

CEAC Flood Control Committee – Panel of Speakers

- **Charles Delgado**
 - CSAC Legislative Advocate for Agriculture, Environment and Natural Resources (and Flood Control)
 - Policy Director at Sustainable Conservation
 - Assistant Legislation Director at SWRCB
- **Andrew Raaf**
 - Environmental Team Lead at Santa Barbara County Flood Control Division
 - Member of California Counties Stormwater Coalition
 - Master of Environmental Science and Management from UCSB
- **Clark Morrison**
 - Partner at Cox Castle and Nicholson
 - Co-Author of Natural Resources Regulation in California – A practical guide to agency permitting and procedures
 - 30 Years of Experience in Natural Resources Law and Law Degree from UC Berkeley

Permitting through California Department of Fish and Wildlife – Challenges and Opportunities

- **New Projects**

- Timelines for reviews
- Lack of mitigation land
- Restrictive easements impair the ability to do in-channel mitigation
- Costs for maintenance endowments and securities in case of site failure

- **Maintenance and Operations**

- Inability to get systemwide permits
- Re-litigation of facility operations every 5-10 years when new permits required
- Lack of emergency provisions in California Endangered Species Act

- **Recent Developments**

- March 4, 2025 – Assembly Select Committee Report on Permitting Reform
 - Recommended permitting pathways for flood control
- March 11, 2025 – Assembly Water, Parks and Wildlife Hearing: Is California Ready for the Flood
 - Discussion of permitting challenges and real ramifications to resilience and safety
- February 3-4, 2026 – California Counties Stormwater Coalition meetings
 - Further explore opportunities for reform with legislators, committees and agencies
- Appointment of Megan Hertel as CDFW Director as of Feb 19th.

Federal Updates

I. WRDA 2026

- I. Request period closed
- II. Over 2400 requests received
- III. Intend to move out of Committee in May, Full Senate approval by August
- IV. House T&I and Senate EPW Hearings on Corps WRDA Priorities this week

II. USACE

- I. Reform Memo – Building Infrastructure, Not Paperwork – Feb 23, 2026
 - The plan consists of 27 initiatives grouped under five categories:
 - Maximizing the Ability to Deliver National Infrastructure
 - Cutting Red Tape
 - Focus on Efficiency
 - Transparency & Accountability
 - Prioritization
 - The initiatives do not affect USACE execution of its emergency response support to natural and manmade disasters.



State Legislation Update

CEAC Flood Control and Water Resources Policy
Committee

February 25, 2026



2025/2026 Carryover Bills

- **SB 601 (Allen):** Water: waste discharge.
 - Establishes regulatory authority and responsibilities for State and Regional Water Boards pertaining to the protection of water quality in “nexus waters”.
 - **CSAC Position: OPPOSE**
- **AB 1313 (Papan):** Water quality: permits.
 - Requires the State Water Board to establish a statewide commercial, industrial, and institutional National Pollutant Discharge Elimination System (NPDES) order to regulate stormwater and authorized non-stormwater discharges from facilities with impervious surfaces that are significant contributors of pollutants to federally-protected surface waters.
 - **CSAC Position: OPPOSE**

Federal Action

- **HR 4669: Fixing Emergency Management for Americans (FEMA) Act**
 - Streamlines disaster response and recovery, reduces bureaucratic delays, and encourages state and local governments to take a more active role in emergency management.
 - ***NACo Position: SUPPORT***
- **President's FEMA Review Council.**
 - Established by President Trump on January 24, 2025 (Executive Order 14180) to advise the president on the existing ability of FEMA to capably and impartially address disasters occurring within the United States and recommended changes related to FEMA to best serve the national interest.

