

## Glenn County

### Sustainable Groundwater Management Act | Governance Workgroup Meeting #2

Tuesday, May 24, 2016

9:00 a.m. – 12:00 p.m.

Location: Willows City Council Chambers

201 North Lassen Street, Willows, CA 95988

**Meeting purpose:** Continue SGMA Governance Planning Discussions in Glenn County

Time	Topic
9:00	<b>Introduction</b> <ul style="list-style-type: none"><li>• Welcome</li><li>• Opening remarks</li><li>• Announcements</li><li>• Agenda review and meeting purpose</li></ul>
9:15	<b>Presentation and Discussion – Local Implementing Agency (LIA) Concept</b> <ul style="list-style-type: none"><li>• “Management Area” Concept in Proposed Emergency Groundwater Sustainability Plan (GSP) Regulations</li><li>• Description of LIA Concept</li><li>• Integration of LIA and Management Area Concepts</li><li>• Open Discussion / Q&amp;A</li></ul> <p><i>Objective: Introduce and discuss LIA governance option.</i></p>
10:15	<b>Presentation and Discussion – Groundwater Sustainability Agency (GSA) Roles and Responsibilities</b> <ul style="list-style-type: none"><li>• SGMA Governance Recap</li><li>• Governance Phases</li><li>• Potential Roles and Responsibilities Matrix</li><li>• Open Discussion / Q&amp;A</li></ul> <p><i>Objective: Begin focused discussion on roles and responsibilities and interests of eligible GSAs.</i></p>
11:15	<b>Discussion – Potential Common Principles</b> <ul style="list-style-type: none"><li>• Potential Common Principles</li><li>• Open Discussion / Group Feedback</li></ul> <p><i>Objective: Continue discussion of potential common principles for GSA(s)</i></p>
11:55	<b>Next Steps</b> <ul style="list-style-type: none"><li>• Action Items</li></ul>
12:00	<b>Meeting Adjourns</b>

# **The Sustainable Groundwater Management Act in Glenn County**

## ***Local Implementing Agency (LIA) Concept***

*A Localized Governance Alternative for the Sustainable  
Groundwater Management Act*

# Outline

- I. Background
- II. Problem Statement
- III. Proposal
- IV. Example Application

# Background

## ***Local Implementing Agency – LIA Concept***

- Envisioned by Center for Collaborative Policy initially for Kaweah Delta. Being pursued in Kaweah Delta and Yolo
- White Paper Pending
- Concept has not been reviewed or approved by DWR or State Board

# Problem Statement

## ***Local Implementing Agency – LIA Concept***

- SGMA mandates Groundwater Sustainability Agencies (GSA)
- SGMA creates no other new form of governance. GSAs appear to be an “all or nothing” approach
- SGMA is “agnostic” about whether a local agency is ready, willing, and able to be a GSA
- Most eligible GSAs are prepared to support the purpose and intent of SGMA. But....

# Problem Statement (continued)

## ***Local Implementing Agency – LIA Concept***

- SGMA creates concern for local agencies who do not want their water use dictated by “others” and have limited resources to participate in / create a GSA
- In some cases multi-agency GSAs will be appropriate
  - Achieve economies of scale
  - Avoid duplication of effort and stakeholder confusion
  - Effective sharing of data (required for GSP)
- Multi-agency GSA has practical limitations
  - Size
  - Financial cost of membership role
  - Time implications to smaller eligible agencies

# Proposal

## ***Local Implementing Agency – LIA Concept***

- *Hypothesis – There can be a form of governance that achieves SGMA objectives and the interests / limitations of a local agency that opts to not be a full GSA*
- A localized, intermediate layer of governance within a GSA
- “Think globally...act locally”
  - Global Plan – Groundwater Sustainability Plan (GSP)
  - Local Implementation - LIA
- LIA is an implementing unit of a GSA

# Example Application

## ***Local Implementing Agency – LIA Concept***

- Multi-agency GSA is formed.
- All eligible GSAs are afforded a venue to provide input on governance and the GSP
- Some eligible GSAs decide to take on governing member role. Other eligible GSAs opt to be a LIA
- GSP is prepared and includes “Management Areas” (as described in Final GSP Regulation)
- Management Area boundaries match boundaries of individual eligible GSAs or groups of eligible GSAs

