

Proposition 1 Water Storage Investment Program – Statute/Regulations Discussion Matrix

Statuses	Regulations	Guidelines	Proposal Solicitation Package	Comments
High level directives	More detail, specific requirements	Program specific requirements. Presents overall processes and program requirements.	Provides potential applicants with solicitation specific requirements, deadlines, etc.	See section 79760. Supermajority required and voter approval. Very high bar.
Cannot be changed without voter approval since authorized by proposition WSIP code sections have further limitations on ability to modify the code (See comment) Possible for Legislature to enact clarifying legislation that could impact the program requirements.	Can be modified, using OAL processes for rulemaking, which can be time consuming (up to 1 year).	Authorized by Section 79706. Must post on website for 30 days and hold three public meetings (Northern California, Southern California, and Central Valley). Can be modified using the procedure outlined in the Bond, not overly time consuming (a few months). Goal should be to minimize needs for changes.	Modify using same process as used for guidelines. Will need to be updated on a per application basis since the PSP is generally used to convey solicitation specific information, such as application due dates.	“The people therefore find and declare that any amendment of the provisions of this chapter by the Legislature shall require an affirmative vote of two-thirds of the membership in each house of the Legislature and voter approval.”
General Items - Examples				
Eligible applicants are defined in code (add cite) Sections 79702.(p), 79702.(s), and 79712 for eligible applicants	No need to repeat in regulations	Reference and clarify/detail requirements as needed.	Identifies submittal requirements to document that applicant is eligible.	If there are ambiguities in language as to eligibility, these may need to be addressed in the regulation, under implicit regulatory authority.
General eligibility requirements Included in Proposition 1 and other applicable statutes (Water, Public Resources, Government, Contract, Labor, etc. codes)	No need to repeat in regulations	Reference and clarify/detail requirements as needed. May also state when demonstration of compliance is necessary (application submittal, award, execution, disbursement).	Identifies submittal requirements to document eligibility, compliance standard, or plan for compliance.	Regulations team will identify other potentially applicable statutes Commission may need to make a discretionary decision for certain eligibility requirements which are mandated for DWR, SWRCB, and Delta Stewardship Council, but not for the Commission.
Prop 1 Chap 8				
79750.(a) Notwithstanding Section 162, the commission may make the determinations, findings, and recommendations required of it by this chapter independent of the views of the director. All final actions by the commission in implementing this chapter shall be taken by a majority of the members of the commission at a public meeting noticed and held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).	No need to repeat; may need to clarify in regulations.	Guidelines will outline decision making process and affirm compliance with this section.	Covered by guidelines, no need to address in PSP.	

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<p>79750.(b) Notwithstanding Section 13340 of the Government Code, the sum of two billion seven hundred million dollars (\$2,700,000,000) is hereby continuously appropriated from the fund, without regard to fiscal years, to the commission for public benefits associated with water storage projects that improve the operation of the state water system, are cost effective, and provide a net improvement in ecosystem and water quality conditions, in accordance with this chapter. Funds authorized for, or made available to, the commission pursuant to this chapter shall be available and expended only for the purposes provided in this chapter, and shall not be subject to appropriation or transfer by the Legislature or the Governor for any other purpose.</p>	<p>No need to repeat in regulations</p>	<p>Guidelines can be used to lay out how authorized funds will be administered, such as allocations to specific project types, number of solicitations to authorize funds, etc.</p>	<p>PSP will address specific amounts of funding available in the subject solicitation.</p>	<p>Government Code § 13340 generally prohibits continuous appropriation of funds.</p> <p>Use this text to describe the purpose of the WSIP:</p> <p align="center">“for public benefits associated with water storage projects that improve the operation of the state water system, are cost effective, and provide a net improvement in ecosystem and water quality conditions”</p> <p><i>Projects must:</i></p> <ul style="list-style-type: none"> • <i>Improve operations of state water system</i> • <i>Be cost effective</i> • <i>Provide net improvement in ecosystem and water quality</i> <p>Need to define metrics of all three</p> <p>Need to reconcile with §79751.(d) which states “improve operations of water systems in the state”.</p>