Assembly Bill 35 (Alvarez)

*Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024:
Administrative Procedure Act: exemption: program guidelines and selection criteria.*

- Exempts Proposition 4 spending from the Administrative Procedure Act (APA).
- Established as an urgency statute
- **CSAC Position: *SUPPORT***

2026 Bills

- **AB 1772 (Papan):** Fish and wildlife: aquatic invasive species: golden mussels. *(Spot Bill)*
 - Intends to address and prevent the spread of aquatic invasive species, including, but not limited to, the golden mussel, in California's waterbodies and water infrastructure systems.
- **AB 2051 (Wicks):** Public resources: Coastal Resilience Permitting Working Group.
 - Requires the Secretary of Natural Resources Agency to convene a Coastal Resilience Working Group to develop a Coastal Resilience Permitting Roadmap.
- **AB 2639 (Soria):** Flood control. *(Spot Bill)*
 - Intends to protect disadvantaged communities from flooding.
- **AB 2728 (Soria):** Water delivery infrastructure. *(Spot Bill)*
 - Intends to enact legislation related to water delivery infrastructure.

2026 Bills (Continued)

- **SB 1001 (Archuleta):** Water utility workers: identification card program.
 - Requires the Office of Emergency Services to develop a water utility worker identification program to issue identification cards to employees of water utility service providers to authorize access to an area during or following a disaster.
- **SB 1081 (Laird):** Waste discharge requirements: minimum penalties: exception: publicly owned treatment works.
 - Amends the Porter-Cologne Water Quality Control Act's definition of "a publicly owned treatment works serving a small community" to include serving a community of 3,000 or less as a factor in the State Water Board's determination of "financial hardship".
- **SB 1417 (Pérez)** Disaster preparedness: public water systems.
 - Requires a disaster-impacted public water system to conduct a disaster impact assessment within 6 months of a disaster, in coordination with the disaster-impacted county, before receiving state funding.

2026 Bills (Continued) – State of emergency: Governor’s powers and termination.

- **AB 1835 (Gallagher)**

- Authorizes the governor to effectuate the purposes of the California Emergency Services Act (CESA).
- Requires a state of emergency that has not been terminated by the Governor to automatically terminate 90 days after the Governor’s proclamation.

- **SB 1020 (Niello)**

- Authorizes the governor to effectuate the purposes of the California Emergency Services Act (CESA).
- *Automatically terminates a state of emergency at the end of the next fiscal year following the Governor’s Proclamation and sets requirements for the Governor to renew a state of emergency.*

CSAC Position:
Concerns



THANK YOU

Environmental Permitting Challenges

Andrew Raaf
Environmental Manager – Santa Barbara County Flood Control District

- **Coalition and Networking**
 - **Permit challenges**
 - **Outreach for change**
 - **Next Steps**



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California Counties Stormwater Coalition

- 8 County and Regional Flood Control Agencies
- 25% of State's land area and 50% of population

California Dept of Fish and Wildlife Permits

- Lake and Streambed 1600
 - Flood control, bridges, waterways
- California Endangered Species Act
 - Four bumblebee species
 - Burrowing owl
 - Southern steelhead

State permitting challenges

- Regulatory over-reach
- Maintenance treated as new-project analysis
- “Un-compliable” conditions
- Inconsistent interpretation
- Deviation from statute
- Mitigation requirements
 - Security funding
 - 3rd party land-holder
 - Lack of mitigation banks
- Conflict with Water-Board permits

Agency Challenges

- Risk tolerance vs aversion
- Staff workload and expertise
- Consultants not invested or accountable

State allegedly ghosted Merced's attempts to get permission to clear creeks for months before the floods

JUNE 11, 2024



• by Jesse Vad, SJV Water





California Assembly
Select Committee on
Permitting Reform
Final Report - March 2025



- **“every aspect of permitting should emphasize outcomes over process.**
 - **this will “require a shift in mindset in this state”**
 - **“create distinct permitting pathways for flood risk reduction projects**
- Buffy Wicks (D) 14th.

