

OCTOBER 27, 2020

Office of Government Relations Legislative Update



FEDERAL ADVOCACY EFFORTS



US Capitol

Valley Water Prepares for Fall Virtual D.C. Advocacy Trip

Staff is preparing for Valley Water's annual fall advocacy trip to Washington, D.C., to be held November 16-18, 2020, and which will be virtual due to the COVID-19 pandemic. Valley Water Directors and senior staff will meet with Members of Congress and staff, as well as Executive Agency officials and staff, to discuss Valley Water projects and priorities for the upcoming federal fiscal year. Key priorities to be discussed will include the Anderson Dam Seismic Retrofit Project, South San Francisco Bay Shoreline Project, Pacheco Reservoir Expansion Project, Upper Llagas Creek Project, and Coyote Creek Project, as well as increased funding for infrastructure that can stimulate our region's economy.

STATE ADVOCACY EFFORTS

Anderson Project Proceeds Despite AB 3005 Veto

Despite the collaborative efforts of Valley Water staff with numerous state agencies, AB 3005 was vetoed by Governor Newsom. The veto message provided an inaccurate assessment of the California Environmental Quality Act provisions of the bill as the rationale, as well as citing the "problematic" precedent of expediting the permitting of a dam safety project.

The veto of AB 3005 means that state permitting for the Anderson Dam Seismic Retrofit Project (ADSRP) will not have the expedited 180-day approval process that the bill would have provided, so permits may take longer. The veto also means that any court challenges to an ADSRP environmental impact report will not receive expedited resolution by state courts. Finally, state law authorization of "best value" contracting will not be available for the FERC Order Compliance Project or ADSRP.

Fortunately, the start of construction on the low-level outlet tunnel is not impacted by the veto of AB 3005 and will begin next spring as planned. While this is a disappointing outcome for AB 3005, planning has already begun on a new bill to authorize the ADSRP to use "best value" contracting when the Legislature returns in 2021.



State Capitol

Governor Orders Conservation of Lands and Coastal Waters

On October 7, Governor Newsom signed an Executive Order that directs the state's Natural Resources Agency to establish the California Biodiversity Collaborative, which will be tasked with developing strategies to meet a goal of conserving 30 percent of lands and coastal waters by the year 2030.

The Executive Order aims to reduce greenhouse emissions from farms, wetlands, forests, and other "working lands" by keeping more carbon in the soil via cover crops and composting; restoring wetlands in order to protect coastal areas from erosion and flooding; managing forests to reduce wildfire

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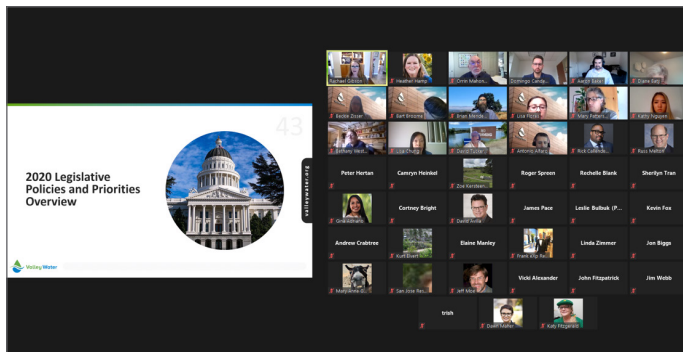
risk; and increasing parks, tree-planting and other “green infrastructure” in urban areas.

The Governor indicated the need for the executive order was evident in the environmental events occurring around the world, including several in California. He cited the hottest summer on record, with August being the hottest ever recorded, and

the record 130 degree temperature experienced in Death Valley.

It's expected that regulatory agencies will need to adopt new approaches to implement the Governor's Executive Order, which may impact future permitting of Valley Water projects.

LOCAL ADVOCACY AND ENGAGEMENT EFFORTS



Staff giving tour participants an overview of Valley Water's legislative policies and priorities.

2020 Water Walk Tour Goes Virtual

On October 9, Chair Hsueh and staff hosted the first-ever Virtual VIP Water Walk Tour. The Chair welcomed over 50 tour attendees that included local, state, and federal officials and their staff along with key stakeholder groups and advocacy organizations representing a wide array of labor, environmental, and chamber interests. The tour covered several Valley Water projects where Valley Water staff briefed tour attendees on the work done to date and what is needed to move them forward. The tour showcased the Safe, Clean Water & Natural Flood Protection Program renewal, the Anderson Dam Seismic Retrofit Project, the San Francisquito Creek Flood Protection Project, the Downtown Guadalupe River Flood Protection Project, and the Advanced Water Purification Center. Staff advocated for continued engagement and support from our key policymakers and advocacy stakeholders to advance both water supply and watershed projects that benefit our communities.

Valley Water Updates Saratoga Creek Residents on Cleanup Efforts

On September 21, Chair Hsueh and staff participated in the Murdock Neighborhood Association meeting coordinated by San Jose Vice Mayor Chappie Jones. Neighborhood residents asked questions as well as heard updates from Valley Water staff related to

coordinated litter removal efforts with the City near Saratoga Creek Trail and other areas throughout the County during the pandemic.

