



# Santa Clara Valley Water District

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**File No.:** 16-0555

**Agenda Date:** 5/23/2017

**Item No.:** 7.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Recommended Position on State Legislation: AB 1587 (Levine) Invasive Species: Dreissenid Mussels, AB 1608 (Kalra) Vibrant Landscapes for Climate, People, and Multiple Benefits, SB 424 (Allen) The California Regional Environmental Education Community Network, SB 740 (Wiener) Onsite Water Reuse, and other Legislation Which May Require Urgent Consideration for a Position by the Board.

### **RECOMMENDATION:**

- A. Adopt a position of "Support" on: AB 1587 (Levine) Invasive Species: Dreissenid Mussels.
- B. Adopt a position of "Support" on AB 1608 (Kalra) Vibrant Landscapes for Climate, People, and Multiple Benefits.
- C. Adopt a position of "Support" on: SB 424 (Allen) The California Regional Environmental Education Community Network.
- D. Adopt a position of "Support" on: SB 740 (Wiener) Onsite Water Reuse.

### **SUMMARY:**

**AB 1587 (Levine) Invasive Species: Dreissenid Mussels (A-3/28/2017)**

**Position Recommended: Support**

**Position Priority: 3**

AB 1587 would require the closure of boating recreation at reservoirs or a shutdown of a conveyance facility for a minimum of 7 days if dreissenid mussels are detected or may be present in the waters.

Under existing law, a person is not allowed to possess, import, ship, transport, place, plant, or cause to be placed or planted, dreissenid mussels in any water within California. The California Department of Fish and Wildlife (DFW) is authorized to conduct inspections, temporarily stop conveyances that may carry or contain adult or larval dreissenid mussels on any roadway or waterway, order conveyances to be decontaminated, and impound or quarantine conveyances. DFW also is authorized to conduct inspections of state waters and facilities located within state waters that may contain dreissenid mussels. If mussels are detected, DFW with the Secretary of Natural Resources is authorized to close or restrict access to the waters, areas, or facilities.

Current law requires any person, or federal, state, or local agency, district, or authority, that owns or manages a reservoir where certain recreational activities are permitted, to assess the vulnerability of the reservoir for the introduction of non-native dreissenid mussel species and to develop and implement a program designed to prevent the introduction of the species. Additionally, current law requires DFW to develop procedures for notifying affected local, state, and federal agencies and requires the DFW to consult with the entity in charge of the affected area. Existing law also requires water supply system operators to cooperate with DFW to develop and implement measures to prevent introduction of dreissenid mussels and to develop and execute a plan to control and eradicate the mussels if they are detected.

AB 1587 would require the Director of DFW to order the closure of waters or facilities to conveyances (boats) for a period of no less than 7 working days if dreissenid mussels are detected or may be present, and would make other related changes. Upon lifting a closure, the director would be required to order the entity that owns or manages the reservoir to implement a dreissenid mussel control program to prevent the spread of dreissenid mussels from conveyances (boats) exiting the reservoir. AB 1587 also authorizes the Division of Boating and Waterways to award grants from funds generated from the quagga and zebra mussel prevention infestation fee to those entities required by the director to implement a control program. The bill would make violations of an order issued by the director subject to a civil penalty of \$1,000 per violation, imposed administratively by DFW.

### **Importance to the District**

The District operates 10 reservoirs in Santa Clara County which provide 25% of the county's water supply and have a total storage capacity of 170,000 acre-feet. The reservoirs also provide flood protection by containing runoff early in the rainfall season. District reservoirs are operated to maintain the quality of wildlife habitat and provide good conditions for aquatic life. These reservoirs also provide opportunities to enjoy recreational activities like swimming, boating, and the use of personal watercraft.

Since 2008, the District has funded a boating inspection program at our reservoirs through our partnership with Santa Clara County Parks (Parks). Parks oversees the boating inspection program and contracts the operation of boating inspections to QuaggaInspections.com who does boating inspections at reservoirs throughout the state. We help fund our local program through a cost share with Parks.

