WORKSHOP MEETING OF THE BOARD OF DIRECTORS WITH MET DIRECTORS MUNICIPAL WATER DISTRICT OF ORANGE COUNTY 18700 Ward Street, Conference Room 101, Fountain Valley, California October 4, 2023, 8:30 a.m.

This meeting will be held in person at 18700 Ward Street, Fountain Valley, California, 92708 (Conference Room 101). 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. Computer Audio: You can join the Zoom meeting by clicking on the following link:

https://zoom.us/i/8828665300

Webinar ID:

Telephone Audio:

(669) 900 9128 fees may apply (877) 853 5247 Toll-free 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. 2143

PRESENTATION/DISCUSSION ITEMS

1. PRESENTATION ON THE COLORADO RIVER BASIN SALINITY CONTROL FORUM BY EXECUTIVE DIRECTOR DON BARNETT

Recommendation: Review and discuss the information presented.

2. LEGISLATIVE ACTIVITIES

- a. Federal Legislative Report (NRR)
- b. State Legislative Report (SDA)
- c. Legal and Regulatory Report (Ackerman)
- d. County Legislative Report (Whittingham)
- e. MWDOC Legislative Matrix
- f. Metropolitan 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. S. 2514 (BENNET, D-CO) – COLORADO RIVER BASIN SALINITY CONTROL ACT

Recommendation: Vote to adopt a support position on S. 2514 (Bennet, D-CO).

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 September MET Board Meeting
- b. MET 4-Month Outlook on Upcoming Issues (tentative)
- c. Review items of significance for MET Board and Committee Agendas

Recommendation: Review and discuss the information presented.

ADJOURNMENT

Note: <u>Accommodations for the Disabled.</u> 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.

Item No. 1



DISCUSSION ITEM October 4, 2023

TO: Board of Directors

FROM: Harvey De La Torre, Interim General Manager

Staff Contact: Heather Baez

SUBJECT: PRESENTATION ON THE COLORADO RIVER BASIN SALINITY CONTROL FORUM BY EXECUTIVE DIRECTOR DON BARNETT

STAFF RECOMMENDATION

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

REPORT

MWDOC staff have invited Don Barnett, Executive Director of the Colorado River Salinity Control Forum (Forum) to provide an overview of the Forum and its recent activities. This will include the purpose of the Forum, why it's useful, some of the challenges it has faced since the drought, Paradox Valley, and the need for S. 2514 (Bennet – CO).

Background

Created in 1973, the Colorado River Basin Salinity Control Forum is an organization of the seven Colorado River Basin states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The purposes of the Forum are to coordinate salinity control efforts among the states, coordinate with federal agencies on the implementation of the Colorado River Basin Salinity Control Program (Program), work with Congress on the authorization and funding of the Program, act to disseminate information on salinity control and otherwise promote efforts to reduce the salt loading to the Colorado River.

The Governors of each state appoint up to three representatives (though each state has one vote). Generally, Forum membership is made up of individuals from state water

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

quantity and water quality agencies as well as major water user agencies. Forum members elect a Chair and Vice Chair. There are no specific terms for Forum members as they serve at the pleasure of their respective Governors. California's current representatives are Bill Hasencamp who serves as the Chair, Joaquin Esquivel, and Jessica Neuwerth.

The Forum has created a Work Group made up of technical representatives from the states with a Chairman appointed by the Forum. The Work Group generally meets four or five times per year. Working under the direction of the Forum, the Work Group studies technical issues and opportunities, tracks and coordinates implementation of the Program and otherwise coordinates efforts between the states, federal agencies and local organizations and individuals involved in the Program.

Don Barnett, Executive Director of the Colorado River Salinity Control Forum, has been invited by MWDOC staff to present an overview of the Forum's recent activities and answer questions from the MWDOC Board and Member Agencies.

Item No. 2a



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

Appropriations

The government funding situation remains extremely fluid. At the moment (September 26th) it looks like the government will likely shut down at midnight on September 30th. The Senate will attempt to pass a "clean" Continuing Resolution (CR) but it seems unlikely that the House will be able to do so without using Democratic votes, which would threaten Speaker McCarthy's speakership as some members of the House Republican Caucus said that they would try to remove him if he took that path, and they potentially have the votes to do so.

We will provide a real-time update during the workshop-board meeting.

Colorado River Salinity Control Fix Act

Senator Bennet (D-CO) has introduced S. 2514, the Colorado River Salinity Control Fix Act which would increase the federal cost-share for salinity control programs and research authorized in the Colorado River Basin Salinity Control Act of 1974. The bipartisan legislation, which is supported by all seven basin states, is cosponsored by Senator Lummis (R-WY), Senator Barrasso (R-WY), Senator Padilla (D-CA), Senator Feinstein (D-CA), Senator Sinema (D-AZ), Senator Kelly (D-AZ), Senator Romney (R-UT) and Senator Hickenlooper (D-CO).

The bill is intended to address the funding challenges that have emerged for the salinity control program resulting from ongoing drought as much of the non-federal funding for the program is generated from the revenue of hydropower sales in the Colorado River Basin. Bill text and a letter of support from the Salinity Control Forum are attached.



GOVERNORS

Katie Hobbs, AZ Gavin Newsom, CA Jared Polis, CO Joe Lombardo, NV Michelle Lujan Grisham, NM Spencer Cox, UT Mark Gordon, WY

FORUM MEMBERS

Arizona

Clint Chandler Patrick Dent Erin Jordan

California

Joaquin Esquivel Bill Hasencamp, Chair Jessica Neuwerth

Colorado

Rebecca Mitchell, Vice Chair Nicole Rowan David W. Robbins

Nevada Andrew Burns Sara Price

New Mexico Mike Hamman Rolf Schmidt-Petersen

Utah Candice Hasenyager John Mackey Dan Larsen

Wyoming Jeff Cowley Chad Espenscheid David Waterstreet

EXECUTIVE DIRECTOR Don A. Barnett

226 South 200 West Farmington, UT 84025 (801) 292-4663 dbarnett@barnettwater.com www.coloradoriversalinity.org July 12, 2023

Chairwoman Stabenow Ranking Member Boozman Senate Committee on Agriculture, Nutrition, and Forestry

Dear Chairwoman Stabenow and Ranking Member Boozman:

On behalf of the seven Colorado River Basin States, through their gubernatorially appointed representatives to the Colorado River Basin Salinity Control Forum (Forum), I hereby convey our unanimous support of proposed legislation to amend the current cost-share percentages under the Colorado River Basin Salinity Control Program (Program).

The proposed changes are needed to resolve deficiencies in the cost share generated by power revenue reductions from the drought-stricken Colorado River System. The changes reflect several years of review and discussion between the Colorado River Basin States and the Federal agencies involved in Program implementation.

The Colorado River Basin Salinity Control Act (Act, 1974, as amended), authorizes the construction of projects and other activities to reduce the salt load of the Colorado River System. The Act specifies that "In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the lands of the Colorado River Basin from which most of the dissolved salts originate, and the policy embodied in the Federal Water Pollution Control Act Amendments of 1972" most of the expenses for implementation of the salinity control efforts are non-reimbursable. The remaining expenses are reimbursable (cost share) presently at a rate of between 25% - 30%.

The Act provides that the cost share in the Program is to be provided with moneys generated from mill levies on power revenues from the Upper Colorado River Basin Fund (Upper Basin Fund) and the Lower Colorado River Basin Development Fund (Lower Basin Fund). The Act provides that the Secretary adjust power rates to provide for the salinity cost-share Chairwoman Stabenow Ranking Member Boozman July 12, 2023 Page 2

dollars from the Upper Basin Fund. However, salinity funding in the Lower Basin fund is fixed at 2.5 mills on specific power sales from Hoover, Parker, and Davis Dams, regardless of funding need.

Pursuant to the Act, whenever there is an appropriation or allocation of funds for Colorado River salinity control activities, there is a corresponding cost-share requirement which is met by the withdrawal of moneys from the Upper Basin Fund and the Lower Basin Fund. However, in recent years, with reduced power generation, due to prolonged drought conditions, and increased costs of implementing projects, there has been insufficient money in the Lower Basin Fund to meet the cost-share requirements.

The Basin States, through the Forum, have been working with Federal agencies for several years to determine the best solution to fix the funding imbalance. The attached legislation is the best solution to make the needed changes. The Basin States, through their gubernatorially appointed representatives on the Forum, support the legislation and respectfully request its inclusion in the 2023 Farm Bill.

Sincerely,

COLORADO RIVER BASIN SALINITY CONTROL FORUM

Bill Haver

Bill Hasencamp, Chair

attachment

^{118TH CONGRESS} 1ST SESSION S. 2514

To amend the Colorado River Basin Salinity Control Act to modify certain requirements applicable to salinity control units, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2023

Mr. BENNET (for himself, Ms. LUMMIS, Mr. PADILLA, Mr. BARRASSO, Mrs. FEINSTEIN, Ms. SINEMA, Mr. ROMNEY, and Mr. HICKENLOOPER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

- To amend the Colorado River Basin Salinity Control Act to modify certain requirements applicable to salinity control units, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Colorado River Salinity

5 Control Fix Act".

6 SEC. 2. SALINITY CONTROL UNITS.

7 Section 205 of the Colorado River Basin Salinity

8 Control Act (43 U.S.C. 1595) is amended—

1	(1) by striking the section designation and all
2	that follows through "(a) The Secretary" and insert-
3	ing the following:
4	"SEC. 205. SALINITY CONTROL UNITS; AUTHORITY AND
5	FUNCTIONS OF THE SECRETARY OF THE IN-
6	TERIOR.
7	"(a) Allocation of Costs.—The Secretary";
8	(2) by striking paragraph (1) and inserting the
9	following:
10	"(1) Nonreimbursable costs; reimburs-
11	ABLE COSTS.—
12	"(A) Nonreimbursable costs.—
13	"(i) IN GENERAL.—In recognition of
14	Federal responsibility for the Colorado
15	River as an interstate stream and for
16	international comity with Mexico, Federal
17	ownership of the land of the Colorado
18	River Basin from which most of the dis-
19	solved salts originate, and the policy estab-
20	lished in the Federal Water Pollution Con-
21	trol Act (33 U.S.C. 1251 et seq.) and ex-
22	cept as provided in clause (ii), the fol-
23	lowing shall be nonreimbursable:
24	"(I) 75 percent of the total costs
25	of construction and replacement of

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1	each unit or separable feature of a
2	unit authorized by section $202(a)(1)$,
3	including 90 percent of—
4	"(aa) the costs of operation
5	and maintenance of each unit or
6	separable feature of a unit au-
7	thorized by that section; and
8	"(bb) the total costs of con-
9	struction, operation, and mainte-
10	nance of the associated measures
11	to replace incidental fish and
12	wildlife values foregone.
13	"(II) 75 percent of the total costs
14	of construction and replacement of
15	each unit or separable feature of a
16	unit authorized by section $202(a)(2)$,
17	including 100 percent of—
18	"(aa) the costs of operation
19	and maintenance of each unit or
20	separable feature of a unit au-
21	thorized by that section; and
22	"(bb) the total costs of con-
23	struction, operation, and mainte-
24	nance of the associated measures

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1	to replace incidental fish and
2	wildlife values foregone.
3	"(III) 75 percent of the total
4	costs of construction, operation, main-
5	tenance, and replacement of each unit
6	or separable feature of a unit author-
7	ized by section $202(a)(3)$, including
8	75 percent of the total costs of con-
9	struction, operation, and maintenance
10	of the associated measures to replace
11	incidental fish and wildlife values fore-
12	gone.
13	((IV) 70 percent of the total
14	costs of construction, operation, main-
15	tenance, and replacement of each unit
16	or separable feature of a unit author-
17	ized by paragraphs (4) and (6) of sec-
18	tion 202(a), including 70 percent of
19	the total costs of construction, oper-
20	ation, and maintenance of the associ-
21	ated measures to replace incidental
22	fish and wildlife values foregone.
23	"(V) 70 percent of the total costs
24	of construction and replacement of
25	each unit or separable feature of a

	0
1	unit authorized by section $202(a)(5)$,
2	including 100 percent of—
3	"(aa) the costs of operation
4	and maintenance of each unit or
5	separable feature of a unit au-
6	thorized by that section; and
7	"(bb) the total costs of con-
8	struction, operation, and mainte-
9	nance of the associated measures
10	to replace incidental fish and
11	wildlife values foregone.
12	"(VI) 85 percent of the total
13	costs of implementation of the on-
14	farm measures authorized by section
15	202(c), including 85 percent of the
16	total costs of the associated measures
17	to replace incidental fish and wildlife
18	values foregone.
19	"(ii) Special rule for nonreim-
20	BURSABLE COSTS FOR FISCAL YEARS 2024
21	AND 2025.—Notwithstanding clause (i), for
22	each of fiscal years 2024 and 2025, the
23	following shall be nonreimbursable:
24	((I) 75 percent of all costs de-
25	scribed in clause (i)(I).

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1	"(II) 75 percent of all costs de-
2	scribed in clause (i)(II).
3	"(III) 70 percent of all costs de-
4	scribed in clause (i)(V).
5	"(IV) The percentages of all
6	costs described in subclauses (III),
7	(IV), and (VI) of clause (i).
8	"(B) Reimbursable costs.—The total
9	costs remaining after the allocations under
10	clauses (i) and (ii) of subparagraph (A) shall be
11	reimbursable as provided for in paragraphs (2),
12	(3), (4), and (5).";
13	(3) in subsection (b), by striking the subsection
14	designation and all that follows through "Costs of
15	construction" in paragraph (1) and inserting the fol-
16	lowing:
17	"(b) Costs Payable From Lower Colorado
18	RIVER BASIN DEVELOPMENT FUND.—
19	"(1) IN GENERAL.—Costs of construction";
20	(4) in subsection (c), by striking "(c) Costs of
21	construction" and inserting the following:
22	"(c) Costs Payable From Upper Colorado
23	RIVER BASIN FUND.—Costs of construction"; and
24	(5) in subsection (e), by striking "(e) The Sec-
25	retary is" and inserting the following:

1 "(e) Upward Adjustment of Rates for Elec-

2 TRICAL ENERGY.—The Secretary is".



To:	Municipal Water District of Orange County	
From:	Syrus Devers Advocacy LLC	
Date:	September 27th, 2023	
Re:	State Legislative Report	

Legislative Report

Governor Newsom still has just short of three weeks to sign or veto bills as of the day this report was prepared; below is a preview of the expected outcome. The November report will detail the final outcomes.

