

## **MEETING SUMMARY | May 24, 2016**

### **Glenn Sustainable Groundwater Management Act (SGMA) – Governance Workgroup Meeting #2**

#### **MEETING RECAP**

- Sacramento State University, Center for Collaborative Policy (Center) Facilitator Dave Ceppos provided updates about the Colusa County SGMA implementation process and the Yolo County basin boundary modification request.
- Meeting attendees learned about the use of “Management Areas” and the Local Implementing Agency (LIA) concept and how they can apply to Groundwater Sustainability Agency (GSA) formation and governance development.
- Meeting attendees learned about and discussed GSA Roles and Responsibilities.
- Meeting attendees reviewed and discussed draft Common Principles for SGMA implementation in Glenn County.
- The meeting wrapped up with a discussion of next steps and potential agenda items for the next Governance Workgroup meeting

For more local information visit the [Glenn County \(County\) Water Resources Webpage](#).

For information on SGMA visit the [Department of Water Resources \(DWR\) SGMA Webpage](#).

#### **MEETING SUMMARY**

##### **Introduction**

Dave Ceppos (facilitator) explained that Glenn County is a part of the Colusa Subbasin which includes a portion of Colusa and Yolo Counties. Yolo County has applied for a basin boundary modification for an adjustment to the county line between Yolo and Colusa County. DWR is reviewing basin boundary modifications and, if approved, Yolo County would no longer be part of the Colusa Subbasin. The facilitator indicated that today’s meeting combines materials presented at two Colusa County SGMA meetings to help align the governance formation processes in the Colusa Subbasin. Tania Carlone, a Senior Mediator with the Center, who is working on the Glenn County GSA formation process, will not attend today’s meeting, but continues to work very closely with the team.

The facilitator reviewed the agenda. He explained that the meeting will be mostly informational. However, the next work group meeting will shift focus on to the participants and will require active participation and discussion about GSA governance formation in Glenn County. The facilitator invited participants to introduce themselves.

Bill Vanderwaal announced that the Local Agency Formation Committee (LAFCO) public hearing for the proposed Groundwater District will be held on June 6 at the Memorial Hall in Willows.

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

The facilitator provided an update on Colusa County SGMA implementation. The Colusa Governance Work Group is in the process of identifying key issues and understanding

groundwater conditions to help inform governance formation decisions. He reiterated that local agencies with water supply, water management, or land use responsibilities within a groundwater basin are eligible to be a GSA. Other entities could potentially hold a role, but are not eligible to be a GSA. The Groundwater Sustainability Plan (GSP) regulations are final and were approved by the California Water Commission. The final regulations are on DWR's website. The regulations are essentially the guide book to SGMA implementation.

The Center initially envisioned the LIA concept while working with the Kaweah Delta. The Center is developing a LIA white paper but the concept has not been officially reviewed or approved by DWR or the State Board.

SGMA mandates that GSAs must be formed, but doesn't offer other forms of governance. This creates an "all or nothing" dynamic with local agencies wondering how they can and should engage in SGMA governance. SGMA is "agnostic" about a local agency's ability to be a GSA. Most eligible agencies are prepared to support SGMA. However, not all agencies have the resources to participate and/or form a GSA. This creates concern for agencies that do not have the resources for implementation but do not want others to manage groundwater in their jurisdictions. A multi-agency GSA may be appropriate in some areas to help achieve economies of scale and effective data sharing. However, there are also practical limitations including size, cost, and the time necessary for participation and coordination activities.

The LIA concept hypothesizes that there can be a form of governance that achieves SGMA objectives *and* meets the interests/limitations of a local agency. The idea is for the agencies to "think globally....act locally," where the LIA functions as an implementing unit of a GSA. The LIA concept allows implementation to occur at the most localized level. It also recognizes the need for an overarching governance framework to ensure state compliance. The LIA concept strives to bridge the gap between the "all or nothing" GSA approach and provides a way for agencies to participate in GSP planning and implementation without assuming the full responsibilities of a GSA.

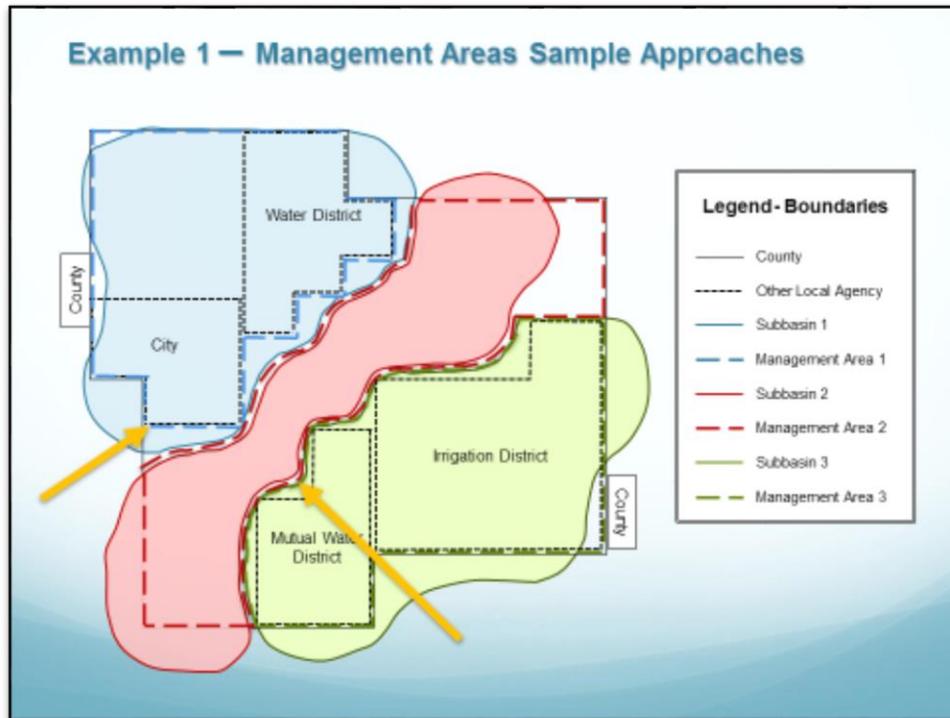
The facilitator then presented sample governance diagrams that included the LIA concept. He noted that there are proportionally more GSA notices in the Colusa Subbasin than anywhere else in the state. The State requires eligible GSAs to be included in the governance formation process, but each eligible GSA may choose its own roles and responsibilities. Some may choose a governing member role, some may opt out, and some may choose a LIA role.

