

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER



DATE: April 22, 2022

AGENDA ITEM
E-2
APRIL 27, 2022

LOCAL AGENCY FORMATION COMMISSION
2022 ELECTION – ALTERNATE SPECIAL DISTRICT MEMBER

ITEM

Consider the two candidates seeking to fill the Local Agency Formation Commission's ("LAFCO") Alternate Special District Member Seat [RECOMMEND CONSIDER THE TWO CANDIDATES SEEKING TO FILL THE ALTERNATE SPECIAL DISTRICT MEMBER SEAT ON LAFCO AND VOTE FOR ONE CANDIDATE]

BACKGROUND

At your Boards February 23, 2022 Board Meeting, your Board nominated President Eby as a candidate to fill the Alternate Special District Member Seat. President Eby is serving in this capacity and his term ends in 2022. President Eby is seeking re-election to the post. If elected, the term of the seat runs through December 2025 (four year term).

LAFCO received two nominations for the position. The candidates' statements of interest are attached for your review [Attachment A]. The election period runs from April 6 through June 6, 2022. To cast a vote, the Board must complete a ballot [Attachment B] and must submit the completed ballot to LAFCO prior to the June 6, 2022 deadline.

FISCAL IMPACT

Minor budgeted staff time to prepare these materials.

STRATEGIC PLAN

7.2 Maintain productive communication and relationships with key stakeholders, such as City, County, State and Federal legislators, service clubs, etc. As appropriate, plan and assign for this role.

RECOMMENDATION

Staff recommends your Board direct staff to complete the attached ballot with the Board's candidate of choice, and submit the completed ballot to LAFCO no later than June 1, 2022.

ATTACHMENTS

- A. Candidates Statement of Interest
- B. LAFCO Ballot – Alternate Special District Member Seat

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ATTACHMENT A

Ed Eby

Nominee for LAFCO Alternate Special District Member



San Luis Obispo County Activities

- Former LAFCO Vice Chair, Commissioner and Alternate Commissioner representing Special Districts - Held elected positions on LAFCO from 2006 to 2012 and 2016 to present.
- President and Past Vice President, Nipomo Community Services District (NCSD) Board of Directors
- 16 years as NCSD Director
- Chairman NCSD Waterline Intertie Project Committee
- Chairman, 2006-2007 South County Advisory Council
- Past Elected Representative, Nipomo Community Advisory Council
- Member and Alternate Member, Water Resources Advisory Committee 2005-2012 and 2014 to present.
- Former Member, Technical Review Committee, South County Air Quality Mitigation Program
- Member, The Land Conservancy of San Luis Obispo County

Statement of Interest and Background

My primary interest on LAFCO has been to assure that annexations are supported by robust municipal services. At the Nipomo Community Services District, I have supported and directed a multi-million dollar project to bring an additional 3,000 acre-feet of water per year to the Nipomo Mesa, totally rebuilding our sewer plant, and merging the Black Lake Village and Town sewer plants. I am currently reviewing the NCSD water and sewer modifications required for a potential new development with 1,300-1,400 new homes.

Prior to my 1999 retirement from Hughes Space and Communications Co., I spent 35 years as a design engineer and program manager in Southern California's aerospace industry. I am a UCLA graduate with Bachelor of Science and Master of Science in Engineering degrees, and post-graduate studies in technical and management programs. I have lived in Nipomo for the last 20 years. In my spare time, I enjoy hiking and growing fruits, vegetables, and native plants.

April 8, 2022

All Districts,

I'm Devin Capps, the CEO of Capps Construction & Concrete and a second-generation builder. I live in beautiful Heritage Ranch with my wife and two children. We love living in this wonderful community and are working to keep it a beautiful, family-friendly place to live for years to come. I started Capps Construction in 2005 with a focus on customer satisfaction. Over the years, we have become experts in building homes and the various aspects associated with building a home, I am well versed in all types of home building, concrete contracting, masonry, drought-proof landscaping, and more. We take pride in our work and our community. I would bring a valuable perspective to the LAFCO board. Thank you for your consideration.

