Delta (Delta), the hub of California's water supply, is facing several major challenges, including ecosystem degradation, climate change, drought, and potential sea-level rise. The Resolution also states that the 2009 Delta Reform Act established the co-equal goals of restoring and enhancing the Delta ecosystem and providing a more reliable water supply for the state.

The Resolution follows that any legislation that repeals environmental protections for the Delta, including protections for salmon and other native fish species is inconsistent with state law, including the co-equal goals of the 2009 Delta Reform Act.

According to the Resolution, H.R. 2898 seeks to weaken state and federal environmental regulations for the Delta; including protections of endangered native fish species. It follows that H.R. 2898 has the potential to reduce water supplies in the Delta and lead to significant litigation over water project operations. Therefore, the Resolution requests that the City oppose H.R. 2898.

BACKGROUND:

Specifically, H.R. 2898 seeks to establish procedures for certain federal agencies to manage/adjust conveyances of water to individual, agricultural, municipal, and industrial users from the state's Central Valley Project and State Water Project. The measure seeks to coordinate this effort with requirements for protecting threatened or endangered species under state and federal law. This component includes adjusting salmon and smelt species levels in the Delta and neighboring waterbodies.

Federal agencies tasked with meeting the bill's intent include the Department of the Interior, the Department of Commerce, and the Department of Agriculture.

The author of the bill contends that these provisions are necessary to deal with the state's existing drought challenges.

Prior City Action

In August 2009, the City approved a Resolution (Perry – Smith; CF 09-0002-S155), as part of its 2009-2010 State Legislative Program, supporting “The Delta Legislative Package” regarding the restoration of the Delta. Key components of the City’s position on “The Delta Legislative Package” included:

- Ensuring stewardship of environmental resources with actions that encourage a holistic, sustainable approach to stabilizing and restoring the Delta;
- Identifying mechanisms and water conveyance alternatives to export water while sustaining ecosystem needs, and meeting long-term drinking water and ecosystem goals.

The City’s position sought to strike a critical balance between ensuring a reliable water supply while protecting the Delta’s fragile ecosystem. “The Delta Legislative Package,” which became known as the 2009 Delta Reform Act, was adopted by the state. Since then, state, federal and local entities have worked to establish the co-equal goals of ecosystem restoration and water supply reliability.

The provisions of H.R. 2898 would permit adjustments to water conveyances; including modifications to salmon and smelt specie levels which may run counter to the co-equal goals set forth by 2009 Delta Reform Act. These adjustments may impact water supply and potentially harm the ecosystem.

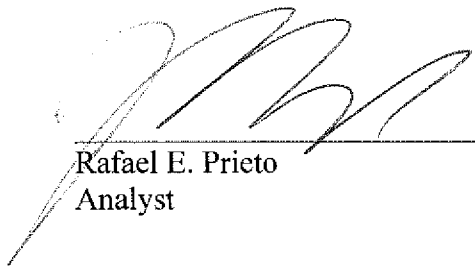
DEPARTMENTS NOTIFIED

Department of Water and Power

BILL STATUS

7/16/2015

Passed House of Representatives; currently in Senate Committee on Energy and Natural Resources



Rafael E. Prieto
Analyst

Attachment: 1. Resolution (Koretz – Huizar)

WHEREAS, any official position of the City of Los Angeles (City) with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal government body or agency must have first been adopted in the form of a resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Sacramento-San Joaquin River Delta (Delta) – the hub of California’s water supply and a unique ecological resource that should be restored and sustained – is facing several major challenges, including ecosystem degradation, climate change, drought, and potential sea-level rise; and

WHEREAS, the City supported the 2009 Delta Legislative Package (Council File No. 09-002-S155), including Senate Bill (SB) X7-1 (Simitian), the 2009 Delta Reform Act, which established (1) the co-equal goals of restoring and enhancing the Delta ecosystem and providing a more reliable water supply to California, consistent with existing law including the California Endangered Species Act (2) state policy to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency; and

WHEREAS, the California Water Fix is proposed to build new water supply infrastructure in the Delta, to make water supplies more seismically reliable, while continuing to meet state and federal environmental laws; and

WHEREAS, any legislation that repeals environmental protections for the Bay-Delta and its native fisheries, including protections for salmon and other native fisheries under the Endangered Species Act, is inconsistent with state law, including the co-equal goals of the Delta Reform Act, undermines the political feasibility and foundational requirements for the California Water Fix, and is inconsistent with City policy; and

WHEREAS, California’s fourth year of drought, not state or federal environmental laws, is the cause of low water supplies across the state, and the drought has affected farms, cities, and fish and wildlife.

WHEREAS, H. R. 2898, introduced by Representative Valadao and others in Congress on June 25, 2015, proposes to significantly undermine state and federal environmental protections for the Delta and endangered species in the Delta, as well as repealing the San Joaquin River settlement and preempting state law; and

WHEREAS, H.R. 2898 has the potential to reduce water supplies from the State Water Project and lead to significant litigation over water project operations; and

WHEREAS, Congressional legislation introduced in recent years that is similar to H.R. 2898, such as H.R. 1837 of 2012, has been opposed by the State of California, Senator Feinstein and Senator Boxer, the majority of the State’s House delegation, the Metropolitan Water District Board, sport and commercial fishing organizations, conservation groups, farmers, water districts, Tribes, and numerous other stakeholders;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this resolution, the City of Los Angeles hereby includes in its 2015-2016 Federal Legislative Program OPPOSITION to H.R. 2898 (Valadao) and similar legislation that would override or weaken environmental protections for the Delta and its native fisheries; including existing biological opinions under the federal Endangered Species Act.

PRESENTED BY:


PAUL KORETZ
Councilmember, 5th District

JUN 26 2015

SECONDED BY:

