



## MEMORANDUM

TO: Board of Directors and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: May 6, 2021

RE: Board of Directors to Consider Recommendations on Legislation / Board of Directors to Consider Same

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### Recommendation

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Recommend to the Board of Directors to adopt the following positions on legislation:

#### Federal Legislation

- Adopt a position of "Support" on S. 29 (Klobuchar), Local Water Protection Act

#### State Legislation

- Adopt a position of "Support" on AB 252 (Rivas): Multibenefit Land Repurposing Incentive Program: administration.
- Adopt a position of "Support" on AB 350 (Villapudua): Cannella Environmental Farming Act of 1995: technical assistance grant program: groundwater conservation planning.
- Adopt a position of "Oppose" on AB 377 (Rivas): Water quality: impaired waters.
- Adopt a position of "Oppose" on AB 979 (Frazier): Sacramento-San Joaquin Delta: projects: sea level rise analysis report

### Summary

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#### S. 29 (Klobuchar) – Local Water Protection Act

RECOMMENDATION: SUPPORT

OBJECTIVE: Restore Central Valley Project Water Supply for Member Agencies  
Improve Water Infrastructure Affecting Authority Member Agencies

#### Summary

This bill reauthorizes through FY2025 programs within the Environmental Protection Agency that award grants to states for managing nonpoint source water pollution or protecting groundwater quality. Water pollution from nonpoint sources is caused by precipitation picking up pollution as it moves over or through the ground.



#### Status

S. 29 was introduced in the U.S. Senate on January 22, 2021 and has been referred to the Senate Committee on Environment and Public Works.

#### Importance to the Authority

The bill reauthorizes the Federal Water Pollution Control Act, colloquially known as the Clean Water Act, through 2025 at a funding level of \$200 million. Grants from the Clean Water Act are used to fund a number of programs and projects that protect beneficial uses of groundwater, including the Grassland Bypass Project.

#### Pros:

- The legislation would authorize additional funds to implement the provisions of the Clean Water Act.

#### Cons:

- None identified at this time.

#### Committee Options

##### Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express a favor position on S. 29, the Local Water Protection Act.

**Fiscal Impact:** Unknown. Federal funding provided through Clean Water Act authorities could reduce member fees and or costs for water quality improvement projects and/or programs and improve water supply reliability by increasing conjunctive use opportunities.

**Business Analysis:** Unknown.

##### Option 2

Take no action.

**Fiscal Impact:** Unknown. SLDMWA may be subject to lower federal funding for projects and/or program implementation, or lost water supply reliability resulting from unfunded water quality impairment that reduces conjunctive use opportunities.

**Business Analysis:** SLDMWA may be subject to reduced allocations or lost water supply resulting from expired authorities.

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[AB 252 \(Rivas \(D-Hollister\)\) – Multibenefit Land Repurposing Incentive Program: administration.](#)

**RECOMMENDATION:** SUPPORT

**OBJECTIVE:** Restore Central Valley Project Water Supply for Member Agencies

#### Summary

##### General Provisions

This bill would find and declare that coordinated management of landscapes affected by SGMA can minimize economic and social dislocation in rural economies, reducing or avoiding environmental health



impacts, facilitating a transition to less water-intensive but still productive and economic uses of land to achieve sustainable groundwater management. This bill would define “land repurposing” as converting previously irrigated agricultural land to new uses through any of the following methods:

1. Restoring upland habitat.
2. Creating pollinator habitat.
3. Restoring floodplains.
4. Creating dedicated wildlife-friendly recharge areas.
5. Dryland farming or planting cover crops.
6. Switching from irrigated agriculture to rangeland.
7. Creating parks or community recreation areas.

#### Program Administration

AB 252 would direct the Department of Conservation (Department) to establish and administer the “Multibenefit Land Repurposing Incentive Program.” This program would provide grants for the development or implementation of local programs supporting or facilitating reduced use of groundwater and multibenefit land repurposing at the basin scale. The bill authorizes the Department to use moneys from the General Fund (or another funding bill), as allocated by the Legislature. The bill would restrict the Department from using more than 5 percent of appropriated revenues for the administration of the program.

