

**GOVERNMENT AFFAIRS AND  
COMMUNITY OUTREACH  
COMMITTEE MEETING  
AND  
SPECIAL MEETING OF THE  
BOARD OF DIRECTORS**

**Monday, March 13, 2023  
4:00 p.m.**

**Committee Members:**

Tony R. Fellow, Chair  
Ed Chavez, Vice-Chair

**SPECIAL NOTICE**

**This meeting will be held in-person only.**



248 E. Foothill Blvd, Suite 200  
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[www.upperdistrict.org](http://www.upperdistrict.org)

\*The Government Affairs and Community Outreach Committee meeting is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to the Government Affairs and Community Outreach Committee may attend and participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the Committee as advisory to the Board, members of the Board who are not assigned to the Government Affairs and Community Outreach Committee will not vote on matters before the Committee.

**Communications**

1. Call to Order
2. Public Comment

**Discussion / Action**

3. Legislative Update
  - a. Sacramento
  - b. Washington D.C.
4. State Bill Summaries and Positions *(staff memorandum attached)*

**Oral Reports**

5. FY 23-24 Conservation Outreach Budget Proposal

**Other Matters**

- 6.

**Adjournment**

**Next Meeting:** Monday, April 3, 2023

**American Disabilities Act Compliance** *(Government Code Section 54954.2(a))*



To request special assistance to participate in this meeting, please contact the Upper District office at (626) 443-2297 or [venessa@usgvmwd.org](mailto:venessa@usgvmwd.org) at least 24 hours prior to meeting.



## Upper San Gabriel Valley Municipal Water District

February 27, 2023

John Freshman, Ana Schwab, Lowry Crook, and Samantha Sabol

### CONGRESS

#### **House and Senate Finalize Committee Assignments**

After the many weeks Congress spent getting both chambers in order, U.S. House of Representatives and U.S. Senate Committee assignments have been finalized. Nearly all Committees have met to hold their organizational meetings, which are held to confirm subcommittee assignments, leadership, and committee procedure rules for the 118th Congress. All Senate Committee assignments can be found on the Senate website, [linked here](#).

Senator Dianne Feinstein (D-CA) is serving on the following committees:

- Senate Committee on the Judiciary
- Senate Committee on Rules and Administration
- Senate Committee on Appropriations
- Senate Select Committee on Intelligence

Senator Feinstein was also appointed Chairman of the Senate Appropriations Subcommittee on Energy and Water Development.

Senator Alex Padilla (D-CA) will serve on the following committees:

- Senate Committee on the Judiciary
- Senate Committee on Homeland Security and Governmental Affairs (HSGAC)
- Senate Committee on Rules and Administration
- Senate Committee on Environment and Public Works
- Senate Committee on Budget

He will also serve as Chairman of the Judiciary Subcommittee on Immigration, Citizenship, and Border Safety.

Congressman Ken Calvert (R-41) will sit on the House Committee on Appropriations, and serve as Chairman on the Defense Subcommittee. He also resides on the Subcommittee on energy and water. Congressman Ruiz (D-25) will sit on the House Committee on Energy and Commerce. He also serves as Ranking Member on the Select Subcommittee on the Coronavirus Pandemic.

A few other notable positions include Senator Tom Carper (D-DE), who was appointed Chairman of the Senate Committee on Environment and Public Works, while Senator Shelley Moore Capito (R-WV) will serve as Ranking Member. Senator Tammy Duckworth (D-IL) was appointed Chairman of the Subcommittee on Fisheries, Wildlife, and Water.

Senator Joe Manchin (D-WV) will continue to serve as Chairman of the Senate Committee on Energy and Natural Resources, and Senator John Barrasso (R-WY) will serve as Ranking Member. Senator Ron Wyden (D-OR) will serve as Chairman of the Subcommittee on Water and Power. Senator Tammy Baldwin (D-WI) will serve as Chairman of the Senate Committee on Commerce, Science, and Transportation Subcommittee on Oceans, Fisheries, Climate Change, and Manufacturing. Senator Jeff Merkley (D-OR) will serve as Chairman of the Senate Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies.

