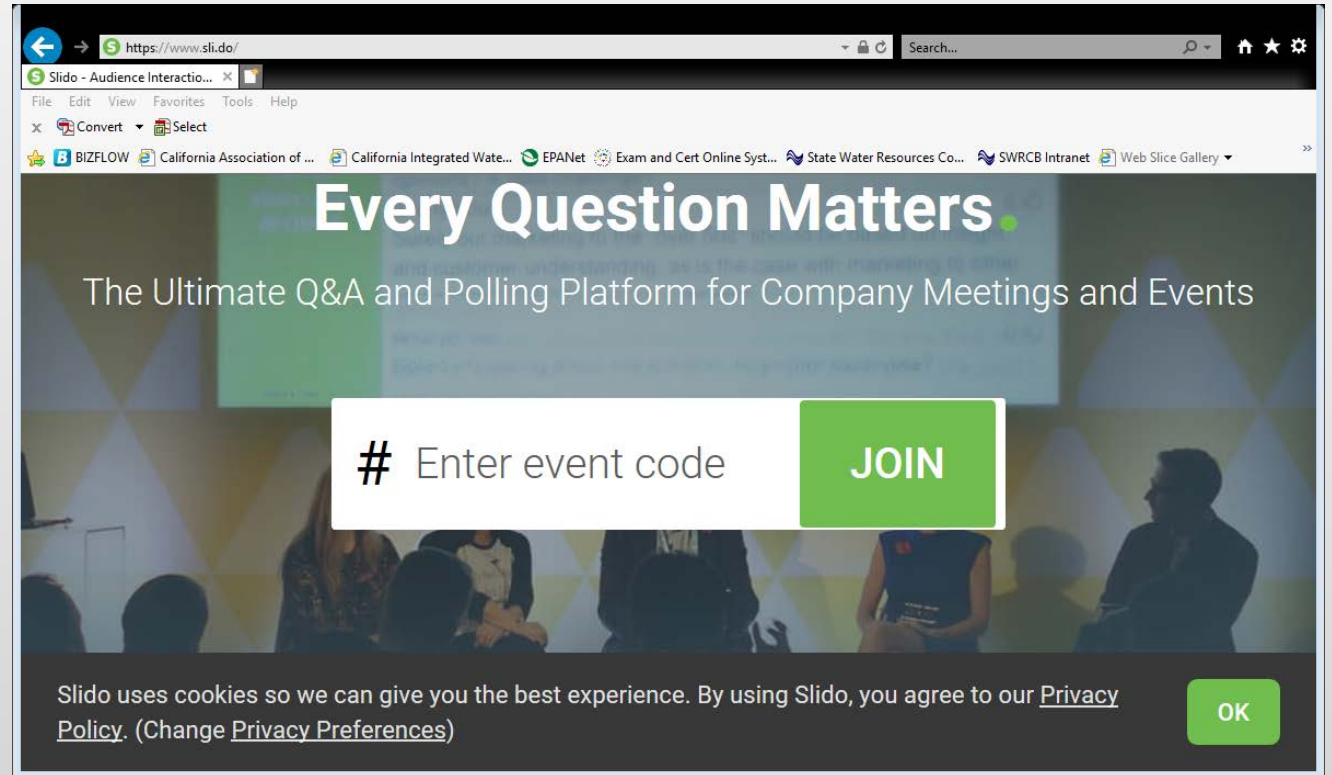


Welcome to the
Water Rights Enforcement
Policy Proposal
Scoping Meeting

How to participate using Slido

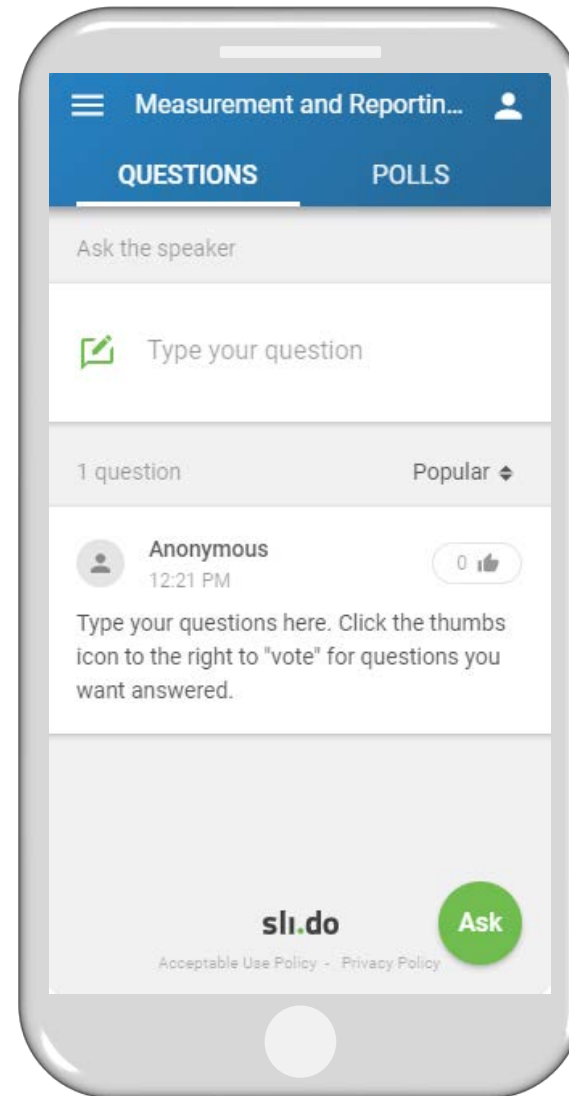
- <https://www.sli.do/>
- Or search “Slido”
- Enter event code:
WR Policy



Submit Your Questions and Poll Answers

Using Slido you can:

- Submit Questions
- Vote on questions submitted by others
- Answer our audience polls



Polling Question One

I'm interested in the Water Rights Enforcement Policy because I am a:

- A. Water Rights Holder
- B. Attorney
- C. Consultant
- D. Public Official
- E. Other

Join us on Slido at: <https://sli.do/> Event Code : WRPolicy

WATER RIGHT ENFORCEMENT POLICY SCOPING MEETING

MARCH 1, 2019

Point of Contact:

Skyler Anderson

State Water Resources Control Board

Division of Water Rights

Skyler.Anderson@waterboards.ca.gov

OVERVIEW

- **State Water Board and Division of Water Rights**
- **Regional Water Quality Control Boards**
- **Water Rights Enforcement Policy**
 - **What is a policy**
 - **Why is it needed**
 - **Proposed policy elements**
- **Timeline to adoption and opportunity for input**