Management Areas are included in the GSP regulations. They are defined as a planning and technical tool to acknowledge heterogeneous groundwater conditions, not as a governance framework. Different goals and thresholds may be established for Management Areas. However, it is important to remember that the State determines sustainability basin-wide.

In the Example 2, the overarching GSA assumes the global responsibilities. This includes many of the policy and enforcement responsibilities. The LIAs assume the specific responsibilities that

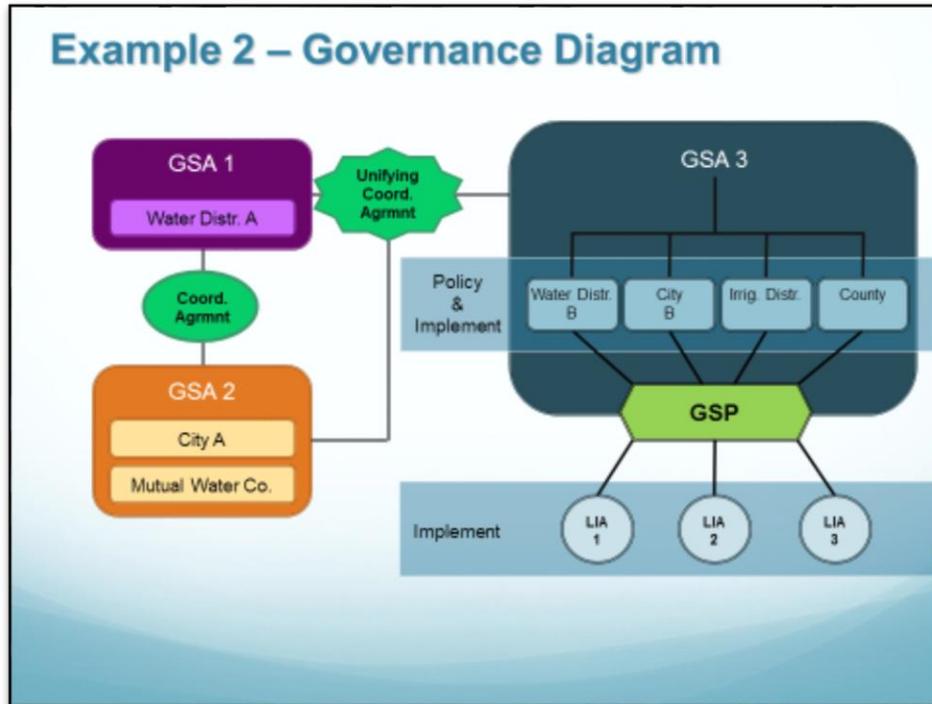
are attributed to them in the GSP. For example, this could include: local monitoring, land owner engagement, and initial enforcement.

The facilitator referenced Example #1 and explained that areas not covered by another eligible agency automatically become the responsibility of the County. The counties have a unique responsibility. They must either provide a GSA notice to DWR or provide an affirmative denial. No other local agency must provide an affirmative denial to opt out.



In Example #1, Management Area 1's boundary "snaps" to the jurisdictional boundary for convenience. Management Area 3 is essentially the opposite, where the lines follow the hydrogeologic boundary. Management Area 2 illustrates a possible approach where only one agency or the county has management responsibilities.

