

Date of Hearing: July 11, 2023

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Rebecca Bauer-Kahan, Chair

SB 659 (Ashby) – As Amended June 30, 2023

**SENATE VOTE:** 40-0

**SUBJECT:** California Water Supply Solutions Act of 2023

**SUMMARY:** Requires the Department of Water Resources (DWR) to develop a groundwater recharge action plan by January 1, 2026, and to develop a planning target for additional groundwater recharge capacity. Specifically, **this bill:**

- 1) Requires DWR to develop a groundwater recharge action plan utilizing Bulletin 118 by January 1, 2026, that includes recommendations to create additional groundwater recharge capacity without reducing the amount of water available for the environment or other demands.
- 2) Requires DWR to include the groundwater recharge plan in the 2028 update to the California Water Plan and to update the groundwater recharge plan every five years thereafter alongside the California Water Plan.
- 3) Requires DWR to consult with the State Water Resources Control Board (State Water Board), the regional water quality control boards, and the advisory committee established to assist in the update of the California Water Plan when developing the groundwater recharge plan.
- 4) Requires the groundwater recharge plan to include the following:
  - a) Recommendations on immediate opportunities and potential long-term solutions to increase the state's groundwater supply;
  - b) Analysis of the economic and noneconomic costs and benefits of implementing recommendations;
  - c) Analysis regarding where groundwater recharge will be effective and protective of access to safe drinking water; and
  - d) Mapping of areas where recharge is unlikely to degrade groundwater quality.
- 5) Provides that DWR, the State Water Board, and regional water quality control boards shall implement the recommendations in the groundwater action plan that result in new infrastructure or institutional mechanisms to create additional groundwater recharge capacity upon appropriation or further action by the Legislature.
- 6) Requires DWR to establish a target for additional groundwater recharge capacity for planning purposes that shall take into account other beneficial or environmental uses of water.

- 7) Provides that this bill shall not limit or reduce existing surface storage of water, affect or change any water right, prioritize one use of water over another, or define beneficial use of water.
- 8) Requires that, beginning January 1, 2026, some of the hearings held on the update of the California Water Plan shall be held in regions of the state that have been impacted by drought the most.
- 9) Defines various terms for the purposes of this bill.
- 10) States findings and declarations related to the value of and need for increased groundwater storage to address California's water challenges.

**EXISTING LAW:**

- 1) Requires DWR to develop the California Water Plan and update it every five years beginning December 31, 2003. Provides that the California Water Plan is the strategic plan for sustainably managing water resources for current and future generations. Requires DWR to establish an advisory committee made up of water stakeholders to assist in developing and updating the California Water Plan (Water Code § 10004 *et seq.*).
- 2) Requires the California Water Plan to include a discussion of various strategies including surface water storage, water conservation, water recycling, desalination, conjunctive use, and water transfers that may be pursued in order to meet the future water needs of the state, among other contents (Water Code § 10004.5).
- 3) Requires DWR to conduct a study to determine the amount of water needed to meet the state's future needs and to recommend programs, policies, and facilities to meet those needs (Water Code § 10004.6).
- 4) Requires DWR to conduct a series of hearings with water stakeholders from across the state to receive input on the California Water Plan (Water Code § 10005.1).
- 5) Requires DWR to complete a report that estimates, based on available information, the amount of water available for groundwater replenishment in the state [Water Code § 10729(c)].
- 6) Requires DWR to conduct an investigation of the state's groundwater basins and identify groundwater basins on the basis of geological and hydrologic conditions taking into account political boundaries whenever practical. Requires DWR to also identify groundwater basins subject to conditions of critical overdraft (Water Code § 12924).

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal.

**COMMENTS:**

- 1) **Purpose of this bill.** According to the author, "to meaningfully address the future of water supply in a shifting climate, we must be proactive. [This bill] may be one of the most important conversations California needs to have. Groundwater is a critical component of the state's water storage, accounting for up to 60% of the state's total water supply during a drought. Groundwater recharge projects provide multiple benefits, such as reducing flood

risk, storing water for future droughts, maintaining agricultural productivity or domestic water use, improving management for environmental flows, and sustaining groundwater dependent ecosystems. By creating a state policy of increasing groundwater recharge, [this bill] will address climate change in a way that is consistent with California's existing policy goals to reduce greenhouse gas emissions, reduce reliance on fossil fuels, and better prepare us for the future.”