### **Appropriations Committee**

Congresswoman Kay Granger (R-TX) will serve as Chairwoman of the House Appropriations Committee, while Congresswoman Rosa DeLauro (D-CT) will be Ranking Member. Senator Patty Murray (D-WA) and Senator Susan Collins (R-ME) will serve as Chairwoman and Ranking Member. The House and Senate Appropriations Committee has jurisdiction over allocating all federal spending, managing changes in spending measures, and approving new federal investments. Each Subcommittee is responsible for drafting legislation allocating funds all government agencies, departments, and organizations within the federal government

### **Senators Form The Colorado River Caucus**

A bipartisan group of members of Congress have formed the Colorado River Caucus to address the issues of drought and water allocation from the River. The group initially began by Senator John Hickenlooper (D-CO) hosting informal meetings with Senators in the West to discuss the drought. The official caucus now includes Senators from all seven basin states, including California. Priorities for the caucus include finding financial solutions to mitigate drought, and working to ease tensions between Colorado River states and California.

### **House Transportation and Infrastructure Subcommittee on Water Resources and Environment**

The House Transportation and Infrastructure Subcommittee on Water Resources and Environment held a hearing on Wednesday, February 8<sup>th</sup>, titled “Stakeholder Perspectives on the Impacts of the Biden Administration’s Water of the United States (WOTUS) Rule”. Witnesses included Garrett Hawkins, President of the Missouri Farm Bureau, Alicia Huey, Chairman of the National Association of Home Builders, Susan Parker Bodine, Partner at Earth & Water Law LLC, and Dave Owen, Professor of Law and Faculty Director of Scholarly Publications at UC College of the Law, San Francisco. Witnesses and Members of Congress discussed the Clean Water Act and Waters of the United States (WOTUS) jurisdiction. Ranking Member Grace Napolitano expressed the importance of protecting Section 401 of the Clean Water Act, which gives states authorization power over certain licenses and permits. More information on this committee hearing can be found [here](#).

### **Members of Congress Begin to Announce Congressionally Directed Spending/Community Project Funding Deadlines**

Senators have begun announcing FY24 Congressionally Directed Spending Request deadlines. Senator Feinstein requires her requests to be submitted by **March 13, 2023 at 10:00pm EST**. More information can be found [here](#).

Senator Padilla’s deadline for requests is **March 3, 2023 by 9:00pm EST**. More information can be found [here](#).

The House has not yet established guidance for project or applicant eligibility for Community Project funding requests. On his website, Congressman Peters states he will post guidance and a request form once the Committee releases guidelines.

### **Senator Dianne Feinstein Announces Retirement From Congress**

On February 14<sup>th</sup>, Senator Dianne Feinstein announced she will be retiring from Congress at the end of 2024. As one of the first women elected to the Senate, and the longest serving woman in the history of the Senate, Feinstein leaves behind a historic legacy. In her 2012 election, Senator Feinstein received the more votes than any other Senate election in history, with a total of 7.8 million votes. Since her announcement, the Senator has received praise and recognition by many throughout Congress.

Politicians in California have wasted no time announcing their run for the seat. Representatives Katie Porter and Adam Schiff announced their bids for Senator before Feinstein announced her retirement. On February 21<sup>st</sup>, Representative Barbara Lee

announced her entered the race. California's jungle primary will allow two Democrats to proceed to the general election. This is expected to be one of the most competitive races of 2024.

## Federal Budget/Appropriations

### The President Set to Release Budget Proposal on March 9<sup>th</sup>

President Biden is set to release his Fiscal Year 2024 budget proposal on March 9<sup>th</sup>, kicking off the federal budget season. The President has been working with the National Economic Council and the Office of Management and Budget to draft his proposal. The President's budget will highlight many of his priorities for the new year, and is seen as a statement from the Administration on their policy goals.

