



MEMORANDUM

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

FROM: Scott Petersen, Water Policy Director

DATE: October 7, 2024

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

Recommendation

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

Support

- Adopt a position of "Support" on S. 5005 (Padilla), Legislation to increase the authorization ceiling for the San Joaquin River Restoration Settlement Act

Federal Legislation

[S. 5005 \(Padilla\), Legislation to increase the authorization ceiling for the San Joaquin River Restoration Settlement Act](#)

RECOMMENDATION: Support

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

Increases the authorization for the San Joaquin River Restoration Settlement Act from \$250 million to \$750 million and the Friant Division improvements within the Act from \$50 million to \$75 million.

Status

S. 5005 was introduced on September 11, 2024, and has been referred to the Senate Energy and Natural Resources Subcommittee on Water and Power, where it received a legislative hearing.

Importance to the Authority

The legislation would increase funding for the San Joaquin River Restoration Settlement Act ("Act"), which is the authorizing legislation for the San Joaquin River Restoration Program (SJRRP) by \$500 million - from an initial authorization of \$250 million to \$750 million - to account for changes in the cost of fish passage and protection projects necessary to implement the full settlement agreement and provide protections



for third parties who could be impacted by the implementation of restored flows from Friant Dam to the confluence of the Merced River.

The Act implemented a settlement between Friant Water Authority, NRDC, and the federal government, over impacts that the operations of the Friant Division had on fish on the San Joaquin River, and resolved 18 years of litigation between parties. The Authority and its members have a vested interest in successful implementation of the SJRRP, to ensure that member agencies are protected from the SJRRP implementation, in addition to fulfilling terms of the recently executed MOU between Friant Water Authority and the SLDMWA.

Guidelines for Taking Positions on Legislation

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 7, dated December 7, 2023, the Board adopted the Fiscal Year 2025 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 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.



Memo to SLDMWA Water Resources Committee and Board Members
October 7, 2024

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
2D SESSION

S. 5005

To authorize additional funding for the San Joaquin River Restoration Settlement Act.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2024

Mr. PADILLA (for himself and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize additional funding for the San Joaquin River Restoration Settlement Act.

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

3 **SECTION 1. ADDITIONAL FUNDING FOR THE SAN JOAQUIN**
4 **RIVER RESTORATION SETTLEMENT ACT.**

5 (a) AUTHORIZATION OF APPROPRIATIONS TO IMPLE-
6 MENT SETTLEMENT.—Section 10009 of the San Joaquin
7 River Restoration Settlement Act (Public Law 111–11;
8 123 Stat. 1355) is amended—

9 (1) in subsection (a)(1), by striking
10 “\$250,000,000” and inserting “\$750,000,000”; and

1 (2) in subsection (b)(1), by striking
2 “\$250,000,000” and inserting “\$750,000,000”.

3 (b) AUTHORIZATION OF APPROPRIATIONS FOR
4 FRIANT DIVISION IMPROVEMENTS.—Section 10203(c) of
5 the Omnibus Public Land Management Act of 2009 (Pub-
6 lic Law 111–11; 123 Stat. 1367) is amended by striking
7 “\$50,000,000” and inserting “\$75,000,000”.

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