



## MEMORANDUM

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

FROM: Scott Petersen, Water Policy Director

DATE: February 6, 2023

RE: Water Resources Committee 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 federal legislation:

- Adopt a position of “Support” on H.R. 186 (McClintock), Water Supply Permitting Coordination Act

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

- Adopt a position of “Support” on AB 30 (Ward), Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program
- Adopt a position of “Favor” on AB 62 (Mathis), Statewide water storage: expansion.

### Summary

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#### H.R. 186 (McClintock) – Water Supply Permitting Coordination Act

**RECOMMENDATION: SUPPORT**

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

#### Summary

This legislation would authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, with detailed timelines for completion of environmental compliance documents.

#### Status

H.R. 186 was introduced on January 9, 2023, and has been referred to the House Natural Resources Committee.



### Importance to the Authority

This bill would establish Reclamation as the lead agency for permit processing for water storage projects on federal lands owned by the Departments of Interior or Agriculture.

#### Pros:

- The bill, if enacted, would establish a single lead federal agency responsible for coordination and permit processing for water storage projects, which is anticipated to expedite the permitting process for these projects.

#### Cons:

- None identified.

### Committee Options

#### Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to H.R. 186, Water Supply Permitting Coordination Act.

**Fiscal Impact:** Unknown. Reduce costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

**Business Analysis:** Reduce costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

#### Option 2

Take no action.

**Fiscal Impact:** Unknown. SLDMWA may be subject to additional costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

**Business Analysis:** SLDMWA and its member agencies could be subject to additional costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

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### [A.B. 30 \(Ward\), Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.](#)

#### RECOMMENDATION: SUPPORT

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

#### Summary

AB 30 would rename the Program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program (Program). The bill would require DWR to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

The bill would require DWR to take all actions within its existing authority to operate reservoirs in a manner that improves flood protection in the State and to reoperate flood control and water storage



facilities to capture water generated by atmospheric rivers, thereby increasing water supply, hydropower availability, and the reliability of water resources in the State, and to consider refined climate projections of extreme weather and water events and changes in Sierra snow.

#### Status

A.B. 30 was introduced on December 5, 2022, and has been referred to the Assembly Committee on Water, Parks, and Wildlife.

#### Importance to the Authority

This bill would improve atmospheric river research and the improved forecasting enabled by that research has the potential to improve reservoir operations and flood protection.

#### Pros:

- AB 30 would appropriately update the name and description of this program and delete the reference to funds coming from “special funds.” (Special funds do not include the General Fund.)

#### Cons:

- Potential to divert additional state General Fund dollars to this program.

#### Committee Options

##### Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to A.B. 30 (Ward), Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.

**Fiscal Impact:** Unknown. Reduce costs associated with flooding mitigation under some water year types or certain atmospheric river conditions.

**Business Analysis:** Potential to more effectively manage reservoir operations to generate improved water supply reliability in some year types.

##### Option 2

Take no action.

**Fiscal Impact:** Unknown. SLDMWA may be subject to additional costs associated with flood mitigation or additional water purchases due to inefficient reservoir operations.

**Business Analysis:** SLDMWA and its member agencies could be subject to additional costs associated with water supplies or lost water supplies resulting from less efficient reservoir operations or flood impacts.

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#### [A.B. 62 \(Mathis\) – Statewide water storage: expansion.](#)

RECOMMENDATION: FAVOR, IF AMENDED

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

#### Summary

This bill would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the state board, in consultation with the Department of Water Resources, to design and implement measures to increase statewide water storage to achieve the statewide goal. The bill would



require the state board, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the department, to prepare and submit a report to the Legislature on the progress made in designing and implementing measures to achieve the statewide goal, consistent with Governor Newsom's Water Supply Strategy.

#### Status

A.B. 62 was introduced on December 6, 2022, and has been referred to the Assembly Committee on Water, Parks, and Wildlife.