Many are pressuring Speaker McCarthy to release his draft as well as a statement on Republican plans for the next budget. With a Republican-controlled House, many expect cuts to Medicare, Medicaid, and the Affordable Care Act (ACA), or cuts to education and certain avenues of research.

## Administration/Regulatory

### President Biden Gives State of the Union Address

President Joe Biden gave his second State of the Union address on Tuesday, February 7<sup>th</sup>. The President covered a variety of topics, including pushing for bipartisanship to fight the opioid epidemic and support for mental health care. Other highlights included a proposed assault weapon ban, abortion rights, and labor union protections. The President addressed the possibility of cuts to Medicare and Social Security, and promised to protect these programs from any Republican threats. Many Republicans, including Speaker Kevin McCarthy, verbally disavowed this idea, promising to protect these programs. Many saw this as a political move from the President to get the Republican party to publically make this statement, and limiting programs up for negotiation when discussing the debt limit.

## Funding Opportunities

### **Environmental Protection Agency**

The EPA announced its request for applications for \$57 million in funding for two new Brownfields technical assistance opportunities, provided through the Bipartisan Infrastructure Law (BIL). The grants will go specifically toward assessment and cleanup of Brownfield sites, one grant for technical assistance and research, the other will go toward communities. Award amounts range from \$500,000 - \$1 million for the first award, and up to \$5 million for the second. Applications are due February 14th, 2023. More information can be found [here](#).

The EPA announced project funding for environmental justice initiatives serving communities in need. The two Requests for Applications for this funding opportunity are through the Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Program and the Environmental Justice Government-to-Government (EJG2G) Program. Proposal packages are due April 10<sup>th</sup>, 2023. More information can be found [here](#).

### **Bureau of Reclamation**

The Bureau of Reclamation announced a funding opportunity for Title XVI Water Reclamation and Reuse projects, Desalination Construction projects, and Large-Scale Water Recycling projects. Eligible projects include planning, development, and design activities. Award amount ranges from \$100,000 - \$5 million. Applications are due February 28th, 2023. More information can be found [here](#).

### **Department of Energy**

The Department of Energy opened the application period for \$430 million in Energy Efficiency and Conservation Block Grant (EECBG) Program formula grant funding from the BIL for clean energy projects and programs in local communities. Applications will be accepted on a rolling basis, and DOE will prioritize its review based on the order in which applications are received. All applicants should fill out a Pre-Award Information Sheet by **April 28<sup>th</sup>**, and local government applications are due before **January 31, 2024**. More information can be found [here](#).



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# MEMORANDUM



## ITEM 4.

**DATE:** March 13, 2023  
**TO:** Government and Community Affairs Committee and Board of Directors  
**FROM:** General Manager  
**SUBJECT:** State Legislative Summaries and Positions

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### **RECOMMENDATION**

Approve staff recommendation for state legislative bill positions AB 297, AB 62, AB 422, SB 23, and SB 414, which are consistent with Upper District's 2023-24 Legislative Policy Principles adopted by the Board in January 2023.

### **State Bill Analysis**

#### **AB 297 (Fong): Wildfires: local assistance grant program: advance payments**

**Introduced:** 1/26/23; **Location:** Natural Resources

**Summary:** Existing law requires the Department of Forestry and Fire Protection (CalFIRE) to establish a local assistance grant program for fire prevention and home hardening education activities in the State. Eligible grant recipients include local agencies, resource conservation districts, fire safe councils, the California Conservation Corps, certified local conservation corps, University of California Cooperative Extension, Native American tribes, and qualified nonprofit organizations. Under existing law, the Director of CalFIRE may, until January 1, 2024, authorize advance payments from a grant program award, not to exceed 25% of the total grant award.

**Analysis:** This bill would extend the Director of CalFIRE's authority to authorize advance payments from a grant program award to January 1, 2034. The bill would have a local benefit to the Foothill communities in Upper District's service area who have been affected by wildfires.

