

WORKSHOP MEETING OF THE
BOARD OF DIRECTORS WITH MET DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
18700 Ward Street, Board Room, Fountain Valley, California
March 1, 2023, 8:30 a.m.

This meeting will be held in person. As a convenience for the public, the meeting may also be accessed by Zoom Webinar and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the Zoom component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

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Webinar ID: 882 866 5300#

AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC PARTICIPATION/COMMENTS

At this time members of the public will be given an opportunity to address the Board concerning items within the subject matter jurisdiction of the Board. Members of the public may also address the Board about a particular Agenda item at the time it is considered by the Board and before action is taken.

The Board requests, but does not require, that members of the public who want to address the Board complete a voluntary "Request to be Heard" form available from the Board Secretary prior to the meeting.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize item(s), which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present or, if less than two-thirds of the Board members are present a unanimous vote.)

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

Pursuant to Government Code Section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at <http://www.mwdoc.com>.

NEXT RESOLUTION NO. 2135

PRESENTATION/DISCUSSION ITEMS

1. PRESENTATION AND RECAP (BY MWDOC STAFF) REGARDING THE MET BOARD RETREAT

Recommendation: Review and discuss the information presented.

2. LEGISLATIVE ACTIVITIES

- a. Federal Legislative Report (NRR)
- b. State Legislative Report (BBK)
- c. Legal and Regulatory Report (Ackerman)
- d. MWDOC Legislative Matrix

Recommendation: Review and discuss the information presented.

3. QUESTIONS OR INPUT ON MET ISSUES FROM THE MEMBER AGENCIES/MET DIRECTOR REPORTS REGARDING MET COMMITTEE PARTICIPATION

Recommendation: Receive input and discuss the information presented.

ACTION ITEMS

4. SB 23 (CABALLERO) - WATER SUPPLY AND FLOOD RISK REDUCTION PROJECTS: EXPEDITED PERMITTING

Recommendation: Vote to adopt a support position on SB 23 (Caballero) and join ACWA's coalition letter and outreach efforts

INFORMATION ITEMS

5. MET ITEMS CRITICAL TO ORANGE COUNTY (The following items are for informational purposes only – a write up on each item is included in the packet. Discussion is not necessary unless requested by a Director)

- a. MET's Finance and Rate Issues
- b. MET's Water Supply Condition Update
- c. Water Quality Update
- d. Colorado River Issues
- e. Delta Conveyance Activities and State Water Project Issues

Recommendation: Review and discuss the information presented.

6. METROPOLITAN (MET) BOARD AND COMMITTEE AGENDA DISCUSSION ITEMS

- a. Summary regarding February MET Board Meetings
- b. MET 4-Month Outlook on Upcoming Issues
- c. Review items of significance for MET Board and Committee Agendas

Recommendation: Review and discuss the information presented.

ADJOURNMENT

Note: Accommodations for the Disabled. Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodations should make the request with adequate time before the meeting for the District to provide the requested accommodations.



DISCUSSION ITEM
March 1, 2023

TO: Board of Directors

FROM: Harvey De La Torre, Assistant General Manager

Staff Contact: Melissa Baum-Haley

SUBJECT: PRESENTATION AND RECAP (BY MWDOC STAFF) REGARDING THE MET BOARD RETREAT

STAFF RECOMMENDATION

Staff recommends the Board of Directors discuss and file this information.

REPORT

The purpose of this Board Memo and presentation is to provide a high-level recap of the recent Metropolitan Board Visioning Retreat held on February 13-14 in Temecula, CA. The retreat was intended to provide direction to Metropolitan staff from the Metropolitan Board of Directors through consensus on a vision and planning framework as Metropolitan and its member agencies pursue a master plan for water and climate resiliency in its Second Century. This retreat was meant to be the first in a series of Board discussions that will continue to build understanding and agreement about climate impacts, risks, and vulnerabilities facing the region's water systems and the communities it serves. With a goal for the Board to advance strategies for an equitable and resilient water future.

Day 1

The retreat began with a brief overview of the state of the climate and impacts on Metropolitan supplies and operations ([presentation link](#)). The staff presentation focused on impacts beyond drought alone. When such impacts occur concurrently, supply and system vulnerabilities are exposed (e.g., drought plus flooding). Additionally, an update was provided on Colorado River issues; State Water Project reliability and climate vulnerabilities; the risks and opportunities of atmospheric rivers; the benefits of storage along with impacts of changing conditions; and a review of the 2020 IRP Needs Assessment key findings.

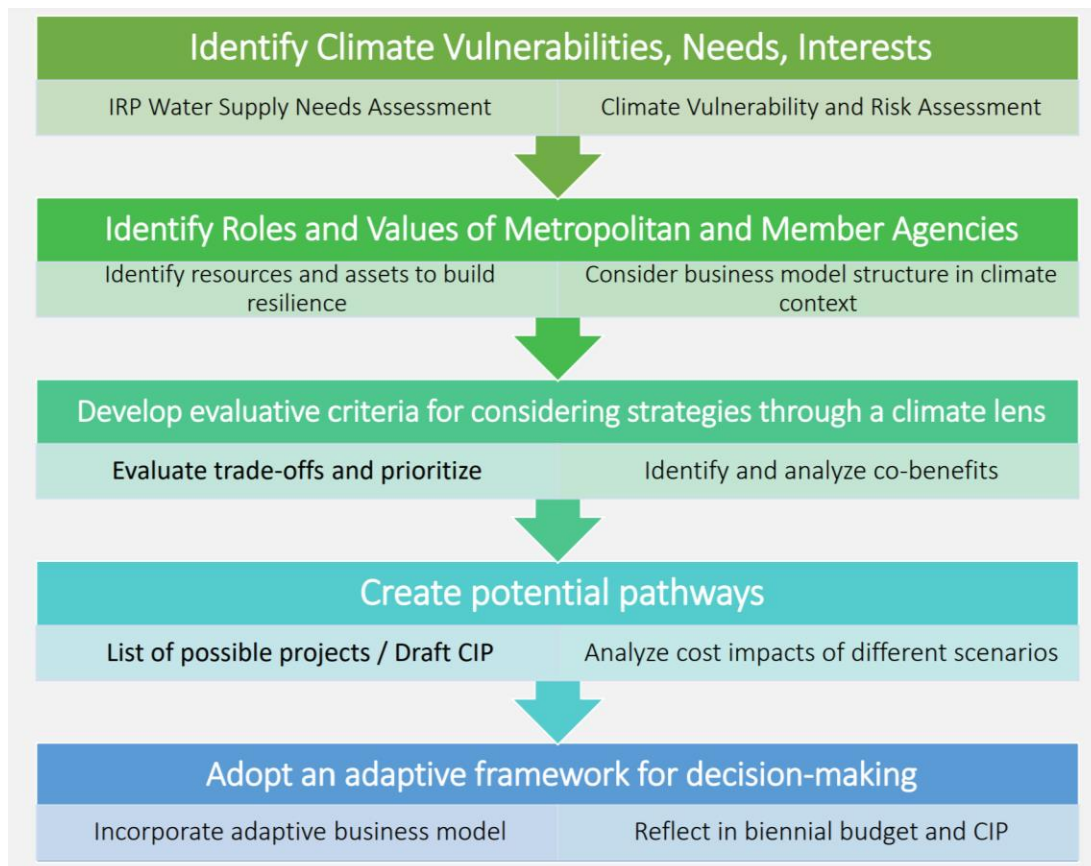
Budgeted (Y/N): N/A	Budgeted amount: None	Core <u>X</u>	Choice <u> </u>
Action item amount: N/A	Line item:		
Fiscal Impact (explain if unbudgeted):			

The first day concluded with small group discussions. The purpose of the Board breakout groups was to identify and discuss major problems, gaps, and opportunities. The summary of the overarching themes include:

- Need for regional approach; MET board and member agency cooperation and collaboration.
- Resilience definition is good, but perhaps should be accompanied by some additional principles around equity/equality and building back better.
- Financial issues of great concern: customer affordability; MET rate structure; balancing resilience with reliability/sustainability.
- Need to focus on disadvantaged communities and their vulnerabilities.
- Need to plan for/resolve supply chain issues.

Day 2

The second day focused on Metropolitan's role in regional supply resiliency. The facilitators outlined an integrated climate action master planning and decision-making framework. Small group discussions were also utilized again to better identify and understand member agency interests. The discussion compared interests, which were commonly held by multiple agencies, versus interests unique to one/few agencies. As well as identifying interests currently being met and those that need to be addressed through future work.



Mohsen Mortada gave a presentation on summary of the interviews of Directors and Member Agencies ([presentation link](#)). The purpose of the interviews was to receive direct input on member agency engagement, priorities, and future challenges. This information

will be utilized to inform the Board on changes within Metropolitan's culture, what work well, and areas of improvement, enhanced coordination, and engagement.

Category	Input	Opportunities
General	<ul style="list-style-type: none"> • MET serves a vital role as a regional agency • A strong MET is a strong region • Concerns about future reliability • Affordability and equity are a priorities for ALL member agencies • MET business model must be updated 	<ul style="list-style-type: none"> • Diversify water supply and storage • Continue organization optimization to align with strategy • Focus on equity across the system • Work with MAs to address affordability throughout their service areas
Board	<ul style="list-style-type: none"> • Rise of individualism over regionalism • A divided Board impacts MET • Little understanding of other agencies • Board processes need improvement 	<ul style="list-style-type: none"> • Find ways to build trust • Distribute board material timely • Focus on MA commonalities rather than differences • Align Board agendas and budget with strategic priorities
Member Agency Relations	<ul style="list-style-type: none"> • Managing the diverse needs of member agencies • Tensions regarding SWP dependent areas • Can use support on local projects • LRP: is this the right model? 	<ul style="list-style-type: none"> • Promote MA consensus building • Entering a new planning era • Support MA in areas of DEI, climate change, regulations, grants, operations, engineering, water quality
Priorities/Regional Leadership	<ul style="list-style-type: none"> • Too many priorities • Reliable supplies: Planning (traditionally, but not recently) • Pooled resources provide cost-sharing for overall lower expenses • Pooled resources allow for large regional projects and programs 	<ul style="list-style-type: none"> • Equal access to reliable and high-quality water supply and storage • Address inequities among agencies—drought revealed vulnerabilities of the system • Certainty in the long-term future • Align budget with strategy and priorities
Large Topic	<ul style="list-style-type: none"> • Aging infrastructure • Reliability is in question • San Diego litigation • Rate structure: volumetric vs. fixed • Affordability • Equity and Fairness • Threat of agencies “going their own way” if top priority is not securing a reliable water supply 	<ul style="list-style-type: none"> • Metropolitan lead but not prescribe—local matters should be determined locally • Regional collaboration • Focus on climate change and impact on water supply

Next Steps

At the conclusion of the retreat, Chair Ortega discussed resource master planning and provided direction to Metropolitan staff regarding next steps. A document titled [“Master Planning for Climate Action Master Plan for Water”](#) (attached) will be used to establish the framework for a resolution. The document presents goals and planning considerations for the proposed master planning. Among the goals is to align Metropolitan's financial and water planning and to develop criteria for prioritizing investments for climate resilience.

Planning considerations reflect the Board's discussion and raise issues including affordability, demand management, the role of storage, climate vulnerabilities, strategic communications, and inclusive community engagement. The document also presents the definition of "resilience," which was used during the retreat.

Resilience is the capacity of any entity – an individual, a community, an organization, or a natural system – to prepare for disruptions, to recover from shocks and stresses, and to adapt and grow from a disruptive experience.

The Board will discuss this Climate Adaptation Master Plan for Water at the February 28 Subcommittee on Long-Term Regional Planning Processes and Business Modeling. This Subcommittee will provide a forum and organizing structure to ensure progress and is charged with developing a schedule for next steps, including the need for additional Board retreats and workshops. While this Subcommittee is a public and transparent process, further public engagement is expected, including dialogue with and input from member agencies.

With Subcommittee input, Metropolitan staff will prepare a guidance summary for consideration by the Finance, Audit, Insurance, and Real Property Committee and Board of Directors in March.

Attachment: (1) Master Planning for Climate Action Master Plan for Water

Board Retreat Material Links:

- [Prep Materials](#)
- [Blue Ribbon Task Force Final Report 1994](#)
- [State of the Climate and Impacts on Metropolitan Water District Supplies and Operations – Staff Presentation](#)
- [Integrated Climate Action Master Planning and Decision-Making Framework](#)
- [Positions Interests Options](#)
- [High Level Summary of Themes from Small Group Discussion](#) – part 1
- [High Level Summary of Themes from Small Group Discussion](#) – part 2
- [MA Survey Report Presentation](#)

Master Planning for Climate Action Master Plan for Water

The Metropolitan Water District of Southern California finds itself at a historic crossroad. Metropolitan's Board of Directors, having completed a two-day retreat ending February 14, 2023, resolves to continue to build understanding and agreement about climate impacts, risks, vulnerabilities facing the region's water system and the communities it serves and work together to advance strategies for an equitable and resilient water future.

We will do so through an inclusive and iterative process, in close consultation with our member agencies and the many interested parties and affected communities. The Subcommittee on Long-Term Regional Planning & Business Modeling will provide a forum and organizing structure to ensure progress.

Goals for the coming months include:

- Align Metropolitan's planning efforts to reflect an integrated approach to water resources, finance, and climate resilience.
- Focus water planning on long-term regional needs, reflecting the responsibility of Metropolitan as a regional entity.
- Develop criteria for prioritizing investments for climate resilience.
- Develop business model options to strengthen Metropolitan's core mission and financial sustainability, which will enable necessary investment and operations to support climate resilience in the region's water supply.
- Prepare Metropolitan to complete a biennium budget for Fiscal Years 2024-2026 that reflects the priorities resulting from the Board's alignment of water, climate and financial planning.

Resilience

The Board affirms the following working definition of resilience, consistent with that of the State of California Governor's Office of Planning and Research:

Resilience is the capacity of any entity – an individual, a community, an organization, or a natural system – to prepare for disruptions, to recover from shocks and stresses, and to adapt and grow from a disruptive experience.

Next Steps

The Subcommittee on Long-Term Regional Planning & Business Modeling will provide a forum and organizing structure to ensure progress and is charged with developing a schedule for next steps, beginning as soon as their next meeting. While this Subcommittee is a public and transparent process, further public engagement is expected, including dialogue with and input from member agencies. The Board vice chairs will help contribute to the scope of discussion under their purview

In preparing future discussions and proposals, staff will work to support the Board, its vice chairs and the Subcommittee chair to prepare next steps and to consider retreat feedback, including the following. This is not an exhaustive or exclusive list, but rather one that highlights points raised during the retreat that held widespread interest:

Finance and Planning

- Resource planning must take a holistic approach that involves not only supply projections and considerations but also financial, risk, environmental, and community impact analyses.
- Affordability, cost impacts and the return on investments are critical to inform water resource and investment choices.
- The Needs Assessment of the Integrated Resources Plan provides an important tool for supply analyses and the development of resource options. It should be accessible to support member agency planning, be used to evaluate existing project commitments and prospective proposals and remain updated with existing and appropriately projected member agency supplies as well as emerging efficiency standards and regulatory mandates.
- Resource planning must assume a commitment to conservation as a core supply that sets a proactive demand management target.

Climate Action

- Climate resilient solutions must include better interconnections for the State Water Project Dependent Areas and approaches to protect other areas vulnerable due to single-source dependence.
- Metropolitan should treat local resources as regional assets and work with Member Agencies to develop new investment and partnership strategies to expand local resources.
- Groundwater and storage opportunities can be facilitated and maximized through greater integration as regional assets.
- A comprehensive Climate Vulnerability and Risk Assessment will inform resource planning and investments and provide a tool for Metropolitan staff and Member Agencies to consider the cascading impacts of climate and pursue solutions that advance multiple objectives and benefits.
- The assumptions that create our planning scenarios should be dynamic—updatable and regularly updated—including with the latest climate science. This is part of creating an adaptive framework for decision making.

Strategic Communications and Engagement

- Engagement of member agencies and the broad set of interested parties will improve planning and identify potential partnerships.
- The collective strength of the region can be brought to bear when Metropolitan aligns member agencies along advocacy goals and targets.
- Joint communications strategies can reduce conflicting messages, promote greater understanding about the value of water and help distinguish the trends of climate from individual weather events.



To: Board of Directors, *Municipal Water District of Orange County*
From: Natural Resource Results
RE: Monthly Board Report – March 2023

Rep. Harder Tunnel Legislation

On February 9th, Congressman Harder reintroduced a bill to prohibit the Army Corps of Engineers from issuing a 404 permit under the Clean Water Act for the Delta Conveyance Project. The bill has three Democratic cosponsors – Garamendi, Thompson, and DeSaulnier – and mirrors the same bill that Congressman Harder introduced in the 117th Congress.

The bill was referred to the House Transportation and Infrastructure Committee where it is unlikely to receive much attention due to the stark differences of opinion on Delta Conveyance among the California congressional delegation (Congresswoman Napolitano is the Ranking Member of the relevant subcommittee).

Fiscal Year 2024 Appropriations

President Biden is expected to transmit his fiscal year 2024 budget to Congress on March 9th. This is roughly a month later than the budget is typically sent to Congress and the Administration points to the fact that the fiscal year 2023 omnibus did not pass until December, which delayed the fiscal year 2024 budget development.

Congress will hold significant oversight hearings in both the appropriations and authorizing committees to closely examine various aspects of the budget. Congress will then begin the process of drafting the fiscal year 2024 appropriations bill which will certainly be a challenge in the House given the significant budget cuts that many Republicans are demanding. There are several Republicans that would like to cap spending at the fiscal year 2022 levels which translates to roughly a 10% cut across the board from the fiscal year 2023 level. However, there are programs and projects that Republicans have said are off limits for such cuts such as defense spending. This means that most of the cuts will come from discretionary programs and agencies like the EPA, which often is seen as a target for cuts.

At the moment it is unclear what those cuts will mean for drought related programs but it is important to remember that the Bureau of Reclamation has significant funding in hand due to the infrastructure bill and the Inflation Reduction Act. The Democratic Senate and the Administration are not going to support the level of cuts that the House will propose, likely setting up a standoff towards the end of the fiscal year.

Colorado River

On Monday, February 27th, Congresswoman Napolitano and Congressman Calvert are hosting a briefing for all California House members on the status of the Colorado River and ongoing negotiations in the Basin. Representatives from IID, Met and the Six Agencies will be presenting to Hill staff. This will be an opportunity for staff to hear about the California proposal and the differences between it and the six states proposal as well as the timeline for the Supplemental Environmental Impact Statement process.

CVP Biological Opinion

Reclamation is currently working through the process of rewriting the biological opinion (BO) for the Long-Term Operations of the CVP. We are hearing that Reclamation is targeting April for the release of a draft biological assessment. Completing the biological opinion is a top priority for this Administration as the CVP is currently operating under an interim operations plan (IOP) that creates very challenging conditions for water management. Because of this dynamic, any other projects that need biological opinions are being told that they have to wait until the LTO BO is complete.



