

June 14, 2023

Delta Conveyance Design and Construction Authority
Board of Directors

Subject: ***Materials for the June 15, 2023 Special Board Meeting***

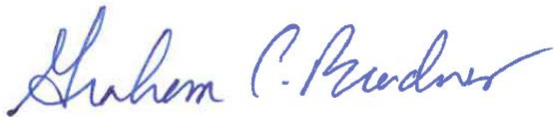
Members of the Board:

The Delta Conveyance Design and Construction Authority (DCA) Board of Directors will have a Special Board Meeting, scheduled for **Thursday, June 15th, 2023 at 2:00 p.m.** and will be a **hybrid** meeting. Members of the public may attend the meeting in person or virtually. The call-in and video information, as well as meeting location is provided in the attached agenda. Meeting information will also be posted on the dcdca.org website.

Please note that the DCA continues to follow current State and Local COVID-19 guidelines and will comply with public health recommendations regarding public meetings and social distancing efforts. Any meeting changes or cancellation will be communicated.

Enclosed are the materials for the Board meeting in a PDF file, which has been bookmarked for your convenience.

Regards,



Graham Bradner
DCA Executive Director



DELTA CONVEYANCE DESIGN AND CONSTRUCTION AUTHORITY
BOARD OF DIRECTORS MEETING

SPECIAL MEETING

Thursday, June 15, 2023
2:00 p.m.
Hybrid (Teleconference) Meeting

DCDCA Boardroom
980 9th Street, Suite 100
Sacramento, CA 95814

TELECONFERENCE LOCATIONS:

- 1) 3812 N 3rd street, Rogers, Arkansas, 72756
- 2) Mojave Water Agency Conference Room, 13846 Conference Center Dr, Apple Valley, CA 92307
- 3) Valley Water Headquarters Boardroom, 5700 Almaden Expressway, San Jose, CA 95123

CONFERENCE ACCESS INFORMATION:

Phone Number: (669) 444-9171 Access Code: 85979129742#

Virtual Meeting Link: <https://dcdca-org.zoom.us/j/85979129742?from=addon>

Please join the meeting from your computer, tablet, or smartphone

Additional information about participating by telephone or via the remote meeting solution is available here: <https://www.dcdca.org>

AGENDA

Except as permitted by Government Code section 54953(f), Directors will attend the meeting from the DCDCA Boardroom or any of the teleconference locations. Members of the public may attend in person at these locations or remotely through the virtual meeting link above. Assistance to those wishing to participate in the meeting in person or remotely will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested person must request the accommodation as soon as possible in advance of the meeting by contacting the DCA support staff at (888) 853-8486 or info@dcdca.org. Members of the public may speak regarding items on the agenda during those items and when recognized by the Chair. Speakers are limited to three minutes each; however, the Chair may limit this time when reasonable based on the circumstances. Persons wishing to provide public comment remotely on Agenda Items are encouraged to complete a public comment request form at: <https://tinyurl.com/dcapubliccomment> by 2:15 pm. In addition, members of the public may use the “raise hand” function (*9 if participating by telephone only) during the meeting to request the opportunity to speak. Additional information will be provided at the commencement of the meeting.

1. CALL TO ORDER

2. DISCUSSION ITEMS

- (a) Discuss and Consider Support for Executive Order N-8-23 and the Governor's Proposal to Build California's Clean Future, Faster.

Recommended Action: Authorize Letters of Support from President by Motion.

3. ADJOURNMENT

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Next scheduled meetings:

August 17, 2023 Regular Board Meeting at 2:00 p.m. (1:30 p.m. if there is a closed session).

October 19, 2023 Regular Board Meeting at 2:00 p.m. (1:30 p.m. if there is a closed session).

Board Memo

Contacts: Graham Bradner, Executive Director
Josh Nelson, General Counsel

Date: June 15, 2023 Board Meeting

Item No. 2a

Subject:

Discuss Proposed Support for Executive Order N-8-23 and Governor's Proposal to Build California's Clean Future, Faster.

General:

On May 19, 2023, Governor Newsom issued Executive Order N-8-23 and a number of proposed trailer bills aimed at streamlining necessary infrastructure projects, including a potential Delta Conveyance Project, while still preserving California's historic commitment to protecting the environment.