#### Importance to the Authority

This bill would establish Reclamation a statewide water storage target by date certain and require agencies to report out on implementation.

#### Pros:

- The bill, if enacted, would establish a statewide goal to increase water storage capacity by 3.7 million acre-feet by 2030 and 4 million acre-feet by 2040.

#### Cons:

- The legislation requires the State Water Resources Control Board to "design and implement measures" to "increase statewide water storage" by the amounts detailed in the bill. This has the effect of placing the State Water Resources Control Board in primary position for implementing a document that has been delegated by the Governor to the California Natural Resources Agency.

#### Suggested Amendment

Recommend that staff work with the author to place the responsibility of meeting the goal on the California Natural Resources Agency (Agency) and require the State Water Resources Control Board to work with the Agency to implement the goal.

#### Committee Options

##### Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express a position of favor, if amended to AB 62 (Mathis), Statewide water storage: expansion.

**Fiscal Impact:** Unknown. Depending on the participation of various member agencies or the Authority in projects that are implicated in the Water Supply Strategy, there could be increased costs for timeline shifts associated with meeting the statutory goal.

**Business Analysis:** Improved storage has demonstrable benefits to year over year operations and provides increased water supply reliability.

##### Option 2

Take no action.

**Fiscal Impact:** Unknown. SLDMWA and/or its member agencies could face increased costs of water storage project development and/or implementation absent the establishment of a statutory statewide storage goal and potential associated policy streamlining.



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**Business Analysis:** SLDMWA and its member agencies could be subject to reduced water supply reliability without improved storage in California.

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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 9, dated December 8, 2022, the Board adopted the Fiscal Year 2024 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 and consultants testify and advocate 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.

# **BILL TEXT**

118TH CONGRESS  
1ST SESSION

# H. R. 186

To authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. McCLINTOCK (for himself, Mr. LAMALFA, Mr. STAUBER, and Mr. VALADAO) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Water Supply Permit-  
3 ting Coordination Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) BUREAU.—The term “Bureau” means the  
7 Bureau of Reclamation.

8 (2) COOPERATING AGENCIES.—The term “co-  
9 operating agency” means a Federal agency with ju-  
10 risdiction over a review, analysis, opinion, statement,  
11 permit, license, or other approval or decision re-  
12 quired for a qualifying project under applicable Fed-  
13 eral laws and regulations, or a State agency subject  
14 to section 3(c).

15 (3) QUALIFYING PROJECTS.—The term “quali-  
16 fying projects” means new surface water storage  
17 projects in the States covered under the Act of June  
18 17, 1902 (32 Stat. 388, chapter 1093), and Acts  
19 supplemental to and amendatory of that Act (43  
20 U.S.C. 371 et seq.) constructed on lands adminis-  
21 tered by the Department of the Interior or the De-  
22 partment of Agriculture, exclusive of any easement,  
23 right-of-way, lease, or any private holding, unless the  
24 project applicant elects not to participate in the  
25 process authorized by this Act. Such term shall also  
26 include State-led projects (as defined in section



1 4007(a)(2) of the WIIN Act) for new surface water  
2 storage projects in the States covered under the Act  
3 of June 17, 1902 (32 Stat. 388, chapter 1093), and  
4 Acts supplemental to and amendatory of that Act  
5 (43 U.S.C. 371 et seq.) constructed on lands admin-  
6 istered by the Department of the Interior or the De-  
7 partment of Agriculture, exclusive of any easement,  
8 right-of-way, lease, or any private holding, unless the  
9 project applicant elects not to participate in the  
10 process authorized by this Act.

11 (4) SECRETARY.—The term “Secretary” means  
12 the Secretary of the Interior.

13 **SEC. 3. ESTABLISHMENT OF LEAD AGENCY AND COOPER-**  
14 **ATING AGENCIES.**

15 (a) ESTABLISHMENT OF LEAD AGENCY.—The Bu-  
16 reau is established as the lead agency for purposes of co-  
17 ordinating all reviews, analyses, opinions, statements, per-  
18 mits, licenses, or other approvals or decisions required  
19 under Federal law to construct qualifying projects.