To:	Municipal Water District of Orange County
From:	Syrus Devers, Best Best & Krieger
Date:	March 1st, 2023
Re:	State Government Affairs Monthly Report

The Legislature

The deadline to introduce new bills for the 2023/2024 biennial legislative session has come and gone. As is typical for Sacramento, approximately 50% of new bills for the session were introduced in the last week ending on the 17th. Legislators introduced 2,632 bills this year, which is above the average of 2,500 per year. Although there will be many bills yet to come, here are a few early ones to look at:

SB 23 (Caballero) - This ACWA sponsored bill seeks to streamline permitting for water storage projects by putting a 6 month limit on state agency review, and arbitration if the two sides cannot reach agreement on a plan to mitigate environmental impacts. The bill is well intentioned and merits support, but similar measures in other industries have not had the impact the proponents hoped for. If a state agency wishes to be obstructionist, they have several tools at their disposal to slow down the permitting process. Nonetheless, it is a positive step forward and is up for consideration on the March agenda.

SB 414 (Allen) - The bill would prohibit turf removal rebates from being used to install artificial turf. It was brought to the attention of BB&K staff when visiting the author's staff in Sacramento. No bill sponsored was mentioned and it may be an issue the author wishes to pursue on his own.

AB 1572 (Freidman) - Speaking of turf, this bill would prohibit watering nonfunctional turf with potable water. As this subject falls within the unique resources of MWDOC, it has already been brought to the attention of staff and will be treated to a higher level of review. ACWA has put out a special request for feedback on this bill.

AB 460 (Bauer-Kahan) - This will probably be the major bill of the year. The author is the Chair of the Assembly Water, Parks, & Wildlife Committee, and the lieutenant of the incoming Speaker of the Assembly Robert Rivas. The bill gives the SWRCB powers similar to a court to temporarily enjoin water permit violations and/or regulations. That may not sound like something shocking, the SWRCB is a "quasi-judicial" agency with enforcement powers after all, but the power to temporarily enjoin activity prior to a party's right to due process is similar to a court's power to issue an injunction, but without the legal history that limits when a court can use those powers. And there is more: SWRCB could use those powers to enforce "public trust" issues. The Public Trust Doctrine comes from common law (read, not

enacted by the Legislature) and holds that the state must protect water for the benefit of the public. All well and good if a party is in a court of law with the full array of legal rights to protect their interest; it is an altogether different matter in front of a state agency which is politically appointed and acts by majority vote. This issue falls under the 2023 buzz word of the year of “modernizing” water rights.

SB 366 (Caballero) - This is still a spot bill, which would usually not be covered in this monthly report, but this one merits an exception. Sponsored by the California Municipal Utilities Association (CMUA), it purports to do nothingless than rewrite the California Water Plan. It certainly does not lack ambition, but it deserves early attention because it does have an impressive list of water districts coming together to try and actually expand the state’s water portfolio.

The Administration

First some recent history: DWR is still smarting from 2021/2022 when the state received record rain for two months only to be followed by the driest three months on record. On their own initiative, they began working to revise the way reservoir storage availability was determined in light of advanced weather forecasting information. They also considered possible changes for diversion permits to capture water during high flows for storage. To their credit, DWR was ready when the “atmospheric river” hit California last December; regulations were suspended and permits expedited in order to capture and store record flows in the Sacramento and San Joaquin Rivers. As a result of the December rains, California remains in a drought but is no longer in a critically dry year. But we saw what can happen last year and Governor Newsom (and the state agencies) moved two weeks ago to retain the water that was just stored, and possibly capture more if it keeps raining.

Governor’s Executive Order: on Monday, February 13th, Newsom issued Executive Order N-3-23 directing DWR to continue its efforts to move water into underground storage when possible, and suspending key environmental laws governing water quality in the Delta. In practice, that means the pumping plants at Tracy in the south Delta that feed the California Aqueduct can keep pumping when they otherwise would have to shut down, and, even more importantly, stored water does not have to be released in order to maintain salinity limits. Such actions have been taken before during declared states of emergency but only in critically dry years. Technically, this is not a critically dry year thanks to the December storms, but we all know we can be right back to a critically dry year in 12 weeks if the rain stops falling. But since these environmental regulations have never before been suspended during a “normal” year, and so far 2023 is an above normal year for rainfall, the environmental community is crying foul. (As in, more than usual.)



Activities

BB&K and MWDOC have begun the effort to meet a large number of staff who are new to Sacramento, or new to an office, resulting from the 35% turnover in the 2022 election. Meetings were set in the last week of February with staff for every new Orange County Delegation office, and most new water policy committee members. Outreach to the new members, which takes far longer, has begun as well.

ACKERMAN CONSULTING

Legal and Regulatory

March 1, 2023

1. **PFAS Pushback:** There are two leading manufacturers of forms of PFAS, Chemours and 3M Co. As a result of litigation and anticipated regulations, 3M has indicated that it will cease use of all PFAS related products by late 2025. Companies stopped using PFOA and PFOS, two PFAS chemicals, about 20 years ago. Chemours is pushing back. They are questioning the alleged health problems. There are conflicting studies regarding the purported health issues and the severity of them. They also claim these products can be made and used safely. Their last claim is that they are necessary for produce semiconductors. As we found during the pandemic, our economy was hurting in many segments due to shortages of semiconductors. They also state that people are exposed to PFAS from water and air in addition to the products themselves. They further claim that these products are safe if manufactured, handled, used, and disposed of properly. These compounds are used in many critical areas besides semiconductors, such as fire prevention and industrial processes.
2. **AI Mapping:** As we have previously reported, AI is being used in all areas of water world to improve data and aid in the decision-making process. The Chesapeake Conservancy's team produced a model AI system for measuring wetlands. Wetlands, we know, are very important to overall water system. Their sample was conducted in Minnesota, Delaware and New York and has been proven to be 94% accurate when compared to boots on the ground information. The AI model uses satellite imagery to provide the base data which will help resource managers do better water management planning.
3. **Water Racism?:** The State Water Resources Control Boards recently released a Racial Equity Action Plan which is a first for water world. The Plan wants all stakeholders in the water industry to looks at all actions through "a lens of racial equity." They assert that there have been actions in the past that have produced racial inequities in water infrastructure. The Plan lacks certain details such as cost, who will pay for it, how the money will be distributed, what actions are desired. There was pushback to the plan as being a waste of time and money and the "racialization of public policy."
4. **Water Efficiency Rankings:** The Alliance for Water Efficiency (AWE) released its scorecard for water efficiency and sustainability for 2022 for our 50 states. It is based on laws, regulations, and policies of each state with respect to conservation, affordability, sustainability, and affordability. California was #1 followed by Texas, Arizona, Georgia, Washington, New York. The average state score was 23 of 89 points which they claim was not very good, considering the drought conditions, climate change and other weather patterns in the US. (California score was 72) The full report is on their website.
5. **Sea Level Rise:** A recent study by Earths Future looked at US coastal communities and sea level rise. More than half of the areas studied found that they underestimated sea level rise when compared to a UN assessment

report. The criticism was that the mid-range estimate of sea level rise was used and not the high-end estimate. The difference between the two as you might expect would be enormous in the amount of cost and action required. Again, we must keep in mind that all these projections are based on extensive modeling and assumptions.

6. **California Dams At Risk:** California's history has shown that we experience a mega flood every 200 to 400 years. The last one was in the 1860s. If it happened today, it would flood the Central Valley and do more than \$1 trillion damage. Since our last emergency at Oroville, we have been trying to catch up, but California has about 1500 dams. Budgets have increased (\$13 to \$20 million) and staff (63 to 77), but few folks think that is sufficient. Dams' average life expectancy is 50 years but a well-designed, constructed and maintained dam can be 100 years. California has 15 high hazard dams in below standard condition. We will mention a few. Whittier Narrows-Build in 1957 with weak foundation if breached would impact 1.2 million people, \$6 billion in damage, 6 power plants, Cal State Long Beach and Seal Beach Naval Weapons Station. Upgrades have been done but another \$400 million is needed. Isabella Lake Dam near Bakersfield is next. Prado Dam: Build in 1941 would put 1.3 million folks at risk and damage estimate near \$60 billion, and Disneyland and Anaheim. Current upgrade budget is \$880 million. Carbon Canyon Dam: Fullerton Brea area with overflow to Placentia and Anaheim.
7. **Unfunded Levee Issue:** Levees in the Sacramento area have not been receiving FEMA aid during the recent storms. The most recent damage to a Cosumnes River levee had \$1.5 million price tag and a hole big as a football field. Two issues were raised in general: some levees were private or agency owned as opposed to government and they did not meet FEMA standards for construction. Usually, the owner or operator agency does not have them money to repair. Many times, past damage is not repaired which causes more damage in each future occurrence. FEMA definition for levee is "man-made structure, usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding." Many of these levees are very old and built at a time when there were no standards. California's Department of Water Resources can still help if they chose to, especially considering expected Federal money from disaster designation.
8. **Great Salt Lake Gone?:** The Great Salt Lake has been experiencing reduced levels of water for some time but it has now reached the critical stage. For the past few years, it has received less than one third of its normal intake from three rivers. Without some action, the Lake will be gone in 5 years. The Legislature is currently considering action to restrict agriculture use from the three rivers. Two-thirds of the diversion from the Lake are for agriculture and most of that goes for alfalfa. Utah residents are not as efficient as we are and pay the least of any other state. They are considering forced fallowing, changing water rights, modernization for farmers water practices. Utah is the second driest state in the US. The Lake is very important environmentally for the food chain and migration patterns.
9. **Evaporation on the Colorado River:** We have all been following the battle on the Colorado River between the six states and California. The current discussion is how much, if any, should evaporation be considered in dividing the water among the various states. This approach throws out the historical (and legal) basis of water rights. This

would clearly disadvantage California and help the other six states. Disregarding the 100-year-old Law of the River will be a sticking point and without an agreed resolution the basis of many lawsuits.

10. **Wetlands Loss Wrong:** A recent Stanford University study has questioned data on wetlands conversion and loss both in the US and worldwide. It comes at a critical time since the US Supreme Court will be deciding a case regarding extending federal protection to wetlands outside navigable waters. The Study shows that while there has been degradation of wetlands worldwide due to human activity since 1700, the extent has been grossly over estimated. Prior studies put the loss between 50-87%, the real decline has been 21-35%. Wetlands are vital for water purification, groundwater recharge and carbon storage. The researchers say the difference is caused by lack of reliable data before 1850 and our modern technology used in calculating such information.
11. **Floating Wetlands:** As we have seen, wetlands are very useful for many aspects of water world and our environment. Chicago is building floating wetlands in the Chicago River. These miniature islands (about the size of a swimming pool) composed of clumps of grass, plants, swamp mildewed, gravel and dirt are designed to clean up toxic stuff in the river from prior generations of industry in the area. They also absorb excess agricultural nutrients and attract sea life which recreate wetlands of old. Research shows that one acre of floating wetland will service pollution from 7-15 acres of urban development. Many more of the islands will be required to solve the whole problem but this will be a good test case.

Bill Matrix - 2/22/2023

A. Priority Support/Oppose

[AB 249](#)

(Holden D) Water: schoolsites: lead testing: conservation.

Status: 2/2/2023-Referred to Coms. on E.S. & T.M. and ED.

Summary: This bill would require a community water system that serves a schoolsite with a building constructed before January 1, 2010, to test for lead in the potable water system of the schoolsite before January 1, 2027. The bill would require the community water system to report its findings to the applicable school or local educational agency, as specified. The bill would require the local educational agency or school, if the lead level exceeds a specified level at a schoolsite, to notify the parents and guardians of the pupils who attend the schoolsite or preschool. The bill would require the local educational agency or school to take immediate steps to make inoperable and shut down from use all fountains and faucets where the excess lead levels may exist. The bill would also require that the local educational agency or school work with the schoolsites under its jurisdiction to ensure that a potable source of drinking water is provided for pupils, as specified. The bill would require a community water system to prepare a sampling plan for each schoolsite where lead sampling is required under these provisions. By imposing additional duties on local agencies, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position	Priority
Out for Analysis	A. Priority Support/Oppose

[AB 460](#)

(Bauer-Kahan D) State Water Resources Control Board: interim relief.

Status: 2/17/2023-Referred to Coms. on W., P., & W. and JUD.

Summary: This bill would authorize the board to issue, on its own motion or upon the petition of an interested party, an interim relief order in appropriate circumstances to implement or enforce these and related provisions of law. The bill would provide that a person or entity that violates any interim relief order issued by the board would be liable to the board for a civil penalty in an amount not to exceed the sum of \$10,000 for each day in which a violation occurs and \$5,000 for each acre-foot of water diverted in violation of the interim relief order. The bill would require these funds to be deposited in the Water Rights Fund. This bill contains other existing laws.

Position	Priority
Out for Analysis	A. Priority Support/Oppose

[AB 1572](#)

(Friedman D) Potable water: nonfunctional turf.

Status: 2/18/2023-From printer. May be heard in committee March 20.

Summary: This bill 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. This bill contains other related provisions and other existing laws.

Position	Priority
Out for Analysis	A. Priority Support/Oppose

SB 23

(Caballero D) Water supply and flood risk reduction projects: expedited permitting.

Status: 2/9/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Summary: This bill would require a project proponent, if already required to submit a notification to the department, to complete and submit environmental documentation to the department for the activity in the notification. The bill would require the department, under prescribed circumstances, to take specified actions within 180 days, or a mutually agreed-to extension of time, of receiving notification from a project proponent. This bill contains other related provisions and other existing laws.

Position	Priority
Out for Analysis	A. Priority
	Support/Oppose

SB 366

(Caballero D) The California Water Plan: long-term supply targets.

Status: 2/15/2023-Referred to Com. on RLS.

Summary: Existing 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. Existing 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. This bill would make legislative findings and declarations and state the intent of the Legislature to enact future legislation that modernizes the California Water Plan, including the establishment of long-term water supply targets.

Position	Priority
Watch	A. Priority
	Support/Oppose

B. Watch

AB 30

(Ward D) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.

Status: 1/26/2023-Referred to Com. on W., P., & W.

Summary: Existing law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Existing law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. The bill would require the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions. The bill would also require the department to take all actions within its existing authority to operate reservoirs in a manner that improves flood protection in the state and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers.

Position	Priority
Watch	B. Watch

AB 62

(Mathis R) Statewide water storage: expansion.

Status: 1/26/2023-Referred to Com. on W., P., & W.

Summary: Existing law declares that the protection of the public interest in the development of the water resources of the state is of vital concern to the people of the state and that the state shall determine in what way the water of the state, both surface and underground, should be developed for the greatest public benefit. Existing law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control

boards. Existing law requires the work of the state board to be divided into at least 2 divisions, known as the Division of Water Rights and the Division of Water Quality. This bill would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the state board, in consultation with the Department of Water Resources, to design and implement measures to increase statewide water storage to achieve the statewide goal. The bill would require the state board, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the department, to prepare and submit a report to the Legislature on the progress made in designing and implementing measures to achieve the statewide goal. This bill contains other existing laws.

Position	Priority
Watch	B. Watch

[AB 66](#)

(Mathis R) Natural Resources Agency: water storage projects: permit approval.

Status: 2/2/2023-Referred to Com. on W., P., & W.

Summary: Existing 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. Existing 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 approve the necessary permits for specified projects within 180 days from receiving a permit application, and would deem those permits approved if approval does not occur within this time period.

Position	Priority
	B. Watch

[AB 277](#)

(Rodriguez D) Extreme Weather Forecast and Threat Intelligence Integration Center.

Status: 2/9/2023-Referred to Coms. on E.M. and W., P., & W.

Summary: Existing law, the California Emergency Services Act, creates, within the office of the Governor, the Office of Emergency Services, which is responsible for addressing natural, technological, or human-caused disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property. Existing law establishes the Department of Water Resources within the Natural Resources Agency and sets forth its powers and duties relating to water resources. This bill would require the office and the department to jointly establish and lead the Extreme Weather Forecast and Threat Intelligence Integration Center for the purpose of collecting, assessing, and analyzing extreme weather data and atmospheric conditions, as specified. The bill would require that the center be composed of representatives from specified organizations and would authorize the office and the department to invite other organizations to designate additional representatives, as specified. This bill contains other related provisions.

Position	Priority
Watch	B. Watch

[AB 305](#)

(Villapudua D) California Flood Protection Bond Act of 2024.

Status: 1/27/2023-From printer. May be heard in committee February 26.

Summary: Under existing law, various general obligation bond acts have been approved by the voters to provide funds for water projects, facilities, and programs. This bill would express the intent of the Legislature to enact subsequent legislation for a flood protection general obligation bond act, in an unspecified amount, that would be known as the California Flood Protection Bond Act of 2024, and would be submitted to the voters at the next general election.

Position	Priority
Watch	B. Watch

[AB 338](#)

(Aguiar-Curry D) Public works: definition.

Status: 2/9/2023-Referred to Com. on L. & E.

Summary: Existing law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Existing law defines the term "public works" for purposes of requirements regarding the payment of prevailing wages to include construction, alteration, demolition, installation, or repair work done under contract and paid for using public funds, except as specified. Existing law makes a willful violation of laws relating to the payment of prevailing wages on public works a misdemeanor. This bill would, commencing January 1, 2025, expand the definition of "public works" to include fuel reduction work done under contract and paid for in whole or in part out of public funds performed as part of a fire mitigation project, as specified. The bill would limit those provisions to work that falls within an apprenticeship occupation in the building and construction trades for which an apprenticeship program has been approved and to contracts in excess of \$100,000. The bill would delay the application of those provisions until January 1, 2026, for

nonprofits. By expanding the scope of a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position	Priority
Watch	B. Watch

AB 340 (Fong, Vince R) California Environmental Quality Act: grounds for noncompliance.

Status: 2/9/2023-Referred to Coms. on NAT. RES. and JUD.

Summary: The California Environmental Quality Act (CEQA) requires, among other things, a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA prohibits an action or proceeding from being brought in a court to challenge the approval of a project by a public agency unless the alleged grounds for noncompliance are presented to the public agency orally or in writing by a person during the public comment period provided by CEQA or before the close of the public hearing on the project before the issuance of the notice of determination. This bill would require the alleged grounds for noncompliance with CEQA presented to the public agency in writing be presented at least 10 days before the public hearing on the project before the issuance of the notice of determination. The bill would prohibit the inclusion of written comments presented to the public agency after that time period in the record of proceedings and would prohibit those documents from serving as basis on which an action or proceeding may be brought.

Position	Priority
Watch	B. Watch

AB 557 (Hart D) Open meetings: local agencies: teleconferences.

Status: 2/17/2023-Referred to Com. on L. GOV.

Summary: Existing law, 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. Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. Existing law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Existing law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely. The bill would also extend the period for a legislative body to make the above-described findings related to a continuing state of emergency and social distancing to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures. This bill contains other related provisions and other existing laws.

Position	Priority
Watch	B. Watch

ACA 2 (Alanis R) Public resources: Water and Wildfire Resiliency Act of 2023.

Status: 12/6/2022-From printer. May be heard in committee January 5.

Summary: Existing provisions of the California Constitution require the specified use of General Fund revenues, as described. This measure 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.

Position	Priority
Out for Analysis	B. Watch

SB 3 **(Dodd D) Discontinuation of residential water service: community water system.**

Status: 1/18/2023-Referred to Com. on E., U. & C.

Summary: Existing law, the Water Shutoff Protection Act, prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential service for nonpayment, as specified, and requires specified procedures before it can discontinue residential service for nonpayment. Existing law defines a community water system as a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system. This bill would expand the scope of the Water Shutoff Protection Act by requiring that it instead apply to a community water system, defined to have the same meaning as existing law. The bill would require a community water system that supplies water to 200 service connections or fewer to comply with the act's provisions on and after August 1, 2024.

