

Groundwater Problems and Prospects_1_12_2015

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0:02:15 Speaker 1: Today, we're gonna actually start which will be a two class session program talking about some major developments from the arena of law and policy, specifically the Landmark Legislation for the first time in California creates a state wide planning process for California's regulatory system for California's groundwater resources. Some of you probably know California until January first of this year had the dubious distinction of being the only western state in the United States that lacked a system state-wide groundwater regulation and planning. Until a few years ago, Texas joined us in that previous distinction, but following their own drought several years ago, even Texas adopted a system.

0:03:10 S1: The two sessions today and two weeks from today. We've been informed that next Monday is a holiday. So, don't show up on, on... So, next Monday the 19th, but today and two weeks from today we're gonna be talking about that legislation from a couple of slightly different perspectives. For me at least and for those who kind of are policy and political wonks, it's a fascinating story of how the planets aligned and how legislation in California was proposed and enacted that until certainly the summer of last year, most commentators and observers thought would be politically impossible to get that legislation, done. So as a direct result of the actions of our three guest speakers today and the different organizations that they represent, this rather enormous and impressive political lift was accomplished.

0:04:14 S1: What I've asked them to do today is from their own distinct and innumerable perspectives to talk about the process that culminated in the passage of, and signed by Governor Brown, of the groundwater sustainability legislation last fall. They're certainly free to talk about, and I'm sure they will talk some about specific conditions in the legislation, but this week we're not going to do a detailed explication of the actual provisions of the law which were rather lengthy and complicated statutes. In addition to whatever insights they do preside in the course of their presentations that are this afternoon, those will be augmented two weeks from today when a distinguished King Hall alum David Aladjem who is a practicing water law attorney in Sacramento and I, provide a more detailed discussion of the key provisions of legislation and the timeline.

0:05:12 S1: So we'll start some of that discussion today, but this will be primary a policy, if there is a political discussion as opposed to getting into the legal and statutory revision of the actual legislation. So, we're delighted to have three distinguished speakers this afternoon and I'm going to introduce them I believe in the order in which they're going to speak. We're going to start with Tina Cannon Leahy, I want to raise your hand or wave at the folks.

Tina is the principal consultant for the California Assembly Water, Parks, and Wildlife Committee. There since 2010, she served as the Assembly's primary expert on water resource law and policy. The four jurisdictions of that Assembly Committee are: Water resources, flood management, fish and game parks and recreation, and wildlife.

0:06:00 S1: Before joining the assembly on its staff, Ms. Leahy spent nine years as a Senior Staff Counsel to the California Department of Fish and Wildlife, specializing in the Sacramento-San Joaquin Delta Water Operations and Management for endangered species and other water-related issues. And before that, she was an attorney working primarily on water law issues with the private law firm based in Sacramento of Somach Simmons & Dunn. If that were not enough, she is an active member of the executive committee of the California State Bar Environment Law Section, and most importantly, from my parochial perspective, she, as a proud alumni herself of this institution, the UC Davis School of Law, she is kind enough to devote some of her time to serve on the advisory committee of the California Environmental Law and Policy Center, which is based here. So that's Tina. Cindy, are you going next?

0:06:55 Cindy Tuck: Yes.

0:06:55 S1: Yes. Cindy Tuck is Deputy Executive Director for Government Relations, with the Association of California Water Agencies, better known by its acronym ACWA. She leads ACWA's government relations work in Sacramento and Washington, DC. Before joining ACWA, she, like Tina, was in the executive branch of State Government, in a high policy-making position. She served as Undersecretary of the California Environmental Protection Agency, I believe in the Schwarzenegger administration?

0:07:27 CT: Schwarzenegger environment.

0:07:28 S1: Yes. Cindy holds a Bachelor of Science degree in Civil Engineering and a Master of Science degree in Environmental Engineering from the University of Illinois. And she's one of the rare people who is a licensed professional engineer and an attorney in the State of California. That's a rare combination, and one that will serve her well, I'm sure. Serve us well, in connection with her presentation.

0:07:52 S1: And last, but certainly not the least, we have Kate Williams, who develops, implements and oversees water management strategies and projects for the California Water Foundation Program, which is an initiative of the Resources Legacy Fund, and hopefully Kate will be telling you both... Telling you about both of those in more detail. The reason she's here is that she was the lead at California Water Foundation to develop and promote passage of the Sustainable Ground Water Management Act, the legislation I was telling you about. Before joining the Resources Legacy Fund, she worked for more than 30 years in numerous roles in natural resource management legislation,

to serve previously as principal consultant on natural resources management, comprehensive water legislation to a couple of members... Distinguished members of the California Assembly, one of whom is now a member of Congress, and the other is Secretary of Natural Resources.

0:08:46 S1: I first met Kate when she served as Assistant Director for Policy and Finance, and as Restoration Coordinator for the California Department of Water Resources, and was senior fiscal policy analyst at the California Legislature's office. She was a key coordinator for the CALFED Bay-Delta Program in Sacramento with which I had the chance to work with her. Kate received her Master's in Public Administration from the University of Washington, a Bachelor of Science in Environmental Planning Management from UC Davis. So welcome back to you as well.

0:09:16 S1: So we're gonna start with short presentations by each of our folks, and then they're gonna... We're going to morph them into a panel and engage in some interaction among themselves and with you, the audience. And I would be remiss, finally, if I didn't welcome and said a special "hello" to Harrison "Hap" Dunning, who is Professor Emeritus here at the law school, where he is one the state's foremost experts on water law and policy. So, welcome, Hap. Tina.

0:09:54 Tina Cannon Leahy: So, it's a pleasure to be here, and I wasn't really nervous coming here, but now that I see that my water law professor, Hap Dunning is here... [laughter] He's the reason why I got into water, now I'm a little bit nervous, to be honest. So, it is a tremendous pleasure to be here, and Kate and Cindy and I had an interesting year. It was a very difficult year, and we hope to impart in you some of what we went through lately. So I've been doing water law for over 15 years, and I've been doing policy for five years at the Legislature. If you had asked me two years ago, if we could pass a sustainable groundwater act of any kind, I would have said to you, "Wow, that would be great! We really need to do that." I think anybody would say to you, "That would be great and we really need to do that," and obviously never gonna happen.

[laughter]

0:10:44 TC: It's just never gonna happen. It's what's been referred to... You've probably heard it referred to as the "Third Rail of California Water Policies." When they went to the permit system for water in 1913, people were talking about groundwater, and they couldn't face it. And each time we came back to it, there just was not the political will to be able to take on something of that magnitude. So, a little bit about what I'm going to talk about today. It's what... What was it? What was the difference last year that actually enabled us to get to this? How did the stars align? And a big part of that is what Cindy and Kate are going to talk about at their organizations. So, first let me tell you, people are always confused by what a policy consultant is, or people are

often confused, if they're not at the Legislature.