- 2) **Background.** According to DWR, California's groundwater accounts for roughly 40% of statewide supply on average and as much as 60% in a dry year. Unfortunately, due to excessive use of groundwater resources over many decades, many of California's groundwater basins are experiencing groundwater overdraft. This is a condition when the annual average amount of groundwater pumped out of a groundwater basin exceeds the average annual supply in the groundwater basin. Long-term groundwater overdraft leads to serious adverse impacts, including alarming declines in groundwater levels and storage, degraded water quality, irreversible land subsidence, and streamflow depletion resulting in ecosystem impacts. Extreme drought and groundwater overdraft were principal drivers of the passage of the Sustainable Groundwater Management Act (SGMA) in 2014. SGMA requires groundwater basins subject to groundwater overdraft to develop a groundwater sustainability plan (GSP) to reverse overdraft and achieve sustainable groundwater management over a 20 year period. GSPs must describe conditions in a groundwater basin, identify actions and projects to avoid the harmful effects of groundwater overdraft (“undesirable results”), and set measurable objectives to ensure a basin is on track in achieving sustainable groundwater management.

An important strategy to reverse groundwater overdraft is groundwater recharge. Recharge occurs when water seeps into the ground to replenish groundwater aquifers and can occur naturally or can be intentional. Recognizing the importance of this strategy in achieving sustainable groundwater management, SGMA requires DWR to develop a *Water Available for Replenishment* (WAFR) report to estimate the amount of water available statewide for groundwater recharge. Completed in April 2018, the final WAFR report estimated that 1.5 million acre-feet of water is available for groundwater replenishment. In addition, WAFR notes that “getting groundwater basins into a sustainable regime of pumping and recharge will take time and continued commitment on the part of water managers and basin stakeholders.”

*Bulletin 118.* This bill requires DWR to utilize Bulletin 118 when developing the groundwater action plan it requires. Bulletin 118, or “California's Groundwater,” is the state's official publication on the occurrence and nature of groundwater in California. The publication defines the groundwater basin boundaries and summarizes groundwater information for each of the State's 10 hydrologic regions. It features current knowledge of groundwater resources including information on the location, characteristics, use, management status, and conditions of the state's groundwater. The publication also presents findings and recommendations that support the future management and protection of groundwater. Bulletin 118 is updated periodically; the most recent update was in 2020.

*California Water Plan.* This bill would require DWR to develop a companion “groundwater recharge action plan” to the California Water Plan. The California Water Plan “is accepted as the master plan which guides the orderly and coordinated control, protection, conservation, development, management and efficient utilization of the water resources of

the state.” [Water Code § 10005(a)]. As a part of updating the California Water Plan every five years, DWR is required to include a discussion of various strategies, including those relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, and water transfers that may be used to meet future water needs of the state. DWR is also required to conduct a study to determine the amount of water needed to meet the state’s future needs and to recommend programs, policies, and facilities to meet those needs. The next update is scheduled for this year.

*California’s Water Supply Strategy, Adapting to a Hotter, Drier Future.* In August 2022, Governor Newsom released his strategy to address a projected 10% (6 million to 9 million acre-feet of water) decrease in water supply by 2040 due to climate change. To address this shortfall, the strategy sets targets and outlines actions for increased water recycling, desalination, stormwater capture, and water conservation as well as an expansion of 4 million acre-feet of surface and underground storage. The strategy identifies a specific goal of expanding groundwater recharge by 500,000 acre-feet annually. Achieving the targets laid out in the strategy would “close the evaporative gap.”