#### Eligible Recipients

The following entities would be eligible for funding:

1. A GSA.
2. A county.
3. A local agency, including a resource conservation district, designated by a GSA or county.
4. A nongovernmental organization designated by a GSA or county.

#### Approved Fund Uses

Eligible entities could use awarded funds for the following purposes:

1. To support a local program that will be implemented within a basin or portion of a basin that is managed by one GSA.
2. To support a local program that will be implemented within a basin, portion of a basin, or area encompassing multiple basins that is collectively managed by multiple GSAs through agreements, a joint powers authority, or other similar combination or coordination effort.
3. To support a local program overseen by a county that will be implemented within a basin, portion of a basin, or area encompassing multiple basins that is located in whole or in part within the county.

GSAs that apply individually for program funds and all GSAs involved in an application on behalf of multiple GSAs would be required to (1) have a current list of interested parties pursuant to Water Code section 10723.4, and (2) comply with the annual reporting requirements in Water Code section 10728.



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### Specific Funding Criteria

Program funds from the Department would only be available for use and implementation of local programs that satisfy all of the following criteria:

1. The local program would be implemented in a critically overdrafted basin.
2. The local program would be implemented on lands that are within the jurisdiction of one or more GSAs.
3. The local program would be implemented consistent with the GSP or plans covering the lands where the applicant proposes to implement the local program, if one has been adopted and is described and included in the GSP covering the basin where the local program will be implemented. If a GSP has been submitted to DWR and does not describe the program, the GSA would be required to include a description of the local program as an attachment to its next annual report to DWR and in its next five-year update.
4. The GSP is not determined to be inadequate or insufficiently meeting its sustainability goals. If a review by DWR identifies deficiencies in the plan, the corrective actions recommended by DWR, or equally effective actions, would be required to be implemented by the GSA or multiple GSAs that prepared the GSP in order to remain eligible. This would not apply to a local program that is overseen by a county and implemented on lands that are within an area that is unmanaged (as defined) or are within the jurisdiction of a GSA other than the county.
5. The local program would prioritize land repurposing on acres with the lowest soil quality, highest potential habitat value (including lands that expand habitat connectivity or create wildlife corridors) the best aquifer recharge potential, best opportunity for a community's recreational use, greatest potential to enhance local water supply and water supply reliability, greatest flood protection benefit, or any combination of these characteristics to capture the highest level of potential multiple benefits.
6. The local program would reduce groundwater use in the basin and, in combination with other demand reduction elements in existing GSPs for the basin, contribute measurably to the long-term attainment of the basin's groundwater sustainability goal.
7. The local program is consistent with the county general plan, and with all other applicable local land use plans.
8. The local program would give special consideration to the provision of incentive payments to farms and ranches of 500 acres or less and to socially disadvantaged farmers and ranchers, as defined.
9. The local program is developed with input from local stakeholders and community members.

### Funding Criteria

Applicants would be required to satisfy all of the following elements to be eligible to receive program funds:

1. Applicants would agree to fund their local programs with 50 percent local matching funds, which could include in-kind contributions of goods and services.
2. Applicants would agree to use funds to implement one or more of the following purposes:
  - a. Payments for habitat restoration.
  - b. Payments for maintaining habitat.



- c. Payments for converting to rangelands.
  - d. Payments for constructing wildlife-friendly groundwater recharge facilities.
  - e. Payments for restoring floodplains.
  - f. Payments for planting cover crops.
  - g. Payments for dust control measures.
  - h. Payments for creating community recreation areas or parks.
3. Applicants could provide landowners with payments for the costs of certain activities that implement and are consistent with the local program and the program, subject to specified requirements.

#### Application Requirements

The bill would require applications to include specified information, including, but not limited to, the following:

- a. A description of how the local program would prioritize repurposing of agricultural lands to habitat, dryland farming, wildlife-friendly groundwater recharge facilities, recreation space, or rangeland.
- b. A description of the applicant and associated GSA, if applicable.
- c. The current GSP or GSPs covering the lands where the applicant proposes to implement the local program or a statement that the lands are within an area that is unmanaged, as specified.
- d. Specified information describing how those lands are managed under the SGMA, among other information.

