



**BOARD OF SUPERVISORS
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: April 10, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Denise England PHONE: 636-5000				

SUBJECT: Letter of Support for AB 2649- Water Rights: Water Management

REQUEST(S):

That the Board of Supervisors:

Approve sending a letter of support for Assembly Bill 2649- Water Rights: Water Management

SUMMARY:

On November 13, 2015, the Governor signed Executive Order B-36-15 requiring the State Water Board to prioritize temporary water rights permits to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events this winter and spring for local storage or recharge and later beneficial uses.

On April 6, 2017, Governor Brown signed Executive Order B-39-17, which directed the State Water Board to prioritize temporary water right permits to accelerate approvals for projects that enhance the ability of a local or state agency to capture high runoff events for local storage or recharge, consistent with water rights priorities and protections for fish and wildlife. The Order also suspends CEQA for State Water Board actions on these types of temporary permits.

Prior to issuing a temporary permit, the State Water Board is required to make all of the findings listed below:

- The applicant has an urgent need for the water proposed to be diverted and used,
- The water may be diverted and used without injury to any lawful water user,

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- The water may be diverted and used without unreasonable effect on fish, wildlife, or other instream beneficial uses,
- The proposed diversion and use are in the public interest.

On September 16, 2014, Governor Jerry Brown signed into law AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley), collectively known as the Sustainable Groundwater Management Act (SGMA) which requires a framework for sustainable, groundwater management -- “management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results.” Under SGMA, local Groundwater Sustainability Agencies (GSAs) will be formed to develop and implement Groundwater Sustainability Plans (GSPs) that will aim to achieve sustainability by 2040. The SWRCB defines groundwater recharge as, “the augmentation of groundwater, by natural or artificial means, with surface water or recycled water. Some groundwater recharge projects may use short-term water surpluses that occur only infrequently.”

In addition, state policy for water quality control in California is directed toward achieving the highest water quality consistent with maximum benefit to the people of the state (i.e., household domestic use, irrigation of agricultural land, and municipal uses).

The implementation of the SGMA is going to require groundwater basins to be brought into balanced levels of pumping and recharge. One of the greatest opportunities for recharge is by capturing high precipitation events using a temporary permit from the California State Water Resources Control Board.

This bill requires the board to prioritize a temporary water permit for recharge projects, exempts temporary permits for these projects from the California Environmental Quality Act, and would also require the board to set a reduced application fee for an applicant for a temporary permit for these projects.

This bill also deems groundwater recharge undertaken pursuant to or consistent with a groundwater sustainability plan authorized by a groundwater sustainability agency as a beneficial use.

This bill provides an important tool for GSAs to successfully implement GSPs with maximum flexibility at the local level. As such, staff recommends taking a position of support and submitting a letter conveying that position to the Tulare County delegation as well as the Assembly Committee on Water, Parks, and Wildlife.

FISCAL IMPACT/FINANCING:

N/A

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County’s Strategic Plan includes an initiative to provide for the safety and security of the public which includes the goal of providing an adequate and safe water supply.

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ADMINISTRATIVE SIGN-OFF:

Denise England
Water Resources Program Director

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment: Letter

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF LETTER OF)
SUPPORT FOR AB 2649- WATER RIGHTS:) Resolution No. _____
WATER MANAGEMENT)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Approved sending a letter of support for Assembly Bill 2649- Water Rights: Water Management

April 10, 2018

The Honorable Eduardo Garcia
Chair, Assembly Water, Parks, and Wildlife Committee
1020 N Street, Room 160
Sacramento, CA 95814

RE: Support for AB 2649 Water rights: water management.

To Whom It May Concern:

The organization(s) listed below support Assembly Bill 2649 (Arambula) which aims to codify the current temporary permit for capturing high precipitation events and deems groundwater recharge use consistent with groundwater sustainability plans a beneficial use.

In 2015, the Governor issued Executive Order B-36-15 which recognized the need to capture high precipitation events and encouraged groundwater recharge. AB 2649 will maintain the process outlined in Executive Order B-36-15 for temporary flood permits issued by the State Water Resources Control Board. By keeping a streamlined process in place, AB 2649 will allow more applicants to take advantage of and capture high event flows allowing for critically over drafted aquifers to be replenished.

The recent droughts combined with the Sustainable Groundwater Management Act (SGMA) are going to vastly change the landscape of our farming and urban communities if we do not adequately prepare. SGMA requires that aquifers be replenished but currently groundwater recharge is not classified as a beneficial use of water. AB 2649 would deem groundwater recharge as a beneficial use consistent with groundwater sustainability plans.

For these reason, we collectively support AB 2649. We respectfully urge the passage of AB 2649.

Sincerely,

J. Steven Worthley
Chairman of the Board
District Four

Kuyler Crocker
Vice Chairman of the Board
District One

Pete Vander Poel
District Two

Amy Shuklian
District Three

Michael Ennis
District Five

CC Assemblyman Arambula
Tulare County Delegation