Attached to this memo are copies of the Governor's announcement and Executive Order, and below is an overview of the proposal from the Governor's press release announcing the proposal:

- **Speed up construction:** Current construction procurement processes foster delays and increase project costs. The Governor's proposals include initiatives that support a streamlined process, facilitating project delivery, with tighter project schedules and reduced costs.
- **Expedite court review:** Legal challenges often tie up projects even after they've successfully gone through an intensive environmental review process. The Governor's proposals would authorize expedited judicial review to avoid long delays on the back end and advance projects without reducing the environmental and government transparency benefits of CEQA.
- **Streamline permitting:** Makes various adjustments to California law to accelerate permitting for certain projects, reducing delays and project costs.
- **Address CEQA processes:** Streamlines procedures around document retention and review.
- **Maximize federal dollars:** Establish a Green Bank Financing Program within the Climate Catalyst Fund so that the state can leverage federal dollars for climate projects that cut pollution, with an emphasis on projects that benefit low-income and disadvantaged communities.

Additional information on the proposed trailer bills, including fact sheets is available at <https://esd.dof.ca.gov/trailer-bill/trailerBill.html> under "Infrastructure Package."

Staff recommends that the Board consider authorizing the Board President to issue letters of support for the proposals as appropriate. This remains a fluid issue given the legislative processes, and staff is not requesting support for any particular proposal or bill language at this point. Rather, this is intended to provide general support for the effort to support infrastructure development while honoring California's historic commitment to environmental protection.

Recommended Action:

By motion, take an official position of support for Executive Order N-8-23 and the Governor's Proposal to Build California's Clean Future, Faster as they or similar efforts develop and authorize the Board President to issue letters of support as appropriate.

Attachments:

Attachment 1 – Governor's Press Release

Attachment 2 – Executive Order N-8-23

Governor Newsom Unveils New Proposals to Build California's Clean Future, Faster

Published: May 19, 2023

WHAT YOU NEED TO KNOW: Governor Newsom's proposals would streamline projects to unleash construction across the state – accelerating the building of clean infrastructure so California can reach its world-leading climate goals while creating hundreds of thousands of jobs.

STANISLAUS COUNTY – At the site of a future solar farm in the Central Valley, Governor Gavin Newsom today announced the state's most ambitious permitting and project review reforms in a half-century to build California's clean energy future while creating thousands of good jobs. The measures will facilitate and streamline project approval and completion to maximize California's share of federal infrastructure dollars and expedite the implementation of projects that meet the state's ambitious economic, climate, and social goals.

Through unprecedented investments over the past two state budgets, as well as funding from the federal Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA), California will invest up to \$180 billion over the next decade in clean infrastructure, which will create 400,000 good jobs while helping meet the state's climate goals. By streamlining permitting, cutting red tape, and allowing state agencies to use new types of contracts, these proposals will maximize taxpayer dollars and accelerate timelines of projects throughout the state, while ensuring appropriate environmental review and community engagement.

Today's announcement follows Thursday's [report](#) urging permitting reform from Infrastructure Advisor to California, former Los Angeles Mayor Antonio Villaraigosa, and California Forward.

Together, these proposals could:

- Cut project timelines by more than three years
- Save businesses and state and local governments hundreds of millions of dollars
- Reduce paperwork by hundreds of thousands pages

Also today, Governor Newsom signed an [executive order](#) to stand up a strike team to accelerate clean infrastructure projects across the state by implementing an all-of-government strategy for planning and development.

The legislative package and executive order will:

- **Speed Up Construction:** Current construction procurement processes drive delays and increase project costs. The Governor's proposals include methods to offer a streamlined process for project delivery to reduce project timeframes and costs.
- **Expedite Court Review:** Legal challenges often tie up projects even after they've successfully gone through environmental review. These proposals would authorize expedited judicial review to avoid long delays on the back end and advance projects without reducing the environmental and government transparency benefits of CEQA.
- **Streamline Permitting:** Makes various changes to California law to accelerate permitting for certain projects, reducing delays and project costs.
- **Address cumbersome CEQA processes across the board:** Streamlines procedures around document retention and review.
- **Maximize Federal Dollars:** Establish a Green Bank Financing Program within the Climate Catalyst Fund so that the state can leverage federal dollars for climate projects that cut pollution, with an emphasis on projects that benefit low-income and disadvantaged communities.

What Governor Newsom said: “The only way to achieve California’s world-leading climate goals is to build, build, build – faster. This proposal is the most ambitious effort to cut red tape and streamline regulations in half a century. It’s time to make the most out of taxpayer dollars and deliver results while creating hundreds of thousands of good jobs. Not since the Pat Brown era have we had the opportunity to invest in and rebuild this state to create the clean future Californians deserve.”

The Governor visited the future site of Proxima Solar Farm in Patterson to unveil the legislation. The facility, which broke ground in August 2022 and is expected to be operational as early as December, could power 60,000 homes in the surrounding region and is capable of generating up to 210 megawatts of clean, renewable energy and 177 megawatts of battery energy storage. NextEra Energy expects the project to create 300 construction jobs and generate \$35 million in local revenue.