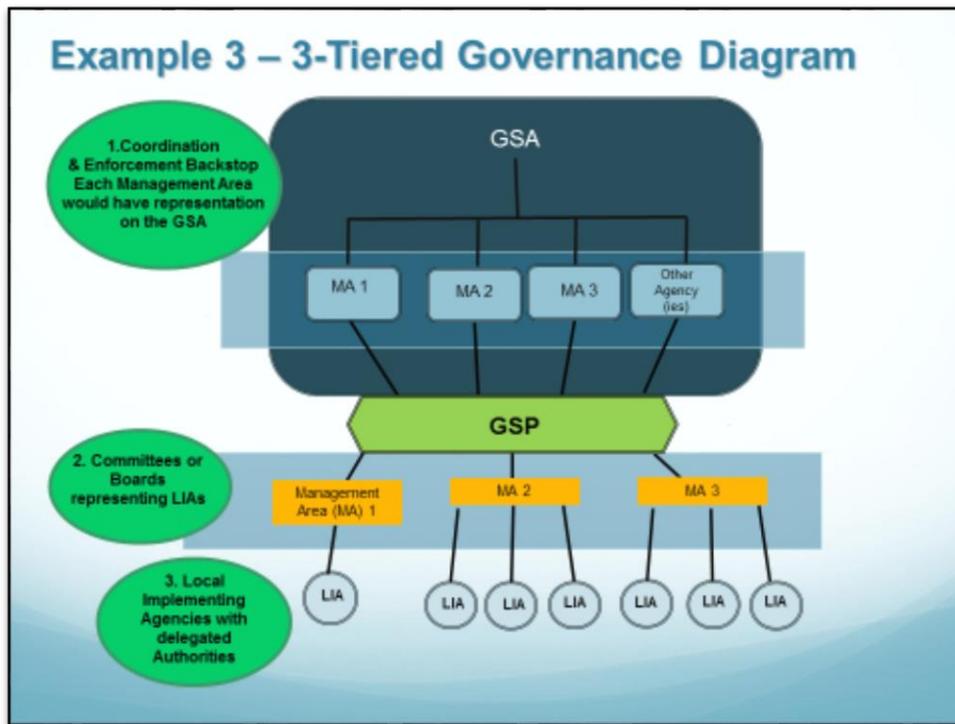
## Example 2 – Governance Diagram



In Example 2 above, it depicts another hypothetical Governance arrangement in a Subbasin that includes three GSAs. GSA 1 is made up of a single water district. GSA 2 is a combination of a city and a mutual water company that has been invited to join the GSA. GSA 3 is a multi-agency GSA made up of a water district, a city, an irrigation district and a County. It also includes three LIAs. As is required by SGMA, there would need to be coordination agreements. The more GSAs there are, the more coordination agreements required. It is true, however, that it's possible to develop a boilerplate coordinating agreement (as illustrated by the *Unifying Coordinating Agreement* in the diagram).

- **Question:** Does the LIA participate in the approval process of the GSP? **Response:** The development of how an area will design governance, define equity, and distribution of power is a local decision that will be determined in this GSA formation process over the next 12 months and may be revised in the future.
- **Question:** What happens when there is a vote, but there is not agreement on how to move forward? If there is a dispute, is there a dispute resolution process? **Response:** The Center has created a concept paper with attorney Russell McGlothlin which includes model language that merges legal and collaborative tools. It is being employed by the Upper Ventura group. The language recognizes that consensus-based decision making is different than consensus seeking. Consensus seeking is an aspiration and acknowledges that a group will not always be able to reach consensus. The group wanted to capture their intent to work toward consensus, while putting tools in place to work past an issue if they were unable to reach consensus. The paper defines a two-tiered decision process, a dispute resolution process, and a methodology for reconsideration of disputed issues. The facilitator will share the paper with participants.

- Follow-up Question: How does dispute resolution fit into the governance diagram?  
Response: There are tools available to insert this concept into the governance of GSAs. The regulations acknowledge management areas and different conditions within a subbasin. Some decisions will be a one-size fits all approach, others will be unique to an area. It is not the responsibility of one area to solve another area’s problems. The way you can begin to deal with it is by acknowledging that a one-size fits all approach is not always appropriate. Also, a dispute resolution process will be a part of the development of governance itself and will be defined in the common principles and in governing documents related to decision-making.



In Example 3 above, the Three-Tiered Governance Diagram, the Management Area concept and SGMA governance are merged. In this hypothetical scenario, there are three Management Areas. An additional layer of governance is created. Each Management Area would have representation on the top tier of the GSA. At the Management Area governance tier, there would be a Management Area committee. The management responsibilities are vested at the most localized level in this scenario. The LIAs have their “marching orders” as described in the GSP. If there are bad actors, the first line of defense would be the governing board of the LIA. At some point, if all other options have failed, ultimate enforcement authority is given to the top-tier of the GSA for enforcement as a backstop.

### Open Discussion

- Question: Is the big GSA in Example 3 the County? Response: No, the big GSA is the policy and implementation role. The agencies that have the resources and the will to

serve in that governance role would be part of that GSA, but it is based on partnerships within a Management Area, not individual districts.

- **Question:** How is governance determined? The speaker expressed more comfort with the County being an overarching GSA because of its responsibilities for land use decisions that affect all citizens. The County's responsibility is governance. The speaker expressed concern that private pumpers do not have a voice. **Response:** Colusa County has developed a Private Pumper Advisory Committee (PPAC) to initiate that discussion and to advise Colusa County. It has yet to be determined if the PPAC will have a more defined seat at the table. Another example is the Sacramento Groundwater Authority (SGA) which formed a JPA with eligible GSA local agencies. Each member agency was granted authority to appoint another party. Appointed parties were not granted the same authorities, but this approach brought more voices to the conversation.
- The facilitator invited Tim O'Halloran to share Yolo County's experience. Mr. O'Halloran responded that he is here to listen, but would be happy to answer questions.
- **Comment:** Yolo County has had a long history, and they have Tim (a great asset). Glenn and Colusa have different water management entities and expertise in the counties, even though all three share the Colusa Subbasin. There are also some tensions between the "haves and the have nots" as well as tensions between private pumpers and water districts. The speaker feels there is no recognition for districts bringing surface water into the area which helps keep the groundwater stable. The foundational issue is that farming is central to the community and the economic health of our society. The speaker does not favor the County being an overarching GSA.  
**Response:** Counties have two to three very distinct hats to wear under SGMA. Counties should be well advised to be very clear and transparent about when they switch hats. The first hat is local land use responsibility. The second hat is the "white area" responsibility afforded by SGMA. This is a representative responsibility. They have the responsibility to speak on behalf of the constituents in those areas. The third hat would be if a county has water management responsibilities, which would then make the county a groundwater user. Not all counties wear this hat.
- **Comment:** Please remember that while the Colusa Subbasin is the largest subbasin in this area, there is also the Corning Subbasin which will require coordination. **Response:** Within a subbasin, coordination agreements are a requirement. Coordination agreements with adjacent subbasins are highly encouraged, but not required.