0:11:32 TC: So, a Policy Consultant is an employee of the Legislature. You work on a committee that has a certain policy jurisdiction, and then any piece of legislation in that jurisdiction comes to you for analysis. So, I do the public analysis of the bills that goes to the members, and then they vote on it in the Policy Committee. I'm going to get to that in a minute with a slide, just to talk to you a little bit about the process. So, that's sort of job one.

0:11:57 TC: The second thing that a policy consultant does is arranges for information on oversight hearings when you bring people in before the members of the committee on a particular subject, and it can either be an informational kind of hearing, or it can be more the oversight function where the legislative branch brings in the executive branch to sort of call them on the carpet about certain things. How is that law being implemented or why isn't this being done. So, that's sort of second function that a Policy Consultant has, and the third function that we have is that we actually establish legislation, which is an interesting perspective for us because when we're analyzing legislation, people are coming to us and they're trying to convince us as to why something is a good idea or a bad idea and influence the analysis that we do.

0:12:42 TC: Then we have to put the hat on and be that person that goes and talks to other people about why that legislation is a good idea. And with this groundwater bill, I had to wear every single one of those hats as a lot of people had to do a lot of different positions. So, what we had talked about amongst ourselves is, "I'm gonna sort of start in the beginning and then go to the end from my perspective of what I saw happening at the legislature." And then, Kate and Cindy are gonna sort of tell you, it'll be like the movie Go, if any of you are familiar with the movie, Go where the movie starts and then it ends and you're thinking, "What?" And then, it starts again; we'll be a little bit like that, maybe. So, but in the end, you should have an overview of how this actually happened, and I'm very disappointed to hear that this is going to be recorded, so I have to behave myself, which is always very difficult for me. [laughter] So, I have to give that disclaimer that I am speaking on my own behalf and not on behalf of the committee or the assembly or anybody else. These are my own opinions. So, what was it that made the difference?

0:13:42 TC: Well, the big thing that made the difference which will probably come as no surprise was the drought. The drought really served to focus people's attention on water issues generally, but on groundwater specifically. Groundwater is about 40%. I don't know if in the last class they went over this, but groundwater is about 40% of our local supply of water in California in a normal year, if there's such a thing as a normal year in California. There actually isn't, by the way, piece of trivia. When you're looking at water years in California, there's no such thing as normal. It's either above or below or very wet or dry or frequent dry.

0:14:18 TC: So, but in our, "normal year" 40%; in drought 60% or higher, it shoots way up. The surface supplies are not available. People start to tap that groundwater and the problem that we have in California is we have been tapping that groundwater and tapping it really hard. So, we were in state of overdraft which is where you are taking out more water than is naturally coming back into the basin in many many places in California. It was manifesting in physical impacts; infrastructure was cracking, land was subsiding. One of the most horrifying things I saw, was a big sink hole that has formed because the land has subsided and the water would rush into it, pick up the sediment, carry it downstream and dump it in all the flood control structures that were downstream. Meaning the next time we get high water here, those people are imperiled by that. So, there was lots of things happening, like wells going dry. One farmer's well going dry because another farmer had dug a deeper well or they felt was doing greater extraction. And so, all of those dynamics were coming forward to really crystallize in the minds of everyone that we needed to do something about groundwater, and we needed to make it sustainable.

0:15:31 TC: So, here's the next thing in my mind that happened that was a huge game changer. So, the Governor came out with what he called the California Water Action Plan and it was a five-year look at how we should build our investments for water in California. And, it had a lot of things in there. It had storage, it had conservation, water quality issues. But in the storage section, he did something astonishing. They put this language that if there was a basin at risk of permanent damage, and that local and regional entities did not have the sufficient progress to correct problems, the state should protect the basin and its users until an adequate local program is in place. They were fighting words. That's telling you, that if you on a local level are not going to manage your basin sustainably, we the state, we're gonna do something. We're gonna come in and we're gonna assert our authority. And the State Water Resources Control Board has very broad authority under article 10 section two of the constitution against waste and unreasonable use of water. And so, the threat was, that the State Board is gonna come in and maybe start managing groundwater or take some action that it was a waste and unreasonable use of water to continue to deplete these basins.

0:16:50 TC: Well, that was one thing that came out last December. And then, the government followed that up with a budget in January. And in the budget, he didn't just have a statement, he had \$1.9 million and 10 positions for the State Water Resource Control Board to really make this happen. That got everybody's attention including the legislature. So, at the legislature and if I do a little bit of inside base flowing, you guys can call me on it and I will answer questions later. But at the legislature what we want is for something that's a major policy initiative to go through the policy process. But there are other ways at the legislature that you can get things done. One way is through the budget. So what happens is, the Governor will propose the money, like this

money, \$1.9 million, okay. Then, there's what we call a budget trailer bill. That's a bill to implement the budget. Now, you would think it would be straightforward. It might just say, this many positions and this and that. But that can grow to encompass a lot of things. A bunch of trailer bills, can end up having a lot of policy in it. And it doesn't go through the full policy process that a policy bill goes through.

0:18:01 TC: So, there were already discussions at the legislature about how we might regulate groundwater. This crystallized it for us. We thought if we don't move as a legislature, the Governor's office is gonna move and they might do this through a trailer bill. So this is what I mean, this bewildering slide is what I mean about a full policy process. So I'm not gonna do the whole, "I'm Bill, [0:18:24] [REDACTED]."

[laughter]

[overlapping conversation]

0:18:28 TC: I'm not gonna do that whole thing here. But these are the steps that a bill goes through, right? It originates in one policy house, it goes through policy committees or public comment. If it passes those policy committees, it usually goes through fiscal committee again, there's an opportunity for people to weigh in, to refine that bill. It goes to the floor of the house that it originates in, if it's voted from there, it goes to the other house, it starts all over again. So there's lots and lots of steps that you have to take input from folks and to refine a piece of legislation. That is the process that we wanted any groundwater legislation to go through.

0:19:06 TC: So this is how it began. Senator Fran Pavley, she introduced her bill as the 1168, she's a senator, she's a senior member. And she felt that it was proper, she had engaged in the groundwater arena before successfully sometimes, sometimes unsuccessfully. She felt this was gonna be her bill. So she wasn't exactly excited when a senate member, Roger Dickinson in the other house also introduced a groundwater bill. Sometimes members they feel that they have their marker out there, that's kind of their turf, this is what they're gonna do. And if another member comes in and they throw a marker out, sometimes they can feel infringed on.

0:19:46 TC: This was another moment, at the time I don't think people realized it, where we were laying the path of success. Because what we had was two vehicles in both houses and I'd like to tell you it's different but it's not, it's kind of like you're the Giants or you're the Dodgers, the house wants to have the responsibility for getting that policy measure through. By having a vehicle in both houses, both houses have a reason to wanna engage. So that turned out to be genius. And in the end, those authors ended up being co-authors on each others bills. That sent a message, that is almost unheard of, that sent a message to everyone and she couldn't go around them, they were

talking to each other, they were on each others bills. And the administration had engaged.