The Department, with stakeholder input, would be required to develop guidelines regarding program eligibility and application requirements. The Department would determine program eligibility and award program funds using its expertise and discretion.

#### Monitoring and Reporting

All applicants, on April 1 following the award of program funds to them and annually thereafter for as long as program funds are used, would be required to complete a report describing and evaluating the implementation of their local program and the use of program funds during the previous year, including, but not limited to, the following information:

- a. The number of acres participating in the local program.
- b. The aggregate reduction in groundwater use resulting from acreage participating in the local program.
- c. The public benefits provided by acres repurposed through the local program.
- d. The aggregate cost of enrolling acres in the local program.

If the applicant were a GSA or county, the annual report would be posted on the GSA's or county's website. If the applicant were a designee of a GSA or county, the annual report would be posted on the website of the GSA or county that designated the applicant. The GSA that posts the annual report would be required to include that report in its annual report of information to DWR.

#### Sunset Date

AB 252 would be repealed on January 1, 2032.



## Status

AB 252 was introduced in the Assembly on January 14, 2021, and subsequently amended on March 29 and April 12, 2021, and has passed the Assembly Water, Parks and Wildlife Committee (15-0). The bill is now re-referred to the Appropriations Committee.

## Importance to the Authority

Under existing law, local Groundwater Sustainability Agencies (GSAs) around the state must ensure that water users are not pumping groundwater for irrigation or other uses faster than the local groundwater basin can refill. To remedy this disparity in supply and demand, studies indicate that significant amounts of farmland, predominantly located in the San Joaquin Valley, will need to be taken out of production in order to balance groundwater overdraft. AB 252 will assist the state in reducing the harm to individual producers and to communities while incentivizing certain other uses of fallowed land. Specifically, this bill will create a pilot program –the Multibenefit Land Repurposing Incentive Program –to support reusing formerly irrigated agricultural land for groundwater recharge, biodiversity conservation, pollinator habitat, cattle grazing, and other beneficial and less water-intensive uses. The program will provide grants to GSAs, counties, and others to develop and implement land conversion plans for their region. Most grant funding will then be distributed by the recipient agency to local farmers to achieve land conversion goals. Ultimately, (this bill) will ensure that the areas hardest-hit by SGMA-related land conversion are able to achieve groundwater sustainability, as farmers are incentivized via payments to repurpose irrigated lands and create new benefits for their communities and the environment. Given the bill’s ability to assist landowners in critically overdrafted basins, Authority staff recommend a “Support” position.

## Pros:

- The legislation would offset impacts related to SGMA implementation in critically overdrafted groundwater basins.

## Cons:

- None identified at this time.

## Committee Options

### Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express a support position on AB 252 (Rivas) – Multibenefit Land Repurposing Incentive Program: administration.

**Fiscal Impact:** Unknown.

**Business Analysis:** Unknown.

### Option 2

Take no action.

**Fiscal Impact:** Unknown. SLDMWA members may be subject to increased costs and/or reduced water supplies resulting from implementation of SGMA.

**Business Analysis:** SLDMWA member agencies may have reduced conjunctive use opportunities resulting from SGMA implementation.

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AB 350 (Villapudua (D-Stockton)) – Agriculture: Cannella Environmental Farming Act of 1995: technical assistance grant program: groundwater conservation planning.

**RECOMMENDATION: SUPPORT**

**OBJECTIVE: Restore Central Valley Project Water Supply for Member Agencies**

Summary

AB 350 would create a three-year program within CDFA (if funds are appropriated by the Legislature) that would fund technical assistance to support landowners located in critically over-drafted basins in the San Joaquin Valley in reaching water use reduction goals established under SGMA. The purpose of this program would be to avoid unnecessarily fallowing of agricultural land. The grant program would fund one technical assistance provider in each of the eight counties that make up the San Joaquin Valley.

In developing and administering this program, CDFA would be required to meet specified criteria and establish certain procedures. This would include ensuring that at least 25 percent of program funds are awarded to socially disadvantaged farmers and ranchers, which includes farmers and ranchers who identify with groups whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities.

