



● **Board of Directors**  
***Communications and Legislation Committee***

12/12/2017 Board Meeting

**8-6**

**Subject**

Adopt CEQA determination and adopt Federal Legislative Priorities and Principles for 2018

**Executive Summary**

This board letter outlines the federal 2018 legislative priorities and principles recommended by staff for the Board's consideration and adoption.

**Details**

After consulting with Metropolitan member agency legislative coordinators in October 2017, and member agency managers in November 2017, staff submits the following federal legislative priorities and principles for the Board's consideration and approval. Metropolitan's top federal priorities for 2018 have been included in anticipation of legislation in key policy areas during the second year of the 2017/18 session.

The federal principles for the 2017/18 session support Metropolitan's mission and incorporate its overall water supply reliability and water quality objectives. By adopting these principles, the Board sets the policy direction for staff to direct resources both legislatively and administratively.

**Metropolitan's Top Federal Priorities for 2018**

- Ensure Drought Contingency Plan for Colorado River is structured to protect California water rights and interests.
- Maintain funding for water science and data collection including stream gauge, water quality, salinity control, source protection and ecosystem research.
- Secure funding/financing for water infrastructure, efficiency and restoration projects and seek to exempt infrastructure from the definition of "earmark."
- Support administrative/legislative actions to consolidate review and oversight of anadromous species protection under the Department of the Interior rather than Commerce to eliminate duplication and increase efficiencies.

**Federal Principles**

*Bay-Delta and State Water Project Improvements*

- Support administrative/legislative action and federal funding to keep the California WaterFix on schedule to advance conveyance and ecosystem improvements to help achieve the coequal goals of water supply reliability and Delta ecosystem restoration.
- Support administrative/legislative action and funding to advance emergency response, near-term Delta improvements and expenditures to support fish monitoring activities in the Delta consistent with the coequal goals, California EcoRestore, and the California Water Action Plan.
- Support administrative/legislative action and funding to add surface and ground water storage statewide.

*Colorado River Initiatives*

- Support federal funding appropriations and coordination among states for continued implementation of the Lower Colorado River Multi-Species Conservation Program.
- Support federal funding for Colorado River System water conservation projects to offset the effects of extended drought conditions.
- Promote continued federal funding and coordination between states for the Colorado River Basin Salinity Control Program under the departments of Agriculture and Interior.
- Protect and preserve Metropolitan's interest in binational water conservation programs.

*Federal Drought Related Legislation*

- Support administrative/legislative actions to respond to drought, including funding for immediate water supply improvements, while maintaining environmental protections.
- Reflect broad, bipartisan agreement.
- Provide funding and regulatory assistance for regions affected by the drought for both immediate and long-term water projects that aid in the development, storage, treatment and delivery of water.
- Provide funding and regulatory incentives for conservation, water use efficiency measures, recycled water, and groundwater recovery.
- Protect SWP and local water supplies and ensure SWP and local water supply reliability.
- Support funding and administrative or legislative efforts to increase drought resiliency on the Colorado River and Bay Delta Systems.
- Work within the current federal and state Endangered Species Acts to increase operational flexibility while maintaining protections for listed species.
- Provide direction and funding to improve information about listed fish and wildlife species and water project operations in the Delta, including data collection, scientific understanding, and real-time monitoring of listed Delta species.
- Encourage use of the most current scientific data and analysis to provide enhanced flexibility for water project operations.

*Regional Water Resource Management*

- Continue to support and promote integrated water resources portfolio planning.
- Support administrative/legislative action to promote the development of recycled water (including potable reuse), groundwater, stormwater, and desalination projects as water resources, without compromising the operational, financial, water quality, regulatory and customer interests of Metropolitan and other water and wastewater agencies.
- Support using water wisely in both urban and agricultural settings and ensure equitable implementation among urban and agricultural uses.

*Watershed Management*

- Support legislation, regulatory proposals and partnership-based programs that provide for the development and/or public funding of watershed management plans in Southern California, the Bay-Delta and Colorado River watersheds that provide broad public benefits, including water quality, water supply reliability and environmental improvements. Funding of watershed management programs should be based on the "beneficiaries pay" principle.