Devin Capps

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ATTACHMENT B



**San Luis Obispo
Local Agency Formation Commission**

1042 Pacific Street, Suite A, San Luis Obispo, CA 93401

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**BALLOT FOR LAFCO
ALTERNATE SPECIAL DISTRICT MEMBER ELECTION**

The _____
(Insert Name of Special District)


Hereby selects the following individual for the Alternate Special District Member seat on the San Luis Obispo Local Agency Formation Commission:

- Ed Eby – Nipomo Community Services District
- Devin Capps – Heritage Ranch Community Services District

The Board of Director's action was taken on an agenda item on:

(Insert Date of Board Agenda and Action)

(General Manager or Chairman/President)

TO: BOARD OF DIRECTORS
 FROM: MARIO IGLESIAS
 GENERAL MANAGER 
 DATE: April 22, 2022

AGENDA ITEM
F
APRIL 27, 2022

GENERAL MANAGER'S REPORT

ITEM

Standing report to your Honorable Board -- *Period covered by this report is April 3, 2022 through April 23, 2022.*

DISTRICT BUSINESS

Administrative

The District encourages residents to provide reports of any observed water waste. The District also keeps an accounting of leak adjustments as a measure of non-revenue water lost to leaks as well as tracking late fee waivers. The table below provides March and Calendar Year-to-date data for these items.

OFFICE ACTIVITIES

	Mar 22	Jan 22 - Mar 22
Reports of Water Waste	0	0
Leak Adjustments	5	9
Leak Adjustment Amount	\$1,743	\$3,868
Late Fee Waivers	0	22
Late Fee Waiver Adjustment Amount	\$0	\$758

On January 1, 2022, the District shifted to a monthly billing cycle from a bi-monthly billing cycle. During the first several months of 2022, the District did not assess late fees. The District will begin normal billing operations in May of this year, to include assessing late fees, providing customer payment arrangements, and discontinuance of water services for delinquent accounts.

Water Resources

	Mar - 22	Jul 21 - Mar 22
Groundwater Production	67.6	639.7
Supplemental Water Imported	<u>91.6</u>	<u>810.6</u>
Total Production	159.2	1,450.3

The District's total combined production, including groundwater production wells and supplemental water imported through the Joshua Road Pump Station, registered 159.2 AF for the month of March 2022. Imported water through the Joshua Road Pump Station once again exceeded the groundwater production and will continue to do so through the next several months as the District strives to maintain the 50% groundwater reduction goal.

NCSD GW Reduction

The District's purveyor customers, Golden State Water Company and Woodlands Mutual Water Company, each are responsible for 16.66% (cumulatively 33.33%) of the imported water NCSD brings onto the basin through the NSWP. Of the 1,000 AF minimum imported water from the City of Santa Maria, 333 AF or 33.33% of the total imported water – whichever is greater – will be credited to these two purveyor customers. The credited amount must be added to the District's groundwater pumping total every month to reflect the groundwater pumped by these customers in-lieu of taking imported water from the District. Table 2 below demonstrates the calculus for determining the District's adjusted groundwater pumping reduction.

Table 2. NCSD GW Production (NCSD GW Well Production plus Purveyor Credit)

	Feb-22	Jul 21 – Feb 22
NCSD GW Well Production	67.6	639.7
Purveyor Customer Credit (33.3% of Import Water)	30.5	270.1
NCSD Total Calculated GW Production	98.1	909.8
Average GW Production for 2009-2013	160.4	1,809.1
NCSD Percentage of GW Reduction	39%	50%

2022 Fiscal Year Groundwater Pumping Forecast

Table 3 projects the District's groundwater pumping reduction for the 2022 Fiscal Year. Under the current Stage 4 of the NMMA Water Shortage Response Stages, the targeted groundwater pumping reduction goal is to pump a total of 1,266 AFY (50% of 2009-2013 average District GW Pumping). July 2021 through March 2022 actual production and April 2021 through June 2021 historic production are combined in this table to provide a projected estimate year end status.

