



HR 23 (Valadao)

Gaining Responsibility on

Water Act of 2017

Communications and Legislation Committee

Item 8-9

August 14, 2017

# Overview of HR 23

- Bill intends to implement drought and water supply improvements throughout Western U.S.
- Significant policy implications for State Water Project (SWP) and Central Valley Project (CVP)
- Several HR 23 provisions offer potentially beneficial water supply improvements
- Several HR 23 provisions are inconsistent with MWD adopted priorities for drought legislation

# MWD Adopted Drought Policy

- 2015/16 and 2017/18 MWD Federal Legislative Priorities and Principles:
  - “Support administrative actions to respond to drought, including funding for immediate water supply improvements, while maintaining environmental protections”
  - “Reflect broad, bipartisan support”
  - “Work within the federal and state Endangered Species Acts to increase operational flexibility while maintaining protections for listed species”

# Consistent with Board Policy

- Potentially beneficial provisions of HR 23
  - Title II – Feasibility studies for CALFED storage projects
  - Title IV, Sec. 408 – Extends sunset of WIIN Act program to protect native anadromous fish in Stanislaus River
  - Title V – Provisions promote streamlined permitting for surface storage projects
  - Title VI – Streamline review of Reclamation projects

# Inconsistent with Board Policy

- Title I

- Section 108 (a)

- Requires CVP and SWP be operated to 1994 Bay-Delta Accord water quality criteria
- Precludes federal ESA and preempts any state requirements inconsistent with 1994 Accord criteria

- Section 108 (b)

- Preempts state authority to restrict water rights in order to conserve, enhance, recover or protect species

# Board Options

- Option #1

- Adopt the CEQA determination that the proposed action is not defined as a project and is not subject to CEQA, and authorize the General Manager to oppose HR 23, unless amended

- Option #2

- Take no action

# Recommendation

- Option #1