### *Water Quality*

- Support administrative/legislative action to provide for the continued transport, delivery, storage, and use of chlorine gas for disinfection. Support authorizing U.S. Environmental Protection Agency (EPA) oversight of water system security through updated vulnerability assessments and site security plans.
- Support administrative/legislative action and funding that protects public health, utilizes science, and reflects appropriate benefit/cost analyses and implementation schedules to protect and improve water quality from unacceptable risks from various constituents. Potential constituents include, but are not limited to, arsenic, chromium 6, cyanotoxins, disinfection byproducts, lead, nitrate, perchlorate, perfluorinated compounds, pharmaceuticals/personal care products, 1,2,3-trichloropropane, and uranium.
- Support administrative/legislative actions that are protective of source water quality, utilize current science and incorporate benefit/cost analyses to reduce salt and nutrient loading to source waters.
- Support administrative/legislative efforts to amend the federal Safe Drinking Water Act and that utilize science, incorporate benefit/cost analysis, and provide adequate resources for treatment and mitigation measures.

### *Environmental Planning and Environmental Compliance*

- Support administrative/legislative actions to improve clarity and workability of federal environmental statutes and regulations, and eliminate duplicative state or federal processes.
- Support administrative/legislative actions for environmental compliance (e.g., air, water, hazardous materials and waste) that provide for regulatory compliance flexibility, promote consistency and reduce regulatory duplication.
- Protect Metropolitan's interests in administrative/legislative actions to ensure Metropolitan's ability to reliably operate and maintain its facilities, infrastructure and real estate assets, including rights of way necessary to access Metropolitan's facilities. These actions include, but are not limited to, land conservation measures, such as the California Desert Protection Act, and EPA's rules for "Waters of the United States" and water transfers.
- Support administrative/legislative actions to consolidate review and oversight of anadromous species protection under the Department of the Interior rather than Commerce to eliminate duplication and increase efficiencies.
- Support administrative/legislative actions and funding for control and mitigation of invasive species, including, but not limited to, quagga mussels and striped bass.
- Support administrative/legislative actions pertaining to invasive species that are consistent with, and in no way interfere with, existing interstate water transfers.

### *Energy Sustainability*

- Support efforts to ensure power costs to the State Water Project and Metropolitan are appropriate and proportional to the benefits received and that operations of the Colorado River Aqueduct are not adversely impacted.
- Support efforts to improve federal hydropower relicensing for existing facilities, including SWP resources.

- Work to ensure that administrative/legislative efforts seeking to enhance or expand hydropower at existing dams do not adversely impact those dams, either financially or operationally, or entities with rights to the power from the existing resources.
- Support legislation that defines hydropower generation as renewable energy irrespective of a facility's nameplate generating capacity, and includes the provision of renewable energy credits for hydroelectric generation.
- Support legislation that removes barriers to and encourages energy sector investments in water conservation and energy management programs.

#### *Cybersecurity*

- Support associations and coalition efforts to develop standard guidance and best management practices for consistent and ongoing actions to reduce cyber vulnerabilities in process control systems for major water system providers.

#### *Infrastructure and Public Finance*

- Support measures to reduce the cost of financing water infrastructure planning and construction, such as tax-credit financing, tax-exempt municipal bonds, an expanded EPA Water Infrastructure Finance Innovation Act (WIFIA), Water Resources Development Act (WRDA) or similar financing mechanism that funds water supply infrastructure, including dams, water conduits, pipelines, canals, pumping, power and associated facilities, the Environmental Infrastructure Accounts and other funding mechanisms.
- Support legislative/administrative actions that promote stormwater as a beneficial resource and facilitate the funding and permitting of stormwater capture projects to augment local and regional water supplies without compromising the operational, financial, regulatory, and customer interests of local and regional water agencies.
- Support tax exemptions for water conservation or efficiency incentives for measures including, but not limited to, turf removal, local stormwater capture (e.g., rain barrels, cisterns), and other measures to reduce consumption of water or enhance the absorption and infiltration capacity of the landscape.
- Support "beneficiaries pay" approach as financing mechanism for statewide projects and programs.

