Agriculture, Environment and Natural Resources Policy Committee

Thursday, May 15, 2014 ▪ 10:15 a.m. – 12:15 p.m.
CSAC Legislative Conference

AGENDA

Supervisor Linda Seifert, Solano County, Chair
Supervisor Judy Morris, Trinity County, Vice-Chair

10:15 a.m.	**I.**	**Welcome and Introductions** *Supervisor Linda Seifert, Solano County, Chair*
10:15 – 10:45	**II.**	**Legislative Update** • **2014 Water Bonds** • **Cap and Trade** • **Solid Waste Legislation** *Karen Keene, CSAC Senior Legislative Representative* *Cara Martinson, CSAC Legislative Representative*
10:45- 10:55	**III.**	**Extended Producer Responsibility: Pharmaceuticals** *Heidi Sanborn, Executive Director, CA Product Stewardship Council*
10:55 - 11:10	**IV.**	**President's Task Force on Climate Resiliency** *Supervisor Salud Carbajal, Santa Barbara County*
11:10 – 11:55	**V.**	**Groundwater Management Proposals Discussion** *Tim Quinn, Executive Director, Association of CA Water Agencies* *Lester Snow, Executive Director, California Water Foundation*
11:55 –12:10	**VI.**	**Overview of SMARA Responsibilities for Lead Agencies** *Leah Gardner, Senior Environmental Scientist, Office of Mine Reclamation*
12:10- 12:15 p.m.	**VII.**	**Closing Comments & Adjournment**

ATTACHMENTS

Attachment One
2014 Legislative Update

April 28, 2014

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To: CSAC Agriculture & Natural Resources (ANR) Policy Committee
From: Karen Keene, CSAC Senior Legislative Representative
Cara Martinson, CSAC Legislative Representative

RE: **Agriculture, Environment & Natural Resources Legislative UPDATE**

The following are several priority bills that CSAC is working on.

Agriculture

AB 1961 (Eggman) – Oppose Unless Amended
As Amended April 22, 2014
AB 1961, by Assembly Member Susan Eggman, would require each county with significant agricultural land resources to develop on or before January 2, 2018 a sustainable farmland strategy. The bill would require the strategy to include among other things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances to retain agriculturally zoned land where practical, and mitigation for the loss of agriculturally zoned lands. It would also require counties to post this information on the county's internet website. CSAC has expressed concerns with the potential costs associated with the development of these strategies. While we support the intent of the bill, compiling information, maintaining current information on a website and conducting the outreach and public hearing have tremendous costs associated.

Mining

SB 1270 (Pavley) – Oppose
As Amended April 22, 2014
SB 1270, by Senator Fran Pavley, would make significant changes to the Surface Mining and Reclamation Act (SMARA). SB 1270 would put counties in a position of having to prove their ability to meet their lead agency obligations in order to maintain their status, rather than the State needing to show that they are not meeting obligations. CSAC believes the State already has the authority to remove a jurisdiction from their lead agency status if they are not meeting the requirements under SMARA. Thus, we question the need for a change in law and consider SB 1270 an effort to erode local lead agency authority to regulate mining operations.

Solid Waste

AB 1826 (Chesbro) – Support if Amended
As Amended April 22, 2014
AB 1826, by Assembly Member, would establish a commercial organics recycling program in California. CSAC has been working extensively with the author, Administration and stakeholders in developing this legislation, ensuring that is workable for local governments. Specifically, AB 1826 would require businesses that generate a certain amount of organic waste to arrange for recycling services. AB 1826 would require local jurisdictions to develop on and after January 1, 2016, an organic waste recycling program to divert organic waste from the businesses subject to this act, and provide public education and outreach to affected entities. In addition,

the bill would require jurisdictions as part of their program to report to Cal Recycle information regarding infrastructure and facilities available to accept organic material, barriers to siting new or expanded organics facilities. While we continue to work on issues with the bill, CSAC remains concerned that the timelines and collection thresholds for implementing mandatory commercial organics recycling may create problems in some areas of the state that do not have adequate organics processing infrastructure and markets. We intend to continue to work with the author and sponsors to refine this legislation.

AB 1594 (Williams) – Concerns
As Amended April 21, 2014

AB 1594, by Assembly Member Das Williams, would eliminate the solid waste diversion credit for green waste used as Alternative Daily Cover (ADC) at a solid waste landfill. ADC is the cover material other than earthen material placed on the surface of the active face of a solid waste landfill at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging. Cal Recycle has approved a list of acceptable ADC materials, which includes green material, such as lawn and tree trimmings. Currently, jurisdictions receive solid waste diversion credit for the use of green material as ADC. This bill would eliminate the solid waste diversion credit for the use of green waste as ADC at landfills and thus impose the $1.40 per ton state disposal fee on this material.

Local governments have relied on the use of green material as ADC for several years to help suppress odors, dust and pests. In addition, many jurisdictions have been able to meet the State's 50% solid waste diversion goals with the use of this tool. CSAC is specifically concerned with the imposition of the $1.40/ton state disposal fee on this material once it is considered disposal. Imposing fees on this material would place an additional financial burden on jurisdictions as they strive to meet our State's waste reduction goals. Cover material is a requirement and should not be subject to a disposal fee.

Cap and Trade

AB 1970 (Gordon) – Support
As Amended April 10, 2014

AB 1970, by Assembly Member Rich Gordon, would create the Community Investment and Innovation Program which would provide cap and trade funding, upon appropriation of the Legislature, to local governments in the form of competitive grants and other financial assistance to develop and implement greenhouse gas (GHG) emission reduction projects. CSAC along with our local government partners are supporting Assembly Member Gordon in his efforts to develop a funding category for local GHG projects. This bill is substantially similar to last year's AB 416. AB 1970 builds off the current, but expiring, local planning grants administered by the Strategic Growth Council (SGS). SGC used funds from Proposition 84 to award competitive grants to local governments for planning activities associated with reducing GHGs, such as climate action plans. AB 1970 would create the next, natural phase of these grants intended to fund GHG project implementation at the local level. CSAC is organizing a coalition of supporters for AB 1970 and is also involved in cap and trade budget discussions.

Water Bond Proposals

The following is a list of the nine substantive water bond proposals currently being considered by the Legislature. As noted in one of the bond proposal analyses prepared for the Assembly Water, Parks and Wildlife Committee, "… the differences between and among them and the bond currently on the ballot range from subtle to significant." The committee analysis includes an informative description of some key issue areas in common: "All of the current bond proposals in the Legislature would make surface storage projects eligible for some level of funding for the "public benefits" of those projects. They differ in whether that funding would be continuously appropriated to the California Water Commission (CWC) or whether the Legislature would appropriate the money to the CWC. Most would also provide funding for groundwater storage and water quality improvements, including groundwater remediation. Many would provide funding to address sustainability of the Sacramento-San Joaquin Delta (Delta) and to implement Integrated Regional Water Management (IRWM) Plan projects and programs. Some would also provide separate chapters of funding for watershed protection projects, water recycling and conservation, and groundwater sustainability."

The nine water bond proposals are:

SB 848 (Wolk) - would repeal the $11.14 billion water bond currently on the November 2014 and would replace it with the Safe Drinking Water, Water Quality, and Water Supply Act of 2014, a $6.825 billion general obligation bond to finance a variety of water resources related programs and projects. Status: Awaiting a hearing in Senate Appropriations Committee.

SB 927 (Cannella and Vidak) - would amend the water bond currently on the November 2014, reducing the authorized amount from $11.14 billion to $9.217 billion, and rename the measure the Safe, Clean, and Reliable Drinking Water Supply Act of 2014. Status: Failed passage – Senate Natural Resources and Water Committee.

SB 1250 (Hueso) - would replace the $11.14 billion water bond and replace it with a new $9.45 billion general obligation bond titled "The Safe, Clean, and Reliable Drinking Water Supply Act of 2014." Status: Awaiting second hearing in Senate Natural Resources and Water Committee.

SB 1370 (Galgiani) would repeal the water bond currently on the November 2014 the Reliable Water Supply Bond Act of 2014, and replace it with a $6.2 billion general obligation bond to finance surface water storage projects. Status: Held in Senate Natural Resources and Water Committee.

AB 1445 (Logue) - would repeal the water bond currently on the November 2014 and would replace it with the California Water Infrastructure Act of 2014, a $5.8 billion general obligation bond to finance public benefits associated with water storage projects. Status: Author no longer pursuing.

AB 1331 (Rendon) - would repeal the water bond currently on the November 2014 and would replace it with the Clean and Safe Drinking Water Act of 2014, a $8.0

billion general obligation bond to finance a variety of water resources related programs and projects. Status: Senate Environmental Quality – May 7.

AB 2043 (Bigelow and Conway) - would repeal the water bond currently on the November 2014 and would replace it with the Safe, Clean, and Reliable Drinking Water Supply Act of 2014, a $7.935 billion general obligation bond to finance a variety of water resources related programs and projects. Status: Awaiting hearing in Assembly Appropriations Committee.

AB 2554 (Rendon) - would repeal the water bond currently on the November 2014 and would replace it with the California Water Infrastructure Act of 2014, an $8.5 billion general obligation bond. Status: Awaiting hearing in Assembly Appropriations Committee.

AB 2686 (Perea) - would repeal the water bond currently on the November 2014 and would replace it with the Clean, Safe, and Reliable Water Supply Act of 2014, a $9.25 billion general obligation bond to finance a variety of water resources related programs and projects. Status: Awaiting hearing in Assembly Appropriations Committee.

A side-by-side comparison of the bond bills prepared by the Association of California Water Agencies (ACWA) will be provided at the May 15 meeting of the CSAC Agriculture, Environment and Natural Resources Committee.

Attachment Two
President's Climate Action Plan

Introduction

President Obama's Climate Action Plan

We have a moral obligation to leave our children a planet that's not polluted or damaged, and by taking an all-of-the-above approach to develop homegrown energy and steady, responsible steps to cut carbon pollution, we can protect our kids' health and begin to slow the effects of climate change so we leave a cleaner, more stable environment for future generations. Building on efforts underway in states and communities across the country, the President's plan cuts carbon pollution that causes climate change and threatens public health. Today, we have limits in place for arsenic, mercury and lead, but we let power plants release as much carbon pollution as they want – pollution that is contributing to higher rates of asthma attacks and more frequent and severe floods and heat waves.

Cutting carbon pollution will help keep our air and water clean and protect our kids. The President's plan will also spark innovation across a wide variety of energy technologies, resulting in cleaner forms of American-made energy and cutting our dependence on foreign oil. Combined with the President's other actions to increase the efficiency of our cars and household appliances, the President's plan will help American families cut energy waste, lowering their gas and utility bills. In addition, the plan steps up our global efforts to lead on climate change and invests to strengthen our roads, bridges, and shorelines so we can better protect people's homes, businesses, and way of life from severe weather.

While no single step can reverse the effects of climate change, we have a moral obligation to act on behalf of future generations. Climate change represents one of the major challenges of the 21st century, but as a nation of innovators, we can and will meet this challenge in a way that advances our economy, our environment, and public health all at the same time. That is why the President's comprehensive plan takes action to:

- **Cut Carbon Pollution in America.** In 2012, U.S. carbon pollution from the energy sector fell to the lowest level in two decades even as the economy continued to grow. To build on this progress, the Obama Administration is putting in place tough new rules to cut carbon pollution—just like we have for other toxins like mercury and arsenic —so we protect the health of our children and move our economy toward American-made clean energy sources that will create good jobs and lower home energy bills. For example, the plan:
    - Directs EPA to work closely with states, industry and other stakeholder to establish carbon pollution standards for both new and existing power plants;
    - Makes up to $8 billion in loan guarantee authority available for a wide array of advanced fossil energy and efficiency projects to support investments in innovative technologies;
    - Directs DOI to permit enough renewables project—like wind and solar – on public lands by 2020 to power more than 6 million homes; designates the first-ever hydropower project for priority permitting; and sets a new goal to install 100 megawatts of renewables on federally assisted housing by 2020; while maintaining the commitment to deploy renewables on military installations;

- Expands the President's Better Building Challenge, focusing on helping commercial, industrial, and multi-family buildings cut waste and become at least 20 percent more energy efficient by 2020;

- Sets a goal to reduce carbon pollution by at least 3 billion metric tons cumulatively by 2030 – more than half of the annual carbon pollution from the U.S. energy sector – through efficiency standards set over the course of the Administration for appliances and federal buildings;

- Commits to partnering with industry and stakeholders to develop fuel economy standards for heavy-duty vehicles to save families money at the pump and further reduce reliance on foreign oil and fuel consumption post-2018; and

- Leverages new opportunities to reduce pollution of highly-potent greenhouse gases known as hydrofluorocarbons; directs agencies to develop a comprehensive methane strategy; and commits to protect our forests and critical landscapes.

➢ **Prepare the United States for the Impacts of Climate Change.** Even as we take new steps to cut carbon pollution, we must also prepare for the impacts of a changing climate that are already being felt across the country. Building on progress over the last four years, the plan:

- Directs agencies to support local climate-resilient investment by removing barriers or counterproductive policies and modernizing programs; and establishes a short-term task force of state, local, and tribal officials to advise on key actions the Federal government can take to help strengthen communities on the ground;

- Pilots innovative strategies in the Hurricane Sandy-affected region to strengthen communities against future extreme weather and other climate impacts; and building on a new, consistent flood risk reduction standard established for the Sandy-affected region, agencies will update flood-risk reduction standards for all federally funded projects;

- Launches an effort to create sustainable and resilient hospitals in the face of climate change through a public-private partnership with the healthcare industry;

- Maintains agricultural productivity by delivering tailored, science-based knowledge to farmers, ranchers, and landowners; and helps communities prepare for drought and wildfire by launching a National Drought Resilience Partnership and by expanding and prioritizing forest- and rangeland-restoration efforts to make areas less vulnerable to catastrophic fire; and

- Provides climate preparedness tools and information needed by state, local, and private-sector leaders through a centralized "toolkit" and a new Climate Data Initiative

➢ **Lead International Efforts to Address Global Climate Change.** Just as no country is immune from the impacts of climate change, no country can meet this challenge alone. That is why it is imperative for the United States to couple action at home with leadership internationally. America must help forge a truly global solution to this global challenge by

galvanizing international action to significantly reduce emissions, prepare for climate impacts, and drive progress through the international negotiations. For example, the plan:

- Commits to expand major new and existing international initiatives, including bilateral initiatives with China, India, and other major emitting countries;
- Leads global sector public financing towards cleaner energy by calling for the end of U.S. government support for public financing of new coal-fired powers plants overseas, except for the most efficient coal technology available in the world's poorest countries, or facilities deploying carbon capture and sequestration technologies; and
- Strengthens global resilience to climate change by expanding government and local community planning and response capacities.

An Executive Order to Protect Our Communities

The Obama Administration has taken significant steps to strengthen the climate resilience of America's communities and economy. More than 30 Federal agencies developed their first-ever Climate Change Adaptation Plans, outlining strategies to protect their operations, programs, and investments to better serve communities and safeguard our public resources in the face of climate change. In the wake of Hurricane Sandy, the Administration has provided resources to rebuild the affected area to be more resilient than before, including support for more climate-resilient roads and infrastructure, and projects that protect drinking water and buffer communities from flooding.

In addition, Federal agencies have partnered with states, cities, tribes, and the private sector to develop strategies to address the impacts of climate change on our freshwater resources, oceans and coasts, and wildlife. Agencies have also built new, data-driven tools to help decision makers and resource managers map and plan for future sea level rise. From Florida to Minnesota, and from Alaska to New York, Federal agencies have partnered with communities to provide funding and technical assistance to address local climate impacts such as sea level rise, flooding, and water scarcity.

