

MEETING SUMMARY

Executive Order B-37-16

Listening Session – Agriculture

June 3, 2016 | Sacramento, CA

Department of Water Resources, State Water Resources Control Board,
Department of Food and Agriculture, California Public Utilities
Commission, and California Energy Commission

Prepared by the Center for Collaborative Policy

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Background

On May 9, 2016, Governor Edmund G. Brown Jr. issued Executive Order B-37-16 (EO). This EO builds on the conservation accomplished during the recent drought and implementation of the Governor’s [California Water Action Plan](#) and temporary statewide emergency water restrictions to establish longer-term water conservation measures, including permanent monthly water use reporting, new permanent water use standards in California communities, and bans on clearly wasteful practices (e.g., hosing off sidewalks, driveways, and other hardscapes). The full text of the EO can be found online at <http://www.water.ca.gov/wateruseefficiency/conservation/>. The EO directives are further described in Appendix A - Executive Order Fact Sheet and List of Questions.

Department of Water Resources (DWR), the California State Water Resources Control Board (SWRCB), Department of Food and Agriculture (CDFA), California Public Utilities Commission (CPUC), and Energy Commission (CEC) (collectively, the EO State agencies) held four Public Listening Sessions regarding implementation of EO. This was the second Listening Session. It focused on the EO’s agricultural directives.

The meeting included an overview of the EO, followed by a description of the proposed Stakeholder Groups and public involvement process to support EO implementation. The meeting then transitioned to an open comment period by the public. Participants were encouraged to

identify key topics and suggestions they would like the EO State agencies and soon-to-be-formed Stakeholder Groups to consider in the coming months during EO implementation.

Meeting Objectives

- Provide an overview from participating agencies on Governor's Executive Order B-37-16 (EO)
- Describe key projects and agency responsibilities
- Gather stakeholder input on key topics and implementation of the EO

A. Opening and Introductions

Diana Brooks, DWR Water Use and Efficiency Branch Chief, welcomed attendees in the room and on the webinar. She noted that this meeting is sponsored by the EO State agencies listed above.

Stephanie Lucero, Center for Collaborative Policy, provided webinar instructions and noted that the webinar will be recorded.

Ms. Brooks described the context for the EO (refer to Appendix B for the presentation slides). California has been in a severe drought, with 2012-2015 being the four driest years on record. The State issued emergency regulations in 2015 that called for a 25 percent reduction in urban water use. Californians rose to meet the challenge, almost reaching the 25 percent statewide goal. She acknowledged water suppliers and congratulated them for their water reduction actions. The State also issued rebate programs and other creative programs to help people change their behavior. The drought underscored a crucial lesson – we cannot take water for granted. Ms. Brooks stated that we need to plan for future droughts that will be more frequent and persistent. The purpose of this EO is to make permanent changes that will make conservation a way of life in California.

B. Executive Order B-37-16 Overview

Ms. Brooks presented an overview of the EO directives, deliverables, timeline, and public input process (Appendix B). The following provides a brief summary of this overview.

Ms. Brooks introduced and described the EO's four main sections:

1. Use Water More Wisely
2. Eliminate Water Waste
3. Strengthen Local Drought Resilience
4. Improve Agricultural Water Use Efficiency and Drought Planning

The EO State agencies must develop a public report and issue it by January 10, 2017. The report will address the four topics listed above and will include recommendations for a draft long-term water use efficiency framework, a framework for new water use targets, updated requirements for Water Shortage Contingency Plans (WSCP), and draft updated requirements for Agricultural Water Management Plans (AWMP).

C. Public Input on Executive Order Directives

Ms. Brooks noted that these listening sessions are the first steps in the public input process. Urban and Agricultural Stakeholder Advisory Groups (UAG and AAG, respectively) will be formed to advise the EO State agencies on implementation of the EO. The AAG will be a new group focused specifically on the EO. The AAG will be formed in the next few weeks. Meetings will occur once per month over the next four months and will be public meetings with time for public comment. This will be a transparent process with input from the public. Ms. Brooks emphasized these meetings support a transparent process with input from the public. The EO State agencies look forward to everyone's input.

