

# Commentary

## New California Water Plan Will Impact Everyone

*by Susan M. Trager, Esq.*

In March 2010, the California Department of Water Resources began releasing its 2,000 page “California Water Plan Update 2009.” As of September, almost all of it has come out except for a couple of pending sections on drought. Although not binding law, Update 2009, as it’s called, provides guidance for policymakers and legislators.

The main change from the previous water plan, in 2005, is a push for a much greater increase in the state’s control over water. If only a portion of the recommendations are implemented in California, it would be the biggest increase in state control over water we have seen in more than 30 years.

Update 2009 comes after AB 32, the “Global Warming Solutions Act of 2006,” which mandated a 25 percent reduction in greenhouse gases produced in California by 2020.

Since AB 32 was passed, in November 2009 the “Climategate” scandal broke, bringing new debate over whether or not human-caused global warming is happening. But that debate did not affect the production of Update 2009. The new update also ignores the existence on the November ballot of Proposition 23, which would suspend AB 32 until the unemployment rate, currently 12.3 percent in California, drops to 5.5 percent.

A typical sample of Update 2009’s recommendations comes from Volume 1, Chapter 2, “As understanding of climate change increases, the challenge for California’s water community is to develop and implement strategies that improve resiliency, reduce risk, and increase sustainability for water and flood management systems and the ecosystems upon which they depend....”

Here, as elsewhere in the report, there is an unfortunate tendency to downplay how such new “strategies” almost inevitably would increase water costs for businesses and citizens, whom the state agencies and governmental bodies are supposed to be serving. Especially during the worst economic recession since the Great Depression, the plight of the people should be first and foremost in such plans.

There are some positive elements in Update 2009. It expresses concern for the state’s bond ratings. Lower ratings would mean higher interest costs paid for state water projects, meaning fewer projects could be undertaken. But if Update 2009’s own policy prescriptions are implemented in a heavy-handed fashion, the state’s economy, and with it the state credit rating, inevitably would take a beating.

Update 2009 contains good prescriptions for the greater use of recycled water. In Volume 1, Chapter 7, it recommends, “Municipal recycled water may represent a relatively energy efficient water management strategy in some areas of the state .... Water agencies should adopt policies by 2015 that promote the use of recycled water for all appropriate, cost-effective uses while protecting public health, the beneficial uses of surface water and groundwater quality, and the environment.”

Update 2009 provides excellent histories, detailed color maps and statistics of water resources and usage in every corner of California. And it provides detailed descriptions of the state’s 12 hydrologic areas, such as: “The South Coast Hydrologic Region” is California’s most urbanized and populous region. More than half of the state’s population resides in the region, which covers 11,000 square miles

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or 7 percent of the state's total land.... Topographically, most of the South Coast region is composed of several large, undulating coastal and interior plains."

Update 2009 is essential reading for anyone involved in land, water and environmental policies in Southern California. Its encyclopedic descriptions and data are the most comprehensive there is in one place about the state's water resources. And like it or not, its prescriptions will be guiding our state for at least another five years, until the next edition comes out.

*Written by Susan M. Trager has more than 30 years of experience in water law, public agency law, municipal law, right of way acquisitions, environmental law and eminent domain law, including the valuation of water rights. She also edits Trager Water Report, a new site on California water.*

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