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LEAGUE OF
CALIFORNIA
CITIES



December 16, 2024

The Honorable Buffy Wicks
Assembly Select Committee on Permitting Reform
1021 O Street, Suite 8140
Sacramento, CA 95814

**RE: Assembly Select Committee on Permitting Reform –
Climate Project Permitting Recommendations**

Dear Chair Wicks:

The undersigned organizations represent a broad cross-section of California water including: public water agencies, wastewater providers, recycled water, flood management, and stormwater management. We would like to thank you for your leadership on this important issue, as well as the time and dedication of the members of the Assembly Select Committee on Permitting Reform (Select Committee), as we collectively work on innovative solutions to adapt California's infrastructure and practices for climate change. We write specifically to highlight the need for permitting reform for climate resilient water projects. Permit reform, climate change, and housing are inextricably linked to water; without timely generational investments in water, California will not be able to maintain its current way of life.

In the face of climate change and population growth, water and wastewater providers have spent the last few decades planning and implementing solutions to create efficiencies, maintain and increase water supply, manage for floods, manage and leverage stormwater, maintain aging infrastructure, and respond quickly to climate-driven emergency situations. These investments must continue, but getting critical climate projects approved can be a significant challenge. The permitting process is often mired in delays caused by overlapping jurisdictions of state and federal agencies, confusion over requirements for a completed application, and state agency and project applicant staffing issues. As delays occur, costs increase exponentially ultimately costing water ratepayers and taxpayers. This regulatory gridlock can also lead to worse environmental outcomes and delay projects that will benefit the environment.

Adapting to climate change requires substantial rehabilitation and modification of existing water facilities and significant investments in both existing and new water infrastructure. As detailed in [California's Water Supply Strategy](#) released by Governor Newsom's Administration in August 2022, California must significantly increase above and below-ground storage capacity to mitigate for the disappearing snowpack. In addition, new and enhanced conveyance facilities are essential for moving collected and stored water, connecting suppliers with different supply sources, transferring water among water users, recharging groundwater, and storing water for multiple purposes, including environmental purposes. In order to implement these necessary adaptations, it will be critical to look at current permitting systems and consider how to holistically provide greater certainty in the process while continuing to protect our environment.

We support policies that address: 1) permitting timelines clarity and accountability; 2) specialized permitting for emergency response and emergency repair; 3) greater consistency in mitigation requirements across permitting agencies; and 4) a permitting framework that considers the full benefits of the project.

Permitting Timelines

Historically, the lack of accountability and clarity for both the permitting agency and the applicant has caused projects to be delayed for up to multiple years. It is imperative that permitting processes provide the needed protections they are intended to without unduly delaying or preventing these critical investments in our future. The water community has sought to help create greater certainty in the permitting space in the past. In 2023, the Association of California Water Agencies (ACWA) sponsored [SB 23 \(Caballero\)](#) that would have established timeframes that applied to both the permitting agency and the applicant specifically for water supply and flood risk reduction projects in the Lake and Streambed Alteration Agreement permitting process. The bill also would have established a pre-permitting consultation process for these specific projects with the State and Regional Water Quality Control Boards and timeframes for the formal permitting process. While SB 23 did not ultimately move forward, that bill highlights some areas where increased transparency and certainty between applicants and permitting agencies would be beneficial.

Emergency Response and Emergency Repair

Climate change is increasing the frequency and intensity of climate driven disasters, including storms, floods, droughts, and wildfires. Water agencies provide critical public services through water delivery, sanitation, flood risk reduction, and stormwater management, and it is critical that they be able to continue to provide these services. Water agencies and wastewater providers need to take action to prevent, prepare for, and respond to emergencies, but the current permitting process has proven to be a major roadblock for quick action.

Under State law, there are few expedited pathways to respond in these situations. The California Environmental Quality Act (CEQA) has an exemption for actions necessary to prevent or mitigate an emergency, but this kind of exemption does not exist for other environmental permits. Under federal law, there are long-standing existing exemptions for emergency response. There should be a separate limited emergency response component for permit applications under State law that provides a process and expectation for emergency actions. Further, when critical infrastructure fails, water agencies need to be able to quickly react to prevent potential environmental damage or waste of natural resources. While there should be accountability in the permitting process, additional flexibility to respond to emergencies will improve the ability of agencies to respond in each of these situations.

Permitting Must Take Ecosystems into Account for Better Outcomes and Efficiencies

We support advancing ecosystem protection by implementing holistic, adaptive, and multi-benefit approaches to managing water for the environment that is ecosystem based to benefit multiple species. Continued collaboration is needed that fosters evolving water management approaches to increasing water supply reliability and improving ecosystems given the magnitude of habitat, ecosystem, hydrologic, and temperature change expected to result from climate change. Supporting climate adaptation will require watershed-scale management that benefits people, species, and ecosystems alike. The greatest benefit will be achieved when more than one resource is protected through a comprehensive single action.

Honorable Buffy Wicks, Chair, Select Committee on Permitting Reform
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The Public Policy Institute of California (PPIC) has released several reports emphasizing the importance of watershed-scale management. In [Advancing Ecosystem Restoration with Smarter Permitting](#), one of the key takeaways is that California needs to shift emphasis from single-species management to ecosystem-based management at the watershed scale. Another report, [Priorities for California's Water](#), advocates for ecosystem-based management in order to improve ecosystem health for a wide range of benefits and ultimately because it is the most effective way to support protected species and prevent further listings. In SB 23, the water community advocated for watershed plans to be used by the State and Regional Water Quality Control Boards when implementing permitting mitigation requirements. There are some existing tools that can be leveraged, including Habitat Conservation Plans and Natural Community Conservation Plans that many watersheds in California have already adopted. In cases where the applicant requests use of these existing plans, we would support leveraging them to create efficiencies in the permitting process and better protect species and habitat.

Permitting Framework

Under current permitting practices, almost all projects are treated equally whether the project is intended to provide flood risk reduction or house a local shopping center. As a result, the values and environmental goals of California are not reflected through this process. Restoration projects have been classified separately under policies such as Cutting the Green Tape Initiative allowing for different permitting processes. Climate projects may not always meet the same standard as a restoration-only project, but the total benefit of the project and its importance to California should afford that project some consideration toward a more efficient permitting process. Climate resilient water projects benefit people, species, and ecosystems alike. For example, a flood plain restoration project can reduce flood risk, increase migratory bird habitat, prevent land subsidence, compensate for loss of snowpack, recharge groundwater, and store water for droughts. The goal of treating certain projects differently in the permitting process was also part of the proposal in SB 23, as the proposed permitting timelines would only have applied to water supply and flood risk reduction projects. There are likely additional components that would need to be considered when developing a climate project-specific permitting process.

We appreciate your time and dedication to this critical issue as the state works toward climate adaptation. If you have any questions about this letter, please contact Juliah@acwa.com. We appreciate your support.

Sincerely,

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Honorable Buffy Wicks, Chair, Select Committee on Permitting Reform
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cc: Honorable Members, Assembly Select Committee on Permitting Reform
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