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Legislative Advocacy Committee Members:

*Karen Paull, Chair
Mary L. Adams
Ian Oglesby*

Alternate:

Alvin Edwards

Staff Contact

*David J. Stoldt,
General Manager*

*Roger Gwinn, The
Ferguson Group
(Federal Consultant)*

*John Arriaga, JEA &
Associates
(State Consultant)*

*Joel G. Pablo,
Committee Clerk*

Mission Statement

Sustainably manage and augment the water resources of the Monterey Peninsula to meet the needs of its residents and businesses while protecting, restoring, and enhancing its natural and human environments.

Vision Statement

Model ethical, responsible, and responsive governance in pursuit of our mission.

Board's Goals and Objectives

Are available online at: <https://www.mpwmd.net/who-we-are/mission-vision-goals/bod-goals/>

Agenda
**Legislative Advocacy Committee
of the Monterey Peninsula Water Management District**

Wednesday, June 28, 2023 at 2:00 p.m. [PST] | *Virtual Meeting*

Join the meeting at this link:

<https://mpwmd-net.zoom.us/j/81812937215?pwd=SnZJN3NjdVhueVNUU0krcjd3RkZjZQT09>

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Webinar ID: 818 1293 7215

Meeting password: 06282023

Participate by phone: (669) 900-9128

For detailed instructions on connecting to the Zoom meeting see page 2 of this agenda.

Call to Order / Roll Call

Comments from Public - *The public may comment on any item within the District's jurisdiction. Please limit your comments to three minutes in length.*

Action Items – *Public comment will be received on all Action Items. Please limit your comments to three minutes in length.*

1. Consider Adoption of the October 19, 2022 and March 9, 2023 Committee Meeting Minutes

Discussion Items – *Public comment will be received on all Discussion Items. Please limit your comments to three minutes in length.*

2. Report from The Ferguson Group on Federal Legislative and Regulatory Activities
3. Report from JEA & Associates on Legislative Status and Bill Tracking
4. Report from General Manager on Recent or Upcoming Legislative Actions

Other Items

5. Suggest Items to Place on a Future Committee Agenda

Adjournment

Accessibility

In accordance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Submit requests at least 48 hours prior to the scheduled meeting date/time: (1) Joel G. Pablo, Board Clerk by e-mail at joel@mpwmd.net, or at (831) 658-5652; and (2) Sara Reyes, Sr. Office Specialist by e-mail at sara@mpwmd.net or at (831) 658-5610.

Provide Public Comment at the Meeting

Attend via Zoom: See below “Instructions for Connecting to the **Zoom Meeting**”

Submission of Public Comment via E-mail

Send comments to comments@mpwmd.net with one of the following subject lines "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or “PUBLIC COMMENT – ORAL COMMUNICATIONS.” Staff will forward correspondence received to the Committee. Correspondence is not read during public comment portion of the meeting. However, all written public comment received becomes part of the official record of the meeting and placed on the District’s website as part of the agenda packet for the meeting.

Submission of Written Public Comment

All documents submitted by the public must have no less than one (1) copy to be received and distributed by the **Clerk** prior to the Meeting.

Document Distribution

In accordance with Government Code §54957.5, any materials of public record relating to an agenda item for a meeting of the Board of Directors that are provided to a majority of the members less than 72 hours before the meeting will be made available at the **District Office, 5 Harris Court, Building G, Monterey, CA**, during normal business hours. Materials of public record that are distributed during the meeting shall be made available for public inspection at the meeting if prepared by the Board or a member of its legislative/advisory body, or the next business day after the meeting if prepared by some other person.

Instructions for Connecting to the **Zoom Meeting**

The public may remotely view and participate in the meeting to make public comment by computer, by phone or smart device.

Please log on or call in as early as possible to address any technical issues that may occur and ensure you do not miss the time to speak on the desired item. Follow these instructions to log into Zoom from your computer, smart device or telephone. (Your device must have audio capability to participate).

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1. Use the “raise hand” function to join the queue to speak on the current agenda item when the Chair calls the item for Public Comment.

COMPUTER / SMART DEVICE USERS: You can find the raise hand option under your participant name.

TELEPHONE USERS: The following commands can be entered using your phone’s dial pad:

- *6 – Toggle Mute / Unmute
- *9 – Raise Hand

2. Staff will call your name or the last four digits of your phones number when it is your time to speak.
3. You may state your name at the beginning of your remarks for the meeting minutes.
4. Speakers will have up to three (3) minutes to make their remarks. *The Chair may announce and limit time on public comment.*
5. You may log off or hang up after making your comments.

Refer to the Meeting Rules to review the complete Rules of Procedure for MPWMD Board and Committee Meetings:
<https://www.mpwmd.net/who-we-are/board-of-directors/meeting-rules-of-the-mpwmd/>

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: ACTION ITEM

1. CONSIDER ADOPTION OF THE OCTOBER 19, 2022 AND MARCH 9, 2023 COMMITTEE MEETING MINUTES

Meeting Date: June 28, 2023

From: David J. Stoldt,
General Manager

Prepared By: Joel G. Pablo

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

SUMMARY: The Committee meeting minutes for the October 19, 2022 (**Exhibit 1-A**) and March 9, 2023 (**Exhibit 1-B**) Committee meeting minutes have been drafted and are attached for your review and approval.

RECOMMENDATION: The Committee will review, provided suggested edits and consider adopting the meeting minutes for October 19, 2022 and March 9, 2023 by motion.

EXHIBIT

1-A Draft Minutes of the October 19, 2022 Committee Meeting

1-B Draft Minutes of the March 9, 2023 Committee Meeting

(Draft Meeting Minutes will be sent under separate cover and will be posted to the District's site by end of day on Sunday, June 25, 2023 on: <https://www.mpwmd.net/who-we-are/committees/board-committees/legislative-advocacy-committee/>)

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: DISCUSSION ITEM

2. REPORT FROM THE FERGUSON GROUP ON FEDERAL LEGISLATIVE AND REGULATORY ACTIVITIES

Meeting Date: June 28, 2022

**From: David J. Stoldt,
General Manager**

Prepared By: David J. Stoldt

SUMMARY: The Ferguson Group will provide an update on activities related to federal legislation and regulatory activities.

EXHIBITS

2-A JEA Quarterly Federal Report

2-B Draft Letter to Army Corp

2-C Federal Legislative Tracker



TO: Monterey Peninsula Water Management District

FROM: The Ferguson Group

RE: Federal Legislative Report

DATE: June 22, 2023

Quarterly Legislative Report

The Monterey Peninsula Water Management District's (MPWMD) legislative report covers federal legislative and agency activities related to appropriations, budget, water and natural resources, environmental protection, as well as other water agency-related issues.

Advocacy Update

Fiscal Year 2024 Appropriations

The Fiscal Year 2024 appropriations process is now underway in earnest and with that consideration of MPWMD's request for an allocation of \$2,150,000 in the Energy and Water Development Appropriations Bill for an initial set of projects grouped together under the title of the *Monterey Peninsula Stormwater Diversion and Recycling Program*. The legislative authority to seek this funding through the Corps of Engineers (Corps) was secured, at the request of Rep. Jimmy Panetta on behalf of MPWMD, in the Water Resources Development Act of 2022 (section 8375(a)(292) of Public Law 117-263). Any funds secured are cost-shared on a 75 percent federal, 25 percent non-federal basis. Assistance can be secured under the authority for all project phases, including construction.

On behalf of MPWMD, Senator Padilla submitted the full \$2,150,000 requested by MPWMD to the Senate Committee on Appropriations for inclusion in the Senate version of the Energy and Water Development Appropriations bill. As of the date of this report, the Senate appropriations committee has not scheduled the mark up on the bill, but action is expected soon, in the coming weeks.

To support this request, MPWMD General Manager Stoldt and TFG professional staff, including Earl Stockdale, the former General Counsel for the Corps of Engineers, and Bradd Schwichtenberg, the former Corps headquarters lead for the South Pacific Division, held an initial meeting with the San Francisco District Office of the Corps to discuss MPWMD's desire to partner with the Corps on projects to help address the water supply needs of the region and mitigate the impacts of recurring and more frequent drought conditions facing the Peninsula. TFG also provided GM Stoldt with a draft letter (see attached) for MPWMD to consider sending to the Corps to formally request the opportunity to partner with the Corps on the initiative.

Western Water Authorizations

Introduction of Senator Feinstein's Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act) is expected soon. With a legislative hearing on the measure and other western water authorization bills in July. Among other things, the bill will strengthen federal support for non-federal investments in water reuse and recycling projects, like the Pure Water Monterey project, as well as groundwater recharge. TFG worked with GM Stoldt to provide a letter of support from MPWMD for key provisions of the STREAM Act (see attached).

Washington News

President Biden Signs Deal to Raise Debt Ceiling

Congress swiftly acted on the agreement reached to increase the debt limit, reduce spending, and address energy permitting reforms. Despite opposition from conservative Republicans and progressive Democrats, the [Fiscal Responsibility Act](#) easily passed the House and Senate. President Biden signed the bill into law on June 3. TFG recently published [a special report](#) highlighting key elements of the legislation with an emphasis on local community impacts.

The Congressional Budget Office (CBO) [estimates](#) that the legislation will reduce deficits by about \$1.5 trillion through FY 2033. The bill also suspends the federal debt limit through January 1, 2025, and sets topline discretionary spending caps for FY 2024.

Fiscal Year 2024 Appropriations

As noted above, House and Senate appropriators can now move forward on holding markups for each of the 12 annual spending bills. Senate appropriators are aiming to start markups this week while the House Appropriations Committee has already taken initial action on six of the twelve appropriations bills. The Committees are set to release their lists of approved FY 2024 earmark (i.e., Community Project Funding and Congressionally Directed Spending) requests submitted by Members of Congress in early Spring at the time each full committee markup is held.

Based on an agreement between Speaker McCarthy and the conservative wing of the Republican Party dissatisfied with the debt ceiling deal he negotiated with President Biden, the House will mark up its FY 2024 spending bills at the FY 2022 levels, well below the FY 23 spending levels called for in the debt ceiling extension agreement and that will likely be adopted by the Senate. Under the House plan, individual appropriations bills covering the domestic discretionary portions of the budget will be reduced by anywhere from 3 percent to 59 percent relative to FY 2023 approved spending levels.

House and Senate leaders will be working to pass all twelve annual appropriations bills before the end of the calendar year. If they fail to complete action on even one of the twelve appropriations bills by January 1, 2024, all the appropriations bills will be subject to across-the-board cuts.

Permitting Reform

Despite the inclusion of significant National Environmental Policy Act (NEPA) reforms included in the debt ceiling extension deal, there is increasing focus on permitting-related proposals from both sides of the political spectrum. Negotiators, including Senators Joe Manchin (D-W.Va.), Tom Carper (D-Del.), John Barrasso (R-Wyo.), and Shelly Moore Capito (R-W.Va.), have started discussions on a bipartisan permitting deal. This process involves drafting legislation, holding hearings, conducting committee markups, and eventually considering it on the Senate floor. Each of these senators has introduced their own permitting reform bill, with a specific emphasis on transmission projects.

In the House, Representative Garrett Graves (R-La.), a key negotiator in the debt ceiling deal's permitting provisions, has expressed commitment to continue working on this issue. Serious discussions are taking place between House Natural Resources Committee Chairman Bruce Westerman (R-Ark.) and Representative Scott Peters (D-Calif.), who have collaborated to find a compromise in recent months.

Furthermore, there is growing attention on expediting permits for specific types of infrastructure. Senator Martin Heinrich (D-N.M.) has reintroduced several bills focused on electric transmission, and some Democratic progressives, including Representative Jayapal (D-Wash.), chair of the Congressional Progressive Caucus, who

previously criticized streamlining efforts, now see the potential for a bipartisan agreement later this year. They recognize that regulatory bottlenecks could hinder the clean energy projects incentivized by the Inflation Reduction Act. Water projects will also benefit from the reforms currently in place and under consideration.

Biden Administration Releases Regulatory Agenda

On June 13, the Biden administration released the 2023 Spring Regulatory Agenda, which [outlines](#) the regulatory actions that federal agencies plan to undertake in the near and long term. The agenda indicates a busy regulatory period in the first half of 2024, with numerous major rulemakings set to be finalized. The administration is mindful of timing, as rules completed later in 2024 could potentially be subject to Congressional Review Act resolutions if Republicans gain power. While the dates mentioned in the agenda are goals rather than strict deadlines, they shed light on the administration's priorities in key policy areas for the upcoming year.

TFG will be distributing a special report in the coming weeks summarizing key pieces of federal regulations that are set to be finalized next year.

EPA Announces \$41 Million in New Technical Assistance for Wastewater Challenges

The U.S. Environmental Protection Agency (EPA) recently announced \$41 million in new technical assistance funding under America's Water Infrastructure Act (AWIA) to help communities address urgent wastewater challenges. The new funding, awarded to nine technical assistance providers across the country, will primarily help rural, small, and Tribal communities assess water needs, identify solutions, and access funding from the Bipartisan Infrastructure Law and other federal programs. Communities can request assistance by visiting the agency's [Water Technical Assistance webpage](#).

EPA Announces 6.5 billion For Infrastructure Upgrades Across the Country

U.S. Environmental Protection Agency (EPA) announced over \$6.5 billion for states, Tribes, and territories for essential drinking water infrastructure upgrades across the nation through the Drinking Water State Revolving Fund (DWSRF). Using the \$6 billion Bipartisan Infrastructure Law investment, the DWSRF allotments to states will be based on the results of [EPA's 7th Drinking Water Infrastructure Needs Survey and Assessment \(DWINSA\)](#). Per the Assessment, drinking water utilities need \$625 billion in infrastructure investments over the next 20 years to ensure the nation's public health, security, and economic well-being. Almost \$3 billion of the funding provided will be allocated specifically for lead service line identification and replacement.

Legislation Introduced to Permanently Fund Clean Water Projects

Congresswoman Nikema Williams (D-Ga.) recently introduced the [Water Infrastructure Sustainability and Efficiency \(WISE\) Act](#), which seeks to allocate 20% of the Clean Water State Revolving Fund toward environmentally friendly water infrastructure projects. The Clean Water State Revolving Fund provides funding for water quality projects at the state and local levels and is the largest source of federal financing for clean water infrastructure projects.

The bill is supported by several environmental organizations including American Rivers, the American Society of Landscape Architects, the Alliance for Water Efficiency, the National Association of Clean Water Agencies, and the Water Environment Federation.

Congressman Ruben Gallego (AZ-03) and Congressman John Duarte (CA-13) introduced the bipartisan Water Infrastructure Modernization Act. The bill creates federal grant programs to increase investments and use of smart water technologies. Legislation provides \$50 million in new EPA funding for grants which community water systems can use to purchase and implement new water technologies, including those that can identify water loss, examine pipe integrity, detect leaks, prepare for severe weather, innovate water storage systems, and more. Supporting drinking water and wastewater infrastructure across America, this program mitigates the effects of water shortages, and reduces inequities in access to clean water.

FEMA Issues Notice on Community Disaster Resilience Zones and the National Risk Index

FEMA is [seeking input](#) from the public regarding the implementation of the Community Disaster Resilience Zones Act of 2022. They are interested in receiving feedback on various aspects, including updates to the methodology and data used for the National Risk Index and other hazard assessment products. FEMA also wants suggestions for improving the provisions of hazard data, the process for designating community disaster resilience zones, and the financial and technical assistance available for resilience or mitigation projects that primarily benefit these zones. Additionally, they are interested in feedback on the application and certification process for community disaster resilience zone projects.

Army Corps of Engineers Delaying Action on Wetlands Permits in Wake of SCOTUS Decision

Following the Supreme Court's ruling in *Sackett v. EPA*, which necessitated a revision of the Biden Administration's WOTUS (Waters of the United States) rule, various district offices of the Army Corps of Engineers, such as the Sacramento and Chicago offices, have released statements indicating that they are temporarily halting the processing of jurisdictional determinations. This pause is to allow these offices to fully comprehend the implications of the recent court decision. While the Corps' national spokesperson was not as explicit, stating that they are currently reviewing the decision to determine their next course of action, media sources have confirmed that this directive applies nationwide.

Furthermore, the *Sackett* ruling also impacts the Biden administration's latest regulation that defines WOTUS. This new regulation would represent the third iteration of the rule within a span of less than ten years.

[Yesterday](#), Transportation and Infrastructure Committee Chairman Sam Graves (R-MO), Senate Environment and Public Works Committee Ranking Member Shelley Moore Capito (R-WV), Water Resources and Environment Subcommittee Chairman David Rouzer (R-NC), and Senate Fisheries, Wildlife, and Water Subcommittee Ranking Member Cynthia Lummis (R-WY) sent a [letter](#) requesting a briefing and detailed implementation information from EPA Administrator Michael S. Regan and Assistant Secretary of the Army for Civil Works Michael L. Connor. The letter requests a briefing from the Administration before June 28, 2023.

NOAA Releases Plans to Support Coastal Communities

The National Oceanic and Atmospheric Administration (NOAA) announced a \$2.6 billion framework to invest in coastal resilience and marine resource restoration through the Inflation Reduction Act (IRA).

