WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT IS SIGNED INTO LAW

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On December 16, 2016, President Obama signed the Water Infrastructure Improvements for the Nation (WIIN) Act into law, evidencing the Administration's clear intent to help augment funding for various state and local water projects across the country, and – of particular note to California environmental attorneys and relevant water stakeholders – to push long-term solutions to California's continuing drought.

Goals of the WIIN Act

Though the WIIN Act is intended to authorize the construction of various water infrastructure projects throughout the nation (including but not limited to projects focused on drinking water, watershed restoration, waterway improvement, and flood control), the Act clearly identifies California as a state in particular need of water infrastructure project authorization and execution.

California-Specific Goals

The WIIN Act's primary aim in California is to fund water infrastructure projects that will help combat the ongoing drought.- The Act includes various short and long-term provisions relating to water projects that specifically target the drought and respond to steadily increasing water demand in the state, including storage and groundwater, desalination, and water recycling projects.

California Funding

Of the $12 billion in total national funding authorized by the Act, $558 million has been earmarked for California projects.- Key projects include improvements to the Lake Tahoe watershed, flood protection for the San Francisco shoreline, and harbor maintenance, among others.

Regulatory Relaxation

Under the WIIN Act, part of the strategy for combating the drought includes the relaxation of certain environmental regulations.

The WIIN Act will:

- Address environmental restrictions that currently limit the amount of water that can be captured from the Bay-Delta region;
- Accelerate water transfers from the Central Valley and other water-rich regions to water-poor regions;
- Agency review of water transfer applications from the water-rich regions to water-poor regions will be expedited.

Concerns about the environmental effects of increasing water diversion from water-rich regions to water-poor regions in Southern California has led to a tightening of certain regulation, however.- Specifically, the Act prohibits federal and state agencies from acting in

violation of existing environmental laws, including the Endangered Species Act, even if the diversion, infrastructure, restoration, or other project would help to address drought in water-poor areas.

Effect on California Stakeholders

Water stakeholders in California have every reason to be pleased with the passage of the WIIN Act.- The legislation will lead to massive subsidies for a variety of water diversion projects that will have both a short-term and long-term impact on water availability in drought-stricken regions of California (and Southern California in particular).- The easing of certain regulatory burdens in the Bay-Delta region and those involving water transfer applications from the Central Valley region and other water-rich regions are likely to have a positive impact as well.

Under the Act, water transfer applications will receive expedited review, thus minimizing the regulatory burden (and associated costs) for affected stakeholders.

The Act has received bipartisan support throughout the legislative process, and seems to address – for California stakeholders in particular – many sensitive drought-related water infrastructure and regulatory issues that have remained in political limbo for quite some time.