One item to keep in mind is that California does not have a "pocket veto". Newsom must either sign or veto a bill by midnight on October 14th. If he does nothing, the bill automatically takes effect on January 1st. Another is that there is a process after a bill leaves the Legislature and before it lands on the Governor's desk for consideration. Even though session ended on September 14th, most of the bills that passed on the last night of session were not available to the Governor for action until about a week later, which is only a few days before the date of this report. For that reason this report is somewhat speculative.

This report focuses on the bills that the water community at-large focused on, not just the bills on which MWDOC took positions. The "we" in this report, therefore, refers to the collective efforts of the lobbyists in Sacramento who represent public water agencies. In other words, this is what the lobbyists involved in water policy actually spent time working on in Sacramento.

Omitted are several good bills that required little or no effort. An example is AB 557 (Hart) on open meetings. The bill passed with unanimous support despite no campaign in support. This bill and all other priority bills will be discussed in the November report.

The Good:

We stopped or amended every water policy bill we opposed. This year started as the most significant year in Legislation in a decade, but it all went up in a legislative bonfire the first two weeks in July.

The water rights bills: SB 389 (Allen), AB 460 (Bauer-Kahan), and AB 1337 (Wicks). Although a lot of effort went into AB 460 and AB 1337, both were held in Senate Natural Resources & Water. SB 389 went on to better success after Sen. Allen agreed to remove the most objectionable parts of the bill. ACWA went neutral at the end and the bill awaits action by the Governor.

The Resource Bonds: SB 867 (Allen) and AB 1567 (Garcia) make the good list despite not being finished. There was an initial push to finish a bond bill this year and have it on the March ballot, but that came to nought and all work stopped rather abruptly. A resource bond will be on the November ballot; the final product to be worked out early next year. The critical variable is how large of a bond the Governor will support. There were many budget cuts in anticipation of funding through the bonds. Keep in mind that other areas did significantly worse in the 2023 budget than water. Transportation, in particular, took a huge hit. That all plays into what the Governor will support in each of the bonds. Do not be surprised if the final resource bond is smaller than anticipated. Newsom has opined that California can handle about \$26 billion in new debt. The total of all bond bills exceeds \$100 billion, although there is significant overlap. Nonetheless, the subset of water policy lobbyists working on the bonds did get a warm reception from legislators. The cynics among us believe they want Newsom to be the bad cop and, therefore, said "yes" to most requests.

SB 687 (Eggman): We stopped another Delta Conveyance killer bill.

The Bad:

We scored 100% on water policy legislation, but took some losses on broader issues affecting municipal entities.

AB 1484 (Zbur): this bill makes it more costly and difficult to utilize temporary employees. We tried, but it had organized labor support and we got beat.

AB 735 (Berman): this bill would have created a pipeline of future utility workers through education and job placement assistance. Good bill, but we could not get it off the dreaded Suspense File.

The Ugly:

We cannot stop all the bad bills or get all the good ones through. On some we have to compromise and roll with the punches. The result is usually a bill that we do not like, but we can hold our nose and tolerate it. Here are the top ugly compromises.

AB 1572 (Friedman): Nonfunctional turf–a lot of people would like to go a long time without hearing that phrase again. The water community wanted to kill this bill, but MWD came from nowhere and sponsored it, which all but ruled out stopping the bill in committee. The resulting negotiation consumed hundreds of hours of staff time, and the final result is questionably drafted.

SB 366 (Caballero): Few bills started with more fanfare and grand expectations, but the end was ignominious. This bill aspired to rewrite the California Water Plan and pave the way to an expanded water supply. Much money was spent. But a funny thing happened on the way to its demise in the Assembly Water, Parks & Wildlife Committee, which is chaired by Assm. Bauer-Kahan and staffed by Pablo Garza. After the water community killed Bauer-Kahan's AB 460, which Garza staffed, Garza was tasked with getting the other water rights bill through–AB 1337. But we killed that bill too. After which,

SB 366 was set for a hearing, in Bauer-Kahan's committee, and analyzed by...Pablo Garza. It was not pretty. Amendments forced on the author were so severe that the decision was made to just drop the bill.

AB 755 (Papan): This started off as a perfectly awful bill that would have required water agencies to estimate the marginal cost of providing water to major water users and publish that estimate (guess, really) in a rate study. Nobody liked the bill, but our attention was elsewhere and it slipped out of the Assembly with bipartisan votes. It was then set for a hearing in the Senate right after the water rights bills had just been held in committee. The stage was set for a serious loss. Committee members had been worked hard the previous week and were not amenable to being lobbied hard again. Fortunately, Irvine Ranch Water District took the lead and devoted significant time working out a set of amends that blunted the worst parts of the bill. The final bill makes the ugly list because no one liked it, but it was far better than what could have happened if the bill had made it out of committee without amendments–which it almost certainly would have. But not everyone saw it this way and the bill was put to three votes and numerous motions in the ACWA State Legislative Committee, which in the end remained neutral.

In a class by itself: ACA 13 (Ward)

Background: ACA 13 is in response to the Taxpayer Protection and Government Accountability Act sponsored by the California Business Roundtable, which will appear on the November, 2024 ballot. It would impose additional restrictions on enacting fees and taxes, and would invalidate any new fees or taxes passed after January 1, 2022, that did not comply with the requirements of the initiative.

What ACA 13 does: States that an initiative that imposes a higher vote threshold for fees or taxes must pass by the same percentage of votes it seeks to impose. In other words, the Taxpayer Protection and Government Accountability Act would have to be passed by two-thirds of voters casting ballots in the November election to take effect.

What ACA 13 does not do: Amend Proposition 13. The final set of amendments included the following Whereas:

The provisions of this measure are not intended to reverse or invalidate provisions of the Constitution in effect before January 1, 2024, including the provisions of Proposition 13 of 1978...

Current status: ACA 13 passed both legislative houses by the required 2/3rds vote, but was then held temporarily in order for it to appear on the November ballot, as opposed to the earlier March primary ballot. This means ACA 13 will appear on the ballot alongside the Taxpayer Protection and Government Accountability Act. ACA 13 was drafted with this in mind, so it specifically states that it would apply to measures that appear on the ballot at the same time.

Administrative Report

On October 4th, the State Water Resources Control Board will hold a public workshop on regulations implementing the "Conservation as a Way of Life" bill package.

ACKERMAN CONSULTING

Legal and Regulatory

October 4, 2023

- 1. The "Great" Salt Lake: The Great Salt Lake used to be larger than Rhode Island. Over time and drought conditions, it is one half that size. Scientists think it could be totally gone by 2030. As the Lake dries up, it gets saltier making it difficult for brine shrimp to live. That impacts millions of birds that migrate through the area. In addition, the Lakebed contains arsenic which means more toxic dust is being blown around. Utah has changed some of its laws to ease the situation. Farmers used to be in a "use it or lose it" position with respect to water rights. Now they can retain their rights without exercising their right to use it. The state is also trying to control alfalfa production which uses almost half of all water in Utah. The State is also considering putting a minimum water level into law which would protect the Lake from overdraft. Environmental groups are being highly active, but the Lake is also important to the overall economy.
- 2. Golf and Water: Golf courses are heavy users of water and are under more pressure to change their ways or close down. Many courses, such as The Ranch at Laguna Beach (Ben Browns), are using exclusively reclaimed water. They have also changed the type of grass and adopted other methods to save water. Nationally, 21% of courses used recycled water. Many courses around the country do not use much water as their natural rain keeps them in business. Course design is also being modified to retain natural conditions. Golf advocacy groups also remind us that golf courses are better for the environment than roads, shopping centers and houses.
- 3. Panama Canal Drought: Drought conditions in Panama are creating problems for shipping. Panama is normally one of the wettest spots in the world. But the last few years, they have seen cutbacks in the number of ships utilizing the canal. Normal wait times are 3-5 days. It is currently 11 days and was 19 days last year. Five percent of world trade uses the canal. Forty percent of US trade in ships uses the canal. The holding tank for the canal is Gatun Lake which loses 156-acre feet of water every transit cycle. The cost per boat ranges from \$150,000 to \$1 million based on size and load. This has created a situation where shippers bid for a spot paying double or triple the normal fee. Some shippers look for cheaper alternatives such as Cape Horn or the Suez Canal. Time and risk become additional factors for delivery.
- 4. **Newport Beach Water Wheel:** Newport Beach is following the lead of Baltimore Harbor in installing a trash collecting water wheel. This device collects trash and other stuff before it is dumped into the back bay and makes its way to Newport Harbor. A water wheel is attached to a platform which is anchored to the inlet bottom. The wheel collects all debris, dumps it on a conveyor belt which is transferred to a regular trash truck. It is low tech and powered by solar panels. Total cost is \$5.5 million which is being funded by local, state, and federal sources.

It will be running by late 2024. The idea for Newport came from former city council man Duffy Duffield, founder of the Duffy electric boat.

- 5. **Seafloor Desal:** Las Virgenes Municipal Water District is proposing a seafloor desal project several miles off the California coast. This "blue water farm" will put 40' cylindrical pods in 1400 feet of water off our coast. It is expected to produce 10 million gallons of fresh water per day and will use 40% less energy than normal desal. The traditional reverse osmosis process is not needed as the water is taken from the aphotic zone. That is a depth with extraordinarily little sunlight and marine life and produces no brine due to the water pressure existing at that depth. Water from the pods goes through a semi permeable filter producing freshwater. Cost and construction details were not provided.
- 6. Arrowhead Water (Continued): The State Water Resources Control Board ordered BlueTriton, owner of Arrowhead water, to stop using a portion of the natural springs water it had been using. Arrowhead started selling bottled water from the area in 1906 and has been continuously doing so since then. During that time, it had different channels and source spots to draw from. The Board's order covers some of those locations, but not all. There is a continuing disagreement as to what permits Arrowhead has and the validity of those permits. I am sure additional litigation will follow.
- 7. Microbial Electrochemistry: Wastewater treatment gets more high tech and efficient each day. A group of students from the US and Britain won an international competition is this area using microbial electrosynthesis. As you may guess this process is very complicated. It is described in the report as "a microbial electrochemical cell. In the apparatus, wastewater if fed to bacteria on the surface of an electrode, called an anode, which decomposes the organic matter via an oxidation reaction, a chemical reaction that liberates electrons." It is described by the author as a magic trick. However, it is just the result of all these reactions taking place. The process can be very efficient and produces no toxic byproducts and lowers emissions. This process is very expensive, and the next step is looking at commercial build up.
- 8. Hand Held Water Maker: UC Berkeley scientists have designed a hand held gadget that can make water from using only sunlight. Using MOF (metal organic framework) which is a very porous material, they produced drinkable water in Death Valley using only sunlight. This little thing produced one cup of water per day and is reusable. Scaling up studies are continuing. It will be used in remote areas and small systems where energy is lacking.
- 9. More Water in Space: The Webb telescope continues to amazing work. Researchers are looking at a young star, PDS 70, remarkably similar to our own sun. It is 370 light years away, which is a long, long, long distance from earth. We have previously reported that it is believed that water on earth came from many water carrying asteroids hitting us during our early years. Reviews of PDS 70 system's planet forming disk show the presence of water. The amount is large and will ultimately end up on one or more of the planets associated with PDS 70. Since water is the building block for all life, we may have some neighbors some time in the future a very long ways away.

- 10. Saudi Arabia Water LIV: Saudi Arabia is investing over \$6 billion in a new Global Water Organization centered in Riyadh. Its purpose is to "integrate and encourage global efforts to achieve water sustainability." They intend to work with other countries, share advanced technologies and prioritize projects on a global scale. Water and sanitation projects will be evaluated all over the globe. Stay tuned.
- 11. Folsom Lake Evaporation: Lake officials are not concerned with the 6500-acre feet of water lost to evaporation every month. The reservoir whose capacity of 900,000-acre feet is presently 73% of capacity. The loss is not consequential in their everyday operations and plan for supplying needs downstream. They do track the loss and monitor the amount.
- 12. Making Lithium Batteries Safer: Lithium batteries are being used more and more due to their increased power, longer life, and lighter weight. However, they are not without concerns particularly when it comes to fire incidents. By their nature they are more of a fire hazard than other batteries. Also, they are harder to extinguish. One of the main reasons is the electrolyte ingredients which include organic solvents such as ethylene carbonate. Battery manufacturers are now looking at adding water to the electrolyte. This would mean a much safer battery, but it would also add weight. However, in larger battery applications such as building backup, weight is not a factor. Water may make the high-tech lithium product a better product.
- 13. Tulare Lake Going: At the height of our latest rains, Tulare Lake covered about 120,000 acres. At the present time it is under 50,000 and expected to continue to downward trend. Locals expect it to be all gone by the end of this winter. The damage caused by it will remain and is being dealt with.



Item No. 2d

October 6, 2023

TO: MWDOC Board of Directors

FROM: Peter Whittingham

SUBJECT: September 2023 Report

While the month of September saw the typical flurry of activity in Sacramento, many cities, water districts and other agencies in Orange County were also back to business as summer wound to a close. Following are a few of the more notable developments and issues of the month:

- Thanks to a \$31.8 million grant from the California Coastal Conservancy, a 103acre portion of the Los Cerritos Wetlands in Seal Beach will be restored for conservation purposes. The Los Cerritos Wetland Authority — a joint powers agency comprised of the cities of Long Beach and Seal Beach, the state conservancy itself, and the California Rivers and Mountain Conservancy — will use the grant to initiate the Southern Los Cerritos Wetlands Restoration Project, a vision that has been in the works for decades.
- Work is underway to enhance two Mesa Water District reservoirs. The upgrades include implementation of a reservoir chemical management system that will allow the district to store up to an additional 15 million gallons of water and updating pump stations to improve the Mesa Water District's distribution system. These upgrades, which will increase the reliability of Mesa Water District operations, are expected to be completed in Fall 2025.
- Orange County Water District General Manager Mike Markus has announced his retirement, effective January 26, 2024. Mr. Markus has enjoyed a distinguished 45-year career in water resource management and has served as GM of OCWD since 2007, only the sixth general manager in the District's 90-year history. He first joined OCWD in 1988 as a construction manager and ascended through the organization's management ranks. Congratulations Mike!
- Six teams responded to South Coast Water District's Request For Qualifications for Doheny Desalination Plant project in Dana Point. SCWD also updated the projected cost of water from the Project, which received unanimous last fall, to \$2,058 per acre-foot the first year of operation, versus the prior estimate of \$1,589 Whittingham PAA, LLC

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per acre-foot. The plant is now expected to cost \$175 million, up from the prior estimate of \$140 million; one-fifth of that cost is already covered by state and federal grants, and the district continues to seek additional grant funding. The city of San Clemente, Laguna Beach Water District, Eastern Municipal Water District in Perris, and Elsinore Valley Municipal Water District are all reviewing commitment letters provided by SCWD, which is seeking partners to share in the initial five MGD production of the proposed facility.