The initiative aims to support communities and individuals impacted by climate change. The funds will be used to enhance weather and climate data and services, support conservation initiatives, and strengthen NOAA's research fleet. The investment will help communities prepare for climate events and develop resilience. It will also support workforce development, marine resources, nature-based solutions, conservation, regional partnerships, and tribal priorities. The \$2.6 billion investment will support:

- **Climate Resilience Regional Challenge (\$575 million):** A grant program to invest in collaborative approaches for coastal resilience at the regional level. It will have two funding tracks: one for building collaborations and developing strategies, and another for implementing resilience and adaptation actions. **This funding opportunity was released on June 20th.** More information can be found [here](#).
- **Tribal Priorities (\$390 million):** Funding specifically for tribes to support activities such as habitat restoration, fish passage, capacity building, scientific research, and fish hatcheries.
- **Climate-Ready Fisheries (\$349 million):** Support for projects that aim to conserve fisheries and protected species in coastal regions. NOAA will develop dynamic fisheries management systems that incorporate climate and ecosystem data to make better management decisions.
- **Ocean-Based Climate Resilience Accelerators (\$100 million):** A business accelerator program to address the market need for coastal and ocean-based resilience products and services. These accelerators will help businesses in commercializing their solutions and assist communities in preparing for and adapting to climate change.
- **Climate-Ready Workforce (\$60 million):** Placing workers in high-quality jobs that enhance climate resilience. Funding will also be used for training and support services to help workers advance their careers and implement climate resilience efforts in both public and private sectors.

Further details about many of these programs will be available in the coming weeks.

Biden Administration ESA Regulatory Protections Announced

This week, the Biden administration announced a regulatory [package](#) designed to enhance protections for plants and animals at risk of going extinct, and restoring Endangered Species Act provisions that were curtailed during the Trump administration.

The actions taken under the three rules will garner attention and support from environmental groups, likely be attacked by private industry sectors of all stripes and be all but assured of ending up in court.

Among others, a major direction of these long-awaited proposals from the Fish and Wildlife Service and NOAA Fisheries as laid out in the first rule, would be to prohibit the killing or injuring of threatened species, providing **them the same level of protection as that for species listed as endangered.**

The first [rule](#) would also guide critical habitat designations, shape how federal agencies conduct ESA consultations and re-establish language separating ESA listings from economic considerations.

Regarding economic considerations, the ESA requires that listing decisions be made "solely on the basis of the best scientific and commercial data available," and the Fish and Wildlife Service had subsequently added the explanation that this meant "without reference to possible economic or other impacts of such determination." A rule promulgated under the Trump Administration removed the latter phrase from its regulations.

This could have meant that cost-benefit analyses would end up presented to the public at the time an ESA listing was proposed.

As the rule says regarding the Trump rule, "We find that this change was not the most reasonable interpretation and created the problematic impression that the Services would begin to compile information regarding the economic impacts of classification determinations and that the Services might actually take such information into account directly or indirectly when making classification determinations,"

So, the proposed rule adds back the "without reference to possible economic or other impacts of such determination" phrase.

A [second proposal](#), affecting only the Fish and Wildlife Service, concerns the protections given to species listed as threatened, rather than endangered, under the ESA.

The ESA prohibits the "take" of species designated as endangered. This covers myriad actions including those that "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect" an animal or plant. The ban is effectively absolute for endangered species, while Section 4(d) of the law allows the agency to establish special regulations for threatened species.

In 1978, FWS used this authority to extend the prohibition of take to all threatened species. This is known as the "blanket 4(d) rule," and it essentially meant threatened and endangered species presumptively enjoyed the same protection. Instead of this all-encompassing approach, the Trump administration shifted to a [case-by-case consideration](#) of protection levels for threatened species.

For example, private property owners worried that they might be blocked from forest thinning if all taking of the threatened Louisiana pine snake were absolutely prohibited, so FWS wrote a rule that allows for some potential short-term take of snakes or habitat.

The proposal made public restores the blanket 4(d) rule, while still allowing the Fish and Wildlife Service to craft individual rules for species.

Also, under the ESA, critical habitat is considered habitat "essential for the conservation of the species." The proposal includes new wording that FWS says demonstrates a "clear and logical approach for identifying unoccupied critical habitat," which has been a source of persistent debate.

The package also includes technical [modifications](#) to section 7 of the law, among others, including addressing on going issues such as the what is the meaning of the phrase "foreseeable future," as used in the law.

The proposals will be open for a 60-day public comment period following their publication in the *Federal Register* this week.

Treasury Guidance on Accessing Clean Energy Tax Credits Released

The Treasury Department released guidance on key provisions in the Inflation Reduction Act (IRA) to expand the reach of the [clean energy tax credits](#). IRA created two new credit delivery mechanisms—elective pay (otherwise known as "direct pay") and transferability—that enable state, local, and Tribal governments; non-profit organizations, U.S. territories; and special districts, like MPWMD, to take advantage of clean energy tax credits. Until the Inflation Reduction Act introduced these new credit delivery mechanisms, governments, many types of tax-exempt organizations, and even many businesses could not fully benefit from tax credits like those that incentivize clean energy construction.

For the most up to date information, see [TFG Brief – IRA Clean Energy Tax Credits](#).

EXHIBIT 2-B

June 15, 2023

Lt. Colonel Kevin P. Arnett
Commander
San Francisco District
U.S. Army Corps of Engineers
450 Golden Gate Ave, 4th Floor
San Francisco, CA 94102

RE: Request Support Under Section 219/Environmental Infrastructure for the *Monterey Peninsula Stormwater Diversion and Recycling Program*

Dear Colonel Arnett:

Monterey Peninsula Water Management District (MPWMD) requests assistance from the U.S. Army Corps of Engineers (Corps) for the *Monterey Peninsula Stormwater Diversion and Recycling Program* in the Monterey Peninsula, California, which the Corps is authorized to support under section 8375(a)(292) of Public Law 117-263 (includes the Water Resources Development Act of 2022) and the State of California's Environmental Infrastructure authority, Section 5039 of the Water Resources Development Act of 2007 (P.L. 110-114).

Specifically, MPWMD would like to explore opportunities to partner with the Corps on a series of projects we have grouped together under the *Monterey Peninsula Stormwater Diversion and Recycling Program*. This first component of this program would augment water supply in the City of Monterey via a diversion to sanitary sewer and removal of urban stormwater and dry weather flows that are currently discharged to the Monterey Bay National Marine Sanctuary. This would partially restore natural drainage patterns and treat any urban pollutants that are associated with the diverted flows. The project would utilize the existing storage capacity of Lake El Estero to detain both wet and dry weather runoff for diversion when demand for recycled water is greatest. Stored lake water would be diverted for recycling at the Pure Water Monterey project. This would help the City of Monterey recover 110 to 140 acre-feet of water per year. Two other City of Monterey projects are included and would augment the recycled water.

The second near-term component of this program is a diversion project in Roberts Lake, in the City of Seaside. The project would include permitting, design, and construction of facilities that would enable water to flow into a wet well from the lake and be pumped approximately 180 feet to a sanitary sewer pump station wet well. The water would then be pumped to the Pure Water Monterey project for treatment and re-use as potable supply or irrigation. This would assist in recovery 124 acre-feet of potable water (after purification) per year.

These investments will assist the communities of the Monterey Peninsula mitigate the deleterious impacts of recurring and more frequent drought conditions facing the Peninsula. It will further

allow these communities to efficiently collect rainfall and wet-weather runoff – such as that which occurred from the historic storms that battered the State in late 2022 and early 2023.

The proposed projects under the *Monterey Peninsula Stormwater Diversion and Recycling Program* meet the eligibility criteria of both section 8375(a)(292) of Public Law 117-263 and Section 5039 of P.L. 110-114, both of which authorize the Corps to assist non-Federal interests, like MPWMD in carrying out water-related environmental infrastructure and resource protection and development projects. Water-related environmental infrastructure improvements under both authorities can, as you know, include water and wastewater treatment and related facilities, including water supply facilities. And, as you are also aware, the Corps may provide assistance to support all aspects of project development and implementation under these two authorities, including project planning, design, and construction.

MPWMD understands the cost share for the non-Federal interest shall not be less than 25 percent. We are aware that the non-Federal sponsor is responsible for supplying all lands, easements, rights-of-ways, relocations and disposal areas (LERRD) necessary for construction and subsequent operation and maintenance of the project. We also understand as the non-Federal sponsor, MPWMD is responsible for 100 percent of the cost to operate, maintain, repair, replace, or rehabilitate the completed project(s).

This letter constitutes an expression of intent and not a contractual obligation. We understand that the non-Federal interest or the Corps may opt to discontinue the project development process prior to the execution of the Project Partnership Agreement (PPA), which occurs at the end of the Planning, Design, and Analysis, prior to award of a construction contract.

If you need additional information, please contact me at (831) 658-5600.

Sincerely,

David J. Stoldt
General Manager

EXHIBIT 2-C



MPWMD 118th Legislative Tracker

Last Updated: June 21, 2023

Overview: The following legislative tracker provides the status of legislation introduced in the 118th Congress pertaining to water issues.

Each of the bill numbers is hyperlinked to the bill text, and other related details.

Bill Number: S 757	Last Action: 03/09/2023 - Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry.	Status: Introduced
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Bill Title: MATCH Act of 2023 Making Access To Cleanup Happen Act of 2023	Bill Summary: A bill to amend the Agricultural Credit Act of 1978 with respect to preagreement costs of emergency watershed protection measures, and for other purposes.
Sponsor: Mitt Romney	Introduction Date: 03/09/2023

Bill Number: S 21	Last Action: 01/23/2023 - Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry. (Sponsor introductory remarks on measure: CR S55-56)	Status: Introduced
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Bill Title: Community Wildfire Protection Act of 2023	Bill Summary: A bill to amend the Healthy Forests Restoration Act of 2003 to modify the definition of the term "at-risk community".
Sponsor: Dianne Feinstein	Introduction Date: 01/23/2023

Bill Number: S 64	Last Action: 01/25/2023 - Read twice and referred to the Committee on Energy and Natural Resources.	Status: Introduced
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Bill Title: Water Rights Protection Act of 2023	Bill Summary: A bill to prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretary of the Interior and the Secretary of Agriculture, and for other purposes.
Sponsor: John Barrasso	Introduction Date: 01/25/2023

Bill Number: HR	Last Action:	Status:
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872	02/21/2023 - Referred to the Subcommittee on Water, Wildlife, and Fisheries.	Introduced
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Bill Title: FISH Act Federally Integrated Species Health Act	Bill Summary: To amend the Endangered Species Act of 1973 to vest in the Secretary of the Interior functions under that Act with respect to species of fish that spawn in fresh or estuarine waters and migrate to ocean waters and species of fish that spawn in ocean waters and migrate to fresh or estuarine waters, and for other purposes.
Sponsor: Ken Calvert	Introduction Date: 02/08/2023

Bill Number: HR 1367	Last Action: 03/10/2023 - Referred to the Subcommittee on Environment, Manufacturing, and Critical Materials.	Status: Introduced
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Bill Title: Water System Threat Preparedness and Resilience Act of 2023	Bill Summary: To establish a program to increase drinking water and wastewater system threat preparedness and resilience, and for other purposes.
Sponsor: Janice Schakowsky	Introduction Date: 03/03/2023

Bill Number:	Last Action:	Status:
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HR 1	03/30/2023 - The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1.	Introduced
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<p>Bill Title:</p> <p>Water Quality Certification and Energy Project Improvement Act of 2023 Transparency, Accountability, Permitting, and Production of American Resources Act TAPP American Resources Act</p>	<p>Bill Summary:</p> <p>To lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting transparency, accountability, permitting, and production of American resources, and by improving water quality certification and energy projects, and for other purposes.</p>
<p>Sponsor:</p> <p>Steve Scalise</p>	<p>Introduction Date:</p> <p>03/15/2023</p>

<p>Bill Number: HR 2671</p>	<p>Last Action:</p> <p>04/19/2023 - Referred to the Subcommittee on Water Resources and Environment.</p>	<p>Status:</p> <p>Introduced</p>
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<p>Bill Title:</p> <p>Restoring WIFIA Eligibility Act</p>	<p>Bill Summary:</p> <p>To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.</p>
<p>Sponsor:</p> <p>Jim Costa</p>	<p>Introduction Date:</p> <p>04/18/2023</p>

Bill Number: HR 215	Last Action: 04/28/2023 - Ordered to be Reported (Amended) by the Yeas and Nays: 22 - 17.	Status: Introduced
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Bill Title: WATER for California Act Working to Advance Tangible and Effective Reforms for California Act	Bill Summary: To provide long-term water supply and regulatory reliability to drought-stricken California, and for other purposes.
Sponsor: David Valadao	Introduction Date: 01/09/2023

Bill Number: HR 490	Last Action: 02/01/2023 - Referred to the Subcommittee on Water Resources and Environment.	Status: Introduced
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Bill Title: Federal Infrastructure Bank Act of 2023	Bill Summary: To establish the Federal Infrastructure Bank to facilitate investment in, and the long-term financing of, economically viable United States infrastructure projects that provide a public benefit, and for other purposes.
Sponsor: Daniel Webster	Introduction Date: 01/24/2023

Bill Number: S	Last Action:	Status:
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660	03/06/2023 - Read twice and referred to the Committee on Environment and Public Works.	Introduced
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Bill Title: Water System Threat Preparedness and Resilience Act of 2023	Bill Summary: A bill to establish a program to increase drinking water and wastewater system threat preparedness and resilience, and for other purposes.
Sponsor: Edward Markey	Introduction Date: 03/06/2023

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: DISCUSSION ITEM

3. REPORT FROM JEA & ASSOCIATES ON LEGISLATIVE STATUS AND BILL TRACKING

Meeting Date: June 28, 2023

**From: David J. Stoldt,
General Manager**

Prepared By: David J. Stoldt

SUMMARY: JEA & Associates will provide an update on activities related to California legislation and regulatory activities, as described in **Exhibit 3-A** and **Exhibit 3-B** bill tracker.

EXHIBITS

3-A JEA Associates 2023 Report

3-B Sacramento Bill Tracker

EXHIBIT 3-A



Date: June 28, 2023

To: Dave Stoldt, General Manager, Monterey Peninsula Water Management District

From: John E. Arriaga and Laurie Johnson, JEA & Associates

RE: Legislative Committee – June 28, 2023

Budget Update

California lawmakers on June 14th passed the Legislature's version of the budget as Democratic leaders continue to negotiate the final state spending plan with Gov. Gavin Newsom.

The \$312 billion plan represents a deal struck among California's Democratic lawmakers and passed on party-line votes in both the Senate and Assembly. The budget also closes the gap of a \$30.7 billion deficit, as both the Governor's Office and the Legislative Analysts Office (LAO) project that deficit to grow.

The plan mirrors many parts of Newsom's proposed version of the budget presented in May, with no cuts to core programs and increased spending for education, health and flood protection. The LAO noted the legislative plan involves more borrowing and cost shifts than Newsom's proposal without any tax increases or withdrawals from the state's \$37 billion Rainy Day Fund.

There are two major hiccups with the state not having a complete spending plan. The first is the disagreement between the Governor and the Legislature on the Governor's newly proposed Infrastructure Plan which will essentially bypass many of CEQA's provisions for major water and infrastructure projects. The source of "real" contention is that this would include expediting the controversial Delta Tunnels. The

Governor asserts that the state will lose out on significant federal dollars if the state does not streamline these projects; while the Legislature contends that this is too big of a policy shift to push through the budget process. The second issue is the extension of the state's tax filing and payment to mid-October. According to the LAO, the coffers are about \$42 billion short due to the extension. This may mean that the Governor could potentially call the Legislature back in the late-Fall to pass a supplemental budget.

Legislative Update

The Legislature is starting its second policy committees for bills that continue to move through the process. The Legislature will take a month-long summer break on July 14th and then convene in August until mid-September when it will adjourn for the year...barring any "special sessions". (*Full Legislative Track Attached*)

*****Assemblymember Rivas will be sworn-in as the new Assembly Speaker on Friday, June 30th.***

The following are bills that MPWMD have taken positions on:

AB 460 (Bauer-Kahan) - Grants the State Water Resources Control Board (State Water Board) authority to issue an interim relief order to enforce the reasonable use doctrine, water rights, water quality standards, and other provisions of water law.

Position: Oppose

(MPWMD joined ACWA's coalition to oppose this bill contending that it grants the State Water Board overly broad authority and casts doubt on the validity of vested rights.)

AB 1337 (Wicks) - Authorizes the State Water Resources Control Board (State Water Board) to issue a curtailment order for any diversion, regardless of basis of right, when water is not available under the diverter's priority of right.

Position: Oppose

(MPWMD joined ACWA's coalition to oppose this bill arguing that it goes too far and hands the State Water Board "unfettered authority to control water as it sees fit." The coalition also believes that the State Water Board's use of curtailments to deal with water shortages during drought is a relatively new occurrence and that curtailments "have significant ramifications that extend far beyond the water right holders themselves.)

AB 1567 (E. Garcia) -Places a \$15.955 billion climate resilience general obligation bond before the voters on the March 5, 2024, Primary Election ballot.

Position: Support

AB 1572 (Friedman) - Prohibits the use of potable water to irrigate nonfunctional turf on commercial, municipal, institutional, and multifamily residential properties. Begins a phase-in of this ban for specified property types beginning January 1, 2027.

Position: Oppose Unless Amended

(MPWMD has joined ACWA in raising concerns with this bill due to concerns over the definition of “nonfunctional turf” in this bill. ACWA et al. support prohibiting the use of potable water on nonfunctional turf in certain sectors but are concerned that this bill’s definition is broader than that in the emergency regulations and that the prohibition applies to multifamily housing. In addition, ACWA et al. argue that it is inappropriate to allow water wholesalers and other entities that do not have a direct relationship with individual customers to enforce the provisions of this bill; for this reason, they seek “language that would require coordination with the local water retailer for any enforcement by an entity that is not the retailer.” Finally, ACWA et al. assert that “directing funding intended for IRWM activities to focus on turf replacement is inappropriate” and seek an amendment striking the reference to IRWM funding from this bill.)