#### *Federal Appropriations Priorities*

Metropolitan supports funding for the following measures:

- Bay-Delta planning and implementation funding for near-term projects, including near-term and emergency response projects.
- Farm Bill/U.S. Department of Agriculture programs to support habitat projects in the Delta and agricultural water-use efficiency and source water protection projects in the Delta or in the Colorado River Basin.
- Colorado River Basin Salinity Control Program.
- Colorado River drought resiliency projects.
- Moab Uranium Mill Tailings Remedial Action (UMTRA) Project.
- Water quality protection initiatives (e.g., chromium 6, nitrate, perchlorate, salinity, uranium, cyanotoxins, and constituents of emerging concern).
- Biological controls, mitigation management, or control of invasive species.
- Solar retrofits and other renewable energy and conservation projects.

- Water conservation and water use efficiency programs such as the EPA WaterSense program, and other water resource projects.
- Desalination and salinity management research, including funding for the Brackish Groundwater National Desalination Research Facility through the Water Desalination Act of 1996.
- Lower Colorado River Multi-Species Conservation Program.
- Bureau of Reclamation Title XVI and WaterSMART programs, and EPA WIFIA program.
- Climate change adaptation and mitigation research, including support for authorizing legislation to provide EPA grant funding for programs such as the Water Research Foundation to conduct research enabling water agencies to adapt to hydrologic changes.
- Water Resources Development Act-based Environmental Infrastructure Account.
- Federal authorization and appropriation of funds to implement the Salton Sea restoration solutions in partnership with state and local entities.
- Support appropriations for funding the research and development of innovation programs in the water sector.

## Policy

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Supports Metropolitan's mission and incorporates its overall water quality and supply reliability objectives.

## California Environmental Quality Act (CEQA)

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### CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not defined as a project and is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

### CEQA determination for Option #2:

None required

## Board Options

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### Option #1

Adopt the CEQA determination that the proposed action is not defined as a project and is not subject to CEQA, and

Adopt the Federal Legislative Priorities and Principles for 2018.

**Fiscal Impact:** None.

**Business Analysis:** Adoption of these legislative priorities and principles will support staff's ability to timely address concerns related to federal legislation in 2018.

### Option #2

Take no action.

**Fiscal Impact:** None.

**Business Analysis:** Absence of these legislative priorities and principles could hinder staff's ability to timely address concerns related to federal legislation in 2018.

**Staff Recommendation**

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Option #1

  
\_\_\_\_\_  
Dee Zinke  
Assistant General Manager/Chief External  
Affairs Officer  
11/29/2017  
Date

  
\_\_\_\_\_  
Jeffrey Kightlinger  
General Manager  
12/7/2017  
Date

Ref# ea12660716



● **Board of Directors**  
***Communications and Legislation Committee***

12/12/2017 Board Meeting

**8-7**

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**Subject**

Adopt CEQA determination and adopt State Legislative Priorities and Principles for 2018

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**Executive Summary**

This board letter outlines the state 2018 legislative priorities and principles recommended by staff for the Board's consideration and adoption.

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**Details**

After consulting with Metropolitan member agency legislative coordinators in October 2017, and member agency managers in November 2017, staff submits the following state legislative priorities and principles for the Board's consideration and approval. Metropolitan's top state priorities for 2018 have been included in anticipation of legislative action in key policy areas during the second year of the 2017/18 session.

The state principles for the 2017/18 session support Metropolitan's mission and incorporate its overall water supply reliability and water quality objectives. By adopting these principles, the Board sets the policy direction for staff to direct resources both legislatively and administratively.

**Metropolitan's Top State Priorities for 2018**

- Work to ensure steady progress on California Water Fix and EcoRestore.
- Work proactively to advance state water infrastructure financing that reflects "beneficiary pays" principle, as opposed to a fee or assessment levied solely on water agencies for funding broader public benefits.
- Advance policies that promote, rather than penalize, new local water infrastructure projects, such as recycling, and provide funding for needed research to advance new technology.
- Advance state policy on water use efficiency targets and recycled water that respects local investments while providing flexibility and maintaining local discretion, where appropriate.
- Support administrative/legislative actions for environmental compliance (e.g., air, water, hazardous materials and waste) that provide for regulatory compliance flexibility, promote consistency and reduce regulatory duplication.

