

MEETING SUMMARY
Glenn County SGMA Public Meeting
Local Planning Effort
March 8, 2016

Introduction

Supervisor Leigh McDaniel introduced himself and made opening remarks. He highlighted the importance of working together to develop a groundwater management program that will satisfy the State. Supervisor McDaniel emphasized that the Sustainable Groundwater Management Act (SGMA) is a state law and that it must be implemented in Glenn County. He explained that there will be several meetings in the coming months and he encouraged participants to remain involved and to get the word out. Supervisor McDaniel pointed out that the Department of Water Resources (DWR) has provided facilitation services through the Center for Collaborative Policy (Center) which he suggested demonstrates that the State wants Glenn County to succeed on a local level.

Dave Ceppos, Associate Director of the Center introduced himself as the facilitator for the meeting. He informed the group that the Center is working in 14 different places throughout the State on SGMA implementation—as far south as San Diego, in the San Joaquin Valley, on the Central Coast, and as far north as Glenn County. Mr. Ceppos reviewed the meeting agenda and stated that the PowerPoint presentation would be available electronically on the project website www.glenncountywater.org. He explained the purpose of the meeting was to increase public understanding of SGMA and to focus on future governance. He applauded Glenn County for initiating this SGMA implementation process and assured participants that Glenn County is “ahead of the curve” to meet DWR compliance deadlines.

SGMA Background and Requirements

Lisa Hunter, Water Resources Coordinator for Glenn County, introduced herself, presented the core elements of SGMA, and described local planning efforts underway. The main elements of the presentation included the following:

- SGMA Background
- Preparing to Advance SGMA Locally
- Recent SGMA Activities
- Early Implementation Steps in Glenn County
- Next Steps

SGMA was passed by the State legislature, signed by Governor Brown, and became law on January 1, 2015. SGMA requires that eligible local agencies in all high and medium priority

groundwater basins form Groundwater Sustainability Agencies (GSAs) by June 2017 and prepare Groundwater Sustainability Plans (GSPs) by no later than January 2022. Local agencies with water supply, water management or land use planning authority can form GSAs (e.g. a county, city, or water district). Three subbasins in Glenn County qualify as high or medium priority-- Corning, Colusa, and West Butte. The law asserts that local control is the preferred approach to groundwater management. However, the State maintains oversight of groundwater management planning efforts, and will serve as a backstop if local efforts fail to create GSAs or develop and adopt GSPs by compliance deadlines.

Ms. Hunter emphasized that SGMA affects everyone in Glenn County which makes it essential for everyone to work together. The State takes a subbasin by subbasin approach to determine sustainability. The County would like to promote a collaborative approach across its three subbasins. DWR defines sustainability as managing groundwater to prevent undesirable results that are significant and unreasonable using the following six criteria:

- Chronic lowering of groundwater levels
- Reduction of groundwater storage
- Seawater intrusion
- Degraded water quality
- Land subsidence
- Depletions of interconnected surface waters

Key SGMA implementation milestones include the following:

- January 1, 2016—Basin boundary emergency regulations and SB 13 became law
- February 18, 2016-- Draft GSP regulations released
- June 1, 2016-- GSP regulations will be adopted by DWR
- June 30, 2017-- Deadline to form GSAs
- July 1, 2017-- State affirms GSA status
- January 31, 2020-- GSPs complete for critically over-drafted basins
- January 31, 2022-- All other high and medium priority GSPs complete (including subbasins within Glenn County)

More information on SGMA can be found on the DWR website:

<http://www.water.ca.gov/groundwater/sgm/>

As per the law, areas that fall outside the service boundaries of eligible GSAs, are presumed to be represented by the County. If the County opts out, the State will manage those areas. Ms. Hunter noted that Glenn County does not intend to opt out of this responsibility. Mutual water companies cannot form a GSA outright, but may be invited to participate in a GSA. Private pumpers who extract less than 2 acre feet per year of groundwater, referred to as “de minimis”

users, are subject to SGMA however they are addressed differently than other groundwater users. SGMA does not require measurement of de minimis users so questions exist about how such water users will be identified. Ultimately, the local GSAs decide how de minimis users will be affected by SGMA.

