



To: Las Virgenes – Triunfo JPA Board of Directors
From: John Freshman and Ana Schwab
Date: February 28, 2019
RE: Federal Report

Disaster Tax Relief Legislation

Senators Grassley (R-IA) and Wyden (D-OR) introduced legislation to retroactively extend tax provisions that expired in 2017 and 2018. The legislation will provide disaster tax relief benefits to individual and businesses affected by major disasters in 2018. The legislation covers 29 expired provisions. Some of the disaster tax benefits include special rules allowing access to retirement funds, a credit for employee retention during business interruption, and special rules for deductions for disaster-related personal casualty losses.

Infrastructure and Federal Streamlining

The House and Senate are having hearings on the future of a broad infrastructure package. The Senate majority members are likely to call for more streamlining of federal permitting. Democrats in both chambers will call for any infrastructure package to include climate change provisions. Further, the House is having a hearing on the Clean Water States Revolving Loan Fund. A focus of the hearing is investment in community modernization and affordability.

Streamlining federal permitting has been priority for the President since before he took office. This priority is becoming a reality through the Federal Permitting Improvement Steering Council. Council members include the Army Corps of Engineers, the Bureau of Reclamation, and the Environmental Protection Agency. Furthering the President's goal, the White House has released a memorandum providing recommendations for state agencies reviewing projects under NEPA. The guidance laid out dictates that one agency will be the lead on permitting and will issue a single environmental impact statement for all federal agencies involved. This is the first direction by the federal government to state agencies that have reviewing responsibilities, the first start is Surface Transportation Project Delivery Program. The direction here provides light as to what to expect as the streamlining expands.

EPA

Andrew Wheeler has been confirmed as the Administrator of the Environmental Protection Agency. The vote was primarily along party lines. Sen. Susan Collins (R-ME) voted no, saying that the policies Wheeler is promoting are not in the best interest of the environment.



Administrator Wheeler comes with a strong water background, having served as Counsel to the Senate Environment and Public Works Committee under Chairman Jim Inhofe (R-OK).

County of Maui, Hawaii v. Hawaii's Wildlife Fund

The Supreme Court announced it will be hear *County of Maui, Hawaii v. Hawaii's Wildlife Fund*. The case deals with a potential expansion of the federal NPDES permitting to groundwater management. The question in the case is: if a pollutant travels through groundwater before reaching a federally regulated waterway, does the Clean Water Act apply? The case involves the discharge of municipal wastewater into injection wells.

Updated WOTUS Rule

The EPA and Army Corps have called for comments on their proposed rule defining “Waters of the United States.” Comments on the proposal are due by April 15, 2019. The proposal is to include: “traditional navigable waters, including the territorial seas; tributaries that contribute perennial or intermittent flow to such waters; certain ditches; certain lakes and ponds; impoundments of otherwise jurisdictional waters; and wetlands adjacent to other jurisdictional waters. Other highlights include:

- “Adjacent wetlands” and similar waters would only be included in CWA jurisdiction if they “are physically and meaningfully connected to other jurisdictional waters.”
- “Ephemeral streams and related features” would be excluded from CWA jurisdiction.
- An impoundment, such as a man-made storage reservoir, remains under CWA Jurisdiction if it is constructed on a water body that would otherwise qualify as jurisdictional – meaning reservoirs constructed on ephemeral streams would be excluded from the definition.
- MS4s and other water conveyance infrastructure is excluded from the definition of WOTUS as long as it is not used for transporting goods, and it was not constructed in a water that would on its own qualify as jurisdictional – again, meaning that ditches and canals constructed in ephemeral streams are excluded from the definition.
- The Agencies are seeking comment on how the proposed rule will regulate impoundments, storm drains and other man-made infrastructure. The rule and the preamble make clear that the Agencies are actively seeking input from persons and entities who will be impacted by these aspects of the proposed rule.

**LAS VIRGENES-TRIUNFO - HIGH PRIORITY LEGISLATION IN THE 116TH CONGRESS
THROUGH FEBRUARY 26, 2019**

Legislation	Summary	Status	Position
<u>H.R. 34</u> <u>Energy and Water</u> <u>Research Integration</u> <u>Act of 2019</u>	To ensure consideration of water intensity in the Department of Energy’s energy research, development, and demonstration programs to help guarantee efficient, reliable, and sustainable delivery of energy and clean water resources.	Introduced by Rep Eddie Bernice Johnson (D-TX) – January 3, 2019	
<u>S. 40</u> <u>Bureau of</u> <u>Reclamation</u> <u>Transparency Act</u>	To require the Secretary of the Interior to submit to Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets.	Introduced by Sen. John Barrasso (R-WY) – January 8, 2019	
<u>S. 47</u> <u>Natural Resources</u> <u>Management Act</u>	This bill sets forth provisions regarding various programs, projects, activities, and studies for the management and conservation of natural resources on federal lands. Specifically, the bill addresses, among other matters <ul style="list-style-type: none"> • land conveyances, exchanges, acquisitions, withdrawals, and transfers; • national parks, monuments, memorials, wilderness areas, wild and scenic rivers, historic and heritage sites, and other conservation and recreation areas; • wildlife conservation; • helium extraction; • small miner waivers of claim maintenance fees; • wildland fire operations; • the release of certain federal reversionary land interests; • boundary adjustments; • the Denali National Park and Preserve natural gas pipeline; • fees for medical services in units of the National Park System; • funding for the Land and Water Conservation Fund; • recreational activities on federal or nonfederal lands; • a national volcano early warning and monitoring system; • federal reclamation projects; and • search-and recovery-missions. In addition, the bill reauthorizes the National Cooperative Geologic Mapping Program	Introduced by Sen. Lisa Murkowski (R-AK) – January 8, 2019 Passed the Senate – February 12, 2019	