SB 366 (Caballero) - This bill revises and recasts the California Water Plan (Water Plan) and requires the Water Plan, commencing with the 2028 update, to be a comprehensive plan for addressing the state’s water needs and meeting water specified long-term supply targets.

Position: Support

SB 867 (Allen) - This bill enacts the Drought, Flood, and Water Resilience, Wildfire, and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity, and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which authorizes a \$15.5 billion bond to be placed before voters at an unspecified future election.

Position: Support

Sacramento Visits

In late-May, the General Manager and JEA & Associates participated in legislative visits with MPWMD’s legislative delegation. We met with Senator Laird to discuss potential legislation to mitigate the “cease and desist order” (CDO). In our discussions, the Senator indicated that he would like to continue discussions and possibly convene a stakeholder meeting with the SWRCB to address this ongoing issue. Additionally, MPWMD thanked the Senator for his supportive intervention with the Pure Monterey expansion.

We also met with new Assemblymember Dawn Addis and her staff. We used this as an opportunity to educate her on MPWMD and provide an overview of urban water suppliers and what we provide, not only in the region but statewide.

**** Assemblymember Addis will be touring the Pure Monterey facility next week, August 7th.**

SWRCB

The General Manager met with Deputy Director of Water Rights for the SWRCB to discuss the CDO issue. General Manager will provide further information.

EXHIBIT 3-B

MPWMD Legislative Track

As of June 20, 2023

Measure	Author	Topic	Status	Brief Summary
<u>AB 45</u>	<u>Boerner D</u>	Coastal resources: coastal development permits: blue carbon demonstration projects.	6/14/2023-Referred to Com. on N.R. & W.	The California Coastal Act of 1976, among other things, requires anyone wishing to perform or undertake any development in the coastal zone, except as specified, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit from the California Coastal Commission, as provided. This bill would authorize the commission to authorize blue carbon demonstration projects, as defined, in order to demonstrate and quantify the carbon sequestration potential of these projects to help inform the state's natural and working lands and climate resilience strategies.
<u>AB 62</u>	<u>Mathis R</u>	Statewide water storage: expansion.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	Current law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control boards. Current 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 Department of Water Resources, in consultation with the state board, to take reasonable actions to promote or assist efforts to achieve the statewide goal, as provided. The bill would require the department, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the state board, to prepare and submit a report to the Legislature on the progress made to achieve the statewide goal.

<u>AB 66</u>	<u>Mathis R</u>	Natural Resources Agency: water storage projects: permit approval.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	Current law establishes the Natural Resources Agency, composed of departments, boards, conservancies, and commissions responsible for the restoration, protection, and management of the state's natural and cultural resources. Current law establishes in the agency the Department of Water Resources, which manages and undertakes planning with regard to water resources in the state. This bill would require the agency, and each department, board, conservancy, and commission within the agency, to take all reasonable steps to approve the necessary permits for specified projects that meet certain employment conditions within 180 days from receiving a complete permit application.
<u>AB 305</u>	<u>Villapudua D</u>	California Flood Protection Bond Act of 2024.	6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.	Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood protection projects, as specified. The bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.
<u>AB 345</u>	<u>Wilson D</u>	Habitat restoration: flood control: advance payments.	6/7/2023-Referred to Com. on N.R. & W.	Current law authorizes the Department of Water Resources to make examinations of lands subject to inundation and overflow by floodwaters and of the waters causing the inundation or overflow and to make plans and estimates of the cost of works to regulate and control the floodwaters. Current law also vests in the department charge of all expenditures unless otherwise provided by law for all public works relating to general river and harbor improvements, including reclamation and drainage of lands. Current law authorizes the department to cooperate and contract with any agency of the state or of the United States in order to carry out its powers and purposes. Current law establishes the Central Valley Flood Protection Board and authorizes the board to engage in various flood control activities along the Sacramento River, the San Joaquin River, their tributaries, and related areas. This bill would authorize the department or the board to provide advance payments, as defined, to local agencies for projects that restore habitat for threatened and endangered species under state or federal law or improve flood protection, as provided. The bill would prohibit the amount of funds advanced by the department or the board to the local agency at any

				one time from exceeding 25% of the entire amount authorized to be provided under the funding agreement.
<u>AB 429</u>	<u>Bennett D</u>	Groundwater wells: permits.	4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/2/2023)(May be acted upon Jan 2024)	Current law requires the State Water Resources Control Board to adopt a model water well, cathodic protection well, and monitoring well drilling and abandonment ordinance implementing certain standards for water well construction, maintenance, and abandonment and requires each county, city, or water agency, where appropriate, not later than January 15, 1990, to adopt a water well, cathodic protection well, and monitoring well drilling and abandonment ordinance that meets or exceeds certain standards. Under current law, if a county, city, or water agency, where appropriate, fails to adopt an ordinance establishing water well, cathodic protection well, and monitoring well drilling and abandonment standards, the model ordinance adopted by the state board is required to take effect on February 15, 1990, and is required to be enforced by the county or city and have the same force and effect as if adopted as a county or city ordinance. The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill would, if 1% of domestic wells go dry in a critically overdrafted basin, as specified, prohibit a county, city, or any other water well permitting agency from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as a critically overdrafted basin unless specified conditions are met.
<u>AB 460</u>	<u>Bauer- Kahan D</u>	State Water Resources Control Board: water rights and usage: interim relief:	6/7/2023-Referred to Coms. on N.R. & W. and JUD.	Current law authorizes the State Water Resources Control Board to investigate all streams, stream systems, lakes, or other bodies of water, take testimony relating to the rights to water or the use of water, and ascertain whether water filed upon or attempted to be appropriated is appropriated under the laws of the state. Current law requires the board

		procedures.		to take appropriate actions to prevent waste or the unreasonable use of water. This bill would authorize the board, in conducting specified investigations or proceedings to inspect the property or facilities of a person or entity, as specified. The bill would authorize the board, if consent is denied for an inspection, to obtain an inspection warrant, as specified, or in the event of an emergency affecting public health and safety, to conduct an inspection without consent or a warrant.
<u>AB 541</u>	<u>Wood D</u>	California Safe Drinking Water Act: wildfire aftermath: benzene testing.	6/8/2023-Read second time and amended. Re-referred to Com. on APPR.	Would direct the State Water Resources Control Board to require a public water system that has experienced a wildfire event meeting specified criteria to perform sample collection and analysis of its source waters, treatment facilities, conveyance facilities, distribution systems, or a combination thereof, for the presence of benzene as soon as it is safe to do so.
<u>AB 557</u>	<u>Hart D</u>	Open meetings: local agencies: teleconferences.	6/19/2023-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.	The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees,

				or (2) has previously made that determination.
<u>AB 779</u>	<u>Wilson D</u>	Groundwater: adjudication.	6/19/2023-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.	Current law establishes various methods and procedures for a comprehensive adjudication of groundwater rights in civil court. This bill would require the court to appoint one party to forward all case management orders, judgments, and interlocutory orders to the Department of Water Resources within 10 business days of issuance. The bill would require the department to post the documents on its internet website in the interest of transparency and accessibility within 20 business days of receipt from a party, as specified. The bill would encourage the court to invite a representative from the department or the State Water Resources Control Board to a hearing where they may provide technical assistance or expert testimony on equitable and sustainable pumping allocations for the basin, sustainable groundwater management best practices and recommendations, and the water use of small farmers and disadvantaged communities and potential impacts on their needs. The bill would require the court to consider the water use of small farmers and disadvantaged communities, as those terms are defined, before entering a judgment. The bill would apply these provisions only to basins in which a comprehensive adjudication has not been commenced by January 1, 2024.
<u>AB 805</u>	<u>Arambula D</u>	Drinking water consolidation: sewer service.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	Would authorize the State Water Resources Control Board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.
<u>AB 817</u>	<u>Pacheco D</u>	Open meetings: teleconferencing: subsidiary body.	5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023)(May be acted upon Jan 2024)	Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a subsidiary body, as defined, to

				use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.
<u>AB 828</u>	<u>Connolly D</u>	Sustainable groundwater management: managed wetlands.	4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/2/2023)(May be acted upon Jan 2024)	The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the term “managed wetland.”
<u>AB 830</u>	<u>Soria D</u>	Lake and streambed alteration agreements: exemptions.	6/14/2023-Referred to Com. on N.R. & W.	Current law prohibits a person, a state or local governmental agency, or a public utility from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless prescribed requirements are met, including written notification to the Department of Fish and Wildlife regarding the activity. Current law requires the department to determine whether the activity may substantially adversely affect an existing fish and wildlife resource and, if so, to provide a draft lake or streambed alteration agreement to the person, agency, or utility. Current law prescribes various requirements for lake and streambed alteration agreements. Current law also establishes various exemptions from these provisions, including exemptions for specified emergency work. This bill would additionally exempt from these provisions the temporary operation of existing infrastructure or temporary pumps being

				used to divert flood stage and monitor stage flows, as identified by the California Nevada River Forecast Center or the State Water Resources Control Board, to beneficial groundwater recharge as long as certain conditions are met.
<u>AB 838</u>	<u>Connolly D</u>	California Water Affordability and Infrastructure Transparency Act of 2023.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The act prohibits a person from operating a public water system unless the person first submits an application to the state board and receives a permit to operate the system, as specified. The act requires a public water system to submit a technical report to the state board as a part of the permit application or when otherwise required by the state board, as specified, and to submit the report in the form and format and at intervals specified by the state board. This bill would require, beginning January 1, 2025, and thereafter at intervals determined by the state board, public water systems to provide specified information and data related to customer water bills and efforts to replace aging infrastructure to the state board.
<u>AB 896</u>	<u>Aguiar-Curry D</u>	Flood control: City of Woodland: Lower Cache Creek.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	Current law authorizes a plan of improvement for flood control and water conservation on Cache Creek, including Clear Lake, in the Counties of Yolo and Lake. This bill would specifically adopt and approve the Lower Cache Creek Flood Risk Management Project, as provided. The bill would also authorize the state to provide funds, up to 99% of the costs, as specified, for the project for flood control on the Lower Cache Creek in the County of Yolo, and would authorize the City of Woodland to receive funds for these purposes under specified conditions. The bill would also authorize the state to authorize funding, upon appropriation by the Legislature, to be used for planning, engineering, designing, mitigation, and constructing the project if the Director of Water Resources makes specified findings.
<u>AB 900</u>	<u>Bennett D</u>	Aquifer recharge.	5/19/2023-Failed Deadline pursuant to	Current law requires the Natural Resources Agency to update every 3 years the state's climate adaptation strategy, known as the Safeguarding

			Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	California Plan, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Current law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives, including promoting the use of the plan to inform planning decisions and ensure that state investments consider climate change impacts, as well as promote the use of natural systems and natural infrastructure, when developing physical infrastructure to address adaptation. This bill would add aquifers as part of the meaning of natural infrastructure.
<u>AB 1024</u>	<u>Aguiar-Curry D</u>	Water rights: small irrigation use: lake or streambed alteration agreements.	6/7/2023-Referred to Com. on N.R. & W.	The Water Rights Permitting Reform Act of 1988 authorizes a person to obtain a right to appropriate water for a small domestic use, small irrigation use, or livestock stockpond use upon first registering the use, as those uses are defined by the act, with the State Water Resources Control Board and thereafter applying the water to reasonable and beneficial use with due diligence. The act requires the registration of water use to be made upon a form prescribed by the board that requires, among other things, a certification that the registrant has contacted a representative of the Department of Fish and Wildlife and has agreed to comply with conditions set forth by the department. The act requires the board to establish reasonable general conditions to which all appropriations made pursuant to the act are required to be subject, including, among other things, that all conditions lawfully required by the department are conditions upon the appropriations. The act provides that the board is not required to adopt general conditions for small irrigation use until the board determines that funds are available for that purpose, and that a registration for small irrigation use pursuant to the act is not authorized until the board establishes general conditions for small irrigation use to protect instream beneficial uses, as specified. This bill would require the board to give priority to adopting, on or before June 30, 2027, except as provided, general conditions that permit specified registrants to store water for small irrigation use during times of high streamflow in exchange for those registrants reducing diversions during periods of low streamflow, as specified.

<u>AB 1196</u>	<u>Villapudua D</u>	Water Quality, Supply, and Infrastructure Improvement Act of 2014.	5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/16/2023)(May be acted upon Jan 2024)	The Water Quality, Supply, and Infrastructure Improvement Act of 2014, a bond act approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds to finance a water quality, supply, and infrastructure improvement program, as specified. Under the bond act, \$520,000,000 is available, upon appropriation by the Legislature, for expenditures, grants, and loans for projects that improve water quality or help provide clean, safe, and reliable drinking water to all Californians. Current law requires projects eligible for this funding to help improve water quality for a beneficial use. This bill would make a nonsubstantive change to the latter provision.
<u>AB 1205</u>	<u>Bauer-Kahan D</u>	Water rights: sale, transfer, or lease: agricultural lands.	5/31/2023-Referred to Com. on N.R. & W.	Would find and declare that speculation or profiteering by an investment fund in the sale, transfer, or lease of an interest in any surface water right or groundwater water right previously put to beneficial use on agricultural lands within the state is a waste or an unreasonable use of water.
<u>AB 1272</u>	<u>Wood D</u>	State Water Resources Control Board: drought planning.	6/13/2023-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.	Would require the State Water Resources Control Board, in consultation with the Department of Fish and Wildlife, to adopt principles and guidelines for diversion and use of water in coastal watersheds, as specified, during times of water shortage for drought preparedness and climate resiliency. The bill would require that the principles and guidelines allow for the development of locally generated watershed-level plans to support public trust uses, public health and safety, and the human right to water in times of water shortage, among other things. The bill also would require the state board, prior to adopting those principles and guidelines, to allow for public comment and hearing, as provided. The bill would make the implementation of these provisions contingent upon an appropriation of funds by the Legislature for this purpose.
<u>AB 1337</u>	<u>Wicks D</u>	State Water Resources Control Board: water diversion curtailment.	6/7/2023-Referred to Com. on N.R. & W.	Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would expand the instances when the diversion or use of water is considered a trespass. This bill contains other related provisions and other existing laws.

<u>AB 1348</u>	<u>Grayson D</u>	State government: Controller: claims audits.	6/14/2023-Referred to Com. on G.O.	Existing law, the Government Claims Act, generally requires the presentation of all claims for money or damages against local public entities and the state. Existing law provides for the presentation of a claim for which appropriations have been made, or for which state funds are available, under that act to the Controller, in the form and manner prescribed by the general rules and regulations adopted by the Department of General Services. Existing law, with specified exceptions, prohibits the Controller from drawing a warrant for any claim until it has been audited in conformity with law and the general rules and regulations adopted by the Department of General Services governing the presentation and audit of claims. This bill would authorize the Controller to conduct, unless prohibited by the provisions of a state ballot proposition passed by the electorate, financial and compliance audits as the Controller's office deems as necessary for purposes of ensuring that any expenditures, regardless of the source or fund from which the warrants for claims are drawn, are expended in a manner consistent with the law and the voters' intent. The bill would also authorize the Controller to conduct any audits necessary to carry out their constitutional and statutory duties and responsibilities under the law. The bill would require, if an audit is conducted as specified, the Controller to provide a report with specified information from these audits to the Legislature by June 30 following the completion of the audit and would require the Controller to allow all auditees in the report a reasonable period of time to review and comment on the section of the report relating to the auditee, as described. The bill would make related legislative findings and declarations.
<u>AB 1364</u>	<u>Carrillo, Juan D</u>	Fish and wildlife protection and conservation: lake or streambed alterations.	5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)	Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing or disposing of certain material where it may pass into any river, stream, or lake, without first notifying the Department of Fish and Wildlife of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources, except as specified. This bill would make nonsubstantive changes to these provisions.