<p>79750.(c) Projects shall be selected by the commission through a competitive public process that ranks potential projects based on the expected return for public investment as measured by the magnitude of the public benefits provided, pursuant to criteria established under this chapter.</p>	<p>No need to repeat; may need to clarify in regulations.</p>	<p>Guidelines will outline general processes to rank projects based on criteria in statute and regulations. Guidelines also present general “scoring standards”.</p>	<p>PSP will detail specific ranking criteria and “scoring standards”.</p>	<p><i>Projects must be ranked based on</i></p> <ul style="list-style-type: none"> • <i>Expected return on investments, based on magnitude of public benefits</i> <p>Evaluation process must result in ranking; but possibly not “scoring”.</p>
<p>79750.(d) Any project constructed with funds provided by this chapter shall be subject to Section 11590.</p>	<p>No need to repeat in regulations.</p>	<p>Guidelines, in plain English, explain what “subject to §11590” mean and affirm the Commission’s commitment to compliance with that section.</p>	<p>May need to solicit information about whether the proposed storage project would trigger this requirement.</p>	<p>Water Code §11590: “The department has no power to take or destroy the whole or any part of the line or plant of any common carrier railroad, other public utility, or state agency, or the appurtenances thereof, either in the construction of any dam, canal, or other works, or by including the same within the area of any reservoir, unless and until the department has provided and substituted for the facilities to be taken or destroyed new facilities of like character and at least equal in usefulness with suitable adjustment for any increase or decrease in the cost of operating and maintenance thereof, or unless and until the taking or destruction has been permitted by agreement executed between the department and the common carrier, public utility, or state agency.”</p>
<p>79751. Projects for which the public benefits are eligible for funding under this chapter consist of only the following:</p>				

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79751.(a) Surface storage projects identified in the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, except for projects prohibited by Chapter 1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code (<i>California Wild and Scenic Rivers Act</i>).	No need to repeat; may need to clarify in regulations.	Guidelines, in plain English, explain which projects were listed in the CALFED ROD and are not excluded by the Public Resources Code cite (Shasta enlargement).	Will solicit information regarding which project category the proposed project fits into.	Wild and Scenic Rivers Act has implications for raising the level of Shasta Dam. There are also sections of the PRC that would prohibit the use of state funding for projects impacting three segments of rivers above and below the McCloud dam. See Public Resources Code §5093.542(c).
79751.(b) Groundwater storage projects and groundwater contamination prevention or remediation projects that provide water storage benefits.	No need to repeat; may need to clarify in regulations.	Guidelines should clarify this term, if necessary. Consider whether these project categories have existing statutory definitions that may be cross-referenced.	Will solicit information regarding which project category the proposed project fits into.	<i>Eligible projects:</i> <ul style="list-style-type: none"> • <i>Groundwater storage projects</i> • <i>Groundwater contamination prevention or remediation projects that provide water storage benefits</i>
79751.(c) Conjunctive use and reservoir reoperation projects.	No need to repeat; may need to clarify in regulations.	Guidelines should clarify this term, if necessary. Consider whether these project categories have existing statutory definitions that may be cross-referenced.	Will solicit information regarding which project category the proposed project fits into.	<i>Eligible projects:</i> <ul style="list-style-type: none"> • <i>Conjunctive use projects</i> • <i>Reservoir reoperation projects.</i>
79751.(d) Local and regional surface storage projects that improve the operation of water systems in the state and provide public benefits.	Evaluate whether standards for defining or demonstrating “operation of water systems in the state” should be codified in regulation or may be addressed in the guidelines.	Guidelines should clarify this term, if necessary. Consider whether these project categories have existing statutory definitions that may be cross-referenced.	Will solicit information regarding which project category the proposed project fits into.	<i>Eligible projects:</i> <ul style="list-style-type: none"> • <i>Local surface storage projects that improve the operation of water systems in the state and provide public benefits.</i> • <i>Regional surface storage projects that improve the operation of water systems in the state and provide public benefits.</i> <p>Need to reconcile this section’s text “improve the operation of water systems in the state” with §79750.(b) text “improve the operation of the state water system”.</p>
79752. A project shall not be funded pursuant to this chapter unless it provides measurable improvements to the Delta ecosystem or to the tributaries to the Delta.	Evaluate whether standards for defining or demonstrating “measurable improvements to the Delta...” should be codified in regulation or may be addressed in the guidelines. See §79754 for specific content requirements for the regulations.	Outline metrics or standards for demonstrating measurable improvements to the delta and its tributaries.	Will present the specific information submittal requirements to support Delta improvement claims.	