• The City of Anaheim is moving forward with development of the OC River Walk, an estimated \$100 million project that would include the expansion of trails in and around the river, construction of a 350-foot pedestrian and cycling bridge across the river that would connect the cities of Anaheim and Orange. In addition, a 150-foot bridge would extend across Katella Avenue, connecting ARTIC transit center with the Honda Center. The project is moving forward with a \$5 million grant from the U.S. Department of Transportation and is being advanced concurrent to but separate from the ocV!be mixed-use entertainment district that has begun its initial phase of development surrounding the Honda Center.

It is a pleasure to work with you and to represent the Municipal Water District of Orange County.

Sincerely,

I White

Peter Whittingham

Municipal Water District of Orange County Bill Matrix, October 4, 2023

Item No. 2e

A. Priority Support/Oppose

<u>AB 334</u> (<u>Rubio, Blanca</u> D) Public contracts: conflicts of interest.

Status: 9/5/2023-Enrolled and presented to the Governor at 3 p.m.

Summary: Current law prohibits members of the Legislature and state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Current law authorizes the Fair Political Practices Commission to commence an administrative or civil action against persons who violate this prohibition, as prescribed, and includes provisions for the collection of penalties after the time for judicial review of a commission order or decision has lapsed, or if all means of judicial review of the order or decision have been exhausted. Current law identifies certain remote interests in contracts that are not subject to this prohibition and other situations in which an official is not deemed to be financially interested in a contract. Existing law makes a willful violation of this prohibition a crime. This bill would establish that an independent contractor, who meets specified requirements, is not an officer for purposes of being subject to the prohibition on being financially interested in a contract.

Position	Priority
Support	A. Priority Support/Oppose
nosition adopted	Juna 7th

Notes 1: Support position adopted June 7th

AB 460 (Bauer-Kahan D) State Water Resources Control Board: water rights and usage: interim relief: procedures. Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)

Summary: Current law authorizes the State Water Resources Control Board to investigate all streams, stream systems, lakes, or other bodies of water, take testimony relating to the rights to water or the use of water, and ascertain whether water filed upon or attempted to be appropriated is appropriated under the laws of the state. Current law requires the board to take appropriate actions to prevent waste or the unreasonable use of water. This bill would authorize the board, in conducting specified investigations or proceedings to inspect the property or facilities of a person or entity, as specified. The bill would authorize the board, if consent is denied for an inspection, to obtain an inspection warrant, as specified, or in the event of an emergency affecting public health and safety, to conduct an inspection without consent or a warrant.

Position	Priority
Opposition	A. Priority Support/Oppose

<u>AB 557</u> (<u>Hart</u> D) Open meetings: local agencies: teleconferences.

Status: 9/15/2023-Enrolled and presented to the Governor at 4 p.m.

Summary: The Ralph M. Brown 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. Current law, until January 1, 2024, authorizes the legislative body of a local agency to ruse

teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect. Those circumstances are that (1) state or local officials have imposed or recommended measures to promote social distancing, (2) the legislative body is meeting for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (3) the legislative body has previously made that determination. 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. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect.

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Support

Priority A. Priority Support/Oppose

Notes 1: Support adopted April 5th

AB 735 (Berman D) Workforce development: utility careers.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

Summary: Would establish the High Road Utility Careers (HRUC) program, to be administered by the California Workforce Development Board, to connect existing resources with individuals interested in careers in the utility sector and ensure a continued reliable workforce for California utilities. The bill would require the board to administer the HRUC program through partnerships with statewide water, wastewater, and energy utility associations and to coordinate the program with existing and future programs and initiatives administered by the board, including high road training partnerships, in order to align interested individuals with available resources. The bill would require the HRUC program, upon appropriation by the Legislature, to dedicate funding and resources toward accomplishing specified goals, including connecting workers to high-quality jobs or entry-level work with defined routes to advancement and increasing skills and opportunities while expanding pipelines for low-income populations.

Position	Priority
Support	A. Priority Support/Oppose
	11 11

Notes 1: Support adopted April 5th

AB 838

<u>AB 755</u> (<u>Papan</u> D) Water: public entity: water usage demand analysis.

Status: 9/19/2023-Enrolled and presented to the Governor at 4 p.m.

Summary: Current law authorizes a public entity that supplies water at retail or wholesale within its service area to adopt, in accordance with specified procedures, and enforce a water conservation program. This bill would require a public entity, as defined, to conduct a water usage demand analysis, as defined, prior to completing, or as part of, a cost-of-service analysis conducted to set fees and charges for water service that are consistent with applicable law. The bill would require a public entity to identify, within the water usage demand analysis, the costs of water service for the highest users, as defined, incurred by the public entity, and the average annual volume of water delivered to high water users.

	Position	Priority
	Watch	A. Priority
	watch	Support/Oppose
Notes 1: Oppose	position adopted May	y 3rd. Amended in the Senate. ACWA neutral on final version.

(Connolly D) California Water Affordability and Infrastructure Transparency Act of 2023.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Summary: The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The act prohibits a person from operating a public water system unless the person first submits an application to the state board and receives a permit to operate the system, as specified. The act requires a public water system to submit a technical report to the state board as a part of the permit application or when otherwise required by the state board, as specified, and to submit the report in the form and format and at intervals specified by the state board. This bill would require, beginning January 1, 2025, and thereafter at intervals determined by the state board, public water systems to provide specified information and data related to customer water bills and efforts to replace aging infrastructure to the state board.

A. Priority

Support/Oppose

AB 1337 (Wicks D) State Water Resources Control Board: water diversion curtailment.

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)

Summary: Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would expand the instances when the diversion or use of water is considered a trespass. This bill contains other related provisions and other existing laws.

Position Opposition

Opposition

Priority A. Priority Support/Oppose

Notes 1: Oppose adopted April 5th

<u>AB 1572</u> (<u>Friedman</u> D) Potable water: nonfunctional turf.

Status: 9/20/2023-Enrolled and presented to the Governor at 4 p.m.

Summary: 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.

	Position	Priority
	Oppose unless	A. Priority
	amended	Support/Oppose
Notes 1:	OUA adopted April 5th	

<u>AB 1594</u> (Garcia D) Medium- and heavy-duty zero-emission vehicles: public agency utilities.

Status: 9/21/2023-Enrolled and presented to the Governor at 3:30 p.m.

Summary: Current law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality, and establishes the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. This bill would require any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles to authorize public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life when needed to maintain reliable service and respond to major foreseeable events, including severe weather, wildfires, natural disasters, and physical attacks, as specified. The bill would define a public agency utility to include a local publicly owned electric utility, a community water system, a water district, and a wastewater treatment provider, as specified.

Position	Priority
Support	A. Priority Support/Oppose
4 1 4 1 1 7 1	

Notes 1: Support adopted May 3rd

<u>SB 23</u> (<u>Caballero</u> D) Water supply and flood risk reduction projects: expedited permitting.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)

Summary: Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, except under specified conditions, including requiring the entity to send written notification to the Department of Fish and Wildlife regarding the activity in the manner prescribed by the department. This bill would require a project proponent, if already required to submit a notification to the department, to submit to the department the certified or adopted environmental review document, as applicable, for the activity in the notification. The bill would require the department, under prescribed circumstances, to take certain actions within specified timelines, or within a mutually agreed-to extension of time.

	Position	Priority
	Support	A. Priority
Support	Support	Support/Oppose
Notes 1:	Support position approved on 3/1/2023	

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<u>SB 366</u> (<u>Caballero</u> D) The California Water Plan: long-term supply targets.

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was W.,P. & W. on 6/8/2023)(May be acted upon Jan 2024)

Summary: Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as "The California Water Plan." Current law requires the department to include a discussion of various strategies in the plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future needs of the state. Current law requires the department to establish an advisory committee to assist the department in updating the plan. This bill would revise and recast certain provisions regarding The California Water Plan to, among other things, require the department to instead establish a stakeholder advisory committee and to expand the membership of the committee to include tribes, labor, and environmental justice interests. The bill would require the department to coordinate with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and the stakeholder advisory committee to develop a comprehensive plan for addressing the state's water needs and meeting specified long-term water supply targets established by the bill for purposes of The California Water Plan. The bill would require the plan to provide recommendations and strategies to ensure enough water supply for all beneficial uses.

Position	Priority
Support	A. Priority Support/Oppose

<u>SB 389</u> (<u>Allen</u> D) State Water Resources Control Board: investigation of water right.

Status: 9/20/2023-Enrolled and presented to the Governor at 4:30 p.m.

Summary: Current law provides generally for the appropriation of water. Existing law authorizes the State Water Resources Control Board to investigate bodies of water, to take testimony in regard to the rights to water or the use of water, and to ascertain whether or not water is appropriated lawfully, as provided. Under current law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would instead authorize the board to investigate and ascertain whether or not a water right is valid. The bill would authorize the board to issue an information order in furtherance of an investigation, as executed by the executive director of the board, as specified. The bill would authorize a diversion or use of water ascertained to be unauthorized to be enforced as a trespass, as specified.

Position	Priority
Watch	A. Priority
1 (1) 1 6 (Support/Oppose

Notes 1: Oppose adopted April 5th. Amended in the Assembly. ACWA and CMUA moved to a WATCH on the final version.

<u>SB 687</u> (Eggman D) Water Quality Control Plan: Delta Conveyance Project.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)

Summary: Would require the State Water Resources Control Board to adopt a final update of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, as provided, before the board may consider a change in point diversion or any other water rights permit or order for the Delta Conveyance Project. The bill would also, if, after completing the update of the plan and in compliance with existing law, the board approves a change in point of diversion or any other water rights permit or order associated with the Delta Conveyance Project, prohibit the operation of the Delta Conveyance Project unless and until the updated plan is fully implemented. The bill would specify that these provisions do not constitute an authorization for or approval of funding for the Delta Conveyance Project or any other project that includes isolated Delta conveyance facilities, and do not reduce any statutory or other regulatory conditions or permit requirements for Delta conveyance projects.

PositionPriorityOppositionA. PrioritySupport/Oppose

Notes 1: Oppose adopted per Policy Principles.

B. Watch

AB 30 (Ward D) Atmospheric rivers: research: reservoir operations.

Status: 9/1/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 134, Statutes of 2023. **Summary:** Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Current 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.

Position	Priority
Watch	B. Watch

<u>AB 62</u> (<u>Mathis</u> R) Statewide water storage: expansion.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

Summary: Current law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control boards. Current law requires the work of the state board to be divided into at least 2 divisions, known as the Division of Water Rights and the Division of Water Quality. This bill would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the Department of Water Resources, in consultation with the state board, to take reasonable actions to promote or assist efforts to achieve the statewide goal, as provided. The bill would require the department, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the state board, to prepare and submit a report to the Legislature on the progress made to achieve the statewide goal.

Position	Priority
Watch	B. Watch

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

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Summary: Current law establishes the Natural Resources Agency, composed of departments, boards, conservancies, and commissions responsible for the restoration, protection, and management of the state's natural and cultural resources. Current law establishes in the agency the Department of Water Resources, which manages and undertakes planning with regard to water resources in the state. This bill would require the agency, and each department, board, conservancy, and commission within the agency, to take all reasonable steps to approve the necessary permits for specified projects that meet certain employment conditions within 180 days from receiving a complete permit application.

Position Priority B. Watch

<u>AB 249</u> (<u>Holden</u> D) Water: schoolsites: lead testing.

AB 66

Status: 9/20/2023-Enrolled and presented to the Governor at 4 p.m.

Summary: Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The act requires the state board to establish a grant program, in consultation with the State Department of Education, to award grants to local educational agencies for the purposes of improving access to, and the quality of, drinking water in public schools serving kindergarten or any of grades 1 to 12, inclusive, and preschools and child daycare facilities located on public school property. This bill would require a community water system that serves a schoolsite, as defined, to test for lead in the potable water system outlets of the schoolsite before January 1, 2027, except as provided. This bill contains other related provisions and other existing laws.

Position	Priority
Watch	B. Watch

<u>AB 277</u> (<u>Rodriguez</u> D) Extreme Weather Forecast and Threat Intelligence Integration Center.

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/21/2023)(May be acted upon Jan 2024)

Summary: Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program within the department to, upon appropriation of special fund moneys, 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 in the state, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would establish the State-Federal Flood Operations Center within the Department of Water Resources and would authorize the department to administer the center in the department's divisions, offices, or programs. The bill would provide that the purpose of the center is to function as the focal point for gathering, analyzing, and disseminating flood and water-related information to stakeholders and would authorize the center to take specified actions for that purpose, including to function during emergency situations to enable the department to centrally coordinate statewide emergency responses.

Position	Priority
Watch	B. Watch

<u>AB 305</u> (<u>Villapudua</u> D) California Flood Protection Bond Act of 2024.

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Summary: Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood protection projects, as specified. The bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.

Position	Priority
Watch	B. Watch

<u>AB 338</u> (<u>Aguiar-Curry</u> D) Fuel reduction work.

Status: 9/20/2023-Enrolled and presented to the Governor at 4 p.m.

Summary: Existing law establishes the Department of Forestry and Fire Protection in the Natural Resources Agency and establishes the State Board of Forestry and Fire Protection within the department. Existing law requires the department to administer fire prevention programs and activities and requires the state board to adopt regulations implementing minimum fire safety standards. This bill would, commencing July 1, 2026, require fuel reduction work, done under contract and paid for in whole or in part out of public funds, as specified, to meet several standards, including that all workers performing work within an apprenticeable occupation in the building and construction trades be paid at least the general prevailing rate of per diem wages. The bill would authorize the Labor Commissioner to enforce the requirement to pay prevailing wages. The bill would exempt from these requirements, among other things, contracts in the amount of \$500,000 or less. 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: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 2/9/2023)(May be acted upon Jan 2024)

Summary: The California Environmental Quality Act (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

<u>AB 676</u> (<u>Bennett</u> D) Water: general state policy.

Status: 9/15/2023-Enrolled and presented to the Governor at 4 p.m. **Summary:** Would specify that the use of water for domestic purposes includes water use for human consumption, cooking, sanitary purposes, care of household livestock, animals, and gardens, fire suppression and other safety purposes, and a purpose determined to be a domestic purpose as established by the common law.

Position	Priority
Watch	B. Watch

<u>AB 1072</u> (Wicks D) Water conservation and efficiency: low-income residential customers.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)

Summary: Would declare the policy of the state that all residents have access to water conservation and efficiency programs. The bill would also set forth related findings including that reaching the state's environmental justice goals and commitments requires designing climate adaptation programs so that all households may participate.