<u>AB 1488</u>	<u>Wallis R</u>	California Environmental Quality Act: environmental leadership development projects: water storage, water conveyance, and groundwater recharge projects: streamlined review.	4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)	The Jobs and Economic Improvement Through Environmental Leadership Act of 2021 authorizes the Governor, until January 1, 2024, to certify environmental leadership development projects that meet specified requirements for certain streamlining benefits related to CEQA. The act, among other things, requires a lead agency to prepare the record of proceedings for an environmental leadership development project, as provided, and to include a specified notice in the draft EIR and final EIR. The act is repealed by its own term on January 1, 2026. This bill would extend the application of the act to water storage projects, water conveyance projects, and groundwater recharge projects that provide public benefits and drought preparedness. The bill would authorize the Governor, until January 1, 2025, to certify water storage projects, water conveyance projects, and groundwater recharge projects as environmental leadership development projects. The bill would make other conforming changes. Because a lead agency would be required to prepare the record of proceedings for water storage projects, water conveyance projects, and groundwater recharge projects pursuant to the act, this bill would impose a state-mandated local program.
<u>AB 1563</u>	<u>Bennett D</u>	Groundwater sustainability agency: groundwater extraction permit: verification.	6/7/2023-Referred to Coms. on N.R. & W. and GOV. & F.	Existing law authorizes a groundwater sustainability agency to request of the county, and requires a county to consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the agency before permit approval. This bill would instead require a county to forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval. This bill contains other related provisions and other existing laws.
<u>AB 1567</u>	<u>Garcia D</u>	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection,	6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.	Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought

		Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.		preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.
<u>AB 1572</u>	<u>Friedman D</u>	Potable water: nonfunctional turf.	6/19/2023-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.	Would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water.
<u>AB 1573</u>	<u>Friedman D</u>	Water conservation: landscape design: model ordinance.	6/19/2023-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.	The Water Conservation in Landscaping Act provides for a model water efficient landscape ordinance that is adopted and updated at least every 3 years by the Department of Water Resources, unless the department makes a specified finding. Current law requires a local agency to adopt the model ordinance or to adopt a water efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance, except as specified. Current law specifies the provisions of the updated model ordinance, as provided. Current law includes a related statement of legislative findings and declarations. This bill would require the updated model ordinance to include provisions that require that plants included in a landscape design plan be selected based on their adaptability to climatic, geological, and topographical conditions of the project site, as specified. The bill would also exempt landscaping that is part of ecological restoration projects that do not require a permanent irrigation system, mined-land reclamation projects that do not require a permanent irrigation system, and existing plant collections, as part of botanical gardens and arboretums open to the public, from the model ordinance. The bill would require the updated model ordinance to include provisions

				that require that all new or renovated nonresidential areas install plants that meet specified criteria, and that prohibit the inclusion of nonfunctional turf in nonresidential landscape projects after January 1, 2026.
<u>AB 1631</u>	<u>Schiavo D</u>	Water resources: permit to appropriate: application procedure: mining use.	6/7/2023-Referred to Com. on N.R. & W.	Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law requires an application for a permit to appropriate water to include, among other things, sufficient information to demonstrate a reasonable likelihood that unappropriated water is available for the proposed appropriation. Existing law requires the board to issue and deliver a notice of an application as soon as practicable after the receipt of an application for a permit to appropriate water that conforms to the law. Existing law allows interested persons to file a written protest with regard to an application to appropriate water and requires the protestant to set forth the objections to the application. Existing law declares that no hearing is necessary to issue a permit in connection with an unprotested application, or if the undisputed facts support the issuance of the permit and there is no disputed issue of material fact, unless the board elects to hold a hearing. This bill, if the board has not rendered a final determination on an application for a permit to appropriate water for a beneficial use or uses that include mining use within 30 years from the date the application was filed, would require the board to issue a new notice and provide an opportunity for protests before rendering a final determination, with specified exceptions.
<u>AB 1684</u>	<u>Maienschein D</u>	Local ordinances: fines and penalties: cannabis.	6/15/2023-Read second time and amended. Re-referred to Com. on JUD.	Current law authorizes the legislative body of a local agency, as defined, to make, by ordinance, any violation of an ordinance subject to an administrative fine or penalty, as specified. Current law requires the ordinance adopted by the local agency to provide for a reasonable period of time, as specified in the ordinance, for a person responsible for a continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, when the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues that do not create an immediate danger to health or safety. Current law authorizes the ordinance to provide for the immediate

				imposition of administrative fines or penalties for the violation of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis, except as specified. This bill would expand the authorization for an ordinance providing for the immediate imposition of administrative fines or penalties to include all unlicensed commercial cannabis activity, including cultivation, manufacturing, processing, distribution, or retail sale and would authorize the ordinance to declare unlicensed commercial cannabis activity a public nuisance. The bill would prohibit the ordinance from imposing an administrative fine or penalty exceeding \$1,000 per violation or \$10,000 per day.
<u>ACA 2</u>	<u>Alanis R</u>	Public resources: Water and Wildfire Resiliency Act of 2023.	4/20/2023-Referred to Coms. on W., P., & W. and NAT. RES.	Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified.
<u>SB 3</u>	<u>Dodd D</u>	Discontinuation of residential water service: public water system.	6/15/2023-Referred to Com. on E.S. & T.M. From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.S. & T.M.	Current law authorizes the State Water Resources Control Board to provide for the deposit into the Safe and Affordable Drinking Water Fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would require the board to, upon appropriation by the Legislature, expend moneys to provide training statewide to community water systems with between 15 and 200 service connections to meet compliance with the Water Shutoff Protection Act.
<u>SB 23</u>	<u>Caballero D</u>	Water supply and flood risk reduction projects: expedited permitting.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE	Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, except

			on 5/15/2023)(May be acted upon Jan 2024)	under specified conditions, including requiring the entity to send written notification to the Department of Fish and Wildlife regarding the activity in the manner prescribed by the department. This bill would require a project proponent, if already required to submit a notification to the department, to submit to the department the certified or adopted environmental review document, as applicable, for the activity in the notification. The bill would require the department, under prescribed circumstances, to take certain actions within specified timelines, or within a mutually agreed-to extension of time.
<u>SB 315</u>	<u>Hurtado D</u>	Groundwater: groundwater sustainability agencies: probationary basins.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)	The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board to designate specified basins as probationary basins if certain conditions are met, including, but not limited to, that the Department of Water Resources, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability program is not being implemented in a manner that will likely achieve the sustainability goal. Current law requires the board, if it designates a basin as a probationary basin pursuant to specified conditions, to identify the specific deficiencies and potential remedies. Current law authorizes the board to request the department, within 90 days of the designation, to provide technical recommendations to local agencies to remedy the deficiencies and to develop an interim plan for the probationary basin one year after the designation, as specified. This bill would require any groundwater sustainability agency that hires a third-party consulting firm to ensure that the integrity of the science being used to develop a groundwater sustainability plan is protected and the data is not sold. The bill would delete the authorizations for the board to request technical recommendations from the department. The bill would additionally place various requirements on the board in working with a groundwater sustainability agency, including, among other things, requiring the board to provide clear benchmarks and guidance for groundwater sustainability agencies to improve their groundwater management plans.

<u>SB 361</u>	<u>Dodd D</u>	Water resources: stream gages.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/17/2023)(May be acted upon Jan 2024)	Current law requires the Department of Water Resources and the State Water Resources Control Board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species. This bill would require the Department of Water Resources and the board, upon appropriation of funds by the Legislature, to reactivate, upgrade, and install new stream gages, as provided. The bill would require the department and board to use the recommendations and data provided in the California Stream Gaging Prioritization Plan 2022 to complete specified actions by 2030. The bill would require the department to report to the Legislature, on or before January 1, 2026, and every 2 years thereafter, on progress made in completing those specified actions. The bill would require the data from all stream gages operating with any public money to be published as provisional data within 10 days of collection and made publicly available on the state’s open water data platforms. The bill would require the department and board to develop and adopt a set of standards and processes for assessing, tracking, and reporting the accuracy of stream gages, evapotranspiration data, water meters, and other critical data inputs for water management, as provided. The bill would require the department and the board to consult with interested stakeholders to develop a plan to identify the gaps in the network of automated weather stations and eddy covariance towers to ensure accurate and comprehensive data collection.
<u>SB 366</u>	<u>Caballero D</u>	The California Water Plan: long-term supply targets.	6/8/2023-Referred to Com. on W., P., & W.	Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as “The California Water Plan.” Current law requires the department to include a discussion of various strategies in the plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative

				pricing policies that may be pursued in order to meet the future needs of the state. Current law requires the department to establish an advisory committee to assist the department in updating the plan. This bill would revise and recast certain provisions regarding The California Water Plan to, among other things, require the department to instead establish a stakeholder advisory committee and to expand the membership of the committee to include tribes, labor, and environmental justice interests. The bill would require the department, in coordination with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and the stakeholder advisory committee to develop a comprehensive plan for addressing the state's water needs and meeting specified long-term water supply targets established by the bill for purposes of "The California Water Plan."
<u>SB 389</u>	<u>Allen D</u>	State Water Resources Control Board: determination of water right.	6/15/2023-Referred to Com. on W., P., & W.	Would, upon specified findings, authorize the State Water Resources Control Board to investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right, as specified.
<u>SB 411</u>	<u>Portantino D</u>	Open meetings: teleconferences: neighborhood councils.	5/26/2023-Referred to Com. on L. GOV.	The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill, until January 1, 2028, would authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible

				legislative body votes to use the alternate teleconferencing provisions. The bill would define “eligible legislative body” for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act.
<u>SB 414</u>	<u>Allen D</u>	Climate change: applications using hydrogen: assessment.	6/19/2023-VOTE: Do pass and be re-referred to the Committee on [Appropriations] (PASS)	Would, on or before December 31, 2025, require the State Air Resources Board, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission) and the Public Utilities Commission (PUC), upon appropriation by the Legislature, to complete an assessment of the use of hydrogen in certain applications, as specified. The bill would require the assessment to incorporate the findings of, and not duplicate, the above-described evaluation. The bill would require the state board, the Energy Commission, and the PUC to consider the findings in the assessment in their plans, rulemakings, reports, or other process related to the planning, implementation, or regulation of hydrogen production, distribution, storage, or usage in the state.
<u>SB 649</u>	<u>Hurtado D</u>	California Endangered Species Act: incidental take permits.	4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was N.R. & W. on 3/1/2023)(May be acted upon Jan 2024)	The California Endangered Species Act requires the Department of Fish and Wildlife to adopt regulations for issuance of incidental take permits. Existing law prohibits the department from issuing an incidental take permit if issuance of the permit would jeopardize the continued existence of the species. Existing law requires the department to make this determination based on the best scientific and other information that is reasonably available, and to include consideration of the species’ capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. This bill would require the department to make that decision based on a real-time monitoring system, rather than a calendar-based schedule, and to additionally consider the proximity of the species relative to the operation of a facility subject to the permit conditions and the known location of the population relative to the facility subject to the permit.

<u>SB 659</u>	<u>Ashby D</u>	California Water Supply Solutions Act of 2023.	6/15/2023-Referred to Com. on W., P., & W.	Would establish the California Water Supply Solutions Act of 2023 to, among other things, require the Department of Water Resources to develop a groundwater recharge action plan by January 1, 2026, that provides actionable recommendations that result in the ability to create additional groundwater recharge capacity. The bill would require the department to consult with the State Water Resources Control Board, the 9 regional water quality control boards, and the advisory committee, which may be enlarged as provided, in carrying out these provisions. The bill would require the groundwater recharge action plan to identify and make recommendations on immediate opportunities and potential long-term solutions to increase the state's groundwater supply, as specified. The bill would require specified actions with regard to the groundwater recharge action plan, including, among other things, requiring the department to include it as part of the 2028 update to the California Water Plan and to update the groundwater recharge action plan at the same time that they prepare updates to the California Water Plan. The bill would require the department and the water boards, upon an appropriation or further action by the Legislature, to implement the recommendations identified in the groundwater recharge action plan that result in new infrastructure and institutional mechanisms in place that provide for the ability to create additional groundwater recharge capacity.
<u>SB 706</u>	<u>Caballero D</u>	Public contracts: progressive design-build: local agencies.	6/14/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on L. GOV.	Current law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services. Current law requires a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process. Current law requires the design-build entity and its general partners or joint venture members to

				verify specified information under penalty of perjury. This bill would authorize all cities, counties, city and counties, or special districts to use the progressive design-build process for other projects in addition to water-related projects, excluding projects on state-owned or -operated facilities. The bill would extend these provisions until January 1, 2030. The bill would change the required reporting date to no later than December 31, 2028.
<u>SB 737</u>	<u>Hurtado D</u>	Groundwater: recharge.	3/1/2023-Referred to Com. on RLS.	Would state the intent of the Legislature to enact subsequent legislation to capture floodwater to recharge groundwater basins and to require the Department of Water Resources and the State Water Resources Control Board to work together to expedite the regulatory steps necessary to store significant rainfall and excess water underground, while still ensuring protections for the environment and other water users as required by state law.
<u>SB 745</u>	<u>Cortese D</u>	The Drought-Resistant Buildings Act.	6/13/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.S. & T.M.	Would require the California Building Standards Commission to research, develop, and propose building standards to reduce potable water use in new residential and nonresidential buildings, as specified. The bill would require the commission to perform a review of water efficiency and water reuse standards in the California Buildings Standards Code every 3 years, commencing with the next triennial edition, and update as needed.
<u>SB 861</u>	<u>Dahle R</u>	California Environmental Quality Act: water conveyance or storage projects: judicial review.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)	The California Environmental Quality Act requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for specified water projects, as defined, or the granting of any project approvals, including any appeals to the court of appeal or the Supreme

				<p>Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency’s action related to those projects. The bill would require the lead agency to prepare the record of proceedings for a project, as provided, and to include a specified notice in the draft EIR and final EIR for the project.</p>
<p><u>SB 867</u></p>	<p><u>Allen D</u></p>	<p>Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.</p>	<p>6/15/2023-Referred to Coms. on W., P., & W. and NAT. RES.</p>	<p>Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.</p>
<p>Total Measures: 47</p> <p>Total Tracking Forms: 47</p>				

LEGISLATIVE ADVOCACY COMMITTEE

ITEM: DISCUSSION ITEM

4. UPDATE ON RECENT LEGISLATIVE AND REGULATORY ACTIVITIES

Meeting Date: June 28, 2023 **Budgeted:** N/A

From: David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A

Prepared By: David J. Stoldt **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: N/A

SUMMARY: Since the March 9, 2023 Legislative Committee meeting the District has undertaken several letters and meetings as shown in **Exhibit 4-A**.

EXHIBIT

4-A Recent Legislative or Regulatory Activities

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7/45/45

Urban Water Suppliers Assembly District 30



- Live Oak – City Department
- Opal Cliffs – Soquel Creek Water District
- Capitola – Soquel Creek Water District
- Soquel – Soquel Creek Water District
- Seacliff (Aptos) – Soquel Creek Water District
- Rio Del Mar – Soquel Creek Water District
- Seascape – Soquel Creek Water District
- La Selva Beach – Soquel Creek Water District
- Below Watsonville to Moss Landing – Pajaro Sunny Mesa CSD
- Las Lomas – California Water Service
- Marina & East Garrison – Marina Coast Water District
- Sand City – California American Water / MPWMD
- Seaside – California American Water / MPWMD / Marina Coast WD / City Department
- Del Rey Oaks – California American Water / MPWMD
- Monterey – California American Water / MPWMD
- Pacific Grove – California American Water / MPWMD
- Pebble Beach – California American Water / MPWMD
- Carmel-by-the-Sea – California American Water / MPWMD
- Carmel Valley – California American Water / MPWMD
- Paso Robles – City Department
- Templeton – Templeton Community Services District
- Atascadero – Atascadero Mutual Water Company
- San Luis Obispo – City Department
- San Simeon – San Simeon Community Services District
- Cambria – Cambria Community Services District
- Avila Beach – Avila Beach Community Services District
- Pismo Beach & Shell Beach – City Department
- Morro Bay – City Department
- Arroyo Grande – City Department
- Others to know: Monterey County Water Resources Agency (Nacimiento Dam & San Antonio Dam); Pajaro Valley Water Management Agency

Key Water Supply Issues Assembly District 30

- Pure Water Soquel Project
- North of Moss Landing Well Contamination
- Monterey Peninsula – Pure Water Monterey Expansion versus. Desalination
- Carmel River FREE Project
- Paso Robles Recycled Water Distribution System Project
- SLO Water Resources Recovery Facility (WRRF) Upgrades
- Groundwater Sustainability Plans – Everywhere





VIA EMAIL

May 18, 2023

Assemblymember Dawn Addis
1021 O Street, Room 5350
Sacramento, CA 95814

RE: AB 1337 (Wicks) – State Water Resources Control Board: Water Diversion Curtailment and
AB 460 (Bauer-Kahan) State Water Resources Control Board: Water Rights and Usage
Position: OPPOSE

Dear Assemblymember Addis:

I am writing to respectfully express the Monterey Peninsula Water Management District's opposition to AB 1337, which, as amended on April 20, 2023, would provide unprecedented statutory authority for the State Water Resources Control Board (State Water Board) to curtail the diversion or use of water under any claim of right during any water year. AB 1337 would overhaul how California has managed and delivered water for more than a century. Reliability in water rights would be severely diminished, and many water agencies would struggle to meet the needs of homes and businesses throughout the state. Accordingly, curtailment authority should remain reserved for emergency drought conditions in order to ensure that this tool is used judiciously and effectively. By limiting curtailment to the most severe and urgent water shortages, the State Water Board can ensure that this tool is used only when necessary and that its impacts are carefully managed.

Our District also opposes AB 460, which would provide expansive new authority for the State Water Board to issue "interim relief orders," on its own motion or upon petition of an interested party, to apply or enforce such things as the Reasonable Use and Public Trust Doctrine. The bill would also eliminate and weaken constitutionally protected rights to judicial review of State Water Board actions. While the District believes that illegal diversions are serious and should not be sanctioned, AB 460 goes far beyond what is needed for the State Water Board to enforce and discourage illegal water diversions. AB 460 is not only contrary to both the State and Federal constitutions, and in conflict with California's Administrative Procedures Act, but it may result in uninformed water management actions that could result in worse outcomes for the fish and wildlife resources that the bill purports to protect.

For these reasons, we respectfully request a "NO" vote when AB 1337 or AB 460 are brought to the floor of the Assembly. For questions about the District's position or comments, please contact me at 831-658-5651 or dstoldt@mpwmd.net.

Sincerely,

A handwritten signature in blue ink that reads "David J. Stoldt". The signature is written in a cursive, flowing style.

David J. Stoldt
General Manager
Monterey Peninsula Water Management District



Summary of Water-Related Bills Impacts on Central Coast Communities or MPWMD

AB 305 (Villapudua) – As Amended April 17, 2023:

California Flood Protection Bond Act of 2024 (a \$4.5 billion flood protection and dam safety improvement bond)

It mostly helps the Central Valley. Only Item 5, \$1 billion for dam safety might be useful here, and on a big stretch Item 7, \$500 million for levees might be available to the County to fix the flood risk up the Carmel River near the Paso Hondo neighborhood. However, and unlikely – as I said, BIG STRETCH – and not the District’s concern.

AB 345 (Wilson) – As Amended March 20, 2023:

Habitat restoration: flood control: advance payments

This one is tough to figure out. With CVFPB’s involvement, it looks like a Central Valley bill. Will investigate further.

AB 1567(Garcia) – As Amended April 7, 2023:

Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024 (a \$15.105 billion climate resilience bond)

It has a lot to offer, but not enough for the District. Nevertheless, we will follow ACWA in their support. Generally, here are the issues:

Sec. 4) \$2.18 billion for wildfires (mostly) doesn’t really help.