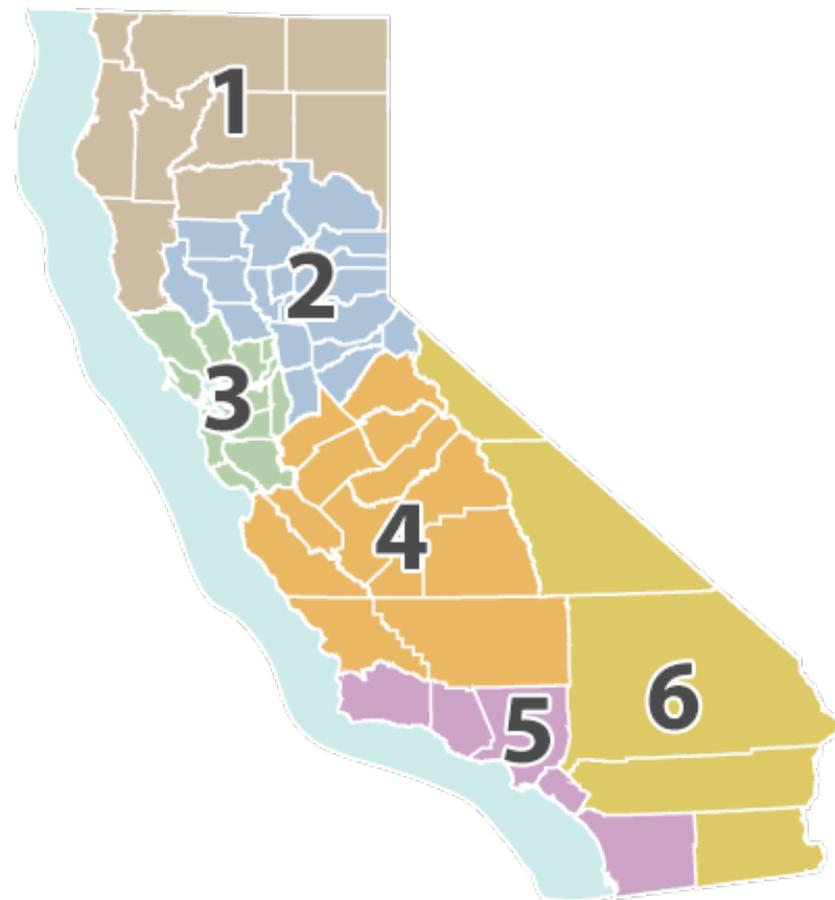
What we've done

- California Counties Stormwater Coalition
- Environmental-Planners forum
- CEAC/CDFW Quarterly meeting
- 2025: Missions to Sacramento and Washington DC
- 2026: Mission to Sacramento

2026 Mission to Sacramento

- Meghan Hertel (Incoming CDFW Director; Director Ca. Natural Resource Agency)
- CDFW - Valerie Termini (Acting Director), Josh Grover (Deputy Director Ecosystem Conservation Div.), Kevin Thomas (Deputy Director Regional Operations Div.)
- Karen Mogus (Director State Water Board)
- Zak Castillo-Krings (Legislative Director Asm. Wicks)
- Caruna Gillespie (Leg. Aide Sen. Laird)
- Hannah Elson (Field Representative Asm. Bennett)
- Pablo Garza (Chief Consultant Assembly Water, Parks and Wildlife Committee)
- Katy Landau (CalEPA Interim Director)
- Keith Cialino (Policy Consultant Asm. Rivas)
- Josh Tooker (Chief Consultant Committee on Environmental Safety and Toxic Materials)
- Samantha Omana (legislative Director Sen. Limon)

What we learned



Take-Homes

- Engage with your environmental staff
- Be prepared to push-back, negotiate,
- Advocate for change
- Contact CDFW Regional Manager
- Form or join coalitions
- Coalesce on consistent messaging
- Connect with your local legislators
- Road-map for 2026 and beyond

Specifics

- Support AB35 (Alvarez): exempt Prop 4 funding from Administrative Procedures Act
- SB601: Nexus Waters: Track closely. Most oppose unless amended



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California Counties Stormwater Coalition 2026 CDFW Permitting Reform Issues

The [California Assembly Select Committee on Permitting Reform \(Reform 2025\)](#) and the [Little Hoover Commission State Permitting for Local Climate Change Adaption](#) have recognized that regulatory permitting requirements create fiscal and implementation challenges for municipal infrastructure projects, protective maintenance activities, and emergency response actions addressing wildfires, floods, and changing climate impacts.