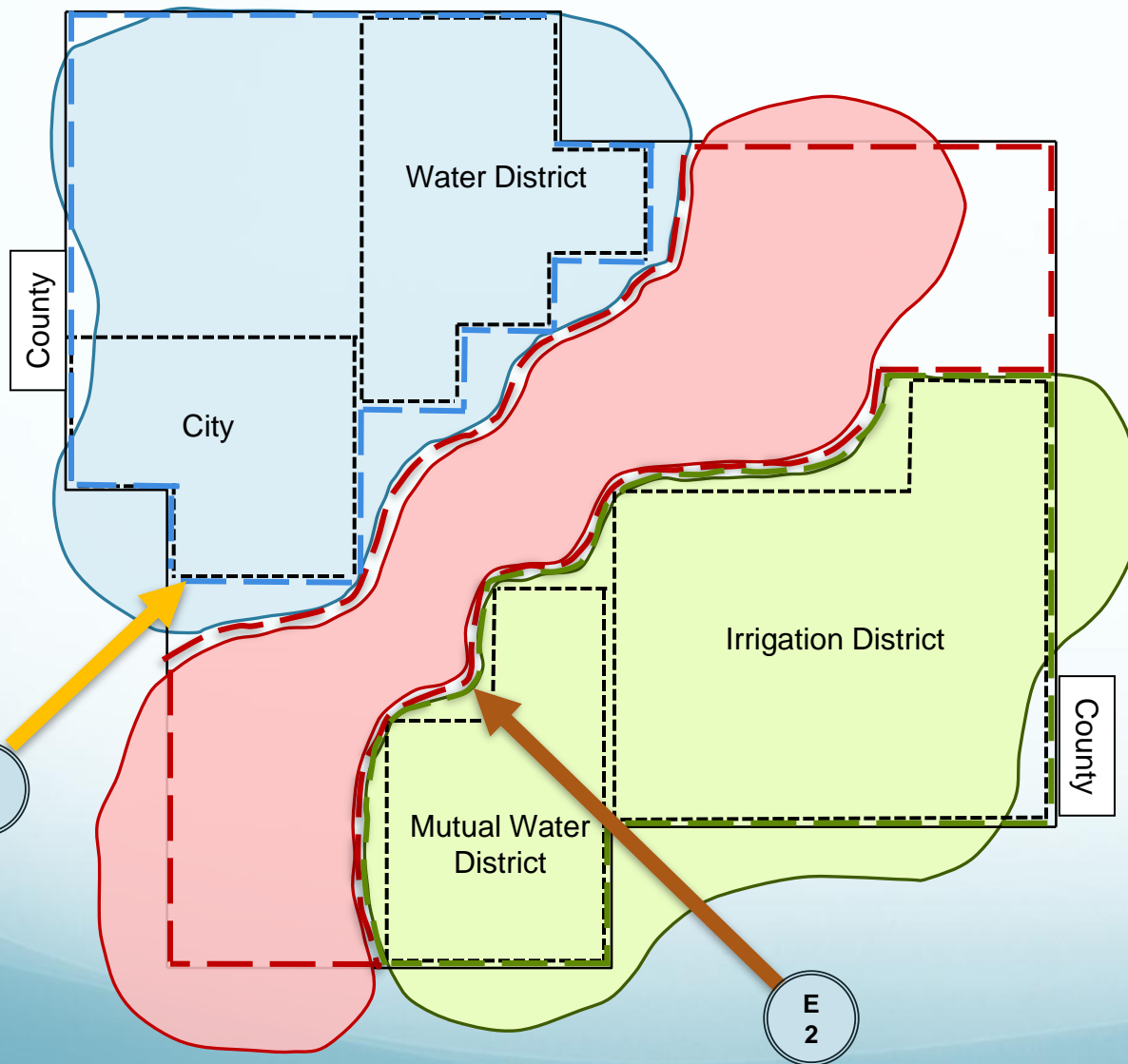


# Example Application

## ***Local Implementing Agency – LIA Concept***

- GSP prescribes roles, responsibilities, and actions to be taken by all groundwater users
- Roles, responsibilities, and actions differ by Management Area and perhaps by specific local agencies
- GSA assumes specific “global” responsibilities (e.g. reporting to State, final enforcement, fee collection, etc.)
- LIAs assume the localized responsibility to implement the requirements of the GSP attributed to them (e.g. local water use, initial enforcement, land owner engagement, etc.)

