



**CITY OF SANTA CLARITA
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

Ken Stripling

DATE: February 14, 2017

SUBJECT: STATE LEGISLATION: SENATE BILL 146

DEPARTMENT: City Manager's Office

PRESENTER: Michael Murphy

RECOMMENDED ACTION

City Council support and sponsor Senate Bill 146, as proposed to be amended, and direct staff to work with Senator Scott Wilk, other Members of the Legislature, appropriate legislative committee members and staff, State Water Resources Control Board members and staff, the Governor's office, and other interested parties to secure enactment of Senate Bill 146.

BACKGROUND

On December 8, 2016, Senator Scott Wilk (R-21) introduced Senate Bill 57, relating to water resources. On or after February 17, 2017, the contents of Senate Bill 57, as introduced, will be amended into Senate Bill 146. Senator Henry Stern (D-27), Assembly Member Dante Acosta (R-38) and Assembly Member Tom Lackey (R-36) are coauthors of the measure.

Senate Bill 146, as proposed to be amended, would require that if the State Water Resources Control Board (SWRCB) has not made a final determination on an application to appropriate water within 25 years from the filing date of the application, then the board would need to issue a new notice and provide an opportunity for protests. This action would essentially reopen the process. Senate Bill 146 will be an updated successor to Assembly Bill 1986, authored by Mr. Wilk during the 2015/16 session of the California Legislature. Although approved by the Assembly Water, Parks and Wildlife Committee in April 2016, AB 1986 was ultimately held on the Suspense File of the Assembly Appropriations Committee in late May 2016.

Senate Bill 146, as proposed to be amended, would relate to CEMEX's proposed Soledad Canyon mining project, should the Bureau of Land Management's termination of two contracts with CEMEX ultimately not be upheld and the project is allowed to move forward. The bill will seek to guarantee that in the event the mining project goes forward, the public is afforded a full opportunity to ensure that the State Water Resources Control Board is in possession of the most current information prior to deciding whether to issue a water appropriation permit.

The original water appropriation permit application for the large-scale Soledad Canyon mining project is now over a quarter-century old, having been filed in 1991. It appears that the last significant action of the SWRCB regarding the application took place in 1994.

The measure will not extinguish any valid rights of an applicant or limit the authority of the State Water Resources Control Board to issue notices or take other actions related to consideration of an application. The bill seeks to provide a fair opportunity for interested persons to file protests or otherwise be heard by the SWRCB regarding aged applications.

In the case of the pending application related to the Soledad Canyon mining project, significant changes have occurred in the community within the past 25 years. For example, the State Water Resources Control Board may wish to consider the available and dependable water supply to the community as a result of the multi-year drought. Santa Clarita's water supply is comprised of approximately 50% groundwater and 50% imported water from the State Water Project. A review of the current role of the Santa Clara River, as it relates to habitat of the protected unarmored three-spine stickleback found in portions of the river near the proposed mining site and as a source of recharging the local aquifers, would appear appropriate when considering the permit application. Since 1990, Santa Clarita's population has more than doubled from approximately 110,000 residents to the current population of approximately 225,000. As these examples illustrate, a number of significant changes have occurred in the area over the past quarter-century. Therefore, it is appropriate for the State Water Resources Control Board to fully consider present day dynamics rather than relying on information that is significantly out-of-date in making decisions with long-term impacts.

The City Council is requested to formally support and sponsor Senate Bill 146, as proposed to be amended, and direct staff to work with Senator Wilk, other Members of the Legislature, appropriate legislative committee members and staff, State Water Resources Control Board Members and staff, the Governor's office, and other interested parties to secure enactment of Senate Bill 146.

ALTERNATIVE ACTION

1. Adopt a "neutral" position on Senate Bill 146, as proposed to be amended.
2. Adopt an "oppose" position on Senate Bill 146, as proposed to be amended.
3. Other action, as determined by the City Council.

FISCAL IMPACT

The resources required to implement the recommended action are contained within the City's adopted 2016/17 budget.

ATTACHMENTS

SB 57, As Introduced 12-08-16