Some examples of projects that could be streamlined include:

- Hundreds of solar, wind, and battery storage projects
- Transit and regional rail construction
- Clean transportation, including maintenance and bridge projects
- Water storage projects funded by Proposition 1
- Delta Conveyance Project
- Semiconductor fabrication plants
- Wildlife crossings along the I-15 corridor

The legislation builds on the Administration’s efforts to reform the California Environmental Quality Act (CEQA) to better serve the needs of today while also preserving the state’s historic commitment to protecting the environment. It also complements actions the Governor and the Legislature have taken to streamline state laws to maximize housing production, with 20 CEQA reform bills signed into law in recent years.

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EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

EXECUTIVE ORDER N-8-23

WHEREAS California is poised to become the fourth largest economy in the world, and our continued growth and prosperity depends on our ability to create quality jobs, accelerate our transition to clean energy, urgently address the climate crisis, and build a transportation network for the 21st century; and

WHEREAS modernizing our energy, water, transportation, and communications infrastructure will deliver improvements to benefit all Californians for decades to come, and will require that the State move forward on major projects with speed and determination; and

WHEREAS President Joseph R. Biden and the 117th Congress enacted historic laws supporting infrastructure modernization, including by providing roughly \$1.2 trillion through 2026 in the Infrastructure Investment and Jobs Act (IIJA), and \$391 billion over ten years for climate-related investments in the Inflation Reduction Act (IRA); and

WHEREAS California has augmented these federal investments with over \$50 billion in state funding for infrastructure and will invest more than \$180 billion over the next ten years, creating over 400,000 jobs; and

WHEREAS major infrastructure projects have too often been bogged down in regulatory processes and a siloed approach to permitting and regulatory approvals; and

WHEREAS California has launched an all-of-government approach, working across agencies to deliver projects at the scale and pace necessary to maximize federal investment and deliver the benefit from that investment to all California communities, especially those that historically have not shared equitably in the benefits of infrastructure investment or have borne disproportionate burdens of development projects; and

WHEREAS disasters caused by climate change—including extreme heat, wildfires, flooding, and drought—pose unprecedented stress to the State's energy infrastructure, and accelerating California's progress towards 100 percent clean electricity, as well as meeting our carbon neutrality goal, by 2045 necessitates modernizing our electric grid and building out a safe, reliable, resilient, affordable, and clean energy system of the future; and

WHEREAS the changing climate requires adaptation and innovation to diversify water supplies, expand our water sources, and efficiently use existing water sources to permanently strengthen California's water resiliency, and State agencies must coordinate their efforts to provide equitable benefits from water infrastructure improvements to present and future generations; and

WHEREAS much of California's multimodal transportation system was constructed decades ago and requires modernization, and my Executive Orders N-19-19 and N-79-20, and the subsequent California Climate Action Plan for Transportation Infrastructure (CAPTI), provide an investment framework prioritizing clean and sustainable transportation for people and goods through

mass transit, rail, bicycle, and pedestrian transportation, as well as zero-emission vehicles; and

WHEREAS my Executive Order N-19-21 directs State agencies to develop programs that support efficient port operations and goods movement in order to enhance the State's economic prosperity and competitiveness; and

WHEREAS reliable, affordable highspeed broadband is critical to full participation in California's society and economy, and an estimated 675,000 Californians are unserved, and 2 million Californians are underserved, by reliable, affordable, highspeed broadband service; and

WHEREAS recent historic infrastructure investments by the State and federal government provide an opportunity to enhance the State's training pipeline for quality jobs through apprenticeships and high-road training partnerships, and California has made significant investments to promote new plans and strategies to diversify local economies and develop sustainable industries that create high-quality, broadly accessible jobs, including a \$600 million community economic resilience fund; and

WHEREAS in 2021 President Biden signed Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, establishing the Justice40 Initiative with a goal that 40 percent of the overall benefits of certain federal investments, in the aggregate across all covered programs, flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution, and all Justice40-covered programs are required to engage in stakeholder consultation to ensure that community stakeholders are meaningfully involved in determining program benefits; and

WHEREAS California has sought to be a national leader in advancing equity and opportunity, including by supporting communities that have suffered inequitable infrastructure development, reaping limited benefits while shouldering a disproportionate share of the burdens of such development, and will therefore strive to exceed the federal goal of 40 percent of the overall benefits flowing to disadvantaged communities for Justice40-covered programs; and

WHEREAS California was one of the first states to recognize environmental justice as a factor in the planning process, directing governmental entities to engage meaningfully with, and provide technical assistance to, populations and communities most impacted by pollution in all phases of the environmental and land use decision-making process, including low-income and disadvantaged communities that have traditionally been most impacted by environmental harms and have not shared equitably in the economic opportunities that accompany major infrastructure projects; and