Table 3. Projected Groundwater Pumping

	Mar-22	Year-to-Date Jul-Jun 2022	Target	Over/(Under)	
NCSD GW Well Production	67.6	915.5			
Purveyor Customer Credit (33.3% of Import Water)	30.5	366.2			
NCSD Total Calculated GW Production	98.1	1,281.7	1,266.0	(16)	AcFt
Average GW Production for 2009-2013	160.4	2,533.4	2,533.4		
NCSD Percentage of GW Reduction	38.8%	49.4%	50.0%		

Table 4. FY 20201 vs. FY 2020 Groundwater Pumping

	Mar-22	Jul 21 -Mar 22	Mar-21	Jul 20-Mar 21
NCSD GW Well Production	67.6	639.7	70.7	670.1
Purveyor Customer Credit (33.3% of Import Water)	30.5	270.1	25.1	237.5
NCSD Total Calculated GW Production	98.1	909.8	95.9	907.6
Average GW Production for 2009-2013	160.4	1,809.1	160.4	1,809.1
NCSD Percentage of GW Reduction	38.8%	49.7%	40.2%	49.8%

Table 4 compares groundwater pumping for the same periods in 2021 and 2022. This view of the data provides operations with insight into year-end water production values and assists operational personnel in their efforts to balance import and groundwater production with the purpose of reducing groundwater pumping to meet the stated objective of 50% pumping groundwater reduction.

Rainfall Gauge

(Reported in inches)	Nipomo East (Dana Hills Reservoirs)	Nipomo South (Southland Plant)
March 2022 Total	1.03	0.99
July-2021 through June-2022 (Season Total)	9.88	7.96
Apr 1, 2022 – Apr 22, 2022	0.55	0.39
Total Rainfall to date	10.43	8.35
County Reported Avg. Ann. Year Rainfall	18.00	14.00
2006 - 2020 Avg. Ann. Year Rainfall*	15.39	13.30
2006 - 2020 Median Ann. Rainfall*	12.64	11.30

*Data from County website

Connection Report

Nipomo Community Services District Water and Sewer Connections	END OF MONTH REPORT											
	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22
Water Connections (Total)	4500	4500	4500									
Sewer Town connections	2726	2726	2726									
Sewer Blacklake connections	559	559	559									
Subtotal	3285	3285	3285									
Galaxy and PSSH at Orchard and Division Sewer connections billed to the County	480	481	481									
Sewer Connections (Total)	3765	3766	3766									
New Water Connections	4	0	0									
New Sewer Connection	4	0	0									

The Connection Report as of March 4, 2022

Safety Program

No Safety Incidents to Report

Supplemental Water Capacity Accounting

Summary Since January 25, 2008

	Number of Equivalent Meters	AFY
Supplemental Water Available for Allocation	947	500.0
Supplemental Water Reserved (Will Serve Letter Issued)	132	-69.7
Subtotal Net Supplemental Water Available for Allocation	815	430.3
Supplemental Water Assigned (Intent-to-Serve Issued)	179	-94.5
Total Remaining Supplemental Water Available for Allocation	636	335.8

As of April 1, 2022

Other Items

- COVID19 NCSD Response Plan Update [Attachment A]
- Dana Reserve – Schedule [Attachment B]
- Executive Department State of California – Executive Order N-7-22 [Attachment C]
- Blacklake Street Light Assessment District Ballots mailed April 18th

Meetings (April 3 through April 23)

Meetings Attended (telephonically or in person):