0:20:34 TC: So we have the bill from Senator Pavley, it was kind of a bare bones bill starting with groundwater. And we have Senate Member Dickinson's bill. And what they were doing was they were working with the two organizations that are here today that are gonna talk to you further about their role. So Senator Pavley, who's working with the California Water Foundation, Kate's organization, and Assembly Member Dickinson was working with the Association of California Water Agencies. They were able to bring an enormous level of stakeholders together and processes that they're gonna go into. They were the other piece that was almost unimaginable. An organization like ACWA, and I just have to hand it to Cindy and her organization, they came out with these recommendations for achieving groundwater sustainability, and ACWA's a very diverse organization of water agencies. And Senator Pavley had this in her hand when she was giving testimony on her bill, and she says, "This looks like the Natural Resources Defense Council wrote it."

[chuckle]

0:21:36 TC: I mean it was one of those moments that was just, they took a brave and bold position on that, which was hard for them and Cindy will talk about that. I'm sure that was... Probably I got a few gray hairs from that. It was very, very intense. At the same time, and Kate's gonna talk about this more, the California Water Foundation have been doing this incredible outreach, have been coming up with their own report and laying their own framework by talking to people and engaging a great deal of stakeholders, which she'll go into.

0:22:07 TC: So you had Assembly Member Dickinson working with ACWA, you had Senator Pavley working with the California Water Foundation. And at the same time you had the administration who actually came out with their language on the internet. So if that sounds confusing to you, to the stakeholders it was a lot. You had two bills and a set of administrative language that were out there. So what we ended up doing was, working together to bring the two bills and the administration's language into one integrated set of language in the legislature. I have never seen anything like that happen.

0:22:45 TC: The administration was holding meetings, daily sometimes. I mean several times a week in the Governor's office. I now know what every single room in the Governor's office looks like that you would hold a meeting, including his office, which is awful. He has a picnic table that you sit on.

[laughter]

0:23:04 TC: It's an actual picnic table, there's no backs to it, there's no arms or anything. It's the benches on a picnic table, it's meant to make it concise, I guess. He wasn't in there when we were in there. But the picnic table meeting was brutal. But the Governor's office began holding meetings where we had a high level of people, you had agencies' secretaries in these meetings, you had deputies of agencies in these meetings, you have the author's offices in there, their staff, technical staff from what we call the legislature's attorneys which is the legislative council's office in there. And we were doing this drill weekly, and toward the end you would get a call, "You gotta be on a call at 8 o'clock at night." "We need you there tomorrow morning." "We need you here." "We need you there." "We need you to look at this language." "We need this changed." It was incredibly dynamic.

0:24:00 TC: I have never seen anything like this at the legislature, where you had everybody rowing together. And the personalities that were involved, where people were extremely respectful of each other, extremely open to hearing how we could make this successful. It was extraordinary, an extraordinary level of effort, and if you have questions about that later, I have stories. I have to be a little careful what I say, because now this will go beyond this room, but it was a... That is not usual. So, in the end, we got three bills to the Governor's desk. And so, one of the cliffhangers was, we had our two bills, we had our integrated statutes, usually the assembly and a senate will break for a recess in July. July, the members go back to their districts, it's a little quieter for the staff, not our July. July, we held four public meetings, they were attended by sometimes 100 people in a room, sometimes 100 people on the phone to take input into how we further develop these bills to be successful bills.

0:25:13 TC: We came out of those meetings in August with our integrated set of language, got almost to the finish line and the Governor's office said, "That's not enough." We have stakeholders that aren't happy with the bills, we need to make changes. We said, "We're out of time to make changes." There comes a point in the legislative calendar when you can't vote without extraordinary effort and you can't make changes anymore, you're just supposed to have a final bill. So, they pushed for a third bill, which was SB1319. So when you see that in your discussions, if you guys talk about the bills individually and what they did, the administration came forward with that final bill that they said whatever it is they had to have. And we integrated that third bill and then all three bills went to the Governor as a package, and he signed them, which was an extraordinary moment for all of us and here we are.

[laughter]

0:26:05 TC: After the signing of the bills, during what was an incredibly intensive legislative season. So, for me, it was the draft. It was the office themselves coming forward. It was the Governor coming out in the California

Water Action Plan with unbelievably brave language that I think even shocked some of his agencies. It was the budget saying, "We're not just talking about this, we're gonna make this happen." And, it was these two organizations working intensively with the authors to bring stakeholders onboard, who are not your usual coalition stakeholders. So, it was a big tent effort and in the end probably the big tent effort was a success. So, that's my opening presentation and now I'll turn it over to Cindy.

[pause]

[laughter]

[background discussion]

0:27:45 CT: Thanks to Professor Frank for inviting me to be part of this panel today. It's a pleasure to be here and I'm very excited that there's both engineering students and law students together in class. I think that's fantastic. My theme is really collaboration and leadership and as I go through this, I'll take my privilege to make a couple points to you as students. Things that I've learned along the way that I think are helpful lessons. Things that I didn't learn when I was in engineering and law school. So, on collaboration, when you look at legislation there can be, as you probably know, there can be very simple bills. Where an author wants to do something, he or she introduces a bill, moves it through that chart that Tina showed and gets it signed or it's vetoed. And that's an easy one. But, on the other end of the spectrum it can be very complicated bills, where the politics are complicated and the substance is complicated and that's what we were dealing with here. Probably that far end of that spectrum. And as Tina said, this act could not be, basically could not be state law if there had not been collaboration.

0:28:57 CT: Now, collaboration sounds like a very friendly fun term, and I will say I do enjoy working with these two ladies in our organizations, and working with the legislators, the team that I was working with. We enjoy working together, but this was not easy. There was, in the case of people having a good sense of humor, there was some fun, but this was very intense, in just hours and hours of work. It was a very challenging collaboration, but it was the key. If that had not happened, this law would not be state law at this point. So, before I get into all the presentation, I wanted to give you a little bit more background information about the group that I represent, ACWA. ACWA has been around for over 100 years, which I find fascinating. We represent about 430 public water agencies. So, you may not think too much about where your water comes from, that it comes generally from the public water agency, and they are local governments. It can be a city. It can be a special district, for example. If they are... These public water agencies are local governments.

0:30:09 CT: Our members, when you combine them together, they provide about 90% of the water in the state of California, public drinking water, for ag,

for growing the crops that we eat, and also for the business community. They cover the state of California, and you can see in this slide, this map, we organize around 10 regions. Our board of directors, we have 36 directors, and there are two directors from each of those regions plus other members. And so, they represent a state wide perspective. Our state legislative community is under [0:30:48]  events. They take our positions on state legislation, and the process is set up to infer to all of our members. So, on that committee there are four members from each of the 10 regions.