Mr. Ceppos added that Glenn County is a part of the Colusa Subbasin, as are Colusa and Yolo Counties (and a small portion of southern Tehama County). He underscored that the State doesn't care how sustainable a local agency is. The State cares about how sustainable the entire subbasin is. Therefore, there will need to be coordination across County boundaries and GSA boundaries to demonstrate sustainable groundwater management of the Colusa subbasin.

Ms. Hunter identified that to date, the following 9 agencies have officially noticed DWR of their intent to form GSAs. They include:

- City of Orland
- County of Glenn
- Glenn-Colusa Irrigation District
- Glide Water District
- Kanawha Water District
- Orland-Artois Water District
- Provident Irrigation District and Princeton-Cordora-Glenn Irrigation District
- Reclamation District 1004
- Western Canal Water District

Ms. Hunter explained that each individual GSA is responsible for sustainable groundwater management and may conduct the following activities:

- Adopt rules, regulations and ordinances,
- Conduct groundwater studies and investigations
- Register and monitor wells
- Require reports of groundwater extraction
- Implement capital projects to meet goals
- Assess fees to cover management costs
- Conduct outreach and include in SGMA planning all interested parties

Mr. Ceppos added that no matter how many GSAs are in the County, all will have the same responsibilities and will need to coordinate activities. If local GSAs are not partnered together, the 9 different agencies will need to send out the same notifications and conduct the same level of outreach to interested parties, amounting to significant duplication of activities.

Development of GSPs is the job of all GSAs. Each subbasin is required to develop a GSP. If there are multiple GSPs within a subbasin, they must be coordinated and must utilize the same data and methodologies and must have a coordination agreement.

Ms. Hunter described the respective oversight roles of DWR and the State Water Resources Control Board (State Board). DWR is responsible to develop Basin Boundary and GSP regulations and to review and approve GSPs and to oversee their implementation. The State Board is responsible to implement state intervention, assess fees, designate probationary basins and develop and implement interim plans for basins that are not compliant with SGMA. Mr. Ceppos added that the State does not want to intervene locally. There are 127 high and medium priority basins throughout the State. It is incumbent on the local participants to work together to meet the first compliance deadline to form a GSA and then to develop a GSP. This becomes the test. If the local area does not comply, the State Board will come in and function as the GSA.

Mr. Ceppos invited questions from the audience regarding SGMA background and requirements. The following reflects the comments, questions and concerns raised by meeting participants.

Question: What would be considered interconnected surface water?

Response: Evidence that groundwater pumping may be affecting perennial creek flows where the groundwater table is in physical contact with the stream bed. For more information about groundwater/surface water interactions, see:
http://www.water.ca.gov/groundwater/groundwater_basics/gw_sw_interaction.cfm

Question: Could it work the other way where the creek is recharging the groundwater?

Response: Yes, it could. Although water law and policy sometimes consider groundwater and surface water as separate resources (depending on several variables), groundwater and surface water are often inter-dependent.

Question: What happens if you have a parcel in two jurisdictions? Would you need to be a member of two GSAs?

Response: You would technically have to be in two different GSAs. However, it is possible for multiple GSAs to work together in a partnership. If the partnering doesn't occur, you would need to be in two different GSAs. However, as a private individual you do not actually join a GSA as a member, there will be someone representing you.

Comment: The State just wants to take the water.

Question: Could you review the dates? When do the GSAs need to be formed?

Response: GSAs need to be formed by June 30, 2017. There are any number of permutations of how that could happen. GSPs need to be completed by January 31, 2022. That starts a 20 year clock. Sustainability is determined on a 20 year timeframe—

by 2042. The draft GSP regulations are taking public comment until March 25th (DWR has extended the deadline to April 1, 2016). The regulations are quite comprehensive.

Question: How do you define sustainability?

Response: Sustainability is defined in the law (SGMA) which uses six criteria. The definition is to manage groundwater to prevent undesirable results (significant and unreasonable). Significant and unreasonable is somewhat subjective. That will be defined by the local agencies but will be reviewed by the State. The six criteria are: chronic lowering of groundwater levels, reduction of groundwater storage, seawater intrusion, degraded water quality, land subsidence, and depletions of interconnected surface waters.

Question: How is groundwater storage going to be measured?

Response: There will need to be a characterization of the basin included in the GSP. The local GSAs will need to describe the technical basis for the characterization.

Question: How is that different from measuring the groundwater level up or down?

Response: I can't answer that. We will go to DWR for a response.

Question: How many monitoring wells are in the basin?

