

October 2, 2019



® Nancy Vogel
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Submitted electronically to: input@waterresilience.ca.gov

Re: California State Association of Counties (CSAC) Comments on Governor Newsom's
Water Resiliency Portfolio Effort

Dear Mrs. Vogel:

The California State Association of Counties (CSAC) appreciates the opportunity to provide comments on behalf of California's 58 counties regarding the development of a comprehensive strategy to build a climate-resilient water system and ensure healthy waterways in California through the 21st century. Counties recognize the dramatic impact that climate change is having on our society and the need for immediate action to reduce California's GHG emissions from all sectors. We also recognize the need to adapt to our changing climate and create policies that make us more resilience to future impacts.

We strongly support Governor Newsom's Executive Order N-10-19, which will help incorporate the realities of climate change in to California's water resource management policies. We also applaud the administration for taking a comprehensive look at the complex and diverse issues and needs around water resiliency in California. We offer the following comments on behalf of California's 58 counties, which are based on our long-standing consensus driven policy. We look forward to working with you with and the various departments and agencies to implement a sustainable strategy that will help to meet our state's water needs while ensuring environmental and economic resilience in California.

Regional Cooperation

California's water system is a diverse as our state. Counties support regional self-sufficiency as part of an overall framework to enhance our collective resiliency in California. Many communities are diversifying their water supplies because local sources are the most cost-effective, reliable and support local jobs, local control and the economy. The State should encourage local self-sufficiency by provide funding and/or resources to local agencies to incorporate practices like stormwater capture, forest management, water purification, desalination, reuse and recycling, conservation, and groundwater cleanup.

Counties support the Integrated Regional Water Management Plan (IRWMP) process. The IRWMP process provides a valuable venue for regional collaboration across a variety of agencies, improves responsiveness to regional needs and priorities, effectively integrates water resource management activities, and most critically serves as a platform to secure state and federal funding. In addition, this existing collaborative process supports regional scale

planning. Counties are actively engaged in the IRMWP and support providing more resources to help achieve IRWMP goals.

Stormwater as a Natural Resource and Proposition 218

Climate change is altering California's weather patterns to even further extremes of wet and dry years. California must adapt to this new reality and recognize that stormwater runoff is a valuable resource that can and should be utilized. Projects that capture, treat, and make use of stormwater are vital to California's water resiliency goals and to improving regional self-sufficiency. Counties support better incorporation of stormwater in the surface and groundwater supply system.

The treatment and capture of stormwater is a challenging and costly endeavor in California. Local governments face several barriers to funding for stormwater and dry weather runoff projects due to the constitutional requirements for special taxes, benefit assessments, and property-related fees. Proposition 218 (1996) imposed constitutional limits on local officials' ability to impose, increase, and extend fees, including property-related fees. Consequently, in 2002, an appellate court ruled that the meaning of sewer in Proposition 218 was "ambiguous," and proceeded to develop a new definition of sewer service that did not include stormwater.

Many of the local governments that operate MS4 (Municipal Separate Storm System) systems differ from water and wastewater utilities that existed prior to the passage of Proposition 218, which have in place service fees. On the other hand, many stormwater programs in cities and counties are funded by the general fund, primarily through property and local sales taxes. As regulatory burdens continue to increase, local governments are forced to examine alternative funding mechanisms and regional strategies to address critical stormwater issues.

Limited reforms to Proposition 218's requirements would significantly improve local governments' ability fund and develop projects that improve water management options and regional resiliency. Any reforms should maintain high standards of transparency and accountability, while providing local agencies with the needed flexibility to enact funding mechanisms that will enable regional improvements in water supply reliability, water quality for public and environmental health, and protection for the state's residents and businesses from harmful flooding. CSAC strongly supports constitutional reforms to address the unintended consequences of Proposition 218, which has limited local government's ability to raise revenue and funding for important stormwater capture projects.

Water Conservation and Storage

Counties recognize the need for enhanced local programs that promote water conservation and water storage. Water conservation may include programs supporting reuse of domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, or economic incentives to invest in equipment that promotes efficiency.

In addition to conservation, counties support increased water storage options to help capture excess water flows from watersheds during wet months. These excess flows could be diverted into new groundwater and surface water storage projects to provide much needed water in drier periods when water exports could be damaging or when water is simply not available.

Groundwater Management

Groundwater management is essential in California. Adequate management of water supply cannot be accomplished without effective administration of both surface and groundwater resources at the local level. Groundwater management boundaries should recognize natural basins and responsibilities for administration should continue to be vested locally.

Groundwater management programs should maintain flexibility to expeditiously address critical localized and basin-wide problems. In addition, groundwater recharge projects are necessary components of future water management to support sustainable groundwater basins in California. By providing additional technical resources and permit streamlining, the state could help groundwater recharge projects become more cost effective.

Delta

Counties recognize that the Sacramento-San Joaquin Delta is a region of significant statewide importance encompassing vital water, transportation, energy, agriculture and economic interests. In addition, we recognize that the Delta is in a state of crisis and there is a need for the development of new solutions to expand water resources to meet the growing needs of the state, while restoring and protecting the Delta's fragile ecosystem. Counties support solutions that recognize and respect the affected counties' land use authority, revenues, public health and safety, economic development, water rights, and agricultural viability. In addition, solutions should promote recreation and environmental protection; improve flood protection for delta residents, property, and infrastructure; improve and protects the delta ecosystem, water quality, flows and supply; and, support development of adequate water supply, utilizing the concept of regional self-sufficiency.

Flood Control

As we experience the impacts of climate change and extreme weather events, a functioning and adequate flood control system in California is critical to the health and safety of our communities. The state flood control system must be viewed as a complete system and funded accordingly with support from state and federal permitting authorities. Intermittent and piecemeal efforts at mapping, maintaining, and repairing the system has proved to be inefficient, costly and generally ineffective. Counties also recognize the critical need for new projects and repairs within the existing flood control infrastructure and the necessity of ensuring the ongoing maintenance of all components, from upper watershed to end-users.

As stewards of flood control systems across California, counties are willing partners in the goals of both public safety and environmental protection. Flood control facilities can serve as excellent wetland habitat. However, the key for local governments to be able to achieve these equally important protection goals is the timely issuance of permits and appropriate exclusions for certain activities, including routine maintenance of flood control facilities. Counties and our flood control managers actively engaged the State Water Resources Control Board during the Board's recent development of new statewide wetland dredge and fill regulations. We were supportive and appreciative of exclusions that were granted for routine maintenance and operation of existing flood control facilities, but continue to have concerns

about acquiring permits and costly mitigation offsets for the development of new flood control facilities under the newly issued rules. Multi-benefit projects, including new flood control facilities, are crucial to California's water resiliency. Counties encourage the state to work across agency boundaries to identify areas where permits processes can be streamlined and coordinated in an effort to support local projects that meet multiple goals.

Thank you for the opportunity to comment on this critical issue. Counties welcome the opportunity to partner with that state on the development of a comprehensive strategy that will strengthen water resilience. Every hydrological basin is different, and we must seek to maximize the number of tools in the toolbox to provide realistic and comprehensive solutions to California's challenging water needs. Should you have any questions regarding our position, please feel free to contact Cara Martinson at 916-327-7500, ext. 504, or cmartinson@counties.org

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cara Martinson', with a long horizontal flourish extending to the right.

Cara Martinson
CSAC Senior Legislative Representative

cc: Governor Gavin Newsom
Wade Crowfoot, Secretary, California Natural Resources Agency
Jared Blumenfeld, Secretary, California Environmental Protection Agency
Karen Ross, Secretary, California Department of Food and Agriculture