



**CITY OF SANTA CLARITA  
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

*Ken Stripling*

DATE: April 27, 2021

SUBJECT: STATE LEGISLATION: SENATE BILL 520

DEPARTMENT: City Manager's Office

PRESENTER: Masis Hagobian

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RECOMMENDED ACTION

City Council adopt the City Council Legislative Committee recommendation to support Senate Bill 520 (Wilk) and transmit position statements to Senator Wilk, Santa Clarita's state legislative delegation, appropriate legislative committees, Governor Newsom, League of California Cities, and other stakeholder organizations.

BACKGROUND

Authored by Senator Scott Wilk (R-21-Santa Clarita), Senate Bill 520 requires the State Water Resources Control Board (SWRCB or Board) to issue a new notice and provide an opportunity for a public hearing on water appropriation applications that have been pending for more than 30 years.

Under existing law, SWRCB administers a water rights program where it grants permits and licenses to appropriate water. This administrative process allows for a protest period and the Board is required to hold a hearing as long as a protest remains unresolved or there is a disputed material fact.

However, existing law does not require the Board to allow for additional public review on applications it has not rendered a final determination, even if decades have passed since the original filing date. This results in cases where long-standing water appropriation applications lack the most current information and withhold any opportunity for public comment, in some cases for several decades, limiting the Board's ability to fully vet an application with an understanding of the current environmental circumstances and public engagement prior to a final determination.

Senate Bill 520 would apply to the proposed Soledad Canyon mining project, should the expiration of the contracts not be upheld. This 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 SWRCB 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 proposed Soledad Canyon mining project is nearing three decades old, having been filed in June 1991. If this bill passed, it would be effective January 1, 2022, and would immediately apply to the proposed Soledad Canyon mining project.

Senate Bill 520 will not extinguish any valid rights of an applicant or limit the authority of the SWRCB to issue notices or take other actions related to consideration of an application. This measure 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 proposed Soledad Canyon mining project, significant changes have occurred in the community within the past 30 years. For example, the SWRCB 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.

Furthermore, since 1990, Santa Clarita's population has more than doubled from approximately 110,000 residents to the current population of approximately 225,000. As demonstrated in these examples, a number of significant changes have occurred in the area over the past 30 years. Therefore, it is appropriate for the SWRCB to fully consider present day dynamics and circumstances rather than relying on information that is significantly out-of-date in making decisions with long-term impacts.

The Santa Clarita City Council sponsored and supported a similar bill, Senate Bill 797 (Wilk) on April 28, 2020, based on the recommendation of the City Council's Legislative Committee. Senate Bill 797 did not advance in the Senate.

Senate Bill 520 unanimously passed the Senate Natural Resources and Water Committee (9-0) on March 16, 2021, and unanimously passed the Senate Appropriations Committee (7-0) on April 5, 2021.

CEMEX Inc. was the only registered opposition and the City of Santa Clarita, through previous actions taken by the City Council, was the only registered supporter at the time this report was developed.

The City Council Legislative Committee met on April 8, 2021, and recommends that the City Council adopt a "support" position on Senate Bill 520.

### ALTERNATIVE ACTION

1. Adopt an “oppose” position on Senate Bill 520
2. Adopt a “neutral” position on Senate Bill 520
3. Take no action on Senate Bill 520
4. Refer Senate Bill 520 back to the Legislative Committee
5. Other direction, as provided by the City Council

### FISCAL IMPACT

The resources required to implement the recommended action are contained within the City of Santa Clarita's adopted FY 2020-21 budget.

### ATTACHMENTS

Senate Bill 520 - Bill Text