Sec. 5) \$1.925 billion for coastal communities looks good, but is already directed at others not Monterey.

Sec. 6) \$5.015 billion for safe drinking water. This is best for us on the Central Coast, but only puts \$200 million in IRWM that we might tap and \$600 million to the SWRCB, which might get to grants that could help us. The rest of this big number doesn’t really help us.

Sec. 7) \$1.625 billion for fish looks good on the surface, but only \$185 million is undefined and only \$50 million goes to the DFW, which means most will pass over the Central Coast.

Sec. 8) \$820 million is all for agriculture, so no aid to us.

Sec. 9) \$1.74 billion is mostly fully spoken for and not helpful to the Central Coast.

Sec 10.) \$1.8 billion is also mostly fully spoken for and not helpful to the Central Coast.

The Act also allocates 5% to admin, 35% to DACs, and 10% to SDACs so the Monterey Peninsula will not see much out of this.

AB 1572 (Friedman) – As Amended April 11, 2023:

Potable water: nonfunctional turf

We will go with ACWA's position. I assume their position is oppose unless amended.

SB 366 (Caballero) – As Amended:

The California Water Plan: long-term supply targets

It seems very well intentioned. We will follow ACWA's position.

SB 867 (Allen):

Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023

Our District has already joined in the ACWA coalition in support of this bill.

Sen. Laird Meeting
5-23-23



Summary of Water-Related Bills Impacts on Central Coast Communities or MPWMD

AB 305 (Villapudua) – As Amended April 17, 2023:

California Flood Protection Bond Act of 2024 (a \$4.5 billion flood protection and dam safety improvement bond)

It mostly helps the Central Valley. Only Item 5, \$1 billion for dam safety might be useful here, and on a big stretch Item 7, \$500 million for levees might be available to the County to fix the flood risk up the Carmel River near the Paso Hondo neighborhood. However, and unlikely – as I said, BIG STRETCH – and not the District’s concern.

AB 345 (Wilson) – As Amended March 20, 2023:

Habitat restoration: flood control: advance payments

This one is tough to figure out. With CVFPB’s involvement, it looks like a Central Valley bill. Will investigate further.

AB 1567(Garcia) – As Amended April 7, 2023:

Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024 (a \$15.105 billion climate resilience bond)

It has a lot to offer, but not enough for the District. Nevertheless, we will follow ACWA in their support. Generally, here are the issues:

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Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023

Our District has already joined in the ACWA coalition in support of this bill.



VIA EMAIL

May 18, 2023

Assemblymember Dawn Addis
1021 O Street, Room 5350
Sacramento, CA 95814

RE: AB 1337 (Wicks) – State Water Resources Control Board: Water Diversion Curtailment and
AB 460 (Bauer-Kahan) State Water Resources Control Board: Water Rights and Usage
Position: OPPOSE

Dear Assemblymember Addis:

I am writing to respectfully express the Monterey Peninsula Water Management District's opposition to AB 1337, which, as amended on April 20, 2023, would provide unprecedented statutory authority for the State Water Resources Control Board (State Water Board) to curtail the diversion or use of water under any claim of right during any water year. AB 1337 would overhaul how California has managed and delivered water for more than a century. Reliability in water rights would be severely diminished, and many water agencies would struggle to meet the needs of homes and businesses throughout the state. Accordingly, curtailment authority should remain reserved for emergency drought conditions in order to ensure that this tool is used judiciously and effectively. By limiting curtailment to the most severe and urgent water shortages, the State Water Board can ensure that this tool is used only when necessary and that its impacts are carefully managed.

Our District also opposes AB 460, which would provide expansive new authority for the State Water Board to issue "interim relief orders," on its own motion or upon petition of an interested party, to apply or enforce such things as the Reasonable Use and Public Trust Doctrine. The bill would also eliminate and weaken constitutionally protected rights to judicial review of State Water Board actions. While the District believes that illegal diversions are serious and should not be sanctioned, AB 460 goes far beyond what is needed for the State Water Board to enforce and discourage illegal water diversions. AB 460 is not only contrary to both the State and Federal constitutions, and in conflict with California's Administrative Procedures Act, but it may result in uninformed water management actions that could result in worse outcomes for the fish and wildlife resources that the bill purports to protect.

For these reasons, we respectfully request a "NO" vote when AB 1337 or AB 460 are brought to the floor of the Assembly. For questions about the District's position or comments, please contact me at 831-658-5651 or dstoldt@mpwmd.net.

Sincerely,

A handwritten signature in blue ink that reads "David J. Stoldt".

David J. Stoldt
General Manager
Monterey Peninsula Water Management District

Proposal for 2023 Legislation

on behalf of

Monterey Peninsula Water Management District

Proposed Legislation

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares that a general statute applicable within the meaning of Section 16 of Article IV of the California Constitution shall be made to promote the use of alternative water supplies for housing projects where needed.

SECTION 2. In the event the State Water Resources Control Board has issued a cease and desist order pursuant to Water Code section 1831 to a diverter of the surface waters of the State of California that it has determined was in violation of Water Code section 1052 prohibiting the unauthorized diversion or use of water, but a local Urban Water Supplier (as defined by Water Code section 10617) has determined that (a) the ongoing diversion is no longer a violation of Water Code Section 1052, (b) there exists alternate sources of supply to provide water for housing that will not result in a violation of Water Code Section 1052, and (c) the provision of the alternate source of water supply for housing satisfies a statewide health and safety concern, then provision of such water supply for housing purposes will not be considered a violation of the cease and desist order. If the previous conditions are satisfied and certified by a local Urban Water Supplier, then provision of new service connections for housing purposes will not be considered a violation of any State order or decision that might otherwise have limited such connections.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT Cal-Am shall cease and desist from the unauthorized diversion of water from the Carmel River in accordance with the following schedule and conditions.⁴⁶

1. Cal-Am shall diligently implement actions to terminate its unlawful diversions from the Carmel River and shall terminate all unlawful diversions from the river no later than December 31, 2016.
2. Cal-Am shall not divert water from the Carmel River for new service connections or for any increased use of water at existing service addresses resulting from a change in zoning or use. Cal-Am may supply water from the river for new service connections or for any increased use at existing service addresses resulting from a change in zoning or use after October 20, 2009, provided that any such service had obtained all necessary written approvals required for project construction and connection to Cal-Am's water system prior to that date.⁴⁷

⁴⁶ Attachment 1 to this order, "Table 1, Projected Reductions in Illegal Diversions from the Carmel River," shows the reductions in illegal diversions from the Carmel River that should result from conditions 1, 2 and 3 of this order.

⁴⁷ Multiunit residential, commercial or industrial sites may currently be served by a single water meter. The installation of additional meters at an existing service will not be viewed as a new service connection provided that the additional metering does not result in an increase in water use. Metering each unit of a multiunit building tends to increase accountability in the use of water and the effectiveness of water conservation requirements.

Lifting the Monterey Peninsula Water Cease and Desist Order (CDO) and Moratorium on Setting of New Meters

This memorandum covers the mechanics for lifting the CDO, as well as the process for cancelling the moratorium on new service connections.

Lifting the CDO: The CDO is issued by the State Water Resources Control Board (SWRCB) and is directed to California American Water Company (Cal-Am). Ordering paragraph 15 (p.27) states:

“15. The conditions of this Order, WR 2009-0060 and State Water Board Order 95-10 shall remain in effect until (a) Cal-Am certifies, with supporting documentation, that it has obtained a permanent supply of water that has been substituted for the water illegally diverted from the Carmel River and (b) the Deputy Director for Water Rights concurs, in writing, with the certification.”

Thus, the process of lifting the CDO starts with a discretionary action of Cal-Am and requires a response from the SWRCB. Cal-Am could provide certification before start-up of a new water supply. The SWRCB response could take several months. The worst case would be if the SWRCB desires to see performance of the new water supply over time. One would expect that expansion of existing Pure Water Monterey would not require additional demonstration time. The District will apply for the relief pursuant to Water Code section 1832 if Cal-Am fails to act.

How does the moratorium on the setting of new meters get cancelled? The moratorium was established by the California Public Utilities Commission (CPUC) in Decision 11-03-048 in March 2011. Ordering paragraph 5 of the Decision states:

“5. Upon the receipt by California-American Water Company of the written concurrence of the Deputy Director of Water Rights of the State Water Resources Control Board with California-American Water Company’s finding that a permanent supply of water is ready to serve as a replacement for the unlawful diversions of Carmel River water, California-American Water Company shall file a Tier 1 advice letter transmitting the written concurrence and removing from its tariffs the special condition contained in Ordering Paragraph 1 of this decision.”

Ordering paragraph 1 is the moratorium. The time for review of a Tier 1 advice letter by CPUC Division of Water and Audits staff is 30 days from the service date, hence if Cal-Am was ready in advance they could file the Tier 1 advice letter shortly after receipt of the SWRCB letter and the moratorium would be lifted 30 days later, if the advice letter is not challenged.

Adequacy of Pure Water Monterey (PWM) Expansion to lift the CDO and moratorium: The District projects that there may be a difference of opinion between Cal-Am and the District over the adequacy of PWM Expansion to lift the CDO and meter moratorium. The District’s position will be that the 2,250 AF added to the Peninsula water supply will ensure adequate supply for 25-30 years and therefore the CDO and meter moratorium should be lifted. Cal-Am may continue to question the drought resiliency of the Aquifer Storage and Recovery program and PWM, or source water availability for PWM Expansion, in order to assert a need for the CDO and moratorium to remain in place until a desalination plant can be built. Or Cal-Am may choose to join with the District to lift the CDO upon completion of PWM Expansion.

Other

SB 23 (Caballero): Water Supply and Flood Risk Reduction Projects: Expedited Permitting SUPPORT



March 30, 2023

The Honorable Dave Min
Senate Natural Resources and Water Committee
1021 O Street, Room 3220
Sacramento, CA 95814

RE: SB 23 (Caballero): Water Supply and Flood Risk Reduction Projects: Expedited Permitting
Position: SUPPORT

Dear Senator Min:

On behalf of the Association of California Water Agencies (ACWA) and the undersigned organizations, we write to express our support for SB 23 (Caballero), which would streamline the permitting process of water supply and flood risk reduction projects while preserving established environmental protections. We believe this legislation is critical to ensuring that California's water infrastructure is modernized and made more resilient to the impacts of climate change.

California faces a range of water management challenges, including droughts, floods, and other natural disasters. While our weather patterns have always been variable, climate change has, and will continue to exacerbate the weather whiplash that is intensifying drought and precipitation events. Addressing these challenges requires a coordinated effort between state and local agencies to construct and maintain water infrastructure projects needed in a 21st century climate. Unfortunately, the current permitting process for water infrastructure projects in California is complex and lengthy, and can be a significant barrier to progress in expanding and improving our water supply and flood risk reduction systems. This can result in delays, higher project costs, and uncertainty for communities, agricultural interests, and businesses that rely on a reliable and sustainable water supply. In addition, this can result in worse environmental outcomes, delaying projects that provide important benefits to aquatic and natural resources.

SB 23 would help address these issues by identifying opportunities to improve and streamline the regulatory permitting process, without shortcutting environmental reviews, so these critical infrastructure projects are built at the pace and scale needed to prepare for climate change. SB 23 would address inefficiencies in the application review process and ensure project proponents and state agencies are meeting reasonable deadlines and moving applications forward in an expeditious manner. The bill would utilize permit streamlining tools already available in existing law that are proven to reduce duplicative planning efforts while still meeting rigorous environmental standards. Finally, the bill would help address state agency resource and staffing issues by allowing project applicants to cover the costs of expediting the environmental review process.

SB 23 builds on recommendations in the Newsom Administration's "*California's Water Supply Strategy, Adapting to a Hotter, Drier Future*," released in August 2022. The Water Supply Strategy highlights that hotter and drier conditions caused by climate change could reduce California's water supplies in the coming decades. To continue to grow and thrive as a state, California will need to make up for a loss of supply by pursuing a wide range of infrastructure projects. An essential part of seeing these projects become reality, according to the Newsom Administration, is modernizing and

accelerating regulatory structures. SB 23 answers this call to action by providing a comprehensive set of ideas that address known sources of project delays. These solutions would advance projects that store more water above and below ground, capture water during high-flow events, improve conveyance, create access to drought-proof water supplies, and improve flood management—all of which are necessary to adapting to changing conditions.

From 2020 to 2022, California experienced the driest three-year period on record. In 2023, this prolonged drought was met with a series of atmospheric rivers and a bomb cyclone that brought significant amounts of rain and snow, leading to widespread flooding, property damage, and evacuation orders for tens of thousands of residents. The need for a generational investment in California’s water systems is evident, and over the last three years, state leaders have earmarked more than \$8 billion to modernize water infrastructure and management. Now action is needed to ensure these investments result in the timely delivery of critical projects. SB 23 is a critical step to providing California with modern, resilient, and sustainable water systems that will meet the needs of generations to come.

For these reasons, we are pleased to support SB 23 and respectfully request your “AYE” vote when the bill is heard in the Senate Natural Resources and Water Committee on April 11.

Sincerely,

Kristopher Anderson, Esq.
Legislative Advocate
Association of California Water Agencies

John Friedenbach
General Manager
Humboldt Bay Municipal Water District

Cathy Lee
General Manager
Carmichael Water District

David Merritt
General Manager
Kings River Conservation District

J.M. Barrett
General Manager
Coachella Valley Water District

Anthony Williams, P.E., QSD
General Manager
North Marin Water District

John Bosler
General Manager/CEO
Cucamonga Valley Water District

Cathy Green
Board President
Orange County Water District

Greg Thomas
General Manager
Elsinore Valley Municipal Water District

Edward A. Castaneda
General Manager
Orchard Dale Water District

Nina Jazmadarian
General Manager
Foothill Municipal Water District

Kyle Swanson
General Manager/CEO
Padre Dam Municipal Water District

Robert S. Grantham
General Manager
Rancho California Water District

Paul Helliker
General Manager
San Juan Water District

Craig Miller
General Manager
Western Municipal Water district

Sean Barclay
General Manager
Tahoe City Public Utility District

Matthew Litchfield
General Manager
Three Valleys Municipal Water District

Don Perkins
General Manager
Tuolumne Utilities District

Gary Arant
General Manager
Valley Center Municipal Water District

Brett Hodgkiss
General Manager
Vista Irrigation District

Erik Hitchman
General Manager
Walnut Valley Water District

Gail Delihant
Senior Director, CA Government Affairs
Western Growers Association

Anthony Goff
General Manager
Calleguas Municipal Water District

Brian Lockwood, PG, CHg
General Manager
Pajaro Valley Water Management Agency

Sandy Kerl
General Manager
San Diego County Water Authority

James Peifer
Executive Director
Regional Water Authority

Tom Coleman
General Manager
Rowland Water District

Kimberly Thorner
General Manager
Olivenhain Municipal Water District

Richard Atkins
Board President
Stockton East Water District

Larry B. McKenney
General Manager
Amador Water Agency

Patrick Kaspari, P.E.
General Manager
McKinleyville Community Services District

Joe Mouawad, P.E.
General Manager
Eastern Municipal Water District

Mary Rogren
General Manager
Coastside County Water District

Jennifer Galenti
Director of Operations
California Alliance for Jobs

Michelle Reimers
General Manager
Turlock Irrigation District

Brenda Bass
Policy Advocate
California Chamber of Commerce

Paul A. Cook
General Manager
Irvine Ranch Water District

Donald M. Zdeba
General Manager
Indian Wells Valley Water District

J. Scott Petersen, P.E.
Water Policy Director
San Luis & Delta-Mendota Water Authority

Anthony Firenzi
Director of Strategic Affairs
Placer County Water Agency

Natalie Rogers
Mayor
City of Santa Rosa

David Coxey
General Manager
Bella Vista Water District

Danielle Blacet-Hyden
Deputy Executive Director
California Municipal Utilities Association

Paul E. Shoenberger, P.E.
General Manager
Mesa Water District

Peter Sanchez
General Manager
Fresno Metropolitan Flood Control District

Chris Reardon
Director, Government Affairs
California Farm Bureau

Heidi Hannaman
Legislative Representative
California Special Districts Association

Hilary Straus
General Manager
Citrus Heights Water District

Mark Krause
General Manager and Chief Engineer
Desert Water Agency

Jim Abercrombie
General Manager
El Dorado Irrigation District

Chris Lee
Interim General Manager
Solano County Water Agency

P. Anthony Thomas
Senior Vice President of Legislative Affairs
California Building Industry Association

Ian LeMay
President
California Fresh Fruit Association

Rick Tomlinson
President
California Strawberry Commission

Renee Pinel
President/CEO
Western Plant Health Association

Kristy Kneiding
Manager
California Date Commission

Richard Matoian
President
American Pistachio Growers

Manuel Cunha, Jr.
President
Nisei Farmers League

Casey Creamer
President
California Citrus Mutual

Albert Lau, P.E.
General Manager
Santa Fe Irrigation District

Glenn Farrel
Executive Director
CalDesal

Joel Metzger
General Manager
Utica Water and Power Authority

Bruce Kamilos, P.E.
General Manager
Florin Resource Conservation District/Elk
Grove Water District

Hannah Davidson
Water Resources Specialist I
Hidden Valley Lake Community Services
District

Kathleen K. Haff
Chair, Tuolumne County Board of
Supervisors
Tuolumne County Water Agency

Bart Broome
Assistant Officer for State Government
Relations
Santa Clara Valley Water District

David J. Stoldt
General Manager
Monterey Peninsula Water Management
District

cc: The Honorable Anna Caballero
Honorable Members, Senate Natural Resources & Water Committee
Genevieve Wong, Principal Consultant, Senate Natural Resources & Water Committee
Todd Moffitt, Policy Consultant, Senate Republican Caucus



June 16, 2023

The Honorable Rebecca Bauer-Kahan
Chair, Assembly Committee on Water, Parks, and Wildlife
1020 N Street, Room 160
Sacramento, CA 95814

RE: SB 867 (Allen) – Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023.