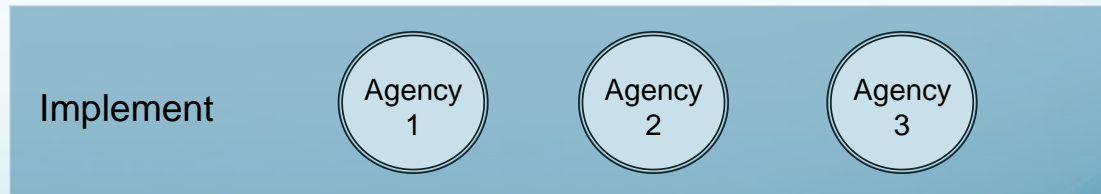
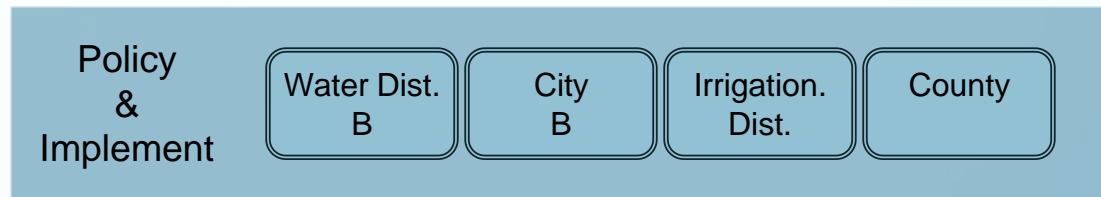
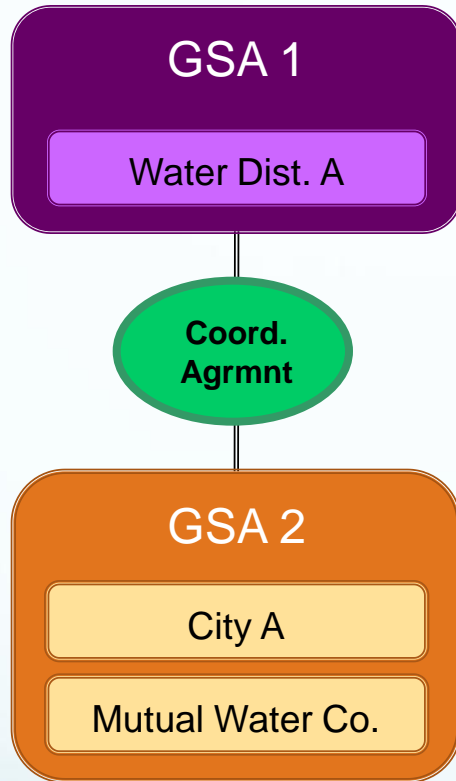
# Example 1 – Visual