Response: Approximately 84 zones from dedicated monitoring wells are monitored throughout Glenn County.

Question: How often are wells monitored?

Response: Most of those wells have data loggers. So, it is hourly. You can find it on DWR's website.

Recent SGMA Activities and Early Implementation Steps

Ms. Hunter described initial steps the County has taken to advance SGMA locally. The County has dedicated staff resources, conducted public outreach, and acquired a DWR facilitation services grant making it possible to work with the Center. The County has also pursued a \$250,000 DWR grant for data management to support upcoming SGMA activities. Ms. Hunter proceeded to describe recent SGMA activities at the State level.

SB 13 Amendment

DWR has interpreted SB13 to be retroactive from its enactment date of January 1, 2016. SB 13 makes the following amendments to SGMA:

- Removes the Notice of Intent to be a GSA
- Allows a mutual water company to be a part of a GSA through a legal agreement
- Prohibits overlap of service area boundaries
- Prohibits local agencies from imposing fees or regulatory requirements on entities outside their boundaries
- Requires DWR to post all “complete” notices within 15 days of receipt

Basin Boundary Modifications

The County as a whole will not be seeking a basin boundary modification. Yolo County will be submitting a basin boundary modification. Tehama County is considering adjusting the basin boundary to be consistent with its county line (a minor adjustment).

Groundwater Sustainability Plan Regulations

By June 1, 2016, DWR will adopt regulations for evaluating and implementing GSPs and for coordinating agreements. If there are multiple GSAs, they must have legal coordinating agreements with adjacent GSAs. They will also need coordinating agreements for GSPs. The State requires evidence that coordination is taking place. DWR wants to see one plan per subbasin. Even if there are multiple plans, a coordinating or submitting agency will integrate multiple plans and submit one plan for the subbasin. GSP draft regulations are available for public review at www.water.ca.gov/groundwater/sgm/gsp.cfm. Public comments in writing are due by April 1, 2016. The final GSP regulations will be released on June 1, 2016. DWR will hold three public meetings and a statewide webinar including:

- Monday, March 21, 2016 from 4-6 PM in Visalia
- Tuesday, March 22, 2016 from 1-3 PM in Santa Ana
- Thursday, March 24, 2016 from 1-3 PM Webinar
- Friday, March 25, 2016 from 9-11 AM in Sacramento

Proposed Process in Glenn County

Mr. Ceppos reiterated that the County received DWR grant funding for facilitation services from the Center. The Center does not work for the County but for all affected stakeholders. The Center is working with Colusa and Yolo Counties as well, which helps bring planning continuity across the Colusa subbasin.

The Center began outreach by speaking with local agencies who officially noticed DWR of their intent to form GSAs. The Center started there but will be reaching out to other eligible GSAs in the coming weeks. The role of the Center, as a neutral party, is to gain an understanding of what the noticed and eligible GSA agencies want and what they wish to avoid in the SGMA

process. This will assist the Center to facilitate a process that identifies the best groundwater governance options for Glenn County.

Mr. Ceppos underscored that the new GSP regulations are very specific. The local governance structure must be described in the GSP including a description of how stakeholders were involved, how decisions are made, and how different GSAs and GSPs in the subbasin are coordinated.

In the coming months, the Center will facilitate public meetings focused on GSA governance. These meetings will be the place where participants roll up their sleeves and figure out how it is all going to work. The next steps in the process are to:

- Convene Governance Workgroup
- Hold additional public meetings
- Continue to coordinate with adjacent subbasins

Mr. Ceppos invited final questions from the audience. The following reflects the comments, questions and concerns raised by meeting participants.

Comment: There's a lot of interest among private landowners for self-governance. It doesn't have to be the County who represents these landowners.

Comment: I wish the government would learn from its mistakes. We set ourselves up for failure when we place a timeline on what needs to be achieved. I'm in production agriculture and I'm tired of being the enemy. I'm a taxpayer.

Question: Are we going to lose historical water rights?

Response: That is not the intent of the law.

Closing Remarks

Mr. Ceppos acknowledged that SGMA represents significant change that he observed may not sit well with some of the meeting participants. He assured the audience that the Center will work with everyone. He reiterated that the County is interested in a collaborative approach and that it will be essential for everyone to pool resources and work together. Supervisor McDaniel thanked attendees for their time and interest and emphasized that successful implementation of SGMA will depend on people getting involved in the process.