



● **Board of Directors**
Communications and Legislation Committee

12/12/2017 Board Meeting

8-6

Subject

Adopt CEQA determination and adopt Federal Legislative Priorities and Principles for 2018

Executive Summary

This board letter outlines the federal 2018 legislative priorities and principles recommended by staff for the Board's consideration and adoption.

Details

After consulting with Metropolitan member agency legislative coordinators in October 2017, and member agency managers in November 2017, staff submits the following federal legislative priorities and principles for the Board's consideration and approval. Metropolitan's top federal priorities for 2018 have been included in anticipation of legislation in key policy areas during the second year of the 2017/18 session.

The federal principles for the 2017/18 session support Metropolitan's mission and incorporate its overall water supply reliability and water quality objectives. By adopting these principles, the Board sets the policy direction for staff to direct resources both legislatively and administratively.

Metropolitan's Top Federal Priorities for 2018

- Ensure Drought Contingency Plan for Colorado River is structured to protect California water rights and interests.
- Maintain funding for water science and data collection including stream gauge, water quality, salinity control, source protection and ecosystem research.
- Secure funding/financing for water infrastructure, efficiency and restoration projects and seek to exempt infrastructure from the definition of "earmark."
- Support administrative/legislative actions to consolidate review and oversight of anadromous species protection under the Department of the Interior rather than Commerce to eliminate duplication and increase efficiencies.

Federal Principles

Bay-Delta and State Water Project Improvements

- Support administrative/legislative action and federal funding to keep the California WaterFix on schedule to advance conveyance and ecosystem improvements to help achieve the coequal goals of water supply reliability and Delta ecosystem restoration.
- Support administrative/legislative action and funding to advance emergency response, near-term Delta improvements and expenditures to support fish monitoring activities in the Delta consistent with the coequal goals, California EcoRestore, and the California Water Action Plan.
- Support administrative/legislative action and funding to add surface and ground water storage statewide.

Colorado River Initiatives

- Support federal funding appropriations and coordination among states for continued implementation of the Lower Colorado River Multi-Species Conservation Program.
- Support federal funding for Colorado River System water conservation projects to offset the effects of extended drought conditions.
- Promote continued federal funding and coordination between states for the Colorado River Basin Salinity Control Program under the departments of Agriculture and Interior.
- Protect and preserve Metropolitan's interest in binational water conservation programs.

Federal Drought Related Legislation

- Support administrative/legislative actions to respond to drought, including funding for immediate water supply improvements, while maintaining environmental protections.
- Reflect broad, bipartisan agreement.
- Provide funding and regulatory assistance for regions affected by the drought for both immediate and long-term water projects that aid in the development, storage, treatment and delivery of water.
- Provide funding and regulatory incentives for conservation, water use efficiency measures, recycled water, and groundwater recovery.
- Protect SWP and local water supplies and ensure SWP and local water supply reliability.
- Support funding and administrative or legislative efforts to increase drought resiliency on the Colorado River and Bay Delta Systems.
- Work within the current federal and state Endangered Species Acts to increase operational flexibility while maintaining protections for listed species.
- Provide direction and funding to improve information about listed fish and wildlife species and water project operations in the Delta, including data collection, scientific understanding, and real-time monitoring of listed Delta species.
- Encourage use of the most current scientific data and analysis to provide enhanced flexibility for water project operations.

Regional Water Resource Management

- Continue to support and promote integrated water resources portfolio planning.
- Support administrative/legislative action to promote the development of recycled water (including potable reuse), groundwater, stormwater, and desalination projects as water resources, without compromising the operational, financial, water quality, regulatory and customer interests of Metropolitan and other water and wastewater agencies.
- Support using water wisely in both urban and agricultural settings and ensure equitable implementation among urban and agricultural uses.

Watershed Management

- Support legislation, regulatory proposals and partnership-based programs that provide for the development and/or public funding of watershed management plans in Southern California, the Bay-Delta and Colorado River watersheds that provide broad public benefits, including water quality, water supply reliability and environmental improvements. Funding of watershed management programs should be based on the "beneficiaries pay" principle.

Water Quality

- Support administrative/legislative action to provide for the continued transport, delivery, storage, and use of chlorine gas for disinfection. Support authorizing U.S. Environmental Protection Agency (EPA) oversight of water system security through updated vulnerability assessments and site security plans.
- Support administrative/legislative action and funding that protects public health, utilizes science, and reflects appropriate benefit/cost analyses and implementation schedules to protect and improve water quality from unacceptable risks from various constituents. Potential constituents include, but are not limited to, arsenic, chromium 6, cyanotoxins, disinfection byproducts, lead, nitrate, perchlorate, perfluorinated compounds, pharmaceuticals/personal care products, 1,2,3-trichloropropane, and uranium.
- Support administrative/legislative actions that are protective of source water quality, utilize current science and incorporate benefit/cost analyses to reduce salt and nutrient loading to source waters.
- Support administrative/legislative efforts to amend the federal Safe Drinking Water Act and that utilize science, incorporate benefit/cost analysis, and provide adequate resources for treatment and mitigation measures.