Position	Priority
Watch	B. Watch

<u>AB 1205</u> (<u>Bauer-Kahan</u> D) Water rights: sale, transfer, or lease: agricultural lands.

Status: 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024)

Summary: Current law declares that, because of the conditions prevailing in this state, the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of the water is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare. This bill would require the State Water Resources Control Board to, on or before January 1, 2027, conduct a study and report to the Legislature and appropriate policy committees on the existence of speculation or profiteering by an investment fund in the sale, transfer, or lease of an interest in any surface water right or groundwater right previously put to beneficial use on agricultural lands, as specified. The bill would repeal this provision on January 1, 2031.

Position	Priority
Watch	B. Watch

AB 1567 (Garcia D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

Position	Priority
Watch	B. Watch

AB 1573 (Friedman D) Water conservation: landscape design: model ordinance.

Status: 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/7/2023)(May be acted upon Jan 2024)

Summary: The Water Conservation in Landscaping Act provides for a Model Water Efficient Landscape Ordinance that is adopted and updated at least every 3 years by the Department of Water Resources, unless the department makes a specified finding. Current law requires a local agency to adopt the model ordinance or to adopt a water efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance, except as specified. Current law specifies the provisions of the updated model ordinance, as provided. Current law includes a related statement of legislative findings and declarations. This bill would require the updated model ordinance to include provisions that require that plants included in a landscape design plan be selected based on their adaptability to climatic, geological, and topographical conditions of the project site, as specified. The bill would also exempt landscaping that is part of a culturally specific project, as defined, ecological restoration projects that do not require a permanent irrigation system, mined-land reclamation projects that do not require a permanent irrigation system, and existing plant collections, as part of botanical gardens and arboretums open to the public, from the model ordinance. The bill would require the updated model ordinance to include provisions that, among other changes, prohibit the use of traditional overhead sprinklers on all new and rehabilitated landscapes and require that new and rehabilitated landscapes use only water efficient irrigation devices.

Position	Priority
Watch	B. Watch

AB 1637 (Irwin D) Local government: internet websites and email addresses.

Status: 9/21/2023-Enrolled and presented to the Governor at 3:30 p.m.

Summary: Would, no later than January 1, 2029, require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a ".gov" top-level domain or a ".ca.gov" second-level domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a ".gov" or ".ca.gov" domain. This bill, no later than January 1, 2029, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a ".gov" domain name or a ".ca.gov" domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

Position Priority Watch B. Watch applies to encoded districts

Notes 1: No longer applies to special districts

<u>AB 1648</u> (Bains D) Water: Colorado River conservation.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/16/2023)(May be acted upon Jan 2024)

Summary: Would prohibit the Metropolitan Water District of Southern California and the Department of Water and Power of the City of Los Angeles from achieving a reduction in, or conservation of, Colorado River water consumption required by an agreement with specified entities through increased water deliveries or imports from other regions of California, including the San Joaquin Valley and the Sacramento-San Joaquin Delta. The bill would require the Colorado River Board of California, the Department of Water Resources, and the State Water Resources Control Board to use their existing authority to enforce these provisions. The bill would specify that these provisions apply retroactively to January 1, 2023, and apply to any agreement entered into on or after that date.

Position	Priority
Watch	B. Watch

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

Status: 4/20/2023-Referred to Coms. on W., P., & W. and NAT. RES.

Summary: 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

<u>SB 3</u> (<u>Dodd</u> D) Discontinuation of residential water service: covered water system.

Status: 9/15/2023-Enrolled and presented to the Governor at 3 p.m.

Summary: Current law establishes the Safe Drinking Water Account to be available to the State Water Resources Control Board, upon appropriation by the Legislature, for the purpose of providing funds necessary to administer the California Safe Drinking Water Act. This bill would expand the use of available funds in the account to be used by the state board, upon appropriation by the Legislature, to include the administration of the Water Shutoff Protection Act.

Position	Priority
Out for Analysis	B. Watch

<u>SB 48</u> (<u>Becker</u> D) Building Energy Savings Act.

Status: 9/21/2023-Enrolled and presented to the Governor at 4 p.m.

Summary: Current law requires each utility to maintain records of the energy usage data of all buildings to which they provide service for at least the most recent 12 complete calendar months, and to deliver or otherwise provide that aggregated energy usage data for each covered building, as defined, to the owner, as specified. Current law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to adopt regulations providing for the delivery to the Energy Commission and public disclosure of benchmarking of energy use for covered buildings, and specifies that this requirement does not require the owner of a building with 16 or fewer residential utility accounts to collect or deliver energy usage information to the Energy Commission. This bill would additionally specify that the requirement does not require the owner of a building with less than 50,000 square feet of gross floor space to collect or deliver energy usage information to the Energy Commission.

Position

Watch B. Watch

<u>SB 57</u> (<u>Gonzalez</u> D) Utilities: disconnection of residential service.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E. U., & C. on 3/22/2023)(May be acted upon Jan 2024)

Summary: Would require an electrical corporation, local publicly owned electric utility, gas corporation, local publicly owned gas utility, water corporation, or local agency that owns a public water system to postpone the disconnection of a customer's residential service for nonpayment of a delinquent account when the temperature will be 32 degrees Fahrenheit or cooler, or 95 degrees Fahrenheit or warmer, within the utility's service area during the 24 hours after that service disconnection would occur, as specified. The bill would require each of those utilities to notify its residential ratepayers of that requirement and to create an online reporting system available through its internet website, if it has one, that enables its residential ratepayers to report when their utility service has been disconnected in violation of that requirement, as specified. The bill would require the PUC to establish a citation program to impose a penalty on an electrical corporation or gas corporation that violates that requirement, and require each local publicly owned electric utility and local publicly owned gas utility to annually report to the State Energy Resources Conservation and Development Commission the number of residential service connections it disconnected for nonpayment of a delinquent account. The bill would authorize the State Water Resources Control Board to enforce the requirement that a water corporation and local agency that owns a public water system postpone a disconnection of a customer's residential service, as specified.

Position	Priority
Watch	B. Watch

(<u>Hurtado</u> D) Water Quality, Supply, and Infrastructure Improvement Act of 2014: Drinking Water Capital Reserve Fund: administration.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023)(May be acted upon Jan 2024)

Summary: The Water Quality, Supply, and Infrastructure Improvement Act of 2014 bond act provides that the sum of \$260,000,000 is to be available for grants and loans for public water system infrastructure improvements and related actions to meet safe drinking water standards, ensure affordable drinking water, or both, as specified. Current law requires the State Water Resources Control Board to deposit up to \$2,500,000 of the \$260,000,000 into the Drinking Water Capital Reserve Fund, to be available upon appropriation by the Legislature. Current law requires the state board to administer the Drinking Water Capital Reserve Fund for the purpose of serving as matching funds for disadvantaged communities and requires the state board to develop criteria to implement this provision. This bill would require the state board to provide an analysis of the criteria to implement that provision to the Senate Committee on Natural Resources and Water and Assembly Committee on Water, Parks, and Wildlife on January 1, 2025, and every 2 years thereafter.

Position	Priority
Watch	B. Watch

(<u>Cortese</u> D) California Environmental Quality Act: local agencies: filing of notices of determination or exemption.

Status: 9/13/2023-Enrolled and presented to the Governor at 4 p.m.

Summary: The California Environmental Quality Act (CEQA) requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of determination with the county clerk of each county in which the project will be located, as provided. CEQA authorizes a local agency that determines that a project is not subject to CEQA to file a notice of exemption with the county clerk of each county in which the project will be located, as provided. CEQA requires the county clerk to make the notice available for public inspection and post the notice within 24 hours of receipt in the office or on the internet website of the county clerk, as specified. CEQA requires an action or proceeding challenging an act or decision of a public agency, including a local agency, on the grounds of noncompliance with CEQA to be commenced within certain time periods, as specified. This bill would require a local agency to file a notice of determination with the State Clearinghouse in the Office of Planning and Research in addition to the county clerk of each county in which the project will be located. The bill would authorize a local agency to file a notice of exemption with the State Clearinghouse in the Office of Planning and Research in addition to the county clerk of each county in which the project will be located. The bill would require the notice, including any subsequent or amended notice, to be posted both in the office and on the internet website of the county clerk and by the Office of Planning and Research on the State Clearinghouse internet website within 24 hours of receipt. The bill would specify that the posting of the notice by the Office of Planning and Research would not affect the applicable time periods to challenge an act or decision of a local agency, as described above.

Position	Priority
Watch	B. Watch

<u>SB 66</u>

SB 69

<u>SB 231</u> (<u>Hurtado</u> D) Department of Water Resources: water supply forecasting.

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)

Summary: Would require the Department of Water Resources, on or before December 31, 2025, to establish a formal process for annually evaluating and improving the accuracy of its water supply forecasts, adopt a new water supply forecasting model that better addresses the effects of climate change, and implement a formal policy and procedures for documenting its operational plans for the state's water supply and its rationale for its operating procedures. The bill would require the department, by December 1, 2024, to prepare, and submit to the Legislature, a report on its progress toward meeting these requirements.

Position	Priority
Watch	B. Watch

<u>SB 272</u> (<u>Laird</u> D) Sea level rise: planning and adaptation.

Status: 9/18/2023-Enrolled and presented to the Governor at 3 p.m.

Summary: 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 develop a sea level rise plan as part of either a local coastal program, as defined, that is subject to approval by the California Coastal Commission, or a subregional San Francisco Bay shoreline resiliency plan that is subject to approval by the San Francisco Bay Conservation and Development Commission, as applicable, on or before January 1, 2034, as provided. 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 a sea level rise plan to be prioritized for funding, upon appropriation by the Legislature, for the implementation of sea level rise adaptation strategies and recommended projects in the local government's approved sea level rise plan. The bill would require, on or before December 31, 2024, the California Coastal 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 the sea level rise plan. The bill would also require, on or before December 31, 2024, the San Francisco Bay Conservation and Development Commission, in close coordination with the California Coastal Commission, the Ocean Protection Council, and the California Sea Level Rise State and Regional Support Collaborative, to establish guidelines for the preparation of the sea level rise plan. 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

<u>SB 315</u> (Hurtado D) Groundwater: groundwater sustainability agencies: probationary basins.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

Summary: The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board to designate specified basins as probationary basins if certain conditions are met, including, but not limited to, that the Department of Water Resources, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability program is not being implemented in a manner that will likely achieve the sustainability goal. Current law requires the board, if it designates a basin as a probationary basin pursuant to specified conditions, to identify the specific deficiencies and potential remedies. Current law authorizes the board to request the department, within 90 days of the designation, to provide technical recommendations to local agencies to remedy the deficiencies and to develop an interim plan for the probationary basin one year after the designation, as specified. This bill would require any groundwater sustainability agency that hires a third-party consulting firm to ensure that the integrity of the science being used to develop a groundwater sustainability plan is protected and the data is not sold. The bill would additionally place various requirements on the board in working with a groundwater sustainability agency, including, among other things, requiring the board to provide clear benchmarks and guidance for groundwater sustainability agencies to improve their groundwater management plans.

Position	Priority
Watch	B. Watch

<u>SB 865</u> (Laird D) Municipal water districts: automatic exclusion of cities.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/1/2023)(May be acted upon Jan 2024)

Summary: Current law authorizes a governing body of a municipal water district to adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, if the territory is annexed prior to the effective date of the formation of the municipal water district. Current law requires the Secretary of State to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water **Page 33** of 71

district within 10 days of receiving a certified copy of the ordinance. This bill would extend the number of days the Secretary of State has to issue a certificate to 14 days.

Position	Priority
Watch	B. Watch

(Allen D) Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme **SB 867** Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024. Status: 7/6/2023-July 10 hearing postponed by committee. Summary: Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs. Position Priority Watch B. Watch

C. Spot Bill

<u>AB 422</u> (<u>Alanis</u> R) Natural Resources Agency: statewide water storage: tracking.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 2/9/2023)(May be acted upon Jan 2024)

Summary: Would require the Natural Resources Agency, on or before June 1, 2024, to post on its publicly available internet website information tracking the progress to increase statewide water storage, and to keep that information updated.

PositionPriorityWatchC. Spot Bill

Total Measures: 40

Total Tracking Forms: 40

			D	
Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 400 B. Rubio (D –	Amended 6/13/23	Local agency design-build projects: authorization.	Support	Metropolitan's current authority to use design-build under AB 1845 (Calderon. CH. 275. 2022) will sunset
Baldwin Park)			Based on	on January 1, 2028. The provisions of this bill would
c		This measure would extend the existing sunset	October 2021	allow Metropolitan to use design-build for future
Sponsors: California State	Pending	date to January 1, 2031, for the use of design- build as a delivery method for public works	board Action	projects through January 1, 2031.
Association of	Governor's	contracts.		
Counties,	Signature			
League of California Cities				
AB 1567	Amended	Safe Drinking Water, Wildfire Prevention,	Support, if	This measure is consistent with Metropolitan's
Garcia (D-	5/26/2023	Drought Preparation, Flood Protection,	amended	current policy priorities and supports the objectives of
Coachella)		Extreme Heat Mitigation, Clean Energy, and		Metropolitan's Climate Adaptation Master Plan.
		Workforce Development Bond Act of 2024.	Based on June	
	Senate Natural		2023 Board	Metropolitan is seeking amendments to increase
	Resources and	This measure would authorize a \$15.995 billion	Action	funding for recycled water, dam safety, regional
	Water Committee			conveyance, drought and conservation projects.
		ballot to fund a broad range of resource-based		
		programs that will assist California to improve its climate resiliency.		
AB 1572	Amended	Potable water: nonfunctional turf.	Co-Sponsor	Based on input from the Board and member agencies,
Friedman (D -	9/5/2023		I	Metropolitan sought amendments to exclude multi-
Glendale)		This measure prohibits the use of potable water	Based on	family residential buildings and protect the authority
x		for the irrigation of non-functional turf located	April 2023	and local control of public water systems. The June
Co-Sponsors:	Senate Floor	on commercial, industrial, institutional. This	Board action	19 version reflects these amendments and
Metropolitan,		measure provides the State Water Resources		Metropolitan is a "Co-Sponsor" of this measure.
Heal the Bay,		Control Board with the authority to postpone		
Mational Resources		compliance dates as prescribed.		
Letense Council				
of				

