



**REVISED
ACTION ITEM**
July 18, 2018

TO: Board of Directors

FROM: **Public Affairs and Legislation Committee**
(Directors Dick, Tamaribuchi, and Thomas)

Robert Hunter
General Manager

Staff Contact: Heather Baez

SUBJECT: H.R. 6147 - DEPARTMENT OF INTERIOR APPROPRIATIONS

STAFF RECOMMENDATION

Staff recommends the Board of Directors formulate a policy position and discuss the language in Section 441 of H.R. 6147 (Calvert - CA), the House Appropriations bill for the Department of Interior, and direct staff as to appropriate action.

COMMITTEE RECOMMENDATION

The Committee, by a 2-1 vote, recommended the Board adopt a support position on the language in Section 441 of H.R. 6147 (Calvert-CA), the House Appropriations bill for the Department of Interior, and send a letter to Congressman Valadao expressing MWDOC's position.

BACKGROUND

At last month's Public Affairs and Legislation Committee, the committee adopted a support position on Section 437 of H.R. 6147 (Calvert – CA) relating to judicial review of the California WaterFix and EcoRestore project. At that time, the committee opted to not take a position on the language in Section 441 related to judicial review of projects within the Calfed Bay-Delta Authorization Act, instead directing staff to return the following month with a report. Specifically, the committee asked that staff include a list of projects within the Calfed Bay-Delta Authorization Act and the status of the projects' Environmental Impact Report (EIR) and/or Environmental Impact Statement (EIS) before taking a formal position.

Budgeted (Y/N): n/a	Budgeted amount: n/a	Core X	Choice ___
Action item amount: None	Line item:		
Fiscal Impact (explain if unbudgeted):			

REPORT

On June 6 the House Appropriations Committee met and approved the fiscal year 2019 Interior and Environment Appropriations bill on a vote of 25-20. The legislation includes funding for the Department of the Interior, the Environmental Protection Agency (EPA), the Forest Service, the Indian Health Service, and various independent and related agencies.

In total, the bill provides \$35.25 billion, equal to the fiscal year 2018 enacted level. These funds are targeted to programs that support and protect the nation's natural resources, including \$3.9 billion for the Department of the Interior and U.S. Forest Service to prevent and combat wildfires. The legislation also contains several policy provisions addressing current regulations at the EPA and other agencies.

A number of amendments were adopted on a voice vote during the June 6 committee meeting, including one from Congressman David Valadao (R-CA), which is now Section 441 of the bill, adding language that states, *“Notwithstanding any other provision of law, the Calfed Bay-Delta Authorization Act (title I of Public Law 108–361; 118 Stat. 1681), the water project described in chapter 5 of part 3 of division 6 of the California Water Code (sections 11550 et seq.) as in effect on the date of enactment of this Act and operated by the California Department of Water Resources, and all projects authorized by section 2 of the Act of August 26, 1937 (chapter 832; 50 Stat. 850) and all Acts amendatory or supplemental thereto, shall hereafter not be subject to judicial review.”*

Projects authorized by section 2 of the Act include:

- Shasta Dam Enlargement
- North of Delta Off-stream Storage Investigation (Sites Reservoir)
- Upper San Joaquin River Basin Storage (Temperance Flat)
- San Luis Reservoir Low Point Improvement Project (or San Luis Reservoir Expansion, or Sisk Dam raise)

Shasta Dam final feasibility report and EIS was transmitted to Congress in 2015. In March 2018, Congress appropriated \$20 million for design and pre-construction costs which is expected to take until 2020 to complete.

Sites Reservoir closed its comment period on the draft EIR/EIS in January 2018. The final EIR/EIS is anticipated in late 2019.

The Temperance Flat final EIR is expected in Fall 2018 and the final EIS is expected in 2021.

The San Luis Reservoir Low Point Improvement Project EIR/EIS was completed in 2015. The Sisk Dam raise at San Luis Reservoir EIR/EIS is expected in 2019.

The Senate also has an Interior Appropriations Bill, S.3073 (Murkowski – AK), which was approved by the Senate Committee on Appropriations on June 14. The Senate's version

does not contain the amendment from Congressman Valadao relating to projects within Calfed Bay-Delta Authorization Act.

H.R. 6147 (Calvert – CA) will next be considered on the House Floor and will be subsequently conferenced with the Senate’s FY2019 Interior/EPA Appropriations Bill, S.3073 (Murkowski – AK), however a hearing date has not yet been set.

MWDOC LEGISLATIVE POLICY PRINCIPLES

MWDOC’s adopted policy principles do not address or cover this specific area/subject matter. While the language in Section 441 of H.R. 6147 does not have a direct impact to Orange County or Southern California’s imported water supply, it may have an indirect impact.

DETAILED REPORT

The full text of H.R. 6147 can be found at <https://www.congress.gov/115/bills/hr6147/BILLS-115hr6147rh.pdf>. The specific language the Board is being asked to discuss, Section 441, is on page 145 of 148 of the bill.