**State Principles**

*Bay-Delta and State Water Project Improvements*

- Support administrative/legislative action and state funding to keep the California WaterFix on schedule to advance conveyance and ecosystem improvements to help achieve the coequal goals of water supply reliability and Delta ecosystem restoration.

- Support administrative/legislative action and funding to advance emergency response, near-term Delta improvements and expenditures to support fish monitoring activities in the Delta consistent with the coequal goals, California EcoRestore, and the California Water Action Plan.
- Continue support for implementation of state policies adopted as part of the 2009 Delta Reform Act and water management package, including clarification of the monitoring, reporting, and enforcement provisions related to in-Delta diversions.
- Support state funding for public share of Delta ecosystem restoration costs.
- Support state funding for public share of costs, including mitigation and rehabilitation, for multi-purpose State Water Project (SWP) facilities.
- Support administrative/legislative action and funding to add surface and ground water storage statewide.
- Oppose administrative/legislative action that would shift procurement of renewable resources to the SWP, irrespective of transmission limitations, cost and portfolio availability.

#### *Drought-Related Legislation*

- Support administrative/legislative actions to respond to drought, including funding for both immediate and long-term water supply improvements, while maintaining environmental protections, flexibility and local control.
- Support legislative efforts which recognize variations among communities, regions, and counties with respect to the capability of withstanding the impacts of drought.

#### *California Water Action Plan*

- Support implementation of the Brown Administration's comprehensive water strategy, consistent with Metropolitan's goals and objectives, to ensure effective drought management and near-term actions to guide development of programs and investments to meet the state's long-term water infrastructure needs.

#### *Regional Water Resource Management*

- Continue to support and promote integrated water resources portfolio planning.
- Support administrative/legislative action to promote the development of recycled water (including potable reuse), groundwater, stormwater, and desalination projects as water resources, without compromising the operational, financial and water quality, regulatory and customer interests of Metropolitan and other water and wastewater agencies.
- Support using water wisely in both urban and agricultural settings and ensure equitable implementation among urban and agricultural uses.
- Support administrative/legislative action to promote voluntary on-site water treatment systems if they maintain compliance with Title 22 and do not impact municipal water recycling systems.
- Ensure statutory or regulatory mandates for improving water use efficiency are fact-based and not a one-size-fits-all approach.

#### *Watershed Management*

- Support legislation, regulatory proposals and partnership-based programs that provide for the development and/or public funding of watershed management plans in Southern California, the Bay-Delta and Colorado River watersheds that provide broad public benefits, including water quality, water supply reliability and environmental improvements. Funding of watershed management programs should be based on the "beneficiaries pay" principle.



*Water Quality*

- Support administrative/legislative action and funding that protects public health, incorporates science, reflects appropriate benefit/cost analyses and implementation schedules to protect and improve water quality. Potential constituents include, but are not limited to, arsenic, chromium 6, cyanotoxins, disinfection byproducts, lead, nitrate, perchlorate, perfluorinated compounds, pharmaceuticals/personal care products, 1,2,3-trichloropropane, and uranium.
- Support administrative/legislative actions that are protective of source water quality, utilize current science and incorporate benefit/cost analyses to reduce salt and nutrient loading to surface and groundwater sources.
- Support administrative/legislative action to ensure that all affected public water systems are consulted on proposed consolidations or extension of service area and that the consolidation or extension of service complies with all applicable state laws.
- Support administrative/legislative actions that improve water system staff training and certification.

*Environmental Planning and Environmental Compliance*

- Support administrative/legislative actions to improve clarity and workability of CEQA, and eliminate other duplicative state processes.
- Support administrative/legislative actions for environmental compliance (e.g., air, water, hazardous materials and waste) that provide for regulatory compliance flexibility, promote consistency and reduce regulatory duplication.
- Protect Metropolitan's interests in administrative/legislative actions to ensure Metropolitan's ability to reliably operate and maintain its facilities, infrastructure and real estate assets, including rights of way necessary to access Metropolitan's facilities.
- Support administrative/legislative actions and funding for control and mitigation of invasive species, including, but not limited to, quagga mussels and striped bass.
- Support administrative/legislative actions that require consideration of cost and the benefits, local uses for recycled water and stormwater capture projects, and available funding to implement programs that mandate reduction or reuse of ocean discharges.