Item No. 2f

Metropolitan Water District of Southern California State Legislation Matrix

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		Santambar 11 2023 – Riret Vaar of Lanielative Seesion	of Louislative	Cassion
Bill Number	Amended Date	Title-Summary	MWD Position	Effects on Metropolitan
Author	Location			
AB 1573 Friedman	Amended on	Water conservation: landscape design: model	Support	This measure is consistent with Metropolitan's effort
(D - Glendale)	9/1/2023	ordinance.	- -	to reduce nontunctional turt within its service area.
			Based on	Metropolitan staff initially identified implementation
Sponsor:	Senate Floor	This measure would	2023 Legislative	challenges but were able to work with the author's
Earth Advocacy		update the model water efficient landscape	Priorities and	office to bring Metropolitan to a support position.
and California		ordinance for new or renovated nonresidential	Principles,	
Native Plant		areas to require at least 25% local native plants	adopted	Metropolitan's requested amendments included: (1)
Society		beginning January 1, 2026. This measure would	December 2022	removal of the .3 plant factor, (2) a phased approach
•		also prohibit the use of nonfunctional turf in		implementation of native plant requirement, and (3)
		nonresidential landscape projects after January 1,		require water efficient irrigation methods. The
		2026.		current version of the bill reflects these requested
				changes.
AB 1648	Amended	Water: Colorado River Conservation	Oppose	This measure affects Metropolitan's flexibility with
Bains (D -	3/16/2023			its entire water portfolio, including the Integrated
Bakersfield)		This measure would specifically prohibit	Based on 2023	Water Resources Plan and the Annual Operating Plan.
		Metropolitan and LADWP to offset federally	Legislative	Metropolitan's reliability and its ability to meet
	Two Year Bill	required reductions on Colorado River resources	Priorities and	demands would also be impaired by restrictions on
		with increased water deliveries from other	Principles,	partnerships with its State Water Project and
		regions of California, including the Delta,	adopted	Colorado River Basin stakeholders.
		retroactively as of January 1, 2023.	December 2022	
SB 122	Amended	Flood Flow Streamlining	Seek	The no-permit authorization poses a significant
Senate Committee	6/26/2023		Amendments	concern to Metropolitan's State Water Project
on Budget and		Provisions in this trailer bill provide that		supplies. There is no process for protesting, no
Fiscal Review		diversion of flood flows for groundwater	Based on 2023	requirement that diverters avoid harm to other legal
	Signed by the	recharge do not require an appropriative water	Water Rights	water users with water rights senior to the flood flow
	Governor	right if specified conditions regarding the	Principles,	diverter, and no protection of SWP and CVP rights to
	Chapter 51,	diversion are met. These provisions exempt from	adopted April	divert "excess flows" when they exist in the system
	Statutes of 2023	the California Environmental Quality Act	2023	up to the full capacity of the projects. Metropolitan
Pa		(CEQA) specified actions related to the		will work with the administration to address these
age		implementation of Colorado River water		issues as the program is implemented.
936		conservation agreements with the US Bureau of		
of		Reclamation.		

Metropolitan Water District of Southern California State Legislation Matrix

		Metropolitan Water District of Southern California State Legislation Matrix	Southern Cal Matrix	ifornia
		September 11, 2023 – First Year of Legislative Session	of Legislative	Session
Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 124 Senate Committee	Amended	Green Financing Programs for Federal IRA	Support	For the State Water Project, DWR's direct investment
on Budget and	C707/07/0		Based on	which would ultimately be passed on to Metropolitan
Fiscal Review		This measure contains various provisions to	2023 Legislative	and other SWP contractors.
	Signed by the	implement the 2023 State Budget Act, which	Priorities and	
	Governor Chanter 53	Includes authorizing the State Infrastructure and Economic Development Bank and DWR to	Principles, adonted	
	Statutes of 2023	access and utilize federal funding in the Inflation	December 2022	
		Reduction Act to finance projects that reduce		
		greenhouse emissions.		
SB 146 Gonzalez (D-Long	Amended 6/26/2023	Public resources: infrastructure: contracting.	Support	By utilizing PDB and awarding a project contract prior to the completion of all design work, DWR can
Beach)		This measure is part of the negotiated	Based on	potentially reduce overall costs and execute shorter
	Signed by the	infrastructure trailer bill package and authorizes	October 2021	project delivery schedules. This could lead to reduced
	Governor	DWR to use the progressive design-build project	Board Action	costs for SWP-related projects-resulting in cost
	Chapter 58,	delivery method for up to eight public works		savings being passed on to Metropolitan.
	Statutes of 2023	projects that exceed \$23 million. The Delta conversions facilities and seawater desalination		
		are expressly prohibited under this measure.		
SB 147	Amended	Fully protected species: California	Support and	While this alternative may have benefits over current
Ashby (D- Sacramenta)	6/26/2023	Endangered Species Act: authorized take	Amended	FPS regulations, the requirements are extensive and
		This measure is nart of the neootiated	Based on	and could create other litigation risks for nermittees
	Signed by the	infrastructure trailer bill package and authorizes	2023 Legislative	Combined, these aspects make it unlikely
	Governor	the take of fully protected species for certain	Priorities and	Metropolitan would seek to use this method.
	Chapter 59,	infrastructure projects if specified conditions are	Principles,	
	Statutes of 2023	met. Eligible projects include the maintenance,	adopted	
		repair and improvement of the State Water	December 2022	
Pa		Project, as well as critical regional and local		
ge		waici iiiiiasu ucture.		

		Depression 11, 2023 - 111 St 1 Cal OI LEGISTAULE DESSION	or program of	
Bill Number	Amended Date	Title-Summary	MWD Position	Effects on Metropolitan
Author	Location			
SB 149	Amended	California Environmental Quality Act:	Support and	Administrative Records Streamlining: Overall, the
Caballero (D-	6/28/2023	administrative and judicial procedures:	Amend	provisions would be beneficial to Metropolitan as
Merced)		record of proceedings: judicial streamlining.		they could lower CEQA litigation costs and shorten
			Based on	litigation timelines.
	Signed by the	This measure is part of the negotiated	2023 Legislative	
	Governor	infrastructure trailer bill package and makes	Priorities and	Expedited Judicial Review: The process for preparing
	Chapter 60,	various changes to CEQA. This bill provides	Principles,	the administrative record for any governor-certified
	Statutes of 2023	clarification for what is considered as part of the	adopted	infrastructure project must follow certain extensive
		administrative record, as well as allowing a	December 2022	and potentially costly specifications. While expedited
		public agency to deny a request to prepare the		judicial review is beneficial in concept, unless
		record of proceedings. This bill also provides for		amended, the prerequisites may be infeasible or costly
		expedited judicial review for specified energy		to implement.
		and transportation projects.		
SB 150	Amended	Construction: workforce development: public	Support	This bill is intended to help develop procurement
Durazo (D-Los	6/26/2023	contracts.		models to enhance the state's training and access
Angeles)			Based on	pipeline for jobs while ensuring community benefits
		This measure is part of the negotiated	2023 Legislative	on infrastructure and manufacturing investments.
	Signed by the	infrastructure trailer bill package and focuses on	Priorities and	
	Governor	strengthening the state's workforce and	Principles,	This bill is aligned with Metropolitan's values and
	Chapter 61,	community benefits with infrastructure	adopted	would benefit the district by building the next
	Statutes of 2023	investments through California's share of federal	December 2022	generation of the state's construction workforce.
		funds.		

September 11, 2023 – First Year of Legislative Session Atthor Amended batt Title-summary MWD Position Effects on Metropolitan Station Amended Date Title-summary MWD Position Effects on Metropolitan Shoke Amended Date Title-summary MWD Position Effects on Metropolitan Shoke Amended The cultomia Water Plan is been of the cultomia water plan is been of the cultomia water plan is been of the cultomia sector durity of the product the cultomia state chileness. Shokes Amended Effects on Metropolitan Sponses: 6/29/2023 Amended and every Support, if the summa chilenes is sector durity at the program of the cultomia sector durity at the program of the cultomia sector durity is a sector durity in the program of the cultomia sector durity at the program of the cultomia sector durity at the program of the cultomia sector durity is a sector durity in the cultomia sector durity is a contrast cultomia sector durity at the program of the cultomia sector durity is a cultomia sector durity in the cultomia sector durity is a cultomia sector durity in the cultomia sector durity is a cultomia sector			Metropolitan Water District of Southern California State Legislation Matrix	Southern Cal Aatrix	ifornia
Mber Muended Date Title-Summary MWD Position 1 Location Title-Summary MWD Position 1 Location The California Water Plan: Long-term supply Support, if 1 6/29/2023 targets. This measure would revise the California Water Support, if 1 Menucled This measure would revise the California Water Support, if amended 2 Vo-year bill Wo-year bill Wo-year safer, to include a long-term water 2023. Legislative aul. Utilities in Council Wo-year bill Wo-year safer, to include a long-term water 2023. Legislative aul. Dubities in Council Wo-year safer, to include a long-term water 2023. in Council Wo-year bill Water Volt water Supply Solutions Act of December 2022 Colifornia Colifornia Water Supply Solutions Act of Support, if asociation of Support if Amended D- 9/1/2023 2023. Colifornia Water Supply Solutions Act of Support, if D- 9/1/2023 2023. Support if Amended <th></th> <th></th> <th>September 11, 2023 – First Year of</th> <th>of Legislative</th> <th>Session</th>			September 11, 2023 – First Year of	of Legislative	Session
The California Water Plan: Iong-term supply Support, if 1) Amended The California Water Plan: Iong-term supply Support, if 2) The Subscription The California Water Plan by December 31, 2028, and every Based on all Utilities Two-year bill Water Plan by December 31, 2028, and every 2023. Legislative all Utilities Water Plan by December 31, 2028, and every 2023. Legislative all Utilities Water Plan by December 31, 2028, and every 2023. Legislative all Utilities Water Plan by December 31, 2028, and every 2023. Legislative all Utilities Plan to require the DWR to update the California Based on all Council Water Plan by December 31, 2028, and every December 2022 connomenial Noneet demand December 3023 December 3023 connomine dopted December 2022 December 2022 connomine groundwater Examply Solutions Act of Support, if D- Amended 2023. Support, if Mater D- 2023. December 2023 water D- 2023. December 2023 Water D- 2	Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
 This measure would revise the California Water Plan to require the DWR to update the California Plan to require the DWR to update the California Plan to require the DWR to update the California Plan to require the DWR to update the California Plan to require the DWR to update the California Plan to require the DWR to update the California Plan to require the DWR to update the California Plan to require the DWR to update the California Plan to require the DWR to the along-term water priorities and development of specified water supply sources and development of specified water supply sources and development of specified water supply sources to meet demand. California California Vater Supply Solutions Act of D- 9/1/2023 Annended 2023. Annended 2023. Annended 2023. Annended 10- 1/1/2023 Antended 2023. Annended 10- 1/1/2023 Annended 10-	SB 366 Caballero (D -	Amended 6/29/2023	lifornia Water Plan	Support, if amended	The intent of this bill is to help modernize California's water management practices and provide
 Two-year bill Two-year bill five years after, to include a long-term water aloped on the supply target for 2050 and discussion on the principles, to meet demand. Two-year bill five years after, to include a long-term water supply sources and principles, to meet demand. California Council California California Amended Jubult California Mater Supply Solutions Act of December 2023 Dimented Mould require DWR to develop a groundwater recharge plan by January 1, 2026, the principles and the total of the plan as part of the 2023 Amended Mater Quality Floor Mater Quality Control Plan: Deta Mater Quality Control Plan: Deta Mared On Sylations Act of Principles and the plan as part of the 2023 Two-year bill Two-year bill Two-year bill Plan: Deta Two-year bill Plan: Deta Dimended Mater Quality Control Plan: Deta Dimended Di	Merced)		This measure would revise the California Water Plan to require the DWR to update the California		long-term reliable supplies in response to the current climate challenges. Metropolitan is seeking clarifying
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ronmental nomic , Califòrnia seociation of s sociation of b sociation of b s cuber 2022 Amended 0.1– 0.1– 0.1– 0.1– 0.1– 0.1– 0.1– 0.1–	Association, California Council		development of specified water supply sources to meet demand.	Principles, adopted	Recent amendments related to the Delta environment are not consistent with the purpose of the California
nonnectionCalifornia Sociation of s sAmendedSupport, if AmendedD-9/1/20232023.AmendedD-9/1/20232023.Support, if AmendedD-9/1/20232023.Based on 2023ento)This bill would require DWR to develop a groundwater recharge plan by January 1, 2026, to create additional groundwater recharge capacity and include the plan as part of the 2028Based on 2023 LegislativebyAmendedD-California Water Plan.Based on 2023 LegislativebyAmendedConveyance Project.December 2022.n)Two-year billConveyance Project.Based on Doposen)Two-year billConveyance Project.Based on Doposen)Two-year billConveyance Project.Based on Doposen)Two-year billof the Bay-Delta Water Quality Control Plan.December 2023n)Two-year billof the Bay-Delta Water Quality Control PlanDoposen)Two-year billof diversion or any other water Tights permit orDoposen)Defore the Board considers a change in the pointDecember 2022ndDefore the Board considers a change in t	for Environmental			December 2022	Water Plan.
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 Assembly Floor groundwater recharge plan by January 1, 2020, Legislauve ento Mater Mater I Water I Mater I Mater			This bill would require DWR to develop a	Based on 2023	Metropolitan is requesting amendments to add
Id Water Mater Capacity and include the plan as part of the 2028 Principles ty update to the California Water Plan. paper paper Amended Water Quality Control Plan: Delta December 2022. n 5/2/2023 Oppose 2023. n) This measure will require the State Water Oppose Two-year bill Of the Bay-Delta Water Quality Control Plan 2023. Legislative of the Bay-Delta Water Quality Control Plan December 2023. December 2023. of the Bay-Delta Water Quality Control Plan December 2023. December 2023.	Sponsors: Sacramento	Assembly Floor	groundwater recharge plan by January 1, 2020, to create additional groundwater recharge	Legislative Priorities and	clarifying language to the definition of stormwater capture and merge this plan into the development of
n (D - 5/2/2023 Water Quality Control Plan: Delta December 2022. n) Amended Water Quality Control Plan: Delta December 2022. n) 5/2/2023 Conveyance Project. Based on n) This measure will require the State Water 2023 Legislative Two-year bill Resources Control Board to adopt a final update Priorities and of the Bay-Delta Water Quality Control Plan Priorities and Priorities and of the Bay-Delta Water Quality Control Plan Priorities and Priorities and of the Bay-Delta Water Quality Control Plan Priorities and Principles, of diversion or any other water rights permit or December 2022	Regional Water Authority		capacity and include the plan as part of the 2028 update to the California Water Plan.	Principles adopted	the California Water Plan to remove duplication of effort and ensure more comprehensive planning.
AmendedWater Quality Control Plan: DeltaOpposen(D-5/2/2023Conveyance Project.Based onn)This measure will require the State WaterBased onTwo-year billThis measure will require the State Water2023 LegislativeTwo-year billof the Bay-Delta Water Quality Control PlanPriorities andof the Bay-Delta Water for the Board considers a change in the pointPriorities,of diversion or any other water rights permit orDecember 2022				December 2022.	0
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of the Bay-Delta Water Quality Control Plan Principles, before the Board considers a change in the point adopted of diversion or any other water rights permit or December 2022 order for the Delta Conversance Project December 2022	Pa	Two-year bill	Resources Control Board to adopt a final update	Priorities and	planning enforts on the Delta Conveyance Project and potentially prevent the project from operating if
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	9 of 7		of diversion or any other water rights permit or order for the Delta Convevance Project.	December 2022	

