



NOSSAMAN LLP | Memorandum

TO: The Honorable Dave Min, Chair
Senate Natural Resources & Water Committee

FROM: Nossaman LLP on behalf of the Monterey County Board of Supervisors

DATE: April 12, 2024

RE: **SB 1390 (Caballero) Groundwater recharge: floodflows diversion - SUPPORT**

The County of Monterey is pleased to support Senate Bill (SB) 1390 by Senator Anna Caballero. This measure builds upon the progress made in the past year to enable California to divert flood flows for groundwater recharge by clarifying when these flows may be captured for the benefit of aquifers, what planning requirements are necessary for local agencies pursuing recharge and expanding reporting requirements for diversions made under existing law.

Decades of drought, population growth, and overuse have left groundwater basins dangerously depleted, resulting in drinking water wells running dry, loss of wildlife habitat, land subsidence, farms going out of business, seawater intrusion, rural communities with contaminated water and a host of other threats to a sustainable water future.

Recognizing the need for additional tools to manage destructive flood flows, and the need to utilize excess water for the long term health of groundwater basins, Governor Newsom issued an Executive Order in March of 2023, authorizing water agencies, with a set of reporting requirements and safety parameters, to divert excess flood flows on rivers and streams for the purposes of groundwater recharge, without the need to obtain a costly and time-consuming permit. The process established by this Executive Order was later codified in SB 122, with additional requirements for diverters to better protect groundwater quality and downstream water users.

The initial water diversions and subsequent groundwater recharge that took place because of SB 122 have helped to replenish groundwater basins. However, more work must be done to fully realize the potential benefits of these projects.

This measure will allow additional avenues for water agencies to satisfy flood planning requirements, while maintaining existing requirements and clarifies when flood conditions begin and end for the purposes of the act. SB 1390 will also recognize and utilize sophisticated flow forecasting models to better anticipate flood conditions. Lastly, this measure will increase public accountability by expanding reporting requirements for diverters, ensuring public safety and the quality of community drinking water supplies.

SB 1390 carries forward the progress of the Executive Order and SB 122 by allowing more recharge projects to be completed in a safe and responsible manner. For these reasons, the County of Monterey supports SB 1390. Should you have any questions, please feel free to contact the County of Monterey's Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,

Ashley Walker
Nossaman LLP

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CC: Hon. Anna Caballero, 14th Senate District, Author
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Consultant, Senate Health Committee
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Hon. John Laird, 17th Senate District
Hon. Robert Rivas, 29th Assembly District
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Rural County Representatives of California (RCRC)