79753.(a) Funds allocated pursuant to this chapter may be expended solely for the following public benefits associated with water storage projects:				Need to identify which agency(ies) responsible for which public benefit and decide whether to codify in the regulations. For all benefits: <ul style="list-style-type: none"> • Since the regulations will establish the quantification methodology, if any clarification is necessary need to determine whether it should be in the regulations • Need to determine if regulations should establish ranking process <p>The application review processes should be established in the Guidelines and PSP.</p>

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79753.(a)(1) Ecosystem improvements, including changing the timing of water diversions, improvement in flow conditions, temperature, or other benefits that contribute to restoration of aquatic ecosystems and native fish and wildlife, including those ecosystems and fish and wildlife in the Delta.	No need to repeat; may need to clarify in regulations.	Guidelines should clarify this term, if necessary. Consider whether these project categories have existing statutory definitions that may be cross-referenced.	PSP may layout process/tools to present these benefits and solicitation-specific evaluation standards.	DFW should administer this benefit.
79753.(a)(2) Water quality improvements in the Delta, or in other river systems, that provide significant public trust resources, or that clean up and restore groundwater resources.	No need to repeat; may need to clarify in regulations.	If not clarified in the regulations, the guidelines should clarify this term, if necessary. Consider whether these project categories have existing statutory definitions that may be cross-referenced. Should also present how the benefits will be evaluated and ranked/rated.	PSP may layout process/tools to present these benefits and solicitation-specific evaluation standards.	DWF and SWRCB should administer this benefit. <i>Water quality improvements that:</i> <ul style="list-style-type: none"> • provide significant public trust resources in the Delta • provide significant public trust resources in other river systems • Clean up and restore groundwater resources. Regulations team to develop issue paper on the “significant public trust resource” topic. Need to clarify “clean up and restore groundwater resources” metric; such as demonstrate some level of improvement groundwater quality or meeting remediation standards.
79753.(a)(3) Flood control benefits, including, but not limited to, increases in flood reservation space in existing reservoirs by exchange for existing or increased water storage capacity in response to the effects of changing hydrology and decreasing snow pack on California’s water and flood management system.	No need to repeat; may need to clarify in regulations.	Guidelines should clarify this term, if necessary. Consider whether these project categories have existing statutory definitions that may be cross-referenced. Should also present how the benefits will be evaluated and ranked/rated.	PSP may layout process/tools to present these benefits and solicitation-specific evaluation standards.	DWR should administer this benefit.
79753.(a)(4) Emergency response, including, but not limited to, securing emergency water supplies and flows for dilution and salinity repulsion following a natural disaster or act of terrorism.	No need to repeat; may need to clarify in regulations.	Guidelines should clarify this term, if necessary. Consider whether these project categories have existing statutory definitions that may be cross-referenced. Should also present how the benefits will be evaluated and ranked/rated.	PSP may layout process/tools to present these benefits and solicitation-specific evaluation standards.	DWR should administer this benefit. May be desirable provide other examples of “qualified” emergency response actions that would be considered fundable; determine whether to include the guidelines or the regulations.