		State Legislation Marth	vlaurix f. ri.clo.ti	
		September 11, 2023 – FIFSU Year of Legislauve Session	OI LEGISIAUVE	Session
Bill Number	Amended Date	Title-Summary	MWD Position	Effects on Metropolitan
Author	Location			
SB 706	Amended	Public contracts: progressive design-build:	Support	Currently, progressive design-build eligible projects
Caballero (D-	6/28/23	local agencies.		are limited to wastewater treatment facilities, park and
Merced)			Based on	recreational facilities, solid waste management
		This bill would provide additional authority,	2023 Legislative	facilities and water recycling facilities. However, this
Sponsors:		until January 1, 2023, for cities, counties, and	Priorities and	bill will now authorize Metropolitan to address other
CA State	Pending	special districts to use progressive design-build	Principles,	physical structures and needs to further support
Association of	Governor's	authority for up to 10 public works projects that	adopted	Metropolitan's operations for reliable water supply
Counties; County of	Signature	are in excess of \$5 million. In addition, any	December 2022	deliveries throughout its service area.
San Diego; Design		local agency that uses this authorized		, , , , , , , , , , , , , , , , , , ,
Build Institute of		progressive-design build process must submit a		
America Western		report to the Legislature.		
Pacific Chapter;				
League of				
California Cities				
SB 867	Amended	Drought, Flood and Water Resilience,	Support, if	This measure is consistent with Metropolitan's
Allen (D-Santa	6/22/2023	Wildfire and Forest Resilience, Coastal	amended	current policy priorities and supports the objectives of
Monica)		Resilience, Extreme Heat Mitigation,		Metropolitan's Climate Adaptation Master Plan.
	Assembly Natural	Biodiversity and Nature-Based Climate		
	Resources	Solutions, Climate Smart Agriculture, Park	Based on June	Metropolitan is seeking amendments to increase
	Committee	Creation and Outdoor Access, and Clean	2023 Board	funding for recycled water, dam safety, regional
		Energy Bond Act of 2024.	Action	conveyance, drought, and conservation projects.
		This measure would authorize a \$15.5 billion		
		general obligation bond for a range of resource-		
		based programs that will improve California's		
		climate resiliency. If approved, this measure		
		would be on the March 5, 2024 statewide ballot.		

Metropolitan Water District of Southern California State Legislation Matrix



Item No. 4

ACTION ITEM October 4, 2023

TO: Board of Directors

FROM: Harvey De La Torre Interim General Manager Staff Contact: Heather Baez

SUBJECT: S. 2514 (BENNET, D-CO) – COLORADO RIVER BASIN SALINITY CONTROL ACT

STAFF RECOMMENDATION

Staff recommends the Board of Directors vote to adopt a support position on S. 2514 (Bennet, D-CO).

BILL SUMMARY

S. 2514 would amend the Colorado River Basin Salinity Control Act to increase the federal cost-share for these programs.

This measure is sponsored by Senator Michael Bennet (D-CO) and cosponsored by Senators Feinstein (D-CA), Padilla (D-CA), Sinema (I-AZ), Lummis (R-WY), Barrasso (R-WY), Romney (R-UT), and Hickenlooper (D-CO).

BACKGROUND

Authorized in 1974, the Colorado River Basin Salinity Control Act (Act) directed the Secretary of the Interior to proceed with a program to enhance and protect the quality of water available in the Colorado River for use in the United States and Republic of Mexico. Today, it continues to authorize and support salinity control projects and research across the western states. The program provides assistance to farmers, ranchers, and water users who utilize salinity control measures.

Nearly 40 million people across seven states and more than 30 Tribes rely on water from the Colorado River. However, naturally occurring salinity affects the ability to harness this water source for agricultural, municipal, and industrial water users. High salinity levels can

Budgeted (Y/N): n/a	Budgeted a	amount: n/a	Core X	Choice
Action item amount: Nor	ne	Line item:		
Fiscal Impact (explain if	unbudgete	d):		

impact an agency's ability to recycle water supplies, reduce crop yields, limit which crops can grow, kill trees, and make the land unsuitable for agriculture.

ARGUMENTS IN SUPPORT

S. 2514 is a multi-state bipartisan effort to reduce salinity in the Colorado River Basin, which will save millions of dollars from corrosion to water infrastructure, reduced crop yields, and other costs. Most of these salts come from federally administered lands. Damages still exceed \$350 million annually.

"The Colorado River is the lifeblood of the American West, and its water is a precious resource for communities in Colorado and the industries that drive our economy. As our population grows and as we face a hotter and drier future, the federal government needs to provide greater support for state and local leaders to protect our water supply," **said Bennet.** "This bill supports ongoing efforts to keep water from the Colorado River safe for communities, farmers and ranchers, and water users throughout the entire Basin. I look forward to working with my colleagues to pass this bipartisan legislation."

"Increasing salinity in the Colorado River threatens the drinking water, farmlands, and livelihoods of nearly 20 million Californians," **said Padilla.** "As climate change and historic droughts have increased water treatment costs, the burden on states has become immense. Our bill would ensure the federal government does its part to control the rising salinity in the Colorado River and protect communities across the Basin for years to come."

"Saving the Colorado River is going to take cooperation from all seven basin states and the federal government. Our bill supports that united effort and would help reduce the salinity of the Colorado River, saving millions of dollars from corrosion to water infrastructure, reduced crop yields, and other costs associated with high salinity," **said Feinstein**.

"Arizona and the American West's prosperity depends on a secure water future. We're fixing the current federal cost-sharing formula to protect the critical Colorado River Salinity Control Project," **said Sinema.**

"Over the years the Colorado River Basin Salinity Control Program has been successful in reducing the damages to water users caused by the high level of salts, most of which come from federally administered lands, in the Colorado River. However, damages still exceed \$350 million annually. The Program is funded through appropriations and a cost-share which comes from a mill levy on power sales from federal projects within the Colorado River Basin. However, in recent years, due to prolonged drought and increased costs, the power revenues have been insufficient to provide the needed cost-share dollars. The proposed legislation, which is supported by all seven Colorado River Basin States, adjusts the cost-share percentages on portions of the Program to bring the cost-share in balance with Program needs," said Don Barnett, Executive Director of the Colorado River Basin Salinity Control Forum.

ARGUMENTS IN OPPOSITION

None on file

REGISTERED SUPPORT & OPPOSITION

Support:

Colorado River Basin Salinity Control Forum Metropolitan Water District of Southern California

BOARD OPTIONS

Option #1

• Adopt a support position on S. 2514 and send a letter to the sponsors and the Orange County delegation

Option #2

• Take no action

STAFF RECOMMENDATION

Option #1

ATTACHED:

• S. 2514 Full Text

118TH CONGRESS 1ST SESSION S. 2514

AUTHENTICATED U.S. GOVERNMENT INFORMATION

> To amend the Colorado River Basin Salinity Control Act to modify certain requirements applicable to salinity control units, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2023

Mr. BENNET (for himself, Ms. LUMMIS, Mr. PADILLA, Mr. BARRASSO, Mrs. FEINSTEIN, Ms. SINEMA, Mr. ROMNEY, and Mr. HICKENLOOPER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

- To amend the Colorado River Basin Salinity Control Act to modify certain requirements applicable to salinity control units, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Colorado River Salinity

5 Control Fix Act".

6 SEC. 2. SALINITY CONTROL UNITS.

7 Section 205 of the Colorado River Basin Salinity

8 Control Act (43 U.S.C. 1595) is amended—

1	(1) by striking the section designation and all
2	that follows through "(a) The Secretary" and insert-
3	ing the following:
4	"SEC. 205. SALINITY CONTROL UNITS; AUTHORITY AND
5	FUNCTIONS OF THE SECRETARY OF THE IN-
6	TERIOR.
7	"(a) Allocation of Costs.—The Secretary";
8	(2) by striking paragraph (1) and inserting the
9	following:
10	"(1) Nonreimbursable costs; reimburs-
11	ABLE COSTS.—
12	"(A) Nonreimbursable costs.—
13	"(i) IN GENERAL.—In recognition of
14	Federal responsibility for the Colorado
15	River as an interstate stream and for
16	international comity with Mexico, Federal
17	ownership of the land of the Colorado
18	River Basin from which most of the dis-
19	solved salts originate, and the policy estab-
20	lished in the Federal Water Pollution Con-
21	trol Act (33 U.S.C. 1251 et seq.) and ex-
22	cept as provided in clause (ii), the fol-
23	lowing shall be nonreimbursable:
24	"(I) 75 percent of the total costs
25	of construction and replacement of

3

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1	each unit or separable feature of a
2	unit authorized by section $202(a)(1)$,
3	including 90 percent of—
4	"(aa) the costs of operation
5	and maintenance of each unit or
6	separable feature of a unit au-
7	thorized by that section; and
8	"(bb) the total costs of con-
9	struction, operation, and mainte-
10	nance of the associated measures
11	to replace incidental fish and
12	wildlife values foregone.
13	"(II) 75 percent of the total costs
14	of construction and replacement of
15	each unit or separable feature of a
16	unit authorized by section $202(a)(2)$,
17	including 100 percent of—
18	"(aa) the costs of operation
19	and maintenance of each unit or
20	separable feature of a unit au-
21	thorized by that section; and
22	"(bb) the total costs of con-
23	struction, operation, and mainte-
24	nance of the associated measures

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	1
1	to replace incidental fish and
2	wildlife values foregone.
3	"(III) 75 percent of the total
4	costs of construction, operation, main-
5	tenance, and replacement of each unit
6	or separable feature of a unit author-
7	ized by section 202(a)(3), including
8	75 percent of the total costs of con-
9	struction, operation, and maintenance
10	of the associated measures to replace
11	incidental fish and wildlife values fore-
12	gone.
13	"(IV) 70 percent of the total
14	costs of construction, operation, main-
15	tenance, and replacement of each unit
16	or separable feature of a unit author-
17	ized by paragraphs (4) and (6) of sec-
18	tion 202(a), including 70 percent of
19	the total costs of construction, oper-
20	ation, and maintenance of the associ-
21	ated measures to replace incidental
22	fish and wildlife values foregone.
23	((V) 70 percent of the total costs)
24	of construction and replacement of
25	each unit or separable feature of a

	0
1	unit authorized by section $202(a)(5)$,
2	including 100 percent of—
3	"(aa) the costs of operation
4	and maintenance of each unit or
5	separable feature of a unit au-
6	thorized by that section; and
7	"(bb) the total costs of con-
8	struction, operation, and mainte-
9	nance of the associated measures
10	to replace incidental fish and
11	wildlife values foregone.
12	"(VI) 85 percent of the total
13	costs of implementation of the on-
14	farm measures authorized by section
15	202(c), including 85 percent of the
16	total costs of the associated measures
17	to replace incidental fish and wildlife
18	values foregone.
19	"(ii) Special rule for nonreim-
20	BURSABLE COSTS FOR FISCAL YEARS 2024
21	AND 2025.—Notwithstanding clause (i), for
22	each of fiscal years 2024 and 2025, the
23	following shall be nonreimbursable:
24	((I) 75 percent of all costs de-
25	scribed in clause (i)(I).

6

1	"(II) 75 percent of all costs de-
2	scribed in clause (i)(II).
3	"(III) 70 percent of all costs de-
4	scribed in clause (i)(V).
5	"(IV) The percentages of all
6	costs described in subclauses (III),
7	(IV), and (VI) of clause (i).
8	"(B) Reimbursable costs.—The total
9	costs remaining after the allocations under
10	clauses (i) and (ii) of subparagraph (A) shall be
11	reimbursable as provided for in paragraphs (2),
12	(3), (4), and (5).";
13	(3) in subsection (b), by striking the subsection
14	designation and all that follows through "Costs of
15	construction" in paragraph (1) and inserting the fol-
16	lowing:
17	"(b) Costs Payable From Lower Colorado
18	RIVER BASIN DEVELOPMENT FUND.—
19	"(1) IN GENERAL.—Costs of construction";
20	(4) in subsection (c), by striking "(c) Costs of
21	construction" and inserting the following:
22	"(c) Costs Payable From Upper Colorado
23	RIVER BASIN FUND.—Costs of construction''; and
24	(5) in subsection (e), by striking "(e) The Sec-
25	retary is" and inserting the following:

1 "(e) Upward Adjustment of Rates for Elec-

2 TRICAL ENERGY.—The Secretary is".

Item No. 5



DISCUSSION ITEM October 4, 2023

TO: Board of Directors

FROM: Harvey De La Torre, Interim General Manager

> Staff Contact: Melissa Baum-Haley Alex Heide Kevin Hostert

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 for July 2023 (for water delivered in May 2023) totaled 93.4 thousand acre-feet (TAF), which was 31.3 TAF lower than the budget of 124.7 TAF and translates to \$95.4 million in receipts for July 2023, which was \$27.4 million lower than budget of \$122.8 million.