0:31:03 CT: So, for example, a irrigation district up in North Sacramento Valley has an equivalent vote on this committee as Metropolitan Water District of Southern California, which is a very large agency. And I like that. Everybody is on the same footing when they come to that committee. It's a fair process for all of us. Bottom line three, when you into the capital to meet with Tina or to meet with a legislator or we walk into the state agency, we're representing a state wide perspective and that's what makes our group unique. We try very hard not to be, sometimes when your state organizations sort of have a common denominator perspective, we try to avoid that. Our board, my boss, I personally, myself am trying to lead and move California in a positive direction for water management in California. So, that's some background about ACWA.

0:31:59 CT: Now, this slide reminds me of where Tina started. Obviously groundwater management is one of the challenges we face in water. We face a lot of challenges. This slide, this is a picture from Folsom Lake, and there's people out there walking on the lake bed and so as Tina mentioned, the drought really changed the situation at the capital. And it was one of the drivers that made it possible for this law to be enacted. But it just shows the kind of challenges we face. From an ACWA perspective, we sometimes, people want to focus on one solution. They wanna focus on conservation or they want to focus on recycling. And representing water managers around the entire state, we say that you have to have a comprehensive plan. You have to be looking at every possible tool. So, when we talk about comprehensive water strategy; we say we need to conserve, we need to store, we need to improve management of water in the delta, we need to manage groundwater, which this is focused on this chart, we need to have safe drinking water, and we also need to work on our ecosystems and habitat.

0:33:19 CT: Now, obviously groundwater is a huge part this. As Tina mentioned, drought has exasperated the situation. We had, I think it's important to note, that there's many areas of the state where water managers have been managing groundwater in a sustainable way. There's not a problem in every groundwater basin around the state. But there are some significant problems and drought has exasperated that because when surface flows are limited then in, particularly, for example, farming, they need to pump in more groundwater. So, that's exasperated the situation. In 2013, we had another dry year and more groundwater problems. There began to be significant focus

in Sacramento on groundwater management. This slide is a photo from the Sacramento Bee and there's an article about parts of Merced County were sinking.

0:34:15 CT: And when we talk about subsidence, we're not talking about centimeters or inches, in this case we're talking about feeding in and [0:34:23]  subsiding. And so, then you have concerns about infrastructure subsiding and this kind of problem, this can have a huge cost to the state and to the local areas where it's happening. So, major problems. And this kind of attention, I think the discussion in Sacramento and around the state just escalated, and certainly within ACWA, our leaders were talking about groundwater and how do we solve the problem?

0:34:56 CT: So, what ACWA did was lead. And I wanna take just a second, this is one of my personal privileged moments, where I want to say to you, engineering school, law school, nobody was teaching you how do you become a leader, right? You're learning a law. You're learning... You wanna pass the Bar. That's your focus, et cetera. Then how do you lead? In this situation, it's having the vision of what needs to happen. We can apply that in so many things that you work on in the future and in your personal life, is having the vision, of what needs to happen. But you have to... To be a really effective leader you have to combine with that vision the ability to make that happen. And it may be you doing the steps, or it may be you managing people that you, who work for you to get those steps done, but you need to have the vision and be able to implement it and get to that outcome. And if you can do that in your careers, you will succeed. So that's my personal privilege point.

0:36:05 CT: Okay, back to ACWA, so our leadership said that we want there to be sustainable groundwater management in California, and part of that relates to having more local control and locals stepping up and managing the groundwater appropriately. And they said if there's gonna be legislation, we want to write what our suggestions are, what our recommendations are for how we will do this. So, our board created a task force and it was a board level task force, not just a regular committee, so everyone on this task force was at a board of directors level with and/or more, and they had some core principles when they started, and those were on this slide, the things like respecting property rights. Groundwater is directly associated with the land and land owners and land, local land use, and that's why it's very important that we manage that at the local level. So we wanted to protect local control, but we also wanted to make sure that there was a program that resulted in sustainable groundwater management, and our board decided that they wanted to be bold; they didn't want to have just to have a little...

0:37:21 CT: Sometimes in the legislature, it's good to have incremental part in this, in that it's good to know when that's important and when that's not important. But this was a case where they didn't want just a little step, they wanted a real solution that was gonna result in sustainable groundwater

management action. So bold action. The timing of this was critical, and as Tina mentioned, there were some things happening which helped drive the timing and for example, when you start a normal ACWA process, they will work on a board, they'll have a task force, they'll work on the framework. It may take a year, it may take a year and a half to get that done. Very focused discussions, rolling up your sleeves and hard work. It takes big... In past times, they have taken significant amount of times, but some of the signals we were looking at, as Tina mentioned, the administration in 2013 was developing the California water action plan. It had a good section in it on groundwater management. Tina put up a [0:38:24] [REDACTED] point about, having the State step in and the locals were enacting.

0:38:30 CT: Another part of what the administration wrote was that the locals need the tools to act. They should be managing the groundwater sustainability. And so our board agreed with the concept the administration has, local control, get the locals that fills the need, but if they don't act then the state board could intervene. As Tina mentioned, there were references to having the budget trailer bill, and it... I'll bet you a trailer bill doesn't go through as transparent of the process as a regular bill goes through, and some people would say sometimes they get written in the dark of night, and we thought you know, the groundwater act this needs to be very public, it needs to go through the traditional process, kind of a [0:39:14] [REDACTED] process.

0:39:18 CT: And when you go through a regular bill you have to have that through your first house and last year we [0:39:25] [REDACTED] separate. So what I said to our board was I'm so glad you're gonna be providing these recommendations, but if they are really going to affect legislation, you need to have them finished, approved by the end of March so that they're ready to go for discussions in April because there will be hearings on bills on April, and you know, we'll look at how are we supposed to get this done? That's not our normal timeframe, but to their credit, they realized if they were gonna be proactive and really help write what the program would be they needed to do it so they stepped up and they did it.

0:40:08 CT: But that's a lot harder obviously getting something done in four months than getting it done in a year or a year and a half, but they did it. So this is a copy of the final, a fancy print version of our recommendations, and the task force finished them in March of last year, they went to the board and our board approved them unanimously at the end of March. And our board doesn't always have a unanimous vote on things, and to have a unanimous vote on this set of recommendation, was historic and so you know, from our perspective that was a moment of water history when ACWA board approved those recommendations unanimously. So then we shift to a political process, and again we're sort of in a time where, as Tina said because and we're talking about the same processes, but again there were two members and right after our recommendations became public, we were contacted by Senator Dickinson's office that he would like to carry a bill with our

recommendations.