79753.(a)(5) Recreational purposes, including, but not limited to, those recreational pursuits generally associated with the outdoors.	No need to repeat; may need to clarify in regulations.	Guidelines should clarify this term, if necessary. Consider whether these project categories have existing statutory definitions that may be cross-referenced. Should also present how the benefits will be evaluated and ranked/rated.	PSP may layout process/tools to present these benefits and solicitation-specific evaluation standards.	DWR and DFW should administer this benefit; should consider whether partnering with State Parks would also be appropriate. May be desirable provide other examples of “qualified” recreational pursuits that would be considered fundable; determine whether to include in the guidelines or the regulations.

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<p>79753.(b) Funds shall not be expended pursuant to this chapter for the costs of environmental mitigation measures or compliance obligations except for those associated with providing the public benefits as described in this section.</p>	<p>No need to repeat; may need to clarify in the regulations.</p>	<p>Guidelines should outline decision making process and affirm compliance with this section.</p>	<p>Covered by guidelines, may not need to be addressed in PSP. May identify specific information submittal requirements, so that the review team can verify that WSIP funds will not be expended for such purposes.</p>	
<p>79754. In consultation with the Department of Fish and Wildlife, the state board, and the Department of Water Resources, the commission shall develop and adopt, by regulation, methods for quantification and management of public benefits described in Section 79753 by December 15, 2016. The regulations shall include the priorities and relative environmental value of ecosystem benefits as provided by the Department of Fish and Wildlife and the priorities and relative environmental value of water quality benefits as provided by the state board.</p>	<p>Regulations will establish the method(s) for quantification and management of public benefits described in Section 79753. Regulations shall include priorities and relative environmental value of ecosystem benefits. Regulations shall include priorities and relative environmental value of water quality benefits.</p>	<ul style="list-style-type: none"> • Guidelines should detail how the quantified public benefits will be considered in the decision making process. • Guidelines should detail how the management of public benefits will be considered in the decision making process. • Guidelines should detail how the priorities and environmental value of the ecosystem benefits will be considered in the decision making process. • Guidelines should detail how the priorities and environmental value of the water quality benefits will be considered in the decision making process. 	<p>Will present the specific information submittal requirements so that the review team can:</p> <ul style="list-style-type: none"> • Use the methods for quantification and management of public benefits • Assess the projects ability to address the ecosystem and water quality priorities • Determine the environmental value of the ecosystem and water quality benefits 	
<p>79755.(a) Except as provided in subdivision (c), no funds allocated pursuant to this chapter may be allocated for a project before December 15, 2016, and until the commission approves the project based on the commission’s determination that all of the following have occurred:</p>	<p>No need to repeat; may need to clarify in regulations.</p>	<p>Guidelines should outline decision making process and affirm compliance with this section</p>	<p>Covered by guidelines, may not need to be address in PSP.</p>	<p>Currently interpreting “allocate” funding to mean award funds to a project. Award of WSIP funds for project/public benefits cost share not allowed until after regulations in place and the Commission has made the necessary findings; which may be later than December 15, 2016. However, funding for planning and monitoring funding is authorized by §79704 (up to 10%). This appears to be an exception to the limitation. §79755.(c) allow for funds to be made available for the completion of environmental documentation and permitting a project. Such funds could be awarded prior to December 15, 2016, if the Commission so desires and appropriate processes are established. §79757 appears to set a “deadline” for projects to meet eligibly requirements for WSIP funds.</p>

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<p>79755.(a)(1) The commission has adopted the regulations specified in Section 79754 and specifically quantified and made public the cost of the public benefits associated with the project.</p>	<p>No need to repeat; may need to clarify in regulations.</p>	<p>Guidelines should outline the processes that Commission will use to quantify and make public the public benefit costs.</p> <p>Guidelines should inform potential applicants that privacy or other confidentiality protections afforded by law will be waived with respect to the application package; unless the Commission allows for certain items to have some level of confidentiality.</p>	<p>Will present the specific information submittal requirements that will allow the quantification of public benefit costs.</p>	<p>Need to clarify the “specifically quantified” process for the costs of public benefits.</p>