- Apr 4, Staff Mtg. - Admin Supervisor Mtg.
- Apr 4, Eng/Admin Coordination Meeting (Blacklake Presentation)
- Apr 4, NCSD Management Team Meeting
- Apr 5 through 18, Vacation
- Apr 19, NCSD Board Officer Meeting
- Apr 20, NCSD Management Team Meeting
- Apr 20, Rotary
- Apr 22, Staff Mtg. - Cust. Service Specialist

Meetings Scheduled (April 24 through April 30):

Upcoming Meetings (telephonically or in person):

- Apr 24, Staff Mtg. - Admin Supervisor Mtg.
- Apr 24, NMMA Purveyor Manager's Meeting
- Apr 24, NMMA-TG Meeting
- Apr 24, SLO County Solid Waste Meeting
- Apr 25, Dana Reserve Rate Evaluation – Tuckfield
- Apr 25, Eng/Admin Coordination Meeting
- Apr 27, Rotary
- Apr 27, NCSD Regular Board Meeting
- Apr 27, After-Board Exec. Team Meeting
- Apr 27, SDRMA Benefits Program Meeting
- Apr 28, SWRCB Compliance – CII Mapping Regulations
- Apr 29, Staff Mtg. - Cust. Service Specialist

Upcoming Water Resource and Other Meetings

Upcoming Standing Meetings:

- NMMA-TG: April 25 (Thursday) @ 10:00 AM, Zoom Meeting
- RWMG: No Meeting Scheduled
- WRAC: May 4th (Wednesday) @ 1:30 PM, Zoom Meeting
- NMMA Manager's Meeting: April 25th (Monday) @ 8:45 AM, Zoom Meeting
- NCSD Board Officer Meeting: April 29th (Friday) @ 10:00 am, NCSD Conf. Rm.

RECOMMENDATION

Staff seeks direction and input from your Board

ATTACHMENTS

- A. COVID19 - NCSD Response Plan
- B. Dana Reserve Schedule
- C. Executive Department State of California – Executive Order N-7-22

APRIL 27, 2022

ITEM F

ATTACHMENT A

Date: April 27, 2022 Board Meeting
Response Activities to COVID19 Health Emergency
Prepared by: Mario Iglesias, General Manager

DISTRICT RESPONSE TO COVID-19, Updated April 22, 2022

New Actions

No Mask Mandate

No Testing Mandate

Personnel on Quarantine

Office Personnel: 0

Operational Personnel: 0

Vaccine Update: (No Change)

Ongoing Actions

1. Testing available for Employees to test
2. Following SLO Co. Masking guidelines (Voluntary)
3. Following Cal/OSHA guidelines
4. Review SLO County EOC Status Reports
5. Office Rules for Safe Customer Management – CDC Guidance & Recommendations

Previous Actions

1. For the Month of September, District Staff Tested 44 times (all negative results)
2. Mask Mandate Requirement Update – As of September 1, 2021, masks must be worn indoors at public facilities.
3. COVID19 Rapid Test Kits secured from SLO County at no cost to provide weekly work-place testing.
4. NCSB Board Passes Resolution Declaring Emergency in District [Res. 2020-1550, Mar. 24, 2020]
5. Admin Office Closed to the Public
 - a. Meetings are virtual – Conference Calls
6. Discontinued: Split staff into two teams
 - a. See schedule on Response Plan
7. Received directions for FEMA Public Assistance – Cost Tracking Guidance
8. Governor's Executive Order – No Water Turn-offs
 - a. District instituted this policy as well as a No Late Fee – No Penalty Fees
9. Wipe-down between shifts
10. Each operator in separate designated vehicle.
11. Received additional PPE. Administration Staff will be on normal schedule 8-4:30 starting Monday May 18th
12. Operations Staff are on normal 7:00 am to 3:30 pm work schedule as of Monday, May 4th. County opened up construction sites.
13. Expanded Customer Service Work to include site visits for investigations (high bills, meter issues) week of May 11
14. Trailers for quarantine have been returned – May 1
15. District to begin wastewater sampling in conjunction with County effort to determine presence of COVID19 in communities – May 11