Ms. Brooks introduced Amrith Gunasekara, CDFA Science Advisor to the Secretary, and Dave Mason, CEC Mechanical Engineer.

Ms. Lucero reviewed the agenda and noted that this Listening Session is focused on the Eliminate Water Waste and Agricultural Water Use Efficiency sections of the EO. She then opened the discussion for comments on the stakeholder engagement process. (Refer to Appendix C for written questions and comments submitted through the Webinar.)

Comments and Questions on the Public/Stakeholder Process

- The selection of a broad spectrum of representatives on the UAG is a good engagement approach.
- Provide adequate resources to address agricultural issues.
- State universities should participate in this process as much as possible. They can be part of the AAG or serve as a contractor. They may have input related to their pragmatic experience in supporting water districts.

Peter Brostrom, DWR Water Use and Efficiency Branch Section Chief, explained that the EO calls for the AAG to include agricultural producers and welcomed suggestions for possible members.

D. Improve Agricultural Water Use Efficiency and Drought Planning

Fethi Benjemaa, DWR Urban and Agricultural Water Use Efficiency Grant Program Manager Unit Chief, reviewed the questions included in the Fact Sheet handout (Appendix A) to initiate comments and input:

1. How could AWMPs better identify local measures and practices to improve water use efficiency?
2. How could the AWMP better quantify improvements in water use efficiency?
3. The Sustainable Groundwater Management Act (SGMA) requires local Groundwater Sustainable Agencies to complete a water balance for the groundwater basin. Should water balances be part of AWMPs?
4. Are there ways the AWMP reporting requirements can be streamlined with other reporting requirements including SGMA and the Irrigated Lands Program?

Comments and Questions on this Section

Relationship of this EO to SGMA

- The SGMA schedule process does not align with this EO's schedule. Avoid new EO standards that would make it difficult to comply with SGMA.
- In theory it is attractive to streamline this with SGMA and other agricultural water use programs, but it risks creating greater entanglement and confusion. Cross referencing useful information and standardizing reporting requirements should be a goal, but not necessarily a requirement for the agricultural water use efficiency framework.
- If AWMPs add too much complexity to comply with other programs, it may deter people from the process.
- Note the differences in data among the different processes and reporting requirements to explain any inconsistencies.

Small Water Districts – Impacts and Assistance

- This accelerated effort will be a challenge for smaller districts with fewer resources. Some methods to ease the process for small water districts could include:
 - Expedite any internal processes that require agency review;
 - Calendar items as quickly as possible; and
 - Ensure small districts have adequate time to review documents. Ask them how long they need to review documents.
- The burden of this additional effort could severely hinder small water districts and growers. Listen to the input about these impacts from professionals that manage these districts and grow crops. Be responsive to them.
- Reducing the AWMP threshold requirement for water suppliers with over 25,000 acres of irrigated land to those with 10,000 acres will cover eight percent more of water delivered. Is this worth the price of accomplishing this planning, especially for smaller water districts?
- Provide assistance for smaller water districts that do not have the resources or expertise to get through the process.
- Identify all of the existing State funding sources and programs to provide incentives and assist water districts in accomplishing the necessary planning and investments needed to improve their water systems.
- The smallest growers cannot afford to install more efficient systems and can drive them out of business if required.
- Identify and support assistance opportunities, especially for small growers. The US Department of Agriculture's 2012 agriculture census indicates California has a substantially large number of farms that are smaller than 50 acres (Appendix D). There are number of programs to help them, such as the Environmental Quality Incentives Program (EQUIP) from the Natural Resources Conservation Service (NRCS), but it is a challenge getting these programs to these small growers.
- Update AWMP guidance manuals to include the new EO requirements.
- Offer classes to small water districts to help them update their existing AWMPs.

- DWR should provide technical assistance to help small agricultural water districts develop AWMPs. DWR should consider assisting the Agricultural Water Management Council (AWMC) to reactivate. The AWMC brought water conservationists from agricultural water districts together to learn from and help each other to develop and implement AWMPs.
- Involve the Resource Conservation Districts in this conversation.