20 (b) IDENTIFICATION AND ESTABLISHMENT OF CO-  
21 OPERATING AGENCIES.—The Commissioner of the Bureau  
22 shall—

23 (1) identify, as early as practicable upon receipt  
24 of an application for a qualifying project, any Fed-  
25 eral agency that may have jurisdiction over a review,

1 analysis, opinion, statement, permit, license, ap-  
2 proval, or decision required for a qualifying project  
3 under applicable Federal laws and regulations; and

4 (2) notify any such agency, within a reasonable  
5 timeframe, that the agency has been designated as  
6 a cooperating agency in regards to the qualifying  
7 project unless that agency responds to the Bureau in  
8 writing, within a timeframe set forth by the Bureau,  
9 notifying the Bureau that the agency—

10 (A) has no jurisdiction or authority with  
11 respect to the qualifying project;

12 (B) has no expertise or information rel-  
13 evant to the qualifying project or any review,  
14 analysis, opinion, statement, permit, license, or  
15 other approval or decision associated therewith;

16 or

17 (C) does not intend to submit comments  
18 on the qualifying project or conduct any review  
19 of such a project or make any decision with re-  
20 spect to such project in a manner other than in  
21 cooperation with the Bureau.

22 (c) STATE AUTHORITY.—A State in which a quali-  
23 fying project is being considered may choose, consistent  
24 with State law—

25 (1) to participate as a cooperating agency; and

1           (2) to make subject to the processes of this Act  
2 all State agencies that—

3           (A) have jurisdiction over the qualifying  
4 project;

5           (B) are required to conduct or issue a re-  
6 view, analysis, or opinion for the qualifying  
7 project; or

8           (C) are required to make a determination  
9 on issuing a permit, license, or approval for the  
10 qualifying project.

11 **SEC. 4. BUREAU RESPONSIBILITIES.**

12       (a) IN GENERAL.—The principal responsibilities of  
13 the Bureau under this Act are—

14           (1) to serve as the point of contact for appli-  
15 cants, State agencies, Indian tribes, and others re-  
16 garding proposed qualifying projects;

17           (2) to coordinate preparation of unified environ-  
18 mental documentation that will serve as the basis for  
19 all Federal decisions necessary to authorize the use  
20 of Federal lands for qualifying projects; and

21           (3) to coordinate all Federal agency reviews  
22 necessary for project development and construction  
23 of qualifying projects.

24       (b) COORDINATION PROCESS.—The Bureau shall  
25 have the following coordination responsibilities:

1           (1) PREAPPLICATION COORDINATION.—Notify  
2 cooperating agencies of proposed qualifying projects  
3 not later than 30 days after receipt of a proposal  
4 and facilitate a preapplication meeting for prospec-  
5 tive applicants, relevant Federal and State agencies,  
6 and Indian tribes—

7           (A) to explain applicable processes, data  
8 requirements, and applicant submissions nec-  
9 essary to complete the required Federal agency  
10 reviews within the timeframe established; and

11           (B) to establish the schedule for the quali-  
12 fying project.

13           (2) CONSULTATION WITH COOPERATING AGEN-  
14 CIES.—Consult with the cooperating agencies  
15 throughout the Federal agency review process, iden-  
16 tify and obtain relevant data in a timely manner,  
17 and set necessary deadlines for cooperating agencies.

18           (3) SCHEDULE.—Work with the qualifying  
19 project applicant and cooperating agencies to estab-  
20 lish a project schedule. In establishing the schedule,  
21 the Bureau shall consider, among other factors—

22           (A) the responsibilities of cooperating  
23 agencies under applicable laws and regulations;

1 (B) the resources available to the cooper-  
2 ating agencies and the non-Federal qualifying  
3 project sponsor, as applicable;

4 (C) the overall size and complexity of the  
5 qualifying project;

6 (D) the overall schedule for and cost of the  
7 qualifying project; and

8 (E) the sensitivity of the natural and his-  
9 toric resources that may be affected by the  
10 qualifying project.

