

MARCH 26, 2019

Office of Government Relations
Legislative Update

Federal Advocacy Efforts



U.S. Capitol

FY 2020 Budget and Upcoming D.C. Advocacy Trip

On March 11, the President submitted his fiscal year (FY) 2020 budget to Congress, which outlines his funding priorities for the year and initiates the appropriations process. His budget includes \$600,000 for Phase II of the Shoreline Project, which will allow the U.S. Army Corps of Engineers to continue the feasibility study. On March 12, the Valley Water Board approved the agency's FY 2020 appropriations requests, and on April 1-3 Vice Chair Nai Hsueh will lead Valley Water's delegation to D.C. to advocate for these funding requests and other agency policy priorities.

State Advocacy Efforts



Los Gatos Creek Percolation Ponds

SF Regional Board Lists Los Gatos Creek as Impaired

On March 13, the San Francisco Bay Regional Water Quality Control Board (Regional Board) voted unanimously to list lower Los Gatos Creek as impaired by water temperatures too warm for the out migration of steelhead trout. The action followed strong testimony opposing the listing led by Director Kremen, including Valley Water staff and representatives from County Supervisor Mike Wasserman's office, the City of Saratoga, Silicon Valley

Leadership Group, San José Water Company, and the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). Only Richard McMurtry, representing the Santa Clara County Creeks Coalition, spoke in favor of the listing.

The listing of impaired water bodies under Section 303(d) of the federal Clean Water Act is the Regional Board's first step toward requiring actions to reduce the temperatures of flows on Los Gatos Creek. The creek provides about a third of the managed recharge in the Northern Santa Clara Sub-basin (up to 30,000 acre-feet/year). Director Kremen highlighted Valley Water's efforts to improve fish habitat in the streams of Santa Clara County and raised concerns about this precedent-setting listing of Los Gatos Creek which is based on temperature studies from Washington and Oregon where snow melt and colder air temperatures simply don't reflect the realities of the South Bay's warm Mediterranean climate.

The listing now goes to the State Water Resources Control Board for approval, and then to the U.S. Environmental Protection Agency's Region 9 for final approval. Staff is developing strategies to oppose the listing and influence these next milestones, including concern that the Regional Board has not reviewed the raw data applicable to Bay Area streams, and has not developed a standardized process for evaluating streams that may be impaired by temperature.

SB 204 (Dodd) Would Add 60-Day Delay to WaterFix Contracting

On March 12, staff testified in the Senate Natural Resources and Water Committee in opposition to SB 204 (Dodd) State Water Project Contracts. The Committee voted to pass the bill with amendments removing the requirement that system-wide contract amendments be heard by the Joint Legislative Budget Committee, thus removing a potential veto tool for any changes to water supply contracts. The bill still would require Delta Conveyance Design and Construction Authority's (DCA) contracts to be submitted not less than 60 days before execution to the relevant committees of the Legislature. The Valley Water Board and the State Water Contractors have taken an "oppose unless amended" position on SB 204, embracing transparency, but opposing delay. Because the 60-day delay of DCA contracts remains in the bill, Valley Water will continue to oppose.

State Water Resources Control Board - Waters of the State

Valley Water staff participated in the March 5 State Water Resources Control Board (State Water Board) workshop on the proposed update of the State Wetland Definition and Procedures

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