Legislation	Summary	Status	Position
<u>H.R. 357</u> <u>Sacramento-San Joaquin Delta National Heritage Area Act</u>	<p>To establish the Sacramento-San Joaquin Delta National Heritage Area. The boundaries of the Heritage Area shall be in the counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo in the State of California, as generally depicted on the map entitled “Sacramento-San Joaquin Delta National Heritage Area Proposed Boundary”, numbered T27/105,030, and dated October 2012.</p>	<p>Introduced by Rep. John Garamendi (D-CA) – January 9, 2019</p>	
<u>H.R. 579</u> <u>To prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture, and for other purposes.</u>	<p>To prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture, and for other purposes.</p>	<p>Introduced by Rep. Scott Tipton (R-CO) – January 15, 2019</p>	
<u>H.R. 664</u> <u>To protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes</u>	<p>To protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes</p>	<p>Introduced by Rep. Bob Gibbs (D-OH) – January 17, 2019</p>	

Legislation	Summary	Status	Position
<u>H.R. 667</u> <u>To repeal the Waters of the United States rule and amend the Federal Water Pollution Control Act definition of navigable waters, and for other purposes.</u>	<p>To repeal the Waters of the United States rule and amend the Federal Water Pollution Control Act</p>	<p>Introduced by Rep. Jamie Herrera Beutler (R-WA) – January 17, 2019</p>	
<u>H.R. 658</u> <u>National Infrastructure Development Bank Act of 2019</u>	<p>To facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Bank, and for other purposes. Highlighting environmental infrastructure projects which include drinking water, waste water treatment facility, and stormwater management system.</p>	<p>Introduced by Rep. Rosa DeLauro (D-CT) – January 17, 2019</p>	
<u>H.R. 807</u> <u>Water and Agriculture Tax Reform Act of 2019</u>	<p>To amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.</p>	<p>Introduced by Rep. Ken Buck (R-CO) – January 28, 2019</p>	

Legislation	Summary	Status	Position
<p><u>H.R. 843</u> <u>To amend the Federal Water Pollution Control Act to clarify when the Administrator of the Environmental Protection Agency has the authority to prohibit the specification of a defined area, or deny or restrict the use of a defined area for specification, as a disposal site under section 404 of such Act, and for other purposes.</u></p>	<p>To amend the Federal Water Pollution Control Act to clarify when the Administrator of the Environmental Protection Agency has the authority to prohibit the specification of a defined area, or deny or restrict the use of a defined area for specification, as a disposal site under section 404 of such Act, and for other purposes.</p>	<p>Introduced by Rep. Bob Gibbs (R-OH) – January 29, 2019</p>	
<p><u>H.R. 855</u> <u>STRONG Act</u></p>	<p>To minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purposes. Key sectors shall include water management, including supply and treatment; infrastructure, including natural and built forms of water and wastewater services;</p>	<p>Introduced by Rep. Scott Peters (D-CA) – January 29, 2019</p>	

Legislation	Summary	Status	Position
<p><u>S. 308</u> <u>A bill to direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands, and for other purposes</u></p>	<p>A bill to direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands, and for other purposes</p>	<p>Introduced by Sen. Dianne Feinstein (D-CA) – January 31, 2019</p>	
<p><u>S. 361</u> <u>Water and Agriculture Tax Reform Act of 2019</u></p>	<p>A bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.</p>	<p>Introduced by Sen. Cory Gardner (R-CO) – February 6, 2019</p>	
<p><u>H.R. 1067</u> <u>To direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands, and for other purposes.</u></p>	<p>To direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands, and for other purposes.</p>	<p>Introduced by Rep. Pete Aguilar (D-CA) – February 7, 2019</p>	

Legislation	Summary	Status	Position
<p><u>S. 376</u> <u>A bill to amend the Federal Water Pollution Control Act to clarify the definition of navigable waters, and for other purposes.</u></p>	<p>A bill to amend the Federal Water Pollution Control Act to clarify the definition of navigable waters, and for other purposes.</p>	<p>Introduced by Sen. Rand Paul (R-KY) – February 7, 2019</p>	
<p><u>H.R. 1137</u> <u>To amend the Water Resources Development Act of 1986 to repeal the authority relating to reprogramming during national emergencies.</u></p>	<p>To amend the Water Resources Development Act of 1986 to repeal the authority relating to reprogramming during national emergencies.</p>	<p>Introduced by Rep. John Garamendi (D-CA) – February 12, 2019</p>	
<p><u>H.R. 1162</u> <u>To establish a grant program for the funding of water recycling and reuse projects, and for other purposes.</u></p>	<p>To extend the authorization of the Bureau of reclamation’s Title XVI competitive grants program, and increases the authorized funding levels from \$50 million to \$500 million. Further the legislation expands the geographic scope of the program by removing a requirement that projects be located in sustained drought or disaster areas, makes the program truly competitive by removing a requirement that Congress sign off on each selected project, and modernizes the individual program funding cap from \$20 million to \$30 million.</p>	<p>Introduced by Rep. Grace Napolitano (D-CA) – Introduced February 13, 2019</p>	
<p><u>H.R. 1134</u> <u>To provide grants for projects to acquire land and water for parks and other outdoor recreation purposes and to develop new or renovate existing outdoor recreation facilities.</u></p>	<p><i>Text not available yet</i></p>	<p>Introduced by Rep. Nanette Barragan (D-CA) – February 25, 2019</p>	

