



## MEMORANDUM

TO: Water Resources Committee and Alternates, Board of Directors and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: September 14, 2020

RE: Water Resources Committee to Consider Recommendations on Federal 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 federal legislation:

- Adopt a position of “Support” on H.R. 8166 (Cox), Western Water Storage Infrastructure Act
- Adopt a position of “Support” on S. 4530 (Feinstein)/H.R. 8041 (Harder), Snow Water Supply Forecasting Authorization Act
- Adopt a position of “Support” on H.R. \_\_\_\_\_ (Garamendi), WIFIA Improvement Act

### Summary

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#### H.R. 8166 (Cox) –Western Water Storage Infrastructure Act

RECOMMENDATION: SUPPORT

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

#### Summary

This bill would increase funding authorization for water storage and conveyance infrastructure and would extend key California water provisions of the Water Infrastructure Improvements for the Nation (WIIN) Act through 2029. Additionally, the legislation would extend the CALFED program through 2024.

Section 1. Short Title.

Section 2. Surface and Groundwater Storage and Supporting Projects.

- This section authorizes \$800m in funds for 2021-2025 for the Secretary of the Interior to provide grants to eligible entities to carry out studies, design and/or construction of federally or non-federally owned storage and supporting projects, like conveyance, pursuant to determination of feasibility and other certain conditions. Maintains cost share requirements and closely follows eligibility requirements from the WIIN Act and S. 1932.

- Includes a \$10m carve out for projects listed in Reclamation’s 2015 Water Management Goal Investment Strategy Final Report that may provide benefits to some Water Authority member agencies.
- Continues requirement for project naming in appropriations bills, but requires it only once, after which time the Secretary may award funding in subsequent years without the naming requirement.
- Limits preliminary study funding to \$200m of the \$800m in authorized funding.
- Grandfathers approved WIIN Act storage projects into funding eligibility under these provisions.

#### Section 3. Delta Operations.

- Extends all WIIN Act authorizations by 8 years (through 2029).

#### Section 4. CALFED.

- Provides authority for the Secretary of Interior to enter into agreements with local joint powers authority to advance water storage projects under CALFED (P.L. 108-361).
- Reauthorizes CALFED through 2024.

#### Section 5. Savings Clause.

- Institutes savings clause that ensures that there is (1) no preemption or modification of requirements to act in accordance with state law, and (2) nothing affects or modifies federal environmental law.

#### Status

H.R. 8166 was introduced in the House of Representatives on September 4, 2020 and has been referred to the House Natural Resources Committee. It is cosponsored by 2 Democrats and 0 Republicans. The following Member of the Water Authority’s Congressional delegation are cosponsors: Representative Costa (CA-16). Additional key cosponsors of the measure include: Representative Garamendi (CA-03).

#### Importance to the Authority

This legislation provides additional funding authorization for water storage and conveyance projects. Additionally, the legislation extends beneficial Congressional direction related to Central Valley Project operations provisions.

#### Pros:

- This legislation provides additional funding authorization for water storage and conveyance projects, subject to certain conditions that are within reason and generally consistent with requirements in Subtitle J of the WIIN Act (P.L. 114-322). Additionally, the legislation extends beneficial Congressional direction related to CVP operations provisions.

#### Cons:

- None identified at this time.

#### Committee Options

##### Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to H.R. 8166 (Cox), Western Water Storage Infrastructure Act

**Fiscal Impact:** Unknown. Increase the opportunity to utilize federal funding for key water infrastructure projects, including mitigation of DMC subsidence and water storage infrastructure. Additionally, the operations provisions may increase water supplies in some years, thereby reducing costs.

**Business Analysis:** Reduce costs associated with increased water supply reliability for member agencies.

Option 2

Take no action.

**Fiscal Impact:** Unknown. SLDMWA may be subject to additional costs associated with water supply, storage or conveyance infrastructure.

**Business Analysis:** SLDMWA and its member agencies could be subject to additional costs resulting from decreased federal investments in water infrastructure.

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## [S. 4530 \(Feinstein\)/H.R. 8041 \(Harder\) – Snow Water Supply Forecasting Program Authorization Act](#)

RECOMMENDATION: SUPPORT

OBJECTIVE: Restore Central Valley Project Water Supply for Member Agencies

Summary

The bill establishes a program within the Department of the Interior which will improve the understanding, management, and deployment of snowpack measurement technologies used for seasonal water forecasting and preserve key elements of the basic technology elements of the Aerial Snowpack Observatory program and provides \$15 million in authorizations from fiscal year 2022-2026.

Status

S. 4530/H.R. 8401 were introduced in the U.S. Senate and the U.S. House of Representatives on August 14, 2020 and have been referred to the Senate Energy and Natural Resources Committee and House Natural Resources Committee, respectively. The following Members of the Water Authority's Congressional delegation are cosponsors: Senator Harris, Representatives McNerney (CA-09), Costa (CA-16), and Cox (CA-21). Additional key cosponsors include: Rep. John Garamendi (CA-03) and Rep. Grace Napolitano (CA-32).