Technical assistance provided under this program could be provided in the following ways:

1. Directly to landowners in critically overdrafted basins;
2. In the design, development, and implementation of on-farm conservation plans for agricultural lands that are at risk of fallowing due to water shortages.

Conservation plans would evaluate current and future agricultural resources and create a plan for landowners seeking assistance to address the continued economic viability and alternative management of properties in critically over-drafted locations. These plans would also serve as a basis for landowners to evaluate economically viable alternative land uses for habitat, open space, alternative energy, and/or temporary rotational fallowing and seek further financial assistance as needed.

Status

AB 350 was introduced in the Assembly on January 28, 2021, and subsequently amended on March 22, 2021 and has passed the Assembly Water, Parks and Wildlife Committee (15-0) and the Assembly Agriculture Committee (11-0). The bill is now re-referred to the Appropriations Committee.

Importance to the Authority

AB 350 would create a three-year program that would fund technical assistance to support landowners located in critically over-drafted basins in the San Joaquin Valley in reaching water use reduction goals established under SGMA. However, with the anticipated amendments, basins outside the San Joaquin Valley would be eligible for this program. ACWA's State Legislative Committee adopted a "Watch" position on the bill at its March 12 meeting, pending more information about the bill's funding source. We now know the proponents are making an \$8 million General Fund request. Given the bill's ability to assist landowners in critically overdrafted basins, Authority staff recommend a "Support" position.



Pros:

- The legislation would fund technical assistance for SGMA implementation in critically overdrafted groundwater basins.

Cons:

- None identified at this time.

Committee Options

Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express a support position on AB 350 (Villapudua (D-Stockton)) – Agriculture: Cannella Environmental Farming Act of 1995: technical assistance grant program: groundwater conservation planning.

**Fiscal Impact:** Unknown. Funding provided by the State under this legislation could fund intrabasin facilitation support services to reduce conflict between adjoining subbasins and optimize conjunctive use for member agencies.

**Business Analysis:** Unknown.

Option 2

Take no action.

**Fiscal Impact:** Unknown. SLDMWA members may be subject to increased costs and/or reduced water supplies resulting from implementation of SGMA.

**Business Analysis:** SLDMWA member agencies may have reduced conjunctive use opportunities resulting from SGMA implementation.

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[AB 377 \(Rivas \(D-Hollister\)\) – Water quality: impaired waters.](#)

RECOMMENDATION: OPPOSE

OBJECTIVE: Restore Central Valley Project Water Supply for Member Agencies

Summary

Report

The State Water Board and regional boards would be required, by January 1, 2025, to evaluate impaired state surface waters using the most current integrated report and provide to the Legislature a plan to bring all water segments into attainment by January 1, 2050. The report would be required to include existing total maximum daily load (TMDL) schedules as of January 1, 2021. The report would not be authorized to extend any existing compliance schedules as of January 1, 2021. The report would be updated every five years. This requirement would expire on January 1, 2050.

Waterway Recovery Account

The Waterway Recovery Account (Account) would be established in the Waste Discharge Permit Fund. Moneys in the Account would be available for the State Water Board to expend, upon appropriation by the Legislature, to bring remaining impaired water segments into attainment in accordance with the plan submitted to the Legislature. By January 1, 2026, subject to future legislative action, 50 percent of the



annual proceeds of the State Water Pollution Cleanup and Abatement Account would be transferred annually to the Waterway Recovery Account. This division of funds would be repealed on January 1, 2051, or when all water segments in California reach compliance with water quality standards, whichever comes first.

Funds in the Account would be expended by the State Water Board, upon appropriation by the Legislature, to bring impaired waterways into attainment with water quality standards to the maximum extent possible. The funds would be used to address or prevent water quality impairments or address TMDLs under the federal Clean Water Act. Moneys in the Account would only be expended on the following:

1. Restoration projects, including supplemental environmental projects, that improve water quality.
2. Best management practice research innovation and incentives to encourage innovative best management practice implementation.
3. Source control programs.
4. Identifying nonfilers.
5. Source identification of unknown sources of impairment.
6. Competitive grants to fund municipal separate storm sewer system permit compliance that would prevent or remediate pollutants, including zinc, caused by tires in the state. Priority would be given to applicants that discharge to receiving waters with zinc levels that exceed the established total maximum daily loads and to projects that provide multiple benefits.
7. Costs related to Section 13329 of the Water Code (summarized below).