Position: SUPPORT IF AMENDED

Dear Assemblymember Bauer-Kahan,

The Association of California Water Agencies (ACWA) and the undersigned organizations wish to express our support-if-amended position on SB 867. We greatly appreciate the author’s amendments that identify funding for many critical water and natural resources issues. We urge the author and Committee to continue to draft amendments that would make additional investments in California’s water infrastructure system.

ACWA represents over 460 public water agencies throughout California that deliver over 90% of the water used for agricultural, commercial, and residential purposes. ACWA supports efforts to advance a general obligation bond related to climate change and water and is appreciative of Senator Allen’s leadership on this issue over the years.

California’s changing climate creates increased risks of drought, floods, intense rain events, and sea level rise that will present unique challenges to public water agencies and their ability to reliably provide water to California’s farms and cities. The State is currently underprepared to manage a water system with a decreasing snowpack, less frequent precipitation, and weather extremes. Adapting to climate change will require California to urgently and significantly

rehabilitate and modify existing water facilities, improve operational flexibility, and make generational investments in new water infrastructure.

Additional above- and below-ground storage capacity must be developed to capture precipitation, especially in extreme weather events such as atmospheric rivers, and to mitigate disappearing snowpack. In addition, new and enhanced conveyance facilities are essential for moving collected and stored water, connecting suppliers with different supply sources, transferring water among water users, recharging groundwater, and storing water for multi-beneficial purposes, including environmental benefits. State investment in water infrastructure is crucial to providing the reliable delivery of safe water to California residents, businesses, and agriculture. In addition, climate resilience projects have also been shown to stimulate local economies and create jobs.

The undersigned organizations are pleased to continue to work with Senator Allen on this critical issue to provide funding as identified in the attached document. These amendments would improve California's capacity to adapt to the effects of climate change.

We thank you for your consideration of the amendments and urge the Committee to make these investments now. If you have any questions, please do not hesitate to contact ACWA State Relations Director, Adam Quiñonez at adamq@acwa.com or (916) 441-4545.

Sincerely,

Adam Quiñonez
State Relations Director
Association of California Water Agencies

Bruce Kamilos, P.E.
General Manager
Elk Grove Water District/Florin Resource
Conservation District

Anthony Goff
General Manager
Calleguas Municipal Water District

Nina Jazmadarian
General Manager
Foothill Municipal Water District

Cathy Lee
General Manager
Carmichael Water District

Brian Olney
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Mayor
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General Manager
San Juan Water District

Jeremy Wolf
Legislative Program Manager
Las Virgenes Municipal Water District

Matthew Litchfield
General Manager
Three Valleys Municipal Water District

Paul E. Shoenberger, P.E.
General Manager
Mesa Water District

Deanna Jackson
Executive Director
Tri-County Water Authority

Justin Scott-Coe
General Manager
Monte Vista Water District

Kathleen K. Haff
Chair, Tuolumne County Board of
Supervisors
Chair, Tuolumne County Water Agency
Tuolumne County Water Agency

David J. Stoldt
General Manager
Monterey Peninsula Water Management
District

Erik Hitchman
General Manager
Walnut Valley Water District

Attachment: SB 867 ACWA Amendments, 05/04/2023, Version: As Amended on 4/19/23

cc: The Honorable Benjamin Allen
Honorable Members, Assembly Committee on Water, Parks, and Wildlife
Pablo Garza, Chief Consultant, Assembly Committee on Water, Parks, and Wildlife
Brent Finkel, Consultant, Assembly Republican Caucus

SB 867 ACWA Amendments
05/04/2023
Version: As Amended on 4/19/23

SECTION 1. The people of California find and declare all of the following:

(a) California's changing climate creates increased risk of catastrophic wildfires, drought, severe heat events, and sea level rise, as well as impacts to agriculture, water supply and water quality, and the health of the forests, watershed, and wildlife.

(b) These risks and impacts vary by region and can overwhelm the resources of local governments that must cope with severe climate change-related events.

(c) Reducing vulnerability to fire, flood, drought, and other climate change-related events requires a statewide investment to increase climate resilience of communities and natural systems.

(d) Governor Gavin Newsom has issued several reports and executive orders that have created a roadmap to climate resiliency in California that will help guide and direct investments.

(e) The California's Water Supply Strategy Adapting to a Hotter, Drier Future outlines actions needed to take in order to recycle and reuse at least 800,000 acre-feet of water per year by 2030, make available up to 500,000 acre-feet of water through more efficient water use and conservation, and make new water available for use by capturing storm water and desalinating brackish water in groundwater basins.

(f) The Water Resilience Portfolio serves as a blueprint for equipping California to cope with more extreme droughts and floods and rising temperatures, while addressing longstanding challenges that include declining fish populations, over-reliance on groundwater and lack of safe drinking water in many communities.

(g) The California's Wildfire and Forest Resilience Action Plan outlines a strategy to increase the pace and scale of forest health projects, strengthen protection of communities, and manage forests, to achieve the state's economic and environmental goals and drive innovation and measure progress.

(h) The Extreme Heat Action Plan outlines a strategy to protect communities from rising temperatures in order to accelerate readiness and protection of communities most impacted by extreme heat, including through cooling schools and homes, supporting community resilience centers, and expanding nature-based solutions.

(i) California's strategy for achieving the first-in-the-nation 30x30 conservation goal is described in the Pathways to 30x30: Accelerating Conservation of California's Nature report, which outlines a vision to conserve an additional 6,000,000 acres of lands and 500,000 acres of coastal waters needed to reach 30 percent.

(j) Executive Order No. N-82-20 outlines a strategy to expand nature-based solutions across California. The executive order calls for restoring nature and landscape health to deliver on our

climate change goals and other critical priorities, including improving public health and safety, securing our food and water supplies, and achieving greater equity across California.

(k) Governor Gavin Newsom signed Senate Bill 1 of the 2021–22 Regular Session (Chapter 236 of the Statutes of 2021) that directed the California Coastal Commission to take sea level rise into account in its planning, policies, and activities, and established a cross-government group tasked with educating the public and advising local, regional, and state government on feasible sea level rise mitigation efforts.

SEC. 2. Division 50 (commencing with Section 90000) is added to the Public Resources Code, to read:

DIVISION 50. DROUGHT, FLOOD, AND WATER RESILIENCE, WILDFIRE AND FOREST RESILIENCE, COASTAL RESILIENCE, EXTREME HEAT MITIGATION, BIODIVERSITY AND NATURE-BASED CLIMATE SOLUTIONS, CLIMATE SMART AGRICULTURE, PARK CREATION AND OUTDOOR ACCESS, AND CLEAN ENERGY BOND ACT of 2024

CHAPTER 1. General Provisions

90000. This division shall be known, and may be cited, as the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.

90100. For purposes of this division, the following definitions apply:

(a) “Disadvantaged community” means a community with a median household income of less than 80 percent of the area average.

(b) “Economically distressed areas” has the same meaning set forth in Section 79702 of the Water Code.

(c) “Severely disadvantaged community” means a community with a median household income of less than 60 percent of the area average.

(d) “Socially disadvantaged farmer or rancher” has the same meaning set forth in Section 512 of the Food and Agricultural Code.

(e) “Tribe” means a federally recognized Native American tribe or a nonfederally recognized Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.

(f) “Vulnerable population” means a subgroup of population within a region or community that faces a disproportionately heightened risk or increased sensitivity to impacts of climate change and that lacks adequate resources to cope with, adapt to, or recover from such impacts.

90500. (a) The proceeds of bonds issued and sold pursuant to this division, exclusive of refunding bonds issued and sold pursuant to Section 95012, shall be deposited in the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat

Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Fund, which is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, for purposes of this division.

(b) Proceeds of bonds issued and sold pursuant to this division shall be allocated according to the following schedule:

(1) Eight billion eight hundred ~~five billion two hundred~~ million dollars (~~\$5,200,000,000~~ 8,800,000,000) for drought, flood, and water resilience programs, in accordance with Chapter 2 (commencing with Section 91000).

(2) Three billion two hundred twenty five million dollars (~~\$3,000,000,000~~ 3,225,000,000) for wildfire and forest resilience programs, in accordance with Chapter 3 (commencing with Section 91500).

(3) Two billion dollars (\$2,000,000,000) for coastal resilience programs, in accordance with Chapter 4 (commencing with Section 92000).

(4) Five hundred million dollars (\$500,000,000) for extreme heat mitigation programs, in accordance with Chapter 5 (commencing with Section 92500).

(5) Two billion dollars (\$2,000,000,000) for biodiversity protection and nature-based climate solution programs, in accordance with Chapter 6 (commencing with Section 93000).

(6) Three hundred million dollars (\$300,000,000) for climate smart agriculture programs, in accordance with Chapter 7 (commencing with Section 93500).

(7) Five hundred million dollars (\$500,000,000) for park creation and outdoor access programs, in accordance with Chapter 8 (commencing with Section 94000).

(8) Two billion dollars (\$2,000,000,000) for clean energy programs, in accordance with Chapter 9 (commencing with Section 94500).

CHAPTER 2. Drought, Flood and Water Resilience

91000. The sum of eight billion eight hundred ~~five billion two hundred~~ million dollars (~~\$5,200,000,000~~ 8,800,000,000) shall be available, upon appropriation by the Legislature, for drought, flood, and water resilience programs.

91010. Of the funds made available by Section 91000, five billion four hundred million dollars (~~\$5,400,000,000~~ 5,400,000,000) ~~two billion two hundred fifty million dollars~~ (~~\$2,250,000,000~~) shall be available, upon appropriation by the Legislature, to protect and increase California water supply and water quality.

91011. Of the funds made available by Section 91010, ~~four~~ six hundred million dollars (~~\$400,000,000~~ 600,000,000) shall be available, upon appropriation by the Legislature, to the State Water Resources Control Board for projects that improve water quality or help provide clean, safe, and reliable drinking water. Eligible projects include, but are not limited to, any of the following:

(a) Competitive grants for projects that help to provide clean, safe, and reliable drinking water to disadvantaged communities.

(b) Competitive grants for projects that increase water quality monitoring and remediation of perfluoroalkyl and polyfluoroalkyl substances.

(c) Innovative projects to increase the affordability of safe drinking water for severely disadvantaged communities.

(d) Projects that implement countywide drought and water shortage contingency plans adopted pursuant to Chapter 10 (commencing with Section 10609.40) of Part 2.55 of Division 6 of the Water Code.

(e) Competitive grants or loans for projects that prevent, reduce, or treat the contamination of groundwater, including constituents of emerging concern, that serves as a major source of drinking water for a community.

91012. (a) Of the funds made available by Section 91010, one billion four hundred million dollars (~~\$400,000,000~~ 1,000,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for projects related to groundwater storage, banking, conjunctive use, recharge, or other groundwater projects that improve water resilience. Projects funded pursuant to this subdivision shall provide multiple benefits, such as improved water quality and supply, improved flood water management, and provision of wildlife habitat.

(b) Of the funds made available by subdivision (a), five ~~two~~ hundred million dollars (~~\$200,000,000~~ 500,000,000) shall be available for projects that increase groundwater storage.

(c) Of the funds made available by subdivision (a), five ~~two~~ hundred million dollars (~~\$200,000,000~~ 500,000,000) shall be available for projects that support groundwater banking, conjunctive use, recharge, or other groundwater projects that improve water resilience.

91013. Of the funds made available by Section 91010, three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, to the Department of Conservation's Multibenefit Land Repurposing Program for groundwater sustainability projects that provide wildlife habitat, drought resilience, improve flood water management, and support implementation of the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code).

91014. Of the funds made available by Section 91010, seven hundred and fifty ~~three hundred~~ million dollars (~~\$750,000,000~~ 300,000,000) shall be available, upon appropriation by the Legislature, to the State Water Resources Control Board for grants and projects related to water reuse and recycling.

91015. Of the funds made available by Section 91010, three hundred and fifty million dollars (~~\$350,000,000~~ one hundred million dollars (~~\$100,000,000~~)) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for competitive grants for projects related to contaminant and salt removal projects, including, but not limited to, groundwater and seawater desalination and associated treatment, storage, conveyance, and distribution facilities.

91016. Of the funds made available by Section 91010, ~~five~~ ~~three~~ hundred million dollars (~~\$300,000,000~~~~\$500,000,000~~) shall be available, upon appropriation by the Legislature, to the California Water Commission for projects under the Water Storage Investment Program.

91016.1 Of the funds made available by Section 91010, two hundred and fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for projects that capture and store flood flows, including, but not limited to, storage tanks, inflatable dams, and other projects that increase water storage capacity.

91017. Of the funds made available by Section 91010, ~~one~~ ~~five~~ hundred million dollars (~~\$100,000,000~~~~\$500,000,000~~) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for projects that increase water conservation in agricultural and urban areas.

91018. Of the funds made available by Section 91010, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources and the State Water Resources Control Board to improve water data management and to implement Section 144 of the Water Code to reactivate existing stream gages and deploy new gages.

91019. (a) Of the funds made available by Section 91010, ~~two hundred fifty~~ ~~eight hundred~~ million dollars (~~\$250,000,000~~~~\$800,000,000~~) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and the Department of Water Resources for competitive grants for regional conveyance projects or repairs to existing conveyances. Priority shall be given to projects that provide one or more of the following benefits:

- (1) Improvements in regional or interregional water supply or water supply reliability.
- (2) Increased ground water recharge or mitigation of conditions of groundwater overdraft, salinity intrusion, water quality degradation, or subsidence.
- (3) Adaptation to the impacts of hydrologic changes.
- (4) Improvements in water security from drought, natural disasters, or other events that could interrupt water supplies.
- (5) Providing safe drinking water for disadvantaged communities and economically distressed areas.

(b) Of the funds made available by subdivision (a), one hundred million dollars (\$100,000,000) shall be available to the Natural Resources Agency for implementation of the settlement agreement to restore the San Joaquin River referenced in Section 2080.2 of the Fish and Game Code and allocated as follows:

- (1) Fifty million dollars (\$50,000,000) shall be available for restoration of capacity of the Friant-Kern Canal that was lost due to subsidence, consistent with the water management goal under the Stipulation of Settlement entered September 13, 2006, in Natural Resources Defense Council v. Rodgers. For the purposes of awarding funding under this paragraph, a cost share

from nonstate sources of not less than 50 percent of the total costs of the project shall be required.

(2) Fifty million dollars (\$50,000,000) shall be available to implement the restoration goal of the Stipulation of Settlement entered September 13, 2006, in Natural Resources Defense Council v. Rodgers, including funding for restoration projects identified in paragraph 11 of the Stipulation of Settlement, and funding to support the work of the Restoration Administrator and Technical Advisory Committee. The Restoration Administrator and Technical Advisory Committee shall use these funds in part to review and provide input regarding the implementation of projects identified in paragraph 11 of the Stipulation of Settlement.

91019.1. (a) Of the funds made available by Section 91010, five hundred million dollars (\$500,000,000) shall be made available, upon appropriation by the Legislature, to the Department of Water Resources for projects that enhance the delivery of water or increase the energy resilience of the State Water Project.

91020. Of the funds made available by Section 91000, ~~two one~~ billion ~~one six~~ hundred ~~fifty~~ million dollars (~~\$1,650,000,000~~ \$2,100,000,000) shall be available, upon appropriation by the Legislature, to reduce flood risk and improve stormwater management.

91021. Of the funds made available by Section 91020, one billion dollars (\$1,000,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and its departments, boards, and conservancies for flood management projects. Priority shall be given to projects designed and implemented to achieve the objectives of both flood safety and ecosystem functions, while providing additional benefits. At least 40 percent of the allocation made pursuant to this section shall benefit disadvantaged communities or vulnerable populations. Eligible projects include, but are not limited to, the following:

(a) Projects that implement the Central Valley Flood Protection Plan. To the maximum extent feasible, projects shall provide ecosystem benefits and groundwater recharge. The Department of Water Resources shall adopt guidelines and incentives to encourage cost-effective groundwater recharge and ecosystem benefits as part of flood risk reduction and management.

(b) Projects that implement the Coastal Watershed Flood Risk Reduction Program.

(c) Projects in the Sacramento-San Joaquin Delta to increase flood protection and climate resiliency.

(d) Projects that implement the Flood Control Subventions Program.

(e) Projects related to the systemwide evaluation, repair, rehabilitation, reconstruction, expansion, or replacement of levees, weirs, bypasses, and facilities of the State Plan of Flood Control.

91022. Of the funds made available by Section 91020, ~~eight hundred and fifty four hundred~~ million dollars (~~\$400,000,000~~ \$850,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for competitive grants for projects that enhance dam safety and reservoir operations and protect public benefits. Eligible projects

include, but are not limited to, dam safety projects at high hazard dams in poor condition, new spillways and repairs at existing dams to facilitate implementation of Forecast-Informed Reservoir Operations, and reservoir seismic retrofit projects. A grant cost share of at least 50 percent shall be required for projects funded pursuant to this section.

91023. Of the funds available by Section 91020, two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to the State Water Resources Control Board for grants for multibenefit storm water management projects. Preference shall be given to multibenefit and natural infrastructure projects.

91030. Of the funds made available by Section 91000, one billion dollars (\$1,000,000,000) shall be available, upon appropriation by the Legislature, to improve watershed resilience and to protect and restore rivers, lakes, and streams.