Date: April 27, 2022 Board Meeting
Response Activities to COVID19 Health Emergency
Prepared by: Mario Iglesias, General Manager

16. Temporary Admin Support Workers brought back to Office (Provider incentivized due to PPP Funds) – June 1
17. Lobby Modifications: Glass is equipped with speaker plates to allow the communication between customer and clerk without opening the sliding window.
18. Board Meetings open to the public.
19. County Offices Continued Closed with Appointments provided to some departments as needed.
20. June 18, 2020, Governor Order issued requiring face masks be worn in public places. District management purchased disposable face masks for staff, Board Members, and any public that attends District Board Meetings and lack a face mask.
21. The customer counter window modifications at the office are completed.
22. Capital Improvement Projects continue to be impacted and schedules for completion continue to be pushed back due to material delivery delays.
23. Administrative Office open to public – April 19, 2021
24. Mask Mandate in SLO County (reinstated on September 1st) will be lifted when:
 - a. The county reaches the yellow, “moderate” level of COVID-19 community transmission, as defined by the Centers for Disease Control and Prevention (CDC), and stay there for at least 10 days, and
 - b. Public Health Officer Dr. Penny Borenstein determines that COVID-19 hospitalizations are low and stable and area hospitals are able to meet the needs of patients.
25. County Health provided COVID19 Rapid Test that will get us through January 2022. NCSO requesting additional tests for February and March. The District has sufficient tests to sustain routine testing practices through January 2022.
26. February 16, 2022, Indoor Mask Mandate Lifted in San Luis Obispo County for vaccinated individuals.

Mask Mandate Status:

- Effective March 1, 2022, the requirement that unvaccinated individuals mask in indoor public settings will move to a strong recommendation that all persons, regardless of vaccine status, continue indoor masking.
- Universal masking shall remain required in specified high-risk settings.
- After March 11, 2022, the universal masking requirement for K-12 and Childcare settings will terminate. CDPH strongly recommends that individuals in these settings continue to mask in indoor settings when the universal masking requirement lifts.

Masks in California are still Required:

- On public transit
- In Emergency[8] shelters and cooling and heating centers
- In Healthcare settings (applies to all healthcare settings, including those that are not covered by the State Health Officer Order issued on July 26, 2021)
- At State and local correctional facilities and detention centers
- In Homeless shelters
- At Long Term Care Settings & Adult and Senior Care Facilities

APRIL 27, 2022

ITEM F

ATTACHMENT B

DANA RESERVE REVIEW SCHEDULE (AS OF 4/22/2022)

Date	Description	Comment
April 24	NCSD Review "Utility" Section of EIR	
May 9	Release of EIR	
June 9	SLO County Planning Comm. Study Session	
June 16	LAFCO Study Session	County Lead
June 20	Close Public Comment - EIR	
Q-1 2023	County Board of Supervisors	Accept EIR
Q-2 2023	NCSD Board	Annexation Application
Q-2 2023	LAFCO Review	

The above schedule is suggested and drawn from conversations from the County, LAFCO, and the Developer. This schedule is a rough outline and will most likely change over time.

APRIL 27, 2022

ITEM F

ATTACHMENT C

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at SaveOurWater.com provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

2020-2048 AF
15% = 307 AF
17408 AF

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable


Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

As Western Drought Worsens, Governor Newsom Moves to Bolster Regional Conservation Efforts

Published: Mar 28, 2022

Executive order calls on local water suppliers to activate drought contingency plans

Governor orders Water Board to consider ban on watering of decorative grass around commercial, industrial and institutional buildings

SACRAMENTO – Following the driest first three months of a year in the state's recorded history, Governor Gavin Newsom today took steps to drive water conservation at the local level, calling on local water suppliers to move to Level 2 of their Water Shortage Contingency Plans, which require locally-appropriate actions that will conserve water across all sectors, and directing the State Water Resources Control Board to consider **a ban on the watering of decorative grass at businesses and institutions.**

