



July 2, 2019

The Honorable Laura Friedman, Chair  
Assembly Natural Resources Committee  
1020 N Street, Room 164  
Sacramento, CA 95814

RE: SB 1 (Atkins): California Environmental, Public Health, and Workers Defense Act of 2019: **Oppose Unless Amended**  
Assembly Natural Resources Committee – July 8, 2019

Dear Chairwoman Friedman:

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.

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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 with the Metropolitan Water District of Southern California at [kviatella@mwdh2o.com](mailto:kviatella@mwdh2o.com) or by phone at (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 Natural Resources Committee  
Elizabeth MacMillan, Consultant, Assembly Natural Resources Committee  
Katie Sperla, Consultant, Assembly Republican Caucus