To build on this progress, the Executive Order (E.O.) "Preparing the United States for the Impacts of Climate Change," directs Federal agencies to:

- **Modernize Federal programs to support climate-resilient investments:** Agencies will examine their policies and programs and find ways to make it easier for cities and towns to build smarter and stronger. Agencies will identify and remove any barriers to resilience-focused actions and investments– for example, policies that encourage communities to rebuild to past standards after disasters instead of to stronger standards – including through agency grants, technical assistance, and other programs in sectors from transportation and water management to conservation and disaster relief.
- **Manage lands and waters for climate preparedness and resilience:** America's natural resources are critical to our Nation's economy, health and quality of life. The E.O. directs agencies to identify changes that must be made to land- and water-related policies, programs, and regulations to strengthen the climate resilience of our watersheds, natural resources, and ecosystems, and the communities and economies that depend on them. Federal agencies will

also evaluate how to better promote natural storm barriers such as dunes and wetlands, as well as how to protect the carbon sequestration benefits of forests and lands to help reduce the carbon pollution that causes climate change.

- **Provide information, data and tools for climate change preparedness and resilience:** Scientific data and insights are essential to help communities and businesses better understand and manage the risks associated with extreme weather and other impacts of climate change. The E.O. instructs Federal agencies to work together and with information users to develop new climate preparedness tools and information that state, local, and private-sector leaders need to make smart decisions. In keeping with the President's Open Data initiative, agencies will also make extensive Federal climate data accessible to the public through an easy-to-use online portal.

- **Plan for climate change related risk:** Recognizing the threat that climate change poses to Federal facilities, operations and programs, the E.O. builds on the first-ever set of Federal agency adaptation plans released earlier this year and directs Federal agencies to develop and implement strategies to evaluate and address their most significant climate change related risks.

To implement these actions, the E.O. establishes an interagency Council on Climate Preparedness and Resilience, chaired by the White House and composed of more than 25 agencies. To assist in achieving the goals of the E.O., these agencies are directed to consider the recommendations of the State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience.

The Task Force

State, local and tribal leaders across the country are already contending with more frequent or severe heat waves, droughts, wildfires, storms and floods, and other impacts of climate change. The Task Force will provide recommendations to the President on removing barriers to resilient investments, modernizing Federal grant and loan programs to better support local efforts, and developing the information and tools they need to prepare. Task Force members include governors, mayors, county officials and tribal leaders, representing a diverse range of communities.

Purpose

The State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience is charged with developing recommendations on how the Federal government can better support local preparedness and resilience-building efforts. The Task Force will provide recommendations on removing barriers to resilient investments, modernizing grant and loan programs to better support local efforts, and developing information and tools to better serve communities.

Objectives

The Task Force will present written recommendations to the President on how the Federal Government should:

- Remove barriers, create incentives, and otherwise modernize Federal programs to encourage investments, practices, and partnerships that prioritize resources and facilitate increased resilience to climate impacts, including those associated with extreme weather;
- Provide useful climate preparedness tools and actionable information for States, local communities, and tribes, including through interagency collaboration; and

- Support state, local, and tribal preparedness for and resilience to climate change.

Background

- The impacts of climate change—including an increase in prolonged periods of excessively high temperatures, more heavy downpours, an increase in wildfires, more severe droughts, permafrost thawing, ocean acidification, and sea-level rise—are already affecting communities, natural resources, ecosystems, and economies across the country. These impacts are often most significant for communities that already face economic or health-related challenges, and for species and habitats that are already facing other pressures. Consistent with the local nature of these impacts, many important climate preparedness and resilience decisions and actions are undertaken at the state, regional, local, and tribal level.
- Preparedness efforts are already underway in many communities, but there is a need for a prescribed mechanism for state, local and tribal leaders to provide feedback and information to better inform Federal investments. In June 2013, as part of his Climate Action Plan, President Obama called for the establishment of a short-term task force of state, local, and tribal leaders to advise on key actions the Federal government can take to better support local preparedness and resilience-building efforts.

Time Frame

- The Task Force will meet in person four times between December 2013 and July 2014. The Task Force will deliver its recommendations to the President within one year, and will sunset no later than six months after delivering its recommendations.

Membership

Co-Chairs

Nancy H. Sutley
Chair, Council on Environmental Quality

Nancy Sutley is the Chair of the White House Council on Environmental Quality (CEQ). As the principal environmental policy adviser to the President, Sutley helps to develop and coordinate the Administration's environmental and energy policies and initiatives

David P. Agnew
Director, White House Intergovernmental Affairs

David Agnew currently serves as Deputy Assistant to the President and Director of Intergovernmental Affairs. In this role, David oversees the Obama Administration's relationship with state, city, county, and tribal elected officials across the country.

State Officials

Governor Neil Abercrombie (HI)

Governor Jerry Brown (CA)

Governor Eddie Calvo (GU)

Governor Jay Inslee (WA)

Governor Jack Markell (DE)

Governor Martin O'Malley (MD)

Governor Pat Quinn (IL)

Governor Peter Shumlin (VT)

Local Officials

Mayor Ralph Becker (Salt Lake City, UT)

Mayor James Brainard (Carmel, IN)

Commissioner Paula Brooks (Franklin Co, OH)

Supervisor Salud Carbajal (Santa Barbara Co, CA)

Mayor Frank Cownie (Des Moines, IA)

Mayor Bob Dixson (Greensburg, KS)

Mayor Eric Garcetti (Los Angeles, CA)

Mayor George Heartwell (Grand Rapids, MI)

Commissioner Kristin Jacobs (Broward County, FL)

Mayor Kevin Johnson (Sacramento, CA)

Mayor Michael Nutter (Philadelphia, PA)

Mayor Annise Parker (Houston, TX)

Mayor Patsy Parker (Perdido Beach, AL)

Mayor Madeline Rogero (Knoxville, TN)

Mayor Karen Weitkunat (Fort Collins, CO)

Mayor Dawn Zimmer (Hoboken, NJ)

Tribal Officials

Karen Diver, Chairwoman, Fond du Lac Band of Lake Superior Chippewa (MN)

Reggie Joule, Mayor, Northwest Arctic Borough (AK)

Background on Climate Change Preparedness and Resilience

As concentrations of greenhouse gases and heat-trapping particles increase in the atmosphere, it is becoming ever more urgent to understand and prepare for the resulting changes in climate. These changes include not only temperature increases but also shifts in precipitation patterns, storm tracks, and other parameters. Climate change affects human health, water and energy supplies, food production, coastal communities, ecosystems, and many other aspects of society and the environment. The Obama Administration is committed to reducing greenhouse gas emissions to minimize the impacts of climate change. But mitigation alone is not enough. People are already feeling the impacts of climate change and future changes are inevitable. To prepare and respond to these impacts, the Administration is also committed to climate change preparedness and resilience.

The scope, severity, and pace of future climate change impacts are difficult to predict. However, observations and long-term scientific trends indicate that the potential impacts of a changing climate on society and the environment will be significant. Projected impacts include more frequent heat waves and high-intensity precipitation events, rising sea levels, ocean acidification, and more prolonged droughts. The year-round average air temperature in the United States has already risen by more than 2°F over the past 50 years and is projected to increase further in the future. On average, wet areas of the United States will become wetter and dry areas will become drier. Adding to the challenge of responding to these impacts, climate-related changes do not act in isolation but rather interact with and often exacerbate the impacts of other non-climatic stressors such as habitat destruction, overharvesting, and pollution.

Climate change is a global phenomenon that is influenced by and affects people and places throughout the world. Vulnerability to climate change differs across countries, communities, and even households. Shoreline communities, socially or economically disadvantaged populations, as well as sensitive ecosystems such as coral reefs, wetlands, and Arctic habitats, are generally more vulnerable to climate impacts.

Understanding and preparing for climate change requires both domestic and international action. Adapting to climate change involves actions by individuals, businesses, governments, and others to build resilience and reduce vulnerability of human and natural systems to unavoidable climate impacts.

Preparedness also reduces the long-term costs of responding to these impacts. Resilience measures should focus on helping the most vulnerable people and places reduce their exposure and sensitivity to climate change and improve their capacity to predict, prepare for, and avoid adverse impacts. This requires thoughtful planning, continued development of science and analytical tools, and practical, cost-effective measures and technologies for adapting to future climate conditions.

Local impacts from climate change, such as crop loss or severe flooding, often have consequences that extend beyond regional or even national borders – for example, changes in human migration and disruptions in food supply. Climate change has direct implications for United States foreign assistance, national security, and diplomatic interests, including the considerable resources that the United States dedicates to disaster response and humanitarian assistance overseas. Moreover, the United States is a major contributor to, and beneficiary of, global science and technology development. The United States should continue to engage with international partners to enhance our understanding of climate change and leverage collective knowledge and resources.

The Role of the Federal Government in Adapting to Climate Change

The Federal Government has an important and unique role in climate preparedness, but it is only one part of a broader effort that must include multiple levels of government and private and non-governmental partners throughout the country. In particular, Federal leadership, guidance, information, and support are vital to planning for and implementing adaptive actions. Because climate impacts span political boundaries, the Federal Government must respond in partnership with communities, Tribes, and states – many of which are already beginning to implement resilience measures. Effective preparedness requires that stakeholders in affected regions coordinate their responses to climate impacts on shared infrastructure and resources.

At the core of the Federal Government's role should be a commitment to promote and implement best practices for resilience, build greater public awareness and understanding of the importance of preparedness, and maintain dialogue and partnerships with stakeholders and decision makers. The Government should continue to enhance services that enable informed decisions based on the best available science, and to work with the international community to improve knowledge sharing and coordinate resilient investments. The Government should also consider how Federal policies may lead to unintended consequences that increase the Nation's vulnerability to climate risks, thus making preparedness more costly and difficult. For example, certain policies may lead to increased development in the very areas that climate risks would suggest people avoid.

The Federal Government also has an important stake in resilience because climate change directly affects a wide range of Federal services, operations, programs, assets (e.g., infrastructure, land), and our national security. The Government must exercise a leadership role to address climate impacts on Federal infrastructure interests and on natural, cultural, and historic resources that it has statutory responsibilities to protect. The Federal Government should identify its most significant preparedness risks and opportunities and incorporate response strategies into its planning to ensure that Federal resources are invested wisely and that its services and operations remain effective in the context of a changing climate. Importantly, the Federal Government must work in partnership with local, state, Tribal, and regional authorities as it develops and implements resilience strategies, since most adaptive actions will occur at the local level.

Principles of Preparedness and Resilience

Federal agencies have identified the eight helpful principles that may help guide consideration of climate preparedness and resilience.

Adopt Integrated Approaches: Preparedness and resilience should be incorporated into core policies, planning, practice, and programs whenever possible.

Prioritize the Most Vulnerable: Preparedness and resilience plans should prioritize helping people, places and infrastructure that are most vulnerable to climate impacts and be designed and implemented with meaningful involvement from all parts of society.

Use Best-Available Science: Preparedness and resilience should be grounded in the best-available scientific understanding of climate change risks, impacts, and vulnerabilities.

Build Strong Partnerships: Preparedness and resilience requires coordination across multiple sectors and scales and should build on the existing efforts and knowledge of a wide range of public and private stakeholders.

Apply Risk-Management Methods and Tools: Preparedness and resilience planning should incorporate risk-management methods and tools to help identify, assess, and prioritize options to reduce vulnerability to potential environmental, social, and economic implications of climate change.

Apply Ecosystem-based Approaches: Preparedness and resilience should, where relevant, take into account strategies to increase ecosystem resilience and protect critical ecosystem services on which humans depend to reduce vulnerability of human and natural systems to climate change.

Maximize Mutual Benefits: Preparedness and resilience should, where possible, use strategies that complement or directly support other related climate or environmental initiatives, such as efforts to improve disaster preparedness, promote sustainable resource management, and reduce greenhouse gas emissions including the development of cost-effective technologies.

Continuously Evaluate Performance: Preparedness and resilience plans should include measureable goals and performance metrics to continuously assess whether adaptive actions are achieving desired outcomes.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release November 1, 2013

EXECUTIVE ORDER

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PREPARING THE UNITED STATES FOR THE IMPACTS OF CLIMATE CHANGE

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to prepare the Nation for the impacts of climate change by undertaking actions to enhance climate preparedness and resilience, it is hereby ordered as follows:

Section 1. Policy. The impacts of climate change -- including an increase in prolonged periods of excessively high temperatures, more heavy downpours, an increase in wildfires, more severe droughts, permafrost thawing, ocean acidification, and sea-level rise -- are already affecting communities, natural resources, ecosystems, economies, and public health across the Nation. These impacts are often most significant for communities that already face economic or health-related challenges, and for species and habitats that are already facing other pressures. Managing these risks requires deliberate preparation, close cooperation, and coordinated planning by the Federal Government, as well as by stakeholders, to facilitate Federal, State, local, tribal, private-sector, and nonprofit-sector efforts to improve climate preparedness and resilience; help safeguard our economy, infrastructure, environment, and natural resources; and provide for the continuity of executive department and agency (agency) operations, services, and programs.

A foundation for coordinated action on climate change preparedness and resilience across the Federal Government was established by Executive Order 13514 of October 5, 2009 (Federal Leadership in Environmental, Energy, and Economic Performance), and the Interagency Climate Change Adaptation Task Force led by the Council on Environmental Quality (CEQ), the Office of Science and Technology Policy (OSTP), and the National Oceanic and Atmospheric Administration (NOAA). In addition, through the U.S. Global Change Research Program (USGCRP), established by section 103 of the Global Change Research Act of 1990 (15 U.S.C. 2933), and agency programs and activities, the Federal Government will continue to support scientific research, observational capabilities, and assessments necessary to improve our understanding of and response to climate change and its impacts on the Nation.

The Federal Government must build on recent progress and pursue new strategies to improve the Nation's preparedness and resilience. In doing so, agencies should promote: (1) engaged and strong partnerships and information sharing at all levels of government; (2) risk-informed decisionmaking and the tools to

facilitate it; (3) adaptive learning, in which experiences serve as opportunities to inform and adjust future actions; and (4) preparedness planning.

Sec. 2. Modernizing Federal Programs to Support Climate Resilient Investment. (a) To support the efforts of regions, States, local communities, and tribes, all agencies, consistent with their missions and in coordination with the Council on Climate Preparedness and Resilience (Council) established in section 6 of this order, shall:

(i) identify and seek to remove or reform barriers that discourage investments or other actions to increase the Nation's resilience to climate change while ensuring continued protection of public health and the environment;

(ii) reform policies and Federal funding programs that may, perhaps unintentionally, increase the vulnerability of natural or built systems, economic sectors, natural resources, or communities to climate change related risks;

(iii) identify opportunities to support and encourage smarter, more climate-resilient investments by States, local communities, and tribes, including by providing incentives through agency guidance, grants, technical assistance, performance measures, safety considerations, and other programs, including in the context of infrastructure development as reflected in Executive Order 12893 of January 26, 1994 (Principles for Federal Infrastructure Investments), my memorandum of August 31, 2011 (Speeding Infrastructure Development through More Efficient and Effective Permitting and Environmental Review), Executive Order 13604 of March 22, 2012 (Improving Performance of Federal Permitting and Review of Infrastructure Projects), and my memorandum of May 17, 2013 (Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures); and

(iv) report on their progress in achieving the requirements identified above, including accomplished and planned milestones, in the Agency Adaptation Plans developed pursuant to section 5 of this order.

(b) In carrying out this section, agencies should also consider the recommendations of the State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience (Task Force) established in section 7 of this order and the National Infrastructure Advisory Council established by Executive Order 13231 of October 16, 2001 (Critical Infrastructure Protection in the Information Age), and continued through Executive Order 13652 of September 30, 2013 (Continuance of Certain Federal Advisory Committees).