11 (4) ENVIRONMENTAL COMPLIANCE.—Prepare a  
12 unified environmental review document for each  
13 qualifying project application, incorporating a single  
14 environmental record on which all cooperating agen-  
15 cies with authority to issue approvals for a given  
16 qualifying project shall base project approval deci-  
17 sions. Help ensure that cooperating agencies make  
18 necessary decisions, within their respective authori-  
19 ties, regarding Federal approvals in accordance with  
20 the following timelines:

21 (A) Not later than 1 year after acceptance  
22 of a completed project application when an en-  
23 vironmental assessment and finding of no sig-  
24 nificant impact is determined to be the appro-  
25 priate level of review under the National Envi-

1           ronmental Policy Act of 1969 (42 U.S.C. 4321  
2           et seq.).

3           (B) Not later than 1 year and 30 days  
4           after the close of the public comment period for  
5           a draft environmental impact statement under  
6           the National Environmental Policy Act of 1969  
7           (42 U.S.C. 4321 et seq.), when an environ-  
8           mental impact statement is required under the  
9           same.

10          (5)       CONSOLIDATED       ADMINISTRATIVE  
11          RECORD.—Maintain a consolidated administrative  
12          record of the information assembled and used by the  
13          cooperating agencies as the basis for agency deci-  
14          sions.

15          (6) PROJECT DATA RECORDS.—To the extent  
16          practicable and consistent with Federal law, ensure  
17          that all project data is submitted and maintained in  
18          generally accessible electronic format, compile, and  
19          where authorized under existing law, make available  
20          such project data to cooperating agencies, the quali-  
21          fying project applicant, and to the public.

22          (7) PROJECT MANAGER.—Appoint a project  
23          manager for each qualifying project. The project  
24          manager shall have authority to oversee the project  
25          and to facilitate the issuance of the relevant final

1 authorizing documents, and shall be responsible for  
2 ensuring fulfillment of all Bureau responsibilities set  
3 forth in this section and all cooperating agency re-  
4 sponsibilities under section 5.

5 **SEC. 5. COOPERATING AGENCY RESPONSIBILITIES.**

6 (a) ADHERENCE TO BUREAU SCHEDULE.—

7 (1) TIMEFRAMES.—On notification of an appli-  
8 cation for a qualifying project, the head of each co-  
9 operating agency shall submit to the Bureau a time-  
10 frame under which the cooperating agency reason-  
11 ably will be able to complete the authorizing respon-  
12 sibilities of the cooperating agency.

13 (2) SCHEDULE.—

14 (A) USE OF TIMEFRAMES.—The Bureau  
15 shall use the timeframes submitted under this  
16 subsection to establish the project schedule  
17 under section 4.

18 (B) ADHERENCE.—Each cooperating agen-  
19 cy shall adhere to the project schedule estab-  
20 lished by the Bureau under subparagraph (A).

21 (b) ENVIRONMENTAL RECORD.—The head of each  
22 cooperating agency shall submit to the Bureau all environ-  
23 mental review material produced or compiled in the course  
24 of carrying out activities required under Federal law, con-

1 sistent with the project schedule established by the Bureau  
2 under subsection (a)(2).

3 (c) DATA SUBMISSION.—To the extent practicable  
4 and consistent with Federal law, the head of each cooper-  
5 ating agency shall submit all relevant project data to the  
6 Bureau in a generally accessible electronic format, subject  
7 to the project schedule established by the Bureau under  
8 subsection (a)(2).

9 **SEC. 6. FUNDING TO PROCESS PERMITS.**

10 (a) IN GENERAL.—The Secretary, after public notice  
11 in accordance with subchapter II of chapter 5, and chapter  
12 7, of title 5, United States Code (commonly known as the  
13 “Administrative Procedure Act”), may accept and expend  
14 funds contributed by a non-Federal public entity to expe-  
15 dite the evaluation of a permit of that entity related to  
16 a qualifying project.

