



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C5

For the meeting of: June 16, 2015

Date: May 29, 2015
To: Board of Supervisors
From: Phillip Smith-Hanes, County Administrative Officer *PSH*
Subject: Letter of Support for Congressman Jared Huffman's Drought-Relief Legislation

RECOMMENDATION(S):

That the Board of Supervisors approves the letter of support (Attachment A) for Congressman Jared Huffman's drought-relief legislation.

SOURCE OF FUNDING: General Fund

DISCUSSION:

In response to the drought conditions that exist in California and other western states, Congressman Jared Huffman is circulating a draft bill for drought-relief. The draft legislation includes immediate emergency measures as well as long-term investments in water supply reliability. The Congressman is looking for letters of support and/or accepting suggestions to the draft bill.

This legislation would make emergency appropriations available from the Reclamation Fund for various drought response activities and water infrastructure projects. Under the bill, funds would be available for

Prepared by Amy S. Nilsen

CAO Approval *Cheryl Dillingham*

REVIEW:

Auditor _____ County Counsel _____ Human Resources _____ Other _____

TYPE OF ITEM:

☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Sundberg* Seconded by Supervisor *Bass*

Ayes *Sundberg, Lovelace, Fennell, Bass*

Nays _____

Abstain _____

Absent *Bohn*

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *June 16, 2015*

By: *Kathy Hayes*
Kathy Hayes, Clerk of the Board

water reuse and recycling programs, WaterSMART¹ and Title XVI projects², and activities to curtail water theft for illegal marijuana grows.

The legislation also would direct the Department of Justice to develop a plan to address illegal water diversions for marijuana cultivation. Additionally, the bill would create a structure for funding remediation of trespass grow sites that threaten to impact watersheds and water quality.

The draft also includes a section on drought planning. Among other things, the bill would direct the U.S. Fish and Wildlife Service to prepare a salmon drought plan to address the impacts of drought on salmon populations.

By supporting this draft bill early on in the process it can provide momentum to push the priorities in this bill forward.

FINANCIAL IMPACT:

There is no direct financial impact to the county by submitting a letter of support. There is minimal staff time involved in the preparation of the agenda item and letter. These staff costs were already included in the fiscal year 2014-15 budget.

This letter of support supports the Board's Strategic Framework Priorities for New Initiatives by advancing local interests in natural resource discussions.

OTHER AGENCY INVOLVEMENT:

Federal government.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to submit the letter of support.

ATTACHMENTS:

Attachment A – Letter of Support

Attachment B – Section by Section Summary

¹ Established in February of 2010 the WaterSMART program allows bureaus of the U.S. Department of the Interior to work with states, tribes, local governments, and non-governmental organizations to pursue a sustainable water supply for the nation by establishing a framework to provide federal leadership and assistance on the efficient use of water, integrating water and energy policies to support the sustainable use of all natural resources.

² Title XVI is a water recycling and reuse program through the Bureau of Reclamation and works to identify and investigate opportunities to reclaim and reuse wastewaters and naturally impaired ground and surface water.



**BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT**

825 5th Street, Suite 111, Eureka, CA 95501-1153
Telephone (707) 476-2390 Fax (707) 445-7299

June 16, 2015

The Honorable Jared Huffman
1630 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Huffman:

On behalf of the Humboldt County Board of Supervisors, I am writing to offer our support for your drought-relief legislation (HR XXXX). Your bill would provide immediate relief to areas of our state that continue to suffer the effects of the current devastating drought, as well as provide much-needed, long-term investments in water supply.

Humboldt County is particularly supportive of the provisions of HR XXXX that would provide funding for the curtailment of water theft for illegal marijuana grows; direct the Department of Justice to develop a plan to address illegal water diversions for marijuana cultivation; provide a funding structure for the remediation of trespass grow sites that threaten to impact watersheds and water quality; and, direct the U.S. Fish and Wildlife Service to prepare a salmon drought plan to address the impacts of drought on salmon populations.

Again, Humboldt County is pleased to endorse your drought-relief legislation. Should you have any questions regarding our position or would like additional information, please contact Waterman & Associates at (202) 898-1444.

Sincerely,

Estelle Fennell
Humboldt County Board of Supervisors, Chair

cc:
Waterman & Associates
California State Association of Counties
Rural County Representatives of California



Huffman Drought Bill Section by Section Summary Internal Staff Memo

Huffman Drought Bill Section by Section Summary

In response to the drought conditions in California and other western states, the draft legislation includes immediate emergency measures as well as long-term investments in water supply reliability.

Title I: Emergency Drought Response Appropriations from Reclamation Fund

This title uses the Reclamation Fund as a source for emergency appropriations for public health and safety; for expanding water recycling, reuse, and reclamation; for meeting the emergency needs of communities impacted by the drought; and for developing long term solutions to meet the impacts of climate change on this already arid region of the country. The Reclamation Fund was established in 1902, funded by public land sales within the western States and territories for the purposes of funding water infrastructure projects. The Fund has historically been supplemented with additional revenues from federal water resources development and mineral and natural resource leases on federal lands, and now has a surplus that exceeds \$10 billion.

