

WATER BRIEFINGS

STATE LEGISLATION

A publication from the Northern California Water Association

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NCWA's legislative agenda for 2020 was focused on advancing the Sacramento River Basin's [priorities](#) by securing resources and developing sound policy consistent with the region's solutions-oriented approach to issues. The 2019-2020 state legislative session concluded on August 31 and the deadline for the Governor to sign measures enrolled by the Legislature was September 30.

The COVID-19 pandemic dramatically reshaped all aspects of the Legislature's work in 2020, including the state budget, the policy bill process, and the day-to-day business practices of legislators, staff, and lobbyists. Policy bills not directly related to COVID-19 response and associated public health and economic impacts were significantly reduced in number; for example, of the more than 70 policy bills that NCWA actively tracked over the course of this year, only four bills were ultimately presented to the Governor for his signature.

Nevertheless, as detailed below, the Legislature took significant action on number of NCWA priority issues, including through the appropriation of over \$130 million in state bond funds for multi-benefit flood

control projects in the Sacramento Valley and other policy and funding elements included in the 2020-2021 state budget. Additionally, many policy proposals that were not successful in 2020 will likely be re-introduced when the Legislature reconvenes next year.

As we move into 2021, NCWA will continue to work to promote the interests of the Sacramento River Basin by finding alignment and common ground whenever possible between North State water suppliers' priorities, the efforts and initiatives of the Newsom Administration, and the interests of legislators from across the state.

[Water Rights](#)

- **NCWA secured key amendments to a Newsom Administration budget trailer bill related to section 401 water quality certifications.** In May, the Administration released a budget trailer bill with the potential to significantly affect the process and terms of Clean Water Act section 401 certifications issued by the State Water Board, including in FERC relicensing proceedings. NCWA engaged the Administration and SWRCB directly and negotiated amendments which limited the expansion of the scope of the SWRCB's 401 certification authority and ensure due process in any subsequent reopening of a 401 certification. The final negotiated language was included in the 2020-2021 state budget.

[Water Management](#)

- **NCWA supported dedicated water rights permitting staff for Water Storage Investment Program projects, including the Sites Project.** Budget reimbursement authority included in the state budget will support staffing in the State Water Board's Division of Water Rights to help expedite the water rights permitting

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process for WSIP projects. By funding staff that are specifically focused on WSIP projects through this reimbursement arrangement, permitting for these projects will be expedited without impacts to the water rights fund or water rights fee payers. The authorization was included in the 2020-2021 state budget.

- **NCWA opposed AB 6 (Reyes)**, an end-of-session “gut-and-amend” bill that would have codified authority for the Attorney General to bring an independent civil action for penalties under the Fish and Game Code for harmful discharges to waters of the state. A coalition of water, agriculture, and business groups opposed this bill, which was ultimately held in the Senate Budget and Fiscal Review Committee.
- **NCWA sponsored SB 1171 (Nielsen)**, which would have authorized Reclamation Districts to form improvement districts in a manner similar to other local agencies. SB 1171 was ultimately held due to COVID bill load reductions.
- **NCWA sponsored provisions in SB 1473 (Senate Governance & Finance)** extending Reclamation District 108’s statutory hydropower authorization until 2026. SB 1473 was approved by the Legislature and signed by Governor Newsom.

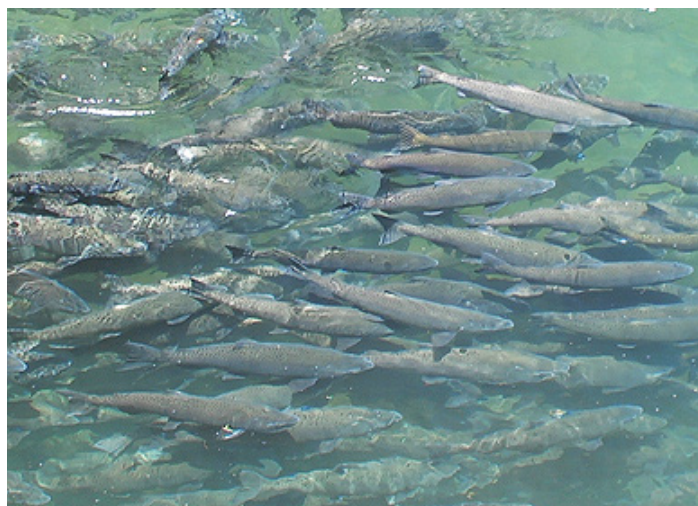
Drinking Water

Water managers and leaders in Northern California are committed to a [comprehensive approach](#) to help ensure that all Californians have access to safe drinking water. Successful implementation of sustainable drinking water solutions for communities will require utilization of both the policy tools and financial resources available to state agencies as well as the knowledge and expertise of



local communities and water managers. In 2020, NCWA supported legislation consistent with this approach.

- **NCWA supported SB 974 (Hurtado)**, which will exempt specific project types benefiting small disadvantaged community water systems from CEQA. Requiring these systems to comply with CEQA presents an additional burden as they work to develop and implement projects to deliver safe drinking water to the communities they serve. SB 974 was approved by the Legislature and signed by Governor Newsom.



Fish and Wildlife

NCWA and Sacramento Valley water managers have been working to implement a number of innovative programs to address fish and wildlife issues. In 2020, NCWA supported legislation that will enhance the ability of water managers and landowners in the Sacramento River Basin to manage water for multiple benefits.

