

SB 1301 (Beall)
Expedited Permitting for Flood Protection & Dam Safety
Fact Sheet
As Amended August 6, 2018

ISSUE

The threat to human lives from natural disaster has been painfully demonstrated by the recent drought, wildfires, mudslides, and floods. Flood control projects and dam safety enhancements can reduce the risks of natural disasters and save lives. Unfortunately, these projects are typically located in rivers, streams, and riparian zones and often face significant delays in the state regulatory process, even after California Environmental Quality Act (CEQA) review has been completed.

Current law permits authorities to take quick action in response to emergencies by exempting lifesaving projects from normal regulatory permitting. However, some high priority projects to protect human life and safety do not rise to the level of an emergency of clear and imminent danger. Furthermore, due to understaffing at state permitting agencies, deadlines for permitting are often missed, particularly for large projects that yield the most public safety benefit.

SB 1301 seeks to help expedite flood and dam safety projects through interagency collaboration funded by project applicants.

BACKGROUND

CEQA currently requires state agencies to provide advice and comment regarding environmental impacts during the environmental review and community engagement processes. However, under-resourced state agencies often fail to provide meaningful comment during the early stages of the CEQA process and only fully engage during the permit application review.

Late engagement by state agencies can result in costly project redesigns, last minute funding shortfalls, and significant delay in delivering the public safety benefits of flood risk reduction and dam safety projects.

The state's aging public infrastructure poses a growing threat that may only increase while agencies struggle to secure funding, conduct environmental review, and seek permitting approvals. Timely engagement by state

regulators during CEQA review and expeditious treatment of permit applications for high-priority projects will increase human life safety through flood risk reduction and dam safety enhancement.

THIS BILL

SB 1301 would provide a mechanism for supplemental consultation by state permitting agencies for flood risk reduction and dam safety projects. A project applicant would pay fees to cover the costs of supplemental consultation with relevant agencies that could occur both early in the project design phase and throughout the permitting process. The objectives of the consultations include identifying actions that could expedite the required permits, discussing environmental impacts and mitigation, providing feedback on environmental documents, and identifying any conflicts between the various conditions proposed for permit approval.

Supplemental consultation on vital flood and dam safety projects would help the CEQA process work better for community stakeholders and project applicants. Fees paid by large projects needing this type of additional consultation would increase the staffing resources available to state permitting programs. It also would help avoid permitting issues that lead to unanticipated costs such as late-phase project redesigns or significant mitigations for environmental impacts not contemplated in the CEQA process.

SB 1301's supplemental consultation would not exempt dam safety and flood risk reduction projects from CEQA or other environmental compliance, but would make those mechanisms work better when it matters most. With smarter governance tools provided by SB 1301, the state can facilitate the timely delivery of flood protection and dam safety projects that reduce the risk to human life and property while appropriately mitigating for environmental impacts.

STATUS/VOTES

Assembly Appropriations Committee – Suspense File.

SUPPORT

Santa Clara Valley Water District (Sponsor)
AFSCME Local 101
Alameda County Board of Supervisors
American Water Works Association (CA-NV Section)
Bay Area Council
California State Association of Electrical Workers
California State Pipe Trades Council
County of Santa Clara
Cupertino Chamber of Commerce
Gilroy Chamber of Commerce
Metropolitan Water District of Southern California
Midpeninsula Regional Open Space District
Milpitas Chamber of Commerce
Silicon Valley Leadership Group
Western States Council of Sheet Metal Workers

OPPOSITION

None

FOR MORE INFORMATION

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