- **Emergency EPA Appropriations:** \$500 million (see below)
- **Emergency WIFIA Appropriations:** \$20 million (see below)
- **Reclamation Appropriations:** \$200 million total, including \$20 million for Title XVI and \$20 million for WaterSMART. Remaining funding could also be used for RIFIA (see Section below). Also directs a portion of the emergency Reclamation appropriations to completing Cal-Fed water storage feasibility studies that have the financing and support to be under construction within 10 years.
- **Army Corps Appropriations:** \$40 million for Section 5039 of WRDA 2007, which was an environmental infrastructure (reuse and recycling) authorization for California that has never been funded.
- **Rural Utilities Service Rural Water Program:** \$5 million (Includes Emergency Community Water Assistance Grants to assist rural communities that have experienced a significant decline in quantity or quality of drinking water)
- **Emergency Grants To Assist Low-Income Migrant and Seasonal Farmworkers:** \$25 million
- **Curtailing Water Theft from Illegal Marijuana Grows:** \$3 million
- **Improving Groundwater Recharge and Upstream Watershed Protection for Water Quality and Quantity:** \$100 million
- **EPA Superfund:** \$300 million for cleanup of contaminated groundwater to improve available supplies especially in urban areas.
- **GAO Report on Duplication and Fragmentation in Water Agencies.**

Emergency EPA Appropriations Funding: An emergency appropriation for EPA's Clean Water and Drinking Water State Revolving Funds of \$500 million with priority for drought response projects. Increases repayment period to reflect the full life of the capital investment.

Emergency WIFIA Appropriations Funding: An emergency appropriation of \$20 million for WIFIA, a new pilot water infrastructure financing program established by the recently passed WRRDA, with the additional change allowing the program to work with tax-exempt municipal financing for projects in areas with drought declarations.

Title II: New Water Infrastructure Program Authorizations

New Water Recycling and Reclamation Program Through EPA: Would establish a new EPA grant program to support water recycling projects. Designed to establish a nationwide program, not just in the Reclamation states, to support water recycling and supplement Reclamation's Title XVI program.

Reclamation Infrastructure Finance and Innovation Act (RIFIA): Three-part program of expanding the Bureau of Reclamation's toolbox in financing water infrastructure projects.

- **Innovative Financing:** Modeled after the successful and popular Transportation Infrastructure Finance and Innovation Act (TIFIA) program, this title would offer long-term, low-cost financing for eligible water infrastructure projects directly and indirectly associated with a Bureau of Reclamation (Reclamation) project. Funds, under the Act (\$50 million a year), would be available to finance the planning, design and construction as well as the acquisition of real property or an interest in real property if the acquisition is integral to an otherwise eligible project.
- **Integrated Regional Water Management, Reclamation, and Recycling Projects:** Would allow Reclamation to participate as a technical and financial partner with state and local water management entities to develop storage and conveyance associated with regional integrated water management, and water recycling projects. Provides authority for Reclamation to participate in these projects with cost-shared grants of up to \$15 million, and funds would be available to be expended for up to five years—program would be authorized at \$150 million.
- **Local and Federal Coordination on Improvements to Reclamation Facilities:** Would authorize the Secretary of the Interior, under specific conditions, to transfer ownership of a small Reclamation project to a non-federal entity. This will allow for the non-federal operating entity to obtain a loan guarantee that would not constitute a "third-party" financed obligation and would be favorably "scored" under congressional budget rules.

Innovative Stormwater Capture Program: Incorporates Congresswoman Edwards's bill, the Innovative Stormwater Infrastructure Act, to establish new approaches to manage and capture stormwater runoff.

Title III: Improved Infrastructure and Water Management

Restoring America's Watersheds and Increasing Water Yields Act: Incorporates Senator Heinrich's bill, Restoring America's Watersheds Act, to develop a Water Source Protection Program within the Forest Service to protect and restore watersheds.

Reservoir Operation Improvement: Incorporates Congressman Huffman's bill, FORECAST Act, to give the Secretary of the Army authority to review the operation of a

reservoir, at the request of its non-Federal sponsor, and determine if a change in operation using improved weather forecasts and run-off forecasting through National Oceanic and Atmospheric Administration would improve authorized project benefits.

Reclamation Projects for Renewable Energy to Reduce Evaporation Loss:

Establishes projects to improve water supply by reducing water loss from evaporation. Allows the Bureau of Reclamation to conduct lease sales for solar and wind energy projects on Reclamation land, reservoirs, canals, and other infrastructure. Also, promotes conservation by creating a fund for Fish and Wildlife Restoration supported out of royalties paid by the private developers of the projects, with royalties also shared with states and localities.

Improved Reclamation Crop Data: Instructs the Secretary of the Interior to immediately survey Bureau of Reclamation agricultural water contracts to determine if the contractors have converted annual crops to water-intense permanent crops during periods of state-declared drought, which hardens demand for water. Within ninety days from enactment, report back to Congress the acreage put into production, the types of crops, and the impact these new water-intense permanent crops have on Bureau of Reclamation's ability to meet competing water demands.

Improved Oversight of State Injection Wells: Suspends a state's delegated authority for the regulation of injection wells under the Safe Drinking Water Act if the state fails within ninety days to address deficiencies that have harmed groundwater aquifers.

Combating Water Theft for Illegal Marijuana Cultivation: Directs the Department of Justice to develop a plan to address illegal water diversions for marijuana cultivation. Creates a structure for funding remediation of trespass grow sites that threaten to impact watersheds and water quality.

Title IV: Planning for the Future

X-Prize for Desalination Breakthroughs: Establishes an expanded X Prize for development of new desalination technologies overseen by a board of scientists and representatives from the Department of Energy, EPA, NSF, and Reclamation.

Drought Planning Assistance through NRCS and Reclamation: Requires the National Resources Conservation Service to provide water supply planning assistance in preparation for and in response to dry, critically dry, and below normal water year types to any state water agency requesting such assistance.

Drought Preparedness for Fisheries: Directs U.S. Fish and Wildlife Service, in consultation with state and federal agencies, to prepare a salmon drought plan to address the impacts of drought on the salmon population.

National Emergency Planning Response: Directs the President to plan for a national response to prolonged droughts, utilizing all available resources of the federal government.

Military Preparedness for Desalination: Directs the Secretary of the Navy to report on the viability of providing relief to areas impacted by drought with existing defense desalination technology.