- **NCWA supported AB 2106 (Aguilar-Curry)**, which would have secured a reliable funding source for the Nesting Bird Habitat Incentive Program through a \$5 charge on state duck and upland bird stamps. The program would provide payments for landowners to enhance the availability of vegetative cover for breeding waterfowl and other grassland-nesting birds. AB 2106 was ultimately held in the Senate Appropriations Committee.

- **NCWA supported AB 2518 (Wood)**, which would have clarified that a landowner who voluntarily allows land to be used for a fish or wildlife habitat restoration project would not be liable for property damage or personal injury resulting from that project as long as specified conditions are met. AB 2518 was ultimately held due to COVID bill load reductions.
- **NCWA supported SB 1028 (Dodd)**, which would have established the Environmental Farming Incentive Program within the California Department of Food and Agriculture. This program would have provided a framework of voluntary incentives and technical assistance resources for on-farm environmental practices that are intended to help farmers and ranchers optimize wildlife habitat benefits on their land while supporting the economic vitality of California agriculture. SB 1028 was ultimately held due to COVID bill load reductions.

- **NCWA supported AB 1958 (Cooper)**, which would have authorized the Central Valley Flood Protection Board, a designee, or a local agency that maintains a levee, bypass, or facility of the State Plan of Flood Control to inspect and remove any physical or visual obstructions or alterations, and prohibited any physical alteration or visual obstruction of a levee or bypass without the permission of the board. AB 1958 was ultimately held due to COVID bill load reductions.

Groundwater

- **NCWA supported funding for DWR staff to provide technical assistance and GSP review services.** The 2020-2021 state budget includes \$9.3 million for DWR to continue implementation of the Sustainable Groundwater Management Act.



Wildfire

- **NCWA supported the successful restoration of revenue backfill funding for Paradise Irrigation District.** A one-time general fund appropriation in the 2019-2020 State Budget provided critically needed funds to keep PID operational for at least two years while the Town of Paradise recovers and rebuilds from the November 2018 Camp Fire. The Newsom Administration's May Revise proposal, however, proposed eliminating the second year of funding. A coalition of regional interests, led by Asm. Gallagher and Sen. Nielsen, was successful in restoring the second year of funding in the 2020-2021 state budget.

Flood Protection

- **NCWA led coalition efforts in support of an appropriation of more than \$130 million for multi-benefit flood projects in the Sacramento Valley.** The combination of Proposition 1 and Proposition 68 funding in the 2020-2021 State Budget is appropriated specifically for the Yolo Bypass Phase 1 Project, Tisdale Weir and Bypass Project, Knights Landing Outfall Gates, Wadsworth Canal, and the Cache Creek Settling Basin.

- **NCWA supported SB 952 (Nielsen)**, which would have created an exemption from state sales tax for the procurement and operation of backup electrical resources, including generators, purchased for use by a local agency or special district during public safety power shutoffs (PSPS) or other de-energization events. SB 952 was ultimately held due to COVID bill load reductions.
- **NCWA supported AB 1099 (Dodd)**, which would have required local air districts to adopt a rule allowing critical facilities with a permitted emergency backup generator to operate their generators during a Public Safety Power Shutoff or other power loss event. SB 1099 was ultimately held due to COVID bill load reductions.

Looking Ahead to 2021 and Beyond

As noted above, many policy proposals that were not successful in 2020 will likely be re-introduced when the Legislature reconvenes next year. NCWA actively tracked and engaged on a number of proposals that did not advance this year but are likely to attract significant attention moving forward.

- **General Obligation Bonds and Alternative Funding Approaches for Water and Natural Resources.** A number of legislative proposals to secure funding for natural resource and water priorities were considered this year; these included:
 - ◊ **AB 3256 (Garcia)/SB 45 (Allen):** These general obligation bond proposals would have funded a variety of natural resource, water, and park priorities, including funding for groundwater, environmental farming, flood protection, and fish & wildlife projects. These proposals ranged from \$5.5-6.98 billion and would have required voter approval.
 - ◊ **AB 1659 (Bloom):** Introduced during the last week of the legislative session, this bill would have extended an existing fee on large electrical IOU ratepayers to establish a fund for a variety of wildfire response, forest management, and water-related purposes.

- ◊ **AB 107 (Budget):** Signed by Gov. Newsom, this bill directs the State Treasurer, Franchise Tax Board, and Department of Finance to develop a comprehensive “California Economic Improvement Tax Voucher Program” plan by March 2021 for potential inclusion in next year’s budget. The plan would allow taxpayers to purchase credits for future tax liabilities, the proceeds of which would be available for purposes including economic stimulus, housing, emergency preparation, short-term program funding, infrastructure, and “green economy investments.”

Elements of these proposals are likely to resurface in the Legislature as soon as next year.

- **30% State Land and Water Protection Goal. AB 3030 (Kalra)** would have declared it to be the policy of the state to “protect” at least 30% of the state’s land areas and waters by 2030, consistent with an international effort to protect at least 30% of the world’s land areas and waters and 30% of the world’s ocean to protect biodiversity. This measure attracted significant support from environmental NGOs and substantial opposition from business, agriculture, and “hook-and-bullet” conservation groups. AB 3030 was ultimately held in the Senate Appropriations Committee, but it may be reintroduced as a new bill next year.

Preparing for the 2021-2022 Legislative Session

As we prepare for a new legislative session in 2021, NCWA staff will continue to engage legislators, the Newsom Administration, administrative agencies, staff, and stakeholders to advance the interests of NCWA members and the Sacramento River Basin.

We welcome your ideas and inquiries as part of this ongoing effort—please contact Adam W. Robin, NCWA Legislative Affairs Director, at arobin@norcalwater.org or (916) 442-8333.