



# STAFF REPORT

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**Meeting Type:** Board of Directors  
**Title:** Legislative Update  
**From:** Shaun Horne, Director of Watershed Resources  
**Through:** Ben Horenstein, General Manager  
**Meeting Date:** March 19, 2024

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**TYPE OF ACTION:**    X    Action                      Information                      Review and Refer

**RECOMMENDATION:** Consider adopting a position of support on Senate Bill (SB) 1159 and Assembly Bill (AB) 2257 and a position of watch on Assembly Bill (AB) 2196

**SUMMARY:** The District regularly tracks state and federal legislation that may affect District interests. Staff will provide an update to the Board on recently introduced Senate Bill (SB) 1159, Assembly Bill (AB) 2196 and Assembly Bill (AB) 2257. Staff is proposing that the Board adopt a support position on SB 1159 and AB 2257, and a watch position on AB 2196 to allow staff to gather additional information.

**DISCUSSION:**

**State Legislation:** SB 1159 (Dodd) Roadside Wildfire Safety Bill

**Status:** Introduced

The bill from Assemblymember Bill Dodd (D-Napa) would require the natural resources agency to consider granting a CEQA exemption to expedite roadside management projects, reducing the possibility of roadside fires and improving evacuation routes. It would also decrease the costs to treat roadside areas that currently present a financial burden to small agencies and under-resourced communities. This bill, if successful, would be an important piece of legislation to help reduce costs for fuel reduction and vegetation management along roads, which is important to support first responders and community evacuation routes.

The District's Board of Directors certified the Program Environmental Impact Report (PEIR) for the BFFIP (State Clearinghouse Number 2017012007) on October 15, 2019 (Marin Water District, 2019). The BFFIP PEIR was prepared in accordance with the California Environmental Quality Act (CEQA) to assess the environmental effects of the BFFIP. Under the BFFIP, there are 27 Management Actions that are being implemented to fulfill the goals and approaches described in the plan. Vegetation management under the BFFIP aims to reduce fuel loads, maintain fuelbreak infrastructure, preserve

defensible space, and reduce invasive weed species. The PEIR provides the District with adequate coverage to carry out roads side brushing activities on District lands to address hazardous fuel conditions.

Notwithstanding that the proposed legislation is not currently necessary for the District's fuel control work, SB 1159 would be beneficial for local fire agencies, Marin County, and are municipalities, to carry out vegetation management along roads within their jurisdictions. Therefore, staff is recommending that the Board consider adopting a position of support on SB 1159 because this legislation could benefit other jurisdictions working to address roadside vegetation in Marin County.

**State Legislation:** AB 2196 (Connolly) Beaver Restoration

**Status:** Introduced

This bill from Assemblymember Connolly (D-San Rafael) codifies the work of the Beaver Restoration Program. The Beaver Restoration Program authorizes the California Department of Fish and Wildlife (CDFW) to relocate beavers to better allow this keystone species to assist in restoring watershed and ecosystem properties in the areas that need it most. This bill directs the CDFW to expand this relocation effort by developing a program to authorize non-CDFW staff to carry out relocation. If passed, this legislation could allow entities other than CDFW an avenue for reintroducing beavers, which could provide another tool to help enhance salmon habitat.

On March 17, 2022, the Board of Directors authorized submittal of a letter of support for the California Department of Fish and Wildlife to continue analysis of the reintroduction of beavers to the Lagunitas Creek Watershed. As part of CDFW's ongoing assessments the District requested that CDFW evaluate potential drinking water issues associated with reintroduction efforts and ways to ensure that drinking water is not affected through reintroduction activities. Reintroducing beavers to salmon bearing streams can create critical nursery habitat for young salmon, which is in short supply in Lagunitas Creek and could be beneficial for improving habitat in Lagunitas Creek.

AB 2196 Beaver Restoration could be beneficial for salmon bearing streams in Marin County. If passed it will be important for the District to be involved in local planning associated with any proposed actions within the Lagunitas Creek Watershed and it is still unclear to District staff how this proposed legislation would impact the District's involvement with important planning activities. Based on this, staff is recommending that the Board adopt a position of watch. Staff will continue to monitor AB 2196 as it makes its way through the legislation session because it could be beneficial to advancing beaver reintroduction in Marin County.

**State Legislation:** AB 2257 (Wilson) Local government: property-related water and sewer fees and assessments: remedies

**Status:** Introduced

The Bill from Assemblymember Lori Wilson (D-Suisun City) would prohibit, if a local agency complies with specified procedures, a person or entity from bringing a judicial action or proceeding alleging noncompliance with the constitutional provisions for any new, increased, or extended fee or assessment, as defined, unless that person or entity has timely submitted to the local agency a written objection to that fee or assessment that specifies the grounds for alleging noncompliance. In other words, potential litigants challenging a public agency's water or waste water rates would first need to

exhaust their administrative remedies by raising objections to the agency prior to the time of rate adoption.

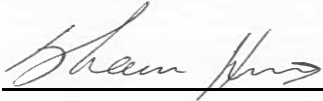

The Association of California Water Agencies (ACWA) is sponsoring this bill in an effort to aid public agencies in defending against Proposition 218 lawsuits by requiring litigants to participate and raise specific objections during the public administrative process. In doing so, this proposal intends to bring to light all possible complaints and provide an opportunity to resolve a dispute and avoid litigation altogether. ACWA is encouraging members to join a coalition in support of the bill as it moved through the Legislature. Based on this, staff is recommending that the Board consider adopting a support position on AB 2257.

**ENVIRONMENTAL REVIEW:** Not applicable.

**FISCAL IMPACT:** None.

**ATTACHMENT(S):**

1. Description of Legislative Positions

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Watershed		
	<b>Shaun Horne</b> Watershed Resources Director	<b>Ben Horenstein</b> General Manager