

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

**Monday, May 1, 2023
4:00 p.m.**

Committee Members:

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



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Monrovia, CA 91016

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

Oral Reports

5.

Other Matters

6.

Adjournment

Next Meeting: Monday, June 5, 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 at least 24 hours prior to meeting.



Upper San Gabriel Valley Municipal Water District

April 24, 2023

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

CONGRESS

House Natural Resources Subcommittee Holds Field Hearing on Legislative Priorities

On April 11th, 2023, the House Natural Resources Subcommittee on Water, Wildlife, and Fisheries held a legislative field hearing on H.R. 215 "WATER for California Act" and H.R. 872 "FISH Act". The field hearing was located at the World Ag Expo, in Tulare, CA. Congressman Valadao and Congressman Costa, although not members of the Natural Resources Committee, were granted permission to participate in the hearing. Subcommittee Chairman Cliff Bentz (OR-02) and Ranking Member Jared Huffman (CA-02) heard testimony from the following witnesses: Tony DeGroot from DG Bar Ranches, Aaron Fukuda from Tulare Irrigation District, Jason Phillips from Friant Water Authority, Jeff Sutton from Tehama-Colusa Canal Authority, Chris White from San Joaquin River Exchange Contractors Water Authority, and William Bourdeau from Westlands Water District.

Members of Congress discussed impacts of the drought in the Western United States, and the impact on agriculture. Members acknowledged challenges farmers face during drought conditions and a lacking water supply, which further reduces available produce, food, and the nation's economic development. Congressman Valadao highlighted that while the Central Valley encompasses less than 1% of farmland in the U.S., it produces 25% of the food in this country. Discussions also emphasized the dire need to make water supply more reliable and available by increasing water storage and the capacity of storage. Committee Chairman Bruce Westerman (AR-04) highlighted the need to update important infrastructure, such as dams and levees, and expressed frustration at the "bureaucratic blocks" from changing regulations that are causing halts and delays on projects.

Background:

H.R. 215 Working to Advance Tangible and Effective Reforms (WATER) for California Act

Congressman Valadao introduced this legislation in September of 2022, and is re-introducing it in the 118th Congress. Last congress it was cosponsored by the entire California Republican delegation.

The bill would:

- ✓ Require the central valley project and state water project operate under 2019 regulations, which allowed the projects to be independently peer-reviewed.
- ✓ Ensures CVP and SWP users receive the water they are allotted.
- ✓ Fund the Shasta Enlargement Project
- ✓ Reauthorizes elements of the WIIN act, including a surface water storage project program and CVP and SWP coordination.

H.R. 872 Federally Integrated Species Health (FISH) Act

Congressman Ken Calvert introduced this legislation on February 8th 2023. The bill has bipartisan support from five Republicans, Rep. Tom McClintock (CA-5), Rep. Michelle Steel (CA-45), Rep. Jay Obernolte (CA-23), Rep. Darrell Issa (CA-48), Rep. Doug LaMalfa (CA-1), and Rep. Michael Simpson (ID-2). Democratic member Jim Costa (CA-21) is also cosponsoring the bill.

This legislation would make the U.S. Fish and Wildlife Service the sole authority over endangered species regulation. Currently, the authority is shared with the National Marine Fisheries Service.

Natural Resources Subcommittee Holds Hearing on the 50th Anniversary of the Endangered Species Act

On April 18th, 2023, the House Natural Resources Subcommittee on Water, Wildlife, and Fisheries held a hearing to discuss the 50th anniversary of the Endangered Species Act becoming law, and to consider multiple pieces of legislation, including H.J. Res. 29, H.J. Res. 46, H.J. Res. 49 and H.R. 1213.

Subcommittee Chairman Cliff Bentz (OR-02) and Ranking Member Jared Huffman (CA-02) divided the hearing into multiple panels to review the legislation. They heard testimony

from over 10 witnesses, some of which included Mr. Stephen Guertin from the U.S. Fish and Wildlife Service, Mr. Rick Horton from the Minnesota Forest Industries, Mr. Fred Flippance from the Oregon Rural Electric Cooperative Association, and Mr. Sam Rauch from the National Marine Fisheries Service.