The current regulations enacted in 2016 address the need to develop and submit a mussels response plan to the Department of Fish and Game within 60 business days of discovering dreissenid mussels in a water body. However, these regulations do not require that the water body be closed off once mussels are discovered and remain closed until a control plan is implemented. AB 1587 addresses this significant weakness in the current regulations.

Staff recommends the Board adopt a position of "support" on AB 1587.

### ***Pros***

- Helps protect District owned and operated reservoirs and conveyance facilities.
- Ensures appropriate responsive measures are in place when invasive mussels are detected in reservoirs and conveyance facilities.
- Assist the District in avoiding the substantial increased costs of maintaining facilities that are infested by mussels.
- Bolsters protections for other reservoirs and conveyances on which the District relies for imported water supplies.
- Further protects the ecology of our reservoirs and reservoirs across the state.

*Cons*

- Closing reservoirs to recreation for extended periods of time would likely cause some dissatisfaction with residents in Santa Clara County.

**AB 1608 (Kalra) Vibrant Landscapes for Climate, People, and Multiple Benefits  
(A-4/17/2017)**

**Position Recommended: Support**

**Position Priority: 3**

AB 1608 would require the Department of Conservation (DOC) to develop the Vibrant Landscape Program (Program) to provide assistance and incentives to cities, counties, special districts, authorities, and nonprofits to manage and conserve natural and working lands to address climate change and achieve other public and environmental benefits.

Under the current California Farmland Conservancy Program Act, the DOC is required to implement and administer a program to provide grants for the acquisition by specified applicants of agricultural conservation easements, as defined. The act allows an agricultural conservation easement to provide for the construction and use of structures necessary for agricultural production and marketing, additional residences for immediate family members of the landowner, and necessary housing for seasonal or full-time employees of the agricultural operation.

AB 1608 would require DOC to develop the Vibrant Landscape Program to assist eligible applicants in the development and implementation of county and regional plans. The plans would, among other things, integrate the conservation and management of natural and working lands with other sectors to reduce the emissions of greenhouse gases and achieve other public and environmental benefits. The bill would require DOC, in collaboration with the Strategic Growth Council and the State Air Resources Board, to develop guidelines and criteria for the Program. AB 1608 also would establish the Vibrant Landscape Program Fund in the State Treasury and would, upon appropriation by the Legislature, authorize DOC to expend moneys in the fund to implement the Program.

*Importance to the District*

The District's commitment to the environment and meeting the challenges of climate change are well established. AB 1608 would reinforce the District's efforts to reduce the county's carbon footprint through wetlands restoration, habitat conservation, and supporting expansion of trails and open space.

The District tracks its performance and progress towards carbon neutrality through its GHG emissions inventory, which includes accounting for reductions or offsets from water use efficiency, renewable energy production, habitat restoration and enhancement, and green business programs. AB 1608 may provide further funding to offset the costs to the District for these endeavors.

In 2016, due to the overwhelming demand around Santa Clara County for landscape conversion rebates and irrigation equipment upgrade rebates, the District reinstated these rebate programs. AB 1608 potentially could provide an additional funding stream for this program.

Staff recommends the Board adopt a position of "support" for AB 1608.

*Pros*

- Provides incentives to special districts to manage and conserve lands to address climate change.
- Allows for funds to be appropriated by the legislature from the state treasury to expend moneys to implement the Program.

*Cons*

- None.

**SB 424 (Allen) The California Regional Environmental Education Community Network. (A-04/24/17)**

**Position Recommendation: Support**

**Priority Recommendation: 3**

SB 424 would establish the California Regional Environmental Education Community (CREEC) Network to facilitate the implementation of high-quality environmental literacy in schools. The bill would appropriate \$4.5 million from the General Fund to the Superintendent of Public Instruction to carry out the program.