The State Water Board would be required to, upon appropriation by the Legislature, expend five percent of the annual proceeds of the State Water Pollution Cleanup and Abatement Account to fund the state board's SWAMP - Clean Water Team Citizen Monitoring Program in order to inform the integrated report.

#### Enforcement

By January 1, 2023, the State Water Board and regional boards would be required, pursuant to enforcement of water rights and water quality, to prioritize enforcement of water quality standards that are causing or contributing to an exceedance of water quality standard in a surface water of the state. An enforcement action taken would result in "sufficient" penalties, conditions, and orders to ensure the person subject to the enforcement is no longer causing or contributing to an exceedance of a water quality standard in a surface water of the state. Penalties would be deposited into the Waterway Recovery Account. Penalties would include all costs of investigation, enforcement, and attorney staff and other staff. Recovered costs could only be used for future enforcement actions.

#### Status

AB 377 was introduced in the Assembly on February 1, 2021, and subsequently amended on March 8, March 22, and April 13, 2021. The bill has passed the Assembly Environmental Safety and Toxic Materials Committee (5-3). The bill is now re-referred to the Appropriations Committee.

#### Importance to the Authority

This bill would dramatically and fundamentally change current State and regional water board authority with respect to how they regulate discharges under the Porter-Cologne Water Quality Control Act (Porter-



Cologne) to protect water quality. The legislation would upend the balance between beneficial uses of water that was advanced by the passage of the Porter-Cologne Act and would impact the ability of those in agriculture to comply with water board requirements and programs, which would have the likely result of significantly increasing costs of compliance (if compliance is even possible) that would provide uncertain benefit to the environment or the public. This bill is so broad based that the unintended, yet monumental, consequences hamper any realistic effort to achieve the stated goals of the sponsors and proponents.

#### Staff Comments

This bill sets an aspirational goal of achieving water quality standards in California. As introduced, AB 377 proposed drastic changes to the existing NPDES system. The bill has been amended several times in response to concerns expressed by stakeholders, including representatives from the agriculture and business communities, as well as ACWA and other statewide water and local government associations. While some of ACWA's concerns with the bill as introduced have been addressed by subsequent amendments, the bill in print remains problematic.

At its core, AB 377 wrests discretion and flexibility from the Regional Water Quality Control Boards and places it at the State Water Resources Control Board. This local decision-making, which allows the regional boards to consider the needs and challenges of a region when issuing permits and setting compliance schedules, is foundational to the state's discharge permit framework. The bill's latest iteration takes a different approach than its predecessors, but the underlying concern remains the same. For example, the latest amendments would, in effect, give the Legislature oversight by requiring regular reports from the State Water Board and regional board. As amended, AB 377 would also preclude regional boards from extending an existing compliance schedule.

As amended, AB 377 gives the State Water Board broad enforcement authority. The bill would, in essence, create an incentive structure for the State Water Board to implement more stringent water quality regulations, increase fines and penalties (with no cap), and take away the flexibility of regional boards. The bill makes no consideration of compliance costs for permittees, does not consider new and emerging contaminants, and would not allow current compliance schedules to be extended. The bill also sets an arbitrary timeline for all surface waters to reach attainment by 2050.

Finally, in the enforcement provisions of the bill, the State Water Board is required to act pursuant to water rights enforcement. It is unclear why the reference to Water Code sections 1825 et seq., is made related to water discharge requirements, but it could potentially have broad implications and raises additional concerns.

#### Pros:

- None identified at this time

#### Cons:

- AB 377 would fundamentally alter the way that California manages waste discharge permits. The legislation, had it been in effect, would have likely prohibited implementation of the Grassland Bypass Project and had significant impacts on the ability to implement the Irrigated Lands Regulatory Program. The bill has been amended multiple times, but still poses significant concerns for GBD, ACWA, and many others.