Advanced Water Purification Moves Forward in Santa Clara

On Tuesday October 13, 2020 the Santa Clara City Council unanimously approved to move forward with negotiations with Valley Water and the City of San Jose for an agreement to expand the use of advanced purified water. Chair Hsueh had sent Mayor Gillmor a letter requesting such action after the City of San Jose had adopted a similar action earlier this year. The Office of Government Relations, in coordination with Valley Water staff, remain committed to helping advance the use of expanded recycled water for the residents of Santa Clara County.



Chair Nai Hsueh participating in the Murdock Neighborhood Association hosted by San Jose Vice Mayor Chappie Jones.

UPCOMING EVENTS

Note: due to the Coronavirus (COVID-19) outbreak, staff is not physically participating in any events during the month of October. Staff is participating in virtual events as they are planned, including Silicon Valley Leadership Group's Annual Forum on October 30th, and will assess participation in events in November to follow the most current shelter in place order.

State Legislation Active in October 2020 with Board-Approved Positions

Bill (Author)	Subject	Position	Status
AB 292 (Quirk)	Water Quality: Notification and Response Levels: Procedures	Support	Signed by the Governor
AB 3005 (R. Rivas)	Expedited Dam Safety for Silicon Valley Act	Support	Vetoed by the Governor
SB 1044 (Allen)	Firefighting Equipment and Foam: PFAS Chemicals	Support	Signed by the Governor

Federal Legislation Active in October 2020 with Board-Approved Positions:

Bill (Author)	Subject	Position	Status
H.R. 548 (Calvert)	Federally Integrated Species Health (FISH) Act	Support	Introduced and referred to the House Committee on Natural Resources
H.R. 357 (Garamendi)	Sacramento-San Joaquin Delta National Heritage Area Act	Support	Signed into law as part of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9)
S. 40 (Barrasso)	Bureau of Reclamation Transparency Act	Support and Amend	Introduced and referred to the Senate Committee on Energy and Natural Resources
H.R. 1137 (Garamendi)	To amend the Water Resources Development Act of 1986 to repeal the authority relating to reprogramming during national emergencies	Support	Introduced and referred to the House Committee on Transportation and Infrastructure
S. 326 (Udall)	Restrictions Against Illegitimate Declarations for Emergency Re-appropriations (RAIDER) Act of 2019	Support	Introduced and referred to the House Committee on Appropriations
H.R. 1162 (Napolitano)	Water Recycling Improvement and Investment Act	Support	Hearing held in the House Committee on Natural Resources (June 13, 2019)
H.R. 1132 (Speier)	San Francisco Bay Restoration Act of 2019	Support	Passed the House by voice vote (September 19, 2019)
H.R. 1497 (DeFazio)	Water Quality Protection and Job Creation Act	Support	Markup held in House Committee on Transportation and Infrastructure, ordered to be reported favorably (October 29, 2019)
H.R. 658 (DeLauro)	National Infrastructure Development Bank Act of 2019	Support	Introduced and referred to the House Committees on Energy and Commerce; Transportation and Infrastructure; Financial Services; and Ways and Means
H.R. 1417 (Lawrence) / S. 611 (Sanders)	Water Affordability, Transparency, Equity, and Reliability (WATER) Act of 2019	Support	H.R. 1417: Introduced and referred to the House Committees on Transportation and Infrastructure; Energy and Commerce; Ways and Means; and Agriculture; S. 611: Introduced and referred to the Senate Committee on Environment and Public Works
H.R. 1621 (McClintock)	Water Supply Permitting Coordination Act	Support	Introduced and referred to the House Committee on Natural Resources
H.R. 2313 (Huffman)	Water Conservation Rebate Tax Parity Act	Support	Introduced and referred to the House Committee on Ways and Means
S. 923 (Feinstein)	Fighting Homelessness Through Services and Housing Act	Support	Introduced and referred to the Senate Committee on Health, Education, Labor and Pensions
H.R. 2473 (Harder)	Securing Access for the central Valley and Enhancing (SAVE) Water Resources Act	Support and Amend	Hearing held in the House Committee on Natural Resources (June 13, 2019)

