



Rural County Representatives of California

Board of Directors Supplemental Packet

Wednesday
January 18, 2023
9:00 A.M.

1215 K Street, Suite 1650
Sacramento, California 95814

**Supplemental Packet
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State Legislative Update

January 16, 2023

[AB 6](#) **(Friedman D) Transportation planning.**
Status: 12/6/2022-From printer. May be heard in committee January 5.
Summary: Current law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Current law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization in order to, among other things, achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region for 2020 and 2035, respectively. This bill would state the intent of the Legislature to enact subsequent legislation that would require regional transportation agencies to prioritize and fund transportation projects, including those funded by a local sales tax measure, that significantly contribute towards the goals outlined in a region’s sustainable communities strategy and the state’s climate goals.

Position	Lobbyist	Main Subject
	Sidd (1)	Transportation

[AB 7](#) **(Friedman D) Transportation: funding: capacity projects.**
Status: 12/6/2022-From printer. May be heard in committee January 5.
Summary: Current law requires the Department of Transportation to improve and maintain the state’s highways, and establishes various programs to fund the development, construction, and repair of local roads, bridges, and other critical transportation infrastructure in the state. This bill would state the intent of the Legislature to enact subsequent legislation that would eliminate single occupancy vehicle freeway capacity projects, and allow capacity projects only for bus rapid transit, rail, active transportation purposes, projects that significantly add safety, and projects that significantly reduce congestion, without interfering with existing maintenance and rehabilitation needs.

Position	Lobbyist	Main Subject
	Sidd (1)	Transportation

[AB 54](#) **(Aguiar-Curry D) Department of Food and Agriculture: research funding: winegrapes: smoke exposure.**
Status: 12/6/2022-From printer. May be heard in committee January 5.
Summary: Would require the Department of Food and Agriculture, upon appropriation by the Legislature in the Budget Act of 2023, to provide funding for research to investigate accurate measurement of smoke compounds in winegrapes and wine, methods to mitigate the damage to winegrapes and wine that can occur from exposure to smoke, and methods to prevent smoke damage to winegrapes and wine. The bill would require the department to establish an advisory committee of specified members appointed by the secretary to provide recommendations to the secretary for funding research proposals submitted to the department under these provisions. The bill would make these provisions inoperative on January 1, 2029, or when all funds appropriated by the Legislature pursuant to the Budget Act of 2023 for these provisions have been disbursed, whichever is later.

Position	Lobbyist	Main Subject
Pending	Mary-Ann, Sidd (2), Staci (2)	Agriculture

[AB 62](#) **(Mathis R) Statewide water storage: expansion.**
Status: 1/4/2023-Read first time.
Summary: Would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the State Water Resources Control Board, in consultation with the Department of Water Resources, to design and implement measures to increase statewide water storage to achieve the statewide goal. The bill would require the state board, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the department, to prepare and submit a report to the Legislature on the progress made in designing and implementing measures to achieve the statewide goal.

Position	Lobbyist	Main Subject
	Sidd (1)	Water & Wildlife

[AB 66](#) **(Mathis R) Natural Resources Agency: water storage projects: permit approval.**

Status: 1/4/2023-Read first time.

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

Position	Lobbyist	Main Subject
	Sidd (1)	Water & Wildlife

SB 23

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

Status: 12/6/2022-From printer. May be acted upon on or after January 5.

Summary: The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the state, including, among other things, overseeing the issuance and enforcement of public water system permits, as provided. Current law authorizes specified works of improvement for the control, conservation, and utilization of destructive flood waters and the reclamation and protection of lands that are susceptible to overflow by flood waters. This bill would express the intent of the Legislature to enact subsequent legislation to expedite the regulatory permitting process for water supply and flood risk reduction projects, as provided.

Position	Lobbyist	Main Subject
	Sidd (1)	Water & Wildlife

SB 32

(Jones R) Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.

Status: 12/6/2022-From printer. May be acted upon on or after January 5.

Summary: The California Global Warming Solutions Act of 2006 requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. Pursuant to the act, the State Air Resources Board has adopted the Low Carbon Fuel Standard regulations. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. This bill would suspend the Low Carbon Fuel Standard regulations for one year. The bill would also exempt suppliers of transportation fuels from regulations for the use of market-based compliance mechanisms for one year.

Position	Lobbyist	Main Subject
	Sidd (1)	Transportation



To: Members of the RCRC Board of Directors
From: Sidd Nag, Policy Advocate
Date: January 13, 2023
Re: Water Issues Update

Summary

This memo provides an update on current issues involving California water policy.

