



July 2, 2019

The Honorable Mark Stone, Chair
Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

RE: SB 1 (Atkins): California Environmental, Public Health, and Workers Defense Act of 2019: **Oppose Unless Amended**
Assembly Judiciary Committee – July 9, 2019

Dear Chairman Stone:

I am writing to express our opposition to SB 1 by President pro Tem Atkins, unless amended. Metropolitan supports the goal of SB 1 to protect California's environment and worker safety laws from any future rollbacks in federal law. However, if enacted as amended on July 1, SB 1 could have unintended consequences in several policy areas relevant to Metropolitan and our 26 member agencies.

Some of the language in SB 1 is extremely problematic. For example, the endangered species provisions go beyond statutes and regulations and include incidental take permits or biological opinions, including the biological opinions governing the coordinated operations of the State Water Project (SWP) and Central Valley Project (CVP) as they existed prior to the Trump Administration. The federal government is in the process of updating the federal biological opinions. California has initiated consultation separately under the California Endangered Species Act (CESA) that covers all species. If the state is required to adopt the standards from the previous biological opinions from 2008-09, that could constrain SWP operations and shift water supply costs from the federal CVP to SWP; create confusion for water managers; and prevent the state from using best available science to improve conditions for at-risk fish in the Delta in any new permit.

The amended bill also assumes that CESA applies to the federal CVP. That is an unsettled area of law, and it is likely that this language will lead to litigation. In the interim, SWP would bear the full costs of meeting the 2008-09 biological opinion requirements. These water supply costs would limit SWP's flexibility to implement the Voluntary Agreements that is the Newsom Administration's effort to update the Bay Delta Water Quality Control Plan to provide additional flows and fund new habitat and restoration efforts.

Another troubling aspect of SB 1 is that it would allow state agencies to adopt federal baseline standards with as little as 30-days' notice, precluding meaningful public comment.

We have had several meetings with the pro Tem's staff and the proponents of the bill to share our concerns and suggest amendments. For the reasons mentioned above, we must continue to oppose SB 1 unless amended. First, we propose striking the provision relating to biological opinions and the incidental take permits. Second, strike the provision that applies CESA to the Central Valley Project. Last, amend the "less protective" definition in SB 1 to apply to the relevant statutes.

The Honorable Mark Stone

Page 2

July 2, 2019

We are committed to working with the author and the proponents of the bill to see if we can reach an agreement on amendments to address our concerns while maintaining the bill's stated goal. If you have any questions regarding our position on the measure or our suggested amendments, please do not hesitate to contact Kathy Viatella at The Metropolitan Water District of Southern California at kviatella@mwdh2o.com or by phone (916) 650-2614.

Sincerely,

Jeff Kightlinger
General Manager
**Metropolitan Water
District of Southern
California**

Nina Jazmadarian
General Manager
**Foothill Municipal
Water District**

Bill Manis
President & CEO
**San Gabriel
Valley Economic
Partnership**

Anthony Duarte
CEO
**Regional Chamber of
Commerce
San Gabriel Valley**

Richard W. Hansen, P.E.
*General Manager/
Chief Engineer*
**Three Valleys
Municipal Water
District**

Jessica Duboff
Vice President
**Los Angeles Area
Chamber of Commerce**

Theresa Harvey
President & CEO
**North Orange
County Chamber**

Charley Wilson
*Executive Director &
CEO*
**Southern California
Water Coalition**

Alicia Berhow
*Senior Vice President
of Government Affairs*
**Orange County
Business Council**

Craig Miller
General Manager
**Western Municipal
Water District**

Brian A. Dickinson
General Manager
**Water Department
City of Compton**

Matthew Litchfield
General Manager
**Three Valleys
Municipal Water
District**

Shivaji Deshmukh
General Manager
**Inland Empire Utilities
Agency**

John Bosler
General Manager
**Cucamonga Valley
Water District**

Ken Rausch
Chief Executive Officer
**El Monte / South El
Monte Chamber Of
Commerce**

Bruce Channing
Executive Director
**Association of
California Cities
Orange County**

Leah Skinner
Executive Director
**La Verne Chamber of
Commerce**

Joe Cina
President/CEO
**Glendora Chamber of
Commerce**

Monica Farias
Executive Director
**The Greater
West Covina
Business Association**

cc: President pro Tem Toni Atkins
Members of the Assembly Judiciary Committee
Nicholas Liedtke, Consultant, Assembly Judiciary Committee
Paul Dress, Consultant, Assembly Republican Caucus