- 3) **Arguments in support.** The California Association of Winegrape Growers (CAWG) is a co-sponsor of this bill and argues that it is necessary to give the Administration “the needed authority to implement long-term strategies (regulations, funding, etc.) to assure that the realities of climate change are a key component in creating a reliable source of water for all of California.” CAWG asserts that this bill will lead toward a meaningful increase in the amount of groundwater recharged and help to take advantage of the state’s vast groundwater storage capacity.
- 4) **Suggested committee amendments.** To correct technical and factual errors in the findings and declarations, the committee may wish to ask the author to make the following amendments:

Amendment 1 – Amend this bill’s findings and declarations as follows:

Sec. 2. The Legislature finds and declares all of the following:

...

(d) The State Water Project and the Central Valley Project are of ~~transcendent~~ critical importance to statewide water supply;

~~(e) The State Water Project and the Central Valley Project and~~ provide water for approximately 30,000,000 people and nearly 4,000,000 acres of agricultural land.

~~(f) (e)~~ Most California cities and farms as we know them today would not exist without the State Water Project and the Central Valley Project.

~~(f) (g)~~ Climate change is resulting in a snowpack that is no longer reliable. Instead, California is experiencing infrequent storm events and long periods of drought. California’s precipitation is changing from seasonal snow in the Sierra Nevada Region to periods of substantial rainfall, like those from atmospheric rivers.

~~(g) (h)~~ Climate change is a serious threat to the State Water Project and the Central

Valley Project, and by extension, to our statewide water supply. These systems will are projected to lose 10 percent of their water supplies by 2040. This constitutes a loss of 6,000,000 to 9,000,000 acre-feet of water annually, or the equivalent of the amount of water used to irrigate approximately 20 percent of all agricultural land in the state, or the amount used annually by all of the residents, businesses, schools, parks, and sports fields in the state.

(h) (i) As of 2023, one One necessary solution that can meet the scale of the problem is groundwater recharge.

...

In order to not predispose what actions a future Legislature might take to address the recommendations or content of the groundwater recharge action plan that this bill requires, the Committee may wish to ask that the author make the following amendment:

Amendment 2 – Strike Water Code § 10004.7 (c) as follows:

10004.7. (c) The department, the state board, and the regional boards shall implement, upon appropriation or other future action by the Legislature, the recommendations identified in the groundwater recharge action plan that result in new infrastructure and institutional mechanisms in place that provide for the ability to create additional groundwater recharge capacity.

(d) ....

- 5) **Related legislation.** SB 122 (Committee on Budget) of the current legislative session, among other provisions, streamlines the process for diverting floodflows to groundwater recharge. SB 122 is the resources trailer bill for the 2023-24 annual Budget Act and is pending signature on the Governor’s desk.

SB 366 (Caballero) of the current legislative session revises and recasts requirements for the contents of updates to the California Water Plan, requires DWR to develop a long-term water supply planning target for 2050, and establishes an interim target of 10 million acre-feet of additional water by 2040. SB 366 is also being heard by this Committee at this hearing.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Association of Winegrape Growers (co-sponsor)  
 American Pistachio Growers  
 Association of California Egg Farmers  
 Association of California Water Agencies  
 California Apple Commission  
 California Association of Pest Control Advisers  
 California Association of Realtors  
 California Association of Wheat Growers

California Avocado Commission  
 California Bean Shippers Association

California Blueberry Association  
California Blueberry Commission  
California Chamber of Commerce  
California Citrus Mutual  
California Cotton Ginners and Growers Association  
California Fresh Fruit Association  
California Grain & Feed Association  
California Pear Growers  
California Seed Association  
California State Floral Association  
California Walnut Commission  
City of Roseville  
CivicWell  
Councilmember Katie Valenzuela, District 4, City of Sacramento  
Eastern Municipal Water District  
El Dorado County Water Agency  
Far West Equipment Dealers Association  
Irvine Ranch Water District  
Olive Growers Council of California  
Pacific Egg & Poultry Association  
Plant California Alliance  
Sonoma County Water Agency  
Western Agricultural Processors Association  
Wine Institute

**Opposition**

None on file

**Analysis Prepared by:** Pablo Garza / W., P., & W. / (916) 319-2096