Position	Priority
Out for Analysis	B. Watch

SB 57 **(Gonzalez D) Utilities: extreme weather events.**

Status: 1/18/2023-Referred to Com. on RLS.

Summary: Existing law vests the Public Utilities Commission with regulatory authority over public utilities, while local publicly owned electric utilities, as defined, are under the direction of their governing boards. This bill would state the intent of the Legislature to enact future legislation to prohibit shutting off utility service during extreme weather events.

Position	Priority
Watch	B. Watch

SB 66 **(Hurtado D) Water: predictive models and data collection.**

Status: 1/18/2023-Referred to Com. on RLS.

Summary: Existing law establishes the Department of Water Resources in the Natural Resources Agency and the State Water Resources Control Board in the California Environmental Protection Agency. Existing law requires the department, as part of updating The California Water Plan every five years, to conduct a study to determine the amount of water needed to meet the state's future needs and to recommend programs, policies, and facilities to meet those needs. This bill would state the intent of the Legislature to ensure that reliable predictive models and data collection systems are used to properly forecast and allocate surface water.

Position	Priority
Watch	B. Watch

SB 69 **(Cortese D) California Environmental Quality Act: judicial and administrative proceedings: limitations.**

Status: 2/10/2023-Set for hearing March 15.

Summary: The California Environmental Quality Act (CEQA) requires, among other things, a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA requires a state agency or a local agency that approves or determines to carry out a project subject to CEQA to file a notice of determination with the Office of Planning and Research or the county clerk of each county in which the project will be located, as provided. CEQA authorizes a state agency or a local agency that determines that a project is not subject to CEQA to file a notice of exemption with the office or the county clerk of each county in which the project will be located, as provided. If a person has made a written request to a public agency for a copy of a notice of determination or notice of exemption for a project before the date on which the public agency approves or determines to carry out the project, CEQA requires the public agency, no later than 5 days from the date of the public agency's action, to deposit a copy of the written notice addressed to that person in the United States mail, first-class postage prepaid. CEQA provides that the date upon which the notice is mailed does not affect the limitations periods applicable to specified actions or proceedings to attack, review, set aside, void, or annul specified acts or decisions of a public agency on the grounds of noncompliance with CEQA. The bill would require a public agency to provide both the notice and any subsequent amended, corrected, or revised notice, as specified, in response to a written request for the notice, regardless of the delivery method. By requiring a local agency to provide a copy of any subsequent amended, corrected, or revised notice, along with the notice, the bill would impose a state-mandated local program. The bill would toll, except as provided, the limitations periods applicable to specified actions or proceedings to attack, review, set aside, void, or annul specified acts or decisions of a public agency until the date on which the public agency deposits in the mail or sends by email to the requestor a copy of the notice, including

any subsequent amended, corrected, or revised notice, or the date on which the public agency submits the notice to a specified state entity, as described. The bill would also require the public agency to submit the notice of determination or notice of exemption for all projects to a specified state entity within 5 days of its action on the project. This bill contains other related provisions and other existing laws.

Position	Priority
Watch	B. Watch

SB 272

(Laird D) Sea level rise: planning and adaptation.

Status: 2/9/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Summary: Existing law creates within the Ocean Protection Council the California Sea Level Rise State and Regional Support Collaborative to provide state and regional information to the public and support to local, regional, and other state agencies for the identification, assessment, planning, and, where feasible, the mitigation of the adverse environmental, social, and economic effects of sea level rise within the coastal zone, as provided. This bill would require a local government, as defined, lying, in whole or in part, within the coastal zone, as defined, or within the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined, to implement sea level rise planning and adaptation through either submitting, and receiving approval for, a local coastal program, as defined, to the California Coastal Commission or submitting, and receiving approval for, a subregional San Francisco Bay shoreline resiliency plan to the San Francisco Bay Conservation and Development Commission, as applicable, on or before January 1, 2034. By imposing additional requirements on local governments, the bill would impose a state-mandated local program. The bill would require local governments that receive approval for sea level rise planning and adaptation on or before January 1, 2029, to be prioritized for sea level rise funding, upon appropriation by the Legislature, for the implementation of projects in the local government's approved sea level rise adaptation plan. The bill would require, on or before December 31, 2024, the California Coastal Commission and the San Francisco Bay Conservation and Development Commission, in close coordination with the Ocean Protection Council and the California Sea Level Rise State and Regional Support Collaborative, to establish guidelines for the preparation of that planning and adaptation. The bill would make the operation of its provisions contingent upon an appropriation for its purposes by the Legislature in the annual Budget Act or another statute. This bill contains other related provisions and other existing laws.

Position	Priority
Watch	B. Watch

SB 315

(Hurtado D) Sustainable Groundwater Management Act.

Status: 2/15/2023-Referred to Com. on RLS.

Summary: Existing law, the Sustainable Groundwater Management Act (the act), provides for the sustainable management of groundwater basins, and provides local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater, among other purposes of the act. The 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. Existing law authorizes a local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin and requires a groundwater sustainability plan to be developed and implemented for each medium- or high-priority basin by a groundwater sustainability agency. Existing law requires the groundwater sustainability agency to consider the interests of all beneficial uses and users of groundwater, as described, as well as those responsible for implementing groundwater sustainability plans. This bill would express the intent of the Legislature to enact future legislation that would assist groundwater sustainability agencies in fostering discussions among diverse water management interests and local agencies as they strive to implement the act.

Position	Priority
Watch	B. Watch

SB 414

(Allen D) Drought-tolerant landscaping: local incentive programs: synthetic grass: artificial turf.

Status: 2/10/2023-From printer. May be acted upon on or after March 12.

Summary: Existing law prohibits a city, including a charter city, county, and city and county, from enacting or enforcing any ordinance or regulation that prohibits the installation of drought-tolerant landscaping, synthetic grass, or artificial turf on residential property, as specified. Existing law, the Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally defines "gross income" as income from whatever source derived, except as specifically excluded. Existing law provides, among other exclusions, an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a public water system, as defined, local government, or state agency for participation in a turf replacement water conservation program. This bill would prohibit a city, including a charter city, county, city and county, or special district, from issuing a rebate, voucher, or other financial incentive for the use of synthetic grass or artificial turf that contains contaminants, including zinc, plastic,

or perfluoroalkyl and polyfluoroalkyl substances (PFAS). By establishing new requirements for local agencies, this bill would impose a state-mandated program. This bill contains other related provisions and other existing laws.

Position	Priority
Watch	B. Watch

Total Measures: 21

Total Tracking Forms: 21



Item No. 4

ACTION ITEM March 1, 2023

TO: Board of Directors

FROM: Harvey De La Torre
Interim General Manager

Staff Contact: Heather Baez

**SUBJECT: SB 23 (CABALLERO) - WATER SUPPLY AND FLOOD RISK REDUCTION
PROJECTS: EXPEDITED PERMITTING**

STAFF RECOMMENDATION

Staff recommends the Board of Directors vote to adopt a support position on SB 23 (Caballero) and join ACWA's coalition letter and outreach efforts.

BILL SUMMARY

Senate Bill 23 is an ACWA sponsored measure. It is designed to help address inefficiencies by creating an expedited process whereby state agencies and project applicants collaborate to expedite and advance projects needed to protect communities and bolster water supplies while preserving established environmental review processes that play a critical role in protecting and enhancing the environment.

Specifically, SB 23 would streamline the regulatory permitting of water supply and flood risk reduction projects in four ways:

- 1) Reform the process by which an application for a Section 401 Water Quality Certification is deemed complete;
- 2) Require the review and approval of Section 401 Water Quality Certifications and Lake and Streambed Alteration Agreements to be completed within 180 days of submittal of a complete permit application;
- 3) Avoid duplicative planning efforts by allowing certain watershed management plans that are already developed and implemented to be used for mitigation required through Section 401 Water Quality Certifications; and

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

4) Allow project applicants to voluntarily contribute resources to state permitting agencies in order to provide agencies with additional resources to help agencies meet the permitting deadlines established in the bill.

NEED FOR THIS PROPOSAL

While the need for water supply and flood protection infrastructure is evident, getting these critical, timely projects approved and built can be a significant challenge. Even after the California Environmental Quality Act (CEQA) process is complete, the permitting process can be mired in delays caused by overlapping jurisdictions of state and federal agencies, confusion over what's required for a completed application, and state agency and project applicant staffing issues.

As delays occur, costs increase, and depending on the size of the project, delays can ultimately cost water rate payers and taxpayers tens of millions of dollars. This regulatory gridlock can also lead to worse environmental outcomes and delay projects that will benefit the environment.

ARGUMENTS IN SUPPORT

SB 23 presents an opportunity to seize growing momentum for legislation that would streamline the permitting process for water supply and flood risk reduction projects. The Water Resilience Portfolio prioritized the need to accelerate permitting for new water storage projects. The Governor's Water Supply Strategy highlighted the urgency for California to increase and modernize its water supply and expedite projects in order to adapt to more extreme weather patterns caused by climate change. Governor Newsom, during his January 10 budget release press conference, again emphasized the need for California to address issues creating regulatory roadblocks that delay critical infrastructure projects, stating:

"The time to getting these projects done is critical. The process we've created is creating paralysis and creating problems as a consequence. And we have a responsibility to fix that. Progress was made last year. I assure you more progress will be made in the ensuing years."

This measure would streamline projects that utilize natural infrastructure, such as groundwater recharge to help achieve sustainable groundwater management. Regions of California, long dependent on imported water supplies, are making substantial investments in projects that will create new sources of supply. In addition, it will help accelerate recycled water, desalination, and storm water capture projects so that these regions have access to a drought-proof sustainable supply of high-quality water.

Streamlining projects incentivizes investment in water projects. Infrastructure investments not only prepare California for a changing climate, they generate jobs and contribute to state and local economies through taxes and purchasing of products and services.

ARGUMENTS IN OPPOSITION

None on file.

BOARD OPTIONS

Option #1

- Adopt a support position on SB 23 and join ACWA's coalition and outreach efforts.

Fiscal Impact: If enacted, this measure could potentially save public agencies time and money as they could finish projects sooner and more efficiently.

Option #2

- Take no action

Fiscal Impact: Same as above

STAFF RECOMMENDATION

Option #1

ATTACHED:

- SB 23 Full Text

Introduced by Senator Caballero

December 5, 2022

An act to add Section 1618 to the Fish and Game Code, and to add the heading of Article 1 (commencing with Section 13370) to Chapter 5.5 of Division 7 of, and to add Article 2 (commencing with Section 13389.1) to Chapter 5.5 of Division 7 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 23, as amended, Caballero. Water supply and flood risk reduction projects: expedited permitting.

(1) Existing 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 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 complete and submit environmental documentation to the department for the activity in the notification. The bill would require the department, under prescribed circumstances, to take specified actions within 180 days, or a mutually agreed-to extension of time, of receiving notification from a project proponent.

(2) *Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board (state board) and the California regional water quality control boards (regional boards) are the principal state agencies with primary authority over water quality matters. Existing law authorizes the state board to issue permits and promulgate procedures consistent with federal law.*

This bill would require, if an applicant requests a preapplication consultation, the state board or regional boards to adhere to specified procedures in reviewing the application before issuing project certification. The bill would authorize a project proponent to petition the state board to reconsider a determination of application completeness, or to appeal to the state board any regional board's determination of application completeness.

This bill would require the state board or regional boards to use specified approved conservation and habitat management plans as watershed plans for purposes of implementing the procedures in issuing a project certification, unless the state board or regional boards issuing a project certification determine in writing that an approved plan does not substantially meet the definition of a watershed plan, as defined. The bill would place requirements on the state board and regional boards regarding its determination on what is considered a watershed plan, including making a proposed written determination, and providing for public comment and a written response on that proposed determination. The bill would require, by January 1, 2025, the state board to review and adopt general water quality certifications for general nationwide permits issued by the United States Army Corps of Engineers under specified federal law within the state for discharge of dredge and fill material in connection with water supply projects and flood risk reduction projects. The bill would require, on January 1, 2025, and annually thereafter, the state board and regional boards to prepare, provide public notice of, make available for public review on their internet website, and submit to the relevant legislative committees, as specified, a report regarding specified information related to water supply projects and flood risk reduction projects.

This bill would authorize a state agency, defined to mean any agency, board, or commission, including the state board or the regional boards, with the power to issue a permit that would authorize a water supply project or authorize a flood risk reduction project, to take specified actions in order to complete permit review and approval in an expeditious manner. The bill would make findings and declarations

related to the need to expedite water supply projects and flood risk reduction projects to better address climate change impacts while protecting the environment.

~~The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the state, including, among other things, overseeing the issuance and enforcement of public water system permits, as provided.~~

~~Existing law authorizes specified works of improvement for the control, conservation, and utilization of destructive flood waters and the reclamation and protection of lands that are susceptible to overflow by flood waters.~~

~~This bill would express the intent of the Legislature to enact subsequent legislation to expedite the regulatory permitting process for water supply and flood risk reduction projects, as provided.~~

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

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

1 *SECTION 1. Section 1618 is added to the Fish and Game Code,*
2 *to read:*

3 1618. (a) *For purpose of this section, the following definitions*
4 *apply:*

5 (1) *“Flood risk reduction project” means a project or plan*
6 *subject to department jurisdiction under this chapter that is*
7 *proposed by a public agency or a public utility to construct, alter,*
8 *retrofit, maintain, manage, or improve a facility, channel, levee,*
9 *or flood control modification where flood risk reduction or sea*
10 *level rise protection is an objective of the project.*

11 (2) *“Notification” means the documents described in*
12 *subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision*
13 *(a) of Section 1602.*

14 (3) *“Project proponent” means a public agency or public utility*
15 *that proposes a water supply project or flood risk reduction project.*

16 (4) *“Water supply project” means a project or plan subject to*
17 *department jurisdiction under this chapter that is proposed by a*
18 *public agency or a public utility to construct, alter, retrofit,*
19 *maintain, manage, or improve a groundwater recharge,*

1 *desalination, recycled water, water conveyance, surface water*
2 *storage, stormwater capture, or water treatment facility.*

3 *(b) A project proponent shall do both of the following:*

4 *(1) Submit a complete notification for the project to the*
5 *department when required under this chapter.*

6 *(2) Complete and submit environmental documentation to the*
7 *department for the activity in the notification, required under*
8 *Division 13 (commencing with Section 21000) of the Public*
9 *Resources Code.*

10 *(c) Notwithstanding any other law, if the department determines*
11 *that a water supply project or flood risk reduction project will*
12 *substantially adversely affect an existing fish and wildlife resource*
13 *and the project proponent completes the actions described in*
14 *subdivision (b), the department shall, within 180 days of receipt*
15 *of a notification from the project proponent, issue the final*
16 *agreement that includes any reasonable measures mutually agreed*
17 *to by the project proponent and the department pursuant to*
18 *subdivision (a) of Section 1603 unless subparagraph (D) of*
19 *paragraph (4) of subdivision (a) of Section 1602 applies because*
20 *the department did not issue a draft agreement to the project*
21 *proponent within 60 days of the date the notification is complete.*
22 *If the department and the project proponent are not able to reach*
23 *a final agreement on all measures, the project proponent may*
24 *proceed in accordance with a final agreement issued by an*
25 *arbitration panel pursuant to subdivision (b) of Section 1603,*
26 *including reasonable measures necessary to protect the existing*
27 *fish and wildlife resources substantially adversely affected by the*
28 *water supply project or flood risk reduction project.*

29 *(d) If the department and the project proponent mutually agree*
30 *to an extension of the date for which the department shall provide*
31 *a final agreement, the date mutually agreed upon shall apply*
32 *instead of the 180-day time period.*

33 *SEC. 2. The heading of Article 1 (commencing with Section*
34 *13370) is added to Chapter 5.5 of Division 7 of the Water Code,*
35 *to read:*

36
37 *Article 1. Implementation of the Federal Water Pollution*
38 *Control Act*
39

1 SEC. 3. Article 2 (commencing with Section 13389.1) is added
2 to Chapter 5.5 of Division 7 of the Water Code, to read:

3
4 Article 2. Water Supply and Flood Risk Reduction Permits

5
6 13389.1. For the purpose of this article, the following
7 definitions apply:

8 (a) “Flood risk reduction project” means a project or plan that
9 is proposed by a public agency or a public utility to construct,
10 alter, retrofit, maintain, manage, or improve a facility, channel,
11 levee, or flood control modification where flood risk reduction or
12 sea level rise protection is an objective of the project.

13 (b) “Habitat conservation plan” means any plan approved by
14 the United States Fish and Wildlife Service pursuant to the federal
15 Endangered Species Act (16 U.S.C. Sec. 1531 et seq.).

16 (c) “Habitat management plan” means any habitat conservation
17 plan, natural communities conservation plan, habitat management
18 plan, or other plan agreement or permit approved by or entered
19 into by the Department of Fish and Wildlife in connection with the
20 authorization of taking of an endangered, threatened, or candidate
21 species pursuant to the California Endangered Species Act
22 (Chapter 1.5 (commencing with Section 2050) of Division 3 of the
23 Fish and Game Code).

24 (d) “Natural communities conservation plan” means any plan
25 approved by the Department of Fish and Wildlife pursuant to
26 Chapter 10 (commencing with Section 2800) of Division 3 of the
27 Fish and Game Code.

28 (e) “Procedures” means the “State Wetland Definition and
29 Procedures for Discharge of Dredged or Fill Material to Waters
30 of the State” (as adopted by the State Water Resources Control
31 Board on April 2, 2019) as they may be amended from time to
32 time.

33 (f) “Project certification” means water quality certification
34 required by, and issued under, Sections 13160, 13260, and 13376.

35 (g) “Project proponent” means a public agency or public utility
36 that proposes a water supply project or flood risk reduction project.

37 (h) “State agency” means any agency, board, or commission,
38 including the state board or the regional boards, with the power
39 to issue a permit that would authorize a water supply project or
40 authorize a flood risk reduction project.

(i) “Water supply project” means a project or plan that is proposed by a public agency or a public utility to construct, alter, retrofit, maintain, manage, or improve a groundwater recharge, desalination, recycled water, water conveyance, surface water storage, stormwater capture, or water treatment facility.

(j) “Watershed plan” means a document or set of documents, developed in consultation with relevant stakeholders, that has a specific goal of aquatic resource restoration, establishment, enhancement or preservation within a watershed, that addresses aquatic resource conditions in the watershed, addresses multiple stakeholder interests and land uses, includes information about identification of priority sites for aquatic resource restoration and protection, includes implementation measures to attain aquatic resource protection goals for the watershed, and is used by the state board or regional boards in determining appropriate terms and conditions, including avoidance, minimization, and compensatory mitigation conditions, to be included in project certifications.

13389.2. (a) (1) This section shall apply if, before filing an application for project certification for a water supply project or flood risk reduction project, the project proponent requests a preapplication consultation with the state board or regional boards, as appropriate.

(2) The project proponent shall initiate the preapplication consultation at least 60 days before the filing of the application for project certification. Any meeting pursuant to the consultation shall occur no less frequently than once every 60 days thereafter until the project is fully certified.

(3) The 60-day preapplication period may run concurrently with any other preapplication or postapplication consultation period that a project proponent enters into as required by law with any other regulatory agency with jurisdiction.

(4) Nothing in this section shall require an applicant to request or engage in a preapplication consultation not otherwise required by law for any project certification.