ISSUE BRIEF #B

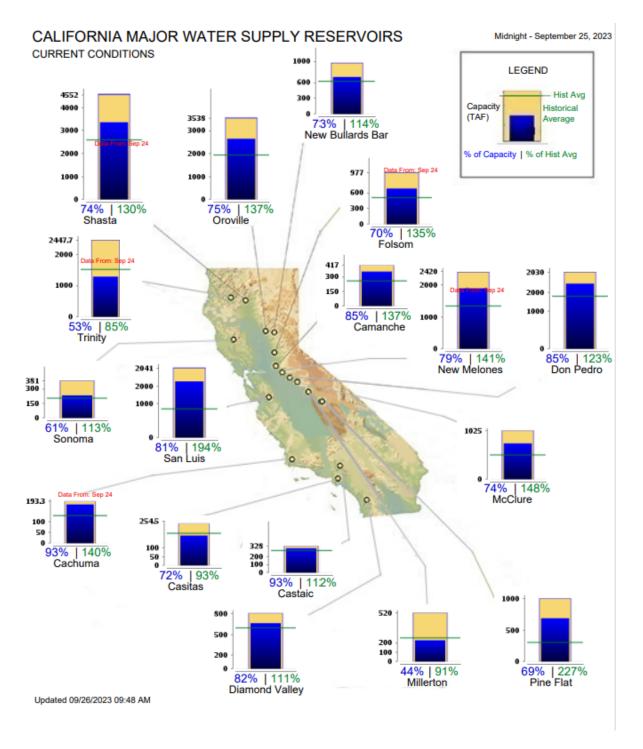
SUBJECT: MET's Supply Condition Update

RECENT ACTIVITY

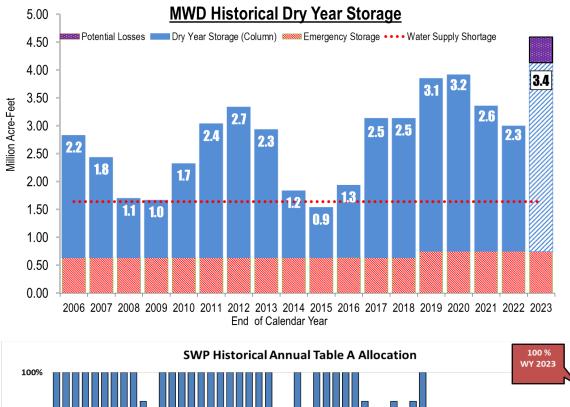
The 2022-23 Water Year (2022-23 WY) officially started on October 1, 2022. Thus far, Northern California accumulated precipitation (8-Station Index) reported **66.0.** *inches or* **132% of normal** as of September 25th. The Northern Sierra Snow Water Equivalent peaked at **59.1** *inches on April 9th*, which is **215% of normal** for that day. Due to barrage of atmospheric rivers in January and March, the Department of Water Resources (DWR) has increased the State Water Project (SWP) *"Table A" allocation to 100%.* This allocation provides Metropolitan with approximately **1,911,500** AF in SWP deliveries this *water year.* In Addition, Article 21 supplies (approximately 148,000 AF) were made to SWP contractors on March 24th 2023. DWR's SWP Allocation considers several factors including existing storage in SWP, conservation reservoirs, SWP operational regulatory constraints, and the 2023 contractor demands. In additional, Metropolitan received **134,000** AF for *Human Health and Safety Supply in CY 2022.*

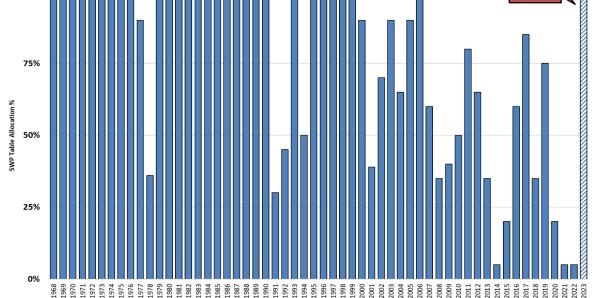
The Upper Colorado River Basin accumulated precipitation is reporting **33.9** inches or **114% of normal as of September 25**th. On the Colorado River system, snowpack is measured across four states in the Upper Colorado River Basin. The Upper Colorado River Basin Snow Water Equivalent peaked **26.2** inches as of April 10th, which is **131% 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 <u>declared a shortage at Lake</u> <u>Mead that has been ongoing since January 1st, 2022</u>. As of September, <u>there is a 100%</u> <u>chance of shortage continuing in CY 2024 and a 20% chance that Metropolitan will</u> <u>see a 195,000 AF reduction in Colorado River water supplies in CY 2026</u>.

As of September 25th Lake Oroville storage is at **75% of total capacity and 137% of** *normal.* As of September 25th San Luis Reservoir has a current volume of **81% of the** *reservoir's total capacity and is* <u>194% of normal.</u>



With CY 2023 estimated total demands and losses of 1.54 million acre-feet (MAF) and with a 100% SWP Table A Allocation, Metropolitan is projecting that supplies will exceed demands levels in Calendar Year (CY) 2023. Based on this, estimated total dry-year storage for Metropolitan at the end of **CY 2023 will increase to approximately 3.4 MAF.** A projected dry-year storage supply of **3.4 MAF would be the highest level in MWD History. Unfortunately, due to the 100% SWP Table A Allocation, there is potential that MWD will not be able to store approximately 457 TAF.** A large factor in maintaining a high water storage level are lower than expected water demands. We are seeing regional water demands reaching a 40-year low. However, with a majority of MWD's water supplies stored in Lake Mead and with still a 5-year shortage projection at Lake Mead, there remains a lot of uncertainty to where supply balances will be in the future.





ISSUE BRIEF #C

SUBJECT: MET's Water Quality Update

RECENT ACTIVITY

Water System Operations

Metropolitan member agency water deliveries were 109,700 acre-feet (AF) for August with an average of 3,500 AF per day, which was about 100 AF per day lower than in July. In addition, Metropolitan delivered 17,700 AF to Cyclic and Conjunctive Use Programs. Treated water deliveries were similar to those in July for a total of 69,600 AF, or 54 percent of total deliveries for the month. The Colorado River Aqueduct (CRA) pumped a total of 60,000 AF in August. CRA deliveries were lower this month as a result of the Hurricane Hilary storm event. Metropolitan temporarily reduced pumps on the CRA from five to three pumps because of reduced demands during this event. State Water Project (SWP) imports averaged 4,400 AF per day, totaling about 137,700 AF for the month. The target SWP blend is around 75 percent for Weymouth and Diemer plants and 55 percent for the Skinner plant.

Water Treatment and Distribution

The State Water Project (SWP) target blend entering the Weymouth and Diemer plants was 75 to 80 percent in August. The Mills plant continued to receive a blend of water from Silverwood Lake and Lake Perris in August due to low alkalinity in the East Branch SWP. The SWP target entering Lake Skinner fluctuated to accommodate multiple operational needs and to maximize water delivery from the SWP. The SWP blend leaving Lake Skinner was relatively stable, at about 50 percent.

Flow-weighted running annual averages for total dissolved solids from July 2022 through June 2023 for Metropolitan's treatment plants capable of receiving a blend of supplies from the SWP and the Colorado River Aqueduct were 523, 535, and 608 mg/L for the Weymouth, Diemer, and Skinner plants, respectively.

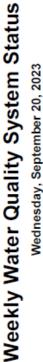
Elevated nitrite levels at multiple locations demonstrated that nitrification was occurring in parts of the distribution system, specifically in the West Basin service area, the Oak Street PCS and Second Lower Feeder area, and the Orange County area. Operational changes to control nitrification and improve water quality in the affected areas included increased monitoring of nitrite and chlorine residuals, modifying operations to increase flow in the impacted parts of the system, increasing plant effluent pH at some of the treatment plants, and extensive flushing of the distribution system at multiple locations. Metropolitan staff met with impacted Member Agencies to discuss monitoring results and operational strategies for improving water quality.

Metropolitan staff is performing repair work on the west backwash piping at the Diemer plant. The backwash piping was damaged in May 2022 by a backwash valve failure. The failure resulted in water flooding the filter gallery, forcing the plant to operate with a reduced capacity. Upon completion of the repair work, Diemer plant will be able to return to full capacity.

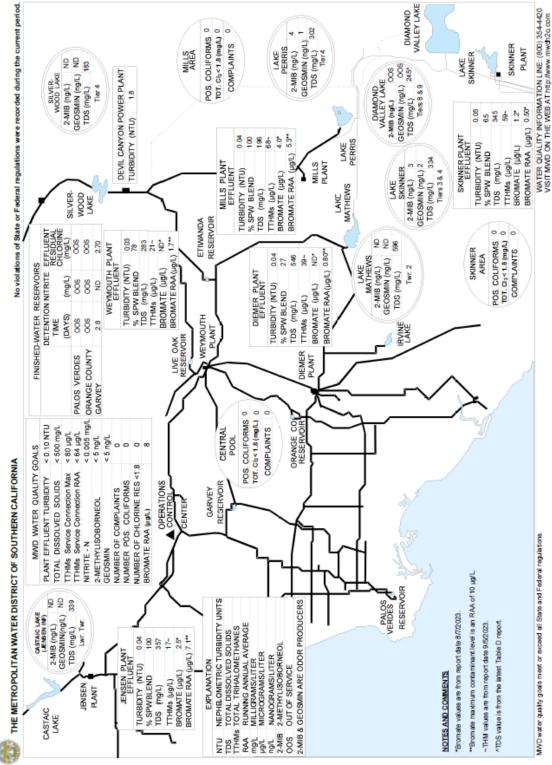
Future Legislation and Regulation

On July 28, Metropolitan staff sent a letter to Senators Feinstein and Padilla asking them to support a tailored exemption for water and wastewater treatment facilities from liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This is the second letter in recent weeks seeking to influence the Senate Environment and Public Works Committee's draft bill on PFAS. The letter emphasized that, absent an exemption, the Environmental Protection Agency's (EPA's) proposals to designate certain PFAS as hazardous substances under CERCLA may unintentionally burden water and wastewater utilities with cleanup costs for contamination that they did not cause or contribute to. Metropolitan staff will continue to engage both Congress and EPA with respect to regulating PFAS. On August 3, Metropolitan staff submitted comments to the EPA regarding whether to designate the precursors to PFOA and PFOS, as well as seven additional PFAS as hazardous substances under CERCLA. The seven additional PFAS are PFBS, PFHxS, PFNA, Gen X, PFBA, PFHxA, and PFDA. Metropolitan staff commented that the EPA should consider updated occurrence data and develop robust and reliable analytical methods before making any regulatory determination for the affected PFAS. In addition, Metropolitan staff requested that the EPA explore other regulatory pathways for PFAS rather than CERCLA, as well as follow the "Polluter Pays" principle and make additional funding available for treatment and cleanup costs. Metropolitan staff will continue to monitor and engage in potential actions to regulate PFAS.

On August 15, Metropolitan staff submitted written comments to the State Water Resources Control Board's Division of Drinking Water in response to the state's proposed maximum contaminant level (MCL) for hexavalent chromium of 10 micrograms per liter (μ g/L). While offering support for the proposed MCL and the two-to-four-year compliance period, the letter raised concerns about the true cost of compliance, the availability of funding to ensure full compliance, and recommended the inclusion of an alternative treatment technology to make compliance easier for some utilities. Metropolitan staff will continue to monitor and engage in this rulemaking process. Metropolitan submitted a comment letter to on August 15, responding to the state's proposed maximum contaminant level (MCL) of 10 parts per billion for hexavalent chromium.



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Water Quality Section Weekly TDS Report

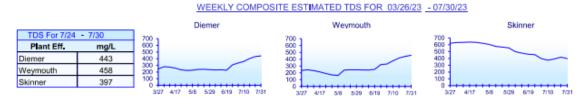
For the week of 7/30/2023

Percent SPW Nee	eded to Achie	ve TDS Goa	l of 500 mg/L	Estimated TDS for Rese	rvoirs	
Source Wat	er TDS		SPW Required	Reservoir (Effluent)	Date	mg/L
Plant	CRW	SPW	Percent	Lake Havasu (Table D)	6/14/23	660
Weymouth	606	179	25%	Lake Mathews (DFPI-LWRFDR)	7/31/23	606
Diemer	606	179	25%	Lake Skinner (Outlet Structure)	7/31/23	366
Skinner-Silverwood	656	179	33%	Castaic Lake (JFP])	7/30/23	345
Skinner-Perris	656	138	30%	Silverwood (Mills Inf)	7/30/23	179
CRW for Diemer and Weymouth	is Lake Mathews	and San Jacinto	West Porta for Skinner.	Lake Perris	7/31/23	138
				DVL Outlet (Table D)	6/7/23	256

SUNDAY COMPOSITE ESTIMATED TDS FOR 03/26/23 - 07/30/23

		Diemer	Weymouth	Skinner
TDS For Week of 7/30		700 3	700 3	700 1
Plant Eff	mg/L	600 -	600 -	600
Diemer	431	500 - 400 -	500 - 400 -	500 - 400 -
Weymouth	462	300	300	300
Skinner	402	100 -	100	100 -
Jensen	354	3/27 4/17 5/8 5/29 6/19 7/10 7/31	0 3/27 4/17 5/8 5/29 6/19 7/10 7/31	3/27 4/17 5/8 5/29 6/19 7/10 7/31
Mills	208			

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



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 July 2022 - June 2023



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 July 2022 - June 2023 Diemer Weymouth Skinner hted RAA TDS Flow-Weig Jul 2022 - Jun 2023 700 600 500 400 300 200 100 700 600 500 400 300 200 100 700 600 500 400 300 200 100 Plant mg/L Diemer 535 Weymouth 523 Skinner 608 Mar May Mar May Mar May Jan Ju Sep Nov Jan Ju Sep Nov Jan Ju Sep Nov Jensen Mills 343 268 38 calcula m plant effluent monthly composite sample for total anions and cations. Results are based on average monthly flows.



The Metropolitan Water District of Southern California

Weekly Operations Plan for 9/21/2023 – 9/28/2023

For additional information, please contact James Bodnar at (213) 217-6099

- 1. COLORADO RIVER AQUEDUCT: The CRA is at a 3-pump flow.
- EAST BRANCH SPW: Rialto Pipeline will average a flow between 1,300 and 1,500 AF/day. Santa Ana Valley Pipeline will be at 125 – 175 AF/day. Inland Feeder flow will be at 1,400 – 1,700 AF/day.
- WEST BRANCH SPW: The flow from Castaic Lake will range between 700 and 1,000 AF/day. Flow to SCVWA (formerly CLWA) is currently at 90 AF/day.

4. TERMINAL RESERVOIRS:

Reservoir	Current Storage* (AF)	Percent of Capacity
Lake Mathews	161,400	89%
Lake Skinner	38,400	87%
DVL	663,400	82%

*as of 9/20/2023

5. WATER QUALITY:

Plant	Targeted Blend (% SPW)	TDS (mg/L)	TTHMs (µg/L)
	As of 9/20/2023	As of 9/20/2023	As of 8/21/2023
Weymouth	80	283	47
Diemer	25	546	41
Skinner	70	345	21
Jensen	100	357	40
Mills	100	196	64

- <u>WATER DELIVERIES</u>: September deliveries are forecasted to be about 122 TAF. As of September 21, 2023, total system demands are about 4,300 AF/day, a decrease of 100 AF/day from last week.
- <u>HYDROELECTRIC GENERATION</u>: As of September 20, 2023, the total daily average generation for the week was about 20.0 MW, with 4 of 15 hydroelectric plants in operation.