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## Committee Options

### Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express an oppose position on AB 377 (Rivas (D-Hollister)) – Water quality: impaired waters.

**Fiscal Impact:** Unknown.

**Business Analysis:** Unknown.

### Option 2

Take no action.

**Fiscal Impact:** Unknown. SLDMWA members may be subject to regulatory impacts that result from the legislation's passage.

**Business Analysis:** SLDMWA member agencies may have significantly increased water quality compliance costs.

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[AB 979 \(Frazier \(D-Fairfield\)\) – Sacramento-San Joaquin Delta: projects: sea level rise analysis report.](#)

**RECOMMENDATION:** SUPPORT

**OBJECTIVE:** Restore Central Valley Project Water Supply for Member Agencies

### Summary

As amended on April 13, 2021, AB 979 would require any individual or entity, including a state or local agency, that undertakes a "project" within the Delta to complete a report that analyzes the impact of sea level rise on the project. The report would be required to include an analysis based on the sea level rise scenarios described in the Ocean Protection Council's (OPC) *Sea-Level Rise Guidance 2018 Update Document*. More probable or severe sea level rise scenarios could also be included but would not be required. The bill would require the individual or entity to submit the report to the DSC, the Delta Protection Commission (DPC), and the Legislature, and the report would be required to be posted on the DSC and DPC websites.

### Status

AB 979 was introduced in the Assembly on February 18, 2021, and subsequently amended on April 13, 2021 and has passed the Assembly Water, Parks and Wildlife Committee (9-5-1). The bill is now re-referred to the Appropriations Committee.

### Importance to the Authority

In 2018, the Ocean Protection Council (OPC) released an updated version of their *State of California Sea-Level Rise Guidance* document, intended to provide a science-based methodology for state and local governments to analyze and assess the risks associated with sea level rise, and to incorporate sea level rise into their planning, permitting, and investment decisions. The document contains a step-by-step analysis guide as well as recommendations for coastal adaptation. The document lists over 115 sea level rise scenarios over thirteen different timeframes ranging to the year 2150 as well as projections for twelve existing tide gauges along the California coast. Scenarios would include sea level rise over ten feet.



In January of 2021, the Delta Stewardship Council (DSC) released a draft climate vulnerability assessment for the Delta titled *Delta Adapts: Creating a Climate Resilient Future*. A final draft is expected later this spring. The draft assessment describes the current and projected impacts of sea level rise and other climate impacts on the Delta. The draft assessment indicates that sea level rise poses a significant future impact to water supply both In-Delta and across the state. The draft assessment states:

*“In general, sea level rise will increase salinity intrusion eastward into the Delta unless additional freshwater is released from reservoirs or export pumping is reduced. Within this range of sea level rise, water managers can maintain required flow and salinity conditions in the Delta in most years. During exceptional dry years, sea level rise may be a compounding factor that leads to large system shortages that would cause substantial impacts to in-Delta water users and ecological resources in the Delta. On average, each 10 centimeter increase in sea level is projected to decrease Delta Exports by 34,000 acre-feet per year.”*

AB 979 would require any public water agency with a “project” located in the Delta that impacts the environment in any way to conduct and submit extensive analyses on sea level rise to the DSC, the DPC, and the Legislature. The bill would apply to projects that are and are not considered covered actions under the Delta Reform Act.

AB 979 would significantly increase the level of analysis required to advance projects in the Delta and the resulting time and resource commitments to conduct the analysis. Particularly for small agencies and those doing vital projects such as levee maintenance, dredging, or habitat improvements, this proposed requirement could unduly delay urgent work. The sea level rise analyses under AB 979 could also open projects to significant litigation risk. Such legal proceedings would provide an additional source of significant cost and unnecessary delays.

The bill is not needed. The Delta Reform Act already requires that the Delta Plan include an analysis on the impacts of climate change and sea level rise on the Delta. The draft Delta Adapts report extensively examined risk from sea level rise across the Delta.