Members of congress discussed the Endangered Species Act and associated regulations, and the impact the act has had on those in rural locations. How to protect species of animals that are endangered or recovering from endangered status, and the conflicting regulations that cause delays and burdens for many. Members on both sides of the aisle agreed for the need to protect endangered species while ensuring land is available for use as needed for the well-being for our country.

Chairman Bentz highlighted the billions of dollars spent to recover even one species of animals, and the need to find a regulatory solution that is more fiscally responsible. He shared that his resolution would rescind the Biden administration rule and leave the management plans established by the U.S. Forest Service or the Bureau of Land Management.

Ranking Member Huffman discussed legislation put forward to keep certain species on the Endangered Species Act, and the need to keep current regulations. Rep. Huffman believes the Chairman's legislation would go too far to narrow the definition of endangered species, make regulations unclear, and threaten the existence of certain animals without habitat protection.

Background:

H.J. Res. 29, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the United States Fish and Wildlife Service relating to "Endangered and Threatened Wildlife and Plants; Lesser Prairie-Chicken; Threatened Status With Section 4(d) Rule for the Northern Distinct Population Segment and Endangered Status for the Southern Distinct Population Segment"

This legislation was introduced by Rep. Tracey Mann (KS-01). This joint resolution nullifies the final rule issued by the U.S. Fish and Wildlife Service that adds the Northern Distinct Population Segment of lesser prairie-chicken to the list of threatened species and the Southern District Population Segment of lesser prairie-chicken to the list of endangered species.

H.J. Res. 46, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Marine Fisheries Service relating to "Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat"

This legislation was introduced by Subcommittee Chairman Cliff Bentz. This legislation would nullify regulations put in place by the Biden Administration regarding determinations for endangered species, and would default back to the rules under the Trump Administration.

H.J. Res. 49, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the United States Fish and Wildlife Service relating to "Endangered and Threatened Wildlife and Plants; Endangered Species Status for Northern Long-Eared Bat"

This legislation was introduced by Rep. Pete Stauber (MN-08). This joint resolution nullifies the final rule issued by the U.S. Fish and Wildlife Service that adds the Northern Long-Eared Bat Segment to the list of endangered species.

H.R. 1213 (Rep. Grijalva), "Restoring Effective Science-based Conservation Under Environmental laws protecting Whales Act of 2023" or the "RESCUE Whales Act of 2023".

This legislation was introduced by Congressman Raul Grijalva (AZ-07). H.R. 1213 would repeal language passed in the FY23 omnibus that poses a threat to the North Atlantic right whale by allowing "lethal entanglement" materials to be used as fishing gear.

Congress Votes to Override President Biden's Veto of WOTUS Jurisdiction Legislation

On Tuesday, April 18th, 2023, the House of Representatives voted to override the President's veto of H.J.Res 27, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States'".

Although the legislation initially passed in both the House and the Senate with a simple majority, both chambers of Congress would need $\frac{2}{3}$ majority, also known as a super majority, to override the veto. This measure failed with a vote of 227-196.

Background:

H.J.Res 27, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States'".

This legislation was introduced by Rep. Sam Graves (MO-6) on February 2, 2023, and received 170 Republican cosponsors. Eight cosponsors are from California, and include Rep. Tom McClintock (CA-5), Rep. David G. Valadao (CA-22), Rep. Doug LaMalfa (CA-1), Rep. Mike Garcia (CA-27), Rep. Darrell Issa (CA-48), Rep. Kevin Kiley (CA-3), Rep. John Duarte (CA-13), Rep. Ken Calvert (CA-41).

H.J.Res 27 nullifies the rule published by the U.S. Army Corps of Engineers and the Environmental Protection Agency, submitted on January 18, 2023, and took effect on March 20, 2023. However, due to ongoing litigation at the Supreme Court of the United States (SCOTUS), the new implementation has been paused, and agencies are interpreting the rule consistent with pre-2015 regulatory standing.

The rule published by the Army Corps and EPA broadened the definition of "navigable waters" to include protections of waters that flow intermittently, while the joint resolution would return the regulations to include a narrower definition.