(b) Notwithstanding any other law, the state board or regional boards shall issue project certification within 180 days if a project proponent does all of the following:

(1) Requests a preapplication consultation.

(2) Files a complete application for project certification.

1 (3) *If required for the project, files a complete application or*
2 *petition under Chapter 2 (commencing with Section 1250) of Part*
3 *2 of Division 2 for all water rights approvals or amendments*
4 *necessary to implement the project.*

5 (4) *Completes and submits completed environmental*
6 *documentation to the state board or regional boards for the project*
7 *certification required under Division 13 (commencing with Section*
8 *21000) of the Public Resources Code.*

9 (c) *The state board or regional board shall notify the project*
10 *proponent in writing whether the submittal is complete no later*
11 *than 30 days after the submittal of an application or petition. If*
12 *the submittal is determined to be incomplete, the state board or*
13 *regional boards shall provide the project proponent with a written*
14 *notification that includes a full list of specific items that were*
15 *complete and incomplete, and indicate the manner by which*
16 *incomplete items can be made complete, including a list and*
17 *thorough description of the specific information needed to complete*
18 *the application or petition. The list shall be limited to those items*
19 *actually required by the state board or regional board under*
20 *applicable law. After the state board or regional board issues the*
21 *list, it shall not request or require the project proponent to provide*
22 *any new or additional information that was not identified in the*
23 *initial list of items found to be incomplete. No list shall include an*
24 *extension or waiver of any of the time periods prescribed by this*
25 *section.*

26 (d) *If the state board or regional board does not provide the*
27 *project proponent with a written notification that includes a list*
28 *of specific items that are complete and incomplete within 30 days*
29 *after receipt of the initial application or petition, the application*
30 *or petition shall be deemed complete.*

31 (e) (1) *If the state board or regional board provides the written*
32 *notification determining that the application or petition is*
33 *incomplete, the project proponent shall act within 45 days after*
34 *receipt of the notification to submit supplemental materials in*
35 *order to complete the application or petition, or to appeal the*
36 *determination, in whole or in part.*

37 (2) *Upon receipt of any supplemental materials from the project*
38 *proponent, the state board or regional board shall, within 30 days*
39 *after receipt of the notification, determine the completeness of the*
40 *application or petition with the supplemental material and whether*

1 to issue the notification of a complete application. In making this
2 determination, the state board or regional board shall be limited
3 to whether the application or petition as supplemented includes
4 the information specified in the prior notification of
5 incompleteness.

6 (f) (1) If the supplemented application or petition is again
7 determined to be incomplete, the state board or regional board
8 shall provide the project proponent with a written notification
9 specifying the parts of the supplemented application or petition
10 that are still incomplete and indicate the manner by which they
11 can be made complete, including a full list and thorough
12 description of the information needed to complete the application
13 or petition.

14 (2) The project proponent shall act within 30 days of receipt of
15 that notification to submit additional supplemental materials in
16 order to complete the application or petition, or to appeal the
17 notification of incompleteness, in whole or in part.

18 (3) If the state board or regional board does not, within 30 days
19 of receipt of application materials from applicant, provide the
20 project proponent with a written notification specifying those parts
21 of the supplemented application or petition that are still incomplete
22 and indicating the manner by which they can be made complete,
23 the application or petition as supplemented shall be deemed
24 complete for purposes of this section.

25 (4) If the project proponent elects to supplement a previously
26 supplemented application or petition, the deadlines and obligations
27 set forth in this subdivision shall also apply to any supplemented
28 application or petition.

29 (g) The state board or regional board may, in the course of
30 processing the application, request the project proponent to clarify,
31 correct, or otherwise supplement the information required for the
32 application under subdivision (c). This shall not affect any specified
33 deadlines under this section.

34 (h) The project proponent may petition the state board to
35 reconsider a determination of application completeness, or may
36 appeal to the state board any regional board's determination of
37 application completeness. The project proponent may petition for
38 reconsideration or appeal a determination of completeness, either
39 in whole or in part, and the appropriate board shall act on the
40 petition for reconsideration or appeal no later than 60 days after

1 receipt of the appeal in accordance with subdivision (c) of Section
2 65943 of the Government Code. Within 30 days of the timely
3 issuance by the state board of its final written determination of
4 completeness, the project proponent may challenge the
5 determination of completeness in court.

6 (i) This section does not supersede or otherwise amend any
7 deadlines set forth by or in the federal Water Pollution Control
8 Act (33 U.S.C. Sec. 1251 et seq.).

9 (j) Except as provided in subdivision (h), this section does not
10 amend the procedures or any deadlines for administrative or
11 judicial appeal of a project certification as set forth under state
12 or federal law.

13 13389.3. (a) The Legislature finds and declares all of the
14 following:

15 (1) On April 2, 2019, the state board adopted the “State Wetland
16 Definition and Procedures for Discharges of Dredged or Fill
17 Material to Waters of the State” (procedures) that requires that
18 any habitat conservation plan approved by the United States Fish
19 and Wildlife Service pursuant to the federal Endangered Species
20 Act (16 U.S.C. Sec. 1531 et seq.) before December 31, 2020, and
21 any natural communities conservation plan approved by the
22 Department of Fish and Wildlife pursuant to the Natural
23 Communities Conservation Planning Act before December 31,
24 2020, shall be used by the state board and regional boards in
25 issuing project certifications, so long as the plan includes
26 biological goals for aquatic resources.

27 (2) The procedures further require that the state board or
28 regional boards shall use the approved plans as watershed
29 management plans under the procedures unless the state board
30 or regional boards determine that the approved habitat
31 conservation plan or the natural communities conservation plan
32 does not substantially meet the definition of a watershed plan, as
33 set forth in the procedures, for aquatic resources.

34 (3) To expedite water supply projects and flood risk reduction
35 projects to better address climate change impacts while protecting
36 the environment, the Legislature finds that for purposes of issuing
37 project certifications in compliance with the procedures, as they
38 may be amended from time to time, the state board or regional
39 boards shall expand their reliance on approved habitat
40 conservation plans, natural community conservation plans, and

1 other habitat management plans for provision of avoidance,
2 minimization, and compensatory mitigation for project
3 certifications, so long as those plans are approved by other state
4 and federal agencies with jurisdiction and address biological goals
5 for aquatic resources.

6 (b) Unless the state board or regional boards issuing a project
7 certification determine in writing that an approved plan does not
8 substantially meet the definition of a watershed plan, the state
9 board or regional boards shall use the following approved plans
10 as watershed plans for purposes of implementing the procedures
11 in issuing a project certification:

12 (1) Habitat conservation plans that include biological goals for
13 aquatic resources.

14 (2) Natural communities conservation plans that include
15 biological goals for aquatic resources.

16 (3) Habitat management plans that include biological goals for
17 aquatic resources.

18 (c) (1) Unless the state board or regional boards issuing a
19 project certification determine in writing that an approved plan
20 does not substantially meet the definition of a watershed plan, the
21 state board or regional boards shall accept, as terms of the project
22 certification, any avoidance, minimization, and compensatory
23 mitigation for impacts to waters of the state provided through
24 compliance with any approved habitat conservation plan, natural
25 community conservation plan, or habitat management plan, so
26 long as the public entity administering the habitat conservation
27 plan, natural community conservation plan, or habitat management
28 plan identifies, tracks, and publicly reports the impacts to waters
29 of the state and the manner that they are addressed by the
30 avoidance, minimization, and compensatory mitigation.

31 (2) The state board or regional boards shall not impose on any
32 project certification terms and conditions mandating avoidance,
33 minimization, or compensatory mitigation for impacts to waters
34 of the state in addition to those already provided pursuant to
35 approved plans administered as set forth in paragraph (1).

36 (3) For the state board or regional boards to make a
37 determination that an approved habitat conservation plan, natural
38 communities conservation plan, or habitat management plan that
39 includes biological goals for aquatic resources does not
40 substantially meet the definition of a watershed plan for purposes

1 of issuing a project certification, the state board or regional boards
2 shall do both of the following:

3 (A) Make a proposed written determination, supported by
4 specific written findings of insufficiency, available for public review
5 and comment for at least 30 days prior to the adoption of the
6 determination of insufficiency.

7 (B) Provide written responses to public comments received on
8 the determination of insufficiency prior to making a decision on
9 the determination.

10 (d) By January 1, 2025, the state board shall review and adopt
11 general water quality certifications for general nationwide permits
12 issued by the United States Army Corps of Engineers under Section
13 404 of the federal Water Pollution Control Act (33 U.S.C. Sec.
14 1344) within the state for discharge of dredge and fill material in
15 connection with water supply projects and flood risk reduction
16 projects. In adopting the general water quality certifications, the
17 state board shall rely upon an environmental review completed
18 by the United States Army Corps of Engineers under the federal
19 National Environmental Policy Act (42 U.S.C. Sec. 4321, et seq.)
20 for compliance with its duties under the requirements of Division
21 13 (commencing with Section 21000) of the Public Resources
22 Code.

23 (e) Notwithstanding Section 10231.5 of the Government Code,
24 beginning on January 1, 2025, and annually thereafter, the state
25 board and regional boards shall prepare, provide public notice
26 of, and make available for public review on their internet website,
27 and submit to the relevant legislative policy committees and
28 relevant legislative budget committees, a report regarding, at a
29 minimum, all of the following:

30 (1) The water supply projects and flood risk reduction projects
31 for which project certifications have been issued.

32 (2) The water supply projects and flood risk reduction projects
33 for which project certifications have been issued in reliance upon
34 avoidance, minimization, and compensatory mitigation created
35 and provided through an approved habitat conservation plan,
36 natural communities conservation plan, or habitat mitigation plan.

37 (3) Any approved habitat conservation plan, natural
38 communities conservation plan, or habitat mitigation plan found
39 by the state board and regional boards to be insufficient as a

1 watershed management plan and the reasons for the determination
2 of insufficiency.

3 (4) The general water quality certifications adopted by the state
4 board for general nationwide permits issued by the United States
5 Army Corps of Engineers under Section 404 of the federal Water
6 Pollution Control Act (33 U.S.C. Sec. 1344) to authorize discharges
7 of dredge and fill material in connection with water supply projects
8 and flood risk reduction projects.

9 13389.4. (a) A state agency may do any of the following:

10 (1) Enter into an agreement with a project proponent to recover
11 costs for actions authorized by this section to expedite the review
12 of environmental documents prepared pursuant to Division 13
13 (commencing with Section 21000) of the Public Resources Code,
14 and review the processing and issuance of project certifications,
15 and other authorizations, permits, and approvals for water supply
16 projects and flood risk reduction projects, with the goal of
17 completing permit review and approval in an expeditious manner.

18 (2) Hire or compensate staff or contract for services needed to
19 achieve the goal of completing permit review and approval in an
20 expeditious manner.

21 (3) Work collaboratively with project proponents and other
22 agencies with jurisdiction over the water supply project or flood
23 risk reduction project to implement an integrated regulatory
24 approach in authorizing the projects, similar to efforts implemented
25 by the state permitting agencies for projects funded by the local
26 parcel tax measure, San Francisco Bay Restoration Authority
27 Measure AA, the San Francisco Bay Clean Water, Pollution
28 Prevention and Habitat Restoration Measure.

29 (b) This section does not limit or expand the authority or
30 discretion of a state agency with regard to conducting review of
31 environmental documents under Division 13 (commencing with
32 Section 21000) of the Public Resources Code, processing or issuing
33 a project certification or other permit, approval, or authorization,
34 or imposing conditions in conjunction with the issuance of a project
35 certification or other permit, approval, or authorization.

36 (c) This section does not affect the project proponent's ability
37 to phase the permitting or construction of a water supply project
38 or flood risk reduction project.

39 (d) The Federal Energy Regulatory Commission, the United
40 States Army Corps of Engineers, the United States Fish and

1 *Wildlife Service, the National Marine Fisheries Service, and the*
2 *United States Environmental Protection Agency may, and are*
3 *encouraged to, participate in implementing the integrated*
4 *regulatory approach authorized by this section.*

5 ~~SECTION 1. It is the intent of the Legislature to enact~~
6 ~~subsequent legislation to expedite the regulatory permitting process~~
7 ~~for water supply and flood risk reduction projects, consistent with~~
8 ~~“California’s Water Supply Strategy, Adapting to a Hotter, Drier~~
9 ~~Future,” released by Governor Newsom’s administration in August~~
10 ~~2022.~~

O



DISCUSSION ITEM

March 1, 2022

TO: Board of Directors

**FROM: Harvey De La Torre,
Assistant General Manager**

Staff Contact: Melissa Baum-Haley

**SUBJECT: METROPOLITAN WATER DISTRICT (MET) ITEMS CRITICAL TO ORANGE
COUNTY**

STAFF RECOMMENDATION

Staff recommends the Board of Directors to review and discuss this information.

DETAILED REPORT

This report provides a brief update on the current status of the following key MET issues that may affect Orange County:

- a. MET's Finance and Rate Issues
- b. Water Supply Condition Update
- c. Water Quality Update
- d. Colorado River Issues
- e. Delta Conveyance Activities and State Water Project Issues

ISSUE BRIEF #A**SUBJECT: MET Finance and Rate Issues****RECENT ACTIVITY**

Water Transactions in December 2022 (for water delivered in October 2022) totaled 156.2 thousand acre-feet (TAF), which was 11.6 TAF lower than the budget of 167.8 TAF and translate to \$142.4 million in receipts for December 2022, which were \$11.2 million lower than budget of \$153.6 million.

Year-to-date water transactions through December 2022 (for water delivered in May 2022 through October 2022) were 892.8 TAF, which was 6.7 TAF higher than the budget of 886.1 TAF. Year-to-date water receipts through December 2022 were \$830.7 million, which was \$20.1 million lower than the budget of \$850.8 million.

In line with the priority to prudently manage the investment of Metropolitan's funds in accordance with policy guidelines and liquidity considerations, as of December 31, 2022, Metropolitan's investment portfolio balance was \$1.4 billion.

ISSUE BRIEF #B

SUBJECT: MET's Supply Condition Update

RECENT ACTIVITY

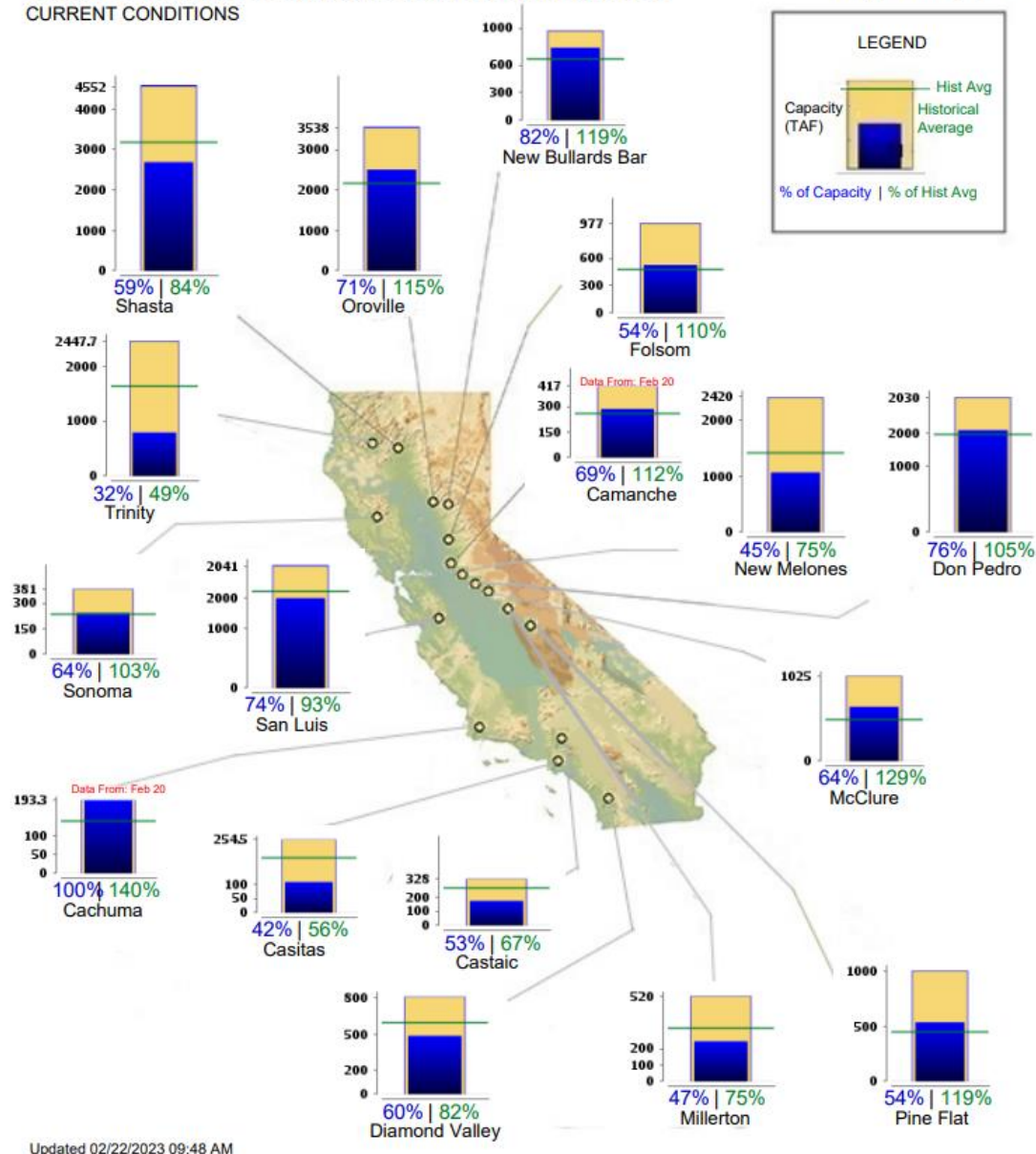
The 2022-23 Water Year (2022-23 WY) officially started on October 1, 2022. Thus far, Northern California accumulated precipitation (8-Station Index) reported **39.2 inches or 117% of normal** as of February 22nd. The Northern Sierra Snow Water Equivalent was at **32.9 inches on February 22nd**, which is **135% of normal** for that day. Due to barrage of atmospheric rivers in January, the Department of Water Resources (DWR) has increased the State Water Project (SWP) **"Table A" allocation to 35%**. This allocation provides Metropolitan with approximately **669,025 AF in SWP deliveries this water year**. With the current precipitation increases through WY 2023, it is anticipated that the Table A allocation will increase. DWR's SWP Allocation considers several factors including existing storage in SWP, conservation reservoirs, SWP operational regulatory constraints, and the 2023 contractor demands. In addition, Metropolitan received **134,000 AF for Human Health and Safety Supply in CY 2022**.

The Upper Colorado River Basin accumulated precipitation is reporting **15.3 inches or 116% of normal as of February 21st**. On the Colorado River system, snowpack is measured across four states in the Upper Colorado River Basin. The Upper Colorado River Basin Snow Water Equivalent was reporting **17.0 inches as of February 22nd**, which is **119% of normal** for that day. Due to the below average inflows into Lake Powell over the past several years, the United States Bureau of Reclamation **declared a shortage at Lake Mead that has been ongoing since January 1st, 2022. There is and a 93% chance of shortage continuing in CY 2024 and a 60% chance that Metropolitan will see a 250,000 AF reduction in Colorado River water supplies in CY 2024.**

As of February 21st Lake Oroville storage is at **71% of total capacity and 115% of normal**. As of February 21st San Luis Reservoir has a current volume of **74% of the reservoir's total capacity and is 93% of normal**.

CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS CURRENT CONDITIONS

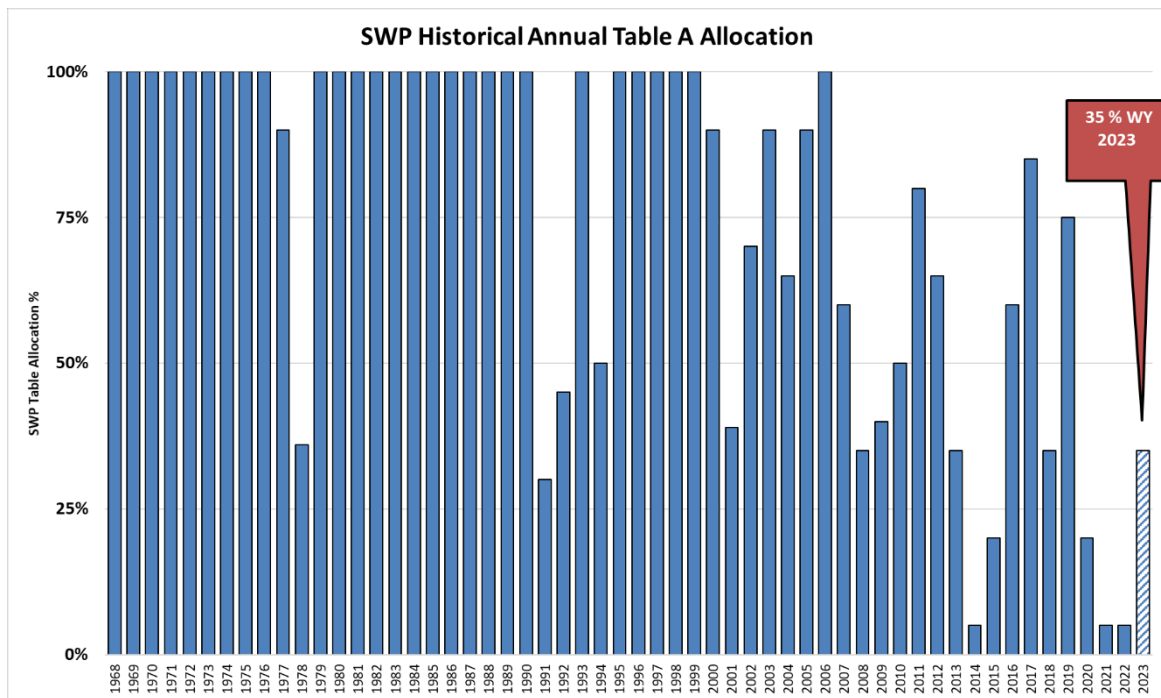
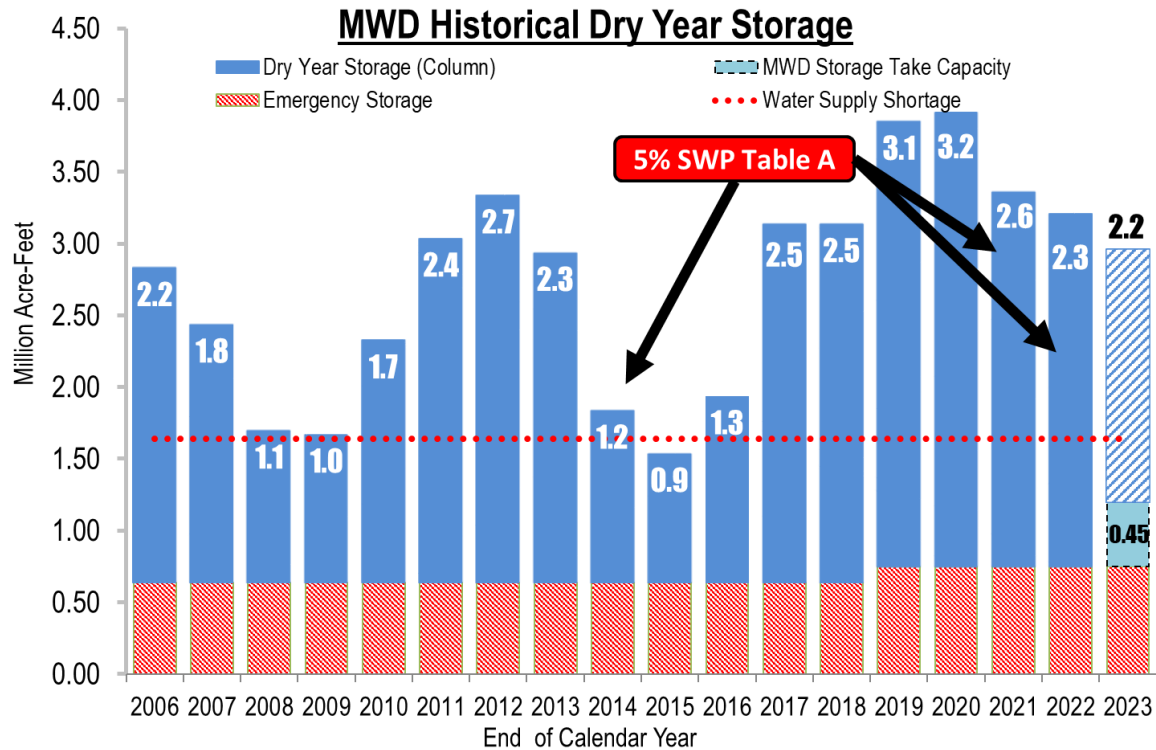
Midnight - February 21, 2023



With CY 2023 estimated total demands and losses of 1.664 million acre-feet (MAF) and with a 35% SWP Table A Allocation, Metropolitan is projecting that demands will exceed supply levels in Calendar Year (CY) 2023. Based on this, estimated total dry-year storage for Metropolitan at the end of **CY 2023 will go down to approximately 2.21 MAF.**

A projected dry-year storage supply of **2.21 MAF would still be about 1.21 MAF above where MWD has historically declared a water supply allocation.** A large factor in maintaining a high water storage level are lower than expected water demands. We are seeing regional water demands reaching a 38-year low. **As water conditions continue to improve in California for 2023 it appears its unlikely MWD will trigger a Water Supply Allocation in CY 2023. However, with a majority of MWD's water supplies stored in**

Lake Mead and the uncertainty of a dry water year in 2024 in California there is potential for Water Supply Allocation in CY 2024.



2023 WSDM Storage Detail

	1/1/2023 Estimated Storage Levels ¹	CY 2023 Take Capacity ²	2023 Total Storage Capacity
WSDM Storage			
Colorado River Aqueduct Delivery System	1,139,000	TBD	1,657,000
Lake Mead ICS	1,139,000 ³	TBD ⁴	1,657,000
State Water Project System	492,000	102,000	1,879,000
MWD SWP Carryover ⁵	28,000	28,000	350,000
DWCV SWP Carryover ⁵			
MWD Articles 14(b) and 12(e)	0	0	N/A
Castaic and Perris DWR Flex Storage	3,000	3,000	219,000
Arvin Edison Storage Program	120,000	0	350,000
Semitropic Storage Program	158,000	45,000	350,000
Kern Delta Storage Program	137,000	26,000	250,000
Mojave Storage Program	19,000	0	330,000
AVEK Storage Program	27,000	0	30,000
In-Region Supplies and WSDM Actions	698,000	329,000	1,246,000
Diamond Valley Lake	494,000	237,000	810,000
Lake Mathews and Lake Skinner	194,000	82,000	226,000
Conjunctive Use Programs (CUP) ⁶	10,000	10,000	210,000
Other Programs	662,000	25,000	1,181,000
Other Emergency Storage	381,000	0	381,000
DWCV Advanced Delivery Account	281,000	25,000	800,000
Total	2,991,000	456,000	5,963,000
Emergency	750,000	0	750,000
Total WSDM Storage (AF) ⁷	2,241,000	456,000	5,213,000

¹ Preliminary start of year balances, subject to DWR adjustments and USBR final accounting in May 2023.

² Take capacity assumed under a five percent SWP Table A Allocation. Storage program losses included where applicable.

³ This amount is net of the water Metropolitan stored for IID in Lake Mead in an ICS sub-account.

⁴ Take capacity will be based on planned maintenance activities, current CRA supply estimate, and operational decisions to protect Metropolitan's future CRA diversions. Although capacity is currently available, Metropolitan is planning to limit its take of ICS in 2023.

⁵ Total storage capacity varies year to year based on prior year remaining balance added to current year contractual limits.

⁶ Total of all CUP programs including IEUA/TVMWD (Chino Basin); Long Beach (Central Basin); Long Beach (Lakewood); Foothill (Raymond and Monk Hill); MWDOC (Orange County Basin); Three Valleys (Live Oak); Three Valleys (Upper Claremont); and Western.






Water Supply Conditions

Kevin Hostert, Water Resources Analyst
Municipal Water District of Orange County
March 1st 2023



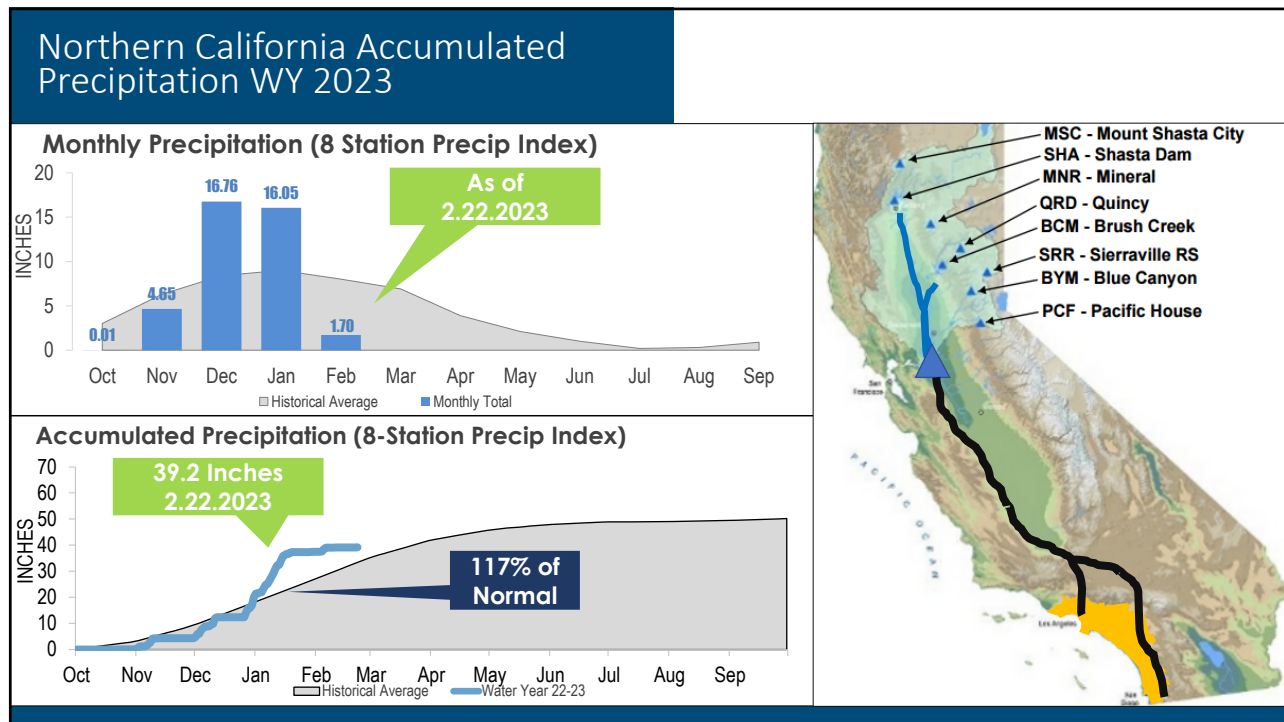
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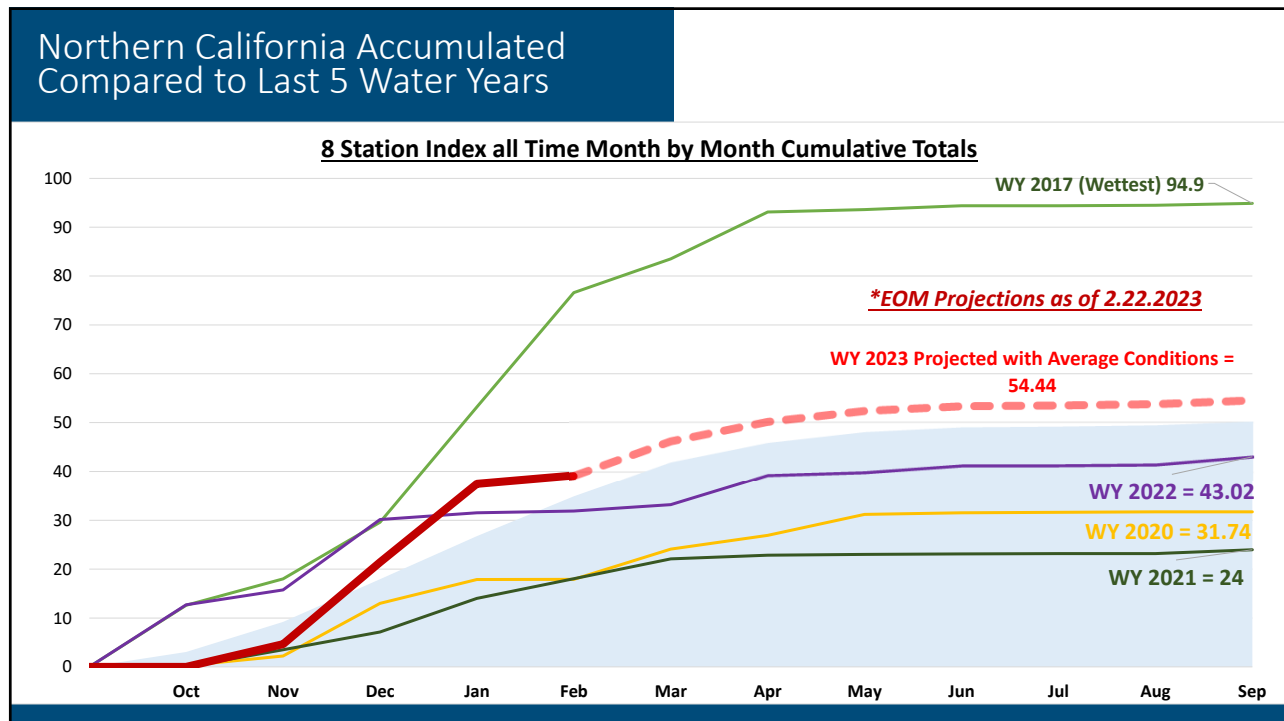

Review of Regional Water Supply Conditions

Insight to regional water supply conditions that affect Orange County's water supply