In an executive order signed today, the Governor ordered the State Water Resources Control Board (SWRCB) to evaluate the adoption of regulations banning irrigation of “non-functional” turf (or grass), such as decorative grass adjacent to large industrial and commercial buildings. The ban would not include residential lawns or grass used for recreation, such as school fields, sports fields and parks. The Department of Water Resources estimates this ban alone will result in potential water savings of several hundred thousand acre-feet. An acre-foot of water serves the needs of approximately three households for a year.

“While we have made historic investments to protect our communities, economy and ecosystems from the worsening drought across the West, it is clear we need to do more,” said Governor Newsom. “Today, I am calling on local water agencies to implement more aggressive water conservation measures, including having the Water Board evaluate a ban on watering ornamental grass on commercial properties, which will drive water use savings at this critical time. Amid climate-driven extremes in weather, we must all continue to do our part and make water conservation a way of life.”

A copy of the executive order can be found [here](#).

As the drought persists into a third year and conditions worsen amidst dry, hot weather, today's order called on the SWRCB to consider requiring urban water suppliers to activate, at a minimum, Level 2 of their customized Water Shortage Contingency Plans. These plans, required by state law, are developed by local water agencies to navigate drought and each plan is customized based on an agency's unique infrastructure and management. Triggering Level 2 of these plans involves implementing water conservation actions to **prepare for a water shortage level of up to 20 percent.** For example, in many communities, this would mean reducing the number of days that residents can water outdoors, among other measures.

To further conserve water and strengthen drought resiliency in this critically dry year, the Governor is encouraging suppliers, where appropriate, to consider going above and beyond the Level 2 of their water shortage contingency plans, activating more ambitious measures. The Governor has also ordered state agencies to submit funding proposals to support the state's short- and long-term drought response, including emergency assistance to communities and households facing drought-related water shortages, facilitating groundwater recharge and wastewater recycling, improvements in water use efficiency, protecting fish and wildlife, and minimizing drought-related economic disruption.

Today's executive order includes several other provisions that will protect all water users:

- **Ensuring Vulnerable Communities Have Drinking Water**
 - Cuts red tape so communities that need access to emergency hauled or bottled water can get it immediately
- **Safeguarding Groundwater Supplies**
 - Requires local permitting authorities to coordinate with Groundwater Sustainability Agencies to ensure new proposed wells do not compromise existing wells or infrastructure, as 85 percent of public water systems rely heavily on groundwater during drought
 - Streamlines permitting for groundwater recharge projects that help to refill aquifers when rains come
- **Protecting Vulnerable Fish And Wildlife**
 - Expedites state agency approvals for necessary actions to protect fish and wildlife where drought conditions threaten their health and survival
- **Preventing Illegal Water Diversions**
 - Directs the Water Board to expand site inspections in order to determine whether illegal diversions are occurring

The Governor's California Comeback Plan invests \$5.2 billion over three years to support the immediate drought response and build water resilience, including funding to secure and expand water supplies; bolster drought contingency planning and multi-benefit land repurposing projects; support drinking water and wastewater infrastructure, with a focus on small and disadvantaged communities; advance Sustainable Groundwater Management Act implementation to improve water supply security and quality; and support wildlife and habitat restoration efforts, among other nature-based solutions.

Earlier this month, Governor Newsom advanced an additional \$22.5 million to bolster the state's drought response. Of this funding, \$8.25 million will be used to increase educational and outreach efforts, including through the Save Our Water campaign, which is providing Californians with water-saving tips via social media and other digital advertising. The Governor's California Blueprint proposal includes \$750 million in additional drought funding, \$250 million of which was set aside as a drought reserve to be allocated in the spring, based on conditions and need.

More information on the state's response to the drought and informational resources available to the public are available at <https://drought.ca.gov/>.

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