



Santa Clara Valley Water District

File No.: 20-0733

Agenda Date: 2/23/2021

Item No.: 3.3.

BOARD AGENDA MEMORANDUM

SUBJECT:

Adopt Recommended Positions on Federal Legislation: S. 91 (Sinema) / H.R. 535 (Garamendi) Special Districts Provide Essential Services Act of 2021; H.R. 610 (Speier) San Francisco Bay Restoration Act; and Other Legislation That May Require Urgent Consideration for a Position by the Board.

RECOMMENDATION:

- A. Adopt a position of "Support and Amend" on S. 91 (Sinema) / H.R. 535 (Garamendi) - Special Districts Provide Essential Services Act of 2021; and
- B. Adopt a position of "Support" on H.R. 610 (Speier) - San Francisco Bay Restoration Act.

SUMMARY:

A. S. 91 (Sinema) / H.R. 535 (Garamendi) - Special Districts Provide Essential Services Act of 2021

Recommendation: Support and Amend

Priority Recommendation: 2

This bill would make special districts eligible for future federal assistance that Congress provides in response to the COVID-19 pandemic. Currently, special districts are ineligible for receiving assistance from the Coronavirus Relief Fund that was established under the Coronavirus Aid, Relief, and Economic Security (CARES) Act in 2020. This bill would make special districts eligible for any federal coronavirus funding in excess of what is provided to states, counties, and local governments.

Status:

S. 91 was introduced in the Senate on January 28, 2021, and was referred to the Committee on Finance. Senator Dianne Feinstein is an original cosponsor. H.R. 535 was introduced in the House on January 28, 2021, and was referred to the Committee on Oversight and Reform, in addition to the Committee on Financial Services. Representatives Anna Eshoo (CA-18) and Jimmy Panetta (CA-20) are original cosponsors.

Importance to Valley Water:

This bill would make special districts, such as Valley Water, eligible for any future federal assistance related to COVID-19. During the pandemic, Valley Water has had to make tough financial decisions, including delaying non-essential but nonetheless important projects and programs to future years. Financial assistance through this bill for special districts such as Valley Water would help bring much-

needed economic stimulus to our region.

The Board adopted a position of “Support” on an identical version of this bill in July 2020.

Proposed Amendment:

In order to better serve Valley Water’s interests, Valley Water proposes the following amendment:

1. Ensure that expenses eligible for reimbursement under the Coronavirus Relief Fund include offset payments made to special district employees to support telework and mental health support.

Pros:

- The bill would provide a source of new funding that could help Valley Water mitigate COVID-related financial impacts and bring additional economic assistance to our region.
- Special districts provide essential services to their communities and are important economic drivers. As such, they should be eligible for the same funding that states, tribes, and local governments can access. This bill would provide that access.

Cons:

- None identified at this time.

B. H.R. 610 (Speier) - San Francisco Bay Restoration Act

Recommendation: Support

Priority Recommendation: 2

This bill would amend the Clean Water Act to authorize a new San Francisco Bay grant program to fund Bay restoration and habitat improvement projects. Eligible grantees would include projects that advance specific restoration goals for San Francisco Bay, including water quality improvement; wetland, riverine, and estuary restoration and protection; nearshore and endangered species recovery; and adaptation to climate change. The bill would also create a new San Francisco Bay Program Office to be located within the Environmental Protection Agency’s (EPA) Region 9 headquarters to oversee the grant program and ensure that the funds are being spent to advance those specific restoration goals. The bill authorizes \$50 million for each of fiscal years (FYs) 2022-2026 to carry out this program.

Congress has authorized program offices and funding within EPA for other large estuaries like the Chesapeake Bay and the Great Lakes, allowing those regions to receive significant appropriations for restoration and climate adaptation over the years. Since 2008, thanks largely to the efforts of Senator Dianne Feinstein, the EPA has received an annual appropriation of roughly \$5 million in grant funding for San Francisco Bay restoration projects. This is well below what other estuaries receive annually, however, and is well below what the Bay needs to restore the ecosystem and adequately adapt to climate change.

This bill would create a new San Francisco Bay Program under EPA and authorize annual appropriations for restoration grants that are much larger than have ever been appropriated. This

would help ensure that the program receives the funding it needs on an annual basis to protect and restore San Francisco Bay, thereby improving habitat for fish and wildlife, improving water quality, and safeguarding shoreline communities from flooding and sea level rise.

The Board took a position of “Support” on this bill in previous years.

Status:

The bill was introduced in the House on January 28, 2021, and was referred to the Committee on Transportation and Infrastructure and the Committee on the Budget. Cosponsors of the bill include Representatives Khanna (D-CA-17), Eshoo (D-CA-18), and Lofgren (D-CA-19).

Importance to the District:

This bill would create a new San Francisco Bay grant program to fund Bay restoration and habitat improvement projects, such as the South San Francisco Bay Shoreline Project (Shoreline Project).

Pros:

- The bill could fund portions of the Shoreline Project, which, as a multi-benefit project, would be eligible for these funds.
- The bill would create a new funding source for climate adaptation projects around the Bay, including but not limited to the Shoreline Project, that would help protect at-risk communities in low-lying shoreline areas. This aligns with Valley Water’s commitment to protecting Santa Clara County residents from the dangers of sea level rise and climate change.
- The bill would create a new San Francisco Bay Program Office within EPA’s Region 9 headquarters in San Francisco to ensure that the grant funds are used to implement specific restoration, habitat improvement, and climate adaptation goals.
- Creating a new program office would put San Francisco Bay on par with other federally-authorized EPA estuary programs, making it easier for Congress to appropriate funds to the region in the future.

Cons:

- None identified at this time.

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 the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

None.

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UNCLASSIFIED MANAGER:

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