0:41:18 CT: And we talked about that a little bit, decided we were tickled with that, we were pleased and said yes, and so we immediately created a drafting team with several experienced in [0:41:28] [REDACTED] and by the way it's always good to have non attorneys in drafting teams with attorneys. So the person who aren't gonna be [0:41:38] [REDACTED] influenced, just make sure your partner comes to discussions because it's very valuable. So anyway, drafting, and I don't know how many of you... How many of you have ever tried to the write a bill? Or write a section of statutes? But that's... Okay, so we have one person back there. So hopefully, and by the way, we suggest if you ever, any of you have the opportunity to work on a bill, work on a bill because it is fascinating the first time you do it to see how it actually happens. And for me I got the bug and I wanted to do it a lot. Other people were sort of, "Oh my gosh! I'd never want to be a part of this!" But it's very interesting. But it's a skill, so some of you as attorneys may, if you get into public policy work, you may eventually write statutes, and it's definitely a skill that you learn with time.

0:42:34 CT: I should say a few things about the process. There were a lot of meetings as Tina mentioned, in the Governor's office. We had a negotiation team that provided to this process with a few people. One, they used an advocate at ACWA, she's an attorney, a second person who's an attorney and had groundwater experience in the field, and then one of our board members who is a general manager has a lot of experience in groundwater. And they were, I think, an excellent team who represented us very well and frankly, when you work on a bill, like... Or three bills in this instance, but when you work in this kind of process, I describe it as it's your heart and your soul. When you go to the meetings that Tina described and they are often multiple days in a row and they go into the evening and we have to come back the next morning, if you're really gonna be part of that process and represent your organization in the way that you should, it's... You're really giving it your heart and soul for that period of time; for those four to five months, it's exhausting. But it's obviously very rewarding when something comes out of it.

0:43:49 CT: Now there were times when we all worked on the bill and nothing that comes from it, and that's the way it is. That's legislature. But in this case, all the hard work really paid off. I will say there were, obviously, a couple of bills during most of the session, lots of versions of those bills. So from an internal process, we had to make sure our members were updated on what the bill said, when our committee took positions on the bill, we were also advising them of what to expect next, because by the time that bill was in plan, the people who were negotiating all the details were already writing the next version. It was constantly evolving, and you really had to be... You had to keep up with this day to day weekly, this wasn't something you could come in and out of, if you were part of this, you were committed to the process.

0:44:44 CT: Ultimately we were... ACWA was able to have a language in the bills that allowed us to move to a support position, and one thing about advocacy and Sacramento, if you... If your organization made you start at an opposed position and then you move to neutral, but maybe you go from opposed to support or support it when it just worked, when you ultimately get to a support position, in effect, that means you're committed to working at the capital for votes. So once we moved to a support position, we were in the halls working to get some support votes for this measure, even though some of the organizations that we often worked with had opposed positions, and they were not happy with us working for votes. But you... Your actions should be consistent with what your position is and frankly, the, the three bills just are very consistent with the... Our recommendations that are board-approved.

0:45:44 CT: So the vision was realized and Tina had this... Our similar photo that's [0:45:49] [REDACTED], although I think it's hard to see here, but there was a letter from several legislators, a large group of legislators who asked the government to veto it. So I just wanna emphasize this wasn't at the end where everybody's happy, and on the water bond, it passed almost unanimously and everybody was happy, but on this, there were a lot of stakeholder groups that were opposed to it or up against it, there were legislators trying to get me to... They were not happy. So it's important to see the whole picture here. But for the stakeholders who worked on it, our respective organizations, they were all very pleased that it passed with time and it does set forth a path for sustainable groundwater management in California.

0:46:40 CT: I have just a few more slides. This slide, and you're gonna hear more about this next week, but in short, you know what the law says is "locate your local groundwater agencies and come up with plans for sustainable groundwater management, there'll be a deadline." And it gives them a lot of tools, for implementation and I'll mention that, there's deadlines, and there's a fast stop. So all of these things were consistent with the recommendations that are [0:47:10] [REDACTED]. The new local tools, it's empowering these local agencies to do things like register wells, and assess fees, measure extractions, file reports, manage extractions, and these were all the tools that we thought, or these are examples of the tools that we thought were critical, and the administration and the legislature also thought were critical.

0:47:38 CT: And the last thing I wanted to mention is when a law passes at the legislature, that's not the end. Then things shift to an implementation phase. And so our members are already working on implementation, the first really big step is formation of these GSAs, the Groundwater Sustainability Agencies, so right now, members are looking at what information do they already have? Current conditions? What management plans do they have? Whether the information reps are gonna have to fill to conform with the new requirements? That first step of forming that agency, they're looking at who will they need to partner with, which form of governance should that be? There's some flexibility in the law for how that works, so those conversations

are all happening to set foundation through this first step. So, it's January, where are we middle of January, the laws didn't effect since January 1, but the agencies are already implementing it because they want implementation to succeed. So, with that, I'll turn to Frank, and I appreciate being here today.

0:48:48 S1: Thank you. Alright, so you've heard two-thirds of the story. And in a sense, you know, the fact that the legislative staff and the legislature itself will be actively engaged in this process is not surprising. The fact that stakeholders and ACWA certainly represents a major category of stakes, stakeholders in the water debate, that they would actively engage is not a surprise, in fact the result was a pain. It's a big surprise to many as Tina mentioned. What is new though, I think, I would submit, is that the non-profit community, non-profit organizations are only recently in the world of California policy and projects stepping up in a very systematic organized way to engage in this process, and I would submit that this is the two elements you already heard from are critical to the passage of this legislation, that it still wouldn't have happened without the active and thoughtful participation of the non-profit community as indicated by Kate. So let's call that part of the story next.

0:49:54 Kate Williams: Okay, thank you also for inviting me here. I haven't been back on campus or a classroom, over 30 years at this university but I have a lot of good memories and good time, although I was kind of a lousy student, but I seemed to work okay some how. So I'm gonna give you an overview of what I'm gonna talk about, who the water foundation is and give the importance of groundwater. And I won't cover what's already been talked about, trying to get through that, but I wanna focus on the policy landscape of when the water foundation started looking at groundwater in 2011 and the challenges at stake, because it wasn't last January that we were starting this so it was just three years ago, as ACWA was involved, we necessarily wanted to, and then with those challenges that clearly directed us in one way or the other to implement our actions over a two to three year period.

0:50:53 KW: So the water foundation formed in 2011, it's actually a program within Resources Legacy Fund. The organization, these two organizations take on multiple and natural resource issues. This one again is funded through philanthropic funds all so far, and when we take that and we enroll with our funders, in fact the [0:51:17] Foundation are one of our main funders, we help form what policy direction we're gonna build and what actions. And so ours is sustainable water management in California, cities, counties, city's farms and the environment, so it's not like as you might take the non-profit in many ways. It's an environmental organization, we're working for sustainable water management. So we take policy issues, we take programs, and we move them through a policy forum, through a research forum, through a demonstration project. So we have a broad set of tools to work in, and we use them all in the groundwater world. The groundwater program was a key part of our program when we started. You can't have sustainable water

management in California, without some kind groundwater management, and we didn't have it as Professor Frank already said. And so to even say that Texas had surpassed California was one of the things we used to get people's attention.