17 (b) EFFECT ON PERMITTING.—

18 (1) EVALUATION OF PERMITS.—In carrying out  
19 this section, the Secretary shall ensure that the eval-  
20 uation of permits carried out using funds accepted  
21 under this section shall—

22 (A) be reviewed by the Regional Director  
23 of the Bureau of the region in which the quali-  
24 fying project or activity is located (or a des-  
25 ignee); and



1           (B) use the same procedures for decisions  
2           that would otherwise be required for the evalua-  
3           tion of permits for similar projects or activities  
4           not carried out using funds authorized under  
5           this section.

6           (2) IMPARTIAL DECISION MAKING.—In carrying  
7           out this section, the Secretary and the head of each  
8           cooperating agency receiving funds under this sec-  
9           tion for a qualifying project shall ensure that the use  
10          of the funds accepted under this section for the  
11          qualifying project shall not—

12                 (A) substantively or procedurally impact  
13                 impartial decision making with respect to the  
14                 issuance of permits; or

15                 (B) diminish, modify, or otherwise affect  
16                 the statutory or regulatory authorities of the  
17                 cooperating agency.

18          (c) LIMITATION ON USE OF FUNDS.—None of the  
19          funds accepted under this section shall be used to carry  
20          out a review of the evaluation of permits required under  
21          subsection (b)(1)(A).

22          (d) PUBLIC AVAILABILITY.—The Secretary shall en-  
23          sure that all final permit decisions carried out using funds

1 authorized under this section are made available to the  
2 public, including on the internet.

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**ASSEMBLY BILL**

**No. 30**

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**Introduced by Assembly Member Ward**

December 5, 2022

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An act to amend the heading of Article 8 (commencing with Section 347) of Chapter 2.5 of Division 1 of, and to repeal and add Section 347 of, the Water Code, relating to atmospheric rivers.

LEGISLATIVE COUNSEL'S DIGEST

AB 30, as introduced, Ward. Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.

Existing law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Existing law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers.

This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. The bill would require the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions. The bill would also require the department to take all actions within its existing authority to operate reservoirs in a manner that improves flood

protection in the state and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Atmospheric rivers provide California with up to one-half  
4 its annual water supply and account for more than 90 percent of  
5 the state’s flood damages.

6 (b) Research suggests that as the climate continues to warm,  
7 California will grow increasingly dependent on atmospheric rivers  
8 for its water supply.

9 (c) Advances in the understanding and forecasting of  
10 atmospheric rivers underpins and extends the viability of  
11 forecast-informed reservoir operations, thereby enabling greater  
12 water supply reliability and flood protection across the state.

13 (d) Furthermore, research on atmospheric rivers can be used to  
14 refine climate projections of extreme weather and water events  
15 and changes in Sierra snow.

16 (e) Forecast-informed reservoir operations is a critical climate  
17 resilience strategy.

18 SEC. 2. The heading of Article 8 (commencing with Section  
19 347) of Chapter 2.5 of Division 1 of the Water Code is amended  
20 to read:

21  
22 ~~Article 8. Atmospheric Rivers: Research, Mitigation, Rivers~~  
23 ~~Research and Forecast Improvement Program: Enabling Climate~~  
24 ~~Forecasting Adaptation Through Forecast-Informed Reservoir~~  
25 ~~Operations and Hazard Resiliency (AR/FIRO)~~  
26

27 SEC. 3. Section 347 of the Water Code is repealed.

28 ~~347. (a) The Atmospheric Rivers: Research, Mitigation, and~~  
29 ~~Climate Forecasting Program is hereby established in the~~  
30 ~~Department of Water Resources.~~

31 ~~(b) Upon appropriation of special fund moneys, including, but~~  
32 ~~not limited to, private funds, for these purposes, the department~~  
33 ~~shall conduct research relating to climate forecasting and the causes~~

1 and impacts that climate change has on atmospheric rivers, and  
2 shall take all actions within its existing authority to operate  
3 reservoirs in a manner that improves flood protection in the state  
4 and to reoperate flood control and water storage facilities to capture  
5 water generated by atmospheric rivers, thereby increasing water  
6 supply, hydropower availability, and the reliability of water  
7 resources in the state.