### **Groundwater Sustainability Agency (GSA) Roles and Responsibilities**

The facilitator transitioned to a discussion of GSA roles and responsibilities. He emphasized that there are no expectations beyond the following:

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

He reiterated the roles of mutual water companies and water corporations regulated by CPUC. These entities can participate in a GSA through an MOU or other legal agreement but cannot be standalone GSAs. Private pumpers are granted no special authorities and must be represented by a local public agency.

The facilitator reviewed the three phases of governance which include: GSA Formation, GSP Development, and GSP Implementation. He encouraged participants to read a reference document created by UC Berkeley entitled: *Designing Effective Groundwater Sustainability Agencies: Criteria for Evaluation of Local Governance Options*.

Mr. Ceppos then provided an outline of the roles and responsibilities of GSAs which include:

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

Mr. Ceppos distributed a Roles and Responsibilities Matrix handout and encouraged all participants to begin thinking about their role, and their agency's role in this process.

He reminded participants that agencies will be held accountable to demonstrate stakeholder engagement and involvement throughout the process. There are transactional time and costs associated with all items. The facilitator emphasized that sovereign entities, such as tribes and the federal government, have no obligation to interact with local agencies. However, local agencies have an obligation to interact with the sovereign entity. It is important to note that some of the discussion points are "shalls" while others are "mays." It is up to the local agencies to determine which authorities they will exercise to achieve sustainability. Some difficult decisions will need to be made by the local agencies.

- Question: Does GSA authority supersede county or city land use authority? Response: No.

**See appendices for presentation about Roles and Responsibilities.**

## Open Discussion

- Question: Why is Cal Water not engaged? They have wells and serve drinking water to a large portion of the public. The speaker felt that Cal Water representatives have not felt welcome and do not understand the importance of SGMA and that they should feel obligated to come. Response: They are not obligated under SGMA requirements. The facilitation team will continue to reach out and to provide more information to Cal Water.
- Comment: There needs to be more transparency in Glenn County. The outreach needs to be better and private pumpers need to be at the table to provide their input. Response: The facilitator mentioned the Colusa County PPAC which could be used as a model. Meeting notices and media releases were sent out prior to Glenn and Colusa public meetings. In Yolo County, the Water Resources Association and the Farm Bureau provided additional outreach for the public meeting.
- Comment: Transparency is not an issue. “You can lead a horse to water, but can’t make it drink.” Glenn County Farm Bureau has helped with meetings, and the Board of Supervisors has made it a priority.
- Comment: Colusa County is very proactive and provides a newsletter. Response: Perhaps the Farm Bureau would be willing to sponsor an additional public meeting.
- Comment: An extraordinary effort has been put into organizing a new groundwater district. The speaker felt the County could have adopted the district by ordinance and reduced the cost of district formation. The speaker also expressed that the County should provide a way for groundwater users to be more informed. He felt that a step may have been missed during the initial outreach process to address the unorganized areas. Response: The facilitator cannot advocate for one group over another, but can reach out to be sure individuals are aware of their options as a means to be engaged. Now is the time to begin that process.
- Question: If the new district is approved, will it be an eligible GSA agency? Response by another participant: The purpose of the district is not necessarily to create a GSA, but rather to create an option. Response by facilitator: Generally there are three categories of noticed eligible GSAs:
  - well-informed, well thought out, decided with an intent to be a GSA
  - moderately researched, not sure where they may end up but advised to notice
  - advised to notice, but don’t necessarily want to take on the roles of a GSA
- The facilitator asked Supervisor Viegas if he could provide any insight to the County’s position. Response: He is only one of five votes but believes in working together openly recognizing the differences that exist by area and entities within each area. Each Supervisor has constituents with varying impacts. There have been numerous dry wells in his district. He agrees with being transparent. We need to work with the Water Advisory Committee and Technical Advisory Committee to bring recommendations forward to the Board. It is important to gather information, work together, and move forward in forming the GSAs.

- Follow-up Question: Why are there no *Abnormal Groundwater Level Reports* being submitted? Response: There may be a lack of communication and information about the importance of the reports in assisting committees to make informed decisions.
- Comment: Tehama County and Colusa County websites are excellent. Glenn County’s website is difficult to navigate. Not everyone has technology. Response: The facilitator recommended looking into additional outreach avenues to be sure we are reaching the public.
- Question: SB 13 does not allow overlap. When the counties noticed, many included the entire county. Many entities only noticed their own jurisdictions. How do you fix that? Response: Through this process, and through governance development. The resolution of overlap issues will be memorialized in the governance documents. It must be resolved through a mutual agreement between the local agencies. To resolve overlap, there may be an option for a county to submit a narrative notice to articulate that a county will pick up any unclaimed white areas.
- Comment: All GSAs must ultimately work on the same plan. Response: No, there can be separate GSPs, but they must be coordinated in accordance with the GSP regulations.
- Comment: There needs to be a commitment to the same philosophy and working together. Response: The facilitator added that one “bad actor” agency will not be able to force the whole basin out of compliance. The State Board has ways to intervene.
- Comment: The common principles are more than nice to have. These are make-it-or-break-it. Agreements based on common principles and priorities could greatly simplify this process.

