

EXECUTIVE OFFICER SUMMARY REPORT
May 9, 2018

ITEM: 12

SUBJECT: Tentative Resolution Addressing Threats to Beneficial Uses from Climate Change (Tentative Order No. R9-2018-0051). (*Jeremy Haas*)

PURPOSE: To consider adoption of the Tentative Resolution (Supporting Document No. 1)

RECOMMENDATION: Adoption of the Tentative Resolution

KEY ISSUES:

1. The Tentative Resolution serves as the San Diego Water Board's response to [Executive Order B-30-15](#) by providing guidance to staff for addressing threats from climate change.
2. The Tentative Resolution does not impose substantive standards or obligations on any affected persons. Any such actions done in response to the Tentative Resolution will be subject to applicable public participation and/or adjudicatory or rulemaking procedures.

PRACTICAL VISION: Climate change is an increasingly important factor in our ability to meet the strategic objectives of the Practical Vision. This Tentative Resolution will provide guidance to staff for prioritizing issues consistent with the Key Beneficial Uses and Areas of [Resolution No. R9-2017-0030](#) and addressing the challenges consistent with the core values of the Practical Vision: Leadership, Stewardship, Communication, and Transparency.

DISCUSSION: The Tentative Resolution and today's discussion serve three interrelated purposes:

First, the Tentative Resolution serves as a statement of the Board's intentions with respect to climate change issues. In effect, it is a non-binding policy statement. It identifies for the public how the Board prefers to approach the administration and enforcement of its statutory authority in the face of various levels of consensus and uncertainty regarding climate change science, regulation, and

community response. Generally, the Tentative Resolution clarifies that the Board wants climate change effects on beneficial uses considered and mitigated to the extent practical.

Second, the Tentative Resolution provides guidance to staff. Generally, it directs staff to implement a climate change readiness work plan based on the Practical Vision and consistent with State guidance and implementation strategies. The Tentative Resolution also offers specific considerations that reflect expressed interests of the Board, such as [Resolution No. R9-2015-0041](#) (*Resolution to Support Restoration of Aquatic Ecosystems in the San Diego Region*), [Resolution No. R9-2017-0030](#) (*Resolution Supporting Use of the Key Beneficial Uses / Key Areas Concept to Help the San Diego Water Board Focus on What is Most Important*) and collaborating with public agencies and non-governmental organizations. It will also guide staff's participation in activities encouraged by the State Water Board within its recently adopted [Resolution No. 2017-0012](#) (*Comprehensive Response to Climate Change*) (Supporting Document No. 2) and in the State's climate change adaptation strategy, [Safeguarding California](#).

Third, the Tentative Resolution serves as a response to climate change-related directives of the Governor¹ and Legislature.² Since 2005 Executive and Legislative actions have targeted mitigating Californians' influence on climate change via greenhouse gas reduction. Over time, their initiatives have increasingly targeted planning for and adapting to climate change effects. Climate change adaptation is more directly applicable to the roles of the San Diego Water Board.

History of the Tentative Resolution

This item has been subject to two written public comment periods. Recent comments were solicited between March 16 and April 12, 2018 (Supporting Document No. 3). The item was originally scheduled for consideration at the [April 12, 2017 Board meeting](#), for which written public comments were solicited between February 3 - 21, 2017 (Supporting Document No. 4).

¹ A list of Climate Change Executive Orders is available at: http://www.climatechange.ca.gov/state/executive_orders.html. The most recent is EO-B-30-15, which sets a greenhouse gas (GHG) emissions target for 2030 at 40 percent below 1990 levels and provides climate change guiding principles to state agencies for planning and investments.

² A list of California Climate Change Legislation is available at: <http://www.climatechange.ca.gov/state/legislation.html>. This list does not include recently chaptered bills, such as [SB32](#) (updates to GHG targets), and [AB1492](#) / [SB246](#) (Climate Change Adaptation).

Following postponement of the item in April 2017, the tentative Resolution was on the Board's [August 2017 consent calendar](#). The Board postponed consideration of that item after hearing from two commenters and then directed staff to reschedule the item on the action calendar to facilitate public and Board discussion. The Board Chair at that time also requested the item be delayed until after the Fall 2017 meeting of the [Water Quality Coordinating Committee](#), which was to include a discussion of climate change activities among the State and Regional Water Board members.

Throughout the consideration of the Tentative Resolution, commenters have been generally supportive of efforts to use science and collaboration to address climate change effects. Some commenters encouraged the Board to allow parties to retain flexibility in how they adapt to climate change vulnerability, particularly with respect to existing infrastructure. Such comments are consistent with the Tentative Resolution, and only minor modifications to the Tentative Resolution have been made to help clarify the language.

LEGAL CONCERNS:

None.

SUPPORTING DOCUMENTS:

1. Tentative Resolution No. R9-2018-0051
2. State Water Board Resolution No. 2017-0012
3. Comments received and responses to comments
4. Comments and responses to tentative Resolution No. R9-2017-0035

SIGNIFICANT CHANGES:

N/A

COMPLIANCE RECORD:

N/A

PUBLIC NOTICE:

Notice was posted on the San Diego Water Board website and sent to subscribers of the email list for Board meetings. The Tentative Resolution was also posted on the website and distributed for a 27-day public comment period on March 16, 2018 to known interested parties and subscribers of various email lists.