(c) Interagency groups charged with coordinating and modernizing Federal processes related to the development and integration of both man-made and natural infrastructure,

evaluating public health and social equity issues, safeguarding natural resources, and other issues impacted by climate change -- including the Steering Committee on Federal Infrastructure Permitting and Review Process Improvement established by Executive Order 13604, the Task Force on Ports established on July 19, 2012, the Interagency Working Group on Coordination of Domestic Energy Development and Permitting in Alaska established by Executive Order 13580 of July 12, 2011, and the Federal Interagency Working Group on Environmental Justice established by Executive Order 12898 of February 11, 1994 -- shall be responsible for ensuring that climate change related risks are accounted for in such processes and shall work with agencies in meeting the requirements set forth in subsections (a) and (b) of this section.

Sec. 3. Managing Lands and Waters for Climate Preparedness and Resilience. Within 9 months of the date of this order and in coordination with the efforts described in section 2 of this order, the heads of the Departments of Defense, the Interior, and Agriculture, the Environmental Protection Agency, NOAA, the Federal Emergency Management Agency, the Army Corps of Engineers, and other agencies as recommended by the Council established in section 6 of this order shall work with the Chair of CEQ and the Director of the Office of Management and Budget (OMB) to complete an inventory and assessment of proposed and completed changes to their land- and water-related policies, programs, and regulations necessary to make the Nation's watersheds, natural resources, and ecosystems, and the communities and economies that depend on them, more resilient in the face of a changing climate. Further, recognizing the many benefits the Nation's natural infrastructure provides, agencies shall, where possible, focus on program and policy adjustments that promote the dual goals of greater climate resilience and carbon sequestration, or other reductions to the sources of climate change. The assessment shall include a timeline and plan for making changes to policies, programs, and regulations. Agencies shall build on efforts already completed or underway as outlined in agencies' Adaptation Plans, as discussed in section 5 of this order, as well as recent interagency climate adaptation strategies such as the *National Action Plan: Priorities for Managing Freshwater Resources in a Changing Climate*, released October 28, 2011; the *National Fish, Wildlife and Plants Climate Adaptation Strategy*, released March 26, 2013; and the *National Ocean Policy Implementation Plan*, released April 16, 2013.

Sec. 4. Providing Information, Data, and Tools for Climate Change Preparedness and Resilience. (a) In support of Federal, regional, State, local, tribal, private-sector and nonprofit-sector efforts to prepare for the impacts of climate change, the Departments of Defense, the Interior, Agriculture, Commerce, Health and Human Services, Housing and Urban Development, Transportation, Energy, and Homeland Security, the Environmental Protection Agency, the National Aeronautics and Space Administration, and any other agencies as recommended by the Council established in section 6 of this order, shall, supported by USGCRP, work together to develop and provide authoritative, easily accessible, usable, and timely data, information, and decision-support tools on climate preparedness and resilience.

(b) As part of the broader open data policy, CEQ and OSTP, in collaboration with OMB and consistent with Executive Order 13642 of May 9, 2013 (Making Open and Machine Readable the New Default for Government Information), shall oversee the establishment of a web-based portal on "Data.gov" and work with agencies on identifying, developing, and integrating data and tools relevant to climate issues and decisionmaking. Agencies shall coordinate their work on these data and tools with relevant interagency councils and committees such as the National Science and Technology Council and those that support the implementation of Presidential Policy Directive-21 of February 12, 2013 (Critical Infrastructure Security and Resilience).

Sec. 5. Federal Agency Planning for Climate Change Related Risk. (a) Consistent with Executive Order 13514, agencies have developed Agency Adaptation Plans and provided them to CEQ and OMB. These plans evaluate the most significant climate change related risks to, and vulnerabilities in, agency operations and missions in both the short and long term, and outline actions that agencies will take to manage these risks and vulnerabilities. Building on these efforts, each agency shall develop or continue to develop, implement, and update comprehensive plans that integrate consideration of climate change into agency operations and overall mission objectives and submit those plans to CEQ and OMB for review. Each Agency Adaptation Plan shall include:

(i) identification and assessment of climate change related impacts on and risks to the agency's ability to accomplish its missions, operations, and programs;

(ii) a description of programs, policies, and plans the agency has already put in place, as well as additional actions the agency will take, to manage climate risks in the near term and build resilience in the short and long term;

(iii) a description of how any climate change related risk identified pursuant to paragraph (i) of this subsection that is deemed so significant that it impairs an agency's statutory mission or operation will be addressed, including through the agency's existing reporting requirements;

(iv) a description of how the agency will consider the need to improve climate adaptation and resilience, including the costs and benefits of such improvement, with respect to agency suppliers, supply chain, real property investments, and capital equipment purchases such as updating agency policies for leasing, building upgrades, relocation of existing facilities and equipment, and construction of new facilities; and

(v) a description of how the agency will contribute to coordinated interagency efforts to support climate preparedness and resilience at all levels of government, including collaborative work across agencies' regional offices and hubs, and through coordinated development of information, data, and tools, consistent with section 4 of this order.

(b) Agencies will report on progress made on their Adaptation Plans, as well as any updates made to the plans, through the annual Strategic Sustainability Performance Plan process. Agencies shall regularly update their Adaptation Plans, completing the first update within 120 days of the date of this order, with additional regular updates thereafter due not later than 1 year after the publication of each quadrennial National Climate Assessment report required by section 106 of the Global Change Research Act of 1990 (15 U.S.C. 2936).

Sec. 6. Council on Climate Preparedness and Resilience.

(a) Establishment. There is established an interagency Council on Climate Preparedness and Resilience (Council).

(b) Membership. The Council shall be co-chaired by the Chair of CEQ, the Director of OSTP, and the Assistant to the President for Homeland Security and Counterterrorism. In addition, the Council shall include senior officials (Deputy Secretary or equivalent officer) from:

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Defense;

(iv) the Department of Justice;

(v) the Department of the Interior;

(vi) the Department of Agriculture;

(vii) the Department of Commerce;

(viii) the Department of Labor;

(ix) the Department of Health and Human Services;

(x) the Department of Housing and Urban Development;

(xi) the Department of Transportation;

(xii) the Department of Energy;

(xiii) the Department of Education;

(xiv) the Department of Veterans Affairs;

(xv) the Department of Homeland Security;

(xvi) the United States Agency for International Development;

(xvii) the Army Corps of Engineers;

(xviii) the Environmental Protection Agency;

(xix) the General Services Administration;

(xx) the Millennium Challenge Corporation;

(xxi) the National Aeronautics and Space Administration;

(xxii) the U.S. Small Business Administration;

(xxiii) the Corporation for National and Community Service;

(xxiv) the Office of the Director of National Intelligence;

(xxv) the Council of Economic Advisers;

(xxvi) the National Economic Council;

(xxvii) the Domestic Policy Council;

(xxviii) the Office of Management and Budget;

(xxix) the White House Office of Public Engagement and Intergovernmental Affairs;

(xxx) the United States Trade Representative; and

(xxxi) such agencies or offices as the President or Co-Chairs shall designate.

(c) Administration. CEQ shall provide administrative support and additional resources, as appropriate, for the Council to the extent permitted by law and within existing appropriations. Agencies shall assist and provide information to the Council, consistent with applicable law, as may be necessary to carry out its functions. Each agency shall bear its own expenses for participating in the Council.

(d) Council Structure. The Co-Chairs shall designate a subset of members of the Council to serve on a Steering Committee, which shall help determine priorities and strategic direction for the Council. The Co-Chairs and Steering Committee may establish working groups as needed, and may recharter working groups of the Interagency Climate Change Adaptation Task Force, as appropriate.

(e) Mission and Function of the Council. The Council shall work across agencies and offices, and in partnership with State, local, and tribal governments (as well as the Task Force established in section 7 of this order), academic and research institutions, and the private and nonprofit sectors to:

(i) develop, recommend, coordinate interagency efforts on, and track implementation of priority Federal Government actions related to climate preparedness and resilience;

(ii) support regional, State, local, and tribal action to assess climate change related vulnerabilities and cost-effectively increase climate preparedness and resilience of communities, critical economic sectors, natural and built infrastructure, and natural resources, including through the activities as outlined in sections 2 and 3 of this order;

(iii) facilitate the integration of climate science in policies and planning of government agencies and the private sector, including by promoting the development of innovative, actionable, and accessible Federal climate change related information, data, and tools at appropriate scales for decisionmakers and deployment of this information through a Government-wide web-based portal, as described in section 4 of this order; and

(iv) such other functions as may be decided by the Co-Chairs, including implementing, as appropriate, the recommendations of the Task Force established in section 7 of this order.

(f) Termination of the Interagency Climate Change Adaptation Task Force. The Interagency Climate Change Adaptation Task Force (Adaptation Task Force), established in 2009, created the framework for coordinated Federal action on climate preparedness and resilience, driving agency-level planning and action. The Adaptation Task Force shall terminate no later than 30 days after the first meeting of the Council, which shall continue and build upon the Adaptation Task Force's work.

Sec. 7. State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience.

(a) Establishment. To inform Federal efforts to support climate preparedness and resilience, there is established a State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience (Task Force).

(b) Membership. The Task Force shall be co-chaired by the Chair of CEQ and the Director of the White House Office of Intergovernmental Affairs. In addition, its members shall be such elected State, local, and tribal officials as may be invited by the Co-Chairs to participate. Members of the Task Force, acting in their official capacity, may designate employees with authority to act on their behalf.

(c) Mission and Function. Within 1 year of the date of this order, the Task Force shall provide, through its Co-Chairs, recommendations to the President and the Council for how the Federal Government can:

(i) remove barriers, create incentives, and otherwise modernize Federal programs to encourage investments, practices, and partnerships that facilitate increased resilience to climate impacts, including those associated with extreme weather;

(ii) provide useful climate preparedness tools and actionable information for States, local communities, and tribes, including through interagency collaboration as described in section 6 of this order; and

(iii) otherwise support State, local, and tribal preparedness for and resilience to climate change.

(d) Sunset. The Task Force shall terminate no later than 6 months after providing its recommendations.

Sec. 8. Definitions. As used in this order:

(a) "preparedness" means actions taken to plan, organize, equip, train, and exercise to build, apply, and sustain the capabilities necessary to prevent, protect against, ameliorate the effects of, respond to, and recover from climate change related damages to life, health, property, livelihoods, ecosystems, and national security;

(b) "adaptation" means adjustment in natural or human systems in anticipation of or response to a changing environment in a way that effectively uses beneficial opportunities or reduces negative effects; and

(c) "resilience" means the ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from disruptions.

Sec. 9. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with U.S. obligations under international agreements and applicable U.S. law, and be subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,
November 1, 2013.

# # #

State, Local and Tribal Leaders Task Force on Climate Preparedness and Resilience
Subgroup Background & Timeline

Outcomes
As requested in Executive Order 13653 on *Preparing the United States for the Impacts of Climate Change*, the Task Force Subgroups will develop draft recommendations to address the following outcomes:

(i) Remove barriers, create incentives, and otherwise modernize Federal programs to encourage investments, practices, and partnerships that facilitate increased resilience to climate impacts, including those associated with extreme weather;
(ii) Provide useful climate preparedness tools and actionable information for States, local communities, and tribes, including through interagency collaboration; and
(iii) Otherwise support State, local, and tribal preparedness for and resilience to climate change.

Participation
Task Force Members are invited to participate in subgroups focused on the following issue areas in order to develop recommendations. Members are asked to remain cognizant of potential crosscutting items and work together to address those.

- **Disaster Recovery and Resilience.** The purpose of the Disaster Recovery and Resilience Subgroup is to address the outcomes above by considering integrating climate preparedness into catastrophic and non-catastrophic hazards and the overall cycle of disaster mitigation, preparedness, response, and recovery.

- **Built Systems: Transportation, Water, Energy, and Facilities Infrastructure.** The purpose of the Built Systems Subgroup is to address the outcomes above for programs and plans related to built systems, especially transportation, water, infrastructure for energy production and use, and public and private facilities.

- **Natural Resources and Agriculture.** The purpose of the Natural Resources and Agriculture subgroup is to address the outcomes above by considering climate change impacts on water resources, agriculture, forests, ecosystems, biodiversity, and ecosystem services, as well as opportunities for natural resources to play a role in reducing human vulnerabilities in the face of climate change.

- **Communities: Human Health and Community Development.** The purpose of the Communities Subgroup is to address the outcomes above by considering how programs related to public health,

poverty alleviation, social development, and environmental justice can better integrate climate change-related impacts and risks.

Timeline

According to Executive Order 13653, the Task Force's recommendations are due by November 1, 2014, but we aim to have a final draft before the end of the summer. In order to accomplish this, we plan to have three additional meetings of the Task Force after the inaugural meeting in February, April, and July of 2014. The second and third meetings will continue discussion of the substantive topic areas addressed by the subgroups, and the subgroups will help to set the agendas for these meetings. The final meeting will focus on refining and finalizing the Task Force's recommendations. For more details about the pace of work, please see the timetable below.

Date	Event	Subgroup			
		Disaster	Built	Natural	Community
December					
10	Inaugural Task Force Meeting in DC	Lead Topic			
January					
9	Members choose Subgroup participation				
13-24		First subgroup meeting via conference call	First subgroup meeting via conference call	First subgroup meeting via conference call	First subgroup meeting via conference call
1-31	Taskforce members conduct outreach events/sessions				
February					
TBD	Task Force Meeting II		Lead Topic		
1-28	Taskforce members conduct outreach events/sessions				
April					
7-Apr	Task Force Meeting III			Lead Topic	Lead Topic
May	Draft Recommendations Due to Task Force				
June	Comments on Draft Recommendations due to Subgroups				
July	Final Task Force Meeting to Finalize Recommendations				
August	Recommendations Finalized (Tentative)				

Attachment Three

President's Climate Task Force Fact Sheet

THE WHITE HOUSE
Office of the Press Secretary
FOR IMMEDIATE RELEASE
November 1, 2013

FACT SHEET: Executive Order on Climate Preparedness
President Obama Establishes a Task Force on Climate

"We're going to need to get prepared. And that's why this plan will also protect critical sectors of our economy and prepare the United States for the impacts of climate change that we cannot avoid. States and cities across the country are already taking it upon themselves to get ready… And we'll partner with communities seeking help to prepare for droughts and floods, reduce the risk of wildfires, protect the dunes and wetlands that pull double duty as green space and as natural storm barriers." – President Barack Obama, June 25, 2013

Today, President Obama established a Task Force on Climate Preparedness and Resilience to advise the Administration on how the Federal Government can respond to the needs of communities nationwide that are dealing with the impacts of climate change. The Task Force members include state, local and tribal leaders from across the country who will use their first-hand experiences in building climate preparedness and resilience in their communities to inform their recommendations to the Administration.

The President signed an Executive Order that directs Federal agencies to take a series of steps to make it easier for American communities to strengthen their resilience to extreme weather and prepare for other impacts of climate change.

President Obama has said that we have a moral obligation to our children and future generations to leave them a planet that is not polluted or damaged. That is why in June, the President launched a Climate Action Plan to cut carbon pollution, prepare communities for the impacts of climate change, and lead international efforts to address this global challenge. The Climate Action Plan recognizes that even as we act to curb the carbon pollution that is driving climate change, we must also improve our ability to prepare for the climate impacts we are already seeing across the country. Across America, states, cities, and communities are taking steps to protect themselves from extreme weather and other climate impacts by updating building codes, adjusting the way they manage natural resources, investing in more resilient infrastructure, and planning for rapid recovery from damages that nonetheless occur.

The Federal Government has an important role to play in supporting community-based preparedness and resilience efforts by establishing policies and prioritizing investments that promote preparedness, protecting critical infrastructure and public resources, supporting science and research needed to prepare for climate impacts, and ensuring that Federal operations and facilities continue to protect and serve citizens in a changing climate.

State, Local and Tribal Leaders Task Force on Climate Preparedness and Resilience

State, local and tribal leaders across the country are already contending with more frequent or severe heat waves, droughts, wildfires, storms and floods, and other impacts of climate change. The Task Force will provide recommendations to the President on removing barriers to resilient investments, modernizing Federal grant and loan programs to better support local efforts, and developing the information and tools they need to prepare.