91031. (a) Of the funds made available by Section 91030, three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for grants and direct expenditures related to integrated regional water management to improve climate resilience on a watershed basis.

(b) The Department of Water Resources shall develop standards and provide technical and financial support for the development of watershed climate risk assessments that do all of the following:

- (1) Identify watershed scale climate resilience targets related to water supply, water quality, habitat protection and enhancement, flood protection, and other climate resilience targets appropriate for the watershed.
- (2) Provide investment and implementation plans for projects to achieve the targets in the most cost-effective manner.
- (3) Include uniform analytic standards to facilitate project selection and performance evaluation.
- (4) Provide for the deployment of appropriate instrumentation, measurement, and monitoring to allow for evaluation of project effectiveness in achieving progress toward resilience targets.
- (5) Include consideration of equity and environmental justice needs.
- (6) Include requirements for adaptive management and refinement in project selection and implementation.
- (7) Build on and coordinate with existing integrated regional water management plans.

(c) The Department of Water Resources may select pilot watersheds to test methods to improve watershed climate resilience and guide the implementation of this section including, but not limited to, both of the following:

- (1) Development of standard models and analytic approaches that improve climate risk assessment, and project selection and evaluation.
- (2) Methods to reduce the cost of achieving climate resilience targets and outcomes.

(d) (1) The Department of Water Resources shall make grants to public agencies for the implementation of projects identified in watershed climate risk assessments based on both of the following:

(A) The severity of the identified climate risk.

(B) The potential to reduce that risk in the most cost-effective manner.

(2) The Department of Water Resources shall consider the extent the project achieves multiple benefits, addresses equity issues, and provides a model for other watersheds.

(3) Existing plans that provide equivalent climate risk assessment may be used as the basis to fund grants that improve regional climate resilience, including conjunctive use projects, groundwater recharge projects, and other projects that provide increased water supply flexibility or other resilience benefits.

(e) The Department of Water Resources shall develop guidelines to improve governance of integrated regional water management plans and for program implementation of watershed climate resilience that facilitate multiple benefit projects, allow program funds to be used as matching funds for other funding sources, and requires detailed reporting on project outcomes and progress toward achieving climate risk targets.

91032. (a) Of the funds made available by Section 91030, six hundred million dollars (\$600,000,000) shall be available, upon appropriation by the Legislature, for projects that protect and restore rivers, streams, lakes, and watersheds. Projects shall improve climate resilience, water supplies, or water quality. To the extent feasible, preference shall be given to natural infrastructure projects. At least 40 percent of the allocation made pursuant to this section shall benefit disadvantaged communities or vulnerable populations. The funds made available pursuant to this section shall be allocated to any of the following:

(1) Projects that protect and restore rivers, streams, and lakes to improve fish and wildlife habitat.

(2) Multibenefit watershed protection or restoration projects that improve climate resilience within the Los Angeles River Watershed and the San Gabriel River Watershed that are implemented pursuant to Section 79508 of the Water Code.

(3) Multibenefit urban stream and river parkway projects under the Urban Streams Restoration Program established pursuant to Section 7048 of the Water Code that protect and restore riparian habitats, improve climate resilience, enhance natural drainages, protect and restore watersheds, and provide public access.

(4) Projects that are included in the Lake Tahoe Environmental Improvement Program.

(b) Of the funds made available by subdivision (a), seventy-five million dollars (\$75,000,000) shall be available pursuant to Division 22.8 (commencing with Section 32600) for projects that improve the climate resiliency or the protection of the Los Angeles River Watershed or are consistent with the Lower Los Angeles River Revitalization Plan.

(c) (1) Of the funds made available by subdivision (a), seventy-five million dollars (\$75,000,000) shall be available pursuant to Division 23 (commencing with Section 33000) for projects that improve the climate resiliency or the protection of the Los Angeles River Watershed and are a part of the revitalization plan developed by the Upper Los Angeles River and Tributaries Working Group pursuant to Section 33220 or the Los Angeles River Master Plan.

(2) Of the funds made available by paragraph (1), forty million dollars (\$40,000,000) shall be allocated for projects that include, but are not limited to, projects that protect or enhance the Los Angeles River, parkway projects that include connectivity to parks and open space in neighboring communities within the San Fernando Valley, including Aliso Creek, and the Tujunga Wash, and projects along the Arroyo Seco waterway.

(d) Of the funds made available by subdivision (a), fifty million dollars (\$50,000,000) shall be available for projects that improve the climate resiliency or for the protection of the San Mateo Creek Watershed in the San Francisco Bay Area.

91033. Of the funds made available by Section 91030, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to implement the Salton Sea Management Program 10-year Plan to provide air quality, public health, and habitat benefits.

91040. Of the funds made available by Section 91000, three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, to the Wildlife Conservation Board for projects pursuant to the guidelines of the Stream Flow Enhancement Program, including the acquisition of water or water rights, acquisition of land that includes water rights or contractual rights to water, and short- or long-term water transfers and leases.

91050. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Water Resilience Portfolio, California's Water Supply Strategy, the Central Valley Flood Protection Plan, and the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code), if applicable.

CHAPTER 3. Wildfire and Forest Resilience

91500. The sum of three billion dollars (\$3,000,000,000) shall be available, upon appropriation by the Legislature, for wildfire prevention, including reducing community wildfire risk and restoring the health and resilience of forests.

91510. (a) Of the funds made available by Section 91500, ~~two hundred seventy five~~ five hundred million dollars (~~\$275,000,000~~ 500,000,000) shall be available, upon appropriation by the Legislature, to the Office of Emergency Services for a prehazard mitigation grant program. The Office of Emergency Services shall coordinate with the Department of Forestry and Fire Protection in administering these moneys. The grant program shall assist local and state agencies to leverage additional funds, including matching grants from federal agencies. Funds may be used to provide loans, rebates, direct assistance, and matching funds for projects that prevent wildfires, increase resilience, reduce the risk of wildfires to communities, or increase community hardening. Eligible projects include, but are not limited to, any of the following:

(1) Grants to local agencies, state agencies, joint powers authorities, and tribes for projects that reduce wildfire risks to people and property consistent with an approved community wildfire protection plan.

(2) Grants to local agencies, state agencies, joint powers authorities, tribes, resource conservation districts, fire safe councils, and nonprofit organizations for structure hardening of critical community infrastructure, evacuation centers, structure hardening projects that reduce the risk of wildfire for entire neighborhoods and communities, water delivery system improvements for fire suppression purposes for communities in high fire hazard severity zones or very high fire hazard severity zones, as designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 or by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, wildfire buffers, and incentives to remove structures that significantly increase hazard risk.

(3) Grants, in coordination with the Public Utilities Commission, to local agencies, state agencies, special districts, joint powers authorities, tribes, and nonprofit organizations for zero-emission backup power, energy storage, and microgrids for critical community infrastructure in order to provide continuity of electrical service, reduced wildfire ignitions, and to safeguard communities from disruption due to public safety power shutoffs, wildfire, or air pollution caused by wildfire, extreme heat, or other disaster.

(b) The Office of Emergency Services and the Department of Forestry and Fire Protection shall prioritize prehazard mitigation grant funding applications from local agencies based on the Fire Risk Reduction Community list, upon development of that list, pursuant to Section 4290.1.

(c) The Office of Emergency Services and the Department of Forestry and Fire Protection shall provide technical assistance to disadvantaged communities, severely disadvantaged communities, or vulnerable populations, including those with access and functional needs, socially disadvantaged farmers or ranchers, and economically distressed areas to ensure the grant program reduces the vulnerability of those most in need.

91520. Of the funds made available by Section 91500, two billion five hundred million dollars (\$2,500,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and to its departments, boards, and conservancies for projects and grants to improve local fire prevention capacity, improve forest health and resilience, and reduce the risk of wildfire spreading into populated areas from wildlands. Where appropriate, projects may include activities on lands owned by the United States. The funding made available by this section shall be allocated as follows:

(a) Three hundred million dollars (\$300,000,000) shall be available to the Department of Conservation's Regional Forest and Fire Capacity Program to increase regional capacity to prioritize, develop, and implement projects that improve forest health and fire resilience, implement community fire preparedness demonstration projects, facilitate greenhouse gas emissions reductions, and increase carbon sequestration in forests and other landscapes across regions and throughout the state. The funding shall be allocated based, to the extent feasible, on the Wildfire and Forest Resilience Action Plan.

(b) Five hundred million dollars (\$500,000,000) shall be available to implement regional strategies, including, but not limited to, strategies developed by forest collaboratives as defined in Section 4810 or regional entities as defined in Section 4208 through block grants and direct appropriations by the Legislature.

(c) Three hundred million dollars (\$300,000,000) shall be available to the Department of Forestry and Fire Protection for long-term forest health projects, including improved forest management, prescribed fire, cultural fire, forest watershed restoration, and activities that promote long-term carbon storage and sequestration.

(d) Five hundred million dollars (\$500,000,000) shall be available to the Department of Forestry and Fire Protection for local fire prevention grants consistent with Article 2.5 (commencing with Section 4124) of Chapter 1 of Part 2 of Division 4 and for grants to conduct workforce development for fire prevention and wildfire resiliency work.

(e) Twenty-five million dollars (\$25,000,000) shall be available to the Department of Forestry and Fire Protection for the creation of a prescribed fire training center consistent with the proposal developed pursuant to Section 4477.

(f) Five hundred million dollars (\$500,000,000) shall be available for watershed improvement projects in forests and other habitats, including, but not limited to, redwoods, conifers, oak woodlands, mountain meadows, chaparral, and coastal forests. Projects shall involve the restoration of natural ecosystem functions in very high and high fire hazard areas and provide multiple benefits, including, but not limited to, prescribed fire, cultural fire, habitat protection, fuel reduction, watershed protection, carbon sequestration, protection of older fire-resistant trees, or improved forest health. The Natural Resources Agency shall give preference to projects that include matching funds or in-kind work, as determined appropriate, from beneficiaries of the watershed that may include, but are not limited to, water districts, public utilities, local agencies, or private users. The Natural Resources Agency shall ensure long-term benefits for projects funded pursuant to this subdivision, including through an ongoing commitment to future maintenance and a commitment to long-term forest resilience that reduces fire risk.

(g) One hundred million dollars (\$100,000,000) shall be available to conduct fuel reduction, structure hardening, create defensible space, reforestation, and targeted acquisitions to improve forest health and fire resilience on state-owned lands.

(h) Seventy-five million dollars (\$75,000,000) shall be available to the Sierra Nevada Conservancy for watershed improvement, forest health, biomass utilization, and forest restoration workforce development. At least 50 percent of the funds made available by this subdivision shall be available to the Sierra Nevada Watershed Improvement Program created by Section 33345.1.

(i) Fifty million dollars (\$50,000,000) shall be available to the California Tahoe Conservancy for watershed improvement, forest health, biomass utilization, and forest restoration workforce development.

(j) Seventy-five million dollars (\$75,000,000) shall be available to the Santa Monica Mountains Conservancy for watershed improvement, fire resilience, chaparral and forest restoration, and restoration workforce development.

(k) Seventy-five million dollars (\$75,000,000) shall be available to the State Coastal Conservancy for watershed improvement, fire resilience, forest health, and restoration workforce development.

91530. Of the funds made available by Section 91500, one hundred fifty million dollars (\$150,000,000) shall be available, upon appropriation by the Legislature, to the State Air Resources Board, in consultation with the Natural Resources Agency and the Department of Forestry and Fire Protection, to incentivize new projects in California that provide long-term capital infrastructure to convert forest and other vegetative waste removed for wildfire mitigation to uses that maximize reductions in greenhouse gas emissions, provide local air quality benefits, and increase local community resilience against climate change impacts.

91540. Of the funds made available by Section 91500, seventy-five million dollars (\$75,000,000) shall be available, upon appropriation by the Legislature, to the Department of Forestry and Fire Protection to enhance California's fire prevention, fuel management, and fire response, as follows:

(a) Ten million dollars (\$10,000,000) shall be available to improve water quality at the Department of Forestry and Fire Protection facilities to enhance safe human use and consumption.

(b) Twenty million dollars (\$20,000,000) shall be available to upgrade existing infrastructure and for new Department of Forestry and Fire Protection facilities for suppression and fuel reduction crews.

(c) Twenty million dollars (\$20,000,000) shall be available for the purchase of Type 3 engines and related equipment to be used for fire suppression and fuel reduction.

(d) Five million dollars (\$5,000,000) shall be available to enhance the Department of Forestry and Fire Protection's communications centers and mobile communications, including the capacity to provide culturally relevant and multilingual communication services.

(e) Twenty million dollars (\$20,000,000) shall be available to the Department of Forestry and Fire Protection for grants to assist local agencies with equipment for wildland firefighting, fire prevention, and fuel management.

91550. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the California Wildfire and Forest Resilience Action Plan, and by the Natural Resources Agency and the Department of Forestry and Fire Protection, if applicable.

CHAPTER 4. Coastal Resilience

92000. The sum of two billion dollars (\$2,000,000,000) shall be available, upon appropriation by the Legislature, to increase coastal and ocean resiliency and to protect coastal lands, waters, communities, natural resources, and urban waterfronts from climate impacts. Eligible projects

include, but are not limited to, projects to restore coastal wetlands and projects to address sea level rise.

92010. Of the funds made available by Section 92000, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the State Coastal Conservancy for coastal resilience projects and programs identified in the 2023–2027 Strategic Plan. The funds made available pursuant to this section may be allocated to any of the following:

(a) Grants through the Climate Ready Program pursuant to Section 31113.

(b) Projects to protect coastal lands and restore habitats, including subtidal habitats, wetlands, riparian areas, redwood forests, oak woodlands, and other important wildlife habitats, including projects to protect and restore healthy sea otter populations.

(c) Natural infrastructure projects that use existing natural areas to minimize coastal flooding, erosion, and runoff.

(d) Projects to restore coastal land for public uses on surplus land for formerly fossil-fueled powerplants.

(e) Projects that are consistent with the San Francisco Bay Restoration Authority Act (Title 7.25 (commencing with Section 66700) of the Government Code), including, but not limited to, projects that address sea level rise, flood management, and wetland restoration.

(f) Projects for purposes of the San Francisco Bay Area Conservancy Program established pursuant to Chapter 4.5 (commencing with Section 31160) of Division 21.

(g) Lower cost coastal accommodation grants consistent with the Lower Cost Coastal Accommodations Program established pursuant to Section 31412.

92015. Of the funds made available by Section 92000, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Coastal Conservancy for the purpose of coastal and combined flood management projects and activities for developed shoreline areas, including areas with critical infrastructure, including transportation and port infrastructure at risk of current flooding and flooding due to sea level rise. Funds shall be allocated to multibenefit projects that improve public safety, including shoreline resilience projects designed to address flooding, sea level rise, and shoreline stability that include engineering with nature or nature-based features. These funds shall be available to local agencies as matching funds for federally funded coastal flood risk management and flood risk management projects.

92020. Of the funds made available by Section 92000, three hundred twenty-five million dollars (\$325,000,000) shall be available, upon appropriation by the Legislature, for deposit into the California Ocean Protection Trust Fund for grants to increase resilience from the impacts of climate change. Preference shall be given to projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems, including, but not limited to, estuarine habitat, kelp forests, eelgrass meadows, native oyster beds, or that maintain the state's system of marine protected areas, and support sustainable fisheries. Funding may be used to purchase

and install ocean current mapping infrastructure and new maritime research infrastructure to reduce emissions.

92030. Of the funds made available by Section 92000, two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to implement the California Sea Level Rise Mitigation and Adaptation Act of 2021 (Division 20.6.5 (commencing with Section 30970)).

92040. Of the funds made available by Section 92000, two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to the Department of Parks and Recreation to implement the Sea Level Rise Adaptation Strategy to address the impacts of sea level rise in coastal state parks, support continued access and recreational opportunities, and protect coastal natural and cultural resources.

92050. Of the funds made available by Section 92000, twenty-five million dollars (\$25,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the Natural Resource Agency and the Invasive Species Council of California to implement projects to protect and restore island ecosystems by mitigating the threat of island invasive species and advancing biosecurity initiatives.

92060. Of the funds made available by Section 92000, twenty-five million dollars (\$25,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the Department of Fish and Wildlife to advance climate-ready fisheries management by expanding opportunities for experimentation and adaptive cooperative management, modernizing electronic fisheries data management systems, and increasing the use of electronic technologies to facilitate more nimble decisionmaking and timely management responses under changing ocean conditions.

92070. Of the funds made available by Section 92000, twenty-five million dollars (\$25,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the Department of Fish and Wildlife to support the restoration and management of kelp ecosystems. Funds shall be used to support ongoing research, restoration, and monitoring activities of kelp ecosystems and for the implementation of an adaptive kelp management plan.

92080. Of the funds made available by Section 92000, one hundred million dollars (\$100,000,000) shall be allocated, upon appropriation by the Legislature, to the State Coastal Conservancy for grants to remove or upgrade outdated or obsolete dams and water infrastructure. Projects may also install infrastructure to increase climate resilience, enhance sediment supply, improve wildlife and fish passage, and modernize water infrastructure, including related planning, permitting, habitat restoration, and recreational improvements. Funds for planning, monitoring, and implementation of projects pursuant to this section may exceed 10 percent of the funds allocated if the State Coastal Conservancy determines there is a need for the additional funding.

92090. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the California Coastal Commission, the Ocean Protection Council, the

State Lands Commission, the San Francisco Bay Conservation and Development Commission, and the State Coastal Conservancy, if applicable.

CHAPTER 5. Extreme Heat Mitigation

92500. The sum of five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to address extreme heat in communities.

92510. Of the funds made available by Section 92500, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Office of Planning and Research's Extreme Heat and Community Resilience Program to fund projects to reduce the urban heat island effect and other extreme heat impacts from climate change. Projects shall benefit disadvantaged communities and vulnerable populations.