*Energy Sustainability*

- Support efforts to ensure power costs to the State Water Project and Metropolitan are appropriate and proportional to the benefits received and that operations of the Colorado River Aqueduct are not adversely impacted.
- Support authorization for grant funding for energy efficiency, including programs to reduce greenhouse gases and develop renewable resources.
- Promote water-energy nexus administrative/legislative or regulatory activities that preserve Metropolitan's ability to pursue supply options and oppose constraints on supply development such as water resource loading orders based on energy intensity.
- Support legislation that defines hydropower generation as renewable energy irrespective of a facility's nameplate generating capacity, and includes the provision of renewable energy credits for hydroelectric generation.
- Support legislation that removes barriers to and encourages energy sector investments in water conservation and energy management programs.

- Support administrative/legislative actions that provide funding from the Greenhouse Gas Reduction Fund and other similar funds for allowances under the Cap-and-Trade Program to Metropolitan and Department of Water Resources (i.e., State Water Contractors) and other water programs and projects.
- Ensure any expansion or regionalization of the western electric power grid does not adversely impact Metropolitan or the State Water Contractors.

#### *Infrastructure and Public Finance*

- Support measures to reduce the cost of financing water infrastructure planning and construction that funds water supply infrastructure, including water conduits, pipelines, canals, pumping, power and associated facilities.
- Support administrative/legislative actions that promote stormwater as a beneficial resource and facilitate the funding and permitting of stormwater capture projects to augment local and regional water supplies without compromising the operational, financial, regulatory, and customer interests of local and regional water agencies.
- Support tax exemptions for water conservation or efficiency incentives for measures including, but not limited to, turf removal, local stormwater capture (e.g., rain barrels, cisterns), and other measures to reduce consumption of water or enhance the absorption and infiltration capacity of the landscape.
- Support “beneficiaries pay” approach as financing mechanism for statewide projects and programs.
- Oppose public goods charge or other charges levied solely on water agencies for funding broader public benefits. Support proposals with equitable and multi-stakeholder cost sharing for provision of safe drinking water and water rate affordability.
- Support legislation/administrative action that deters metal theft and protects critical public water infrastructure.
- Support legislation/administrative action that would provide funding or reimbursement for water utility infrastructure expenditures to improve redundancy and reliability.
- Support state funding for research and development of technology innovation programs in the water sector.
- Support administrative/legislative actions that allow state and local governments to reasonably restrict hobbyist or commercial drone operations over private property and critical infrastructure. Support actions that maintain the ability for public agencies to use drones for governmental purposes.

#### *Cybersecurity*

- Support association and coalition efforts to develop standard guidance and best management practices for consistent and ongoing actions to reduce cyber vulnerabilities in process control systems for major water system providers.

#### *Water System Governance*

- Support administrative/legislative actions that improve governance of non-compliant water systems and provide assistance for consolidations that increase their technical, managerial, or financial capacity.
- Support administrative/legislative actions that reform Proposition 218 to provide water systems with voluntary options for financing low-income rate assistance programs.

## Policy

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## California Environmental Quality Act (CEQA)

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The CEQA determination is: Determine that the proposed action is not defined as a project and is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

### CEQA determination for Option #2:

None required.

## Board Options

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### Option #1

Adopt the CEQA determination that the proposed action is not defined as a project and is not subject to CEQA, and

Adopt the State Legislative Priorities and Principles for 2018.

**Fiscal Impact:** None.

**Business Analysis:** Adoption of these legislative priorities and principles will support staff's ability to timely address concerns related to state legislation in 2018.

### Option #2

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**Fiscal Impact:** None.


**Business Analysis:** Absence of these legislative priorities and principles could hinder staff's ability to timely address concerns related to state legislation in 2018.

## Staff Recommendation

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### Option #1

  
 \_\_\_\_\_ 11/29/2017  
 Dee Zinke Date  
 Assistant General Manager/Chief External  
 Affairs Officer

  
 \_\_\_\_\_ 12/7/2017  
 Jeffrey Kightlinger Date  
 General Manager