AWMP Recommendations

- AWMP provisions need to recognize existing investments in water management and should be based on reviews of existing AWMPs and recognize best practices.
- Do not create new metrics or a new way to prepare AWMPs.
- Insufficient data exist from current AWMPs to demonstrate what works. It is premature to start shifting provisions from voluntary to mandatory.
- Allow local control. Ensure an opportunity for growers and districts to choose appropriate management practices.
- Identify the need for new storage facilities in key locations.
 - *Response:* We invite attendees to offer storage opportunity suggestions, such as farm ponds, and if it is feasible to incorporate these into AWMPs.
 - There are opportunities for farm ponds, but small farm ponds often face several permitting obstacles with SWRCB and California Department of Fish and Wildlife (CDFW) processes. Efforts to address this conflict legislatively have not succeeded. Help is needed to find a way to address this regulatory situation.
- Small farm ponds and ranch ponds also provide value for wildlife as a water source and are critical for fire-fighting in rural communities, where ponds are used as back-up water sources.
- AWMPs need to recognize the importance of groundwater during droughts. One opportunity for this could be similar to the temporary permit issued this year. This allowed for capturing flows during the winter to recharge groundwater supplies for use within 180 days on adjacent agricultural lands; however, this led to a water rights struggle. This EO may offer an opportunity to develop innovative regulatory solutions for holding water, recharging aquifers, and satisfying SGMA sustainability requirements.
- One of the important areas for water storage is groundwater recharge, but current water supply methods do not support basin recharge. Therefore, properly-located surface storage projects that funnel water into the ground are important.
- Water use efficiency efforts impact groundwater basin recharge because less water infiltrates past root zones.
- Many farmers must irrigate on a schedule rather than on demand. District investments in improved delivery (e.g., delivery of water under pressure and on demand) will save water and improve service to farmers. Water district's AWMPs need to thoroughly evaluate these types of efficiency management practices.

Differences Between Agricultural and Urban Requirements

- In discussing agricultural water use, focus on maximizing water use efficiency rather than minimizing water use.

- Recognize that saving water is not always the best practice in agriculture because agricultural water use provides groundwater recharge and habitat value. The CDFW seeks downstream return flows for fisheries.

E. Other EO Sections

The discussion was opened to comments and questions on other sections of the EO.

Use Water Wisely

- The SB X7-7 collaborative stakeholder process vetted opportunities for water use efficiency. Use these stakeholder discussion outcomes as the basis for the EO effort.
- For agricultural water use, increasing productivity is the goal rather than saving water.
- Consider practices that contribute to or detract from soil health, soil moisture management, soil suitability for irrigation, and leaching practices. Irrigating salinated soil with high total dissolved solids (TDS) water is not sustainable.
- Evaporation suppression should receive more investigation, investment, and research and development as needed. Beneficial losses from canals, re-use pits, and rice fields can be reduced.

Eliminate Water Waste

- Think about eliminating water waste holistically. For example, channels are purposely not lined to support groundwater recharge.
- Avoid agricultural requirements that would conflict with urban prohibitions.
- Avoid parallel construction for prioritizing capital projects to eliminate waste (e.g., detecting and fixing leaks in raw water conveyance system) in agricultural and rural areas. Even the best raw water systems have losses. Preventing these would be difficult and costly and would not produce more water.
- Do not require one-size-fits-all solutions. There is a wide variety of regionally-appropriate practices. For example, unlined channels providing groundwater recharge serves as a regionally-appropriate measure.
- Another beneficial use of raw water conveyance systems is energy generation; some have low-head hydroelectric units.

Strengthen Local Drought Resilience

- Reinforce the point that a 5-year sequential drought period is not required for agricultural water management planning. These EO requirements will help avoid the misconception that agriculture is not doing its fair share because it is not doing what urban users are required to do.

F. Closing Remarks and Next Steps

Ms. Lucero noted that future comments can be sent to the water use efficiency email address on the last page of the fact sheet handout - WUE@water.ca.gov. The link for the listening sessions held on Friday June 3rd and the summary reports from these sessions will be posted on the website : <http://www.water.ca.gov/wateruseefficiency/conservation/>.