Importance to the Authority

The bill establishes a program within the Department of the Interior which will improve the understanding, management, and deployment of snowpack measurement technologies used for seasonal water forecasting and preserve key elements of the basic technology elements of the ASO program, thus allowing the federal government to remain a key partner in partnership based efforts to increase water supply storage, improve water management efficiencies, and enhance flood control measures. \$15 million would be authorized for the program from fiscal years 2022 to 2026.

ASO technology is an aerial snow monitoring tool that provides precise measurement of depth and water content for every square meter of snow in a watershed that, when combined with conventional snow surveys, provides a near-perfect picture of snow water content. The technology measures snow depth and water content using an airplane-mounted light detection (LiDAR) instrument coupled with an imaging spectrometer.

When the data obtained through ASO surveys are combined with computer-based snowmelt models, they can provide future runoff forecasts for entire seasons, expanding snowpack and runoff forecast accuracies from the current 50-90% to 96-99%. Expanding the use of ASO technology and other similar technologies will be critical to more accurately predict snowpack and runoff – modeling that will be especially important in better managing competing missions of Western water storage reservoirs for flood control and water supply amidst a changing climate and growing population.

After several years developing and refining the deployment of snowpack measurement technology, in December 2019, NASA concluded management of the Airborne Snow Observatory (ASO) program and transferred it to the private sector. While a beneficial step in effective deployment of the program as it is currently understood, such a step reduces the certainty for federal support of a program with significant public benefits, including improved water conservation, supply and delivery forecasts across the West.

Pros:

- The legislation would establish a program, funded by nonreimbursable Congressional appropriations or through program partner contributions, for aerial snow monitoring that increase the effectiveness of seasonal runoff forecasts from CVP headwaters.

Cons:

- None identified at this time.

#### Committee Options

##### Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to S. 4530/H.R. 8041, Snow Water Supply Forecasting Program Authorization Act.

**Fiscal Impact:** Unknown. Improved data that underlies water supply forecasting could lead to incremental improvements in statewide water management and improve allocations in years where refinements in forecasting lead to improved water year condition modeling.

**Business Analysis:** Unknown. Improved data that underlies water supply forecasting could lead to incremental improvements in statewide water management and improve allocations in years where refinements in forecasting lead to improved water year condition modeling.

##### Option 2

Take no action.

**Fiscal Impact:** Unknown. SLDMWA may be subject to reduced allocations or lost water supply resulting from less accurate modeling and forecasting.

**Business Analysis:** SLDMWA may be subject to reduced allocations or lost water supply resulting from less accurate modeling and forecasting.

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## H.R. \_\_\_\_ (Garamendi) – WIFIA Improvement Act

### RECOMMENDATION: SUPPORT

### OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

#### Summary

This bill would amend the Water Infrastructure Finance and Innovation Act of 2014 to extend the maturity date of WIFIA loans from up to 35 years to up to 55 years and would clarify the budgetary treatment of financial assistance for federal projects for which the recipient is an eligible entity.

#### Status

H.R. \_\_\_\_ was introduced in the House of Representatives on September 11, 2020, and has been referred to the House Energy and Commerce and Transportation and Infrastructure Committees. Additional key cosponsors include: Rep. Doug LaMalfa (CA-01).

#### Importance to the Authority

This bill would extend the maturity date of WIFIA loans from up to 35 years to up to 55 years and would clarify the budgetary treatment of financial assistance for federal projects for which the recipient is an eligible entity. If enacted, the legislation would provide the Water Authority access to WIFIA loan funding for infrastructure improvements, which it currently does not have access to, and would provide member agencies a longer repayment term for projects with a useful life greater than 35 years, thereby increasing repayment terms to increase opportunities for cash flow optimization.

#### Pros:

- The bill would make local and state agencies, including Water Authority member agencies, eligible for extended repayment terms for WIFIA loan funding and would provide accessibility to the WIFIA loan program for Reclamation facilities operated and maintained by the Water Authority.

#### Cons:

- None identified at this time.

#### Committee Options

##### Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to H.R. \_\_\_\_, WIFIA Improvement Act.

**Fiscal Impact:** Unknown. Reduce costs associated with infrastructure finance.

**Business Analysis:** Reduce costs associated with infrastructure finance.

##### Option 2

Take no action.

**Fiscal Impact:** Unknown. SLDMWA may be subject to additional costs associated with infrastructure development/repair due to a lack of access to the WIFIA loan program.

**Business Analysis:** SLDMWA and its member agencies could be subject to additional costs resulting from infrastructure construction/repair.

## 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 9, dated December 12, 2019, the Board adopted the Fiscal Year 2021 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 designee 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.