8 SEC. 4. Section 347 is added to the Water Code, to read:

9 347. (a) The Atmospheric Rivers Research and Forecast  
10 Improvement Program: Enabling Climate Adaptation Through  
11 Forecast-Informed Reservoir Operations and Hazard Resiliency  
12 (AR/FIRO) Program is hereby established in the Department of  
13 Water Resources.

14 (b) (1) The department shall research, develop, and implement  
15 new observations, prediction models, novel forecasting methods,  
16 and tailored decision support systems to improve predictions of  
17 atmospheric rivers and their impacts on water supply, flooding,  
18 post-wildfire debris flows, and environmental conditions.

19 (2) The department shall take all actions within its existing  
20 authority to operate reservoirs in a manner that improves flood  
21 protection in the state and to reoperate flood control and water  
22 storage facilities to capture water generated by atmospheric rivers.  
23 The goals of integrating forecast-informed reservoir operations  
24 into department operations shall be to increase water supply,  
25 hydropower availability, and water supply reliability. The  
26 department may use research generated by this program to refine  
27 climate projections of extreme weather and water events and  
28 changes in Sierra snow.

**ASSEMBLY BILL**

**No. 62**

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**Introduced by Assembly Member Mathis**

December 6, 2022

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An act to add and repeal Part 2.57 (commencing with Section 10609.90) of Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 62, as introduced, Mathis. Statewide water storage: expansion.

Existing law declares that the protection of the public interest in the development of the water resources of the state is of vital concern to the people of the state and that the state shall determine in what way the water of the state, both surface and underground, should be developed for the greatest public benefit.

Existing law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control boards. Existing law requires the work of the state board to be divided into at least 2 divisions, known as the Division of Water Rights and the Division of Water Quality.

This bill would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the state board, in consultation with the Department of Water Resources, to design and implement measures to increase statewide water storage to achieve the statewide goal. The bill would require the state board, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the department, to prepare and submit a report to the Legislature

on the progress made in designing and implementing measures to achieve the statewide goal.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Part 2.57 (commencing with Section 10609.90)  
2 is added to Division 6 of the Water Code, to read:

3  
4 PART 2.57. EXPANSION OF STATEWIDE WATER STORAGE  
5 CAPACITY  
6

7 10609.90. (a) This part establishes a statewide goal to increase  
8 above- and below-ground water storage capacity by a total of  
9 3,700,000 acre-feet by the year 2030 and a total of 4,000,000  
10 acre-feet by the year 2040, consistent with the August 2022 report  
11 “California’s Water Supply Strategy: Adapting to a Hotter, Drier  
12 Future” released by the Natural Resources Agency.

13 (b) The board, in consultation with the department, shall design  
14 and implement measures to increase statewide water storage  
15 through a variety of diversion, storage, and conveyance techniques  
16 to achieve the statewide goal to increase above- and below-ground  
17 water storage capacity, established in subdivision (a).

18 (c) Beginning July 1, 2027, and on or before July 1 every two  
19 years thereafter, the board, in consultation with the department,  
20 shall prepare and submit to the Legislature a report on the progress  
21 made in designing and implementing measures to increase above-  
22 and below-ground water storage capacity by a total of 3,700,000  
23 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by  
24 the year 2040.

25 (d) A report to be submitted pursuant to subdivision (c) shall  
26 be submitted in compliance with Section 9795 of the Government  
27 Code.

28 10609.91. This part shall remain in effect only until January  
29 1, 2043, and as of that date is repealed.

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