Task Force members comprise governors, mayors, county officials and tribal leaders, representing a diverse range of communities. The members of the Task Force include:
State Officials:
Governor Neil Abercrombie (HI)
Governor Jerry Brown (CA)
Governor Eddie Calvo (GU)
Governor Jay Inslee (WA)
Governor Jack Markell (DE)
Governor Martin O'Malley (MD)
Governor Pat Quinn (IL)
Governor Peter Shumlin (VT)
Local Officials:
Mayor Ralph Becker (Salt Lake City, UT)
Mayor James Brainard (Carmel, IN)
Commissioner Paula Brooks (Franklin County, OH)
Supervisor Salud Carbajal (Santa Barbara County, CA)
Mayor Frank Cownie (Des Moines, IA)
Mayor Bob Dixson (Greensburg, KS)
Mayor Eric Garcetti (Los Angeles, CA)
Mayor George Heartwell (Grand Rapids, MI)
Mayor Kristin Jacobs (Broward County, FL)
Mayor Kevin Johnson (Sacramento, CA)
Mayor Michael Nutter (Philadelphia, PA)
Mayor Annise Parker (Houston, TX)
Mayor Patsy Parker (Perdido Beach, AL)
Mayor Madeline Rogero (Knoxville, TN)
Mayor Karen Weitkunat (Fort Collins, CO)
Mayor Dawn Zimmer (Hoboken, NJ)
Tribal Officials:
Karen Diver, Chairwoman, Fond du Lac Band of Lake Superior Chippewa (MN)
Reggie Joule, Mayor, Northwest Arctic Borough (AK)
An Executive Order to Protect Our Communities

The Obama Administration has taken significant steps to strengthen the climate resilience of America's communities and economy. More than 30 Federal agencies developed their first-ever Climate Change Adaptation Plans, outlining strategies to protect their operations, programs, and investments to better serve communities and safeguard our public resources in the face of climate change. In the wake of Hurricane Sandy, the Administration has provided resources to rebuild the affected area to be more resilient than before, including support for more climate-resilient roads and infrastructure, and projects that protect drinking water and buffer communities from

flooding. In addition, Federal agencies have partnered with states, cities, tribes, and the private sector to develop strategies to address the impacts of climate change on our freshwater resources, oceans and coasts, and wildlife. Agencies have also built new, data-driven tools to help decision makers and resource managers map and plan for future sea level rise. From Florida to Minnesota, and from Alaska to New York, Federal agencies have partnered with communities to provide funding and technical assistance to address local climate impacts such as sea level rise, flooding, and water scarcity.

To build on this progress, the Executive Order (E.O.) "Preparing the United States for the Impacts of Climate Change," signed today directs Federal agencies to:

- Modernize Federal programs to support climate-resilient investments: Agencies will examine their policies and programs and find ways to make it easier for cities and towns to build smarter and stronger. Agencies will identify and remove any barriers to resilience-focused actions and investments– for example, policies that encourage communities to rebuild to past standards after disasters instead of to stronger standards – including through agency grants, technical assistance, and other programs in sectors from transportation and water management to conservation and disaster relief.
- Manage lands and waters for climate preparedness and resilience: America's natural resources are critical to our Nation's economy, health and quality of life. The E.O. directs agencies to identify changes that must be made to land- and water-related policies, programs, and regulations to strengthen the climate resilience of our watersheds, natural resources, and ecosystems, and the communities and economies that depend on them. Federal agencies will also evaluate how to better promote natural storm barriers such as dunes and wetlands, as well as how to protect the carbon sequestration benefits of forests and lands to help reduce the carbon pollution that causes climate change.
- Provide information, data and tools for climate change preparedness and resilience: Scientific data and insights are essential to help communities and businesses better understand and manage the risks associated with extreme weather and other impacts of climate change. The E.O. instructs Federal agencies to work together and with information users to develop new climate preparedness tools and information that state, local, and private-sector leaders need to make smart decisions. In keeping with the President's Open Data initiative, agencies will also make extensive Federal climate data accessible to the public through an easy-to-use online portal.
- Plan for climate change related risk: Recognizing the threat that climate change poses to Federal facilities, operations and programs, the E.O. builds on the first-ever set of Federal agency adaptation plans released earlier this year and directs Federal agencies to develop and implement strategies to evaluate and address their most significant climate change related risks.

To implement these actions, the E.O. establishes an interagency Council on Climate Preparedness and Resilience, chaired by the White House and composed of more than 25 agencies. To assist in achieving the goals of the E.O., these agencies are directed to consider the recommendations of the State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience

Attachment Four
Groundwater Memo

April 30, 2014

To: CSAC Agriculture, Environment & Natural Resources (AENR) Policy Committee
From: Karen Keene, CSAC Senior Legislative Representative

RE: Sustainable Groundwater Management – Legislative Proposal

Two proposals to address sustainable groundwater management will be the topic of a panel discussion at the CSAC Agriculture, Environment and Natural Resources Committee's meeting scheduled for Thursday, May 15. The two proposals were developed by the California Water Foundation (Foundation) and the Association of California Water Agencies (ACWA). Both proposals are attached. We have also included a copy of SB 1168 (Pavley) which is the legislative vehicle for the Foundation's proposal and AB 1739 (Dickinson) which includes many of the ACWA recommendations. SB 1168, at the time of this memo's preparation, had yet to be amended to include detailed language reflecting the Foundation's proposal.

Of particular interest to counties will be the recommendations and/or requirements included in the proposals by the Foundation and ACWA regarding land use and governance structure. The proposals by the Foundation and ACWA recommend stronger integration of groundwater considerations into the local planning and land use decision-making process. The ACWA proposal, in particular, includes very specific recommendations, including:

- Unless covered by a Groundwater Management Plan (GMP), groundwater extractions for new development or new plantings of permanent crops should be prohibited in "medium" and "high" priority groundwater subbasins. (This provision should not apply to single-family domestic wells.) This requirement should be administered through a locally-administered well permitting process.

- Land use agencies should be required to consider protection of prime groundwater recharge areas and consult groundwater management agencies regarding any significant groundwater-dependent development, including new permanent crop plantings, in order to obtain "will serve" letters and Water Availability Determinations.

- Groundwater management agencies should be authorized to issue "GMP Consistency Determinations" for all new proposed industrial, residential or agricultural development (including introduction of permanent crops) that may have a significant effect on groundwater resources. "GMP Consistency Determinations" should be used by the lead agency to inform project environmental impact assessments and discretionary land use approvals.

The Foundation proposal will be presented by their executive director, Lester Snow and the ACWA proposal will be presented by their executive director, Tim Quinn.

Attachment Five
CA Water Foundation Proposal

CALIFORNIA WATER FOUNDATION

Sustainable Groundwater Management Workshop

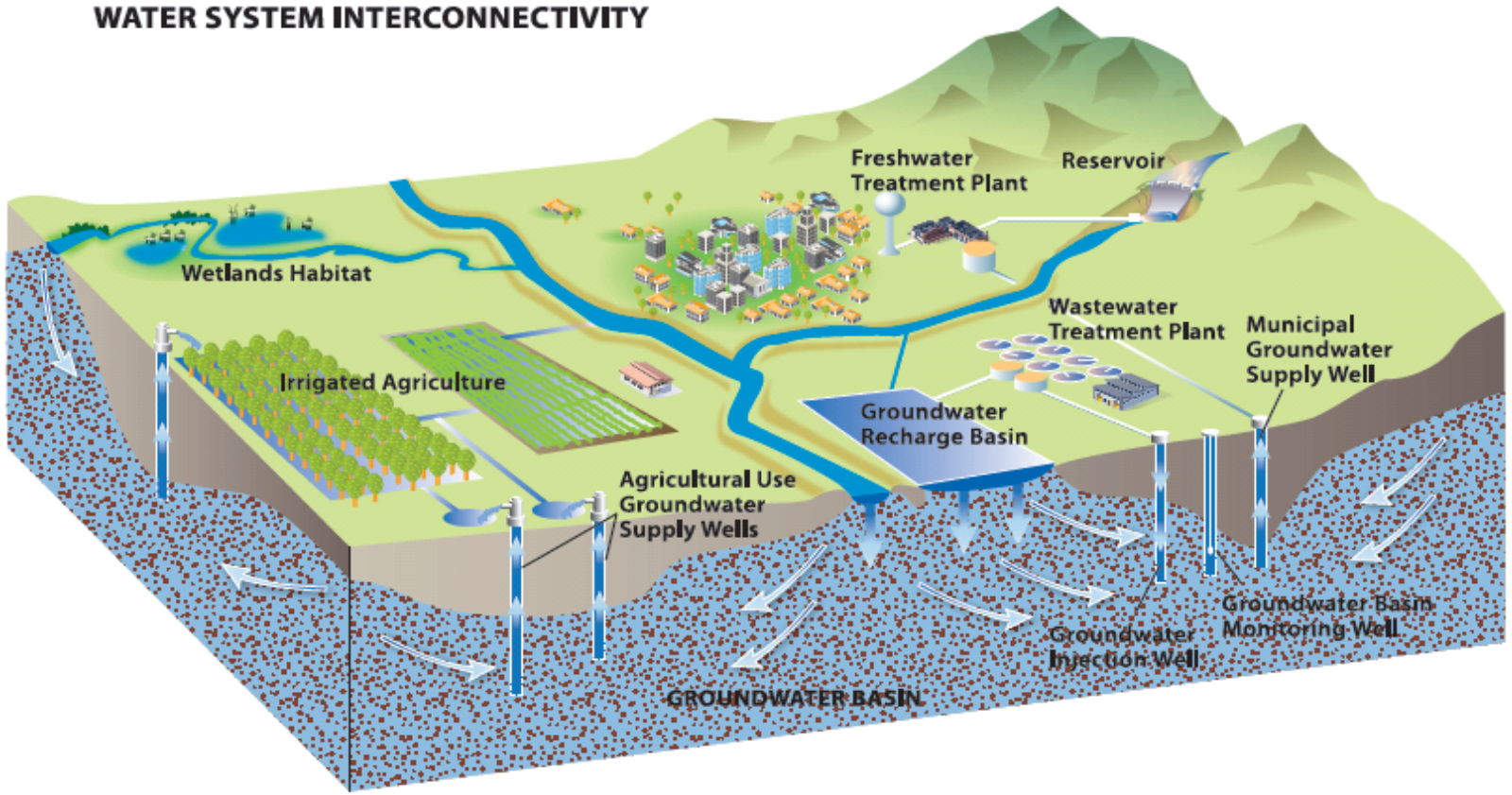
April 16, 2014

Groundwater in Context

- 40% of supply in an average year; 60% in dry
- Critical part of integrated management
- Flexible source for storage and use
- Several decades of increasing use
  - Reduction in surface supplies
  - Hardening of demand
- Increasing landowner conflicts

CALIFORNIA WATER FOUNDATION

Integrated Water Management



CALIFORNIA WATER FOUNDATION

Presentation Outline

- Outreach Efforts
- Draft Findings
- Draft Recommendations
- Challenging issues
- Next steps

CALIFORNIA WATER FOUNDATION

Outreach Efforts

- Stakeholder Steering Committee
- Multiple Interest Group meetings
- Individual Stakeholder discussions
- State Agency discussions
- State Administration and Legislative discussions

CALIFORNIA WATER FOUNDATION

Draft Findings

- Groundwater resources are essential to California's economy, environment and public health and safety
- Current groundwater management trends are not sustainable
- Groundwater is most effectively managed at the local and regional level ["Subsidiarity"]
- Local groundwater management entities require new authorities

CALIFORNIA WATER FOUNDATION

Draft Findings (cont.)

- Clear and meaningful state roles are needed to protect state interests in groundwater management
- Provide sufficient time to achieve groundwater sustainability
- Funding is needed to support sustainable groundwater management
- Groundwater management needs to be inclusive and transparent
- Protection of property rights is a critical part of groundwater management

CALIFORNIA WATER FOUNDATION

Draft Recommendations

CALIFORNIA WATER FOUNDATION

Sustainable Groundwater Management
Draft Recommendations

1. Adopt a definition of sustainable groundwater management
2. Develop a prioritized statewide program covering all subbasins
3. Establish local groundwater management entities
4. Provide local entities with sufficient groundwater management authorities

CALIFORNIA WATER FOUNDATION

Sustainable Groundwater Management Draft Recommendations (cont'd)

5. Develop local sustainable groundwater management plans
6. Establish a clear and coordinated state role for assistance, oversight, and enforcement
7. Reduce time and cost of adjudications
8. Establish funding for groundwater management

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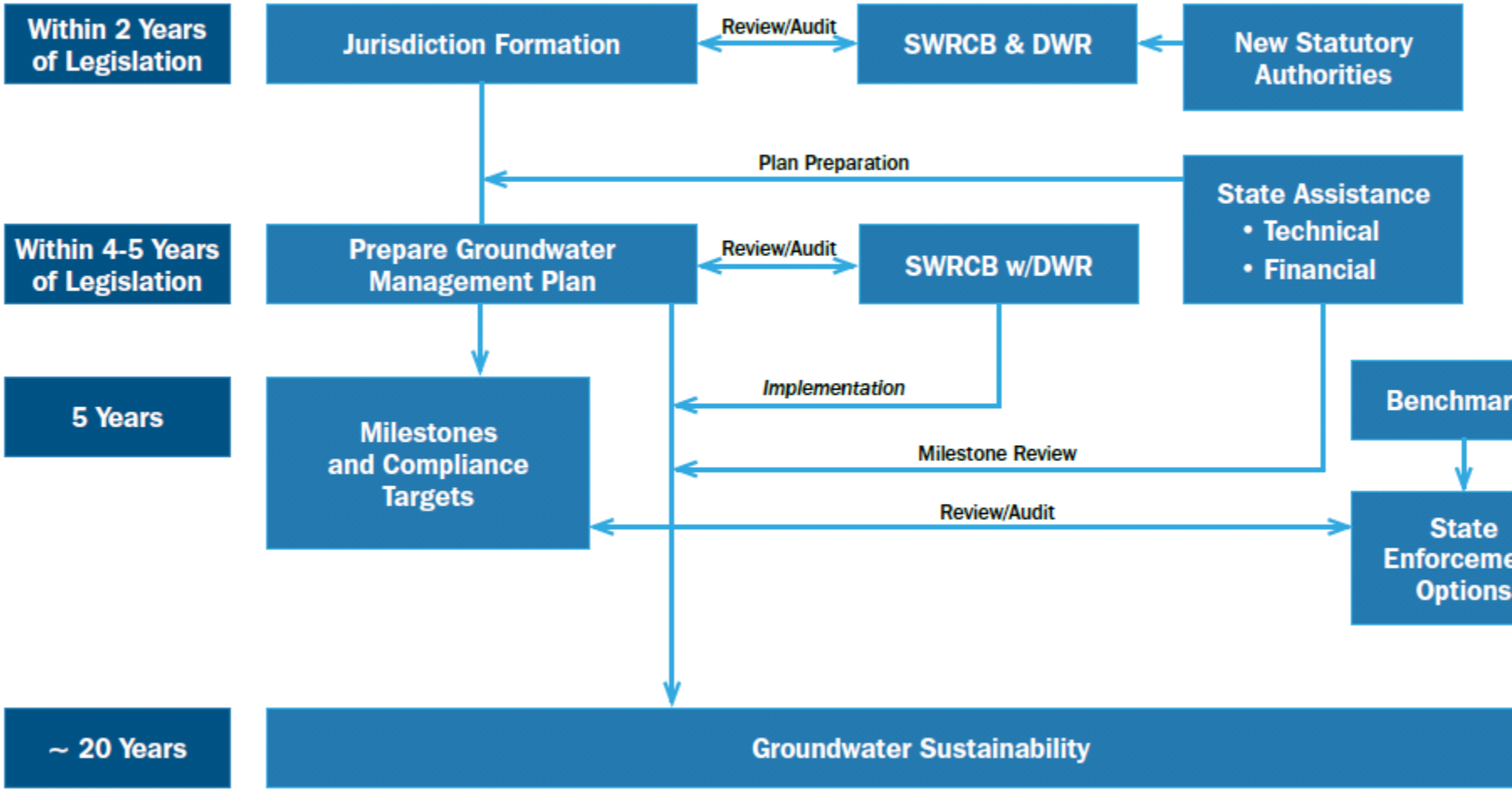
CONCEPT FOR:
Groundwater Act of 2014 *for priority basins*