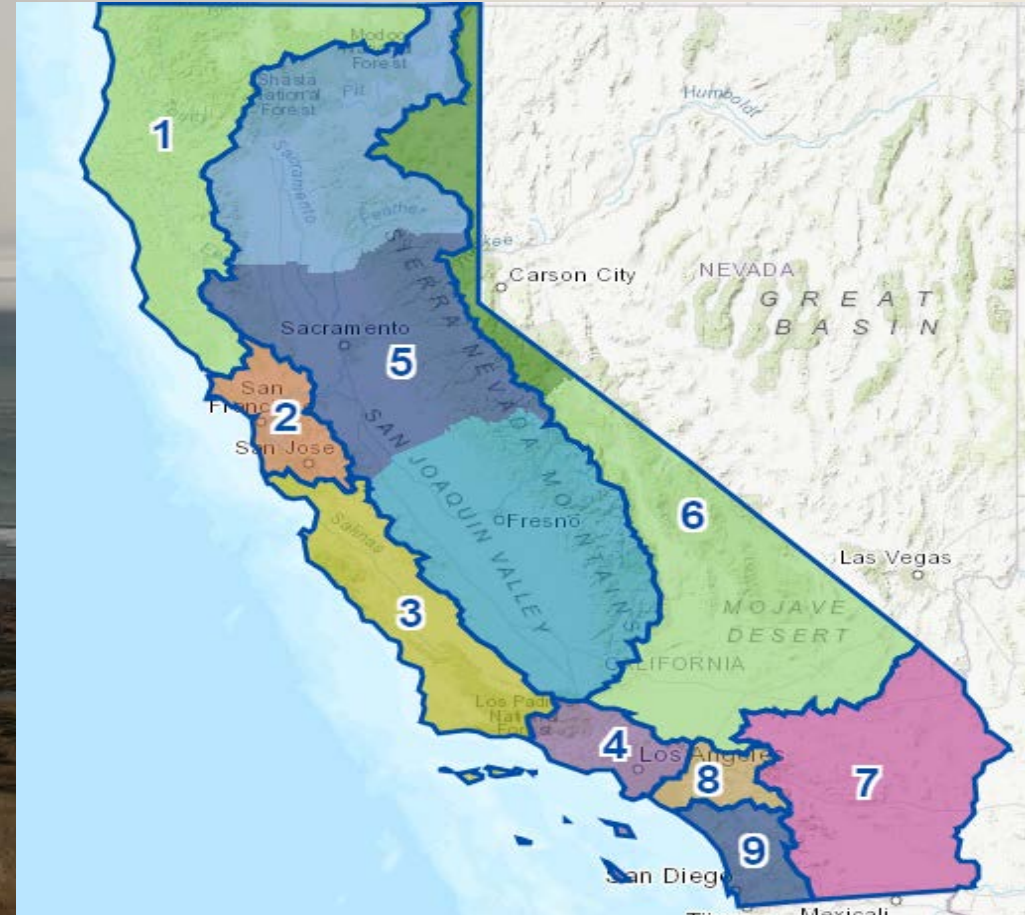
STATE AND REGIONAL WATER BOARDS

State Water Resources Control Board

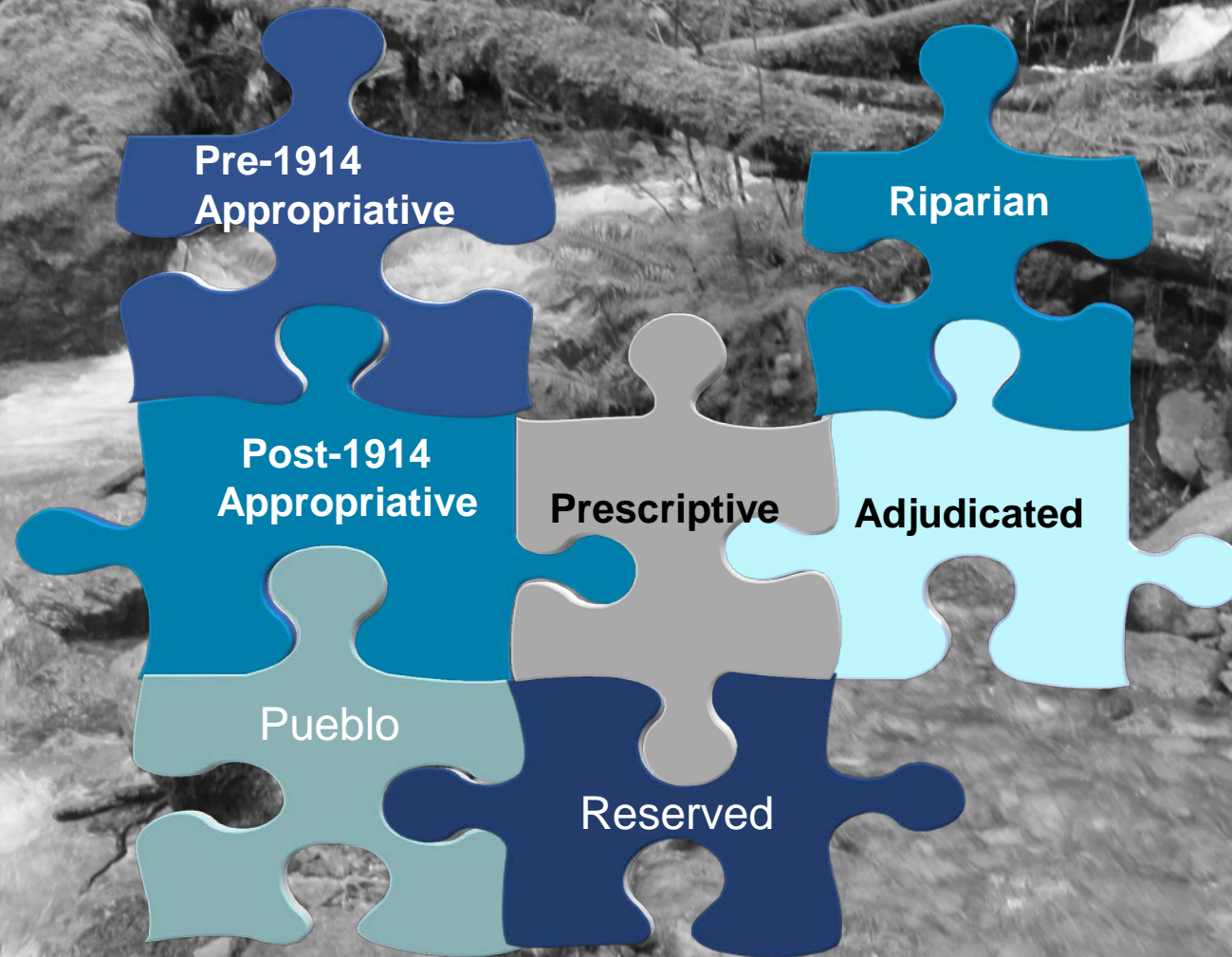
- Division of Water Rights

Regional Water Quality Control Boards

- 9 Regions across the State



DIVISION OF WATER RIGHTS



Polling Question Two

I would like to see water rights enforcement focus more on:

- A. Reporting violations
- B. Protection of public trust resources
- C. Protection of the water rights priority system
- D. Complaint investigations
- E. Compliance with terms and conditions of permits and licenses

NEW LEGISLATIVE MANDATES

2010
Requirements
to File
Statements

2015
Annual
Reporting
Requirements

2017
Cannabis
Cultivation
Policy

2014
Emergency
Drought
Regulations

2016
Measurement
Regulation



Do we need a specific section that addresses commercial cannabis cultivation and water rights enforcement?

Water Rights Enforcement Moving Forward

The Legislature wants water rights enforcement (Water Code 1825)

- Complaints, Demand, and Regulation
- Proposed Water Rights Enforcement Policy
 - What could a Enforcement Policy do?
 - What is a Policy



PROPOSED POLICY ELEMENTS

- **Regulatory strategy**
- **Statewide, regional, and program priorities**
- **Prioritization of investigation and enforcement cases**
- **Monetary penalty framework**
- **Process for Policy review and revision**
- **List of enforcement tools**



BENEFITS OF A ENFORCEMENT POLICY

Improved administration of the water rights system

- **Protection**
- **Fairness**
- **Transparency**

DEVELOPMENT OF A POLICY

Compliance

- Education, outreach, and compliance assistance
- Measuring compliance

Enforcement

- Progressive enforcement, when needed
- Timely, transparent, and equitable enforcement
- Right response for given action



GUIDANCE IN PRIORITIZING ENFORCEMENT EFFORTS AND INVESTIGATIONS

- Statewide, regional, and program priorities
- Protection and administration of the water rights system
- Risk to public health or welfare
- Protection of environment

