

ALCALDE & FAY

GOVERNMENT & PUBLIC AFFAIRS CONSULTANTS

January 13, 2021

To: Contra Costa County Board of Supervisors**From: Paul Schlesinger
Perrin Badini
Mackenzie Dobson****Re: 2020 Federal Year End Report**

Despite a horribly partisan Congress immobilized by internal and external factors and marked by the historic impeachment proceedings, the even rarer and all-pervasive COVID-19 pandemic, the corrosive impact of a late-term Supreme Court nomination, and the complete polarization created by perhaps the ugliest election cycle in our history, and despite Congress's continuation of its self-imposed ban on earmarks, we are pleased to report significant progress on several fronts important to Contra Costa County.

Ongoing Army Corps Projects

Funding was obtained for water resources projects that are high on the County's priority list. In the years since Congress imposed an earmark ban on itself, there are two ways to secure Army Corps funding for local priorities: (1) work with the Administration to have them budgeted in the Administration's budget request, whereafter such amounts are routinely approved by Congress, and (2) utilize provisions funded in appropriations bills which provide additional, unallocated funding for the Army Corps, with instructions that the Corps itself determine how these additional monies are spent as part of a work plan to be submitted to Congress.

The Omnibus Appropriations measure funding the government for FY '20 included \$5.774 million for Suisun Bay dredging, compared to \$5.8 million in FY '20, and \$3.005 million for the maintenance dredging of San Pablo Bay and Mare Island Strait, up from \$2.88 million the previous year.

Additionally, as described above, the Omnibus Appropriations legislation instructed the Army Corps to submit a work plan to Congress within 60 days of the bill's enactment. With the President having signed the legislation on December 27, we are now working to ascertain whether there is a possibility of getting the funding of these projects increased, or whether they have already been funded at levels that match the capability of the Corps to work on them this year.

Advocacy related to the Sacramento-San Joaquin Delta

We have been pleased to work extensively with County officials and staff in advocating before the federal government to achieve the County's objectives with regard to the Delta. These efforts have generally been in conjunction with other federal advocates working on behalf of their clients; the other members of the Delta Counties Coalition (DCC).

Of particular note, when some in the DCC seemed to want to focus on promoting the development of new water resources, we worked with County staff to try and assure that the DCC keep as its priority focus its very *raison d'être*: the rejection of the Delta Conveyance project. We also worked with staff to assure that the DCC continued to vigorously oppose the San Luis Drain settlement.

Funding for Mount Diablo Mercury Mine Clean-up

We continued to keep alive federal funding sources for the clean-up of the Mount Diablo Mercury Mine. Given the moratorium on earmarks, we recognized several years ago that it would not be possible to secure a line-item appropriation for this important project. So, we worked to include language in the Statement of Managers accompanying a Water Resources Development Act (WRDA), specifically directing the Army Corps to give priority consideration to the Mount Diablo Cleanup when allocating funds made available for the Remediation of Abandoned Mine Sites program (RAMS). With this, we remain comfortable that any funding made available in Appropriations bills for the general RAMS program is virtually certain to be provided for our project whenever we may be ready for it.

We are pleased that, despite the fact that the Administration failed to recommend any funding for the RAMS program, at the County's request, Congress included \$2 million in its final appropriations bill for FY '21. Senator Feinstein, in her role as ranking Democrat on the Senate Appropriations Subcommittee on Energy and Water Development, has been a champion in securing funding for this program. Her staff has been quite explicit in telling us that the funding is intended to assist with our project.

Moreover, the Water Resources Development Act (additional information immediately following) increased by \$10 million the total amount authorized for RAMS projects.

Water Resources Development Act (WRDA)

It has been the general intent of Congressional leadership to pass, every two years, a Water Resources Development Act (WRDA) authorizing projects and programs for the Army Corps of Engineers. In 2019, we were told by County staff of their concern that existing law posed an impediment to pursuing worthwhile projects in distressed communities in the County. In some cases, the County would serve as the nonfederal sponsor on a project, but existing law required that the County put up its 50% share of the cost of a feasibility study (local share generally capped at \$1.5 million) which it hesitates to do because of the uncertainty that the study will conclude that the project is

economically feasible (having a positive benefit-cost ratio) sufficient to allow it to move forward.

Working with House Committee staff, a provision was developed providing that for projects in disadvantaged communities, the Corps will review the economic feasibility of a project and let the community know if it is likely to be economically feasible before the feasibility study (which reviews both the economic and technical feasibility of a project) is begun. If it appears that a project may not be economically feasible (would produce a negative benefit-cost ratio) they will inform the community of modifications that might make it so. So, no cost share needs to be provided for a project that is not likely to be economically feasible. This provision is also likely to reduce the cost of a feasibility study, since this work has been undertaken prior to the initiation of the study. WRDA, in a separate section, clarifies that for the purposes of this provision, a disadvantaged community can be part of a larger community, such as a county, that is not disadvantaged and which is the local sponsor.