Draft Recommendation 1:

Definition of sustainable groundwater management

To protect the resource for future generations, sustainable groundwater management means the management of a groundwater subbasin to provide for multiple long-term benefits without resulting in or aggravating conditions that cause significant economic, social, or environmental impacts, such as:

- *long-term overdraft*
- *land subsidence*
- *ecosystem degradation*
- *depletions from surface water bodies*
- *water quality degradation*

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Draft Recommendation 2:

Geographic scope and priorities

- A single statewide program applies to all Bulletin 118 subbasins
- Prioritization based on DWR rankings for CASGEM
- DWR and DFW assess subbasin criteria for groundwater dependent ecosystems (GDE)
- DWR should formalize boundary change criteria and process

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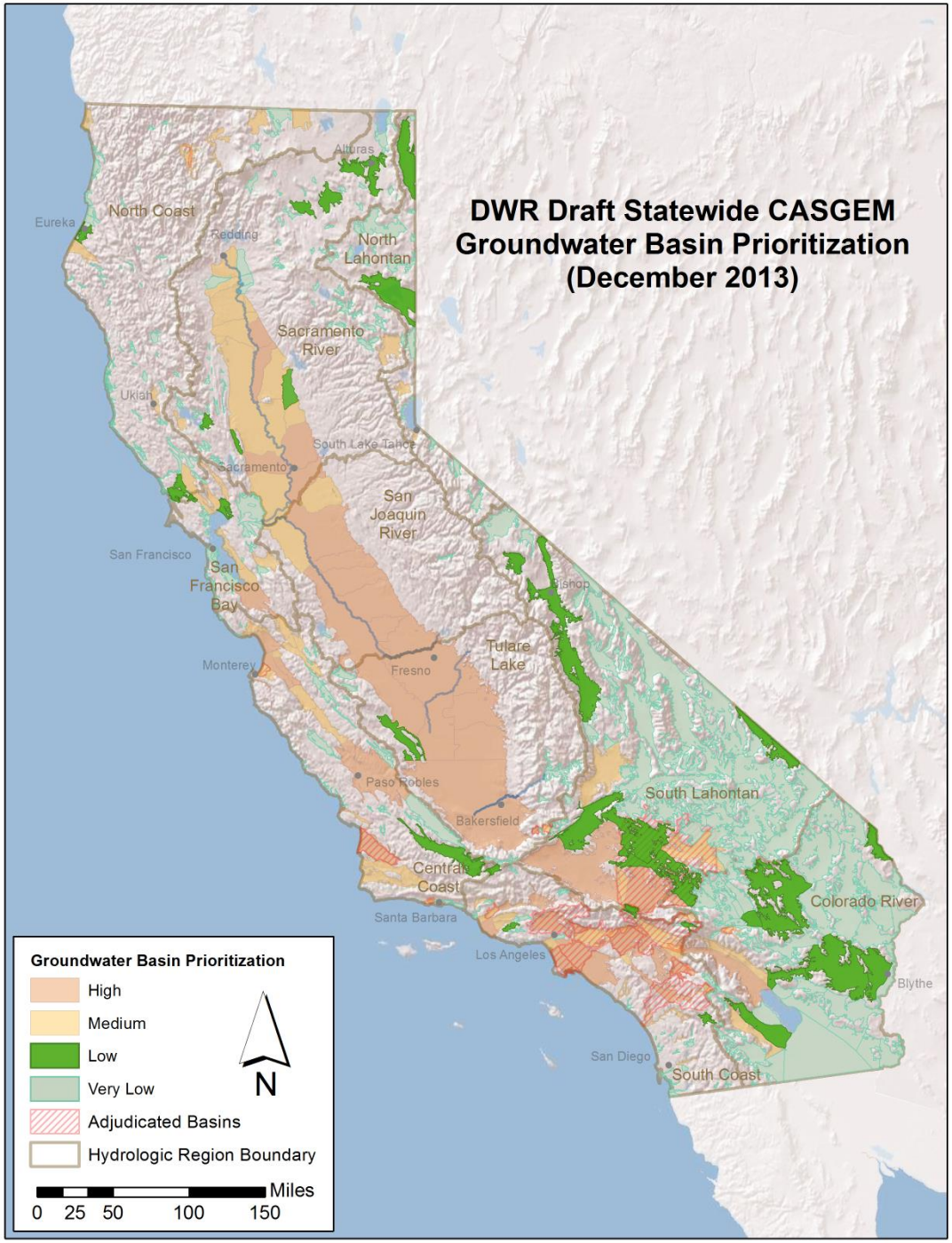
DWR Draft Statewide CASGEM
Groundwater Basin Prioritization
(December 2013)
Alturas
Eureka
North Coast
Redding
North
Lahontan
Sacramento
River
Ukiah
South Lake Tahoe
Sacramento
San
Joaquin
River
San Francisco
San
Francisco
Bay
Monterey
Fresno
Tulare
Lake
Paso Robles
South Lahontan
Bakersfield
Central
Coast
Santa Barbara
Colorado River
Los Angeles
Blythe
San Diego
South Coast
Groundwater Basin Prioritization
High
Medium
Low
Very Low
Adjudicated Basins
Hydrologic Region Boundary
N
Miles
0 25 50 100 150

Draft Recommendation 3:

Local Groundwater Management Entities (LGME)

- Each subbasin must be within the jurisdiction of a single LGME
- Utilize existing entities (JPA, MOU, other), or create new entity
- Authorities become available upon formation
- Two years to form LGME and report to State
- Open and transparent decision making

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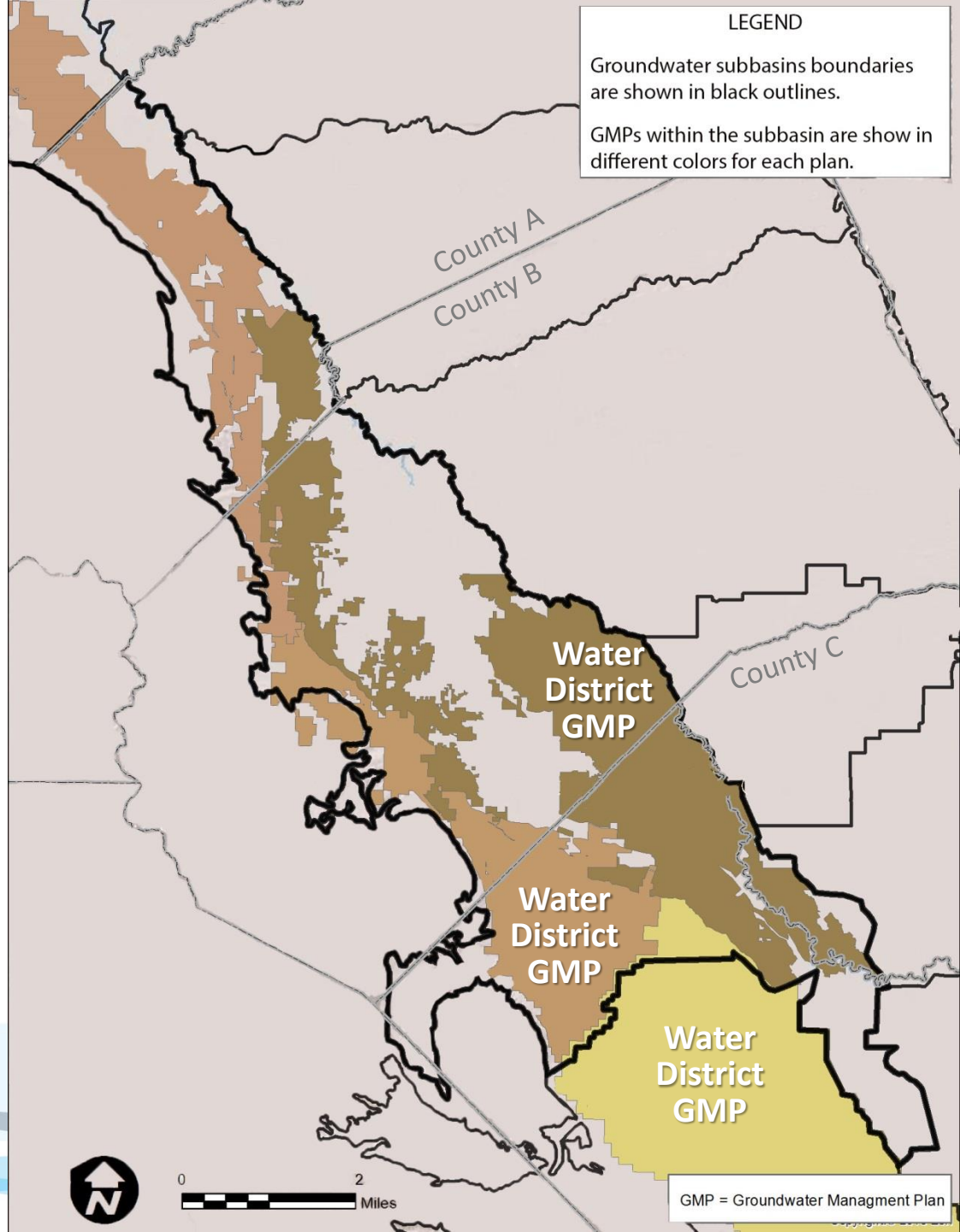
LGME Jurisdiction Formation



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Draft Recommendation 4:

Groundwater Management Authorities

- Measuring and reporting on groundwater conditions
- Allocating groundwater and managing pumping consistent with property rights
- Assessing fees
- Allowing and approving groundwater transfers
- Land use coordination with counties
- Ability to enforce requirements

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Draft Recommendation 5:

Groundwater Management Plans

- Each subbasin to prepare one plan to achieve sustainable management (Rec. #1)
- Include current statutory components (e.g. SB 1938) plus additional requirements
- Water budgets required
- Interim milestones and final targets with dates
- Two-three years after forming LGME to prepare plans
- Less urgent schedule for lower priority basins

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Draft Recommendation 6:

State Role

- Technical assistance – DWR
- Program oversight – DWR and SWRCB
- Enforcement – SWRCB in consultation with DWR
- Criteria and process for state intervention – SWRCB
- Nature of state intervention – SWRCB
- Regulatory relief – SWRCB in consultation with DWR

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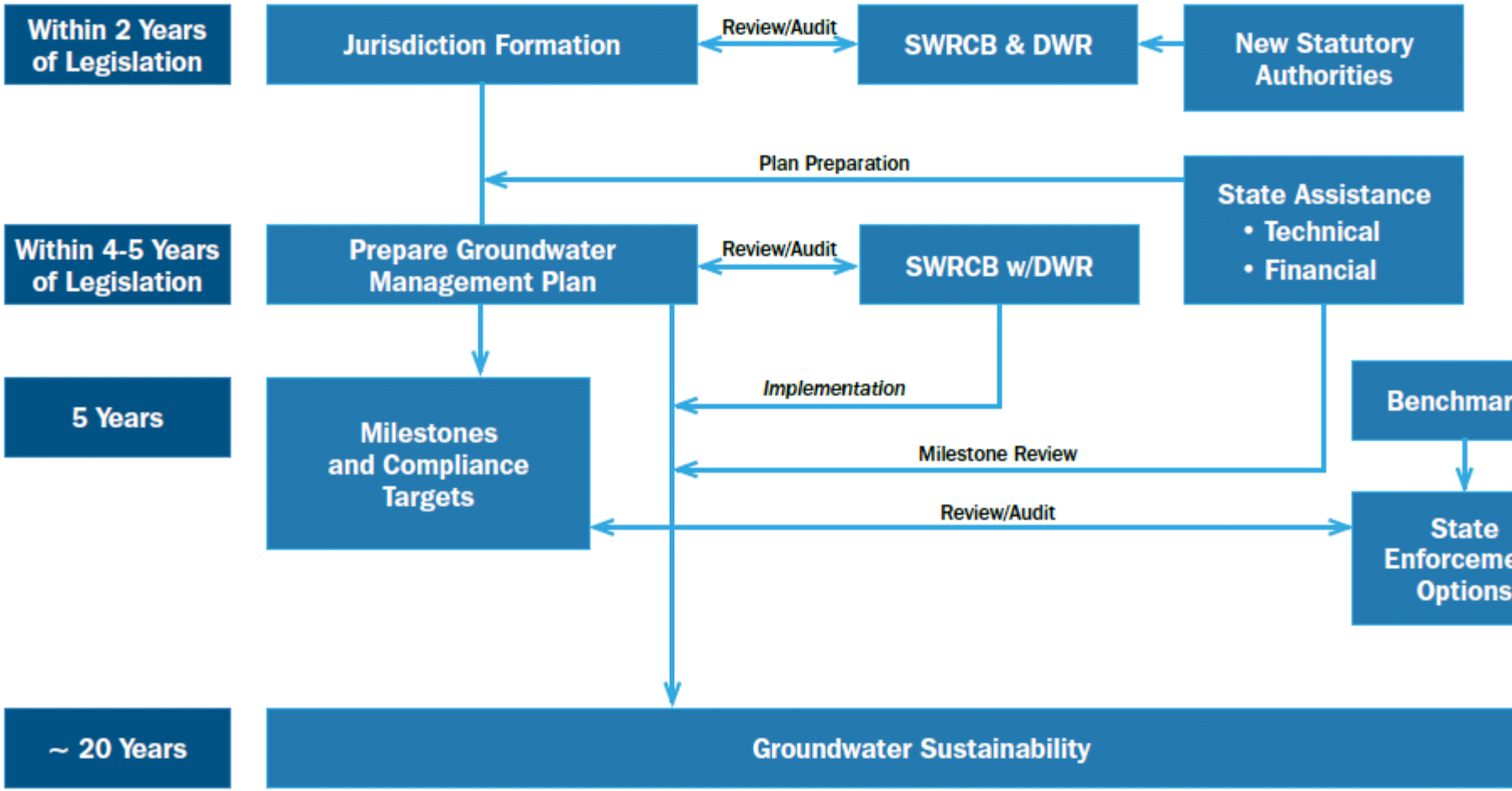
CONCEPT FOR:
Groundwater Act of 2014 *for priority basins*



Draft Recommendation 7

Administrative Groundwater Adjudication

- Focused process for dispute resolution
- Use pre-approved ALJ's
- Potential to reduce time and cost
- Develop technical record at the local level

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Draft Recommendation 8:

Funding for groundwater management

- Multi-source funding strategy
- Additional funding needed at local and state levels
- Address current funding challenges (e.g. 218)
- New state and local fees and taxes
- Water bond funding: existing and new

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Challenging Issues

- Protection of property rights
- Groundwater management and water quality
- Inclusiveness and transparency
- Land use coordination and collaboration
- Prevention vs. reaction (tipping point)