Ms. Lucero and Ms. Brooks thanked everyone for coming to the meeting and for their input.

G. List of Appendices

- Appendix A – Executive Order Fact Sheet
- Appendix B – Presentation Slides
- Appendix C – Webinar Questions/Comments
- Appendix D – USDA 2012 Census of Agriculture by Race and Farm Size
- Appendix E – Sign-in Sheet

Making Water Conservation a California Way of Life

On May 9, 2016, Governor Edmund G. Brown Jr. issued Executive Order B-37-16. The press release stated, “Moving to bolster California’s climate and drought resilience, Governor Edmund G. Brown Jr. today issued an executive order that builds on temporary statewide emergency water restrictions to establish longer-term water conservation measures, including permanent monthly water use reporting, new permanent water use standards in California communities and bans on clearly wasteful practices such as hosing off sidewalks, driveways, and other hardscapes.”

This Executive Order (EO) builds on the conservation accomplished during the drought and implementation of the Governor’s California Water Action Plan. The full text of the EO can be found online on the Department of Water Resources (DWR) website at <http://www.water.ca.gov/wateruseefficiency/conservation/>. The directives of the EO actions are summarized below.

Included with each section of this information sheet are questions to help focus and guide the discussion during the listening sessions. Please read and consider these questions as well as other input in preparation for the listening sessions.

Use Water More Wisely

DWR and the State Water Resources Control Board (Water Board) will require monthly reporting by urban water suppliers on a permanent basis. This includes information regarding water use, conservation and enforcement. Through a public process and working with partners such as urban water suppliers, local governments, and environmental groups, DWR and the Water Board will develop new water use efficiency targets as part of a long-term conservation framework for urban water agencies. These targets go beyond the 20 percent reduction in per capita urban water use by 2020 that was embodied in SB X7-7 of 2009, and will be customized to fit the unique conditions of each urban water supplier.

Deliverables: DWR and the Water Board will publicly release a draft long-term conservation framework by January 10, 2017. This framework will include new water use targets based on strengthened standards for indoor residential water use, outdoor irrigation, CII water use, and distribution system water loss. The EO requires that these new targets are customized for each urban water supplier.

Questions for Listening Sessions

1. What factors should be considered in developing the new standard based water use targets and customizing them for each urban water supplier?
2. How should the four standards listed in the EO be used to identify and determine those new water use targets and how urban water suppliers would implement them?
3. How should existing SBX 2020 targets, be considered in determining new targets?

Eliminate Water Waste

The EO directs the Water Board to prohibit a number of practices that waste potable water, and directs the Water Board and DWR to minimize system leaks, accelerate data collection, improve system management, and prioritize capital projects that reduce water waste. The California Energy Commission (CEC) and California Public Utilities Commission (CPUC) also have EO roles in eliminating water waste.

Deliverables: The Water Board and DWR will take actions to minimize water system leaks across the state that continue to waste large amounts of water. The CPUC will take actions to minimize leaks, and CEC will certify innovative water conservation and water loss detection technologies.

Questions for Listening Sessions

4. What actions should the State and/or urban water suppliers take to accelerate leak detection and repair?
5. How can the State Agencies contribute or support local efforts to identify leaks and reduce related potable water loss through leaks?
6. What key data should urban water suppliers be responsible to develop, and what data should the State provide?

Strengthen Local Drought Resilience

In consultation with urban water suppliers, local governments, environmental groups, and other partners, DWR will strengthen standards for local Water Shortage Contingency Plans, which are part of the Urban Water Management Plans that water districts must submit every five years. Under new strengthened standards, districts must plan for droughts lasting at least five years, as well as more frequent and severe periods of drought. These plans must be actionable, so that districts can turn to them to guide their drought response.

Deliverables: DWR shall publicly release the updated draft requirements by January 10, 2017. For areas not covered by the Water Shortage Contingency Plan, DWR will work with counties to improve drought planning for small water suppliers and rural communities.