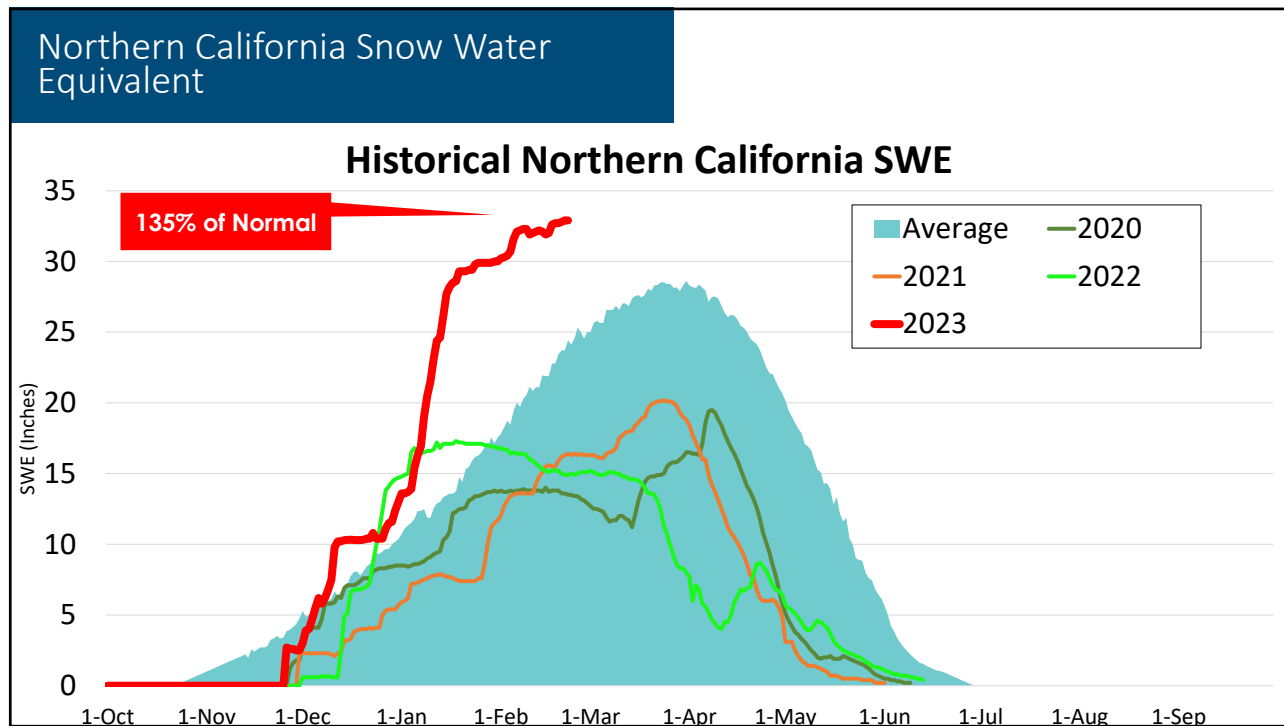
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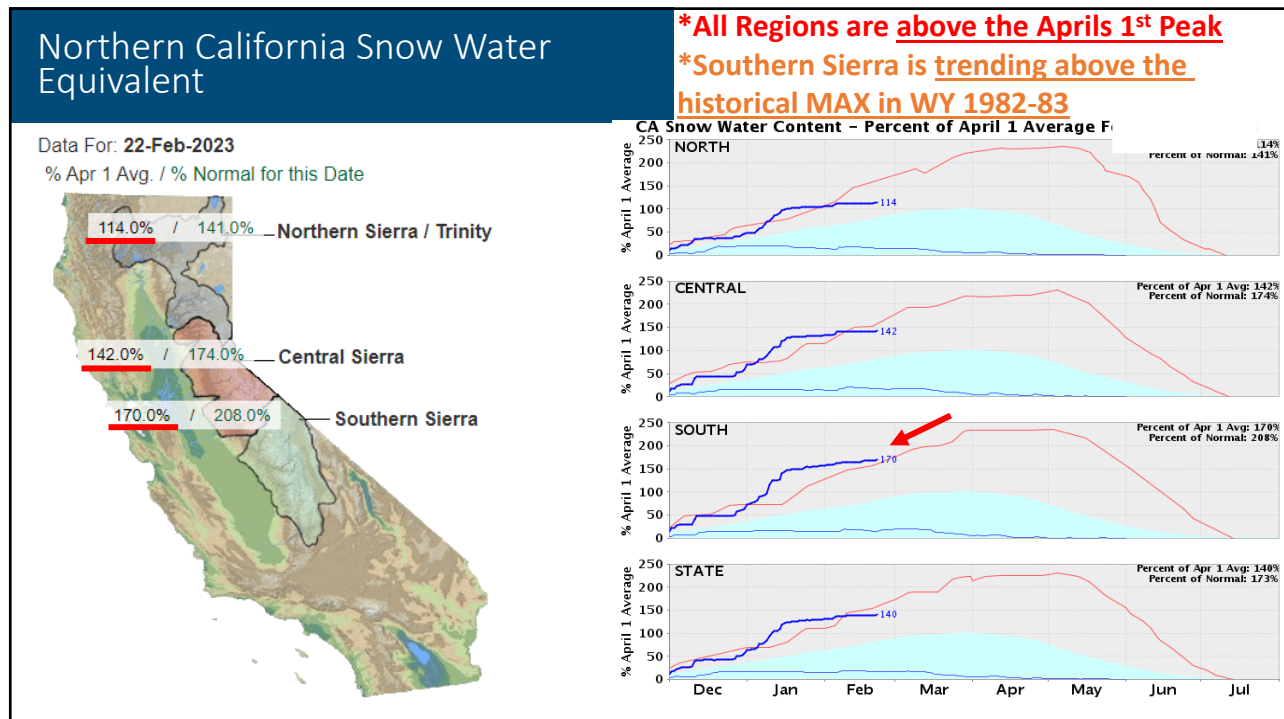
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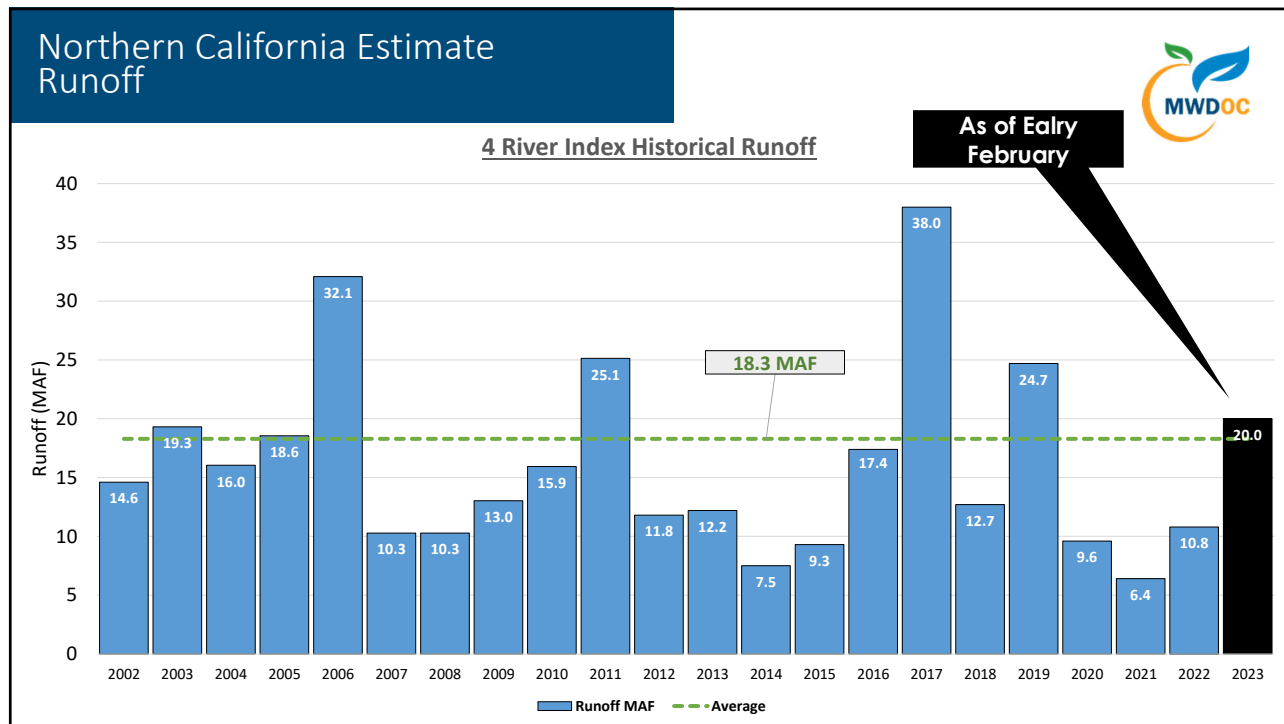
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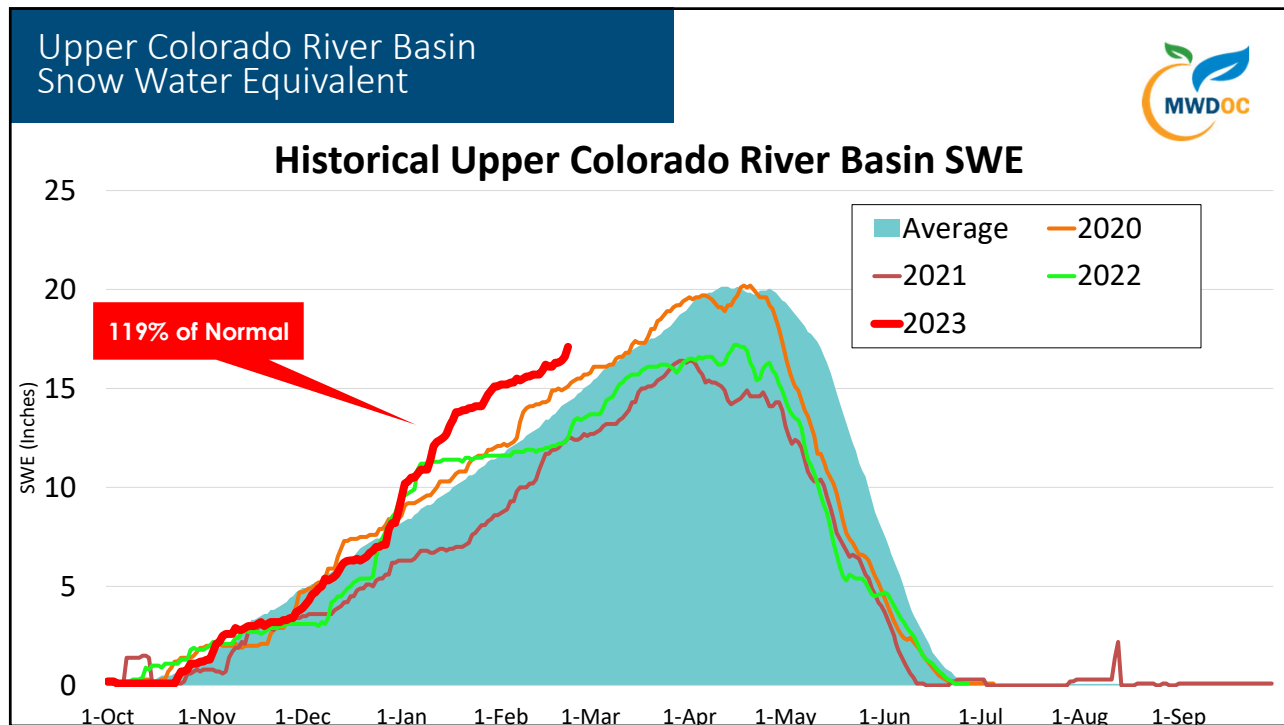
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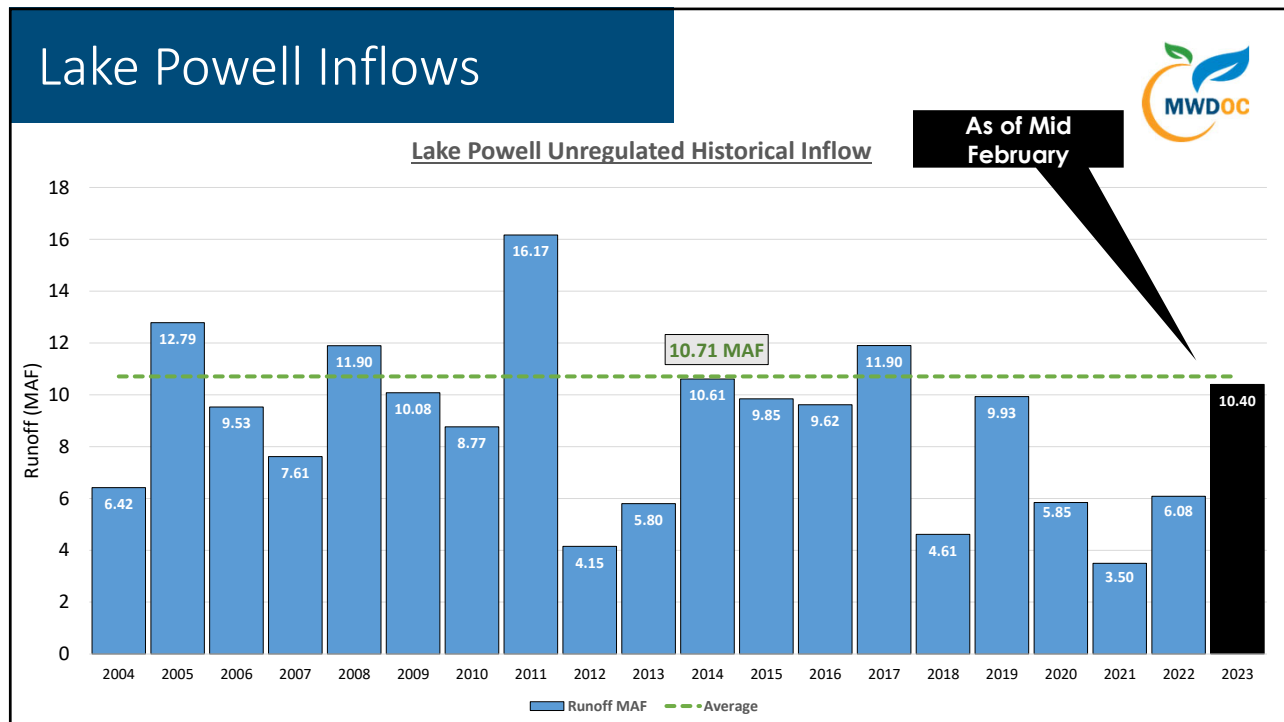
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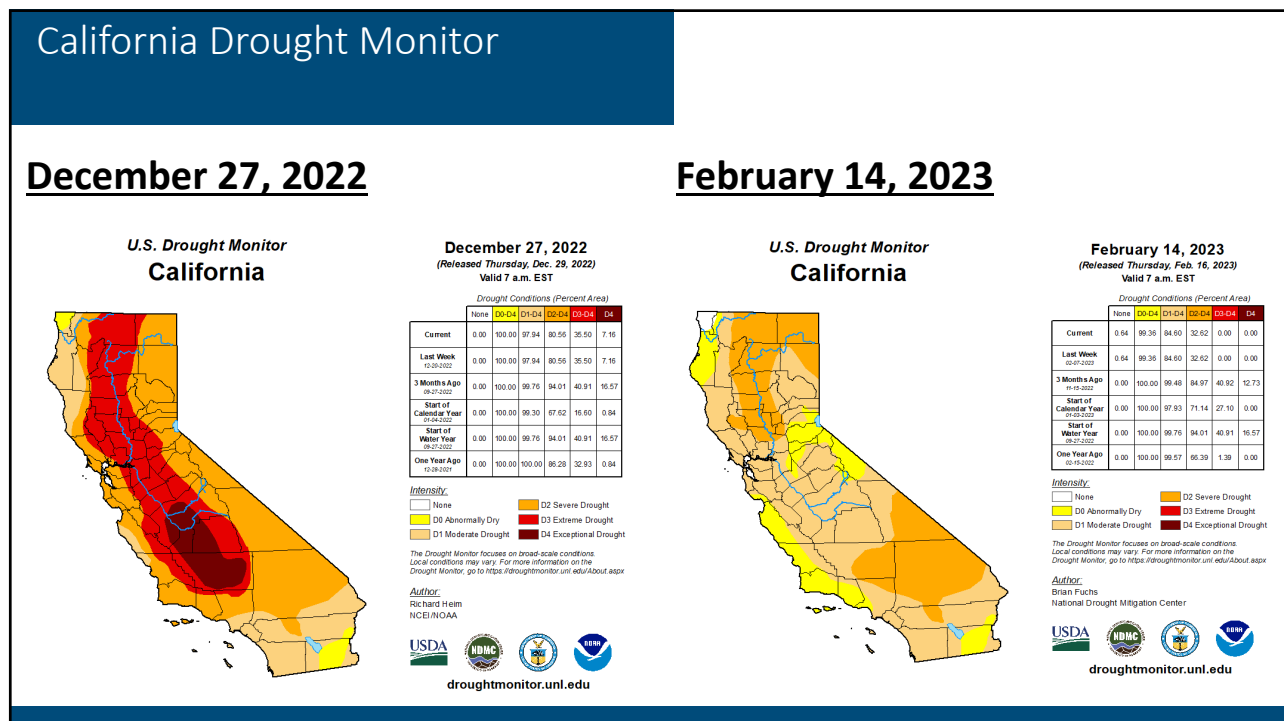
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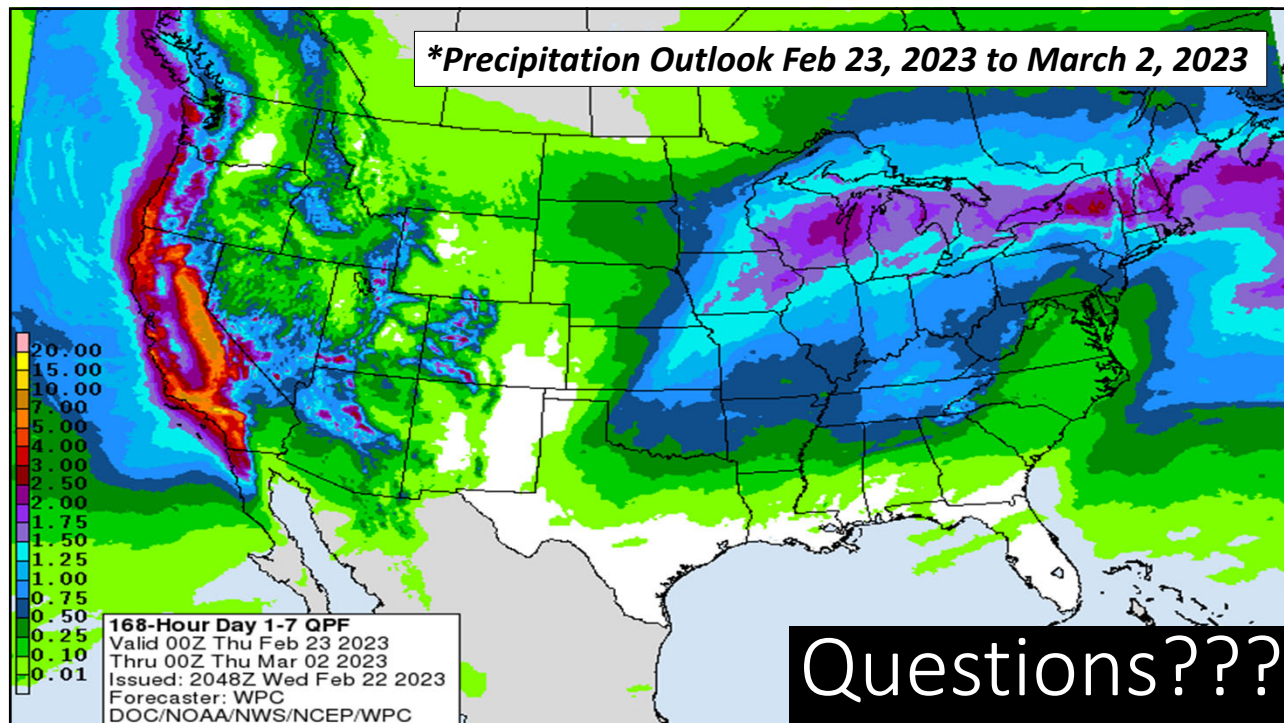


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Water Supply Conclusions

- The new water year officially started October 1st, 2022. As of late February Northern California precipitation is above average and snowfall is well above average.
- Accumulated Precipitation in Northern California the last three years was extremely low.
- Key State/Federal Reservoirs Levels are beginning to rebound from years of below average precipitation.
- Snowpack for the Colorado River is above average.
- Unfortunately the Colorado River System is still in shortage and is projected to be in shortage for the next 5 years.

11



12

ISSUE BRIEF #C**SUBJECT: MET's Water Quality Update****RECENT ACTIVITY**

Water System Operations

Metropolitan member agency water deliveries were 63,200 acre-feet (AF) for January with an average of 2,039 AF per day, which was 1,474 AF per day lower than in December. Treated water deliveries decreased by 14,500 AF from December, for a total of 34,300 AF, or 54 percent of total deliveries for the month. The Colorado River Aqueduct (CRA) transitioned from seven to five and then four-pump flow in January, with a total of 65,000 AF pumped in January. This change in operations was due to several storms in late December and January, which decreased demands throughout Metropolitan's service area and resulted in higher than anticipated storage in Lake Mathews. State Water Project (SWP) imports averaged 303 AF per day, totaling about 9,400 AF for the month, which accounted for approximately 15 percent of Metropolitan's deliveries. The target SWP blend remained at zero percent for the Weymouth, Diemer, and Skinner plants.

Water Treatment and Distribution

The State Water Project target blend entering the Weymouth and Diemer plants and Lake Skinner was zero percent in January 2023. The flow-weighted running annual averages for total dissolved solids from December 2021 through November 2022 for Metropolitan's treatment plants capable of receiving a blend of supplies from the State Water Project and the Colorado River Aqueduct were 599, 603, and 601 mg/L for the Weymouth, Diemer, and Skinner plants, respectively.

Storms in the Castaic Lake watershed led to elevated sediment and suspended solids throughout the lake. This resulted in the highest level of source water turbidity entering one of our plants in memory—levels at one hundred times higher than normal. Metropolitan staff performed several operational actions to manage this turbidity event. The actions included system changes to reduce flows at the plant to near its minimum, turning Greg Avenue pumps on to reduce Jensen demands, bringing additional basins into service to increase plant detention time, increasing chemical dosages, and monitoring lake conditions through increased water quality analysis at the plant. The Jensen Incident Command Post was also activated to ensure effective communication. Thanks to the innovative solutions Metropolitan staff implemented, Jensen plant continued to maintain operations that met all Metropolitan operational goals and objectives throughout this event.

Additionally, the backwash header piping and filter valves at the Diemer plant have been undergoing repairs after an equipment failure. Metropolitan staff disconnected power and control conduits for the filter valves ahead of repair work. Metropolitan staff also installed additional lighting in the area to enhance visibility.

Future Legislation and Regulation

On December 15, the California Air Resources Board (CARB) adopted its Final 2022 Scoping Plan for Achieving Carbon Neutrality (Scoping Plan). The Scoping Plan lays out California's plan to reduce anthropogenic GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045, along with meeting SB 1020's requirement that all state agencies procure 100 percent renewable energy and zero carbon energy by 2035. Metropolitan staff will closely follow the rollout of the Scoping Plan's GHG reduction goals and clean energy procurement requirements.