### **Potential Common Principles**

The facilitator introduced the draft common principles handout. He reviewed the idea of establishing common principles for SGMA implementation in Glenn County. He asserted that these principles serve as fundamental statements about the “truths that people hold to be self-evident.” The goal is to collectively define common principles so everyone can see themselves within the principles and to remind the group of their common goals. The facilitation team developed the draft document using stakeholder input from the assessment interviews and public comments. The facilitator invited the participants to modify and add to the common principles draft. Participants identified the following key points to include in the Common Principles:

- Ensure that data supports governance
- Achieve sufficient and affordable surface water
- Avoid duplication of fees
- Ensure basic understanding of groundwater authorities and SGMA
- Put systems/methods in place to resolve differences and avoid State intervention

The participants generally supported the development of the common principles. The draft document will be posted to the website in an editable format. The facilitator asked participants to provide initial feedback in *Track Changes* within 10 days, if possible.

## Next Steps and Closing Remarks

The facilitator reiterated that we are working to get the Glenn and Colusa working groups more closely aligned in subject matter discussions. He informed the group that he will be working with Grant Davids and Lewis Bair in Colusa County to develop a distillation of the regulations for the Colusa working group. The Colusa working group would like to better understand the physical conditions with respect to undesirable results. This is a tool that can also be beneficial in Glenn County. He encouraged everyone to read the GSP regulations.

Some districts may be willing to help support funding for a water budget similar to the work that was completed in Colusa County. The facilitator encouraged local agencies to contact Lisa Hunter if they are interested or willing to contribute to the effort.

The facilitator reminded the group that this is the last meeting where he will be the principal speaker and participants can expect to be more directly engaged in the discussions. He then asked for suggested agenda items for the next meeting. At the next meeting, we will review the final GSP regulations. Participants offered the following suggestions:

- What is the County's plan/interests?
- Who is stepping forward to form a GSA?
- How will private pumpers be engaged?
- How do the 6 sustainability criteria apply to the County/Subbasin?
- Does the role of a District change?
- Are the right people in the room?
- Make meeting time and location accessible

The facilitator shared his contact information with the participants and encouraged them to contact him with further thoughts. Mr. Dave Ceppos can be reached by email at [dceppos@ccp.csus.edu](mailto:dceppos@ccp.csus.edu) or by phone at (916) 539-0350.

## Meeting Participants

- Pete Carr City of Orland
- Ryan Teubert Tehama County Flood Control and Water Conservation District
- Bill Vanderwaal Provost & Pritchard
- George Pendell Stony Creek
- Anjanette Shadley Western Canal Water District
- Thad Bettner Glenn Colusa Irrigation District
- Tim O'Halloran Yolo County Flood Control and Water Conservation District
- Matt Gomes Glenn County Planning and Public Works Agency
- Charles Garcia
- John Garner Garner Law Office
- Sharron Ellis Private Pumper
- Emil Cavagnolo Orland Artois Water District
- Jacob Byers United States Fish and Wildlife Service
- Greg Johnson Western Canal Water District

- John K. Viegas Glenn County Board of Supervisors
- Mary Randall Department of Water Resources
- Michael Alves Kanawha Water District & Glide Water District
- Ted Trimble Western Canal Water District
- Kristin Sicke Yolo County Flood Control and Water Conservation District
- Adele Foley Glenn Local Agency Formation Commission

**Staff**

- Lisa Hunter Glenn County Water Resources Coordinator
- Dave Ceppos Center for Collaborative Policy

**APPENDICES**

- Meeting Agenda
- PowerPoint Presentation-Local Implementing Agency Concept
- PowerPoint Presentation-Groundwater Sustainability Agency Roles and Responsibilities
- Roles and Responsibilities Matrix handout
- Draft Proposed Common Principles handout

## 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
- 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 draft GSP Regulation)
- Management Area boundaries match boundaries of individual eligible GSAs or groups of eligible GSAs