Questions for Listening Sessions

7. After five years of drought conditions, how can water shortage contingency plans requirements be improved and strengthened to make the plans a more effective tool for urban water suppliers to respond to future droughts?
8. Which elements of a water shortage contingency plan requirements are conducive for developing uniform statewide standards, and which requirements should be more flexible to account for local conditions?
9. How can small supplier and rural community drought planning be improved and strengthened?

Improve Agricultural Water Use Efficiency and Drought Planning

DWR, working with the California Department of Food and Agriculture (CDFA), will update existing requirements for Agricultural Water Management Plans so that irrigation districts quantify their customers' water use efficiency and plan for water supply shortages.

Current law requires agricultural water districts serving 25,000 acres or more to file such plans. The EO increases the number of irrigation districts who must file water management plans by lowering the threshold to irrigation districts serving 10,000 acres or more. DWR will check the plans to ensure they quantify conservation efforts and adequately plan for water shortages.

Appendix B

Deliverables: The Water Board and DWR will work with water suppliers to accelerate data collection, improve water system management, and prioritize capital projects to reduce water waste. DWR and CDFA will seek public input on the updated standards, and release a public draft of proposed changes by January 10, 2017.

Questions for Listening Sessions

10. How could the Agricultural Water Management Planning requirements (AWMPs) better identify local measures and practices to improve water use efficiency?
11. How could the AWMP better quantify improvements in water use efficiency?
12. The Sustainable Groundwater Management Act requires local Groundwater Sustainable Agencies to complete a water balance for the groundwater basin. Should water balances be part of AWMPs?
13. Are there ways the AWMP reporting requirements can be streamlined with other reporting requirements including SGMA and the Irrigated Lands Program?

Compliance Methods

To ensure compliance with the provisions of the EO, DWR, Water Board, and CPUC will work together to develop methods which could include technical and financial assistance, regulatory oversight and enforcement mechanisms.

Stakeholder Engagement Process and Schedule

DWR, Water Board, CDFA, CPUC, and CEC as members of a State Agency Team are working together to carry out the EO and will convene venues to engage stakeholders in the process including urban water suppliers, agricultural water suppliers, environmental organizations, local governments, tribes, and other partners. The State Agency Team is convening public Listening Session on June 3, 6, and 7, 2016 to describe the Executive Order and receive initial public comments on its implementation.

The State Agency Team will engage stakeholders to inform the development of the deliverables listed above. The stakeholder engagement process and schedule are being developed and will be posted online at: <http://www.water.ca.gov/wateruseefficiency/conservation/>

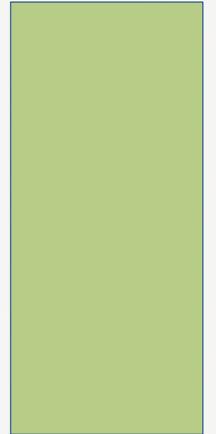
The questions listed above focus on specific EO actions for which the State Agencies are seeking feedback; comments or input on items not specified may be discussed at the Listening Sessions or submitted to: WUE@water.ca.gov .



CALIFORNIA ENERGY COMMISSION

EXECUTIVE ORDER B-37-16

MAKING WATER CONSERVATION A CALIFORNIA
WAY OF LIFE



EXECUTIVE ORDER B-37-16

- Use Water More Wisely
- Eliminate Water Waste
- Strengthen Local Drought Resilience
- Improve Agricultural Water Use Efficiency and Drought Planning

USE WATER MORE WISELY

- New water use targets
- Targets to go beyond 20% reduction in per capita urban water use (SB X7-7 of 2009)
- Customized to fit unique conditions of each water suppliers
- Generate more statewide water conservation than existing requirements

ELIMINATE WATER WASTE

- Water Board to permanently prohibit wasteful practices
- DWR and Water Board shall direct actions to minimize water system leaks
- CPUC to order IOUs to accelerate work to minimize leaks
- CEC to certify innovative water conservation and water loss detection and control technologies that also increase energy efficiency