<p>79755.(a)(2) The project applicant has entered into a contract with each party that will derive benefits, other than public benefits, as defined in Section 79753, from the project that ensures the party will pay its share of the total costs of the project. The benefits available to a party shall be consistent with that party’s share of total project costs.</p>	<p>No need to repeat; may need to clarify in regulations</p>	<p>The guidelines should detail the minimum items that need to be addressed in the contracts to ensure compliance with this requirement.</p>	<p>Eligibility factor; not a project ranking factor</p> <p>Need to confirm that requirement is met.</p> <p>Will need to present the specific information submittal requirements that demonstrate compliance with this obligation:</p> <ul style="list-style-type: none"> • Copy of contracts • Explanation of benefits sharing 	<p>The 79755.(a)(2) contracts are between applicant and water districts that will receive the non-public benefits from the project.</p> <p>Regulations team will research legislative history exists for this section to help clarify intent.</p>
<p>79755.(a)(3) The project applicant has entered into a contract with each public agency identified in Section 79754 that administers the public benefits, after that agency makes a finding that the public benefits of the project for which that agency is responsible meet all the requirements of this chapter, to ensure that the public contribution of funds pursuant to this chapter achieves the public benefits identified for the project.</p>	<p>No need to repeat; may need to clarify in regulations.</p>	<p>The guidelines should detail the minimum items that need to be addressed in the contracts to ensure compliance with this requirement.</p>	<p>Eligibility factor; not a project ranking factor</p> <p>Need to confirm that requirement is met.</p> <p>Will present the specific information submittal requirements that demonstrate compliance with this obligation:</p> <ul style="list-style-type: none"> • Copy of contracts • Agency findings 	<p>The 79755.(a)(3) contracts are between applicant and DWR, DFW, and SWRCB. Multi-party agreement(s) or multiple agreements may be necessary, if more than one agency is responsible for a given public benefit.</p> <p>Prior to entering into such contracts, DWR, DFW, and SWRCB are required to find that the public benefits of the project meet all the requirements of the WSIP.</p> <p>The contracts appear to be intended to ensure that the public benefits are achieved and maintained in the future of the project. Need to determine the contract time frame, such as “for the life of the project.”</p> <p>See §79753.(a) for public benefits listing.</p> <p>Regulations team will research legislative history exists for this section to help clarify intent.</p>
<p>79755.(a)(4) The commission has held a public hearing for the purposes of providing an opportunity for the public to review and comment on the information required to be prepared pursuant to this subdivision.</p>	<p>No need to repeat; may need to clarify in regulations.</p>	<p>Guidelines should outline decision making process and affirm compliance with this section.</p>	<p>Covered by guidelines, not need to address in PSP.</p>	
<p>79755.(a)(5) All of the following additional conditions are met:</p>				
<p>79755.(a)(5)(A) Feasibility studies have been completed.</p>	<p>No need to repeat; may need to clarify in regulations.</p>	<p>Guidelines should outline the materials that need to be submitted.</p>	<p>Will present the specific information submittal requirements that demonstrate compliance with this obligation.</p>	<p>Regulations team may need to outline the types of Feasibility Studies, or expected study content, for the various types of projects.</p>

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79755.(a)(5)(B) The commission has found and determined that the project is feasible, is consistent with all applicable laws and regulations, and will advance the long-term objectives of restoring ecological health and improving water management for beneficial uses of the Delta.	No need to repeat; may need to clarify in regulations.	Guidelines should outline decision making process and affirm compliance with this section.	Covered by guidelines, not need to address in PSP.	Need to develop a listing of the expected applicable laws/regulations to make a consistency determination Findings need to address both the requirements of this section and those of §79750.(b) – may need to clarify items such as “advance long-term objective....”
79755.(a)(5)(C) All environmental documentation associated with the project has been completed, and all other federal, state, and local approvals, certifications, and agreements required to be completed have been obtained.	No need to repeat; may need to clarify in regulations.	Guidelines should outline the materials that need to be submitted.	Will present the specific information submittal requirements that demonstrate compliance with this obligation.	