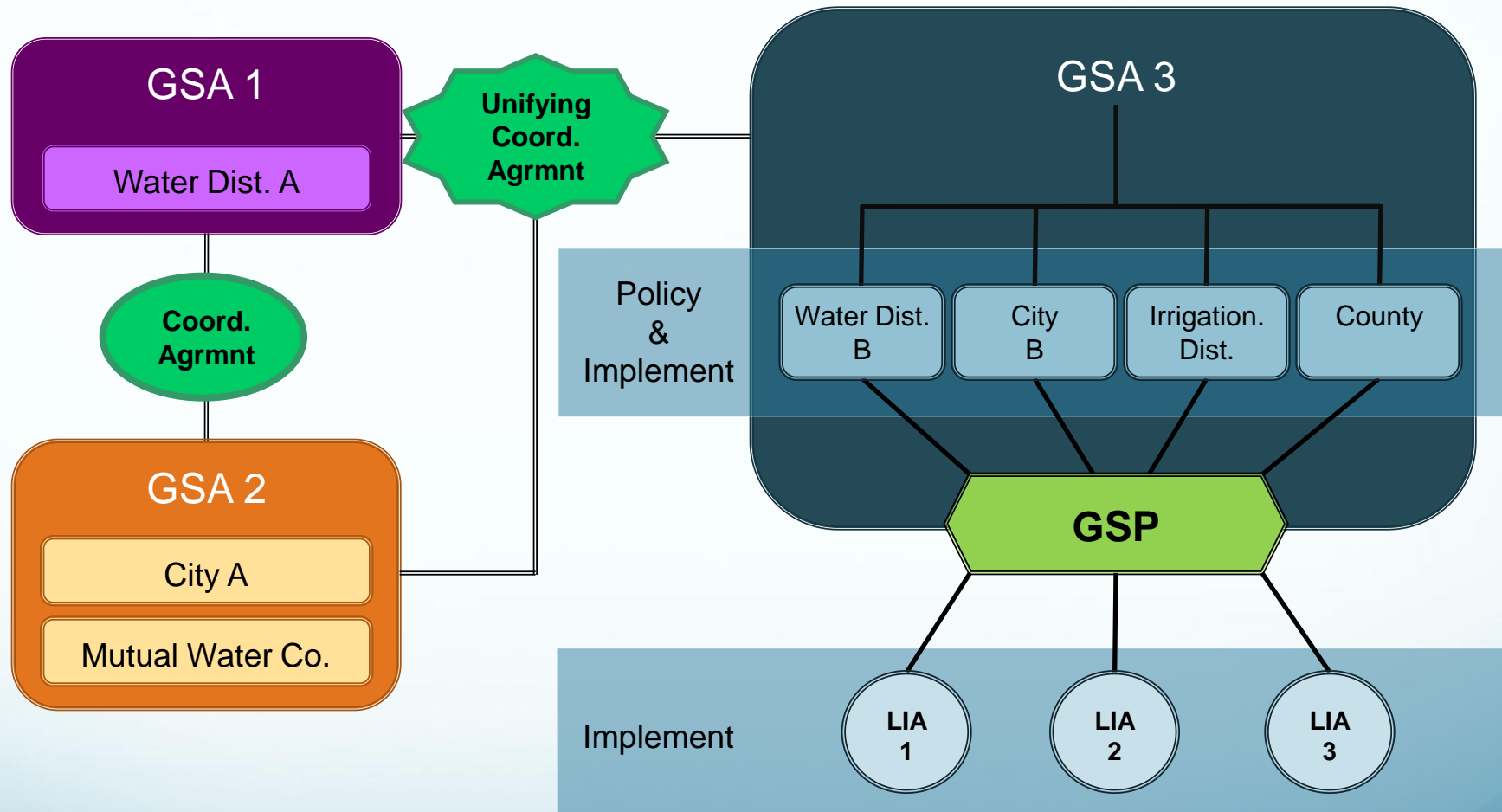
## Legend - Boundaries

- County
- Other Local Agency
- Management Area 1
- Management Area 2
- Management Area 3
- Example 1 (E1)
- Example 2 (E2)