On March 9th, 2023, the resolution passed the Senate in a 53-43 vote. The bill received bipartisan support in both the House and the Senate. President Biden vetoed the measure on April 18th, expressing concerns over the impact a narrower rule will have on farmers and agricultural workers across the country. The President's statement released in conjunction with the veto stated that nullifying the rule passed would reduce clarity and remove "regulatory certainty".

House Republicans Introduce a Bill to Raise the Debt Ceiling

On April 19th, 2023, Speaker of the House Kevin McCarthy introduced legislation to raise the debt ceiling, a proposal that will cut federal spending and repeal many of the Administration's priorities. While this bill is the first concrete action to be taken in addressing the debt limit, there are many negotiations, and likely changes to the bill, that will need to take place before both chambers of Congress and the President agree to a solution. McCarthy is bringing this bill to a vote as early as next week. With the Republican's slim majority in the House, the Speaker can't afford to lose more than four votes from his party.

Speaker McCarthy's debt limit bill includes many provisions to decrease federal spending and make cuts to certain federal programs. The plan would ultimately either suspend the debt limit until March 31, 2024, or raise the debt ceiling by \$1.5 trillion. It reduces federal spending by \$130 billion, but does not specify agencies and departments that would be cut, leaving these determinations to the congressional appropriations process. The bill does, however, cap any increase to agency budgets at 1%.

The plan changes work requirements for adults without children to receive Supplemental Nutrition Assistance Program (SNAP) benefits, increases work requirements for those receiving Medicaid, with exceptions for pregnant women or those with children, and blocks the President's plan to cancel student debt. The proposal would also cut certain provisions from the Inflation Reduction Act by repealing funds dedicated to the IRS and tax credits for energy programs and electric vehicles. The bill would also take back any unspent funding provided from previous coronavirus aid packages.

Lastly, it would include H.R. 277, the Regulations From the Executive in Need of Scrutiny (REINS) Act introduced by Rep. Kat Cammack (FL-3). This bill would amend and broaden the Congressional Review Act, mandating congressional approval of major agency regulations before they are implemented.

Administration/Regulatory

U.S. Bureau of Reclamation Releases Draft Supplemental Environmental Impact Statement (SEIS)

On Tuesday, April 11th, 2023, the Bureau of Reclamation (USBR) released a draft SEIS to address water shortages in the Colorado River. The guideline will amend the current operational strategy of Glen Canyon and Hoover Dams. The draft proposes a framework for alternatives to current operational levels, namely, revising the 2007 Record of Decision for Colorado River Guidelines, which provided a framework for the operation of Lake Powell and Lake Mead.

The public comment period is open for 45 days, ending on May 30th, with a final Record of Decision predicted in the summer of 2023. Plans are estimated to go into effect in 2024.

A summary of alternatives is as follows:

1. No Action Alternative: No changes are made to current operations. An assessment is provided regarding consequences of no action taken.
2. Action Alternative 1: Reduction in releases from Glen Canyon Dam, with larger additional shortages, and an analysis of the consequences and the priority of water rights.
3. Action Alternative 2: Reduction in releases from Glen Canyon Dam, and Lower Colorado River Basin reductions distributed evenly across basin states, with larger additional shortages.

EPA Seeks Comment on Regulating Additional PFAS Chains Under CERCLA

On April 13, EPA issues an Advanced Notice of Proposed Rulemaking (ANPRM) requesting comment on the potential for additional PFAS Chains to be designation the potential for additional PFAS Chains to be designated as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as the "Superfund" law. The request for public input on this consideration, follows EPA's fall 2022 proposed rule to designate PFOA and PFOS as hazardous substances under CERCLA.

Under this ANPRM, EPA is considering proposing seven additional chains under CERCLA: PFBS, PFHxS, PFNS, HFPO-DA (GenX), PFBA, PFHxA, PFDA. Additionally, EPA is seeking comment on the designation of the precursors to PFOA, PFOS, and the seven chains above, as well as categories of PFAS as hazardous substances under CERCLA.

Comments are due by June 12, 2023.

Funding Opportunities

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 28th, and local government applications are due before **January 31, 2024**. More information can be found [here](#).

Bureau of Reclamation

The status of WaterSMART program funding opportunities can be found [here](#). Many opportunities are predicted to open in May and June of 2023.