Pros:

- None identified at this time

Cons:

- AB 979 would impose additional reporting requirements on water agencies and projects within the Delta of uncertain utility and could reduce the ability of water agencies to adapt to climate impacts such as sea level rise.

Committee Options

Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express an oppose position on AB 979 (Frazier (D-Fairfield)) – Sacramento-San Joaquin Delta: projects: sea level rise analysis report.

**Fiscal Impact:** Unknown. The level of detail of analysis required to advance delta projects would not increase and associated time and resource demands would not increase.



**Business Analysis:** Unknown.

Option 2

Take no action.

**Fiscal Impact:** Unknown. SLDMWA members may be subject to increased costs associated with in-Delta project development and/or implementation.

**Business Analysis:** Unknown.

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## Guidelines for Taking Positions on Legislation

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A number of controversial bills are introduced each year in the Congress and in the California Legislature. It is important to understand how the Authority takes positions on legislation.

### Policy

By Agenda Item 8, dated December 10, 2020, the Board adopted the Fiscal Year 2022 Objectives.

### Water Authority's Positions on Legislation

The Water Authority takes positions on legislation that, if enacted, would impact Water Authority members, consistent with Water Authority Board adopted Goals and Objectives. The Water Authority may take the following positions on legislation: Oppose, Support, Oppose Unless Amended, Support if Amended, Not Favor, Favor, Not Favor Unless Amended, Favor if Amended, and Watch (neutral). The Water Authority's staff testifies and advocates with legislators and staff through meetings and member agency contacts on all positions except Watch, Favor and Not Favor. For Favor and Not Favor positions, written communication of the Water Authority's position is provided to the legislator. Nothing in this section should be read to preclude the Executive Director or his or her delegee from taking an informal support or informal oppose position on behalf of the Water Authority that is consistent with adopted legislative or policy objectives, or to preclude the Executive Director from communicating a position on emergency legislation after obtaining the concurrence of the Chair, or the Chair's designee, provided that the Executive Director informs the Board regarding such positions on emergency legislation no later than the next regularly scheduled Board meeting.

### Amendment Development Process

If the Water Authority takes an Oppose Unless Amended or Support if Amended position, the Water Authority will typically discuss the concepts for the amendments at the meeting. Then Water Authority staff, in consultation with Committee and/or Board Members as needed, will develop the amendments after the meeting.

### Information Sharing

To provide adequate information to the entire Water Authority membership, the Water Authority provides legislative updates, posts positions and other information on our website, and sends out advisories and alerts on key legislation.

The Water Authority's legislative department is available to provide specific information on bills on request and Board Members are encouraged to communicate Water Authority positions on priority



legislation in meetings with legislative staff, consistent with Water Authority policy. The Water Authority's Water Policy Director appreciates being informed by Water Authority members of positions taken by Water Authority members on legislation.



## Tracked Legislation

### Federal Legislation

Bill Number(s)	Sponsor(s)	Bill Title	Summary	Position	Status
<b>S. 1179/H.R. 2552</b>	Feinstein (D-CA)/Costa (D-CA-16)	Canal Conveyance Capacity Restoration Act	This bill would authorize the Secretary of the Interior to provide financial assistance up to a one-third non-reimbursable federal cost share for the design, planning, and construction of the Delta-Mendota Canal, San Luis Canal, Friant-Kern Canal, and the non-federal pools of the California Aqueduct. Additionally, the legislation would increase the authorization amount for the San Joaquin River Restoration Settlement Act Restoration Goal by \$180 million.	Support	Introduced and referred to the Senate Committee on Energy and Natural Resources (4/15/2021)  Introduced and referred to the House Committee on Natural Resources (4/15/2021)
<b>Draft S. ____</b>	Feinstein (D-CA)	STREAM Act	This bill authorizes \$1.65 billion in federal funds for a number of projects, programs and activities, including groundwater and surface storage projects and conveyance, water recycling, environmental funding, desalination, drinking water assistance to disadvantaged communities, and loans for water supply projects at discounted rates.  Additionally, the legislation establishes a two-tiered project authorization process by allowing Interior to approve water recycling, desalination and non-federal storage projects less with less than \$250 million in federal funding. For federal projects or projects with greater than \$250 million in federal funding, the legislation establishes a "Reclamation WRDA" process to expedite Congressional review and approval of projects.	Support	