ISSUE BRIEF #D

SUBJECT: Colorado River Issues

RECENT ACTIVITY

Lower Basin States Agreement on Colorado River Conservation Actions

In the initial step in the NEPA process for the development of the post-2026 Colorado River guidelines, Reclamation solicited comments from interested parties on the scope of the EIR that will analyze the impacts of the new guidelines. Comments were due to Reclamation on August 15. Metropolitan staff participated in a 7-state process to develop a consensus response to Reclamation's request for input. Those discussions led to both a 7-state letter and a Lower Basin letter to Reclamation. The Chair of the Colorado River Board of California, JB Hamby, signed both letters on behalf of California. The states agreed that the scope should be limited to focusing on reservoir operations of Lake Powell and Lake Mead and provide sufficient water use reductions to address the current and project supply-demand imbalance on the river. The states also affirmed their commitment to work toward a 7-state consensus alternative that can be included in the analysis of the draft EIS.

Metropolitan's General Manager also signed a letter with the General Managers of Southern Nevada Water Authority and Central Arizona Project highlighting the Lower Basin states urban areas' unique needs. Specifically, the letter highlighted the need to project human health and safety deliveries, protect and incentivize water storage opportunities in Lake Mead, consider reasonable and beneficial water use standards, and provide for interstate participation in new water supply augmentation projects, like Pure Water Southern California. The letter also recognized the long history of collaboration among the urban agencies over the last two decades. Reclamation will consider the comments received and develop a scoping report, which will guide the development of the new guidelines. Reclamation anticipates issuing a draft EIS in December of 2024, with a Record of Decision made in time for the Annual Operating Plan development for 2027. With the scoping letters submitted, the Basin States are now focusing on the development of an alternative to be included in the draft EIS.

ISSUE BRIEF #E

SUBJECT: Delta Conveyance Activities and State Water Project Issues

RECENT ACTIVITY

Delta Conveyance

The California Department of Water Resources (DWR) released a draft Environmental Impact Report (EIR) to comply with the California Environmental Quality Act for a public review that ended on December 16, 2022. DWR received more than 700 unique comment letters with over 6,000 individual comments. DWR is in the process of developing responses to the comments received. The Final EIR is expected at the end of 2023. It will include responses to all substantive comments on the Draft EIR and edits to the Draft EIR, as appropriate, to respond to the comments.

The U.S. Army Corps of Engineers (USACE), as part of its permitting review under the Clean Water Act and Rivers and Harbors Act, released a draft Environmental Impact Statement (EIS) to comply with the National Environmental Policy Act for a public review that ended on March 16, 2023. USACE is in the process of developing responses to the comments received.

Delta Conveyance related Joint Powers Authorities

At the August 17 regularly scheduled Delta Conveyance Design and Construction Authority (DCA), the DCA Board of Directors adopted a resolution amending the Purchasing and Procurement Policy. This amendment adds new language to guide the procurement of information technology services, clarifies and defines the current procurement practices, and updates the definition section to include definitions for emergency procurements, interagency agreements, and a definition for material change.

The DCA Board of Directors also adopted a resolution to revise the Allowable Travel Expenses Policy. This revision authorizes the Executive Director to provide any approvals, including potential deviations, from the policy and would clarify that all foreign travel would require prior written DCA approval and be subject to applicable federal General Services Administration requirements.

The August 17 regularly scheduled Delta Conveyance Finance Authority meeting was cancelled

Sites Reservoir

At the joint Sites Project Authority Board and Sites Reservoir Committee Meeting on August 18, the Reservoir Committee and Authority Board authorized the Executive Director to execute a cooperative agreement between the Sites Project Authority and Reclamation District No. 108 regarding the use of existing partner facilities and development and operation of new infrastructure. This collaborative agreement centers around the planned

use of existing facilities including the Colusa Basin Drain south of the Balsdon Wier, Knights Landing ridge cut, Knights Landing outfall gates, and the Wallace Weir. The cooperative agreement outlines support and assistance on several activities including planning, design, permitting, construction of new infrastructure and facility improvements, and coordinating integration into existing facilities.

Science Activities

In August Metropolitan science staff reached a major milestone in the Reorienting to Recovery (R2R) Project Structured Decision Making process, completing modeled bookend scenarios to test combinations of management actions to recover salmonids in the Central Valley. Metropolitan staff also participated in planning of the 2024 Interagency Ecological Program Workshop and were interviewed by the Delta Independent Science Board on modeling predation in the Bay-Delta Ecosystem and how modeling can be used to inform water management actions.

The Reorienting to Recovery (R2R) Project seeks to collaboratively identify preferred recovery scenarios that advance salmonid recovery in the Central Valley while balancing other social, cultural, and economic interests in the region. In early August, the R2R Project presented results of the "bookend" scenarios that were generated to test distinct combinations of intense management actions focused around one action type (either flows, harvest, hatcheries, or habitat), to the structured decision making (SDM) workgroup. The purpose of these modeled bookends is to explore how the model responds to different inputs so that the group can explore refined scenarios. The model is a coarse tool, and while modifications can be made to improve logic, inputs, and outputs, results are most appropriate and informative when compared among scenarios and can aid in development of refined scenarios and model updates.

Overall, no singular bookend met all biological salmonid recovery targets. Multiple scenarios met recovery targets for productivity, but no scenario met targets for spatial structure and genetic diversity. Since each scenario represents implementing only one type of management action and was not designed to achieve recovery, these results are expected and indicate that there are multiple factors hindering recovery that will require multiple types of management actions. The workgroup brainstormed additional scenarios that balance salmonid recovery goals with other interests for the next round of modeling. The R2R Project team will spend the next few months sorting through these ideas, refining scenarios, and modeling these scenarios for presentation at a future R2R workshop in Winter 2023.

Metropolitan staff participated in the planning and implementation of the Interagency Ecological Program Workshop for 2024. The workshop showcases a range of topics that will be used to inform the management of the Bay-Delta watershed. Topics include, water operations, restoration, listed species management, and contaminants.

Metropolitan staff was interviewed by the Delta Independent Science Board regarding modeling and predation to be used for informing actions to improve the management of the Bay-Delta Ecosystem and its water supply. The interviews will be used to develop two

workshops for 1) Exploring scientific and management implications of upper trophic level interactions in Delta food-webs and 2) Bay-Delta Modeling Framework/Collaborative.

Delta Island Activities

In preparation for the October board action to amend the Capital Investment Plan to include the Webb Tract Mosaic Landscape Project and to award three agreements to begin design and environmental planning, Metropolitan staff is negotiating grant terms and conditions that will be included in the board letter to inform the Board before the grant agreement is executed. If approved, grant execution is expected soon after the October board action.

Summary Report for The Metropolitan Water District of Southern California Board Meeting September 12, 2023

OTHER MATTERS AND REPORTS

Presentation of 10-year Service Pin to Director Russell Lefevre. (Agenda Item 6G)

CONSENT CALENDAR OTHER ITEMS – ACTION

Approved Resolution confirming Director John T. Morris for Association of California Water Agencies Region 8 Board Member. (Item 7A)

Approved committee assignments for Director Miguel Angel Luna to serve as Chair of the Legal and Claims Committee; Director Matt Petersen to serve as a member of the Engineering, Operations, and Technology Committee; and Director Carl Douglas to serve as a member of the Legal and Claims Committee and Ethics, Organization, and Personnel Committee. (Item 7C)

CONSENT CALENDAR ITEMS - ACTION

Awarded a \$3,895,000 contract to Miller Pipeline to furnish and install internal seals in Freda Siphon Barrel No. 1 along the CRA conveyance system. (Agenda Item 7-1)

(a) Authorized an agreement with J.F. Shea Construction Inc. for a not-to-exceed amount of \$9.8 million for Phase 1 design-build services for the Sepulveda Feeder Pump Stations Project;
(b) Authorized an increase of \$1.5 million to an existing agreement with Carollo Engineers Inc. for a new not-to-exceed amount of \$2.49 million to serve as the owner's advisor through the Phase 1 design-build agreement; and (c) Amend Metropolitan's Project Labor Agreement to include the Sepulveda Feeder Pump Stations Project. (Agenda Item 7-2)

Adopted a resolution designating Metropolitan's maximum medical contributions on the highest HMO Plan Region 2, Anthem Traditional HMO, to comply with the current authorized Memoranda of Understandings. (Agenda Item 7-3)

Reviewed and considered Eastern Municipal Water District's certified Final Environmental Impact Report and Addendum, and take related CEQA actions, and authorized the General Manager to enter into a Local Resources Program Agreement with Eastern Municipal Water District for the French Valley Recycled Water Distribution Project for up to 140 AFY of recycled water for irrigation use in the Eastern Municipal Water District service area. (Agenda Item 7-4) Authorized the General Manager to execute a second amendment to extend the office lease located in Washington D.C. an additional ninety months with an option to extend another thirty-six months. (Agenda Item 7-5)

Approved use of Representative Concentration Pathway 8.5 for planning purposes in the Climate Adaptation Master Plan for Water. (Agenda Item 7-6)

OTHER BOARD ITEMS - ACTION

Awarded a \$15,681,000 contract to Steve P. Rados Inc. to construct an intertie pipeline between the Inland Feeder and Rialto Pipeline. This project is part of water supply reliability improvements in the Rialto Pipeline service area. (Agenda Item 8-1)

By a two-thirds vote, authorized payments of up to \$4.16 million for participation in the State Water Contractors for FY 2023/24. (Agenda Item 8-2)

Reviewed and considered Addenda Nos. 1, 2, and 3 to the Mitigated Negative Declaration previously adopted by the Antelope Valley-East Kern Water Agency for the High Desert Water Bank; approved changes to the design, construction, and operation of Water Bank facilities as described in the board letter; and authorized up to \$80 million for additional costs associated with these changes. (Agenda Item 8-3)

(a) Authorized three new agricultural lease agreements with Joey DeConinck Farms, Nish Noroian Farms, and Red River Farms, thereby allowing these existing lessees to continue farming on Metropolitan's fee owned properties in the Palo Verde Valley, according to price and terms directions given in closed session; and (b) authorized staff to issue replacement lease(s) in the event of a tenant default. **(Agenda Item 8-4)**

(a) Authorized filing cross-complaints as described in the board letter; (b) 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 \$2,500,000; and (c) authorized an increase in the maximum amount payable under contract with Exponent, Inc., for consulting services by \$200,000 to an amount not to exceed \$600,000. (Agenda Item 8-5)

OTHER MATTERS

Department Head Performance Evaluations [Public Employees' performance evaluations; General Manager, General Counsel, and Ethics Officer. (Agenda Item 11-1) Item deferred

Reported on Department Head 2023 Salary Survey. (Agenda Item 11-2) Item deferred

Discussed and Approved Compensation Recommendations for General Manager, General Counsel, and Ethics Officer. (Agenda Item 11-3) Item deferred

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: <u>https://mwdh2o.legistar.com/Calendar.aspx</u>

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

Item No. 6c

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.

BOD Committee

Board of Directors - Hidden

Meeting with Board of Directors *

October 10, 2023

1:00 p.m.

Tuesday, October 10, 2023 Meeting Schedule 08:30 a.m. L&C 10:30 a.m. FAIRP 12:30 p.m. Break 01:00 p.m. BOD 02:30 p.m. Bay-Delta

Agenda

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: 891 1613 4145. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 815 2066 4276 or click https://us06web.zoom.us/j/81520664276pwd=a1RTQWh6V3h3ckFhNmdsUWpK R1c2Zz09

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

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

Α.	Report on Directors' Events Attended at Metropolitan's Expense	21-2492
В.	Chair's Monthly Activity Report	21-2493
С.	General Manager's summary of activities	21-2494
D.	General Counsel's summary of activities	21-2495

Board of Directors

- E.General Auditor's summary of activities21-2496
 - **F.** Ethics Officer's summary of activities

21-2497

** CONSENT CALENDAR ITEMS -- ACTION **

6. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Board of Directors Meeting for 21-2498
 September 12, 2023 (Copies have been submitted to each Director, any additions, corrections, or omissions)
- B. Approve Committee Assignments

7. CONSENT CALENDAR ITEMS - ACTION

- 7-1 Amend the Capital Investment Plan for fiscal years 2022/23 and 2023/24 to include development of a multi-benefit landscape project on Webb Tract and authorize professional service agreements with: (1) GEI Consultants Inc. in an amount not to exceed \$1.5 million; (2) Hydrofocus Inc. in an amount not to exceed \$840,000; and (3) Environmental Science Associates in an amount not to exceed \$980,000; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (EOT)
- 7-2 Authorize an agreement with Black & Veatch Corporation in an amount not to exceed \$750,000 for design of new access platforms to facilitate maintenance activities on the main pumps 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)
- 7-3 Award a \$4,400,000 construction contract to Bosco Constructors
 21-2670 Inc. for San Diego Canal Concrete Liner Rehabilitation; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT)
- 7-4 Authorize the funding of member agency studies and research under the Future Supply Actions Program; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWS)
- 7-5 Express support for the goals of the Climate Mayors Colorado
 River Conservation Working Group and approve a financial sponsorship of \$50,000; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA (OWS)

7-6 Authorize the General Manager to seek legislation to amend the Surface Mining and Reclamation Act to eliminate the sunset date to provide Metropolitan with lead agency status for its activities; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LRAC)

** END OF CONSENT CALENDAR ITEMS **

8. OTHER BOARD ITEMS - ACTION

- 8-1 Confidential Seyfarth Shaw LLP contract increase [Subject and 21-2694 CEQA language pending] (LC)
- 8-2 Receive report on litigation in In re: Aqueous Film-Forming Foams 21-2664 Liability Litigation, Master Docket Products No.: 2:18-mn-2873-RMG, and consider options and provide direction on action in response to settlements in: (1) City of Camden, et al. v. 3M Company, Civil Action No.: 2:23-cv-03147-RMG; and (2) City of Camden, et al. v. E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.) et al., Civil Action No.: 2:23-cv-03230-RMG; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel - existing litigation; may be heard in closed session pursuant to Government Code Section 54956.9(d)(1)] (LC)
- 8-3 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)(2)] (LC)

9. BOARD INFORMATION ITEMS

- 9-1Conservation Program Board Report21-2499
 - **9-2** Compliance with Fund Requirements and Bond Indenture **21-2696** Provisions (FAIRP)
 - 9-3 Community Partnering Program Pilot Project (LRAC) 21-2704
 - **9-4** Update on Alternative Water Supply Augmentation Technologies **21-2671** Review (EOT)

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). Board agendas may be obtained on Metropolitan's Web site https://mwdh2o.legistar.com/Calendar.aspx

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.