The Coalition, representing areas within CDFW Regions 3, 4, 5, 6 seeks continuing dialogue with CDFW leadership and State Legislators regarding meaningful reform that strikes a balance between resource protection, public safety, good stewardship of public lands, and responsible use of public tax dollars through policy and statutory changes. The *Issues and Recommendations* listed below are supported by the State's *Reform 2025* report that determined, "the cost of inaction is too high."

Issue: Under CESA, Habitat Modification is not "Take"

Under CESA there is no state equivalent to the federal ESA definition "Harm," which can include significant habitat modification. CDFW staff assert "Take" will happen in the Fish & Game Code Section 1600 process (SAA), because the project will remove vegetation or sediment where listed species may occur, and require public agencies to get "voluntary" Incidental Take Permits (ITP) by stating the SAA cannot be issued without first obtaining an ITP.

This stance is contrary to case law that found, "[taking involves mortality](#)" and specifically "reject[ed] any insinuation that the definition of 'take' under [the CESA] encompasses the taking of habitat alone." *Environmental Council of Sacramento v. City of Sacramento*, 142 Cal.App.4th 1018, 1040 (2006) ("ECOS"). As it stands, the interpretation and implementation of take vary among regions and appear to be left up to individuals at the staff level.

Recommendation:

Statewide consistency in recognizing the state definition requires that the species is present at the site and develop and publish clear process-related policy documents for staff and the public on the definition and interpretation of "Take" and implementation of the voluntary ITP process. SAAs cannot be delayed due to the Department requiring an ITP in advance of any proof of take or that take would occur due to habitat modification; The Department cannot use the SAA program to fulfill CESA.

Issue: Emergency Provisions are Needed for CESA

Public agencies need provisions for conducting emergency work in critical habitat when State species may be present—emergency response and repairs cannot wait for a traditional ITP. As previously stated, maintenance and repair of existing facilities is not optional and often the listed species is not present and cannot access the site due to the emergency circumstances. Protection of life and property comes first under emergency circumstances.

Recommendation:

The Coalition understands that CESA does not currently provide an avenue for emergency work and urges CDFW to develop policy for CESA coverage under the 1610 program.



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California Counties Stormwater Coalition Introduction – 2026

The California Counties Stormwater Coalition (Coalition) is an alliance of regional agencies responsible for flood and stormwater management, which seeks to balance protection of life and property through public infrastructure with environmental stewardship. These agencies are on the front line of addressing climate change issues including debris flows after mega-fires, sea level rise, urban flooding issues, floodplain management, stormwater quality management and stormwater capture. We have identified some specific regulatory issues that are hampering our ability to build and maintain critical public infrastructure and protect the environment to the maximum extent practicable

The Coalition seeks continuing dialogue with state regulators, legislators, and other stakeholders to refine environmental regulations and permitting programs with the goal of balancing environmental protection, affordable housing, flood management, climate resilience, environmental justice, stormwater quality, and protection of life and property.

Coalition 2026 Areas of Focus:

Municipal Stormwater Regulation:

1. Bacteria Provisions Compliance focused on Risk-based Solutions
2. Streamlining Zinc and Copper Site-specific Objectives Development
3. Coordination on Urban Pesticide Management

Compensatory Mitigation Regulation:

1. California Endangered Species Act Application & Emergency Action Provisions
2. Municipal Mitigation Site Financial Assurance Reform
3. Public Infrastructure Maintenance-focused Permitting

Active Legislation Recommendations:

1. Support - AB 35 (Alvarez) – Administrative Procedures for Prop 4. The Coalition strongly supports AB35, which would exempt Proposition 4 spending from the Administrative Procedure Act (APA).
2. Oppose Unless Amended - SB601* – Nexus Waters – As the changes proposed by the bill are foundational to the underlying law for all water regulation in California, the implications of such changes, and potential unintended consequences, are critical to resolve prior to action by the Legislature.
3. Oppose Unless Amended – AB1313 Statewide Commercial/Industrial/Institutional (CII) Permit (*no longer active*) The Coalition urges caution in considering expansion of the CII permit beyond its current legal scope, which is limited to two watersheds in LA County, and these permits have not yet been finalized, adopted or implemented.