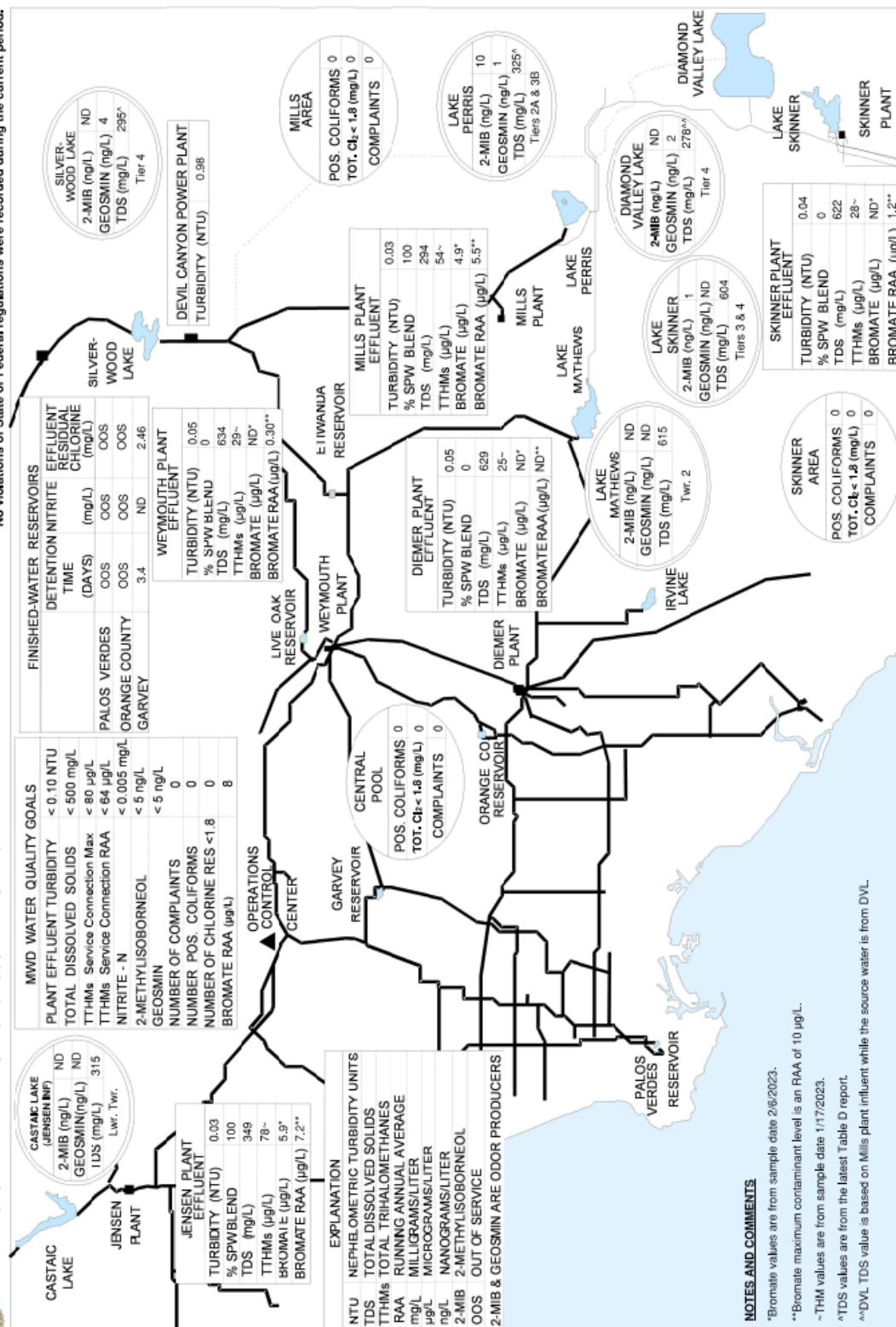
On January 18, the Environmental Protection Agency (EPA) and the Army Corps of Engineers published the final rule revising the definition of "waters of the United States" (WOTUS). Metropolitan staff had previously commented in support of this rulemaking that puts back into place the pre-2015 definition of WOTUS and codifies recent Supreme Court decisions. Metropolitan staff will continue to monitor and engage on the issue, as EPA still plans to build upon this "foundational rule" with a second rule designed to restore longstanding protections under the Clean Water Act.

Wednesday, February 15, 2023

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THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

No violations of State or Federal regulations were recorded during the current period.

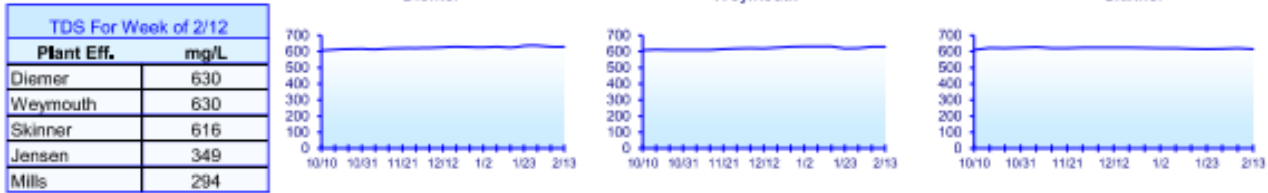


Water Quality Section Weekly TDS Report

For the week of 2/12/2023

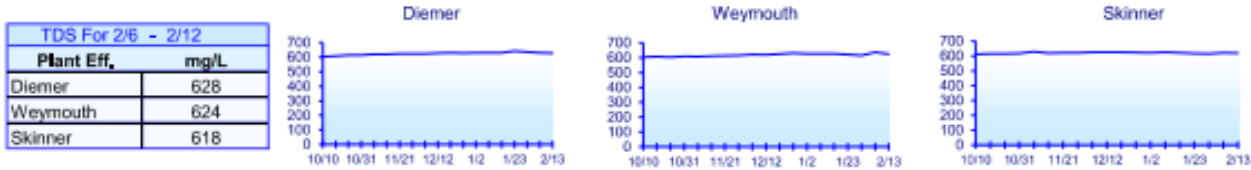
Percent SPW Needed to Achieve TDS Goal of 500 mg/L				Estimated TDS for Reservoirs		
Source Water TDS		SPW Required		Reservoir (Effluent)	Date	mg/L
Plant	CRW	SPW	Percent			
Weymouth	615	278	34%	Lake Havasu (Table D)	11/2/22	614
Diemer	615	278	34%	Lake Mathews (DFPI-LWRPDR)	2/13/23	615
Skinner-Silverwood	609	278	33%	Lake Skinner (Outlet Structure)	2/13/23	604
Skinner-Perris	609	325	38%	Castaic Lake (JFPI)	2/12/23	315
CRW for Diemer and Weymouth is Lake Mathews and San Jacinto - West Portal for Skinner.				DVL (Mills Int)	2/12/23	278
				Lake Perris (Table D)	11/7/22	325
				DVL Outlet (Table D)	11/14/22	281

SUNDAY COMPOSITE ESTIMATED TDS FOR 10/09/22 - 02/12/23



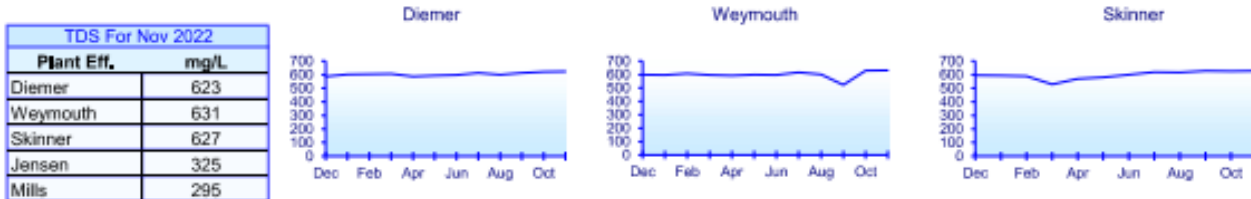
Sunday composite estimated TDS measured from plant effluent composite samples collected on Sunday and analyzed for hardness and electrical conductivity.

WEEKLY COMPOSITE ESTIMATED TDS FOR 10/09/22 - 02/12/23



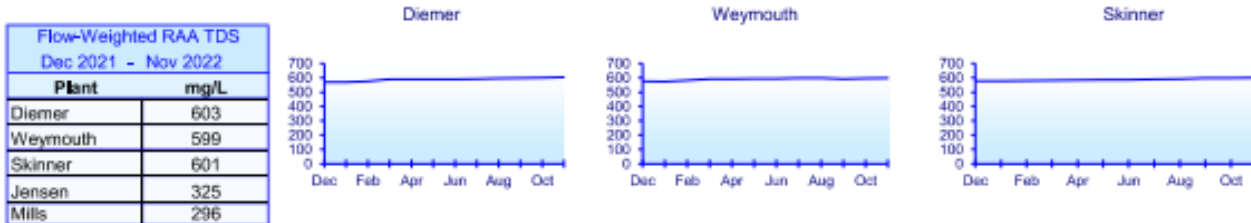
Weekly composite estimated TDS measured from plant effluent composite samples collected Monday through Sunday and analyzed for hardness and electrical conductivity.

MONTHLY COMPOSITE CALCULATED TDS FOR December 2021 - November 2022



Monthly calculated TDS calculated from plant effluent monthly composite sample for total anions and cations. These results are also used for Table D.

FLOW WEIGHTED RAA TDS FOR December 2021 - November 2022



Seasonal flow-weighted RAA TDS calculated from plant effluent monthly composite sample for total anions and cations. Results are based on average monthly flows.

ISSUE BRIEF #D

SUBJECT: Colorado River Issues

RECENT ACTIVITY

California Submits Modeling Alternative for Reclamation's Supplemental Environmental Impact Statement

In late 2022, the Bureau of Reclamation (Reclamation) initiated the process to develop a Supplemental Environmental Impact Statement (SEIS) to the 2007 Colorado River Interim Guidelines. The purpose of the SEIS is to analyze and develop new operating guidelines for the Colorado River that protect critical infrastructure and Lake Mead and Lake Powell, including power generation facilities. Reclamation stated that it would model several alternatives in the SEIS, including a consensus-based alternative from the Colorado River Basin States (Basin States), provided that such an alternative was submitted by the end of January. Starting in December 2022, the seven Basin States and key water agencies, including Metropolitan, attempted to reach a consensus alternative to be included in the SEIS. After many days of meetings, in late January it was apparent such a consensus alternative could not be achieved. Six Basin States developed and submitted an alternative to Reclamation, and California submitted its own alternative. Both alternatives include significant water delivery reductions and include provisions to protect Human Health and Safety supplies. The California alternative seeks voluntary and compensated water conservation actions initially, and if insufficient, moves to mandatory cutbacks. The six-state alternative imposes mandatory cutbacks immediately without any tools to help water agencies reduce their use.

It is anticipated that Reclamation may include both alternatives in the SEIS for evaluation. A draft SEIS is scheduled for release in late April 2023, and despite not being able to achieve a consensus-based modeling approach, the seven Basin States have each expressed interest in working together to see if all states can develop and support a proposed preferred alternative to Reclamation for the Final SEIS. A Record of Decision is anticipated in July 2023, with any new delivery reductions and new operating rules applied to the Lower Basin from 2024 through 2026. Metropolitan staff will provide an overview of the two proposed modeling alternatives at the February 2023 Legal and Claims Committee.

**Attachments: (1) Colorado River Talking Points
(2) Metropolitan Colorado River Fact Sheet**



Talking Points: Colorado River



Background

- Reducing the use of Colorado River water across the West requires a solution that works for all the 40 million people and nearly 6 million of acres of farmland that depend on the Colorado River Basin. Not just some of them.
- The six-state proposal would upend California water agencies' legal rights and take a disproportionate share of water from our state.
- Metropolitan cannot support the six-state proposal because it unfairly harms the 19 million people who live in our service area, and would adversely impact the businesses, farms, tribes and the environment in our state that rely on Colorado River water supplies.
- Metropolitan and its California partners are committed to conservation actions and sustainable solutions to protect lakes Mead and Powell, and we look forward to further discussions with the other states to achieve a true consensus proposal.

California's proposal

- California's proposal offers a modeling framework that builds on funded water conservation and the Law of the River, which the states have operated under over the last century, offering additional cuts voluntarily that respect existing law.
- The proposal commits California agencies to a 17 percent cut, when combined with the state's Drought Contingency Plan contribution, and additional cuts if Lake Mead drops to critical levels.
- The proposal can be implemented immediately and avoids the delay and uncertainty of litigation, which would likely result if the plan from the other states was adopted.
- The voluntary component of the proposal preserves conservation agreements within California and across the Basin, including Metropolitan's tribal partnerships. It also maintains a cooperative environment for negotiating long-term solutions.
- Because most of the reductions are incentive-based, utilizing federal funding from the Inflation Reduction Act, it will result in greater support and participation.
- Above all else, the proposal protects communities across the West by prioritizing water for human health and safety. It also preserves Intentionally Created Surplus water in Lake Mead, including Metropolitan's ICS water.

Six-state proposal

- California did not agree with a proposal from the six other states that would disadvantage our communities. The LA Times analyzes it "would require California to shoulder a substantial part of the burden, despite its relatively higher-priority water rights."

- The six-state proposal imposes mandatory reductions without providing tools to help reduce water use.
- The proposal does not consider the interstate water rights that were authorized by Congress in the 1960s, including Arizona's agreement that it would have lower priority to Colorado River water than California during a time of shortage.
- 50 percent of cuts fall on California, which is in addition to the 800,000 acre-feet of reductions California made in 2003 and additional cuts made under the DCP.
- This level of mandated cuts could result in devastating effects on Southern California's people and \$1.6 trillion economy.
- It would also strain hard-fought partnerships developed over the last 20 years within California and outside California, undermining negotiations toward long-term solutions.
- The proposal could harm the numerous water management programs that Metropolitan has developed with our agricultural and tribal partners over the last 20 years.
- In addition, it disincentivizes Metropolitan adding more water to Lake Mead as ICS. In recent years, Metropolitan stored a record amount of water in Lake Mead.

More opportunities for consensus

- Proposing alternatives is just a first step in the process, allowing the Bureau of Reclamation to model the impact of reductions on the environment and operations.
- There will be many more opportunities to reach consensus throughout this SEIS process, and we will continue working together with our Basin-state partners to develop a consensus-based approach, supported by all seven states, to managing drought conditions on the Colorado River with sustainable solutions, not just cuts.

California has a history of finding solutions

- California knows how to permanently reduce use of the river – we have done it over the past 20 years, through billions of dollars in investments and hard-earned partnerships.
- Our path to sustainability was first laid in 2003, when California permanently lost access to 800,000 acre-feet of Colorado River water – amounting to a 15 percent cut. Through agricultural, tribal, and urban partnerships that conserve and transfer supplies, California has stayed within its legal apportionment of 4.4 million acre-feet.
- Many of those cuts fell on Metropolitan. And since then, half of the water Metropolitan receives from the Colorado River water has come through purchases and agreements with agricultural users in the Imperial and Palo Verde valleys.
- Many water agencies in other states have not similarly increased their purchases and exchanges with agricultural users to provide water to urban communities in their states. Instead, they seek reductions from California's water supply.
- Californians' commitment to conservation has added more than 488 trillion gallons and 19 feet of elevation to the water level at Lake Mead since 2007.

Does California's proposal disproportionately hurt the Central Arizona Project and cities like Phoenix, Tucson, and Las Vegas?

- While any mandatory cutbacks would be imposed based on applicable laws, the proposal also protects Human Health and Safety deliveries to urban users, ensuring a minimum water supply for people, including the cities of Phoenix, Tucson, Las Vegas and tribal communities.

The Colorado River... A Balanced Approach for Reducing Water Use

The proposal supported by Metropolitan Water District and its California agricultural partners provides practical and achievable reductions to stabilize reservoir levels.

California's Proposal: The Best Path Forward

- Provides near-term water reductions
- Maximizes agricultural conservation partnerships
- Provides environmental and habitat benefits along the River
 - Incentivizes even more conservation
 - Advances new voluntary conservation commitments
 - Preserves clean energy for Western states
 - Helps to avoid litigation by working within existing laws and previous agreements
 - Respects the Republic of Mexico's 1944 Treaty and encourages working with Tribal Nations.

Key Facts: How the Colorado River Benefits Southern California

Supplies water to more than 20 million people and supports a nearly \$2 trillion economy

Provides water and hydroelectric power for seven counties

Irrigates 600,000 acres of farmland, supporting a \$6.2 billion farm economy in Riverside and Imperial Counties

Supports the Lower Colorado multi-species conservation plan, the Salton Sea and other programs to restore critical habitat and protect species.

Prevents devastating water shortages in Southern CA when snowpack in Northern CA is sparse

California and its partners in the Colorado River Basin must continue to adapt so that the river can keep providing essential economic, social, and environmental benefits to the region.

Beneficiaries of the Colorado River Water Supply



ENVIRONMENT



CITIES



AGRICULTURE



INDUSTRY



TRIBES

Colorado River
Aqueduct

The Six-State Agreement: A Flawed Proposal

Nearly half of the people who rely on Colorado River water live in Southern California. But rather than fairly sharing the necessary reductions, the six-state proposal would make the **biggest, and disproportionately large cuts to farms and California cities.**

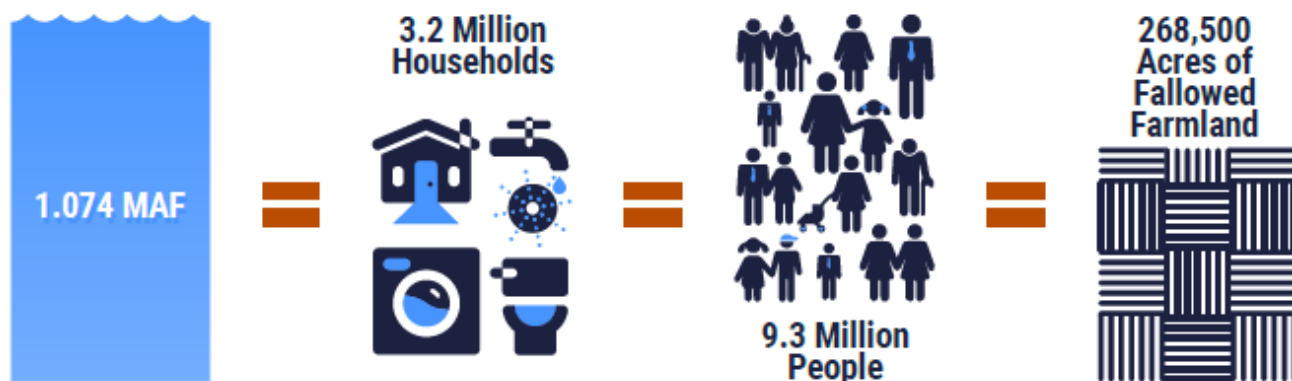
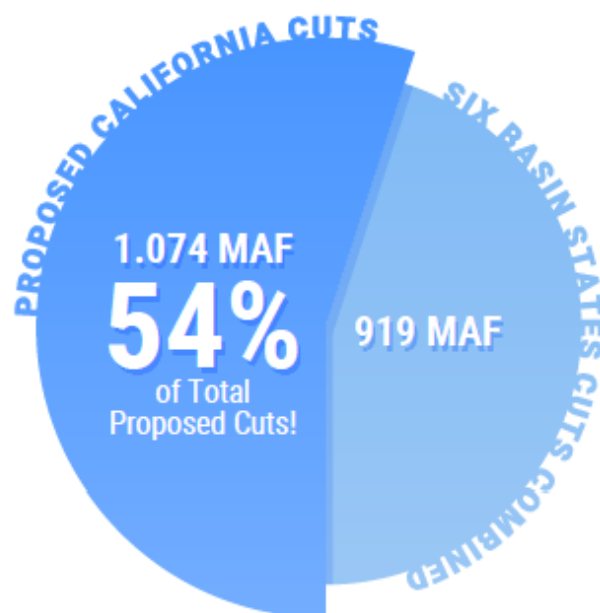
Gutting these water supplies to California in this way would disincentivize additional conservation to benefit river users, create a new shortage plan, guarantee litigation by deviating from federal law and be **devastating to the state's economy, the natural environment and residents.** This harms disadvantaged communities both in the cities and rural communities that depend on the Colorado River.