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April 25, 2023

TO: Government Affairs and Community Outreach Committee, Upper San Gabriel
Valley Municipal Water District
FROM: Steve Baker
SUBJECT: May 1, 2023 Legislative Update

Budget Update

In January the Governor unveiled his 2023-24 budget that forecasted a \$24 billion revenue shortfall. Since then, the Legislative Analyst is projecting an additional \$5 billion revenue problem. Nevertheless the Governor's budget includes a variety of water proposals to fund flood control, dam safety, and clean drinking water. The Governor will release the much anticipated May Revise sometime prior to May 15th. We will monitor the May Revise and keep you updated on developments. We are hearing rumors that a part of the May Revise will include a renewed call for a resources bond to go on the 2024 ballot to fund a variety of natural resources proposals including water projects. In addition, we have been working with a coalition formed by Metropolitan Water District of Southern California to request \$50 million in state funding to address a variety of regional water shortage issues in the Metropolitan service territory.

Bills of Interest

Friday, April 28th was the policy committee deadline whereby all legislation had to pass out of the policy committee in its house of origin. Prior to the deadline Upper District had taken positions on dozens of individual bills. We have been busy communicating Upper District's position to authors, committees, and impacted Legislators. The following are a few highlights of some of those bills.

Bond

As mentioned in the budget update, the Governor has opened the door for a negotiation over a resources bond. There are numerous bills that have been introduced to provide the Legislature's priorities for bond funding. Those include:

AB 1567 (Garcia, D-Coachella Valley). This bill would provide a general obligation bond to go before the voters in March 2024 that would authorize \$4.1 billion for clean drinking water, flood protection, drought preparation, and wildfire prevention. The bill is pending in the Assembly Natural Resources Committee. Upper District is watching the measure.

AB 305 (Villapudua, D-Stockton). The bill would provide a general obligation bond of \$4.5 billion to go on the November 2024 ballot to fund flood protection projects. The bill is pending in the Assembly Appropriations Committee. Upper District is watching the measure.

SB 1638 (Eggman, D-Stockton). The bill would provide a general obligation bond to go before the voters on the November 2024 ballot that would authorize \$6 billion for climate resiliency and flood protection. The bill is pending in the Assembly Appropriations Committee. Upper District is watching the measure.

SB 867 (Allen, D-Santa Monica). The bill would provide \$15.5 billion general obligation bond to go before the voters in the November 2024 ballot to fund drought, flood and water resilience, and a variety of other natural resource related projects. The bill passed out of the Senate Natural Resources and Water Committee, and is pending in the Senate Governance and Finance Committee. Upper District is watching the measure.

Over the coming months the Legislators and interest groups will negotiate with the Administration and determine whether and what size a bond might go on a future ballot. We will monitor developments and keep you posted.

Water Rights

Last fall, the Shasta River Water Association illegally diverted water from the Shasta River for several weeks. The California State Water Resources Control Board issued a curtailment order but the Association continued pumping, at some point the pumping reduced the flow by half. Ultimately the Water Board issued a fine that amounted to \$50 per farmer for the diversion. Reports by Berkeley Law and the Planning and Conservation League have called for reforming the water rights process. As a result of these issues, there are numerous bills introduced that seek to enhance the Water Board's authority for dealing with curtailments and addressing water rights. Upper District is part of a broad coalition that opposes the bills because they deny senior water right holders due process and provide the Water Board overly broad authority.

AB 460 (Bauer-Kahan, D-Orinda). This bill grants the State Water Resources Control Board authority to issue interim relief orders to enforce the Reasonable Use Doctrine, Public Trust Doctrine, water rights and other provisions of water law. The bill increases penalties for violations from \$500 per day to \$10,000 per day, and \$2,500 per acre foot of water illegally diverted. The bill has passed the Assembly Water, Parks and Wildlife Committee and the Assembly Judiciary Committee, and it is pending in the Assembly Appropriations Committee. Upper District is opposed.

AB 1337 (Wicks, D-Oakland). This bill would expand the instances when the diversion or use of water is considered a trespass punishable as a crime. The bill is passed the Assembly Judiciary Committee and is pending in the Assembly Appropriations Committee. Upper District is opposed.