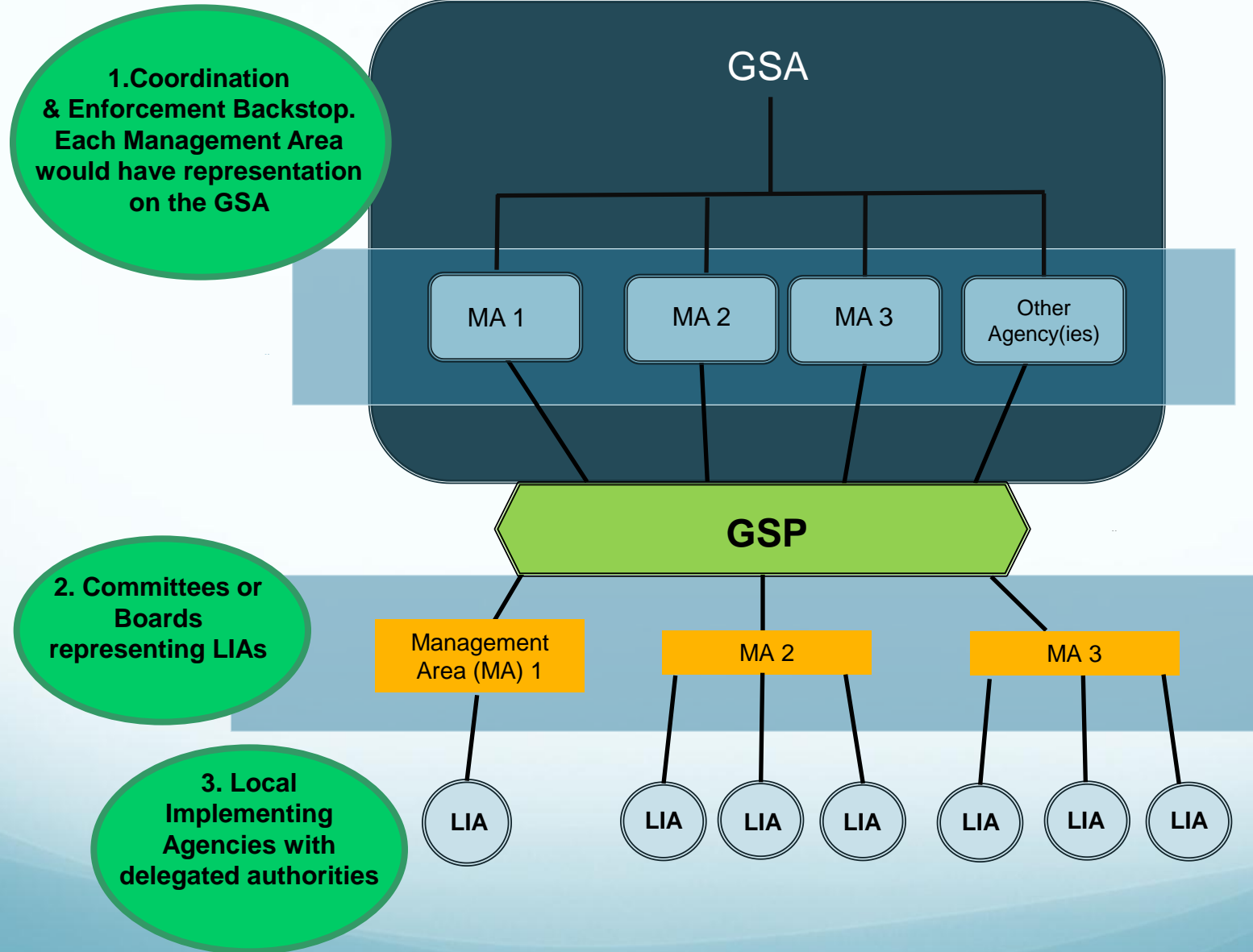
# Example 2 – Governance Diagram



# Example 2 – Governance Diagram



# Example 3 – 3-Tiered Governance Diagram



# **Open Discussion / Q&A**



# Outline

- I. SGMA Background - Recap
- II. Governance Phases
- III. Roles and Responsibilities



# SGMA Background – Governance

## ***Groundwater Sustainability Agencies (GSAs)***

- “Any local agency or combination of local agencies overlying a groundwater basin may decide to become a groundwater sustainability agency for that basin.” (Water Code § 10721)
- “Local agency” means a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.” (Water Code § 10721)
  - e.g. - counties, cities, water agencies, irrigation districts, drainage districts, PUDs, CSDs. or similar

# SGMA Background – Governance

## *Groundwater Sustainability Agencies (GSAs)*

- One or more GSAs must be formed per basin / subbasin
- A GSA may be formed by a single eligible agency, or by legal agreement between two or more eligible agencies.
- Two or more GSAs must prepare a Coordination Agreement (a legal agreement) between them. (Water Code § 10721, 10727)(b)(3), etc.)
- County represents / manages all groundwater conditions outside another managed area (Water Code § 10724)

# SGMA Background – Governance

## ***Groundwater Sustainability Agencies (GSAs)***

- SB 13 Added - “A water corporation regulated by the Public Utilities Commission or a mutual water company may participate in a groundwater sustainability agency through a memorandum of agreement or other legal agreement. The authority provided by this subdivision does not confer any additional powers to a nongovernmental entity..”

(Water Code § 10723.6 (b))

# SGMA Background – Governance

## ***Groundwater Sustainability Agencies (GSAs)***

- Private Pumpers / The Public
  - No special authorities are granted. Only references are:
    - 10723.2 - Consideration of interests of all beneficial uses and users of groundwater
    - 10726.5 - In addition to any other authority granted to a GSA by this part or other law, a GSA may enter into written agreements and funding with a private party to assist in, or facilitate the implementation of, a GSP or any elements of the plan.

# SGMA Background – Governance

## ***Groundwater Sustainability Agencies (GSAs)***

- 10724 – Presumption that County will Manage Areas not Covered by a GSA:
  - (a) In the event that there is an area within a high- or medium-priority basin that is not within the management area of a GSA, the county within which that unmanaged area lies will be presumed to be the GSA for that area.
  - (b) A county described in subdivision (a) shall provide notification to the department pursuant to Section 10723.8 unless the county notifies the department that it will not be the GSA for the area.....

