

Assembly Bill 1272 – Drought Preparedness

Assemblymember Jim Wood

EXISTING LAW

Currently, California responds to drought years on an ad hoc basis. During the 2013-2016 drought, and again in 2021, the Governor used his authority under Government Code Sections 8558 and 8571 to declare a state of emergency. These emergency declarations enabled a series of agency actions to respond to severely dry conditions. Water Code Section 186(b) establishes the Division of Water Rights at the State Water Resources Control Board (Board). Section 13142 of the Water Code provides that the Board may enact principles and guidelines governing the management of surface water as part of the state policy for water quality control.

SB 837 (Committee on Budget and Fiscal Review, Chaptered 2016) created Section 13149 of the Water Code, which requires the Board and California Department of Fish and Wildlife to adopt principles and guidelines for the diversion and use of water for cannabis cultivation in areas where cannabis cultivation may have the potential to substantially affect instream flows. Finally, Water Code Sections 1831 and 1846 provide for enforcement of principles and guidelines for water quality control by use of fines and cease of desist orders.

BACKGROUND

Given the reality of climate change, California can no longer afford to treat drought as a temporary or “emergency” event.

2021 was the driest year in at least four decades, and it came on the heels of another record-setting dry spell in 2012-16. These conditions are in line with what climate models tell us to expect in the coming decades: more-frequent years of very low precipitation coupled with longer, hotter summers. These factors increasingly threaten stream flows that sustain native fish and wildlife and provide vital drinking water supplies throughout the long summer dry season.

To confront this new reality, the Board, as the agency responsible for allocating and managing the waters of

the state, needs properly resourced staff whose full-time job is to plan for and respond to these regularly recurring events. The Board currently has no full-time staff dedicated to drought planning and response. When drought strikes, the Board’s practice has been to temporarily assign existing staff to these duties for the duration of the emergency. This approach has several major disadvantages.

First, it limits the state’s ability to formulate plans in advance of drought conditions, and instead forces it to largely develop and implement plans in real time, after conditions are already severe. This not only limits the effectiveness of drought response, but also deprives water users of guidance that would help them plan their activities in advance and coordinate them with the Board’s actions.

Second, by pulling Water Board staff away from their regular jobs, the current approach reduces the agency’s ability to perform its normal functions – including, for example, the timely processing of water right changes and other regulatory approvals many water users need to conduct their operations.

Third, the lack of permanent drought staff makes it more difficult to build the effectiveness of drought response over time, as experience gained in responding to prior dry years can be lost, requiring lessons to be re-learned each time a new drought strikes.

BILL SUMMARY

AB 1272 would direct the Board to prepare drought contingency plans by 2023 for select coastal watersheds that are priority salmon and steelhead-bearing streams that currently lack meaningful water management plans for a future that is already here.

STATUS

Assembly Rules Committee

SUPPORT

California Trout
The Nature Conservancy
Trout Unlimited

FOR MORE INFORMATION

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