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**File No.:** 18-0574

**Agenda Date:** 9/5/2018

**Item No.:** 2.2.

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## BOARD AGENDA MEMORANDUM

### SUBJECT:

2018 Legislative Efforts and Recommended Position on State Legislation: Senate Bill 1301 (Beall)  
Expedited Permitting for Flood Protection and Dam Safety.

### RECOMMENDATION:

- A. That the Santa Clara Valley Water District Board of Directors and Santa Clara City Council consider directing staff to continue to work together on advocacy efforts on water supply, flood protection, and other issues of mutual interest, including letters of support on bills, rulemaking actions, and/or advocacy with federal and state elected officials and regulatory agency officials, and other actions; and
- B. That the Santa Clara City Council consider taking a position of support on Senate Bill 1301 (Beall) - Expedited Permitting for Flood Protection and Dam Safety, and direct city staff to follow up with advocacy efforts as appropriate, including a letter of support.

### SUMMARY:

Securing adequate funding, authorization, and permits for flood protection and water supply projects is difficult and requires advocacy efforts at the federal and state levels to move projects forward to completion. The District pursues these advocacy efforts year-round by meeting with federal, state and regulatory officials to advocate for funding, authorization, and permits for these projects. The City of Santa Clara (City) has partnered in the past with the District to advocate for such projects by sending letters of support on grant applications, federal funding requests, and other advocacy efforts for these projects. Most recently, the City partnered with the District by providing a letter of support for the District's Pacheco Reservoir Expansion Project's Proposition 1 grant application, which ultimately was awarded full grant funding from the California Water Commission.

Recognizing the importance of joint advocacy efforts in advancing critical water supply, flood protection, and environmental stewardship projects, staff recommends that the City Council consider supporting a District-sponsored state legislative bill that benefits the region, outlined below.

### **Senate Bill 1301: Expedited Permitting for Flood Protection and Dam Safety**

In recent years, there has been a growing threat to human lives and property as a result of floods, mudslides, drought, and wildfires. Although current law allows state agencies to take quick action in emergency situations by exempting lifesaving projects from normal regulatory permitting, the

exemption does not cover those projects that protect human life that do not rise to the level of an emergency. In addition, chronic understaffing at permitting agencies means that permitting projects that will help protect life and property are often delayed by months or even years. The delayed engagement by permitting agencies can result in costly project redesigns and funding shortfalls that add significant delays in bringing the enhanced benefits of the project to the public. Senate Bill (SB) 1301, titled Expedited Permitting for Flood Protection and Dam Safety and authored by State Senator Jim Beall, would address this issue for dams and flood safety projects through interagency collaboration funded by project applicants.

Under SB 1301, an applicant for a dam safety or flood risk reduction project could pay fees to cover the costs of supplemental consultation. The applicant fees would make additional staff resources available to chronically understaffed state permitting agencies and thus expedite the permitting process by allowing permitting agencies to participate earlier and throughout the environmental review and permitting processes. The supplemental consultations could cover:

- Environmental impacts and mitigation;
- Feedback on environmental documents; and
- Identifying any conflicts between the various conditions for permit approval.

SB 1301's supplemental consultation does not exempt dam safety and flood risk reduction projects from the California Environmental Quality Act (CEQA) or any other environmental compliance requirements, but instead would make those requirements more effective and the permitting process more efficient. Earlier and closer coordination among permitting agencies will expedite permitting and speed the implementation of enhanced safety benefits for the public.

This bill is important to the area because it will help accelerate critical dam safety projects and flood risk reduction projects that will help improve flood protection for both residents and businesses while ensuring that the projects are in full compliance with CEQA.

**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:**

Attachment 1: SB 1301 Fact Sheet

Attachment 2: SB 1301 Sample Letter of Support

**UNCLASSIFIED MANAGER:**

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Rachael Gibson, 408-630-3004