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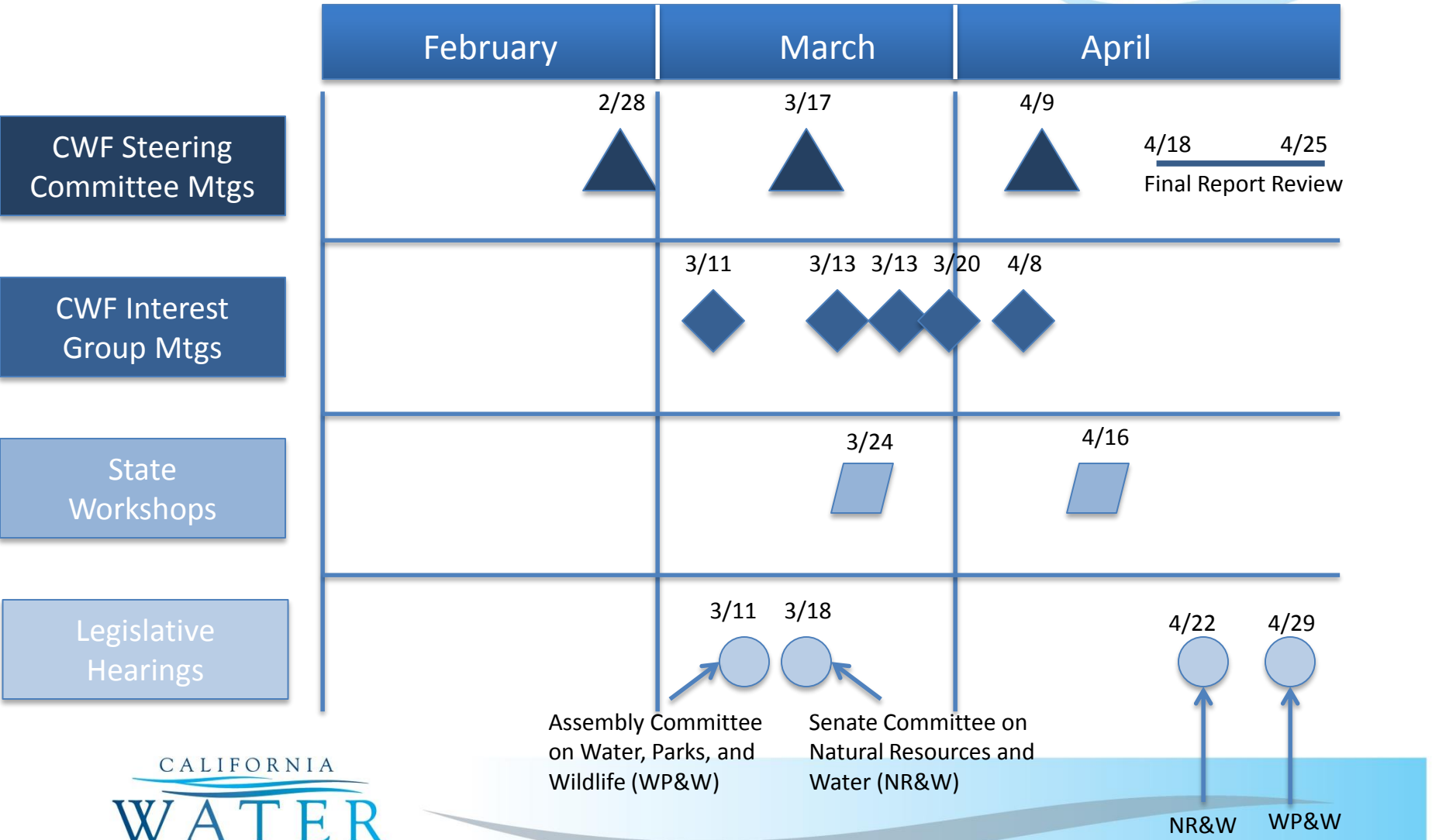
Sustainable Groundwater Management Processes



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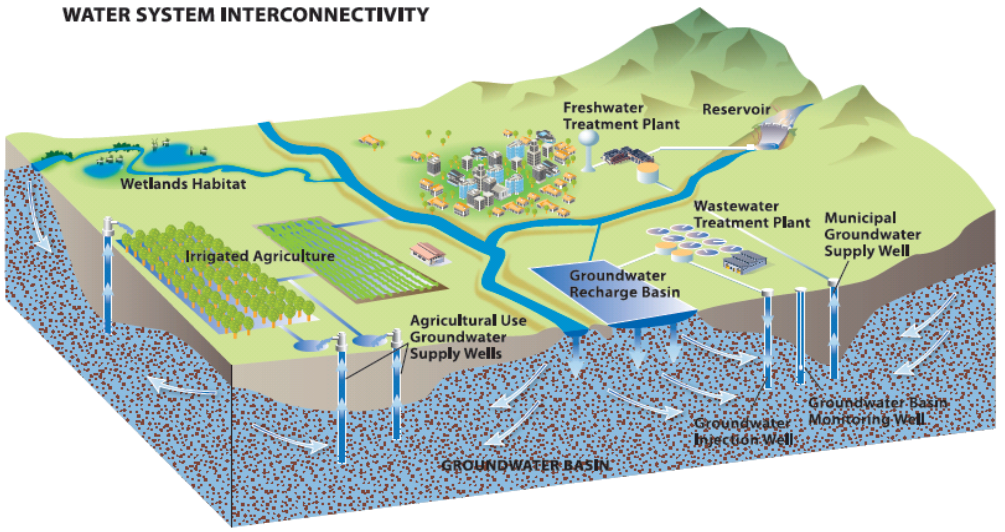
Moving Forward

- 100 years to get here
- Critical issue for everyone
- Must avoid the slow moving disaster
- Now is the time



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Attachment Six
ACWA Groundwater Recommendations

Association of California Water Agencies
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Leadership • Advocacy
Information • Service

Recommendations for Achieving Groundwater Sustainability

Prepared by the Association of California Water Agencies

April 2014

Recommendations for Achieving Groundwater Sustainability

I. Introduction and Background

The Association of California Water Agencies (ACWA) has prepared these recommendations in response to growing concern about potentially unsustainable groundwater level declines, local subsidence and degraded groundwater quality in some subbasins and widespread recognition that further action is required to promote and achieve groundwater sustainability throughout California.

Most groundwater basins in the state are under sound local and regional management; some, however, are not. Local control of groundwater continues to be the most effective form of management, even in areas where sustainability concerns have emerged and must be addressed. Existing authorities and requirements for managing groundwater basins provide a strong foundation, but achieving more sustainable management requires additional tools to augment that foundation. The Brown Administration also has recognized the need for additional tools, noting in its California Water Action Plan (January 2014) that sustainable groundwater management can be improved by ensuring "that local and regional agencies have the incentives, tools, authority and guidance to develop and enforce local and regional management plans that protect groundwater elevations, quality and surface water-groundwater interactions."

In many areas, including parts of the San Joaquin Valley, overdraft has been and continues to be exacerbated by a significant reduction in available surface water supplies over the past two decades. The inability of the State Water Project and the federal Central Valley Project to reliably deliver contracted water supplies has eliminated a substantial amount of surface water that once played a key role in recharging groundwater basins. In many cases, demand for groundwater is directly related to the reliability and availability of surface water supplies. The loss of reliable surface water supplies means that past investments in local and regional water systems – and the agricultural, urban and environmental water uses long supported by conjunctive management of surface water and groundwater resources – are now at risk.

To be sure, there are instances where unchecked new groundwater demands in unmanaged areas are putting new stresses on groundwater resources, sometimes with devastating effects on other users within the same basin or even in a neighboring basin that is being well managed. Like the loss of surface water supplies, this presents an untenable situation that simply must not go unaddressed.

This document outlines ACWA's suggested approach for achieving groundwater sustainability and identifies incentives, tools and authorities required to implement that approach. The recommendations provided here are focused primarily on basins and subbasins defined by the Department of Water Resources' California Groundwater Bulletin 118.

Fractured bedrock and other settings that fall outside of basins and subbasins defined by Bulletin 118 are not the focus of these recommendations. Groundwater extractions in these settings typically are site-specific or condition-specific and lack connection to areas covered by a local or regional groundwater management plan. As such, they present unique issues and warrant special consideration outside the scope of this document.

ACWA's recommendations build on the Association's Board-adopted Groundwater Management Policy Principles (March 2009) and ACWA's landmark document, "Sustainability from the Ground Up: A Framework for Groundwater Management in California" (April 2011), which provided an in-depth look at groundwater management in California and recommended proactive steps to advance groundwater sustainability.

ACWA recognizes that various legislative changes are needed to provide the authorities necessary to implement many of these recommendations. Given the importance and complexity of state policy in this area, any necessary changes should be proposed and considered through the normal legislative process for policy bills, as opposed to through the budget trailer bill process. The policy bill process will provide more time for thoughtful deliberation on the legislation and will allow for increased transparency and stakeholder input.

Implementing the following recommendations will significantly improve groundwater management capabilities where they are deficient, accelerate the achievement of sustainability by local and regional entities, and guide enhanced state support where needed.

II. Policy Objectives for Achieving Groundwater Sustainability

The following policy objectives must be advanced simultaneously to ensure groundwater sustainability in California.

1) **Enhance Local Management.** Groundwater basins should continue to be managed by local and regional agencies with input from local stakeholders through a local or regionally-developed and administered Groundwater Management Plan (GMP).

2) **Establish Mandatory Minimum Groundwater Management Plan Requirements and Increased Authorities.** Local groundwater management planning must become uniformly consistent with or functionally equivalent to requirements laid out in SB 1938 (Machado, 2002) (Water Code Section 10753 et seq.). Additionally, Section III below identifies sustainability timeframes (Recommendation 1) and additional tools and authorities (Recommendation 5) needed to advance sustainable management.

3) **Avoid or Minimize Subsidence.** In areas where groundwater pumping is resulting in subsidence at levels causing damage or risk of damage to overlying infrastructure that affects parties outside of an existing management area, additional land use planning, engineering, capital improvement and monitoring and reporting requirements -- including possible pumping restrictions in the impacted area -- should be implemented by the local or regional groundwater management agency.

4) **Assess Groundwater Connection to Surface Waters.** GMPs should include an evaluation of the relationship the surface water source has to groundwater levels and quality in the subbasin or basin and identify the impacts, if any, on the surface water source and its related public benefits.

5) **Improve Data Availability.** Many groundwater management agencies currently monitor and collect groundwater data to implement successful groundwater management strategies to address overdraft conditions or concerns. Consistent with their GMPs, groundwater management agencies should collect appropriate management data and make it publicly available both locally and to the state through the Department of Water Resources' (DWR) California Statewide Groundwater Elevation Monitoring (CASGEM) program.

6) **Increase Groundwater Storage.** Storing surface water in underground storage basins is necessary to optimize use of the state's limited and highly variable water supplies. This need will only increase with climate change. California must take aggressive steps to develop significant new groundwater storage and conjunctive use projects, including potential state funding for local project capital costs.

7) **Remove Impediments to Recharge.** Coordinated and planned use of surface water, recycled water, stormwater and groundwater resources to maximize the availability and reliability of water supplies is an essential management method. Policies that are impediments to groundwater recharge should be evaluated and revised as necessary.

8) **Do No Harm.** In many areas of the state, sustainable local and regional groundwater management is being accomplished successfully. Contemplated changes to groundwater management statutes and other potential requirements should not impose additional undue burdens or mandates in these areas.

9) **Reassess Surface Water Reallocations.** Actions by the State Water Resources Control Board (SWRCB) to reallocate surface water supplies to dedicated instream uses and water quality certification requirements have affected and will continue to affect to a significant degree the management and sustainability of groundwater basins in areas that previously relied on that surface water. Consequently, implications for groundwater management should be considered explicitly when the SWRCB undertakes its balancing of beneficial uses of water in the broad public interest.

10) **Provide State Financial and Technical Assistance.** The state, through DWR, should provide significant new financial assistance and technical support to local and regional agencies for improving or developing GMPs. Developing management capacity in currently unmanaged areas should be the first priority.

11) **Provide a "Backstop."** SWRCB authority should be applied only where local agencies are unwilling or unable to sustainably manage the groundwater resource despite having the tools and authorities to do so and when an appropriate period of time has passed (considering the unique management issues and geology/hydrology of the subbasin or basin) without demonstrated progress toward sustainability. The SWRCB should intervene as a last resort, in carefully prescribed circumstances and for limited duration, and should restore local control at the earliest opportunity.

III. Recommended Administrative and State Legislative Actions

ACWA recommends the following administrative and state legislative actions to help achieve the above policy objectives. Actions should be prioritized to address critical, rapidly deteriorating basins or subbasins through a combination of capacity building, technical assistance and financial support. New requirements and new local and regional authorities should be established where needed to initiate and implement effective GMPs.

1. Adopt State Definition of "Sustainable Groundwater Management"

The state should adopt a definition of "sustainable groundwater management" in statute. ACWA recognizes this is a complex issue that must take into account spatial and time scale considerations, multiple resource management objectives and stakeholder perspectives.

In its 2011 Groundwater Framework, ACWA developed the following definition of sustainability in the context of groundwater:

ACWA 2011 Definition of "Sustainability"

> *Actively managing the resource at the local level in a way that satisfies the needs of both the environment and the economy while ensuring the continued health of the basin.* [1]

ACWA also agrees with and has cited the following definition developed by the United States Geological Survey (USGS):

United States Geological Survey: "Sustainability of Groundwater Resources"

> *Development and use of groundwater in a manner that can be maintained for an indefinite time without causing unacceptable environmental, economic, or social consequences.* [2]

Sustainability by nature implies a perpetual timeframe. In this context, ACWA recommends the following updated definition to underscore that sustainable groundwater management requires a long-term and continuous investment in effective planning and implementation.

Proposed State Definition of "Sustainable Groundwater Management"

> *"Sustainable groundwater management" is the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing unacceptable related environmental, economic or social consequences through the development, implementation and updating of plans and programs based on the best available science, monitoring, forecasting and use of technological resources.*

Local or regional GMPs should be required to develop subbasin or basin-relevant indicators and performance metrics that could be used by DWR and the SWRCB to evaluate objectively the plans' ability to achieve progress toward "sustainable groundwater management."

2. Prioritize Unmanaged Basins or Subbasins

The state must identify and prioritize action based on the severity of groundwater threats in basins and subbasins that are not currently being managed by local or regional agencies. DWR should be directed to identify those basins or subbasins that are designated as "medium" or "high" priority based on the CASGEM basin prioritization study (2013) and that are not currently being managed by a local or regional groundwater management agency or that are not currently covered by a comprehensive (meaning complete coverage of the basin or subbasin) local or regional GMP (or functional equivalent). DWR also should identify other specific areas where groundwater use is creating damage or significant risk of damage to overlying infrastructure (conveyance, transportation, flood channels, distribution systems, etc.) external to that of the management agency that is not being addressed currently and where groundwater management assistance may be warranted.