Impacts to California from Proposed Cuts in Six-State Proposal

On top of existing shortages and Drought Contingency Plan cuts, the total amount proposed for new cuts is 1.993 million acre-feet, with **California absorbing 54%** with 1.074 MAF of cuts.

"Rather than simply agreeing to cuts, we want to develop sustainable solutions, like our Pure Water Southern California recycling program."

- Adel Hagekhalil, Metropolitan General Manager



Conservation as a California Way of Life

California knows how to permanently reduce use of the River through billions of dollars in investments and hard-earned partnerships. This commitment to sustainability and conservation has added more than 488 trillion gallons and 19 feet of elevation to the water level at Lake Mead since 2007.

ISSUE BRIEF #E

SUBJECT: Delta Conveyance Activities and State Water Project Issues

RECENT ACTIVITY

Delta Conveyance

The public comment period for the Delta Conveyance Project (DCP) Draft Environmental Impact Report (EIR) closed on Friday, December 16, 2022. The Department of Water Resources (DWR) is in the process of reviewing and responding to comments received on the Draft EIR and plans to issue a Final EIR in late 2023.

On December 16, 2022, the U.S. Army Corps of Engineers (USACE) released the public Draft Environmental Impact Statement for the DCP. The USACE held three virtual public meetings in January to receive comments from affected federal, state, regional, and local agencies, Native American tribes, other interested private organizations, and the public on the project and the draft document. The USACE extended the comment period by 30 days until March 16, 2023.

Joint Powers Authorities

On January 13, the Delta Conveyance Design and Construction Authority Board of Directors held a special meeting and approved extending a resolution authorizing virtual board and committee meetings pursuant to AB 361.

During the January 19 meeting of the Delta Conveyance Finance Authority (DCFA) new board officers were elected, with the President as Paul Sethy (Alameda County Water District), Vice President as Russell Lefevre (Metropolitan), Secretary as Robert Cheng (Coachella Valley Water District), and Treasurer as Katano Kasaine (Metropolitan).

Sites Reservoir

In their January joint meetings, the Sites Project Authority Board (Authority Board) and the Sites Reservoir Committee (Reservoir Committee) authorized the Authority Board to enter into a Financial Assistance Agreement with the U.S. Bureau of Reclamation (Reclamation) securing the FY22 \$80 million Water Infrastructure Improvements for the Nation Act storage funds allocated to the Sites Reservoir Project. The Authority Board and Reservoir Committee also reviewed and confirmed key points of response to Reclamation's December 16, 2022, letter indicating interest in participation in the Sites Reservoir Project at 16 percent and discussed steps of converting from supply-based participation to storage allocation-based participation in the project.

Science Activities

Metropolitan staff worked with researchers from UC Davis to complete the first Delta Smelt Pilot Propagation Study. The study involved using impoundments on Bouldin Island for use in Delta smelt cage studies. The study successfully demonstrated impoundments as a viable tool for aquaculture of Delta smelt on Metropolitan's Delta Islands properties in the effort to produce more Delta smelt for supplementation into the wild. The second deployment is scheduled for the beginning of February 2023.

Regulatory Activities

On January 5, the State Water Resources Control Board (SWRCB) released the Draft Scientific Basis Report Supplement in Support of Proposed Voluntary Agreements for the Sacramento River, Delta, and Tributaries Update to the San Francisco Bay/Sacramento-San Joaquin Delta Water Quality Control Plan (Draft Scientific Basis Report Supplement). The SWRCB held a Board Workshop on January 19, and public comments on the Draft Scientific Basis Report Supplement are due February 8, 2023. The Draft Scientific Basis Report Supplement documents the science supporting the provisions included in the proposed Voluntary Agreements (VAs) and is the first step to considering the VAs as an alternative for the Sac/Delta Update and implementation of the Bay-Delta Water Quality Control Plan (Bay-Delta Plan). Metropolitan staff is reviewing the Draft Scientific Basis Report Supplement and coordinating with the State Water Contractors (SWC) to develop comments.

The next steps in the Sac/Delta Update to the Bay-Delta Plan include:

- Spring 2023: Draft Scientific Basis Report Supplement revised to address public comments and submitted for independent peer review
- Spring 2023: SWRCB releases Draft Bay-Delta Plan Update Staff Report for public comment
- Spring/Summer 2023: Public workshop on Draft Staff Report
- Spring/Summer 2024: Release of final draft Staff Report including responses to comments and proposed Sac/Delta changes to the Bay-Delta Plan
- Summer/Fall 2024: SWRCB consideration of adoption of the Sac/Delta Update to Bay-Delta Plan

Metropolitan staff coordinated with SWC to develop a near-term monitoring program to determine whether Delta smelt and longfin smelt are present in the South Delta turbidity field and to evaluate the effects of the 2019/2020 Biological Opinion and Incidental Take Permit Early Winter Pulse Protection Action (EWPPA). The monitoring includes coordination with DWR and the California Department of Fish and Wildlife and uses environmental DNA monitoring methods to determine whether smelt are present in the south Delta and to inform the efficacy of the EWPPA. On January 18, the SWC Board of Directors approved funding to implement the monitoring.

Delta Island Activities

Metropolitan staff is developing several grant proposals for proposed projects on the Delta Islands, including wetland/habitat restoration projects on Bouldin Island and Webb Tract, funding for a Phase I Delta Smelt study, funding for construction of Phase II of the Delta Smelt Project, and is pursuing a planning grant for a proposed integrated research, training, and education center on Bouldin Island.

**Summary Report for
The Metropolitan Water District of Southern California
Board Meeting
February 13, 2023**

CONSENT CALENDAR OTHER ITEMS – ACTION

Adopted resolution to continue remote teleconference meetings pursuant to the Brown Act Section 54953(e) for meetings of Metropolitan’s legislative bodies for a period of 30 days.
(Agenda Item 6B)

Approved Committee Assignments. **(Agenda Item 6C)**

Director Jacque McMillan

- Legislation, Regulatory Affairs & Communications Committee
- Engineering, Operations and Technology Committee
- Ethics, Organization & Personnel Committee

Director Juan Garza

- Legal and Claims Committee, Vice Chair
- Legislation, Regulatory Affairs & Communications Committee
- Equity, Inclusion & Affordability Committee

Director Desi Alvarez

- One Water & Stewardship Committee
- Engineering, Operations & Technology Committee
- Finance, Audit, Insurance & Real Property Committee

Director Karl Seckel

- Engineering, Operations & Technology Committee
- Finance, Audit, Insurance and Real Property Committee
- Legal & Claims Committee

CONSENT CALENDAR ITEMS - ACTION

Awarded a \$407,800.33 procurement contract to Cascade Consultants, LLC for a triple offset ball valve to rehabilitate Service Connection CB-11. **(Agenda Item 7-1)**

Adopted the Mitigated Negative Declaration for the Colorado River Aqueduct Master Reclamation Plan for San Bernardino and Riverside Counties and take related CEQA actions and approved the Master Reclamation Plan for San Bernardino and Riverside Counties.
(Agenda Item 7-2)

Adopted resolutions to support three applications for the California Department of Water Resources' 2022 Urban Community Drought Relief Program totaling \$38 million; and authorized the General Manager to accept this potential funding and enter contracts with the California Department of Water Resources if awarded. **(Agenda Item 7-3)**

Authorized an increase in the maximum amount payable under contract with Musick, Peeler & Garrett LLP, for legal services by \$800,000 to an amount not-to-exceed \$1,700,000; and authorized an increase in the maximum amount payable under contract with HKA Global, Inc., for consulting services by \$300,000 to an amount not-to-exceed \$400,000. **(Agenda Item 7-4) (Heard in closed session at committee)**

Authorized the General Counsel to increase the maximum amount payable under a contract with Renne Public Law Group for legal services by \$100,000 to an amount not to exceed \$200,000. **(Agenda Item 7-5) (Heard in closed session at committee)**

Authorized the General Counsel to amend the agreement with Atkinson, Andelson, Loya, Ruud & Romo, PLC to increase the maximum amount payable by Metropolitan by \$150,000 to an amount not to exceed \$250,000. **(Agenda Item 7-6) (Heard in closed session at committee)**

OTHER BOARD ITEMS - ACTION

No reportable action on litigation in San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case Nos. CPF-10-510830, CPF-12-512466, CPF-14-514004, CPF-16-515282, CPF-16-515391, CGC-17-563350, and CPF-18-516389; the appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, A161144, and A162168, and California Supreme Court Case No. S243500; the petition for extraordinary writ in the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325 and California Supreme Court Case No. S251025; and the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014, 2016, and 2018 actions; and consider San Diego County Water Authority's proposal: (1) to stipulate to stay proceedings in the 2014, 2016, and 2018 actions; and (2) to engage in settlement negotiations prior to issuance of the court's statement of decision in those actions. **(Agenda Item 8-1) (Heard and voted on in closed session)**

OTHER MATTERS AND REPORTS

Induction of new Director Karl Seckel of Municipal Water District of Orange County. **(Agenda Item 5G)**

Induction of new Director Juan Garza of Central Basin Municipal Water District. **(Agenda Item 5H)**

Induction of new Director Desi Alvarez of West Basin Municipal Water District.
(Agenda Item 5I)

Presentation of 30-year Service Pin to Director Glen D. Peterson. **(Agenda Item 5J)**

**THIS INFORMATION SHOULD NOT BE CONSIDERED THE OFFICIAL MINUTES
OF THE MEETING.**

All current month materials, and materials after July 1, 2021 are available on the public website
here: <https://mwdh2o.legistar.com/Calendar.aspx>

This database contains archives from the year 1928 to June 30, 2021:
<https://bda.mwdh2o.com/Pages/Default.aspx>

Upcoming Board Items

Item No. 6b

ANTICIPATED KEY ITEMS OF FOCUS – NOT AN EXHAUSTIVE LIST
SCHEDULE SUBJECT TO CHANGE

March	<ul style="list-style-type: none">• Board Report on Portfolio of Recommended Actions for State Water Project Dependent Areas• Health and Safety Program update• Action to consider revising the Emergency Water Conservation Program for the State Water Project Dependent areas while maintaining emergency water conservation across the entire service area
April	<ul style="list-style-type: none">• Report on alternatives being considered by Reclamation in Supplemental EIS for Colorado River Basin Operations• Review water supply conditions, especially around the Colorado River supplies, and consider the implementation and timing of the Water Supply Allocation Plan (if necessary)• Quarterly Desert Housing update• Authorization to amend PVID following agreement and accept Inflation Reduction Act funding
May	<ul style="list-style-type: none">• Update on Direct Potable Reuse regulations• Review of Draft Supplemental Environmental Impact Statement for Colorado River Interim Guidelines• Authorization to amend Quechan Forbearance Agreement and accept Inflation Reduction Act funding
June	<ul style="list-style-type: none">• Update on Climate Vulnerability and Risk Assessment
July	<ul style="list-style-type: none">• Quarterly Desert Housing update• Approve new Colorado River implementing agreements• General Manager's Business Plan update
August	<ul style="list-style-type: none">• Update on Sites Reservoir Project

The schedule of the following upcoming board items has not yet been determined:

September - February	<ul style="list-style-type: none">• Long Range Finance Plan – Phase 1• Metropolitan Storage Portfolio workshop• Sustainability, Resiliency, and Innovation Strategic Plan workshop• Update on Voluntary Agreements package• Federal grants for large recycled water projects
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The Metropolitan Water District of Southern California

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Agenda

Board of Directors - Hidden

March 14, 2023

12:00 PM

Tuesday, March 14, 2023 Meeting Schedule

09:00 a.m. OWS
11:00 a.m. EIA
11:30 a.m. Break
12:00 p.m. BOD
01:00 p.m. EOP Wksp

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. A listen only phone line is available at 1-877-853-5257; enter meeting ID: 831 5177 2466. Members of the public may present their comments to the Board or a Committee on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference (833) 548-0276 and enter meeting ID: 815 2066 4276.

ZOOM Online and Temecula Creek Inn 44501 Rainbow Canyon Road, Temecula, CA 92592

1. Call to Order

- a. Invocation: TBD
- b. Pledge of Allegiance: TBD

2. Roll Call

3. Determination of a Quorum

4. Opportunity for members of the public to address the Board on matters within the Board's jurisdiction. (As required by Gov. Code §54954.3(a))

5. OTHER MATTERS AND REPORTS

- A. Report on Directors' Events Attended at Metropolitan's Expense 21-1954
- B. Chair's Monthly Activity Report 21-1955
- C. General Manager's summary of activities 21-1956
- D. General Counsel's summary of activities 21-1957
- E. General Auditor's summary of activities 21-1958

- | | | |
|-----------|--|----------------|
| F. | Ethics Officer's summary of activities | 21-1959 |
| G. | Presentation of Commendatory Resolution honoring Gloria D. Gray for her leadership during her term as Chair of Metropolitan's Board of Directors | 21-2018 |

**** CONSENT CALENDAR ITEMS -- ACTION ****

6. CONSENT CALENDAR OTHER ITEMS - ACTION

- | | | |
|-----------|---|----------------|
| A. | Approval of the Minutes of the Special Board of the Directors Meeting for January 17, 2023 and Minutes of the Board of the Directors Meeting for February 13, 2023 (Copies have been submitted to each Director, any additions, corrections, or omissions) | 21-1960 |
| B. | Approve Commendatory Resolutions for Directors Phillip D. Hawkins and Robert Apodaca both representing Central Basin Metropolitan Water District; Randy Record representing Eastern Metropolitan Water District; Steve Blois representing Calleguas Metropolitan Water District; Satoru Tamaribuchi representing Metropolitan Water District of Orange County; and Harold C. Williams representing West Basin Metropolitan Water District | 21-2017 |
| C. | Approve Committee Assignments | 21-1961 |

7. CONSENT CALENDAR ITEMS - ACTION

- | | | |
|------------|---|----------------|
| 7-1 | Authorize the General Manager to develop a Climate Adaptation Master Plan for Water (FAIRP) | 21-2022 |
| 7-2 | Adopt the Twenty-Fifth Supplemental Resolution to the Master Bond Resolution authorizing the issuance of up to \$300 million of Water Revenue Bonds, 2023 Series; and approve expenditures to fund the costs of issuance of the Bonds; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (FAIRP) | 21-1963 |
| 7-3 | Authorize the General Manager to issue a new fifty-year license agreement, with options to extend for up to fifty additional years, to DesertXpress Enterprises, LLC for the purpose of a high-speed rail line traversing Metropolitan property; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (FAIRP) | 21-1962 |

- 7-4** Authorize agreement with Black & Veatch Corporation, Inc. in an amount not to exceed \$8 million for the preliminary design of conveyance Reach 1 of the Pure Water Southern California program; authorize agreement with HDR Engineering, Inc. in an amount not to exceed \$9 million for preliminary design of conveyance Reach 2 for of] the Pure Water Southern California program; and adopt a resolution to support a grant application to the U.S. Bureau of Reclamation for water recycling and desalination planning and authorize the General Manager to accept the grant if awarded; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (EOT) **21-1964**
- 7-5** Authorize an increase of \$500,000 in change order authority for the contract to replace the overhead bridge cranes at the five Colorado River Aqueduct pumping plants; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) **21-1965**
- 7-6** Authorize on-call agreements with Fugro USA Land, Inc., GeoPentech, Inc., Geosyntec Consultants, Inc., and Kleinfelder West, Inc., in amounts not to exceed \$3 million each, for a maximum of five years for geotechnical engineering services; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) **21-1966**
- 7-7** Award a \$394,534 contract to Slater Waterproofing, Inc. to rehabilitate concrete walls within the ozone contactor structure at the Robert A. Skinner Water Treatment Plant; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) **21-1967**
- 7-8** Adopt Mitigated Negative Declaration for the Copper Basin Discharge Valve Replacement and Access Road Improvements Project and take related CEQA actions (EOT) **21-1968**
- 7-9** Authorize the General Manager to enter into an agreement with Western Municipal Water District, Rubidoux Community Services District, West Valley Water District, and San Bernardino Valley Municipal Water District to provide Rubidoux Community Services District assistance with water deliveries; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWS) **21-1969**

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| 7-10 | Consider changes to the Water Shortage Emergency Condition and the Emergency Water Conservation Program for the State Water Project dependent area and reaffirm the Regional Drought Emergency for all member agencies; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWS) | 21-1970 |
| 7-11 | Approve The Metropolitan Water District of Southern California's salary schedules pursuant to CalPERS regulations; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOP) | 21-1971 |
| 7-12 | Adopt CalPERS Resolutions for Paying and Reporting the Value of Employer Paid Member Contributions [CEQA] (EOP) | 21-1972 |
| 7-13 | Approve proposed amendment to Administrative Code section 6471 to increase the amount of the Ethics Officer's authority to obtain professional services for external investigations from \$50,000 to \$100,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOP) | 21-1973 |
| 7-14 | Authorize an increase in the maximum amount payable under contract with Burke, Williams & Sorensen, LLP for legal services related to general real estate and leasing law issues by \$100,000 to a maximum amount payable of \$200,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LC) | 21-1974 |
| 7-15 | Authorize increase of \$(TBD), to a maximum amount payable of \$(TBD), for existing General Counsel contract with Olson Remcho LLP to provide general government law advice related to the Political Reform Act, the Fair Political Practices Commission regulations, conflict of interest law and other legislative and ethics matters; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA (LC) | 21-1975 |

- 7-16** Approve amendments to the Metropolitan Water District Administrative Code to provide for the implementation of new legislation authorizing the use of alternative project delivery methods; adopt an organization conflict-of-interest policy governing the solicitation of a design-build or progressive design-build project; authorize an increase in the maximum amount payable under contract with Hanson Bridgett LLP, for legal services related to implementation of new legislation by \$150,000 to an amount not-to-exceed \$250,000; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA (LC) **21-1976**
- 7-17** Report on litigation in Darren A. Reese v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2204312; and authorize increase in maximum amount payable under contract for legal services with Seyfarth Shaw LLP in the amount of \$(TBD) for a total amount not to exceed \$(TBD); the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] (LC) **21-2026**

**** END OF CONSENT CALENDAR ITEMS ****

8. OTHER BOARD ITEMS - ACTION

NONE

9. BOARD INFORMATION ITEMS

- 9-1** Conservation Program Board Report **21-1977**
- 9-2** Information on the High Desert Water Bank Program status, updated costs, and water quality **21-1978**
- 9-3** Update on supply reliability portfolios **21-1979**

10. OTHER MATTERS

NONE

11. FOLLOW-UP ITEMS

NONE

12. FUTURE AGENDA ITEMS

13. ADJOURNMENT

NOTE: Each agenda item with a committee designation will be considered and a recommendation may be made by one or more committees prior to consideration and final action by the full Board of Directors. The committee designation appears in parenthesis at the end of the description of the agenda item e.g. (EOT). Committee agendas may be obtained from the Board Executive Secretary.

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.