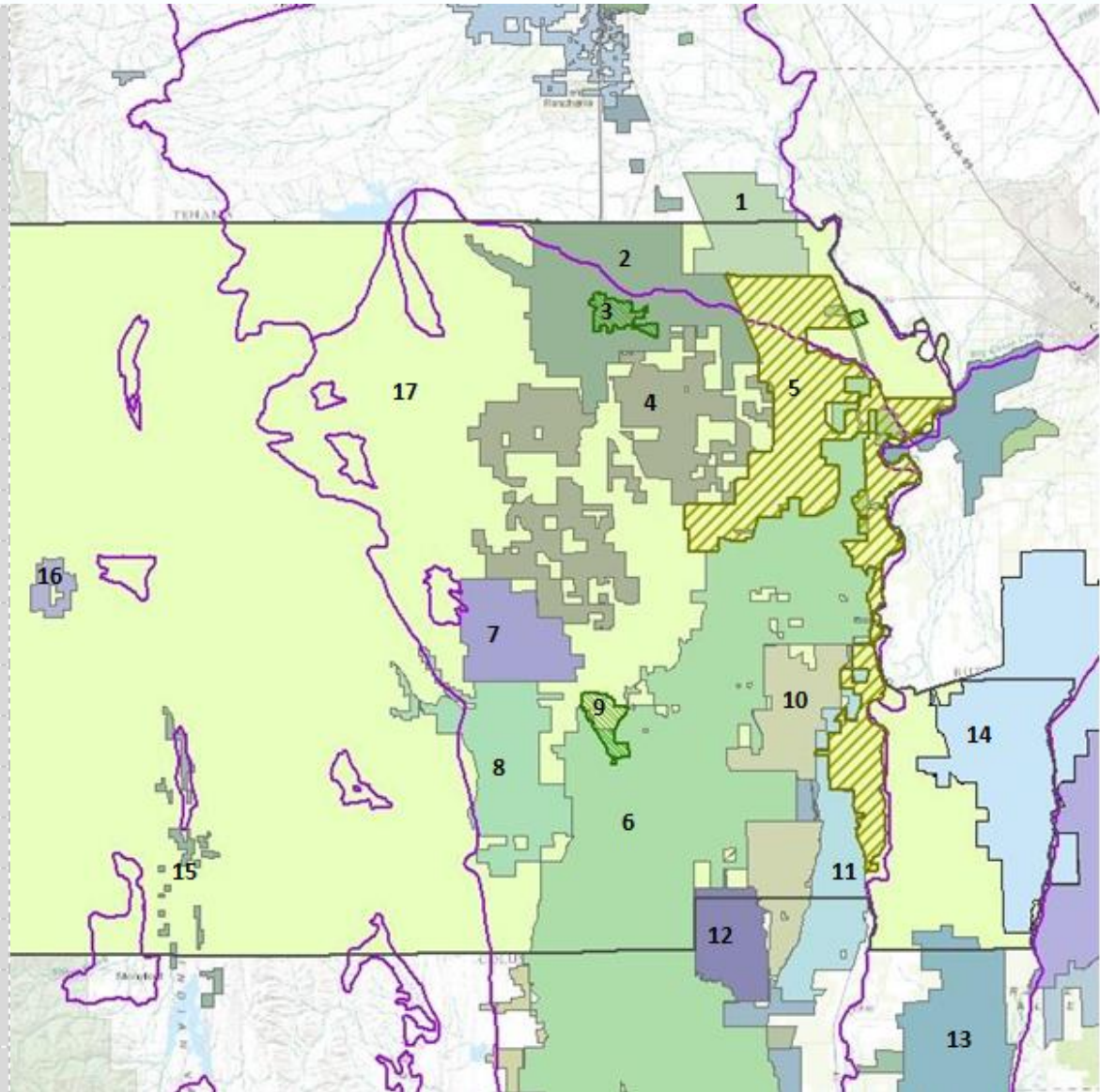
# Preliminary Eligible GSAs in Glenn County