0:52:18 KW: I mean even Texas has it; that's what we would say. So yes, these numbers that we have here on the slide are numbers that we actually were working on in 2012 and pulling them out of the boudoir and saying what are these numbers that make groundwater important? And so this number of going over 60% in the drought it shows a big change. The key part of groundwater is that it's buffered during dry, you actually should be drawing down your reservoir, your groundwater during times of drought, that's what it's supposed to be for and but you're supposed to be then replenishing it during times of wet years, and that's what wasn't happening. So these are the list of the problems, I'm assuming Professor Fogg probably went through these, but this really laid the foundation for what we were facing and what we needed to communicate to get people to act. So most of the people didn't understand groundwater, as it's been viewed as a third rail, there wasn't a lot of attention on it and so, but impacts were starting to show up and we were looking for how to make those more understandable.

0:53:26 KW: So, when we started this process in 2011 we said, "Okay, how are we going to improve groundwater management in California?" And we believed that the water foundation was gonna do a policy change. It wasn't gonna be something that was technical research that was gonna make the change, it wasn't gonna be administrative, it was gonna make a state statue and with that, we look at these three components of what... We could break down the challenge into these three components. I think it helps you understand where you're starting from. On any policy, you should see what your challenges are and really understand them, because that will shape your implementation. So as we said, with the third rail it was viewed as impossible. So, as a result, there was very little of attention on this. The Department of Water Resources was doing a lot of work on the Delta. There was a lot of focus on the Delta. There was a lot of focus on the bond. And there really wasn't an active groundwater program at DWR at all. So there wasn't the attention or the data, 'cause also we looked at how is it... What efforts have been tried in prior years for groundwater legislation? And we saw that they failed. And we had some changes in 2009, but it was a weak effort, and even 2009 was a comprehensive water package.

0:54:46 KW: So you look at who the supporters are out there which is only environmental groups, and they weren't even that stacked up to promote groundwater reform. So, we needed to build coalitions and we needed to look at the opposition. The opposition was so strong. It was an agricultural opposition. Historically it would have been ACWA opposition on most of the bills. So, we had to work to see how to break that dynamic and see what kind of new coalitions could be built.

0:55:14 KW: So, also what was in front of everything it's the anti-state regulation. Anything that you wanted to do, you had to really think, "If locals implemented it, they didn't want the state to do it, they wanted to do it themselves." So that really kind of influenced the policy framework as well. The other is the state agencies. There's so many state agencies involved in groundwater that it wasn't just one we were gonna have to work with, it's multiple. And at that point, they were distracted like others on the Delta and on the bond and not as focused on groundwater. So it was a difficult starting point, is kinda the point.

0:55:51 KW: So under the technical challenges, we've already said it's really complicated. The problems are varied around the state and there's a lack of data. I think as you learn more about groundwater you're gonna learn that they've been so successful over the years through the agricultural interests and water agencies to not share data. There's no requirement to measure groundwater use. There's no requirement to report your groundwater use. So with that, and every time it's been requested, and through legislation or some other form, it had been defeated, that with that we were trying to promote change in groundwater, but we had a lack of data, and that was really what presented the problem.

0:56:34 KW: The other was communication. So we're gonna try and make this big amend in groundwater legislation, but we don't know how to explain the problem and we don't know how to show the problem. It makes it very difficult. It's not like a dry reservoir. I can't put a visual picture of your over-drafting groundwater basin out there. So here we were saying we needed to build coalitions, but we couldn't even communicate the problem.

0:57:00 KW: There's also... There's no positive image. We didn't have a fuzzy creature we were saving. We didn't have salmon, and the subsidence doesn't even show you a good picture. It's kind of a blip up here and it kinda just looks lower. There's nothing that really helped. So, we just had a lack of compelling factors. So we took that, those chapters, we should of just went ahead and said, "let's try something else," but we didn't. We...

[background conversation]

0:57:50 KW: So what we did is we wanted to reframe the debate. And the water war in California, there's people that are always in their common positions. And so we were really looking to build new support. So, we needed to think about how to break up those coalitions, those old coalitions and bring new supporters in, develop compelling information, build key support and with that it guided all the framework and the policy framework and the legislation and it moved us to a campaign strategy.

0:58:21 KW: We started in 2011 and we did multiple reports. We really tried

to document the problems with the current groundwater management planning rules and regulations, and if they're not working it gives you a better case for change. This one slide, one picture I don't think you can see it on the right, but it's really showing the problem with groundwater overdraft. We tried to get the information about subsidence more easily understood, state wide. USGS was coming out with some information but they had been unfunded for years, so there wasn't even the subsidence land monitoring that had been going on. So we were pulling a lot of information together in 2011 and through 2013 to get the data in front of people.

0:59:07 KW: We put an infographic together that is probably much busier than it needs to. It's just an example of... We tried to find out, really calculate the energy costs of groundwater elevation drop and how much that was gonna change on the pumps. How many new well permits were going in and all these other big changes. So the more you can tell the story, again, the more you can build your support.

0:59:36 KW: So under key support, this was really one of the things we've spent a lot of time on. And we worked early and we identified who we should target and we really worked with water monitors that were gonna be most impacted by this legislation. We weren't bring... We didn't reach out early to environmental groups. We didn't reach out early to urban groups. It was mostly the agricultural interests in the Central Valley that we felt like we needed to talk to them. We worked with those water managers in 2012 and well, late 2013. I gotta get my years straight. And they worked with us to build the framework. So what I'm saying is, you really gotta work with those targeted stakeholders and that happened early. And then CWF was asked to do a broader stakeholder group, and so with that we had business, ag, water agencies, environmental groups, EJ organizations, and we did a report like ACWA did to get our recommendations out and that was last March.

1:00:35 KW: So, it was this long history of building the data, building the case, telling the story so that we can bring those stakeholders together and it was a lot about forcing functions. I don't know if you've used that term here or heard of that term, but the forcing functions were the legislature's gonna act if you don't. And they can just... You know, people would say, "They can do the stupid things, so you don't wanna leave it in the hands of the legislators." So, the more we could, actually not make up those stories, but they were true. It's like the administration is gonna act without you, the legislature is gonna act without you, it brought more and more stakeholders to the table. So, this sense that something was going to happen because of the drought, because of the water action plan got more people at a table working on the solution than fighting it, initially.