WHEREAS Executive Order B-10-11 and my Executive Order N-15-19 require State agencies to engage in consultation with California Native American tribes regarding policies that may affect tribal communities, and Executive Order N-16-22 directs State agencies to update their strategic plans to reflect the use of data analysis and inclusive practices to more effectively advance equity and to respond to identified disparities, and to take additional actions to embed equity considerations in policies and practices, including by engaging with historically disadvantaged communities impacted by the agency's work.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The Senior Counselor on Infrastructure shall convene an Infrastructure Strike Team (Strike Team) to work across State agencies to maximize federal and state funding opportunities for California innovation and infrastructure projects. The Strike Team shall be composed of the Director of Finance, the Director of the Governor's Office of Business and Economic Development, the Director of the Office of Planning and Research, the Tribal Affairs Secretary, the Secretary of Transportation, the Secretary of the Natural Resources Agency, the Secretary of Business, Consumer Services, and Housing, the Secretary of Food and Agriculture, the Secretary of Labor and Workforce Development, the Secretary for Environmental Protection, and the Secretary of Government Operations. The President of the California Public Utilities Commission is requested to participate on the Strike Team.
2. The Strike Team shall:
 - a. Identify projects on which to focus streamlining efforts, particularly those presenting significant challenges but also significant opportunities for infrastructure and job creation, and hold departments and agencies accountable to deliver results in an expedited and effective fashion; and
 - b. Support coordination between federal, state, tribal, and local government, as well as among State agencies, on project review, permitting, and approvals; and
 - c. Support infrastructure in a particular sector by prioritizing complementary investments in adjacent sectors (e.g., transportation and energy investments that support housing projects); and
 - d. Share challenges and best practices across agencies, and identify opportunities for improvement.

The Strike Team shall track the status of individual projects identified pursuant to this Paragraph as they move through design, permitting, and construction phases, and use common metrics to measure progress and identify opportunities for streamlining government operations.

3. The Strike Team shall create working groups focused on each of the following issues: transportation, energy, hydrogen, environmental remediation, broadband, water, the CHIPS and Science Act, and zero-emission vehicles. The working groups shall focus on prioritizing funding for projects that achieve multiple benefits. The working groups shall:
 - a. Establish dashboards to track progress, including number of projects, project locations, schedules, milestones, funding, federal application and encumbrance deadlines, awards

received, workforce development, and progress toward equity goals; and

- b. Coordinate among agencies to facilitate fast and effective project delivery, eliminating duplication, avoiding conflicting assessments, and shortening permitting timelines through concurrent versus sequential processes and reviews, as well as identify opportunities to align program criteria and achieve cross-sectoral goals; and
 - c. Identify potential statutory and regulatory changes to facilitate and streamline project approval and completion, and elevate proposed changes to the Strike Team for consideration; and
 - d. Identify opportunities to leverage state and federal funding to address workforce needs and accelerate the retraining and upskilling of workers, especially those most at risk of job displacement; and
 - e. Raise awareness of available state and federal funding opportunities, including information about eligibility, program and application requirements, and application deadlines, among appropriate tribal, local, regional, non-profit, and community-based partners, including historically disadvantaged partners.
4. The California State Transportation Agency (CalSTA) shall establish an interagency Task Force on Third Parties, with participation from the California High Speed Rail Authority, the California Department of Transportation, the California Department of Water Resources, the California Department of Fish and Wildlife, and other state agencies as appropriate to, upon direction from the Strike Team and utilizing existing resources, assist major infrastructure projects by working with private parties to obtain approvals and facilitate agreements necessary to relocate utilities or mitigate project impacts and allow construction to commence sooner, along with appropriate community engagement and tribal consultation. The California Public Utilities Commission is requested to participate in the interagency Task Force on Third Parties.
5. The Governor's Office of Business and Economic Development, in collaboration with the California Energy Commission, the California Air Resources Board, and other State agencies as appropriate, shall identify opportunities to support local permitting of clean energy infrastructure and zero emission vehicle infrastructure, along with appropriate community engagement and tribal consultation, including, but not limited to, sharing and encouraging the adoption of best practices, connecting local governments to technical resources to support permit approval, and enhancing state and local collaboration. The California Public Utilities Commission is requested to collaborate on this effort.
6. State agencies subject to my authority shall implement the directives in this Order consistent with the directives in Executive Order N-16-22 on embedding equity, increasing opportunities for all, and addressing disparities, including, but not limited to, any action plans developed under Paragraph 3 of that Order to increase access to the grant or contract selection process for IJJA investments for small and

disadvantaged business enterprises and to meaningfully engage with Tribal governments, nonprofits, and community organizations, where applicable.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed with the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of May 2023.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State