

CORNING SUB-BASIN GROUNDWATER SUSTAINABILITY AGENCY

RESOLUTION NO. 2024-02

**RESOLUTION ESTABLISHING A DEMAND MANAGEMENT PROGRAM
FOR THE CORNING SUBBASIN**

WHEREAS, groundwater and surface water resources within the Corning Subbasin are vitally important resources for all beneficial uses and users, and to maintain the economic viability, prosperity, and sustainability of the Subbasin; and

WHEREAS, in 2014 the California Legislature passed a statewide framework for sustainable groundwater management, known as the Sustainable Groundwater Management Act, California Water Code § 10720-10737.8 (SGMA), pursuant to Senate Bill 1168, Senate Bill 1319, and Assembly Bill 1739, which was approved by the Governor on September 16, 2014. and went into effect on January 1, 2015; and

WHEREAS, the Subbasin has been designated by the California Department of Water Resources (DWR) as a high-priority subbasins and is subject to the requirements of SGMA; and

WHEREAS, SGMA requires that all medium and high priority groundwater basins in California be managed by a GSA and that such management be implemented pursuant to an approved Groundwater Sustainability Plan (GSP); and

WHEREAS, in January of 2022, the Corning Sub-basin GSA (CSGSA) and Tehama County Flood Control and Water Conservation District (the District), collectively the GSAs, submitted the Corning Subbasin GSP to DWR; and

WHEREAS, in October of 2023, DWR determined the GSP was incomplete and would require revisions prior to being determined as adequate under SGMA; and

WHEREAS, SGMA defines sustainability as the management of groundwater that can be maintained during the 20-year GSP Implementation Period without causing undesirable results; and

WHEREAS, under SGMA the GSAs are responsible for managing groundwater under the GSP to achieve and maintain sustainability according to conditions after SGMA was effective that are caused by groundwater management in the Subbasin; and

WHEREAS, it is acknowledged that sustainable management may result in some groundwater level decline during the GSP Implementation Period prior to achieving sustainable groundwater conditions by or before 2042 and this decline may give rise to adverse impacts to some wells; and

WHEREAS, the GSAs acknowledge that during the GSP Implementation Period it will be necessary to implement projects and management actions to achieve and maintain sustainable groundwater conditions in the Subbasins by or before 2042; and

WHEREAS, it is acknowledged that successful implementation of planned GSP projects to achieve their intended recharge benefits during the 20-year GSP Implementation Period (prior to 2042) is dependent in part on uncertainties related to hydrologic conditions, including precipitation and snowpack, and available water supply during that time period; and

WHEREAS, the GSAs acknowledge that implementation of management actions will be necessary to offset these uncertainties related to project implementation and project benefits to ensure that sustainable groundwater conditions are achieved in the Subbasin by or before 2042; and

WHEREAS, it is acknowledged that wet hydrologic conditions and faster implementation of projects may result in diminished need for management actions, and

WHEREAS, the GSAs acknowledge that dry hydrologic conditions, prolonged drought, and delayed implementation of projects may result in an accelerated need for management actions; and

WHEREAS, the GSAs recognize that in order to obtain a determination that the GSPs are adequate, DWR is seeking a firm commitment from the GSAs for their consideration of management action(s) to address and mitigate overdraft and groundwater level decline during their management of the Subbasin; and

WHEREAS, the GSAs acknowledge that they cannot control groundwater conditions not caused by actions taken by the GSA; and

WHEREAS, the GSAs acknowledge that SGMA requires sustainable groundwater management; however, SGMA does not make GSAs responsible for injury from overdraft; and

WHEREAS, the GSAs acknowledge that management action(s) to address and mitigate overdraft, groundwater level decline, and subsidence will be implemented in coordination with other related programs in the Subbasin and in the region, as applicable.

NOW, THEREFORE BE IT RESOLVED, in consideration of the conditions contained herein and these Recitals, which are hereby incorporated herein by this reference, the Tehama County Flood Control and Water Conservation District has committed to review, consider, and undertake mitigation actions for demand management through development of a Demand Management Program (Program) as follows:

1. PROGRAM MEASURES

Within 90 days of the adoption of this Resolution, the responsible groundwater sustainability agency shall review its procedure for providing a consistency determination for groundwater well applications pursuant to Executive order N-3-23. To the extent allowed by law, the -responsible groundwater sustainability agency may amend or revise the procedures to address any new demands that may contribute to overdraft and adversely impact the achievement of groundwater sustainability pursuant to the amended groundwater sustainability plan (GSP) submitted to the Department of Water Resources (DWR) on April [xx], 2024.