MORE THAN 5,000 INVESTIGATIONS SINCE 2010



COMPLAINTS



WASTE AND UNREASONABLE USE



DROUGHT



CANNABIS



INFORMATIONAL ORDERS



PUBLIC TRUST

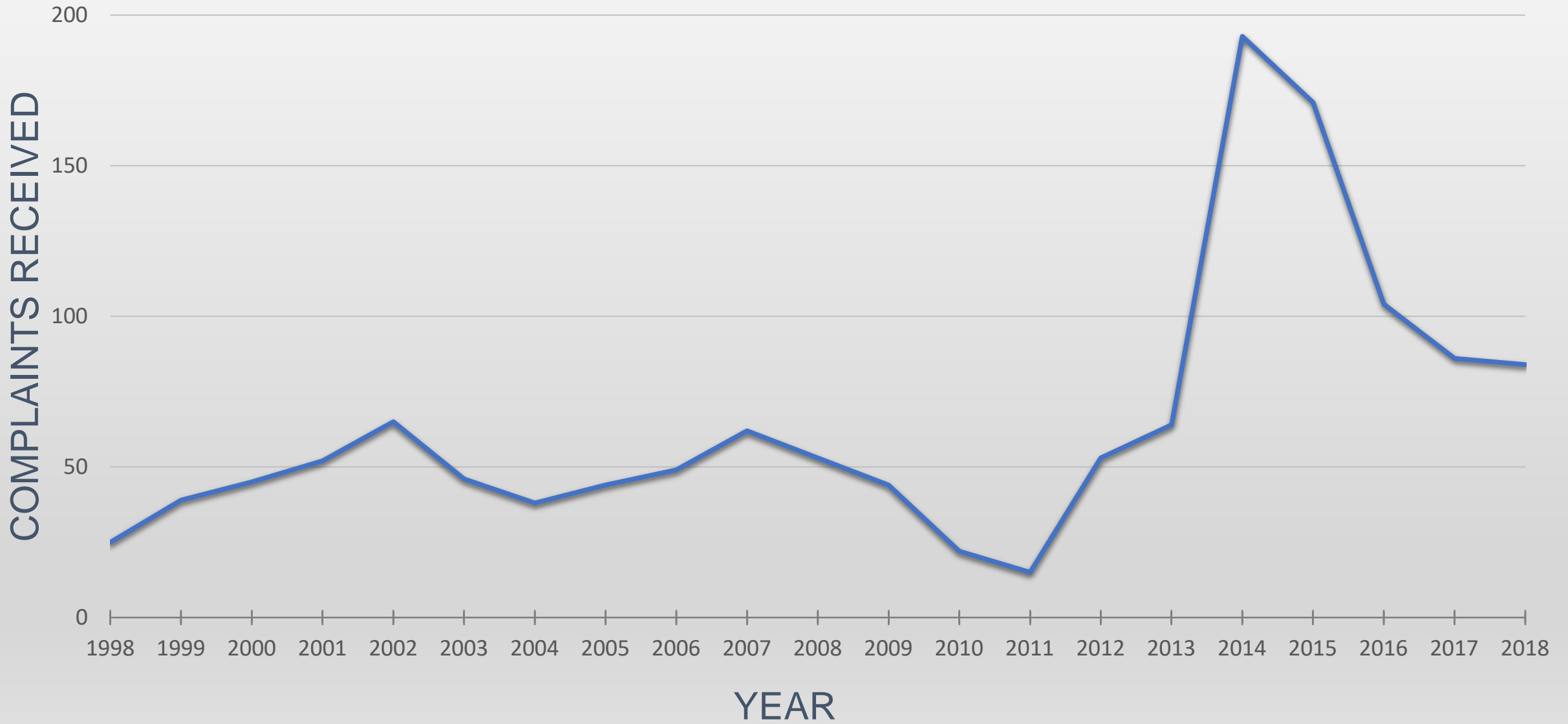


REVOCATIONS



FAILURE TO REPORT

WATER RIGHTS COMPLAINTS



HOW SHOULD WE DETERMINE PENALTIES

Water Code states that the Board shall take into consideration...

- Extent of harm caused by the violation
- The nature and persistence of the violation
- All relevant circumstances
- The length and time over which the violation occurs
- Any corrective actions taken by the violator

“All Relevant Circumstances”

- Economic benefit
- Violator’s history
- Culpability or cooperation
- Avoided cost and delayed cost

Monetary Penalties

- Fair, consistent, and transparent
- Eliminate economic advantage
- Deter future violation and compel compliance
- Penalties should be related to the nature of harm

Polling Question Three

The Proposed Policy Element that is most important to me is:

- A. Regulatory Strategy
- B. Statewide, regional and program priorities
- C. Prioritization of investigations and enforcement cases
- D. Framework for calculating monetary penalties
- E. Process for Policy review and revision
- F. Identification of enforcement tools

WATER RIGHTS ENFORCEMENT POLICY MILESTONES

- **Spring 2019 - Initial Public Outreach**
- **Fall 2019 - Release draft policy for public comment**
- **Fall 2020 – Adoption of policy**



A scenic view of a body of water at sunset or sunrise. The sky is filled with soft, colorful clouds in shades of pink, orange, and blue. The water is calm, reflecting the colors of the sky. In the distance, there are low mountains or hills. The overall atmosphere is peaceful and serene.

QUESTIONS FROM SLIDO

PROVIDING FEEDBACK

- **Collecting stakeholder input through April 15, 2019**
- **Sign up for our email list:**

https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

- **Send an us email:**

WREnforcementPolicy@waterboards.ca.gov

- **Give us a call:**

(916) 323 - 3642