

REQUEST FOR EFFECTIVE DATE UPON FILING

(Cal. Gov. Code § 11343.4 (b)(3))

The California Water Commission requests the proposed regulation change to “Funding for Environmental Documentation and Permits” (23 CCR § 6010) become effective upon filing with the Secretary of State, pursuant to Cal. Gov. Code § 11343.4 (b)(3).

I. Showing of Good Cause for Effective Date Upon Filing

The Initial Statements of Reasons explains that the purpose of the proposed regulation is to address the potential conflict between the \$135 million (23 CCR § 6010 (b)(5) and (e)(1)) and the 5% (23 CCR § 6010(b)(4)) early funding caps, by removing the dollar amount cap for early funding.

Due to the dissolution of the Los Vaqueros Joint Powers Authority and withdrawal of the Los Vaqueros Expansion Project from the Water Storage Investment Program (WSIP), the California Water Commission (Commission) has the option to commit the funds from Los Vaqueros’s Maximum Conditional Eligibility Decision (MCED) to other projects. Prior to withdrawing from the WSIP, Los Vaqueros spent all of its early funding, approximately \$24 million. Those funds count toward the \$135 million early funding cap. This creates a conflict because the WSIP projects that are awarded increased MCEDs (after the Los Vaqueros withdrawal) may not have the opportunity to receive up to 5% of their updated MCED as early funding due to the \$135 million cap.

Early funding is used by projects to assist with work related to the completion of environmental documentation and permits.

On August 20, 2025, the California Water Commission increased the Maximum Conditional Eligibility Determinations (MCEDs) for three WSIP projects. Those three projects can request early funding based on their increased MCEDs. One of those projects requested additional early funding due to the increase of their MCED at the Commission’s September meeting. Commission staff anticipate that at least one other project will request additional early funding before the end of the year.

Governor Newsom declared that funding water storage is a critical component of California’s Water Supply Strategy (California Department of Water Resources 2022), and as such, providing this funding in the quickest possible manner will meet the administration’s goal and keep water storage projects moving forward for the good of all Californians. Due to the expectation that projects will request early funding awards prior to January 1, 2026, the Commission requests that the proposed regulations become effective upon filing with the Secretary of State.