Environmental Planning and Environmental Compliance

- Support administrative/legislative actions to improve clarity and workability of federal environmental statutes and regulations, and eliminate duplicative state or federal processes.
- Support administrative/legislative actions for environmental compliance (e.g., air, water, hazardous materials and waste) that provide for regulatory compliance flexibility, promote consistency and reduce regulatory duplication.
- Protect Metropolitan's interests in administrative/legislative actions to ensure Metropolitan's ability to reliably operate and maintain its facilities, infrastructure and real estate assets, including rights of way necessary to access Metropolitan's facilities. These actions include, but are not limited to, land conservation measures, such as the California Desert Protection Act, and EPA's rules for "Waters of the United States" and water transfers.
- Support administrative/legislative actions to consolidate review and oversight of anadromous species protection under the Department of the Interior rather than Commerce to eliminate duplication and increase efficiencies.
- Support administrative/legislative actions and funding for control and mitigation of invasive species, including, but not limited to, quagga mussels and striped bass.
- Support administrative/legislative actions pertaining to invasive species that are consistent with, and in no way interfere with, existing interstate water transfers.

Energy Sustainability

- Support efforts to ensure power costs to the State Water Project and Metropolitan are appropriate and proportional to the benefits received and that operations of the Colorado River Aqueduct are not adversely impacted.
- Support efforts to improve federal hydropower relicensing for existing facilities, including SWP resources.

- Work to ensure that administrative/legislative efforts seeking to enhance or expand hydropower at existing dams do not adversely impact those dams, either financially or operationally, or entities with rights to the power from the existing resources.
- Support legislation that defines hydropower generation as renewable energy irrespective of a facility's nameplate generating capacity, and includes the provision of renewable energy credits for hydroelectric generation.
- Support legislation that removes barriers to and encourages energy sector investments in water conservation and energy management programs.

Cybersecurity

- Support associations and coalition efforts to develop standard guidance and best management practices for consistent and ongoing actions to reduce cyber vulnerabilities in process control systems for major water system providers.

Infrastructure and Public Finance

- Support measures to reduce the cost of financing water infrastructure planning and construction, such as tax-credit financing, tax-exempt municipal bonds, an expanded EPA Water Infrastructure Finance Innovation Act (WIFIA), Water Resources Development Act (WRDA) or similar financing mechanism that funds water supply infrastructure, including dams, water conduits, pipelines, canals, pumping, power and associated facilities, the Environmental Infrastructure Accounts and other funding mechanisms.
- Support legislative/administrative actions that promote stormwater as a beneficial resource and facilitate the funding and permitting of stormwater capture projects to augment local and regional water supplies without compromising the operational, financial, regulatory, and customer interests of local and regional water agencies.
- Support tax exemptions for water conservation or efficiency incentives for measures including, but not limited to, turf removal, local stormwater capture (e.g., rain barrels, cisterns), and other measures to reduce consumption of water or enhance the absorption and infiltration capacity of the landscape.
- Support "beneficiaries pay" approach as financing mechanism for statewide projects and programs.

Federal Appropriations Priorities

Metropolitan supports funding for the following measures:

- Bay-Delta planning and implementation funding for near-term projects, including near-term and emergency response projects.
- Farm Bill/U.S. Department of Agriculture programs to support habitat projects in the Delta and agricultural water-use efficiency and source water protection projects in the Delta or in the Colorado River Basin.
- Colorado River Basin Salinity Control Program.
- Colorado River drought resiliency projects.
- Moab Uranium Mill Tailings Remedial Action (UMTRA) Project.
- Water quality protection initiatives (e.g., chromium 6, nitrate, perchlorate, salinity, uranium, cyanotoxins, and constituents of emerging concern).
- Biological controls, mitigation management, or control of invasive species.
- Solar retrofits and other renewable energy and conservation projects.

- Water conservation and water use efficiency programs such as the EPA WaterSense program, and other water resource projects.
- Desalination and salinity management research, including funding for the Brackish Groundwater National Desalination Research Facility through the Water Desalination Act of 1996.
- Lower Colorado River Multi-Species Conservation Program.
- Bureau of Reclamation Title XVI and WaterSMART programs, and EPA WIFIA program.
- Climate change adaptation and mitigation research, including support for authorizing legislation to provide EPA grant funding for programs such as the Water Research Foundation to conduct research enabling water agencies to adapt to hydrologic changes.
- Water Resources Development Act-based Environmental Infrastructure Account.
- Federal authorization and appropriation of funds to implement the Salton Sea restoration solutions in partnership with state and local entities.
- Support appropriations for funding the research and development of innovation programs in the water sector.

Policy

Supports Metropolitan's mission and incorporates its overall water quality and supply reliability objectives.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not defined as a project and is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

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

Adopt the Federal Legislative Priorities and Principles for 2018.

Fiscal Impact: None.

Business Analysis: Adoption of these legislative priorities and principles will support staff's ability to timely address concerns related to federal legislation in 2018.

Option #2

Take no action.

Fiscal Impact: None.

Business Analysis: Absence of these legislative priorities and principles could hinder staff's ability to timely address concerns related to federal legislation in 2018.

Staff Recommendation

Option #1



Dee Zinke
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11/29/2017

Date



Jeffrey Kightlinger
General Manager

12/7/2017

Date

Ref# ea12660716