3. Adopt Uniform Minimum Requirements for Groundwater Management Plans and Implementation

The state should adopt uniform minimum requirements for GMPs for all basins or subbasins (with the exception of adjudicated basins or subbasins). Existing local and regional GMPs in basins or subbasins statewide should be reviewed and updated by the local or regional groundwater management agency to meet the following requirements:

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[1] ACWA (2011). *Sustainability From the Ground Up: Groundwater Management in California – A Framework* p.7

[2] Alley, W.M., Reilly, T.E., and Franke, O.L. (1999). *Sustainability of Ground-Water Resources: U.S. Geological Survey Circular* 1186.

a) **Planning Boundary.** The optimum unit for groundwater management should be a subbasin as defined by DWR Bulletin 118. Preferably, each subbasin should be covered by only one GMP. Where multiple existing plans cover different portions of a subbasin or basin, they should demonstrate coordination such that the goals and basin management objectives of respective GMPs are complementary in their contribution to basin sustainability and do not conflict or impede management activities of neighboring groundwater management agencies. All lands overlying the subbasin should be subject to the provisions of the locally-adopted GMPs. A groundwater management planning agency should be authorized to incorporate into its existing GMP neighboring areas overlying its subbasin not already covered by another GMP. A subbasin boundary may be adjusted to address hydrologic conditions and other features of the subbasin, based on a technical analysis supporting the boundary adjustment and in consultation with adjacent subbasin groundwater management agencies and DWR. If groundwater users in a portion of a subbasin outside of the jurisdictional boundary of a groundwater management agency choose not to participate in a GMP, they should be required to prepare an individual GMP and be subject to SWRCB intervention as described in Recommendation 7 in this section.

b) **Plan Standards.** GMPs should satisfy SB 1938 (Water Code Section 10753 et seq.) standards or their functional equivalent, including basin management objectives associated with groundwater quantity and quality, as well as subsidence and monitoring programs that meet the sustainability objective discussed above. Existing GMPs that do not meet SB 1938 standards should be required to be updated to satisfy them.

c) **Compliance Requirements.** GMPs in basins or subbasins designated by DWR as "medium" or "high" priority based on the CASGEM basin prioritization study should be updated and adopted by local and regional agencies within five years of establishment of the mandatory minimum standards. GMPs should not be required in "low" priority basins or subbasins but should be encouraged and supported. GMPs should be required if a "low" priority basin or subbasin is subsequently reclassified as "medium" or "high." GMPs should include an implementation schedule and best management practices and tools to ensure local and regional agencies can verify progress toward achievement of quantifiable basin management objectives, resulting in sustainable groundwater management.

d) **Sustainability Timeframe.** GMPs should be developed to ensure that sustainable groundwater management (defined above) will be achieved over a specific timeframe, which must be long enough to be feasible and provide for implementation success (groundwater moves extremely slowly), yet short enough to spur committed action. GMPs should include an analysis demonstrating that implementation of the basin management objectives should achieve sustainable groundwater management in the basin or subbasin within 20 years. GMPs should include a planning and implementation horizon of at least 50 years. Extensions beyond the 20-year sustainability timeframe may be necessary in some instances based on particular circumstances; but in no case should an extension exceed 10 years (30 years total).

e) **Groundwater Extraction Prohibition.** Extraction of groundwater for newly developed lands (including agricultural plantings) outside of groundwater management areas is a significant issue. Unless covered by a GMP, groundwater extractions for new development (commercial, multi-family residential or industrial) or new plantings of permanent crops should be prohibited in "medium" and "high" priority groundwater subbasins. (This provision should not apply to single-family domestic wells.) As discussed below, this requirement should be administered through a locally-administered well permitting process.

f) **Technical Review and Approval.** GMPs should be subject to technical review for adequacy by DWR and should be approved, conditionally approved or determined to be inadequate and returned for revision within six months. GMPs that are determined to be inadequate should be revised and resubmitted to DWR within six months. For GMPs that continue to be determined to be inadequate, the SWRCB should intervene

and impose an adequate GMP (after a public hearing) as necessary to ensure progress toward sustainability of the subbasin or basin. (See Recommendation 7 below.)

g) **Performance Reporting.** Performance reports for all GMPs comparing current status to basin management objectives should be submitted to DWR annually. Summaries of monitoring data should be made available regularly to DWR's CASGEM program and locally to basin or subbasin stakeholders through web-based applications or similar methods.

h) **Performance Review.** GMPs and performance reports for subbasins identified through CASGEM as "medium" and "high" priority areas should be subject to review by the SWRCB on a periodic basis (every five years) to ensure that they are meeting performance metrics and are progressing toward or have achieved sustainable groundwater management.

4. Develop Best Management Practices

DWR should be directed to develop a best management practices (BMPs) guidebook that would provide a "toolbox" for local and regional groundwater management agencies to facilitate completion of effective GMPs and provide a template for evaluation of their adequacy. This BMPs guidebook should be developed using a robust and inclusive stakeholder process (similar to the process already in place to develop guidance for preparation of Urban Water Management Plans or Agricultural Water Management Plans). Example BMPs from existing successful GMPs should be considered, along with best practices proposed by groundwater management professionals, associations, academia and other sources.

GMPs would not be required to incorporate all of the identified BMPs. The local or regional groundwater management agency would select BMPs for inclusion in the GMP that would result in a sustainably-managed subbasin or basin. Additionally, the local or regional agency could develop or adopt alternative practices that would result in a sustainably-managed basin or subbasin.

The BMPs guidebook should include, but not be limited to, the following elements:

a. **Illustrative Quantifiable Basin Management Objectives.** Methods for developing quantifiable basin management objectives relevant to the conditions of a particular subbasin, which could include but not be limited to: groundwater quantity assessment and monitoring, annual operational parameters for exercising the subbasin, drought management, aquifer recharge (both direct and indirect) and storage, groundwater quality, percolation capability or injection levels, land subsidence and characterization of surface water-groundwater relationships based on subbasin-specific hydrological analysis.

b. **Subbasin Boundary Adjustment.** Methods for conducting subbasin interconnectivity analysis and adjusting subbasin boundaries. This could be similar to the Integrated Regional Water Management (IRWM) boundary determination and acceptance process administered by DWR.

c. **Groundwater Monitoring.** Methods for implementing groundwater monitoring programs for groundwater elevation, extraction, aquifer recharge, change in storage and water quality.

d. **Well Permitting.** Administrative methods for well permitting, well construction and well abandonment.

e. **Groundwater Recharge.** Protocols for evaluating and implementing spreading basin and storage projects, for example: stormwater capture and related potential treatment and recharge projects, on-farm return systems, multi-objective flood control and habitat restoration projects and other methods to increase groundwater supplies.

f. **Sustainability Indicators.** Methods to develop and apply locally relevant sustainability indicators that can be used to demonstrate sustainable groundwater management (as defined above).

g. **Overdraft Measures.** Taking into account that some groundwater management agencies "exercise" their basins and utilize regular groundwater withdrawals and drawdown ("managed overdraft") as tools within a comprehensive multi-source, multi-year planning horizon, methods should be identified to develop locally relevant measures of "overdraft" and "critical condition of overdraft." DWR Bulletin 118 definitions provide reasonable guideposts for consideration. The definition of "overdraft" in Bulletin 118 is "the condition of a ground water basin where the amount of water extracted exceeds the amount of ground water recharging the basin over a period of time," and "critical condition of overdraft" is defined as water management practices that "would probably result in significant adverse overdraft-related environmental, social, or economic effects."

h. **Public Review Process.** Protocols for conducting open, inclusive and transparent stakeholder and public review processes in the development, implementation and administration of a GMP.

i. **Governance Structures.** Examples of governance structure options that could be used to prepare and manage GMPs based on the specific conditions and needs of the basin or subbasin, or where joint governance or coordination of multiple GMPs is necessary or preferable. In the latter instance, governance options may include, but are not limited to, a Joint Powers Authority (JPA), a Memorandum of Understanding (MOU) among existing agencies, an IRWM planning group, a newly created special district, any of which may include a locally-authorized Watermaster, or some other appropriate local or regional governance entity.

j. **Data Collection and Reporting.** Protocols and standards for conducting adequate data collection and reporting of groundwater elevations, water quality, subsidence levels and surface water-groundwater relationships to verify progress toward basin management objectives. The BMPs should include recommended quality control and quality assurance protocols.

k. **Demand Management.** Examples of potentially applicable demand management programs including, but not limited to, use of irrigation and water use efficiency technology, land retirement programs, conservation easements and related incentives, pumping restrictions, tiered allocation of usable groundwater and closer integration with demand management programs contained in Urban Water Management Plans or Agricultural Water Management Plans of agencies within GMP areas.

5. Enhance Local and Regional Agency Authority

Local and regional groundwater management agencies need enhanced authority to successfully implement their GMP basin management objectives to achieve sustainable groundwater management. Although some types of local or regional groundwater agencies or forms of governance are currently authorized and already may be using some of the following authorities, this is generally the exception rather than the rule. Local and regional groundwater management agencies statewide should be granted all of the following authorities and be empowered to select the ones they determine to be necessary and most effective to implement their GMPs.

a) **Groundwater Management Fees.** Groundwater management agencies need to fund required planning and administrative activities, data collection and reporting, acquisition of supplemental water for replenishment, acquisition of lands or easements to reduce demand, and implementation of BMPs. Local or regional agencies should be granted authority to impose fees or assessments based on estimates or reports

of groundwater use or other means in compliance with existing state law. Legislation may be needed to address current barriers to imposing local groundwater-related fees. (See Recommendation 6.)

b) **Groundwater Allocation and Extraction Limits.** The rights of individuals to pump groundwater should be subject to responsible management regulations by groundwater management agencies in much the same way that the use of property is subject to land use regulations by cities and counties. Groundwater management agencies should be authorized to monitor or estimate groundwater use within a basin or subbasin and impose allocation programs or pumping restrictions in time or amount, create exemptions for small or disadvantaged users, or to develop tiered pricing or other market-based means to implement basin management objectives and ensure sustainable groundwater management. Allocation and extraction limits may raise a significant issue with respect to groundwater rights and legal priorities among groundwater users. Further legal analysis and discussion of such issues is necessary to ensure these tools and authorities can be implemented in a legally defensible manner.

c) **Well Permitting.** Some local or regional groundwater management agencies manage well permitting programs. In other cases counties manage well permitting programs that may or may not be implemented cooperatively with groundwater managers. Where well permitting programs are lacking or need significant improvement to provide essential management information to implement GMPs and basin management objectives, local or regional groundwater management agencies should be authorized to assume or cooperatively manage well permitting responsibilities. Existing well permitting programs may need to be expanded and adequately funded to ensure that location, well depth, water quality and production information is collected and well construction specifications and well abandonment standards are enforced. New well permits should be conditioned upon receiving a water availability determination and "will serve" letter (see "e" below).

d) **New "Summary Proceeding" Enforcement Capability.** Along with new responsibilities and authorities to manage groundwater, local or regional groundwater management agencies should be granted new enforcement authority. Enforcement should be focused and limited to those instances where landowners or other groundwater users are in violation of groundwater management requirements, have been issued time-limited corrective notices and have been given a reasonable period to comply. In these cases, the landowner should be subject to a "summary proceeding" such as authorized by California Code of Civil Procedure, Part 3, Title 3 to enforce property-related violations. This provision could be amended to add a new chapter, "Summary Proceedings Associated with Violation of Basin or Subbasin Groundwater Regulation," which would be instituted to obtain appropriate judicial review, judgment and writ of execution (with service and return by appropriate sworn law enforcement personnel in cooperation with the groundwater management agency) resulting in cessation of the groundwater extraction and use pending the completion of required corrective measures and payment of monetary damages, attorney fees and costs of the proceeding.

e) **Water Availability Determinations.** Currently, new development projects are required to secure "will serve" letters from local water agencies, and larger projects are subject to Water Availability Determinations to show that sufficient water is available as part of the land use approval process. This requirement should be expanded. Land use agencies should be required to consider protection of prime groundwater recharge areas and consult groundwater management agencies regarding any significant groundwater-dependent development, including new permanent crop plantings, in order to obtain "will serve" letters and Water Availability Determinations.

f) **GMP Consistency Determinations.** County and city general plans are currently required to consider the Urban Water Management Plans of water agencies within their jurisdictions. This requirement should be extended to GMPs for the basins or subbasins within their jurisdictions. In addition, groundwater management agencies should be authorized to issue "GMP Consistency Determinations" for all new proposed industrial, residential or agricultural development (including introduction of permanent crops) that may have a significant effect on groundwater resources. "GMP Consistency Determinations" should be used by the lead agency to inform project environmental impact assessments and discretionary land use approvals. Where new proposed groundwater use is determined to be inconsistent with the GMP and to impede attainment of sustainable groundwater management, it should be presumed to have a "significant adverse impact on the environment" under CEQA and either be mitigated or be subject to a Statement of Overriding Consideration by the lead agency.

g) **Expedited LAFCO Formation Assistance.** In basins or subbasins in which there is no existing local and regional groundwater management agency, the applicable Local Area Formation Commission should be authorized to provide special technical assistance and an expedited timeline to facilitate the formation of such an agency. This process also should apply to existing groundwater management agencies that are required or seek to annex into their jurisdictions unmanaged lands overlying the subbasin or basin managed pursuant to their GMPs. The cost to provide this expedited agency formation assistance should be included in the new agency's administrative budget and assessment fees and reimbursed to the LAFCO within one year of the creation of the new agency.

6. Ensure Adequate Funding

The SWRCB and DWR should coordinate available funding and resources from the Governor's proposed budget to identify basins or subbasins lacking coverage by an existing comprehensive GMP (see Recommendation 2, above).

For basins or subbasins in which there are existing local or regional groundwater management agencies to prepare or revise and implement GMPs, required funding should be predominantly based on local or regional fees or assessments, assuming successful implementation of Recommendation 5a., regarding funding. Local or regional groundwater management agencies also should continue to supplement their funding through grants or loans from existing state and federal funding programs (especially if the basin or subbasin includes disadvantaged communities that are dependent upon groundwater that fails to meet public health standards).

ACWA opposes the imposition of a statewide water user fee or "public goods charge" but stands ready to work with the Administration to identify alternative ways to help ensure adequate funding for local and regional groundwater management agencies to implement their GMPs. ACWA acknowledges the constraints local agencies face in raising fees for needed groundwater management investments (e.g. Proposition 218) and is committed to a dialog about sustainable and integrated financing.

Finally, an additional funding source may be created during development of a new proposed state water bond, if approved by California voters. Significant bond funding could be targeted to create an incentive for development of new groundwater storage projects in basins or subbasins that have adopted GMPs and sustainability indicators that demonstrate sustainable groundwater management.

7. Provide for State Backstop Authority When Local Action Has Not Occurred or Has Been Insufficient

In those instances where there is no groundwater management agency in a basin or subbasin and where the local or regional entity does not develop or implement a compliant GMP within defined timelines, or where the local or regional entity fails to meet performance objectives set forth in an approved GMP, the SWRCB should hold a hearing for each basin or subbasin and invite affected local, regional and other stakeholders to present information

to inform SWRCB decision-making regarding whether corrective action is necessary and likely to be most effective under the specific circumstances.

Based on the results of the hearing, the SWRCB should either 1) issue an order to a qualified local or regional agency that includes a compliance schedule for completion and implementation of a GMP that will result in progress toward sustainability; or 2) assign to a qualified third party the responsibility to develop and implement a compliant GMP under contract to the SWRCB and subject to final approval by the SWRCB. In either case, the SWRCB should be given authority to assess a fee sufficient to cover the cost of SWRCB administration, and any work by a third-party contractor. The fee should be collected by the local agency, and it should be clear that the fee is a "property-related fee."

During this period of plan development, the SWRCB should order that groundwater extraction be reduced throughout the subbasin as necessary to preserve the potential for achieving sustainable groundwater management within a 30-year timeframe. The SWRCB should be required to hold a hearing to develop a protocol or allow for alternatives to achieve the same reduction in demand to facilitate recovery of the basin.

SWRCB should return management to a new or existing qualified local or regional agency as soon as practicable after a reasonable demonstration of willingness, organization and financial capacity has been made.

8. Remove Impediments to Water Supply Reliability

Sustainable groundwater management in California depends on creating more opportunities for robust conjunctive management of surface water resources. Many groundwater basins facing unsustainable overdraft conditions have depended on previously reliable surface water supplies that are no longer available. A significant number of these areas have lost surface supplies that were once conjunctively managed but have now been reallocated to serve instream or other regulatory requirements in response to various judicial, state and federal mandates. Climate change will only intensify the need to recalibrate and reconcile surface and groundwater management strategies.

As an illustration, water conveyed through the Delta for delivery to areas on the west side of the San Joaquin Valley and the Tulare Basin has been greatly reduced over the past 20 years due to a variety of regulatory actions. Those deliveries – and deliveries to Southern California and parts of the Bay Area, as well -- were designed in part to remedy overdraft conditions recognized many years ago. Both the state and federal governments, as operators of the State Water Project and the federal Central Valley Project, respectively, have reduced the reliability and average amount of deliveries and thus have severely diminished the supplemental supplies historically available and incorporated into plans for conjunctive use in these areas. Similar changes and resulting ramifications have occurred in some portions of the east side of the San Joaquin Valley as well. The SWRCB and the Administration cannot divorce groundwater conditions and management from overall state water policy. Any public trust balancing by the SWRCB must weigh the value of surface water for groundwater replenishment and recharge to promote the state's interest in groundwater sustainability.