- 1 Capay Rancho Water District
- 2 Orland Unit Water Users Association\*
- 3 City of Orland
- 4 Orland-Artois Water District
- 5 Proposed Glenn County Groundwater Management District\*\*
- 6 Glenn-Colusa Irrigation District
- 7 Glide Water District
- 8 Kanawha Water District
- 9 City of Willows
- 10 Provident Irrigation District
- 11 Princeton-Codora-Glenn Irrigation District
- 12 Willow Creek Mutual Water Company\*
- 13 Reclamation District 1004
- 14 Western Canal Water District
- 15 Stony Creek Water District\*\*\*
- 16 4-E Water District\*\*\*
- 17 Glenn County

\* Not eligible to be a stand-alone GSA

\*\* Proposed new water district currently in the LAFCO process

\*\*\* Not in a high or medium priority groundwater basin





# Governance Phases

- Groundwater Sustainability Agency (GSA) Formation
- Groundwater Sustainability Plan (GSP) Development
- GSP Implementation

# Reference Document



March 2016

## Designing Effective Groundwater Sustainability Agencies: CRITERIA FOR EVALUATION OF LOCAL GOVERNANCE OPTIONS

Michael Kiparsky, Dave Owen, Nell Green Nylan,  
Julieta Christian-Smith, Barbara Cosens,  
Holly Doremus, Andrew Fisher, and Anita Milman

Wheeler Water Institute | Center for Law, Energy & the Environment  
UC Berkeley School of Law





# SGMA Roles and Responsibilities

- Outreach – Engagement – Transparency
- Compliance
- Funding
- Authorities
  - General
  - Information Gathering and Reporting
  - Groundwater Extraction
  - Property Acquisition and Management
  - Enforcement
- Coordination
- Technical
- Governance

# Outreach – Engagement - Transparency

## Interested parties:

- All Groundwater Users
- Holders of Overlying Rights (agriculture and domestic)
- Municipal Well Operators and Public Water Systems
- Tribes
- County
- Planning Departments / Land Use
- Local Landowners
- Disadvantaged Communities
- Business
- Federal Government
- Environmental Uses
- Surface Water Users (*if connection between surface and ground water*)

# Outreach - Engagement - Transparency

- Consider all interests of all beneficial users and users of groundwater
- Maintain interested persons list
- Document a decision-making process and how stakeholder input and public response will be used.
- Encourage the active involvement of diverse social, cultural, and economic elements of the population within the basin.
- Operate under the Brown Act
- Provide access to information consistent with the California Public Records Act

# Compliance

- Notify DWR about GSA intent to prepare a GSP including methods for interested party involvement
- Comply with local ordinances and similar
  - (e.g. land use ordinance, etc.)
- Comply with all State regulations, laws, and similar
  - (e.g. CEQA, California ESA, Porter-Cologne, etc.)
- Comply with all Federal regulations, laws and similar
  - (e.g. Federal ESA, Clean Water Act, etc.)

# Funding

Establish / obtain one or more of the following:

- Regulatory fees
- Property-related fees or assessments
- Local taxes
- Local general obligation bonds
- Contributions from member agencies
- Grants from other State and federal agencies

# Authorities

- **General**

- Do anything “necessary and proper” to carry out SGMA’s purposes
- Adopt rules, regulations, ordinances, and resolutions
- Use any other authority allowed to the GSA to apply and enforce SGMA requirements

# Authorities

- **Information Gathering and Reporting**
  - Determine the need for GW management
  - Prepare and adopt a GSP
  - Prepare GSP amendments
  - Require registration of groundwater extraction facilities
  - Require measurement and annual reporting of groundwater extractions to the GSA (or similar)
  - Prepare annual reports
  - Prepare five-year assessments

# Authorities

- **Information Gathering and Reporting**
  - Conduct investigations of surface or ground water and related rights
  - Monitor the diversion of surface water to underground storage
  - Inspect property and facilities to determine compliance, upon obtaining any necessary consent or obtaining an inspection warrant



# Authorities

- **Groundwater Extraction**

- Minimize well interference by imposing well-spacing requirements on new wells and reasonable operating regulations on existing wells including requiring extractors to operate on a rotation basis.
- Control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, construction of new groundwater wells, enlargement of existing groundwater wells, or reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations

# Authorities

- **Groundwater Extraction**
  - Establish groundwater extraction allocations
  - Authorize within-GSA transfers of groundwater extraction allocations
  - Impose regulatory fees on groundwater extraction or other regulated activity or property-related fees on groundwater extraction