1:01:22 KW: The administration was a really... There's a lot of inside relationships that happen and you... I've worked for the State, Lester Snow, my boss long, respected reputation, and so we had access to work with the

administration on the water action plan and on their approach as they were drafting it. So, there's really this both behind the scenes, in front of scene and in public that we were working with all the key stakeholders. We don't have one interest and we're not working for the legislature, it's not just the water agency, so we could bring this mix of voices together and do our best to try to stay on track.

1:02:07 KW: This is one of the things we did is that we tried to, again, break down the barriers of what people thought was who was opposed to a groundwater reform? And everybody, every agriculture interest starting this was opposed, but if you ask the question about are you supportive of sustainable groundwater management, we got 30 voices of ag business, of environmental groups, Tom Carter is on here. So, if it was a broad mix, we put a website together during the campaign and so people had a place to go to see who's saying what about groundwater and what the newspaper articles and reports were. So, it was kind of like everyone's talking about water and they're saying the same thing, sustainable groundwater management. And this was important, I think, for the media and for the legislature, it had circled itself so if you can give that right message then you're providing a forum for that information, an easy place to find it.

1:03:06 KW: We were involved in the media campaign and really getting the word out into the papers about the groundwater problems and then the groundwater possible solutions and again all these are factoids the million factoids that we had to take these long reports and put them into clear messages and you know there's a lot of payoff to this, one of the things that we had, Miles Reiter from Driscoll Dairies writing a... He wrote an op ed that we suggested he wrote it and got into the Monterey paper. It was one of the key pieces that was read on the Senate floor when the bill was passed to say this is... Ag is not opposed to this. This is actually a document and legislation that ag would support as well. So getting those voices out was really important. And it wasn't that easy as you think, nothing was. Every article was about the drought and we were working to shift it to say, "The drought has impact. The drought effects groundwater. So, we were working to get the groundwater message back into the paper.

1:04:17 KW: So the legislature strategy... We wrote our report on recommendations for our stakeholder group. It really was Tina and the team lead and the administration that did the bulk of the drafting. You can... It's not easy to write a policy framework that ACWA fund and water foundation did and we actually worked closely together as they were getting developed. A lot of common ideas were put together but putting that into statute was very difficult and that's when all negotiations start and all the intensity of it. So, we reviewed our role as, I think, one of the trusted voices and again, multiple interests. So, we were trying... Although, probably not everybody would considered us a trusted voice. But we weren't... We were working with environmental groups, we were working with the ag groups, and we worked

with water managers to keep them as informed on what was going on with the legislation, what their interest. If they didn't like an amendment, they'd hear it and work with Tina and Cindy on all of this.

1:05:17 KW: So, the lobbyist strategy that... They actually funded lobbyists through some of our funding that was eligible. We worked on moderate Democrats and Republicans to communicate with them about what was the importance of groundwater and what was in the legislation. That was more our target. That's unusual. In some cases you might target the more liberal Democrats but it was really important too, as you were doing [1:05:42] vote counting to get to the people where you work for all of that... Tina called us the air traffic controllers. So, information would come in one day that some member has a problem. Wants to know who supports in this area. It would come to us.

1:05:58 KW: It would come to ACWA. We would go running around say, getting that support, asking people of their support and getting the information back out to people in the capital. So it was, it was a real time activity to do vote counting. And we were part of that team that was trying to attract all that activity. We never get everything we want. So, what happens is, I think our framework was supported. I think it was the same as ACWA, we were very... Had a common framework, policy framework that we put together, in 12 months prior or nine months prior with input, and... But when you get down to the details, there was a lot of negotiations and examples we exempted, adjudicated based on, so that was really key. We really want to target where the problems are first and maybe adjudicated basis of more well management, they need to be subject to the legislation and other changes, dealing with local land use planning, they might have wanted to get some of those changes in the bill. They needed the support from the county and the cities; that was not gonna happen. So, next bill, next time. But not everything can go in one bill. You try to get the best you can. So, that was a lot of what happens in the whole negotiation through the last...

1:07:13 KW: This was... We had a communication specialist that came up with this. And it was a flag. It actually was delivered a flag about the size of this, the flag that you see on it, on every member's desk. This is fairly common in the legislature if you're trying to get the attention of a bill. You might want to step down or you might have a some kind of a gimmick to get the attention. It gets the press' attention. It gets the member's attention. And so, this is what it looks like, California would be a drought. We took the bear off. We took the green grass off and we put the camel and the camel's somehow also supposed to bring in the groundwater storage. I think they hold water. [laughter] The communications person that we've been, I've found a camel and we've printed that and it's gonna go to the capital grounds. And we brought that proposal, and everyone's embarrassed to think about it. Brought the proposal to the members' staff because it was their bill. It's not something out there that we should be out there campaigning on anything that's not supported by the

members. And they basically said no. [laughter] No, no, no. There's too many things that could go wrong with this media attention. And who's gonna be scooping up this and... [laughter] Show that we're serious about groundwater, not that it's a gimmick. So, the flag was approved and distributed but not the live camel. I'll stop there and will probably open up the questions.

1:08:49 S1: Alright, let's ask our three speakers to morph into a panel up here. We've got about 10 minutes for questions. I would ask our panelists, they won't have a benefit of a microphone, so please use your loud, booming law school voice. Okay, I've got a few backup questions in the unlikely event that we don't get enough from the audience. But, fire away at your opportunity. Yes, in the back, real loud please.

1:09:14 S?: Hi, I was wondering for those of you that have been in public sector and shifted back and forth, are there things that organizations like ACWA and see [1:09:22] [redacted] say that people who have the opportunity to talk, could say to get things on the table? Or is there another strategy in having different institutions push for changing the law?

1:09:36 KW: I think we... So, we're non-profit, I guess in a private sense, and we had to say, we probably had the most flexibility. So, we had to stay consistent with our message but we don't have a board of directors or a state association. So, that it is, it's who you represent, it's where your flexibility comes from, I should say.

1:10:00 TC: Members don't, generally put constraint when they're advocating for an issue. So, they don't have that kind of constraints, I think the three of us sitting up there, part of the story that was incredible was, try to imagine the spending. You have 430 members. Have you ever tried to plan a dinner party or going on a weekend with a few friends and what did that turn into? So, imagine you have 430 members, and you're trying to keep them all on board. It's hard to impart the level of drama, without not having actually live through it. In the end, when I said Kate was the air traffic controllers, I literally had my binder with the statute in it and I had my cellphone and people were running to members of offices if they heard they were starting to weaken.

1:10:53 TC: "We have a problem with Joe Smith over here." And they would go in and they would talk to that staff person and they would be pumping them for what the issue was. And I would be getting text messages on my phone, and I would be running up to that floor with my binder to try to talk to them about why. When you would find me coming into your office uninvited to say, "Hey, I'm just here to kind of talk to you, I... You know..." So... And, we we're all doing this. When Cindy talks about working the halls, we got right up to that finish line and you're counting votes. You know you have the vote count, the member's names, you know who they are. You know what their districts are. You know what their issues are. And then you start to hear, you're starting to lose somebody. Somebody's sloughing off and so, Kate's

organization was incredible. The researches that they've had. So, what we do is called floor alerts. So, you have a bill, you know, you write this is good for these reasons and you try to make it capture people's attention and that it has to be one page. 'Cause people in legislature are very smart, there's a lot going on. You know, there's... There's thousands of bills.