**STAFF RECOMMENDATION:** Support

#### **AB 62 (Mathis): Statewide water storage: expansion**

**Introduced:** 12/05/22; **Location:** Water, Parks, and Wildlife

**Summary:** Existing law declares that the protection of the public interest in the development of the water resources of the state is of vital concern to the people of the state and that the state shall determine in what way the water of the state, both surface and underground, should be developed for the greatest public benefit.

**Analysis:** This bill would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3.7 million acre-feet by the year 2030 and a total of four million 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 also require the state board, beginning July 1, 2027, and on or before July 1 and every 2 years thereafter until January 1, 2043, to prepare and submit a report to the Legislature on the progress made in designing and implementing measures to achieve the statewide goal.

**STAFF RECOMMENDATION:** Support

**AB 422 (Alanis): Natural Resources Agency: statewide water storage: tracking**

**Introduced:** 2/02/23; **Location:** Water, Parks, and Wildlife

**Summary:** Existing law establishes the Natural Resources Agency (Agency), composed of departments, boards, conservancies, and commissions responsible for the restoration, protection, and management of the state's natural and cultural resources. Existing law establishes in the agency the Department of Water Resources (DWR), which manages and undertakes planning with regard to water resources in the state.

**Analysis:** This bill would require the Agency, on or before June 1, 2024, to post information tracking the progress to increase statewide water storage on its publicly available internet website and to keep that information updated. The author would like to hold the State accountable by requiring the Agency to create and publish a dashboard on its website to track the state's progress on expanding water supplies. Despite the recognition by the State for the need to expand water supplies, California has yet to build any major water storage facilities greater than one million acre feet since the 1970s.

**STAFF RECOMMENDATION:** Support

**SB 23 (Caballero): Water supply and flood risk reduction projects: expedited permitting**

**Introduced:** 12/05/22; **Location:** Natural Resources and Water

**Summary:** Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, except under specified conditions, including requiring the entity to send written notification to the Department of Fish and Wildlife regarding the activity in the manner prescribed by the department.

**Analysis:** Following three consecutive years of drought, the state is identifying opportunities to improve and streamline the regulatory permitting process to allow for critical infrastructure projects are built in preparation for continued climate change. At the beginning of the year, Governor Newsom highlighted the urgency for California to increase and modernize its water supply and expedite projects in order to adapt to more extreme weather patterns in the Governor's *Water Supply Strategy: Adapting to Hotter, Drier Future* and during the January 10<sup>th</sup> budget conference.

SB 23 would help address these regulatory inefficiencies by creating an expedited process whereby state agencies and project applicants collaborate to expedite and advance projects needed to protect communities and bolster water supplies in a balanced environmental process.

This bill would streamline the regulatory permitting of water supply and flood risk reduction projects in four ways:

1. Reform the process by which an application for a Section 401 Water Quality Certification is deemed complete;
2. Require the review and approval of Section 401 Water Quality Certifications and Lake and Streambed Alteration Agreements to be completed within 180 days of submittal of a complete permit application;

3. Avoid duplicative planning efforts by allowing certain watershed management plans that are already developed and implemented to be used for mitigation required through Section 401 Water Quality Certifications; and
4. Allow project applicants to voluntarily contribute resources to state permitting agencies in order to provide agencies with additional resources to meet the permitting deadlines established in the bill.

**STAFF RECOMMENDATION:** Support

**SB 414 (Allen): Drought-tolerant landscaping: local incentive programs: synthetic grass: artificial turf**  
**Introduced:** 2/09/23; **Location:** Governance and Finance

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

**Analysis:** This bill would prohibit a city, including a charter city, county, city and county, or special district, from issuing a rebate, voucher, or other financial incentive for the use of synthetic grass or artificial turf that contains contaminants, including zinc, plastic, or perfluoroalkyl and polyfluoroalkyl substances (PFAS).

**STAFF RECOMMENDATION:** Support