The SWRCB and DWR should identify ways to reduce impediments and regulatory barriers to facilitate more water transfers, increase stormwater and recycled water recharge, and provide significant funding and technical assistance to develop projects that restore conjunctive balance by facilitating new surface and groundwater storage and conveyance projects statewide.

IV. Statement of Commitment

ACWA and its member agencies have demonstrated a history of strong leadership in confronting and embracing needed changes to manage our groundwater resources in California. ACWA is committed to working with the state and with urban and agricultural water users, growers and landowners, environmental and disadvantaged community interests, and other stakeholders on an effective approach to promote and achieve sustainable groundwater management throughout California.

Association of California Water Agencies
Since 1910
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Information • Service

ACWA Groundwater Sustainability Task Force

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David Orth, Vice Chair	Kings River Conservation District
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Last updated: January 28, 2014

Attachment Seven
SB 1168

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE APRIL 10, 2014

SENATE BILL No. 1168

Introduced by Senator Pavley

February 20, 2014

An act ~~to amend Sections 10752 and 10753.7 of, and~~ to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Pavley. Groundwater management.

Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin.

~~This bill also would require a local agency to determine sustainable yield for a groundwater basin in coordination with other applicable local agencies whose service areas overlie the groundwater basin.~~

This bill would enact the Sustainable Groundwater Management Act, and would state as the intent of the Legislature that, among other things, all groundwater basins and subbasins shall be managed sustainably by local entities pursuant to an adopted sustainable groundwater management plan. This bill would authorize unspecified entities to develop a sustainable groundwater management plan, defined as a document that describes the activities intended to be included in a

groundwater management program, to be developed and adopted to encompass an entire basin or subbasin in an unspecified manner, and according to an unspecified schedule. This bill would authorize, under unspecified conditions, the state to take action to cause a sustainable groundwater management plan to be developed, adopted, and implemented.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Part 2.74 (commencing with Section 10720) is added to Division 6 of the Water Code, to read:

PART 2.74. SUSTAINABLE GROUNDWATER MANAGEMENT

Chapter 1. General Provisions

10720. This part may be known, and may be cited, as the Sustainable Groundwater Management Act.

10721. In enacting this part, it is the intent of the Legislature that all of the following occur:

(a) All groundwater basins and subbasins shall be managed sustainably by local entities pursuant to an adopted sustainable groundwater management plan.

(b) Attention to develop, adopt, and implement a sustainable groundwater management plan shall be directed first to high and medium priority groundwater basins and subbasins.

(c) Upon a finding of compelling state interest, the state shall have recourse to cause a sustainable groundwater management plan to be developed, adopted, and implemented where local interests either cannot or will not do so themselves.

10722. This part applies to all groundwater basins and subbasins in the state.

Chapter 2. Definitions

10725. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) “Groundwater” means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

(b) “Groundwater basin” means any basin or subbasin identified in the department’s Bulletin No. 118, dated September 1975, and any amendments to that bulletin, but does not include a basin in which the average well yield, excluding domestic supply wells that supply water to a single-unit dwelling, is less than 100 gallons per minute.

(c) “Groundwater extraction facility” means a device or method for the extraction of groundwater within a groundwater basin.

(d) “Groundwater recharge” means the augmentation of groundwater, by natural or artificial means, with surface water or recycled water.

(e) “Local groundwater management entity” means _____.

(f) “Recharge area” means the area that supplies water to an aquifer in a groundwater basin and includes multiple wellhead protection areas.

(g) “Sustainable groundwater management” means the management of a groundwater basin to provide for multiple long-term benefits without resulting in or aggravating conditions that cause significant economic, social, or environmental impacts such as long-term overdraft, land subsidence, ecosystem degradation, depletions from surface water bodies, and water quality degradation, in order to protect the resource for future generations.

(h) “Sustainable groundwater management plan” or “plan” means a document that describes the activities intended to be included in a groundwater management program.

(i) “Sustainable groundwater management program” or “program” means a coordinated and ongoing activity undertaken for the benefit of a groundwater basin, or a portion of a groundwater basin, pursuant to a groundwater management plan adopted pursuant to this part.

(j) “Watermaster” means a watermaster appointed by a court or pursuant to other provisions of law.

(k) “Wellhead protection area” means the surface and subsurface area surrounding a water well or well field that supplies a public

water system through which contaminants are reasonably likely to migrate toward the water well or well field.

Chapter 3. Sustainable Groundwater Management Plans

10730. A plan shall be developed and adopted according to the following schedule:

(a) ____.

10731. The process for developing and adopting a plan shall include the following:

(a) ____.

10732. A plan shall include the following:

(a) _____.

10733. A plan shall encompass an entire basin or subbasin.

10734. Upon adoption of a plan, a copy of the plan shall be provided to the following:

(a) _____.

Chapter 4. Local Groundwater Management Entities

10735. A plan may be developed by the following new or existing entities:

(a) _____.

10736. In addition to any other powers an agency designated as a local groundwater management entity may be granted by law, a local groundwater management entity shall have and may exercise the following powers:

(a) _____.

10737. A local groundwater management entity may enforce the provisions of a plan as follows:

(a) _____.

Chapter 5. Financing

10740. _____.

CHAPTER 6. ENFORCEMENT

10745. Under the following conditions, the state may take action to cause a sustainable groundwater management plan to be developed, adopted, and implemented.

(a) _____.

All matter omitted in this version of the bill appears in the bill as amended in the Senate, April 10, 2014. (JR11)

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Attachment Eight
AB 1739

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL No. 1739

Introduced by Assembly Member Dickinson
(Coauthor: Assembly Member Rendon)

February 14, 2014

An act to ~~add Section 10750.3 to~~ *amend Section 65302.2 of, and to add Section 56878 to, the Government Code, and to amend Section 10795.4 of, and to add Part 2.74 (commencing with Section 10720) to Division 6 of,* the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, as amended, Dickinson. Groundwater basin management: sustainability.

(1) Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill would require a sustainable groundwater management plan to be adopted, except as provided, for each high or medium priority groundwater basin by any groundwater management agency, defined as a special district authorized to provide water for beneficial uses or with specific authority to conduct groundwater management, a city, a county, a city and county, or certain joint powers authorities. This bill would require a sustainable groundwater management plan to meet

certain requirements, including, but not limited to, that the plan contain sustainable groundwater management objectives to achieve sustainable groundwater management in the groundwater basin within 20 years of the implementation of the plan but would allow the department to grant an extension beyond 20 years to 30 years based on groundwater basin circumstances, and that the plan contain the components required of a groundwater management plan seeking the above-described state funds. This bill would require a sustainable groundwater management plan to be submitted by the groundwater management agency to the department for technical review.

This bill, as of an unspecified date or as of a date adopted by the groundwater management agency, whichever is earlier, would prohibit the extraction of groundwater within a groundwater basin for new commercial, multifamily residential, or industrial development, except for the use of a single-family domestic well, unless the groundwater basin has a sustainable groundwater management plan. This bill would authorize a groundwater management agency to establish, assume, or cooperatively manage well permitting programs to provide essential management information to implement a sustainable groundwater management plan and basin management objectives, and to regulate the pumping of groundwater. This bill would require the process for developing or revising a sustainable groundwater management plan, or revising a groundwater management plan to meet sustainable groundwater management plan requirements, to meet specified requirements for public notification, hearing, and protest.

(2) Existing law provides that moneys in the Local Groundwater Assistance Fund, upon appropriation by the Legislature, are authorized to be used by the Department of Water Resources to assist local public agencies to conduct groundwater studies, to carry out groundwater monitoring and management activities, and to assist in the development of groundwater management plans.

This bill would authorize the department to use moneys in the fund, upon appropriation, to conduct groundwater studies or to carry out groundwater monitoring and management activities described in paragraph (1).

(3) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the powers and duties of a local agency formation commission and governs the procedures for the formation, change of organization, and reorganization of cities and special districts.

This bill would authorize the local agency formation commission to provide special technical assistance and an expedited timeline to facilitate the formation of a local and regional groundwater management agency if there is no local and regional groundwater management agency existing in a defined groundwater basin.

(4) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.

This bill would require a city or county, upon the adoption or revision of its general plan, to reference as a source document any sustainable groundwater management plan or groundwater management plan for a groundwater basin or subbasin within the jurisdiction of the city or county. By imposing a new requirement on a city or county, this bill would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law, the Groundwater Quality Monitoring Act of 2001, requires the State Water Resources Control Board to integrate existing monitoring programs and design new program elements, as necessary, to establish a comprehensive monitoring program capable of assessing each groundwater basin in the state through direct and other statistically reliable sampling approaches. The act requires the state board, in establishing the comprehensive monitoring program, to prioritize groundwater basins that supply drinking water.~~

~~This bill would require the State Water Resources Control Board, in consultation with the Department of Water Resources, to develop thresholds for the sustainable management of the priority groundwater basins.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ *yes*.

The people of the State of California do enact as follows:

SECTION 1. Section 56878 is added to the Government Code, to read:

56878. If there is no local and regional groundwater management agency existing in a groundwater basin, as defined in subdivision (b) of Section 10720 of the Water Code, the commission may provide special technical assistance and an expedited timeline to facilitate the formation of a local and regional groundwater management agency.

SEC. 2. Section 65302.2 of the Government Code is amended to read:

65302.2. *(a)* Upon the adoption, or revision, of a city or county's general plan, on or after January 1, 1996, the city or county shall utilize as a source document any urban water management plan submitted to the city or county by a water agency.

(b) Upon the adoption, or revision, of a city or county's general plan, the city or county shall utilize as a source document the following plans for a groundwater basin or subbasin within the jurisdiction of the city or county:

(1) A sustainable groundwater management plan adopted pursuant to Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code.

(2) A groundwater management plan adopted pursuant to Part 2.75 (commencing with Section 10750) of Division 6 of the Water Code.

SEC. 3. Part 2.74 (commencing with Section 10720) is added to Division 6 of the Water Code, to read:

PART 2.74. GROUNDWATER SUSTAINABILITY

10720. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Bulletin No. 118" means the department's bulletin entitled "California's Ground Water," dated September 1975, and any amendments to that bulletin.

(b) "Groundwater" means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

(c) "Groundwater basin" means any groundwater basin or subbasin identified in Bulletin No. 118 that the department identifies as a high or medium priority groundwater basin as part of the California Statewide Groundwater Elevation Monitoring Program in accordance with Sections 10933 and 12924.

(d) "Groundwater management agency" means a special district authorized to provide water for beneficial uses or with specific authority to conduct groundwater management, a city, a county, a city and county, or a joint powers authority comprised of any or all of the these.

(e) "Groundwater management program" means a coordinated and ongoing activity undertaken for the benefit of a groundwater basin, or a portion of a groundwater basin, based on the best available science, monitoring, forecasting, and use of technological resources, pursuant to a sustainable groundwater management plan.

(f) "Recharge" means the augmentation of groundwater, by natural or artificial means, with surface water or recycled water.

(g) "Sustainable groundwater management" means the management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without resulting in a significant adverse overdraft-related environmental, social, or economic effect, as determined by the groundwater management agency.

10725. (a) A sustainable groundwater management plan shall be adopted for each groundwater basin by any overlying groundwater management agency. A sustainable groundwater management plan shall meet the following requirements:

(1) Include the components set forth in Section 10753.7.

(2) Be adopted on or before January 1, 2020, and updated every five years thereafter.

(3) Contain sustainable groundwater management objectives to achieve sustainable groundwater management in the groundwater basin within 20 years of the implementation of the plan, include an analysis demonstrating how the objectives will achieve sustainable groundwater management, and identify the

parties responsible for achieving the objectives. The department may grant an extension beyond the 20-year sustainability timeframe if necessary based on groundwater basin circumstances, but in no case may a sustainable management plan contemplate that more than 30 years are required to achieve sustainable groundwater management.

(4) Provide a planning and implementation horizon of at least 50 years.

(5) Annually submit a performance report comparing the status of the groundwater basin to the sustainable groundwater management objectives.

(6) Provide summaries of monitoring data regularly to the department for the California Statewide Groundwater Elevation Monitoring Program and locally to the groundwater basin stakeholders through an Internet Web site or similar method.

(b) A sustainable groundwater management plan shall not be required for a groundwater basin, or a portion of a groundwater basin, that is subject to groundwater management pursuant to other provisions of law or a court order, judgment, or decree.

(c) If multiple sustainable groundwater management plans cover different portions of a groundwater basin, each sustainable groundwater management plan shall not conflict with or impede sustainable groundwater management relating to the other sustainable groundwater management plans in the groundwater basin.

(d) (1) A groundwater management agency may incorporate into a sustainable groundwater management plan a neighboring area overlying the groundwater basin not already covered by another sustainable groundwater management plan.

(2) A groundwater basin boundary, as defined in Bulletin No. 118, may be adjusted by a groundwater management agency, in consultation with adjacent groundwater basin groundwater management agencies and the department, to address hydrologic conditions and other features of the subbasin based on a technical analysis supporting the boundary adjustment.

10726. The process for developing or revising a sustainable groundwater management plan, or revising a groundwater management plan adopted pursuant to Part 2.75(commencing with Section 10750) to meet the requirements of this part, shall meet

the requirements on a local agency for public notification, hearing, and protest set forth in Sections 10753.2 to 10753.6, inclusive.

10730. (a) A sustainable groundwater management plan shall be submitted by the groundwater management agency to the department for technical review.

(b) The department shall subject the sustainable groundwater management plan to technical review for adequacy and do one of the following:

(1) Approve the sustainable groundwater management plan.

(2) Conditionally approve the sustainable groundwater management plan.

(3) Determine the sustainable groundwater management plan to be inadequate and allow six months for resubmission of the sustainable groundwater management plan with revisions.

10735. A groundwater management agency may do all of the following:

(a) Enter into a joint powers authority, participate in a memorandum of understanding among existing agencies, participate in an integrated regional water management planning group, any of which may include a locally authorized watermaster, or establish another form of appropriate local or regional sustainable groundwater management entity.

(b) Raise funds for the purposes of this chapter.

(c) Regulate the pumping of groundwater.

(d) Establish, assume, or cooperatively manage well permitting programs to provide essential management information to implement a sustainable groundwater management plan and basin management objectives. The well permitting program may include, but is not limited to, information about the location, depth, water quality, construction, and production of a well and shall ensure that well abandonment standards are enforced.

(e) Enforce the agency's sustainable groundwater management plan.

10740. (a) As of ____ date or as of the date adopted by the groundwater management agency, whichever is earlier, a person or entity shall not extract groundwater within a groundwater basin for new commercial, multifamily residential, or industrial development, unless a groundwater basin has a sustainable groundwater management plan.

(b) This section does not apply to the use of a single-family domestic well.

SEC. 4. Section 10795.4 of the Water Code is amended to read:

10795.4. Upon appropriation by the Legislature, the money in the fund may be used by the department to assist local public agencies by awarding grants to those agencies to conduct groundwater studies or to carry out groundwater monitoring and management activities in accordance with Part 2.75 (commencing with Section 10750), *Part 2.74 (commencing with Section 10720),* or other authority pursuant to which local public agencies manage groundwater resources, or ~~both,~~ *any combination of these* including the development of groundwater management plans, as provided for in subdivision (a) of Section 10753.7.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SECTION 1. Section 10750.3 is added to the Water Code, to read:~~

~~10750.3. The state board, in consultation with the department, shall develop thresholds for the sustainable management of the priority groundwater basins listed pursuant to the Groundwater Quality Monitoring Act of 2001 (Part 2.76 (commencing with Section 10780)), as that list may be amended.~~

O