Background

With the return of winter rain in California, hopes are high that California may finally be leaving the worst of its drought conditions. However, despite significant totals over the past few months, the state has received less rain this year than at this time last year. Further, many of the state's reservoirs—including those not operating under flood-stage conditions, remain far below their historical average for this time of year. One silver (snowy) lining is that the Sierra snowpack is ahead of last year's volume, and is much more widespread and distributed north to south along the full range. A healthier snowpack with higher water content values, coupled with the possibility of more storms over the next few months, are bringing hope that the state will be better off this year during drier months than it was last year. However, the prospect of local curtailments and limited state project deliveries remains high.

Issues

Biden Admin Finalizes "Waters of the United States" Rulemaking

In December, U.S. Environmental Protection Agency finalized a rule defining U.S. jurisdictional waters to more broadly cover wetlands and smaller and more intermittent streams, after an interceding rule proposed by the Trump Administration was challenged and ultimately ruled invalid in federal court. The new rule, based on a previous rule established under the Obama Administration, largely reverts federal jurisdiction to previous agency practice prior to its own legal challenge and subsequent proposed revision under the Trump Administration.

However, the current rule may not remain in effect for long, as major litigation challenging U.S. jurisdiction is currently on docket before U.S. Supreme Court. The Biden Administration is expected to review the SCOTUS decision—likely published in June toward the end of its current term—before moving forward on an updated rule that both incorporates new direction from the court, as well as possible new jurisdictional claims by US EPA.

Despite Overall Budget Cuts, Newsom Admin Proposes New Water Spending

While the Governor's 2023-24 proposed budget is largely characterized by the spending it proposes to reduce, one area where major new spending is proposed by the Newsom Administration is in water resources and flood infrastructure. In fact, the Governor made specific mention of new flood infrastructure spending at both an emergency disaster briefing in the wake of catastrophic rain damage, as well as during his budget presentation on January 10th. Some of the budget reductions and new spending in water include:

- **A reduction of \$24 million** in 2023-24 for watershed resiliency programs, and a **delay of an additional \$270 million** to 2024-25.
- **A reduction of \$70 million** in 2023-24 and a **delay of an additional \$30 million** to 2024-25 for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) cleanup. This maintains approximately \$130 million (65 percent) of PFAS cleanup resources.
- **A reduction of \$40 million** in 2023-24 for water recycling projects.

A reduction of \$40 million in 2022-23 to the State Water Efficiency and Enhancement Program.

A reduction of \$15 million in 2021-22 for aqueduct solar panel projects.

A reduction of \$5 million for water refilling stations at schools in 2022-23, which eliminates funding for this purpose.

New budget proposals include:

- **\$135.5 million over two years** to support local agencies working **to reduce urban flood risk**.
- **\$40.6 million for ongoing Delta projects** that reduce risk of levee failure and flooding, provide habitat benefits, and reduce the risk of saltwater intrusion contaminating water supplies.
- **\$25 million to support projects that will reduce the risk of flooding for Central Valley communities** while contributing to ecosystem restoration and agricultural sustainability.
- **\$125 million one-time funding as a drought contingency set-aside** to be allocated as part of the spring budget process, when additional water data will be available to inform future drought needs.
- **\$31.5 million one-time funding in 2023-24 to continue development of the Updating Water Rights Data for California Project** to enhance California's water management capabilities.
- **\$4.9 million over five years** to continue **to provide local water districts methodologies and tools to conduct water availability analyses**, which will help facilitate groundwater recharge.
- **\$4.7 million over two years** to begin **reactivation of historical stream gages**, consistent with the SB 19 Stream Gaging Prioritization Plan and as called for in the Water Supply Strategy.
- **\$2 million in 2023-24 and \$1.3 million ongoing** and five permanent positions for the Department of Fish and Wildlife to establish **two new programs to support the protection and management of fish and wildlife**, recreational opportunities,

and collaborative Tribal partnerships before, during, and after removal of the **Klamath Dam project**.

Staff Recommendation

Information only. RCRC staff will continue to engage in these policy areas as necessary to ensure the concerns of RCRC member counties are addressed.



To: Members of the RCRC Board of Directors

From: Supervisor Chris Lopez, Monterey County, Drought and Water Resiliency
Ad Hoc Committee Chair
Sidd Nag, Policy Advocate

Date: January 13, 2023

Re: Drought and Water Resiliency Ad Hoc Committee

Summary

A verbal update on the activities, including policy recommendations, of the Drought and Water (Committee) Ad Hoc Committee will be provided at the RCRC Board of Directors Meeting.