Another provision of the bill directs the Corps to prioritize planning projects related to climate change and extreme weather resiliency in disadvantaged communities.

Additionally, we worked with Congressman DeSaulnier's office to amend WRDA in its markup by the House Transportation and Infrastructure Committee to assist the County with its harmful algal bloom predicament.

Upon the Committee's release of its draft bill shortly before markup, we noted that the Great Lakes, the tidal and inland waters of the State of New Jersey, and Lake Okeechobee, Florida were specifically named as locations where the Corps should carry out "a demonstration program to determine the causes of, and impement measures to effectively detect, prevent, treat, and eliminate, harmful algal blooms". When we called this provision to the attention of Congressman DeSaulnier's office, and asked if he could add the County's waterways to the designated list, they readily agreed. Then, when Congressman Garamendi's office learned of our efforts, as a Committee Member he suggested that all the waterways of each of the five counties of the Delta Counties Coalition be similarly included. Congressman DeSaulnier offered the amendment in that form, and it was adopted. The provision became law with the President's signature on December 27.

Finally, WRDA includes a construction authorization for an ecosystem restoration project at Big Break utilizing the beneficial reuse of dredged materials from the Stockton Deep Water Ship Channel to restore 340 acres of intertidal marsh, a historical marsh previously converted into farmland until a levee break in 1928 inundated the island. Since then, Big Break has remained unvegetated open water. The project authorizes about \$16.7 million in federal funding toward the \$25.7 million total project cost. The State Department of Water Resources is the nonfederal sponsor.

Other Advocacy Projects

From the County's extensive legislative program, we were asked to focus particularly on several appropriations issues. The following indicates our request and the outcome for each:

- **USDA Supplemental Nutrition Assistance Program (SNAP)**: Increase funding to \$73.477 billion from the FY 2020 level of \$67.866 billion and the Administration's budget request of \$68.281 billion
 - **House**: \$68.277 billion for SNAP
 - **Senate**: \$68.323 billion for SNAP
 - **FINAL**: \$114.04 billion for SNAP

- **Medicaid**: Reject the Administration's proposed 16% cut over 10 years (\$920 billion) and maintain program status quo. Medicaid funding was increased by 4%.

- **HUD Community Development Block Grant (CDBG)**: Maintain the FY 2020 funding level of \$3.425 billion and reject the Administration's budget proposal to zero out funding for the program
 - **House**: \$3.525 billion for CDBG
 - *The House-passed T-HUD bill includes an additional \$4 billion for the CDBG program to support recovery from the pandemic*
 - **Senate**: \$3.425 billion for CDBG
 - **FINAL**: \$3.45 billion for CDBG

- **HUD Homeless assistance grants**: Increase funding to \$2.9 billion from the FY 2020 level of \$2.777 billion and the Administration's budget request of \$2.773 billion
 - **House**: \$3.415 billion for Homeless Assistance Grants
 - **Senate**: \$2.951 billion for Homeless Assistance Grants
 - **FINAL**: \$3 billion for Homeless Assistance Grants

- **HHS/Administration for Children & Families – Temporary Aid to Needy Families (TANF)**: Increase funding to \$17.715 billion from the FY 2020 level of \$16.512 billion and the Administration's budget request of \$15.715 billion. FY '20 funding level of \$16.512 billion was maintained.

- **DOJ Offender Re-entry Program (Second Chance Act programs)**: Maintain the FY 2020 funding level of \$90 million and reject the Administration's budget proposal to cut funding for the program by \$2.5 million.
 - **House**: \$100 million for Second Chance Act grants
 - **Senate**: \$100 million for Second Chance Act grants
 - **FINAL**: \$100 million for Second Chance Act grants

In addition to managing the issues on the County's legislative platform, and given the dynamic nature of events in Washington, we have also brought various matters of interest to the County's attention and assisted the County when new matters surfaced that required communication with, or the input of, our delegation.

Some of the diverse issues we have called to the County's attention, worked on at the County's behalf, or simply informed our Congressional delegation about, include:

- our COVID-related needs which, of course, required our consistent and ongoing monitoring, communication, and advocacy since mid-March;
- refugee resettlement in the County;
- habitat conservation planning;
- our opposition to SNAP rules changes;
- cybersecurity legislation;
- legislation on VA benefits for survivors;
- Build America Bonds;
- Congresswoman Speier's San Francisco Bay Restoration Act;
- broadband development legislation; and
- the BNSF Railway presence at Miller-Knox Regional Shoreline.

Activities such as these certainly contribute to the long-held perception around Capitol Hill and elsewhere in Washington that Alcalde & Fay serves as the County's office here in town; a place that these offices can call, trusting that they will be communicating, if through an agent, with appropriate County officials.

As always, it has been a privilege to represent the County with its efforts as they relate to the federal government. We would be pleased to elaborate on any aspect of this work, and look forward to continuing work on your behalf in the year ahead.