STRENGTHEN LOCAL DROUGHT RESILIENCE

- Strengthen requirements for Water Shortage Contingency Plans (WSCPs)
 - Respond to droughts lasting at least five years
 - Create common statewide standards so these plans can be quickly utilized in this and future droughts.
- Improved drought planning for small water suppliers and rural communities

IMPROVE AGRICULTURAL WATER USE EFFICIENCY AND DROUGHT PLANNING

- Update existing AWMP requirements.
 - Identify and quantify measures to increase water efficiency
 - Adequately plan for water shortages
 - Extend AWMP requirements to all agricultural water suppliers with over 10,000 irrigated acres of land

EO DELIVERABLES & TIMELINES

- Public Report issued January 10, 2017
- Report to include:
 - Draft Long Term Water Use Efficiency Framework
 - Proposed draft water use targets
 - Draft updated requirements for Water Shortage Contingency Plans
 - Draft updated requirements for Agricultural Water Management Plans
 - Status update on other EO directives

EXECUTIVE ORDER STAKEHOLDER PROCESS

- EO B-37-16 places a strong emphasis on stakeholder involvement
- Stakeholders include urban and agricultural water suppliers, local governments, agricultural producers, environmental groups, and others.
- New EO stakeholder committees
 - Urban Stakeholder Committee
 - Agricultural Stakeholder Committee

EXECUTIVE ORDER B-37-16 LISTENING SESSIONS

- Send additional thoughts and comments to wue@water.ca.gov
- Check EO website for updated information at www.water.ca.gov/wateruseefficiency/conservation/

Appendix C – Webinar Questions/Comments

Executive Order B-37-16

Listening Session – Agriculture

June 3, 2016 | Sacramento, CA

Webinar Question / Comment*
1. In discussing ag water use, it's critical to emphasize maximizing water use efficiency rather than minimizing water use.
2. I would like to recommend involving the Resource Conservation Districts in this conversation. I would like echo the suggestion to involve UC Extension and the reminder that ag water has many other uses after it leaves fields. Conservation Service
3. I also agree with involving local RCDs as well as Soil
4. Will guidance manuals for AWMP be updated to include the new executive order requirements? Will the state hold classes for small water district to help them update their existing plan?
5. I recommend classes for small water districts to help update their existing AWMP.
6. Will technical assistance be available from DWR to help small agricultural water districts to develop AWMP?
7. Technical assistance should be available from DWR to help small agricultural water districts to develop AWMPs.
8. DWR should consider assisting the Agricultural Water Management Council to reactivate. The AWMC brought the water conservationist from ag water districts together to learn from and help each other to develop and implement AWMPs.

*Questions / Comments are not necessarily listed in the order they were submitted.

Appendix D – USDA 2012 Agriculture Census by Race and Farm Size

Executive Order B-37-16

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USDA 2012 CENSUS OF AGRICULTURE BY RACE AND FARM SIZE

There are a number of tables with demographic data, each with their own link, starting at about **Table 55**. There are separate tables for women; Spanish, Hispanic or Latino origin; and for both principal operators and operators more generally at the following link:

http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_1_State_Level/California/

Selected Farm Characteristics by Race of Principal Operator (excluding Hispanic) can be found at:

http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_1_State_Level/California/st06_1_060_060.pdf

FARMS BY RACE:

✓ PRINCIPAL OPERATORS IN CALIFORNIA	87,672
✓ CAUCASIAN	70,537
✓ SPANISH, HISPANIC, OR LATINO.....	9,815
✓ ASIAN	4,802
✓ AMERICAN INDIAN.....	1,192
✓ BLACK, OR AFRICAN AMERICAN	345
✓ PACIFIC ISLANDERS	321
✓ MORE THAN ONE RACE.....	660

FARM BY SIZE:

✓ 1 to 9 acres	28,137
✓ 10 to 49 acres	29,599
✓ 50 to 179 acres	14,541
✓ 180 to 499 acres	7,214
✓ 500 acres or more.....	8,181

Appendix E – Sign-in Sheet

Executive Order B-37-16

Listening Session – Agriculture

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NAME	AFFILIATION
Dave Mason	CEC
Danny Merkley	Ca Farm Bureau
John Mills	ECWA CCWD
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