Background

The Committee was formed in April 2022 to identify concerns and provide feedback to inform water & drought legislative, regulatory, and budget priorities, as well identify potential strategies for the next iteration of the Strategic Plan. The committee is also a venue for related conversations with State and Federal agencies and Legislative representatives.

Issues

The policy recommendations will be implemented under existing Policy Principles, as well as inform future changes:

Policy Recommendation #1: Build more surface storage, but support existing storage and conveyance as well. Particularly as California's precipitation regime shifts to more intense, flashier storm events, like atmospheric rivers, the need for reliable and effective surface storage has never been greater. RCRC supports all efforts to expand the state's surface storage network. In addition, the state should continue to operate, maintain, and expand on its existing surface storage network—including by raising the capture capacity of existing dams and by improving conveyance infrastructure—instead of allowing important storage assets to be taken offline, fall into disrepair, or be removed without equivalent storage and conveyance being provided in the affected watershed.

Policy Recommendation #2: In addition to surface storage, the state should prioritize subsurface storage, including by permitting necessary water rights.

Subsurface / groundwater projects have the potential to provide many times the total new storage capacity as compared to surface storage projects, but water rights permits and financial resources are needed to implement subsurface projects must be prioritized, particularly since periods of water surplus are brief and intermittent. Subsurface storage projects must be permitted to opportunistically sequester water when available. Further, the state should recognize, permit and support longer-term groundwater recharge and storage solutions, such as flood irrigation and related crop irrigation methods.

Policy Recommendation #3: Promote the role of agriculture in sustaining critical infrastructure and conserving water resources. Too often, the state's agricultural sector gets portrayed as an excess user of the state's water, whereas, in fact, agricultural growers play a key role in funding the operation and maintenance of the state's water storage and distribution network that is as vital to urban centers as it is to growers. In addition, irrigation practices are critical to maintaining local groundwater basins—particularly basins shared among residential, commercial, and agricultural users, but that are largely recharged through agriculture user-funded projects, and through agricultural irrigation practices.

Policy Recommendation #4: Push for a multistakeholder balance between species conservation and water use. In recent years, use of water resources in several key watersheds have been greatly restricted or entirely curtailed in favor of attempted species conservation objectives. However, many of these plans focus on only the species objective, often relying on incomplete, inexact, and/or non-local science. Instead of making policy decisions solely on broad and often speculative species goals, water regulators should instead make greater efforts to consult all users, and should attempt to meet water use and species needs based on understood local conditions, with a greater recognition and a balance more greatly in favor of long-time users that have lengthy and sophisticated knowledge of local watersheds.

Policy Recommendation #5: Support the diversification of local water resource portfolios, instead of focusing only on use reduction. Over the course of recent droughts, state policy has largely focused on achieving reductions across users, particularly residential and commercial users, while entirely curtailing the use rights of agricultural users. This policy only focuses on divvying rations from a shrinking pot, at a time when water and irrigation agencies are under increased financial stress and new mandates that requires continued revenue. Instead, the state should place as much, if not more energy and effort, into growing local water portfolios, by funding and permitting local storage and the development of new resources, including through desalination.

Policy Recommendation #6: Recognize the role of desalination and brackish water recycling in providing reliable supply. While attention has been largely paid to large-scale coastal desalination projects and urban water recycling facilities, the need for new water supply exists throughout the state. Local agencies should assess their water conversion potential, and the state should support the variety of desalination options,

including mid-and-small scale desalination, modular desalination, and agriculture and brackish water desalination.

Policy Recommendation #7: Recognize changing water cycles, precipitation patterns, and water budgets in the state, and adjust statewide policy accordingly.

With the significant shift in the state's water cycle and precipitation regime, state and local agencies need to prepare for more intense and flashy storms, and be prepared for the floodwater that results. This includes bolstering existing infrastructure to withstand increased water during wet systems, as well as adjusting water rights and water storage to take greater advantage of the shift in the timing and volume of water availability.

Policy Recommendation #8: Trust local agencies, and build up from there. Instead of imposing new statewide conditions, the state should support local agencies in implementing their water conservation, water reclamation and recycling goals. Local agencies have a far better understanding of their water budgets, and which measures are likely to work and be cost-effective to ratepayers. Instead of continual statewide mandates, the state should support local agencies through flexible mandates, more permissive permitting, funding support for new projects, and meaningful consultation first with local agencies, representatives, and stakeholders before new mandates or curtailments are contemplated.

Staff Recommendation

Information only.