79755.(b) The commission shall submit to the Legislature its findings for each of the criteria identified in subdivision (a) for a project funded pursuant to this chapter.	No need to repeat; may need to clarify in regulations.	Guidelines should outline decision making process and affirm compliance with this section.	Covered by guidelines, no need to address in PSP.	
79755.(c) Notwithstanding subdivision (a), funds may be made available under this chapter for the completion of environmental documentation and permitting of a project.	No need to repeat; may need to clarify in regulations.	Guidelines should outline decision making process and affirm compliance with this section.	Covered by guidelines, not need to address in PSP.	See comments on §79755.(a)
79756.(a) The public benefit cost share of a project funded pursuant to this chapter, other than a project described in subdivision (c) of Section 79751, shall not exceed 50 percent of the total costs of any project funded under this chapter.	No need to repeat; may need to clarify in regulations.	Guidelines should clarify this requirement and outline general cost share obligations and limitations, such as whether past costs can be considered as part of the cost share or for reimbursement.	Will solicit information regarding project costs and related cost share factors.	§79751.(c) refers to conjunctive use and reservoir reoperation projects Allows the Commission to establish an alternate cost share percentage for such projects.
79756.(b) No project may be funded unless it provides ecosystem improvements as described in paragraph (1) of subdivision (a) of Section 79753 that are at least 50 percent of total public benefits of the project funded under this chapter.	No need to repeat; may need to clarify in regulations.	Guidelines should clarify this requirement and outline general cost share obligations and limitations, such as whether past costs can be considered as part of the cost share or for reimbursement.	Will solicit information regarding project costs and related cost share factors.	§79753.(a)(1) refers to ecosystem improvements The Commission needs decide on whether to scale/adjust cost share split to meet the 50/50 metric or whether projects that do not meet the metric without “scaling” are ineligible. Either option must be clarified in the guidelines. See prior issue paper on the same topic.
79757.(a) A project is not eligible for funding under this chapter unless, by January 1, 2022, all of the following conditions are met:	No need to repeat; may need to clarify in regulations.	Guideline should set forth this funding limitation.	Covered by guidelines, no need to address in PSP.	Appears to establish a “deadline” for projects to meet eligibility requirements. Does not prohibit the Commission from awarding funds to qualified projects after this date.

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79757.(a)(1) All feasibility studies are complete and draft environmental documentation is available for public review.	No need to repeat; may need to clarify in regulations.	Guidelines should outline what is necessary demonstrate compliance.	Will solicit information regarding proof of the status of these documents.	\$79755.(a)(5)(C) requires complete environmental documentation prior to allocating WSIP funds.
79757.(a)(2) The commission makes a finding that the project is feasible, and will advance the long-term objectives of restoring ecological health and improving water management for beneficial uses of the Delta.	No need to repeat; may need to clarify in regulations.	Guidelines should outline the finding process.	Covered by guidelines, no need to address in PSP.	
79757.(a)(3) The director receives commitments for not less than 75 percent of the nonpublic benefit cost share of the project.	No need to repeat; may need to clarify in regulations.	Guidelines could outline this submittal obligation or clarify that is will be addressed by compliance with 79755.(a)(2).	Covered by guidelines, no need to address in PSP.	Project eligibility factor \$79755.(a)(2) requires executed contracts for 100% of the non-public benefits prior to allocating WSIP funds. Need to determine actions that DWR should take upon receipt of the 75%-level commitments.
79757.(b) If compliance with subdivision (a) is delayed by litigation or failure to promulgate regulations, the date in subdivision (a) shall be extended by the commission for a time period that is equal to the time period of the delay, and funding under this chapter that has been dedicated to the project shall be encumbered until the time at which the litigation is completed or the regulations have been promulgated.	No need to repeat; may need to clarify in regulations.	Guidelines should outline the materials that need to be submitted.	Will present the specific information submittal requirements that demonstrate compliance with this obligation.	This gives the Commission some breathing room in the event of unforeseen delays or legal challenges.
