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CALIFORNIA BUDGET OMNIBUS BILL DEFENDS THE STATE FROM TRUMP BY INCLUDING CRITICAL PROTECTIONS FOR CALIFORNIA'S RIVERS FROM FEDERAL DAM RELICENSING

June 26, 2020 (Sacramento, CA) – Despite economic uncertainty and a historic statewide deficit due to the COVID-19 pandemic, today the California Legislature just approved a omnibus trailer bill that bolsters critical protections for California's rivers against federal dismantling of the Clean Water Act. With the trailer bill now passed the Legislature, we anticipate the Governor to sign the bill as part of the full budget.

Over a hundred federally managed dams need new licenses to operate in California, yet over the course of the past year, the federal government has taken significant action to dismantle Clean Water Act protections that would otherwise apply to these dams. The Federal Energy Regulatory Commission (FERC) has near-exclusive authority to license federal and many non-federal hydropower dams. Water quality certifications issued under section 401 of the Clean Water Act are one of the only times a state may ensure protections for water quality during the licensing or relicensing of a hydroelectric dam, and reduce the harmful impacts of these dams on state rivers.

Without section 401 water quality certifications, these dams would operate exclusively to generate electricity and would lack adequate water quality measures to protect California's rivers and threatened fish until the next relicensing period in 40 to 50 years.

FERC has relied on a controversial 2019 court decision to issue five orders waiving state water quality certifications in California, two of which are in the Yuba River watershed and were issued in April and May of 2020.¹ Just this month, FERC issued a new hydropower license on the Middle Fork of the American River, marking the first state-owned hydroelectric dam without any Clean Water Act protections. California environmental groups urged Governor Newsom to act during this legislative session to stop the next wave of federal orders that will prevent California from protecting its rivers and wildlife from federal dams.

Recognizing the urgency and severity of this issue, the California Legislature suspended procedural barriers for water quality certifications in an omnibus trailer bill to the 2020-21 state budget to help California impose much-needed water quality protections for the remaining federal dams undergoing the FERC relicensing process. By including this in the state budget, the Legislative Leadership have ensured that the issue would be addressed immediately, rather than waiting until later in the legislative session – or possibly next year – and risk losing protections for countless rivers throughout California.

¹ The Yuba River Development Project and Yuba-Bear Project located on the Middle Yuba, South Yuba, and Bear rivers. With these waivers already issued, the Budget protections do not retroactively apply to the Yuba River watershed.

“Second only to climate change, waiving state water quality certifications is the most pressing threat to California’s rivers,” said Sean Bothwell, Executive Director of California Coastkeeper Alliance. “Our work on this issue is not over yet, though we applaud Governor Newsom and the California Legislature for taking much-needed action to resolve this crisis for future dam relicenses and protect the waters we drink, swim, and fish. This is one issue our state can’t ignore, even during this challenging time.”

“We’re facing this threat in our watershed right now,” said Melinda Booth, Executive Director of South Yuba River Citizens League. “This has been a dangerous and precedential move to usurp California’s authority in protecting our rivers and native fish, and will unravel decades of investment and work to restore California’s river ecosystems. We’re disappointed that the Budget Omnibus Bill does not help the Yuba, but we know this is a step in the right direction to protect California’s rivers.”

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ABOUT CALIFORNIA COASTKEEPER ALLIANCE - California Coastkeeper Alliance is a statewide voice for our waters. With the federal administration working against our environmental laws, CCKA defends and expands California’s protective legislation and strengthens the function of our state water board. We represent local Waterkeepers, empower communities towards a #TrashFree2030, and advocate with companies through the Blue Business Council. Together, we fight for swimmable, fishable, and drinkable waters for Californians today – and for future generations. California Coastkeeper Alliance is a 501(c) (3) nonprofit organization. For more information, visit cacoastkeeper.org and follow us on Twitter [@CA_Waterkeepers](https://twitter.com/CA_Waterkeepers).

ABOUT SOUTH YUBA RIVER CITIZENS LEAGUE - Based in Nevada City, CA, the South Yuba River Citizens League (SYRCL, pronounced “circle”), is the leading voice for the protection and restoration of the Yuba River watershed. Founded in 1983 through a rural, grassroots campaign to defend the South Yuba River from proposed hydropower dams, SYRCL has developed into a vibrant community organization with more than 3,500 members and volunteers. SYRCL is a 501(c)(3) nonprofit organization, also known as Yuba River Waterkeeper, and a proud member of the California Coastkeeper Alliance. For more information, visit yubariver.org and follow us on Twitter [@yubariverpeople](https://twitter.com/yubariverpeople).