			Finally, the legislation would modify the cost allocation structure and approval structure for storage projects in a way that would incentivize multi-benefit projects.		
<b>S. 914</b>	Duckworth (D-IL)	Drinking Water and Wastewater Infrastructure Act of 2021	This bill reauthorizes through FY2026 or establishes a variety of programs for water infrastructure. Specifically, it supports programs to provide safe drinking water or treat wastewater, such as sewer overflows or stormwater. For example, the bill reauthorizes and revises the clean water state revolving fund (SRF) and the drinking water SRF.	Support	<p>The Senate adopted 92-2 a motion to invoke cloture on the motion to proceed to S. 914, which would authorize more than \$35 billion in funding to improve water infrastructure and drinking water safety.</p> <p>Following the vote, the Senate adopted the motion to proceed to the bill by voice vote. Senate Majority Leader Chuck Schumer has said the Senate will complete action on the bill before the end of the week.</p>
<b>H.R. 1563</b>	Garcia (R-CA-25)	To extend the authorities under the Water Infrastructure Improvements for the Nation	The bill would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 for 7 years, providing operational flexibility, drought relief, and other benefits to the State of California.	Support	Introduced and referred to the House Committee on Natural Resources and the Committee on Science, Space, and



		Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.			Technology (3/3/2021)
<b>H.R. 644</b>	Calvert (R-CA-42)	REBUILD Act	<p>This bill authorizes (1) the assignment to states of federal environmental review responsibilities under relevant federal environmental laws for projects funded by, carried out by, or subject to approval by federal agencies; and (2) states to assume all or part of those responsibilities.</p> <p>Each responsible federal official who is authorized to assign such responsibility must promulgate regulations that establish requirements relating to information required to be contained in state applications to assume those responsibilities.</p> <p>An official may approve an application only if (1) public notice requirements have been met, (2) the state has the capability to assume the responsibilities, and (3) the head of the state agency having primary jurisdiction over the projects enters into a written agreement with an official to assume the responsibilities and to maintain the financial resources necessary to carry them out.</p> <p>The officials must audit state compliance with federal laws for which responsibilities are assumed. The officials may terminate the responsibilities assigned to states after</p>	Support	Introduced and referred to the House Committee on Natural Resources (2/1/2021)



				providing notice to states of any noncompliance and an opportunity to take corrective action.		
<b>H.R. 737</b>	Valadao (R-CA-21)	RENEW Act	WIIN	The bill would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 for 10 years, providing operational flexibility, drought relief, and other benefits to the State of California.	Support	Introduced and referred to the House Committee on Natural Resources (2/2/2021)
<b>H.R. 866</b>	Calvert (R-CA-42)	FISH Act		This bill gives the Fish and Wildlife Service (FWS) the sole authority to protect endangered or threatened species that are anadromous species (species of fish that spawn in fresh or estuarine waters and that migrate to ocean waters) or catadromous species (species of fish that spawn in ocean waters and migrate to fresh waters). Currently, the FWS shares this authority with the National Marine Fisheries Service.	Support	Introduced and referred to the House Committee on Natural Resources (2/5/2021)

State Legislation

Bill Number(s)	Sponsor(s)	Bill Title	Summary	Position	Status
<b>SB 559</b>	Hurtado	Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund.	This bill would establish the Canal Conveyance Capacity Restoration Fund in the State Treasury to be administered by the department. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair costs, including environmental planning, permitting, design, and construction and necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the department to expend from the fund, upon appropriation by the Legislature, specified monetary amounts to restore the capacity of 4 specified water conveyance systems, as prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the	Support	Passed Senate Natural Resources and Water Committee on a 6-0 vote. Re-referred to the Committee on Appropriations. (4/27/2021)



San Luis and Delta-Mendota Water Authority. The bill would make these provisions inoperative on July 1, 2030, and would repeal the provisions as of January 1, 2031.