79758. Surface storage projects funded pursuant to this chapter and described in subdivision (a) of Section 79751 may be made a unit of the Central Valley Project as provided in Section 11290 and may be financed, acquired, constructed, operated, and maintained pursuant to Part 3 (commencing with Section 11100) of Division 6.	No need to repeat; may need to clarify in regulations.	Guidelines should outline that this is an options for the project, if funded.	No need to repeat in PSP, covered in Guidelines.	The reference to the Central Valley Projects would include the State Water Project. This section allows WSIP funded surface storage projects funded can become part of the State Water Project and are treated as other SWP projects under §11100 et seq. of the Water Code.
79759.(a) The funds allocated for the design, acquisition, and construction of surface storage projects identified in the CALFED Bay-Delta Record of Decision, dated August 28, 2000, pursuant to this chapter may be provided for those purposes to local joint powers authorities formed by irrigation districts and other local water districts and local governments within the applicable hydrologic region to design, acquire, and construct those projects.	No need to repeat; may need to clarify in regulations.	This section pertains to eligible applicants which are defined in code (see general topic above) and will be presented in Guidelines.	Identifies submittal requirements to document that applicant is eligible.	Must be read in conjunction with §79759.(b)

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<p>79759.(b) The joint powers authorities described in subdivision (a) may include in their membership governmental partners that are not located within their respective hydrologic regions in financing the surface storage projects, including, as appropriate, cost share participation or equity participation. Notwithstanding Section 6525 of the Government Code, the joint powers agencies described in subdivision (a) shall not include in their membership any for-profit corporation or any mutual water company whose shareholders and members include a for-profit corporation or any other private entity. The department shall be an ex officio member of each joint powers authority subject to this section, but the department shall not control the governance, management, or operation of the surface water storage projects.</p>	<p>No need to repeat; may need to clarify in regulations.</p>	<p>This section pertains to eligible applicants which are defined in code (see general topic above) and modified by this section. Should be presented in Guidelines.</p>	<p>Identifies submittal requirements to document that applicant is eligible.</p>	<p>For CALFED surface storage projects:</p> <ul style="list-style-type: none"> • Requires DWR to be an ex officio member of JPA; which appears to be a condition for receiving funding • Clarifies which types of entities can and cannot be members of the JPA <ul style="list-style-type: none"> ◦ Gov. Code §6525: “Notwithstanding any other provision of this chapter, a mutual water company may enter into a joint powers agreement with any public agency for the purpose of jointly exercising any power common to the contracting parties.”
<p>79759.(c) A joint powers authority subject to this section shall own, govern, manage, and operate a surface water storage project, subject to the requirement that the ownership, governance, management, and operation of the surface water storage project shall advance the purposes set forth in this chapter.</p>	<p>No need to repeat; may need to clarify in regulations.</p>	<p>Guidelines should outline that this is an options for the project, if funded.</p>	<p>No need to repeat in PSP, covered in Guidelines.</p>	<p>Also include as a term of any applicable WSIP funding agreement/contract.</p>
<p>79760.(a) In approving the Water Quality, Supply, and Infrastructure Improvement Act of 2014, the people were informed and hereby declare that the provisions of this chapter are necessary, integral, and essential to meeting the single object or work of the Water Quality, Supply, and Infrastructure Improvement Act of 2014. As such, any amendment of the provisions of this chapter by the Legislature without voter approval would frustrate the scheme and design that induced voter approval of this act. The people therefore find and declare that any amendment of the provisions of this chapter by the Legislature shall require an affirmative vote of two-thirds of the membership in each house of the Legislature and voter approval.</p>	<p>No need to repeat; may need to clarify in regulations.</p>	<p>No need to address in Guidelines.</p>	<p>No need to address in PSP.</p>	<p>See Comment at start of document</p>
<p>79760.(b) This section shall not govern or be used as authority for determining whether the amendment of any other provision of this act not contained in this chapter would constitute a substantial change in the scheme and design of this act requiring voter approval.</p>	<p>No need to repeat; may need to clarify in regulations.</p>	<p>No need to address in Guidelines</p>	<p>No need to address in PSP</p>	