92520. Of the funds made available by Section 92500, one hundred fifty million dollars (\$150,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency to provide funds to state agencies identified in the extreme heat action plan, and any subsequent updates, in order to implement the plan and mitigate the impacts of extreme heat.

92530. Of the funds made available by Section 92500, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Office of Planning and Research's Adaptation Planning Grant Program for regional climate resilience planning and demonstration projects.

92540. Of the funds made available by Section 92500, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Strategic Growth Council's Community Resilience Centers Program for the construction or retrofit of facilities to serve as community resilience centers that mitigate the public health impacts of extreme heat and other emergency situations exacerbated by climate change. Projects shall benefit disadvantaged communities and vulnerable populations.

92550. Of the funds made available by Section 92500, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency for competitive grants for urban greening. Projects shall benefit disadvantaged communities and vulnerable populations. These funds shall support projects that mitigate the urban heat island effect, rising temperatures, and extreme heat impacts. Eligible projects may include, but are not limited to, investments that support an expanded urban greening program that supports the creation of green recreational parks in park-poor communities.

92560. Of the funds made available by Section 92500, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Department of Forestry and Fire Protection to protect or augment California's urban forests pursuant to Section 4799.12. Projects shall contribute to mitigating the urban heat island effect and extreme heat impacts. Projects shall benefit disadvantaged communities and vulnerable populations.

92570. (a) At least 10 percent of the funds available pursuant to this chapter shall be allocated for grants that provide outreach and technical assistance that directly benefit disadvantaged communities and vulnerable populations. An eligible applicant is a nonprofit organization, technical assistance provider, or tribe.

(b) Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Protecting Californians From Extreme Heat: A State Action Plan to Build Community Resilience, and the Office of Planning and Research's Extreme Heat and Community Resilience Program, if applicable.

CHAPTER 6. Protect Biodiversity and Accelerating Nature-Based Climate Solutions

93000. The sum of two billion dollars (\$2,000,000,000) shall be available, upon appropriation by the Legislature, for the protection of California's biodiversity and to protect nature and restore landscape health to achieve California's climate change goals.

93010. Of the funds made available by Section 93000, one billion dollars (\$1,000,000,000) shall be available, upon appropriation by the Legislature, to the Wildlife Conservation Board for existing grant programs to protect and enhance fish and wildlife habitat and achieve the state's biodiversity and conservation goals. Eligible programs include, but are not limited to, any of the following:

- (a) Land acquisition.
- (b) Habitat enhancement and restoration.
- (c) Rangeland, grazing land, and grassland protection.
- (d) Inland wetland conservation.
- (e) Ecosystem restoration on agricultural lands.
- (f) Climate adaptation and resiliency.
- (g) Monarch butterfly and pollinator rescue.
- (h) Purposes of reimbursing the General Fund, pursuant to the Natural Heritage Preservation Tax Credit Act of 2000 (Division 28 (commencing with Section 37000)).

93020. Of the funds made available by Section 93000, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to reduce the risks of climate change impacts upon communities, fish and wildlife, and natural resources allocated in accordance with the following schedule:

- (a) Baldwin Hills Conservancy, fifty million dollars (\$50,000,000).
- (b) California Tahoe Conservancy, fifty million dollars (\$50,000,000).
- (c) Coachella Valley Mountains Conservancy, twenty-five million dollars (\$25,000,000).
- (d) Sacramento-San Joaquin Delta Conservancy, fifty million dollars (\$50,000,000).

(e) San Diego River Conservancy, seventy-five million dollars (\$75,000,000).

(f) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, seventy-five million dollars (\$75,000,000).

(g) San Joaquin River Conservancy, twenty-five million dollars (\$25,000,000).

(h) Santa Monica Mountains Conservancy, seventy-five million dollars (\$75,000,000).

(i) Sierra Nevada Conservancy, seventy-five million dollars (\$75,000,000).

93030. (a) Of the funds made available by Section 93000, four hundred million dollars (\$400,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and its departments, boards, and conservancies to protect and restore biodiversity, expand access to nature, and mitigate and build resilience to climate change using nature-based solutions, whenever possible. Eligible projects shall contribute to the goals established in the Pathways to 30x30 document, and biodiversity strategies established pursuant to Executive Order No. N-82-20. Eligible projects include any of the following:

(1) Projects to accelerate regionally led conservation.

(2) Strategic land acquisitions and voluntary conservation easements.

(3) Projects to enhance or restore the fish and wildlife habitat on public lands and coastal waters.

(4) Tribal nature-based solutions.

(5) Floodplain and wetland restoration.

(6) Projects to improve forest and chaparral habitat.

(7) Reintroduction of migratory salmon to historic habitats and climate refugia.

(b) Of the funds made available by subdivision (a), two hundred million dollars (\$200,000,000) shall be available for projects to improve habitat connectivity.

(c) At least 10 percent of the funds made available by this section shall be available to provide grants for the purchase of facilities, equipment, and software and for projects and technical assistance by scientific academic institutions and nonprofits to better map, catalog, and understand the biodiversity in strategic areas of the state to further the purposes of this chapter.

93040. Of the funds made available by Section 93000, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Department of Fish and Wildlife for nature-based solutions that improve the climate resilience of fish and wildlife habitat and improve fish and wildlife passage.

93050. Of the funds made available by Section 93000, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Department of Fish and Wildlife to accredited California zoos and aquariums to advance conservation of California's species

biodiversity to help ensure the viability and recovery of California's endangered and declining species, including, but not limited to, wildlife health monitoring and biodiversity reserve management.

93060. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Wildlife Conservation Board, the Pathways to 30x30 document, the Natural and Working Lands Climate Smart Strategy, California's 2022 Scoping Plan for Achieving Carbon Neutrality, and the California Climate Adaptation Strategy, if applicable.

CHAPTER 7. Climate Smart Agriculture for Sustainability and Resiliency

93500. The sum of three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, for improving climate resilience of agricultural lands.

93510. Of the funds made available by Section 93500, one hundred fifty million dollars (\$150,000,000) shall be available, upon appropriation by the Legislature, to the Department of Food and Agriculture's Office of Environmental Farming and Innovation for improvements in climate resilience of agricultural lands and ecosystem health and allocated to eligible projects as follows:

(a) (1) Fifty million dollars (\$50,000,000) shall be available to the healthy soils grant program to promote practices on farms and ranches that improve soil health, accelerate atmospheric carbon removal or soil carbon sequestration, enhance groundwater recharge, and improve habitat.

(2) At least 40 percent of the funds allocated pursuant to this subdivision shall be allocated to projects that provide direct and meaningful benefits to socially disadvantaged farmers and ranchers.

(b) (1) Twenty-five million dollars (\$25,000,000) shall be available for the State Water Efficiency and Enhancement Program to promote onfarm water use efficiency and reduce emissions of greenhouse gases.

(2) At least 40 percent of the funds allocated pursuant to this subdivision shall be allocated to projects that provide direct and meaningful benefits to socially disadvantaged farmers and ranchers.

(c) Twenty-five million dollars (\$25,000,000) shall be available to the pollinator habitat program.

(d) Fifty million dollars (\$50,000,000) shall be available to establish the Environmental Farming Incentive Program to address natural resource concerns on agricultural lands. Eligible projects include, but are not limited to, improved water and air quality, conserved groundwater and surface water, improved or created wildlife habitat, wildlife-friendly farming and ranching practices, drought and climate resilience, and other conservation practices.

93520. Of the funds made available by Section 93500, twenty-five million dollars (\$25,000,000) shall, upon appropriation by the Legislature, be deposited in the Invasive Species Account established pursuant to Section 7706 of the Food and Agricultural Code for purposes of funding invasive species projects and activities recommended by the Invasive Species Council of

California. Preference shall be given to projects that restore and protect biodiversity and ecosystem health.

93530. Of the funds made available by Section 93500, one hundred twenty-five million dollars (\$125,000,000) shall be available, upon appropriation by the Legislature, to the Department of Conservation for projects for the protection, restoration, and enhancement of farmland and rangeland, including, but not limited to, the acquisition of fee title or easements on agricultural lands, and onfarm improvements that provide any of the following benefits:

- (a) Climate resilience.
- (b) Soil health.
- (c) Atmospheric carbon removal.
- (d) Soil carbon sequestration.
- (e) Erosion control.
- (f) Floodwater management.
- (g) Watershed restoration.
- (h) Habitat conservation.
- (i) Water quality.
- (j) Water retention.

93540. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Department of Food and Agriculture and the Natural and Working Lands Climate Smart Strategy, if applicable.

CHAPTER 8. Park Creation and Outdoor Access

94000. The sum of five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, for the creation and protection of parks, outdoor access, and educational institutions.

94010. Of the funds made available by Section 94000, four hundred million dollars (\$400,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and its departments, boards, and conservancies for the reduction of climate impacts on disadvantaged communities and vulnerable populations and the creation, protection, and expansion of outdoor recreation opportunities. Eligible projects include, but are not limited to, any of the following:

- (a) Improvements to city parks, county parks, regional parks, and open-space lands to preserve infrastructure, including natural infrastructure, to promote resilience and adaptation or the promotion and enhancement of natural resources and water conservation and efficiencies on local and regional public park lands and open-space lands.

(b) The creation and expansion of safe neighborhood parks in park-poor neighborhoods in accordance with the Statewide Park Development and Community Revitalization Act of 2008's competitive grant program described in Chapter 3.3 (commencing with Section 5640) of Division 5.

(c) Multiple benefit projects that reduce risks of exposure to toxic or hazardous materials that may increase as a result of wildfires, flooding, sea level rise, or reduced water flows to polluted bodies of water.

(d) Grants consistent with the California Cultural and Historical Endowment Act, established pursuant to Chapter 13 (commencing with Section 20050) of Part 11 of Division 1 of Title 1 of the Education Code, for projects that protect California's cultural and historic resources from climate impacts or inform the public about resiliency to climate change.

(e) Improved public access, including for individuals with disabilities, as defined by the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and outdoor recreation at state parks, city parks, county parks, regional parks, and open-space preserves.

94020. Of the funds made available by Section 94000, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Department of Parks and Recreation for the protection, restoration, and enhancement of the natural resource values of the state park system and projects to expand public access for disadvantaged communities, including, but not limited to, the expansion of lower cost coastal accommodation project development.

94030. (a) At least 10 percent of the funds available pursuant to this chapter shall be allocated for grants that provide outreach and technical assistance that directly benefit disadvantaged communities and vulnerable populations. An eligible applicant is a nonprofit organization, technical assistance provider, or tribe.

(b) Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Natural Resources Agency and the Outdoors for All Strategy, if applicable.

CHAPTER 9. Clean Energy

94500. The sum of two billion dollars (\$2,000,000,000) shall be available, upon appropriation by the Legislature, for clean energy projects.

94510. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to support the planning and development of new or expanded high-voltage electrical transmission lines that are necessary to meet the state's clean energy goals and have been identified by the Independent System Operator as required to achieve the state's policies identified in Section 454.53 of the Public Utilities Code.

94520. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Energy Resources Conservation and Development Commission, in coordination with the State Air Resources Board, for grants to assist in obtaining, or as a match for, federal grants related to

regional hubs in the federal Infrastructure Investment and Jobs Act (Public Law 117-58) and federal Inflation Reduction Act of 2022 (Public Law 117-169).

94530. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Energy Resources Conservation and Development Commission for zero-emission vehicle charging infrastructure.

94540. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Energy Resources Conservation and Development Commission for grants to support the Long-Duration Energy Storage Program.

CHAPTER 10. Fiscal Provisions

95000. (a) Bonds in the total amount of nineteen billion three hundred twenty-five million dollars (\$19,325,000,000) ~~fifteen billion five hundred million dollars (\$15,500,000,000)~~, not including the amount of any refunding bonds issued in accordance with Section 95012, may be issued and sold for carrying out the purposes expressed in this division and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, issued, and delivered, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall cause the issuance and sell the bonds authorized by the committee pursuant to subdivision (a) in the amount determined by the committee to be necessary or desirable pursuant to Section 95003. The bonds shall be issued and sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.

95001. The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), as amended from time to time, and all of the provisions of that law, except subdivisions (a) and (b) of Section 16727 of the Government Code, apply to the bonds and to this division and are hereby incorporated in this division as though set forth in full in this division.

95002. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this division, the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Finance Committee is hereby created. For purposes of this division, the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond

Finance Committee is the “committee,” as that term is used in the State General Obligation Bond Law.

(b) The committee consists of the _____. Notwithstanding any other law, any member may designate a representative to act as that member in that member’s place for all purposes, as though the member were personally present.

(c) The _____ shall serve as the chairperson of the committee.

(d) A majority of the committee may act for the committee.

95003. The committee shall by resolution determine whether or not it is necessary or desirable to issue and sell bonds authorized by this division in order to carry out the actions specified in this division and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

95004. For purposes of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), “board,” as defined in Section 16722 of the Government Code, means the Secretary of the Natural Resources Agency.

95005. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds becoming due in that year. It is the duty of all officers charged by law with any duty regarding the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

95006. Notwithstanding Section 13340 of the Government Code, there is hereby continuously appropriated from the General Fund in the State Treasury, for the purposes of this division, and without regard to fiscal years, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and payable.

(b) The sum that is necessary to carry out Section 95009.

95007. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account or any other form of interim financing in accordance with Section 16312 of the Government Code, for the purpose of carrying out this division. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this division, excluding any refunding bonds authorized pursuant to Section 95012, less any amount loaned and not yet repaid pursuant to this section and any amount withdrawn from the General Fund pursuant to Section 95009 and not yet returned to the General Fund. The board shall execute those documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated in accordance with this division.

95008. Notwithstanding any other provision of this division, or of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the

Government Code), if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions or is otherwise entitled to any federal tax advantage, the Treasurer may maintain separate accounts for the bond proceeds invested and for the investment earnings on those proceeds and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

95009. For purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 95012, less any amount loaned pursuant to Section 95007 and not yet repaid and any amount withdrawn from the General Fund pursuant to this section and not yet returned to the General Fund. Any amounts withdrawn shall be deposited in the fund to be allocated in accordance with this division. Any moneys made available under this section shall be returned to the General Fund, with interest at the rate earned by the moneys in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

95010. All moneys deposited in the fund that are derived from premiums and accrued interest on bonds sold pursuant to this division shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, except that amounts derived from premiums may be reserved and used to pay costs of bond issuance before any transfer to the General Fund.

95011. Pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), the cost of bond issuance shall be paid or reimbursed out of the bond proceeds, including premiums, if any. To the extent the cost of bond issuance is not paid from premiums received from the sale of bonds, these costs shall be allocated proportionally to each program funded through this division by the applicable bond sale.

95012. The bonds issued and sold pursuant to this division may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law, as amended. Approval by the voters of the state for the issuance of the bonds under this division shall include approval of the issuance, sale, or exchange of any bonds issued to refund any bonds originally issued under this division or any previously issued refunding bonds. Any bond refunded with the proceeds of a refunding bond as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing that refunded bond.

95013. Notwithstanding Section 16727 of the Government Code, funds provided pursuant to this division may be used for grants and loans to nonprofit organizations to repay financing

described in Section 22064 of the Financial Code related to projects that are consistent with the purpose of the respective provisions of this division.

95014. The proceeds from the sale of bonds authorized by this division are not “proceeds of taxes” as that term is used in Article XIII B of the California Constitution, and the disbursement of these proceeds is not subject to the limitations imposed by that article.

95015. Bonds issued under this division shall, whenever practical, be aligned with generally recognized principles and best practice guidelines for financing drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy projects.

SEC. 3. Section 2 of this act shall take effect upon the approval by the voters of the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, as set forth in Section 2 of this act.

SEC. 4. (a) Section 2 of this act shall be submitted by the Secretary of State to the voters at the _____, statewide _____ election.

(b) The Secretary of State shall include in the ballot pamphlets mailed pursuant to Section 9094 of the Elections Code the information specified in Section 9084 of the Elections Code regarding Section 2 of this act.

SEC. 5. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



June 6, 2023

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the Monterey Peninsula Water Management District (MPWMD), thank you for the opportunity to review the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act) and for your consistent and strong support of initiatives to improve water security and drought resilience in California. MPWMD supports many components of your bill, particularly those that will strengthen federal support for water reuse and recycling projects, as well as groundwater recharge.

As you know, MPWMD and our partner, Monterey One Water, have secured support through the Bureau of Reclamation's (Reclamation) Title XVI water reclamation and reuse program for the Pure Water Monterey project, the current phase of which will produce up to 5,750-acre feet per year of new water by recycling wastewater and other source waters. The purpose of this project is to replenish the Seaside Groundwater Basin with purified recycled water for potable domestic supply and reduce pumping from the over-drafted Salinas Valley Groundwater Basin by increasing recycled water production for irrigation. It will also strengthen the resiliency of regional water supplies and enhance habitats in the watershed by restoring flows and removing pollutants. The STREAM Act will help advance similar critically needed new investments in water reclamation and reuse.

We also appreciate your efforts to expand and strengthen the federal support for vitally important multi-benefit water supply projects, including groundwater recharge projects, for the benefit of our environment and California's communities, farms, and businesses. When combined with previously enacted provisions of the Infrastructure Investment and Jobs Act, which you helped secure, provisions of the STREAM Act will make it easier for Reclamation to invest in critically needed non-federal water supply projects, like those we are pursuing in our area.

Thank you again for your decades of leadership on California water. We look forward to working with you and your staff on this bill as it moves through the legislative process.

Sincerely,

A handwritten signature in blue ink that reads "David J. Stoldt".

David J. Stoldt
General Manager
Monterey Peninsula Water Management District