The Program is anticipated to include some subset of the following Program measures:

- Measures to be considered and moved forward for **immediate implementation (at the Program start date)**. Measures may include, but are not limited to, the following voluntary measures for reducing demand:
 - Best management practices (agronomic practices, soil moisture monitoring and management, delayed irrigation and/or regulated deficit irrigation, runoff capture, etc. to reduce groundwater extraction)
 - Water conservation (focusing on activities to reduce consumptive use and groundwater extraction)
 - Encouraging use of all available surface water in lieu of groundwater pumping
 - Multi-benefit land repurposing (e.g., recharge basins, renewable energy, habitat, recreational spaces)
 - Incentivized land use changes that provide net groundwater benefit
 - Dry farming
 - Fallowing (not associated with groundwater substitution transfers)
- Measures to be considered and moved forward for **phased adaptive implementation** (i.e., develop the actions further so that they are ready to implement in phases, commensurate with issues). Measures may include, but are not limited to:
 - Allocations, considering:
 - Well restrictions
 - Pumping restrictions
 - Water market/trading and/or fee structures
- Phased adaptive implementation measures are to be implemented commensurate with:
 - The amount of demand reduction required.
 - The issue(s) facing the area(s) where the measure(s) are to be implemented, considering, but not confined to:
 - Options for regional implementation of certain actions (around a “Special Zones” where undesirable results are occurring), and/or
 - Options for Subbasin-wide implementation of certain actions (equal treatment of the Subbasin as a whole).

- Options for Management Area-wide implementation of certain actions (equal treatment for all subbasins within the Subbasin or the entirety of the Subbasin)

2. FUNDING AND FINANCING

The District and CSGSA will fund the Program through long term GSA funding mechanisms as determined by the District Board and CSGSA respectively.

Estimated expenses for the Program are difficult to ascertain due to the significant variables involved. However, budgetary numbers will range from \$150,000 to \$1,000,000 annually.

However, these numbers are only estimated for planning purposes and are subject to revision during Program development.

It is anticipated that the Program funding will come from one, or a combination, of the following sources established by the Parties:

- GSA fees and assessment
- Funds generated through implementation of other projects and management actions (e.g., fines and/or penalties)
- County/state/federal funding, as available
- Other sources, as identified

3. TERM

The Program shall be developed and implementation shall begin no later than January 1, 2027 (the Program start date). Upon implementation, the Program shall continue in perpetuity unless otherwise directed by the GSAs.

4. PROGRAM DEVELOPMENT

The GSAs shall, as part of Program development, define the Program's purpose, objectives, scope, roles and responsibilities, requirements, and potential outcomes.

The anticipated goal of the Program is to address and mitigate overdraft and groundwater level decline, and related undesirable results during the GSP Implementation Period, as defined in the Revised GSP, by reducing demand for groundwater.

Items for consideration during Program development include, but are not limited to:

- Definitions
- Program measures, including:

- Measures for immediate implementation (i.e., measures that will move forward at the Program start date)
- Measures for phased adaptive implementation (i.e., measures that will be developed further so that they are ready to implement in phases, commensurate with issues)
- Public outreach and engagement process
- Coordination of Program with other related programs in the region, as applicable
- Implementation considerations and protocol for phased adaptive implementation measures:
 - Identification of area(s) where measures are applicable
 - Determination of sustainable yield for those areas
 - Determination of an appropriate transition period from current to sustainable conditions (prior to 2042), considering uncertainties of the basin setting and of the timelines for other projects.
 - Process and timeline for implementing phased measures.
 - Process and timeline for evaluating and adapting measures to respond to changing conditions (in annual reports and periodic GSP evaluations).
 - Considerations for allocation development and enforcement, as applicable, related to consumed versus extracted groundwater.
 - Monitoring and enforcement process
 - Funding and financing, including the planned annual Program funding responsibilities.

5. PROGRAM IMPLEMENTATION AND MANAGEMENT

It is anticipated that a committee will be formed to create and set the final terms of the Program. The final implementation and management of the Program will be approved by the GSAs prior to the program start date.

6. ENVIRONMENTAL REVIEW

The GSAs will complete any environmental review as may be determined necessary for Program implementation.

PASSED, APPROVED AND ADOPTED by the Committee of Members of the CORNING SUB-BASIN GROUNDWATER SUSTAINABILITY AGENCY on this ____ day of April 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

CERTIFICATE OF RESOLUTION

We, the undersigned, hereby certify as follows:

1. That we are the Chair and Secretary of the CORNING SUB-BASIN GROUNDWATER SUSTAINABILITY AGENCY; and
2. That the foregoing resolution, consisting of 6 pages, including this page, is a true and correct copy of a resolution of the Committee of Members of the Corning Sub-basin Groundwater Sustainability Agency, passed at the meeting of the Committee of Members held on April ____, 2024, IN WITNESS WHEREOF, we have signed this certificate this ____ day of April 2024.

_____ John Amaro, Chair of the Corning Sub-basin
Groundwater Sustainability Agency

_____ Lisa Hunter, Secretary