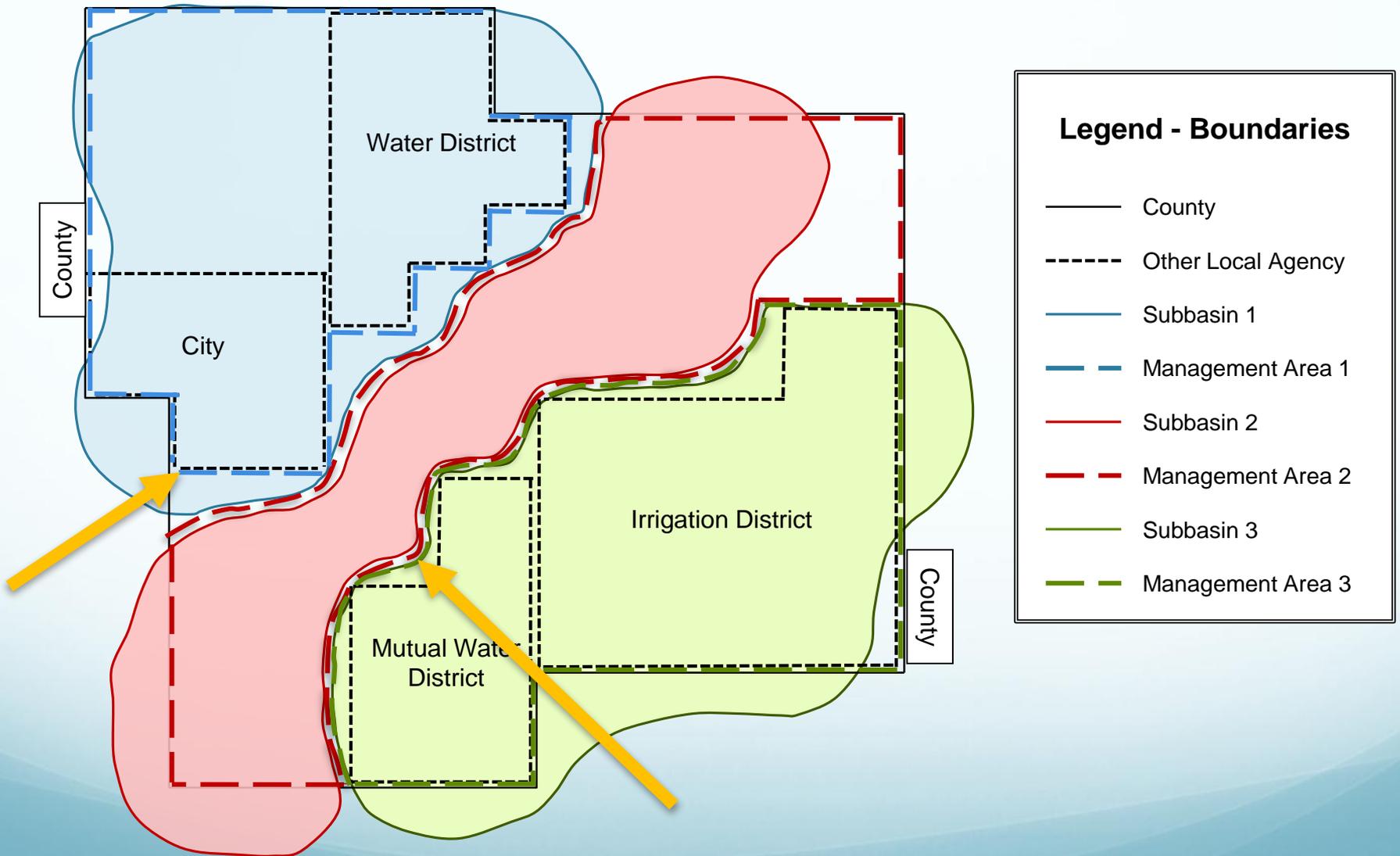
# Example Application

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

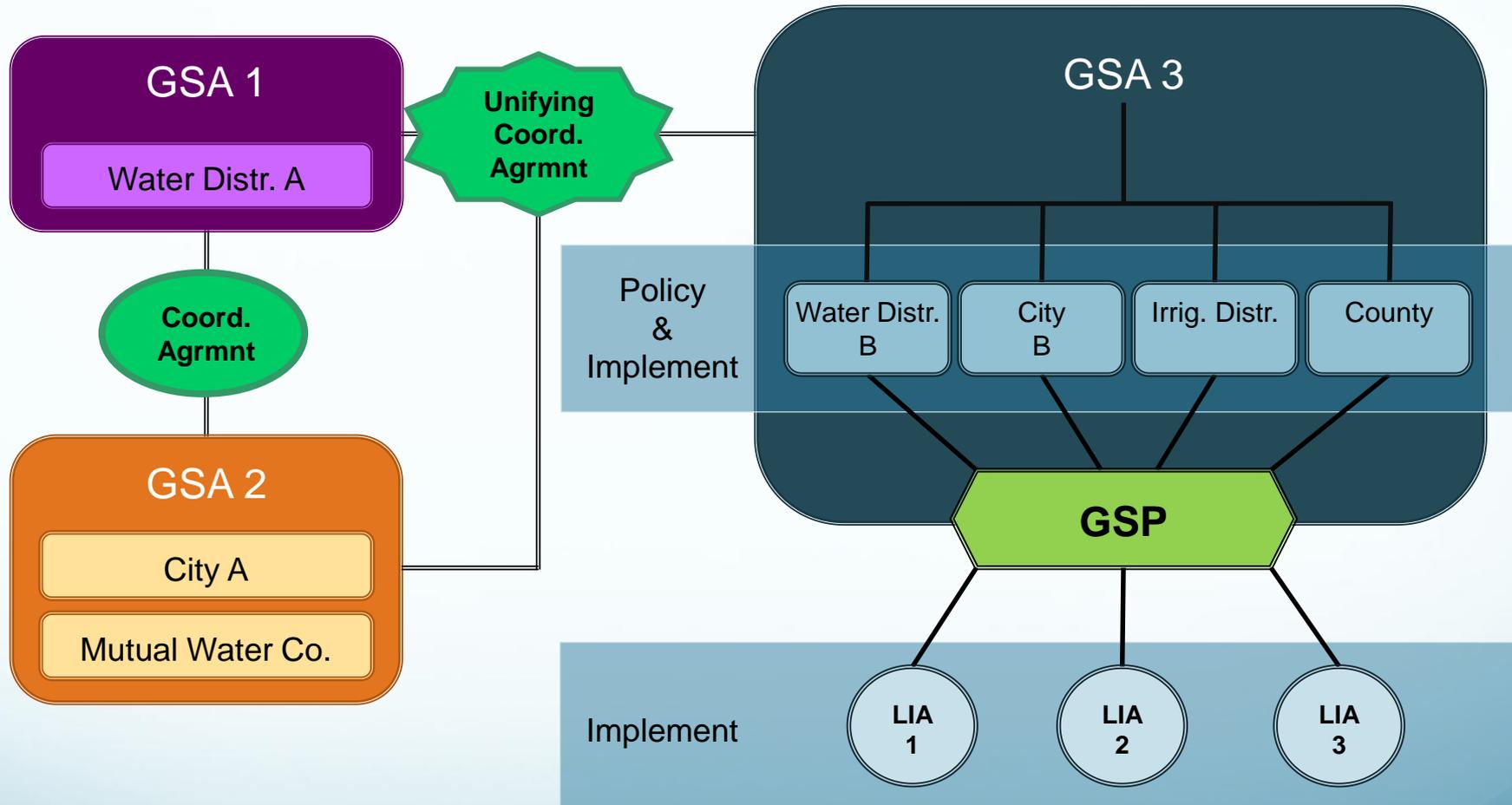
- GSP prescribes roles, responsibilities, and actions to be taken by all groundwater users
- Roles, responsibilities, and actions differ by Management Area and perhaps by specific local agencies
- GSA assumes specific “global” responsibilities (e.g. reporting to State, final enforcement, fee collection, 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.)

