

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 1, 2008  
POSITION: Oppose  
SPONSOR: Metropolitan Water District of Southern CA

BILL NUMBER: AB 2938  
AUTHOR: K. De Leon

**BILL SUMMARY: Fish: Screening of Water Diversions**

Proposition 84 provides \$180 million to the Department of Fish and Game (DFG) to support the Delta Ecosystem Restoration Program (ERP). To the extent that funds are appropriated for this purpose, the bill would require the DFG to design and implement a fish monitoring program to evaluate the effects of water diversions from the Sacramento-San Joaquin River Delta (Delta).

**FISCAL SUMMARY**

Proposition 84 provides \$180 million for ERP projects, including \$45 million for coastal fishery restoration projects and \$20 million for the development of a Delta Natural Community Conservation Plan. This leaves \$115 million for unspecified ERP projects to provide the greatest possible benefit to the Delta. According to the DFG, it would cost \$4 million and 11 positions over four years to conduct the fish monitoring program. We note that the DFG currently engages in a science-based process to establish ERP funding priorities, and the monitoring program required by the bill would be an eligible use of ERP funds.

**SUMMARY OF CHANGES**

Amendments to this bill since our analysis of the April 22, 2008 version do not alter our position. The bill has been amended to only require the design and implementation of a fish monitoring program to evaluate the effects of water diversions to the extent that funds are appropriated for that purpose. Provisions related to a grant program for the installation of fish screens and reporting requirements for entities that divert water from the Delta have been deleted.

**COMMENTS**

Finance opposes this bill because it would circumvent the science-based process the DFG uses to determine ERP funding priorities.

The bill would establish a pilot program at the DFG to monitor the effects that water diversions from the Delta have on fish species that are listed by either the federal or state Endangered Species Acts. Information developed by this program would guide the discussion of the need to mitigate the impact that water diversions have on fish. Notwithstanding the potential impact of diversions on fish, funding ERP projects in this manner circumvents an existing science-based process to determine ERP funding priorities. The monitoring program that would be established by the bill should compete with the other priorities through the existing process.

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Analyst/Principal (0634) M. Almy	Date	Program Budget Manager Karen Finn	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
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**BILL ANALYSIS** Form DF-43 (Rev 03/95 Buff)

**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**

**Form DF-43  
BILL NUMBER**

**AUTHOR**

**AMENDMENT DATE**

K. De Leon

July 1, 2008

AB 2938

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)								Fund Code
	LA	(Dollars in Thousands)								
	CO	PROP								
	RV	98	FC	2008-2009	FC	2009-2010	FC	2010-2011		
3600/Dept FishGam	SO	No	C	\$1,000	C	\$1,500	C	\$1,500		6051
<u>Fund Code</u>	<u>Title</u>									
6051	SafeDrinkWtr, WtrQual/Sup, FldCtrl, RvrCstl									