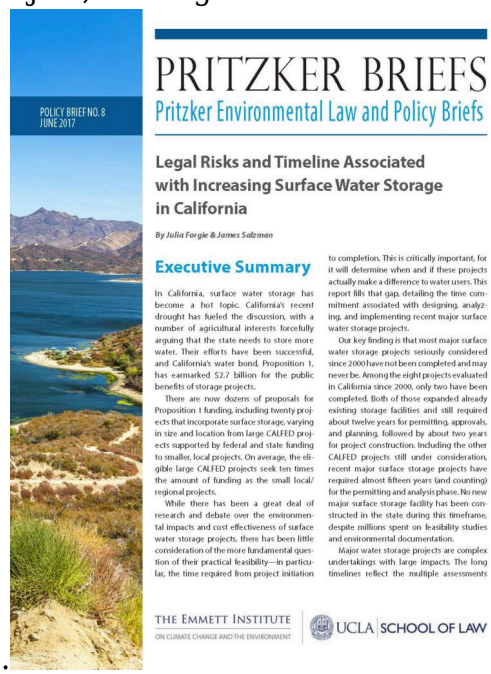
Surface water storage has become a hot topic in California. The recent drought led voters in 2014 to approve California's Proposition 1 water bond, which, in part, earmarked $2.7 billion for the public benefits of storage projects. It's very likely that at least some of that money will go to a large surface water storage project, although it could also fund groundwater storage or conjunctive use projects.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Legal Risks and Timeline Associated with Increasing Surface Water Storage in California

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Executive Summary

In California, surface water storage has become a hot topic. California's recent drought has fueled the discussion, with a number of agricultural interests forcefully arguing that the state needs to store more water. Their efforts have been successful, and California's water bond, Proposition 1, has earmarked $2.7 billion for the public benefits of storage projects.

There are now dozens of proposals for Proposition 1 funding, including twenty projects that incorporate surface storage, varying in size and location from large CALFED projects supported by federal and state funding to smaller, local projects. On average, the eligible large CALFED projects seek ten times the amount of funding as the small local/regional projects.

While there has been a great deal of research and debate over the environmental impacts and cost effectiveness of surface water storage projects, there has been little consideration of the more fundamental question of their practical feasibility—in particular, the time required from project initiation to completion. This is critically important, for it will determine when and if these projects actually make a difference to water users. This report fills that gap, detailing the time commitment associated with designing, analyzing, and implementing recent major surface water storage projects.

Our key finding is that most major surface water storage projects seriously considered since 2000 have not been completed and may never be. Among the eight projects evaluated in California since 2000, only two have been completed. Both of those expanded already existing storage facilities and still required about twelve years for permitting, approvals, and planning, followed by about two years for project construction. Including the other CALFED projects still under consideration, recent major surface storage projects have required almost fifteen years (and counting) for the permitting and analysis phase. No new major surface storage facility has been constructed in the state during this timeframe, despite millions spent on feasibility studies and environmental documentation.

Major water storage projects are complex undertakings with large impacts. The long timelines reflect the multiple assessments

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Does it make sense to channel that pot of money to surface storage projects? There's been a lot of research and debate about the environmental impacts and cost effectiveness of surface water storage. But there hasn't been much consideration of their practical feasibility—in particular, the time required from project initiation to completion and the legal requirements that could expose problems with the storage facility plans.

To fill that gap, a new Pritzker Brief from the Emmett Institute reviews the legal risks and timelines associated with increasing surface water storage in California. It follows the eight large storage projects that have been investigated since 2000 through their environmental review and permitting processes. Only two of those projects have been built. Those two both expanded already existing storage facilities and still required about twelve years for permitting, approvals, and planning, followed by about two years for project construction. The other projects have required almost 15 years (and counting) for the permitting and analysis phase. And many of them face serious financial, legal, and political barriers that may block their approval and construction.

Our Brief explores these long timelines, which reflect the multiple assessments and permitting requirements necessary to ensure the feasibility, safety, and financial viability of

the storage facilities. As we found, many different laws and political/financial concerns contribute to the long timelines, meaning that there is no silver bullet for shortening schedules. And it would be inadvisable for other reasons to remove any of these requirements.

Long timelines for recent large surface storage projects suggest that future major projects will likely follow similarly lengthy schedules. The California Water Commission should explicitly account for the practical timelines and requirements for a project to move from proposal to completion as it decides how to allocate Proposition 1 funding among storage projects.