CREEC Network would facilitate environmental literacy programs in California public schools that seek to increase the understanding of science, technology, engineering, and mathematics education and career technical education with a focus on the environmental literacy elements of the Next Generation Science Standards and framework, the California History-Social Science Standards and framework, and the Career Technical Education Model Curriculum Standards.

The bill would require the CREEC network to increase environmental literacy in schools by:

- Convening and building partnerships between local educational agencies and community-based environmental education providers.
- Providing professional development to educators,
- Assisting educators in creating curriculum that promotes environmental literacy.
- Assisting educators to link environmental literacy and career pathways.
- Assuring that environmental literacy is provided to all segments of the diverse California academic population.
- Providing grants that promote environmental literacy available to education institutions and community based environmental educators.

SB 424 would create the CREEC governing board which would be composed of two members appointed by the Governor, and one each by the Senate Committee on Rules, the Speaker of the Assembly, and the Superintendent of Public Instruction.

#### *Importance to the District*

The District currently provides an array of educational programs intended to provide young children a basic understanding and appreciation for their local water resources. The district educational programs include the participation of both teachers and students. The program includes puppet plays for preschool to workshops for educators, and school outreach activities provide effective, hands-on learning. Activities are geared for specific grade levels, from pre-kindergarten to college. High school and college programs are typically customized upon request and include information on District career information, purified water, environmental stewardship, and watershed and groundwater management.

SB 424 would provide an opportunity for continued and possibly improved coordination with community-based education programs, such as the District's Water Education Outreach to local schools. The bill also promotes environmental education which furthers the District mission of environmental stewardship.

Staff recommends the District Board adopt a position of "Support" on SB 424.

#### *Pros*

- Promotes environmental education in schools.
- Increases coordination of environmental education providers.
- Secures steady funding for the CREEC Network.

#### *Cons*

- None.

**SB 740 (Weiner) Onsite Treated Water (A-04/26/17)**

**Position Recommendation:** Support

**Priority Recommendation:** 3

SB 740 would require the State Water Resources Control Board, in consultation with other state agencies, to promulgate regulations by January 1, 2018, to create comprehensive risk based standards that would provide local agencies a permitting program for onsite recycling of water in multifamily residential, commercial, and mix-use buildings for non-potable use.

The bill would require the regulations to address the types of water sources and the related treatment and monitoring required for the proper management of recycled water for non-potable use.

The bill would require local agencies to follow the requirements of the regulations when permitting onsite water reuse.

*Importance to the District*

The District has been committed to water conservation since the early 1990s, implementing a variety of programs that use a mix of incentives and rebates, free device installation, site surveys, and educational outreach to improve water efficiency in homes, businesses, and agriculture. The long-term savings goal, which was updated in the District's 2012 Water Supply and Infrastructure Master Plan (Master Plan), is to save nearly 99,000 acre-feet per year by 2030.

The District is in the process of updating its Master Plan, and as part of this process, will be analyzing additional water use efficiency programs (e.g. stormwater capture, leak detection, advanced metering infrastructure, etc.) potentially to add to its portfolio of programs and increase its long-term water savings goal.

Onsite water reuse is an additional tool in the water conservation tool box that could assist in the District's efforts to achieve the long-term water savings goals. SB 740 would assure that onsite water reuse in multifamily residential, commercial, and mixed-use buildings is performed in a manner that protects public health and safety. The decision to permit onsite water reuse would be at the local agency's discretion.

Staff Recommends the Board adopt a position of "Support" on SB 740.

*Pros*

- Creating regulations for onsite water reuse would ensure the protection of public health and safety.
- Onsite water re-use adds another choice to the water conservation tool box.

*Cons*

- Onsite water re-use is a form of decentralized recycling which may lead to less wastewater flowing to large recycled water facilities.
- Does not apply to single-family homes.

**FINANCIAL IMPACT:**

There is no financial impact associated with this item.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

Rick Callender, 408-630-2017