1:11:57 TC: So, usually when you're giving something to a member it's kind of general the most incredible thing that I've never seen before. Kate's organization was tailoring these two people, they were writing things so that if you went into Joe Smith's office, you were talking to them about their district, or they had people in that district calling them, that that member trust you to say no, this is locally driven, it's not what y
re hearing, the state comes in only if the locals aren't able to. So it's very exciting. People get addicted to life at the legislature by the way. It's a little bit like high school, we have certain days where we wear things, red dress day or white suit day, or whatever, and never underestimate the value of a good [1:12:43] [REDACTED]. When we had a shark fin bill, they passed out little sharks that had band aids on them, I can still go into people's offices and see those. I still go into people's offices and still see the camel. But the story of the camel, the actual camel is better told [1:13:00] [REDACTED]. It was getting to be like an episode out of Veep, if any of you have ever watched the show Veep. We were a little worried that it was gonna turn into an episode of Veep. I'll leave it at that.

1:13:12 S1: Other questions? At the back.

1:13:17 S?: Are there any future policy changes moving towards some groundwater recharge where currently there's beneficial use and efficiency is really built into simple legislation we have but to some degree some efficiency with irrigation is beneficial for groundwater recharge, so on and so forth. Is there any plan towards modifying some of the existing policy to be better in line with this groundwater sustainability act? Because that's one of the big hurdles and also with implementing the groundwater recharge programs some of the [1:13:49] [REDACTED] is also very difficult because the State Water Board is completely funded on their own. So some of those hurdles we in the scientific community run into make it very difficult even though ground recharging, in itself, is not that difficult but some of the policy that's partly put in place makes it very difficult to implement that. Is there any talk in the legislature about changing some of that existing policy?

1:14:13 TC: This is actually a big issue. It was a big issue during the bills was whether we should change the existing law that we have about groundwater recharging beneficial use. Without going too much into it 'cause I know we're mixed, we're both law students and engineer students and other kinds of students. But when you put water into a canal, it's a method of diversion and then our law requires you to use it beneficially. It's not just putting it in a canal, it's the fact you have to continuously use it beneficially. So, there was a lot of confusion in the legislature that putting it into the ground somehow was

the use of it, which it isn't. It's the way that you diverted them and then you have to use it. But there's ways that we may be thinking about changing. If you put it into the ground, we don't want that right to be abandoned after a certain period of time. But it might make sense to change the law and allow some more flexibility there. The problem is that when you start to change how people can store water, it can cascade through other kinds of water rights. The short answer is it's very complicated because if you suddenly are empowering people upstream to be putting more water in the ground, may or may not be a great thing. That's gonna cascade into other agreements and other water rights and so there's a lot of sensitivity about that.

1:15:28 KW: I guess the only thing I can say about it is that you hit something that's very important and still in our radar, the foundation. We certainly want to stay within our water rights laws, but you can't make it hard. In a simple world, you can't promote groundwater management and make it difficult to do a recharge project. There's something wrong. Though we're looking at how we could move that along.

1:15:55 S1: We have time for one more question. Yes.

1:15:56 S?: Well Log Confidentiality Act, any potential to take that on again?

1:16:02 KW: Transparency data, the Well Log bill, is that what you're trying to get?

1:16:05 S?: Right. That's right.

1:16:08 KW: It's been introduced, this bill. And it was definitely discussed that the topic was discussed throughout the conversation we had early on. Our sense is that there's a lot of information coming out of the Act and the implementation of the Act. Water Agencies are looking around. Water agencies are gonna be formed, they're gonna start managing, they're gonna be sharing data, there's gonna be more transparency that way. Whether it has to be a well log piece of information, or not, that helps people understand what's going on the basin, but the public needs to understand the groundwater in the area. The issue is that no one wants their individual well data to be publicized. It's almost a religious issue now. I mean every other state has this public information.

1:16:58 TC: The interest in the legislature is that when you drill a well, you record what kind of soils that you're going through. You record where you hit that water level, you record what kind of construction of that well that you have, and cumulatively if you look across those over time, that's a tremendous amount of information about the condition of the basin. Other states, they have it online. It's due diligence for somebody, if you're gonna buy a piece of property and you wanna know, "Geez, how much am I gonna end up spending on drilling a well?". Well, what do you do? You look at the well logs around you

and you see. For some reason, actually we've looked at this, we've researched it, we're not really sure how this happened. In California, we made well logs confidential. You cannot get that information, members of the public and other entities. Some entities can. So, there's a feeling that that doesn't make a lot of sense because it could be a lot of information that would be helpful, and what people said the last go round, and really I have scars of the last go round when the well log bill tried to go through, was terrorists are gonna get us. All our water wells are da, da, da. And you just kinda saw all these really irrational kinds of arguments being made. People [1:18:12] [REDACTED] good basic information. But this is where Cindy's organization, and much that we love each other, Cindy's organization probably, and some others are, they've got some concerns.

1:18:22 CT: Well, we moved to a new [1:18:22] [REDACTED] last year.

1:18:23 S1: Were you?

1:18:24 CT: We moved to a new organization [1:18:24] [REDACTED] and one thing, I think it's worth noting, when you have a major law passed like we do this year, usually in the next year or the next year, now there's clean-up legislation. So now the discussions in Sacramento are what types of legislation should there be, and there'll probably be, and there's already two bills introduced, maybe more introduced where there'll be some changes to the text of the act. And the question is how far will climate changes go, and that's to be determined. Another subject, there's likely to be a bill on streamlining adjudication, that was an issue where this was interest was last year, but not enough time to decide whether that can happen in a legislation or not. So there'll be a bill or two on that subject. The story of the legislation [1:19:12] [REDACTED].

1:19:14 S1: And there's lot of moving parts with respect to this legislation and in addition to the legislation itself which Cindy did a nice job of kinda giving the overarching principles of the bill, and we're going to go into more detail in two weeks. There is other legislation that has direct impact on this, specifically, the water bond that you all voted on, the, the proposition one in the November ballot which authorized by a two thirds vote, that seven billion plus water bond includes a measure to make grants out of a \$100 million to local governments to groundwater sustainability agencies as they're created under this legislation have developed the groundwater sustainability plans that the law requires that you enact or to formulate. So again more detail on the substance of the law two weeks from today. No class next Monday, which is Martin Luther King Day. Please join me in thanking our three speakers.

[applause]

[background conversation]

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