

Date of Hearing: June 29, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Susan Talamantes Eggman, Chair
SB 1262 (Pavley and Wieckowski) – As Amended June 15, 2016

SENATE VOTE: 22-13

SUBJECT: Water supply planning.

SUMMARY: Revises requirements that new developments must meet in order to demonstrate that its water supplies are sufficient to include consideration of provisions of the Sustainable Groundwater Management Act (SGMA). Specifically, **this bill:**

- 1) Adds information about the reliance on and management of groundwater supplies in factors considered in determining if there are sufficient water supplies for residential development of more than 500 units.
- 2) Specifies that a Groundwater Sustainability Plan (GSP) may be included as substantial evidence in a public water system's written verification of its ability or inability to provide sufficient water supply as part of the approval of a residential development of more than 500 units.
- 3) Includes an identification of water systems that are adjacent to large-scale projects subject to the California Environmental Quality Act (CEQA) that trigger a water supply assessment.
- 4) Adds SGMA compliance status to required information in a water supply assessment for projects that receive water supply from groundwater.
- 5) Excludes hauled water from consideration as a source of water under a water supply assessment.
- 6) States that no reimbursement is required because a local agency has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service, as specified.

EXISTING LAW:

- 1) Requires every large-scale development project of 500 new residential connections or an equivalent size to have a water supply assessment prepared according to the following:
 - a) A city or county, at the time that it determines that a development is subject to CEQA, must identify any water system that may supply water for the project;
 - b) Identify any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and describe the quantities of water received in prior years by the public water system, or the city or county, through its water rights or other sources; and,

- c) If the project relies in whole or in part on groundwater, requires additional information, including a description of any groundwater basins that will supply the project; the court or State Water Resources Control Board (SWRCB) order, if the basin is adjudicated; and, an analysis of the sufficiency of the groundwater from the basin or basins.
- 2) Requires that, under CEQA, whenever a city or county determines that a large-scale project is subject to CEQA, it must comply with the water supply assessment requirements triggered by that determination.
 - 3) Requires, under the Subdivision Map Act, cities and counties to demonstrate that a sufficient water supply is available as a condition of their approval of a tentative map for a subdivision with more than 500 dwelling units. Specifically requires:
 - a) Sufficient water supply is defined as the total water supplies available during normal, single-dry, and multiple-dry years within a 20-year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses.
 - b) Proof of sufficient water must be based on a written verification from the applicable public water system. In order to be sufficient, the water supply must be able to meet the demands of existing and future planned uses, in addition to the subdivision's demand over the next 20 years.
 - c) The public water system's written verification of its ability or inability to provide a sufficient water supply to meet the projected demand associated with the proposed subdivision must be supported by substantial evidence.
 - 4) Specifies that SGMA, among other provisions, directs the Department of Water Resources (DWR) to categorize the state's groundwater basins into high, medium, low, and very low priorities, based on factors, such as the population overlying the basin, number of wells in the basin, and overlying irrigated acreage. The DWR must also identify basins subject to critical overdraft. Under SGMA:
 - a) Basins designated as high or medium priority must be managed by a groundwater sustainability agency (GSA). GSA's must develop a GSP to ensure that by 2040, the basin is in a sustainable condition.
 - b) A GSP must include, among other things, a description of the consideration given to the applicable county and city general plans, and a description of the various adopted water resources-related plans and programs within the basin, and an assessment of how the GSP may affect those plans.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Background and Prior Legislation.** The Legislature passed SGMA [SB 1168 (Pavley), AB 1739 (Dickinson) and SB 1319 (Pavley), Statutes of 2014], creating a statewide requirement to sustainably manage groundwater resources. The package of bills was signed by Governor Brown with the objective to ensure the long-term reliability of groundwater resources and connected surface water resources by requiring sustainable management. GSAs must be formed by 2017; GSPs, for critically overdrafted basins, must be written by 2020; and, sustainability must be reached by 2040. Prior to 2014, there was no statutory mandate to manage groundwater in California.

SB 221 (Kuehl), Chapter 642, Statutes of 2001, required cities and counties to demonstrate a sufficient water supply as part of the Subdivision Map Act. SB 610 (Costa), Chapter 643, Statutes of 2001, required large-scale development to have a water supply assessment.

- 2) **Bill Summary and Author's Statement.** This bill revises requirements that new developments must meet in order to demonstrate that its water supplies are sufficient to include consideration of provisions of the SGMA. This bill is an author-sponsored measure.

According to the author, "California has a number of interconnecting laws that together attempt to ensure that water supply availability is given proper consideration when making land use decisions, and vice versa. Among those laws are 2002's SBs 610 (Costa) and 221 (Kuehl), also known as the 'show me the water bills.' When we passed the Sustainable Groundwater Management Act (SGMA) in 2014, we updated some water and land use planning laws to reflect SGMA, but not the show me the water bills."

"SB 1262 (Pavley and Wieckowski), updates the show me the water bills to integrate groundwater sustainability agencies and consideration of groundwater sustainability plans into water supply and land use planning. In addition, it prohibits the use of hauled water to comply with show me the water bills."

- 3) **Arguments in Support.** Supporters argue that this bill makes common sense changes to the water supply assessment process to ensure that water sources cited are, in fact reliable, and that land use planning agencies take the status of their groundwater basins and other water sources into account when planning or approving new development.
- 4) **Arguments in Opposition.** None on file.
- 5) **Double-Referral.** This bill is double-referred to the Water, Parks and Wildlife Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Clean Water Action
Community Water Center
Desert Water Agency (if amended)
East Bay Municipal Utility District
Leadership Counsel for Justice and Accountability
Planning and Conservation League
Sierra Club California
Valley Ag Water Coalition (if amended)

Opposition

None on file

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