# Authorities

- **Property Acquisition and Management**
  - Acquire property, including groundwater and surface water rights
  - Make physical improvements to real property
  - Acquire, transfer, or exchange groundwater water and surface water
  - Import surface water or groundwater into the Agency, and conserve and store water within or outside the Agency including, but not limited to, the spreading, storing, retaining, or percolating into the soil

# Authorities

- **Property Acquisition and Management**
  - Manage wastewater, stormwater, and seawater for subsequent use
  - Transport, reclaim, purify, desalinate, treat, or otherwise manage and control polluted water, wastewater, or other waters for subsequent use
  - Provide for a program of voluntary fallowing of agricultural lands or validate an existing program

# Authorities

- **Enforcement**

- Sue to collect delinquent fees, interest, or penalties or order extraction stopped until delinquent fees are paid
- Pursue civil penalties for extraction exceedences
- Pursue civil penalties for violations of SGMA-related rules, regulations, ordinances, or resolutions

# Coordination

- Coordination with adjacent subbasins / Counties
- Coordination between Management Areas / LIAs

# Technical

- Access appropriate technical expertise, either in-house, through consultants, or via technical assistance from other agencies.
- Conduct and/or oversee monitoring, data collection, and reporting
- Develop a water budget and identify sustainable yield.
- Assess basin history and potential paths to sustainable management
- Remediate / oversee remediation of polluted groundwater

# Governance

- Create an Agency through legal agreement or MOU
- Establish Membership including potential membership levels / roles
- Determine Member durations, replacement procedures, removal procedures, etc.
- Create a decision-making process
- Create a dispute resolution process



# **Open Discussion / Q&A**

GSA ROLES AND RESPONSIBILITY MATRIX						
Role / Responsibility	GSA					LIA
	Water Supply Agency	Water Management Agency	Local Jurisdiction	Private Water Corporation	Mutual Water Company	
Outreach / Engagement / Transparency						
Compliance						
Funding						
Authorities						
General						
Information Gathering						
Groundwater Extraction						
Property Acquisition Management						
Enforcement						
Coordination						
Technical						
Governance						

# **Glenn County Sustainable Groundwater Management Act Implementation**

## **Proposed Common Principles**

### **Introduction**

The purpose of developing common principles for Sustainable Groundwater Management Act (SGMA) implementation is to identify common statements that eligible GSAs can support as a starting point in the GSA formation process. Common principles are intended to reflect common themes and to hold eligible GSAs accountable to common commitments that are made through the process. These principles help participants find common understanding and avoid misconceptions. They help participants create focused and consistent messages that can be communicated to all stakeholders in Glenn County and neighboring areas.

### **Proposed Process for Glenn County GSA Formation**

No expectations beyond the following:

- One or more GSAs must be formed
- Multi-Agency GSA(s) must create governance decisions / documents
- Two or more GSAs must prepare a Coordination Agreement (a legal agreement) between them.
- Glenn County represents / manages all groundwater conditions outside another managed area
- Each GSA must consider the interests of all beneficial uses and users of groundwater throughout the county. This can include a range of involvement methods.

### **Proposed Common Principle Themes**

#### **1. Ensure local control of groundwater resources**

- Avoid State intervention
- Develop an approach conducive to groundwater management to ensure basin-wide sustainability
- GSAs must self-identify by June 30, 2017
- GSPs must be developed by January 31, 2022 in Glenn County

#### **2. Foster a partnered approach to establish one or more cost-effective and manageable GSAs**

- Pool resources
- Avoid duplication of efforts
- Capitalize on skills and strengths of various partners/build on existing partnerships
- Be collaboratively responsible to achieve groundwater resources management objectives and goals

#### **3. Reflect local interests and acknowledge differences**

- Honor the common and unique interests of diverse groundwater users
- Seek opportunities to achieve sustainable groundwater conditions that support and balance a vital agricultural economy, industrial uses, domestic, and public water uses
- Acknowledge that variable groundwater conditions exist throughout the county and require stakeholders to manage the diversity in order to achieve sustainability

#### **4. Seek mutual understanding regarding the impact of GSA formation on water accessibility**

- Maintain and support existing surface water rights
- Ensure sufficient and affordable groundwater availability to meet multiple uses
- Pursue solutions to increase groundwater availability, recharge through sound groundwater use, and encourage surface water use, where possible