SB 361 (Dodd, D-Napa). This bill would require the Department of Water Resources to install, upgrade or reactivate stream gages in California waterways to determine how much water is being moved throughout the state. Water data is necessary to determine appropriate water rights. The bill has passed the Senate Natural Resources Committee and is pending in the Senate Appropriations Committee. Upper District is watching the measure.

SB 389 (Allen, D-Santa Monica). The bill would authorize the Water Board to investigate the diversion and use of water from water right holders to determine whether the diversion is based on appropriate water rights. This bill passed the Senate Natural Resources and Water Committee, and is pending in the Senate Appropriations Committee. Upper District is opposed.

Turf Related Issues

AB 1572 (Friedman, D-Glendale). This bill would direct state agencies to encourage and support the elimination of irrigation of non-functional turf with potable water. Upper District is concerned with the variance in definition of the facilities where non-functional turf would be prohibited. The bill has passed the Assembly Water, Parks and Wildlife Committee, and is pending in the Assembly Appropriations Committee. Upper District's position is Oppose Unless Amended.

AB 1423 (Schiavo, D-San Fernando Valley). The bill would ban the use of PFAS in the manufacture of artificial turf. This bill has passed the Assembly Committee on Toxic Substances and is pending in the Assembly Appropriations Committee. Upper District is watching this measure.

Water Planning

AB 62 (Mathis, R-Porterville). This bill would establish a statewide goal to increase above- and below-ground water storage capacity by 3.7 million acre feet by 2030. The bill passed the Assembly Water, Parks and Wildlife Committee and is pending in the Assembly Appropriations Committee. Upper District is in support.

SB 23 (Caballero, D-Merced). The bill seeks to streamline the permitting process for water supply and flood risk projects. The bill has passed the Senate Natural Resources and Water Committee, as well as the Senate Environmental Quality Committee, and is pending in the Senate Appropriations Committee. Upper District is in support.

SB 366 (Caballero, D-Merced) The bill requires the Department of Water Resources to establish a stakeholder advisory committee to expand to include tribes and environmental justice interests to develop a comprehensive plan for addressing the state's water needs and meeting specified water supply targets established by the bill for the purposes of the California Water Plan. The bill passed the Senate Natural Resources and Water Committee and is pending in the Senate Appropriations Committee. Upper District is in support.

SB:bb
2.045.23

MEMORANDUM



ITEM 4.

DATE: April 26, 2023
TO: Government and Community Affairs Committee and Board of Directors
FROM: General Manager
SUBJECT: State Legislative Summaries and Positions

RECOMMENDATION

Approve staff recommendation for state legislative bill positions AB 557, AB 676, AB 1573, SB 366, and SB 687 which are consistent with Upper District's 2023-24 Legislative Policy Principles adopted by the Board in January 2023.

State Bill Analysis

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

Introduced: 2/8/2023; **Location:** Asm. Local Government

Summary: Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, as specified.

Analysis: This bill would eliminate the January 1, 2024 sunset on the provisions of the Brown Act that provide flexibility for local agencies looking to meet remotely during an emergency, while still maintaining public access and transparency. The bill would make a change to the timeframe for the renewal resolutions required under the previous AB 361 framework. Currently, the terms of AB 361 require that an agency looking to rely on its provisions beyond 30 days must pass a resolution recognizing that the state of emergency that prompted the transition to remote meetings remains active, and that conditions persist that prevent the agency from holding meetings safely in-person. This bill would change it to 45 days, providing agencies with an additional two weeks and accommodating those agencies that meet monthly on a fixed date that may occasionally fall outside of the original 30-days window provided by AB 361. The bill is sponsored by California Special Districts (CSDA), and supported by League of California Cities, and California State Association of Counties.

STAFF RECOMMENDATION: Support

AB 676 (Bennett): Water: general state policy

Introduced: 2/13/2023; **Location:** Asm. 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.

Existing law establishes that it is the 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. Existing law establishes that it is the policy of the State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation.