# **Open Discussion / Q&A**

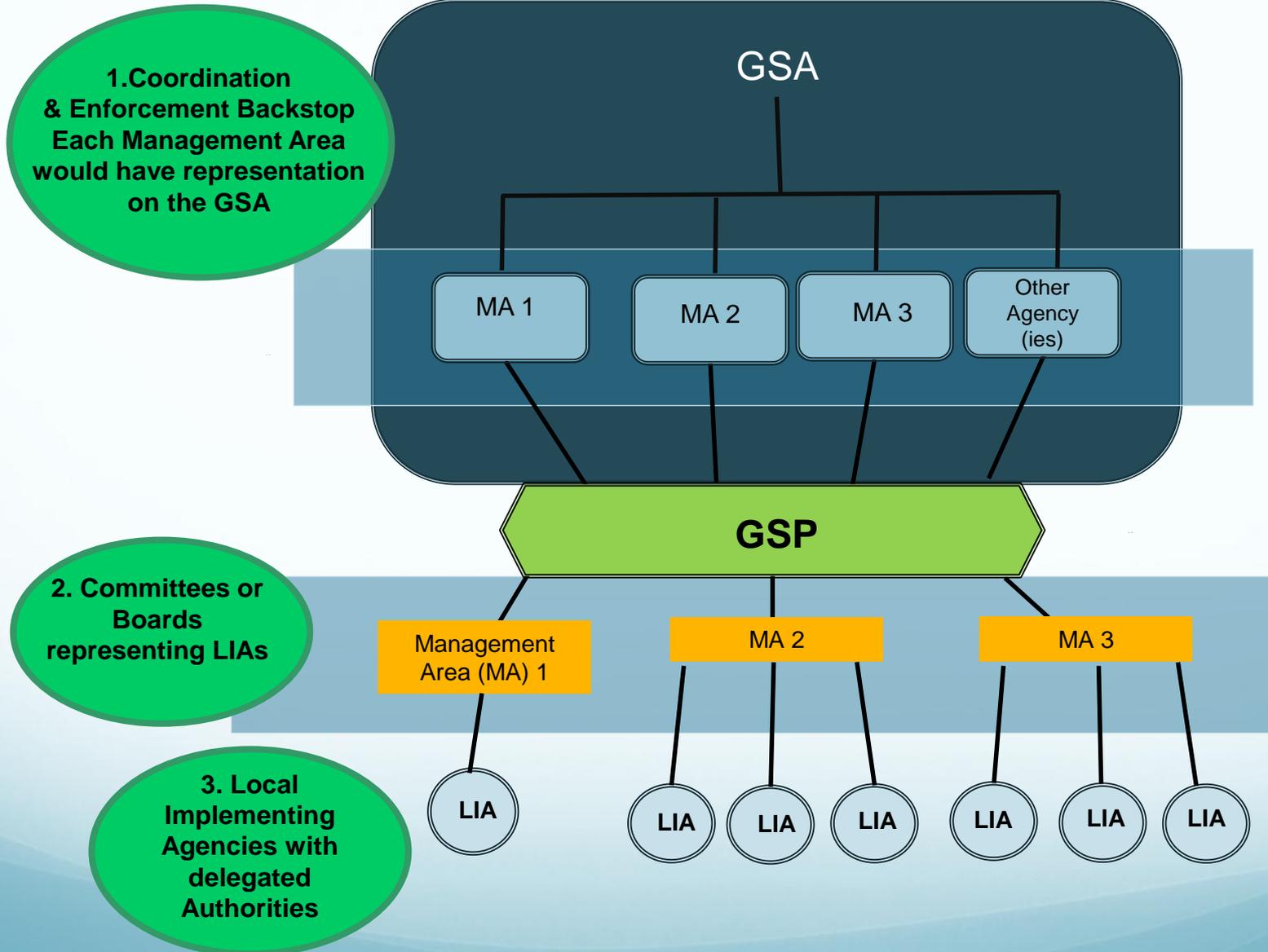
# Example 1 – Management Areas Sample Approaches



# Example 2 – Governance Diagram



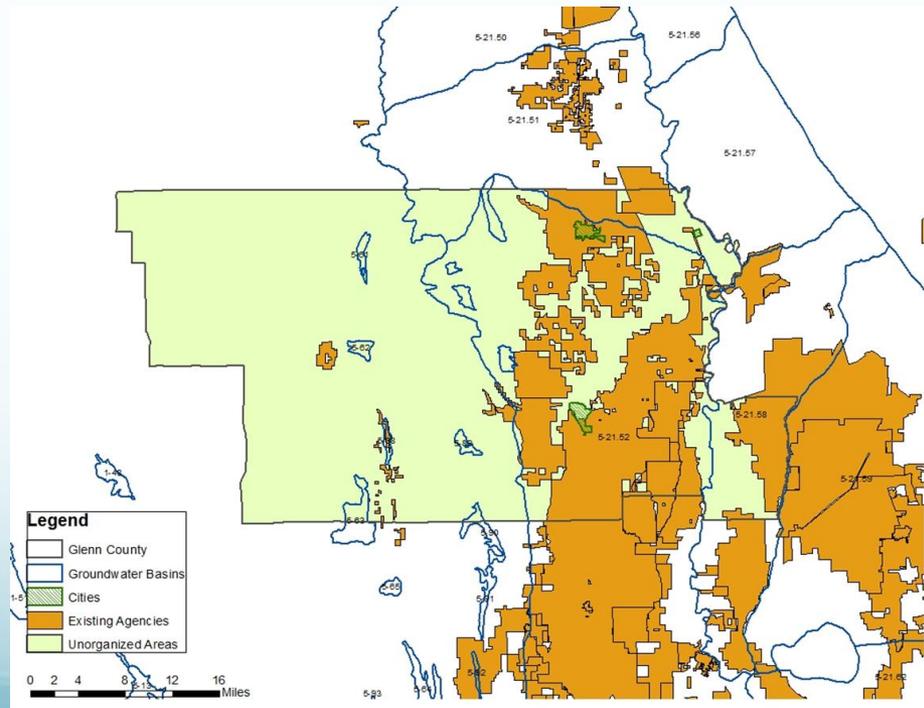
# Example 3 – 3-Tiered Governance Diagram