H.R. 363 (Calvert)	Reducing Environmental Barriers to Unified Infrastructure and Land Development (REBUILD) Act of 2019	Support	Introduced and referred to the House Committee on Natural Resources
S. 1932 (Gardner)	Drought Resiliency and Water Supply Infrastructure Act	Support and Amend	Hearing held in the Senate Committee on Energy and Natural Resources (July 18, 2019)
S. 1730 (Harris) / H.R. 3115 (Pallone)	The Living Shorelines Act of 2019	Support	S. 1730: Introduced and referred to the Senate Committee on Commerce, Science, and Transportation; H.R. 3115: Markup held in the House Committee on Natural Resources, ordered to be reported favorably (September 25, 2019)
H.R. 3723 (Levin)	The Desalination Development Act	Support	Hearing held in the House Committee on Natural Resources (July 25, 2019)
H.R. 855 (Peters)	The Strengthening The Resiliency of Our Nation on the Ground (STRONG) Act	Support	Introduced and referred to the House Committee on Transportation and Infrastructure
S. 403 (Whitehouse) / H.R. 1159 (Cicilline)	Innovative Materials for America's Growth and Infrastructure Newly Expanded (IMAGINE) Act of 2019	Support and Amend	S. 403: Introduced and referred to the Senate Committee on Environment and Public Works; H.R. 1159: Introduced and referred to the House Committee on Transportation and Infrastructure; Committee on Science, Space, and Technology; and Committee on Energy and Commerce
H.R. 4033 (Kildee)/ S.2466 (Harris)	Water Justice Act	Support and Amend	Introduced and referred to the House Committees on Energy and Commerce; Budget; Ways and Means; Natural Resources; Agriculture; and Transportation and Infrastructure
S. 1837 (Gillibrand) / H.R. 3254 (Delgado)	Protecting Infrastructure and Promoting the Economy (PIPE) Act	Support and Amend	S. 1837: Introduced and referred to the Senate Committee on Environment and Public Works; H.R. 3254: Introduced and referred to the House Committee on Transportation and Infrastructure and the Committee on Energy and Commerce
H.R. 3091 (Loeb sack)	National Flood Research and Education Center Act	Support	Introduced and referred to the House Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure
S. 2236 (Booker) / H.R. 3923 (Ruiz)	Environmental Justice Act of 2019	Support	Introduced and referred to the Senate Committee on Environment and Public Works.
H.R. 5752 (Costa)	Conveyance Capacity Correction Act	Support	Introduced and referred to the House Committee on Natural Resources
H.R. 5504 (Brownley)	To amend the National Dam Safety Program Act with respect to the definition of eligible high hazard potential dam, and other purposes	Support	Introduced and referred to the House Committee on Transportation and Infrastructure
H.R. 5302 (McNerney)	Western Water Recycling and Drought Relief Act	Support and Amend	Introduced and referred to the House Committee on Natural Resources
H.R. 5316 (Cox)	Move Water Now Act	Support and Amend	Marked up in the House Committee on Natural Resources and reported favorably
H.R. XXXX (Pelosi)	Coronavirus Stimulus Phase 3 (became the Health and Economic Recovery Omnibus Emergency Solutions Act or the HEROES Act, H.R. 6800)	Support and Amend	Passed the House (May 15, 2020)
H.R. XXXX (Pelosi)	Coronavirus Stimulus Phases 3.5 (became the Paycheck Protection Program Flexibility Act, H.R. 7010) and 4	Support and Amend	H.R. 7010 was signed into law on June 5, 2020 (P.L. 116-142)
H.R. 2 (DeFazio)	Investing in a New Vision for the Environment and Surface Transportation in America Act (INVEST in America Act)	Support and Amend	Passed the House (July 1, 2020)
H.R. XXXX (Huffman)	Furthering Underutilized Technologies and Unleashing Responsible Expenditures for Drought Resiliency (FUTURE Drought Resiliency) Act	Support and Amend	Not yet introduced (provisions included as part of H.R. 2)
S. 3591 (Barrasso)	America's Water Infrastructure Act of 2020	Support and Amend	Markup held in the Senate Committee on Environment and Public Works, ordered to be reported favorably (May 11, 2020)

S. 3591 (Barrasso)	Drinking Water Infrastructure Act of 2020	Support	Markup held in the Senate Committee on Environment and Public Works, ordered to be reported favorably (May 11, 2020)
H.R. 7073 (Garamendi)	Special Districts Provide Essential Services Act	Support	Introduced and referred to the House Committee on Oversight and Reform and the Committee on Financial Services
S. 3811 (Feinstein)	Restoration of Essential Conveyance Act	Support	Hearing held in the Senate Energy and Natural Resources Committee (July 22, 2020)
S. 4188 (Harris)	Water for Tomorrow Act	Support and Amend	Hearing held in the Senate Committee on Energy and Natural Resources (July 22)
H.R. 7575 (DeFazio)	Water Resources Development Act	Support and Amend	Passed the House (July 29)
S. 4308 (Sinema)	A bill to amend the Social Security Act to include special districts in the coronavirus relief fund, to direct the Secretary to include special districts as an eligible issuer under the Municipal Liquidity Facility, and for other purposes.	Support	Introduced and referred to the Senate Committee on Finance
S. 2596 (Duckworth)	Voluntary Water Partnership for Distressed Communities Act of 2019	Support	Introduced and referred to the Senate Committee on Environment and Public Works
S. 4530 (Feinstein) / H.R. 8041 (Harder)	Snow Water Supply Forecasting Program Authorization Act	Support	S. 4530: Introduced and referred to the Senate Committee on Energy and Natural Resources; H.R. 8041: Introduced and referred to the House Committee on Natural Resources