Analysis: This bill would seek to amend Water Code Section 106, a foundational code for California’s water rights system. The code section provides a clear policy directive that the highest use of water in California is for domestic purposes and that the next highest use of water is for irrigation. The author seeks to further define “domestic use” and narrow the scope of “highest use” of water. Currently, domestic use is defined to include water in homes, resorts, motels, organization camps, campgrounds, and incidental watering of domestic stock, lawns, ornamental shrubbery, and gardens. The bill would narrow the definition of “domestic use” to mean the sustenance of human beings and household conveniences; the care of household livestock and animals; care of household gardens and deliveries of water by community water systems, public, municipal and other water agencies.

STAFF RECOMMENDATION: Oppose

AB 1573 (Friedman): Water conservation: landscape plants: nonfunctional turf

Introduced: 2/17/2023; **Location:** Assembly Appropriations

Summary: The Water Conservation in Landscaping Act provides for a model water efficient landscape ordinance (MWELo) that is adopted and updated at least every three years by the Department of Water Resources (DWR). Existing 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. Existing law specifies the provisions of the updated model ordinance, as provided. Existing law includes a related statement of legislative findings and declarations.

Analysis: 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 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 new MWELo update to require the following:

- That all new or renovated nonresidential areas install plants in the plant area that, taken together, have an average Water Use Classification of Landscape Species (WUCOLS) plant factor of 0.3 and require that not less than 75 percent of those plants be local natives, excluding edible gardens and areas using recycled water; and,
- Prohibit the inclusion of nonfunctional turf in nonresidential landscape projects after January 1, 2026.

This bill creates many new requirements for MWELo that are very restrictive and may be difficult to successfully implement. Currently, there are different definitions for nonfunctional turf that need to be clearly defined. Second, MWELo currently requires a plant factor of 0.55 for residential areas and 0.45 for nonresidential. AB 1573 would reduce this standard even further making this requirement more restrictive and difficult for homeowners to achieve. Third, the bill would require that at least 75 percent of all plants installed in new or renovated nonresidential areas be local native plants. This ambitious goal may be difficult to achieve due to cost and availability of plant selections. Requested amendments would be to keep existing MWELo standards, adopt a consistent definition for non-functional turf and eliminate or reduce the 75 percent requirement for local native plants.

STAFF RECOMMENDATION: Oppose Unless Amended

SB 366 (Caballero): The California Water Plan: long term supply targets

Introduced: 2/08/2023; **Amended:** 3/22/2023 **Location:** Senate Appropriations

Summary: Existing law requires the Department of Water Resources to update every 5 years the California Water Plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state. Existing law requires the department to include a discussion of various strategies in the plan update 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. Existing law requires the department to establish an advisory committee to assist the department in updating the plan.

Analysis: The author seeks to transform water management and work toward a sustainable water future and address the perpetual water supply challenges that negatively impact the state. The bill would establish long-term water supply targets for the State to achieve, require a cost analysis and financing plan to meet the goals of the plan, and establish an advisory committee to achieve these targets in consultation with local water agencies and wastewater service providers among others. The bill also requires DWR to provide an oral and written report to the Legislature, each year, regarding the progress made towards meeting the water supply targets. SB 366 would compliment and amplify Governor Newsom's Water Supply Strategy and is sponsored by the CA Water for All coalition.

STAFF RECOMMENDATION: Support

SB 687 (Eggman): Water Quality Control Plan: Delta Conveyance Project

Introduced: 2/16/2023; **Amended:** 4/12/2023 **Location:** Senate Appropriations

Summary: Existing law requires the state board to formulate and adopt state policy for water quality control. Existing law authorizes the state board to adopt water quality control plans for waters that require water quality standards pursuant to the Federal Water Pollution Control Act, and provides that those plans supersede any regional water quality control plans for the same waters to the extent of any conflict.

Analysis: SB 687 would require the State Water Board to adopt a final update of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary WQCP (Bay-Delta Plan or Plan) before the State Water Board could consider a change in point diversion or any other water rights permit or order associated with the Delta Conveyance Project. SB 687 would also prohibit the operation of the Delta Conveyance Project until the updated Bay-Delta Plan is fully implemented. As proposed, the bill would likely create challenges and delays for a conveyance solution. It would also make the Delta Conveyance Project timeline reliant on both the finalization and implementation of the Bay-Delta Plan.

STAFF RECOMMENDATION: Oppose