# **Open Discussion / Q&A**

# The Sustainable Groundwater Management Act in Glenn County

## *Roles and Responsibilities of a Groundwater Sustainability Agency*



# 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)*

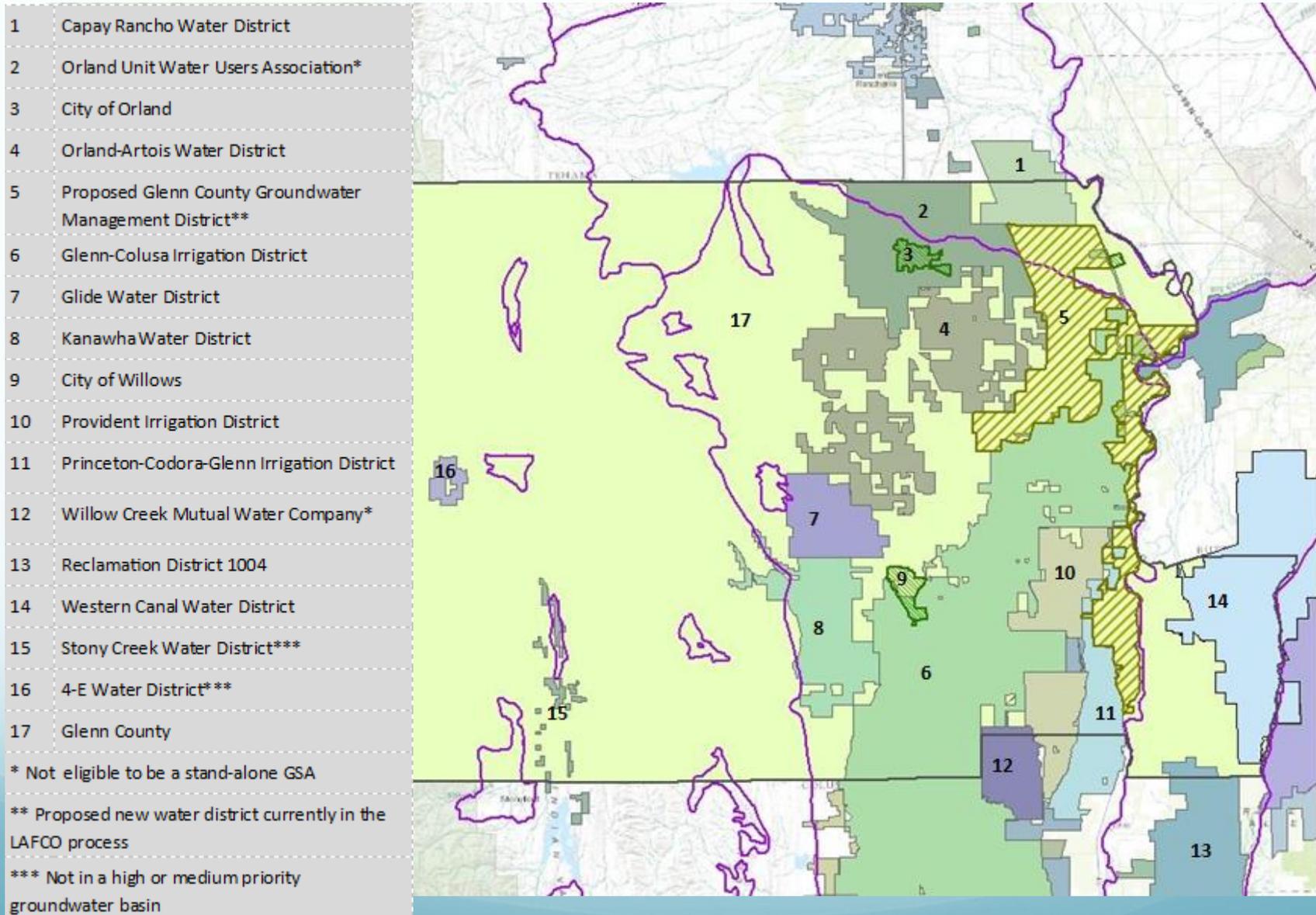
- Private Pumpers / The Public
  - No special authorities are granted. Only references are:
    - 10723.2 - Consideration of interests of all beneficial uses and users of groundwater
    - 10726.5 - In addition to any other authority granted to a GSA by this part or other law, a GSA may enter into written 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



# 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,  
Juliet 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
  - 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

- 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**

- Determine the need for GW management
- Prepare and adopt a GSP
- Require registration of groundwater extraction facilities
- Require measurement and annual reporting of groundwater extractions
- 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 following 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