



April 18, 2014

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The Honorable John Laird, Secretary  
California Natural Resources Agency  
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The Honorable Matthew Rodriquez  
California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

The Honorable Karen Ross, Secretary  
California Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814

**RE: California Water Action Plan – Sustainable Groundwater Management**

Dear Secretaries Laird, Rodriquez, and Ross:

On behalf of the California State Association of Counties (CSAC), I appreciate the opportunity to provide comments on the Brown Administration's Sustainable Groundwater Management draft framework. Counties know firsthand the current challenges facing all of California in addressing water issues. They also fully recognize that groundwater has its own set of unique challenges that must be resolved.

CSAC agrees that the current groundwater trends are not sustainable and if left unaddressed these trends will lead to significant impacts to the state's economy and environment. We also agree that some legislative and administrative changes may be needed to ensure that local agencies have the incentives, better tools, secure and reliable funding, and authority to support effective groundwater planning and implementation. However, we feel very strongly that any proposed action to address groundwater management must respect, enhance and support the authority and discretion of counties to manage land use and water resources.

Regarding the scope of any proposed groundwater management requirements CSAC believes that attention should be focused on basins and sub-basins that are designated as "medium" or "high" priority by the California Statewide Groundwater Elevation Monitoring (CASGEM) program.

We also believe that any proposed statutory changes be considered through the normal legislative proposed as opposed to the budget trailer bill process. Given the importance and complexity of this issue it is imperative that proposed bill language be fully vetted by legislative policy and fiscal committees to ensure increased transparency and stakeholder input.

**Counties are taking an Active Role in Groundwater Management**

CSAC agrees with the draft framework's statement that local agencies are most familiar with the condition of their groundwater basins and are in the best position to manage these resources locally. In fact, we can point to several areas of the state where counties have enacted groundwater management plans and ordinances and entered into

collaborative agreements, including Joint Powers Authorities (JPAs) and Memorandum of Understandings (MOUs), with their local water agencies/districts to successfully manage groundwater. Examples include:

**Butte County:** In 1996, Butte County citizens voted to adopt the Groundwater Conservation Ordinance. The county subsequently adopted a groundwater management plan and in 2010 to further highlight the importance water and its relationship to land use, an optional water resources element was included in the Butte County General Plan.

**Calaveras County:** Has adopted a comprehensive Local Agency Groundwater Protection Program which ties together ground water programs and other county department programs that may affect or otherwise impair ground or surface waters. They also enacted a Proof of Groundwater Ordinance to assist in identification of ground water availability as it pertains to land development.

**Colusa County:** Is in the process of developing a MOU with all local districts to implement a program focused upon achieving goals set forth in their Groundwater Management Plan. It is intended to bring together, in a cooperative and coordinated fashion, the water users in the county to efficiently and effectively manage the groundwater resource.

**Glenn County:** Coordinates with a variety of other entities, including irrigation districts, local, state and federal agencies. Many are members of their Water Advisory Committee or Technical Advisory Committee under the County Board of Supervisors. An MOU between water users within the county was developed in 1997, which included all major water districts, and municipal water agencies.

**San Joaquin County:** Has taken an active leadership role in organizing stakeholders throughout the underlying groundwater basin. The county along with 11 other member agencies have formed a JPA with the overarching goal to develop locally supported groundwater banking and conjunctive use projects that benefit the County as a whole. With the assistance of grant funds, the county implemented over \$700 million in conjunctive use projects as well as reduced its reliance on groundwater through water efficient practices in both agricultural and urban areas. The county also has a strict prohibition on the exportation of groundwater for use outside of the county.

**Solano County:** Is an active member on the Solano County Water Agency (SCWA) board comprised of elected leaders from the County of Solano, cities in Solano County, and various water, irrigation, and reclamation districts. SCWA is designated by the state Department of Water Resources (DWR) as the responsible local entity for CASGEM and coordinates with other local entities to manage and monitor groundwater. Groundwater conservation and protection strategies are also incorporated into the county's General Plan.

**Sonoma County:** Is one of the first counties to develop a Water Resources Element for its General Plan, which includes steps and provisions for advancing local groundwater management and coordinating with other agencies and stakeholders that are implementing groundwater management plans.

San Luis Obispo County: Enacted a temporary urgency ordinance to curb the increasing rate of groundwater decline in the Paso Robles Groundwater Basin while permanent tools and a structure for managing the basin are explored.

Stanislaus County: Adopted an ordinance entitled “Groundwater Mining and Export Prevention”. At the same time, the county leadership formed a local Water Advisory Committee (WAC) and Technical Advisory Committee (TAC) to address the local groundwater issues throughout the county.

The following comments are based upon CSAC existing policy direction regarding water resources and the extensive feedback we received from counties across the state. These comments emphasize five points regarding any proposed actions to improve groundwater management in the state – the importance of preserving local control; actions must acknowledge and respect differences between areas and counties; the need for reliable data and technical assistance; local process must provide ample time for input and vetting by various stakeholders including the public; and the need for adequate and stable funding to cover any costs of county obligations and/or the ability to charge fees, including potential changes to Proposition 218.

#### Enhanced Local Agency Authority

#### **What new or modified statutory authorities do local and regional agencies need to manage groundwater more effectively?**

If the State advances a “county-centric” approach to groundwater management, clarification of county authority to perform activities such as allocating groundwater or controlling pumping and the ability to collect fees for such activities, and whether the county could be indemnified, as such activities would likely result in significant legal liability.

Regarding groundwater management plans, if they become mandatory, a one-size-fits-all approach should be avoided, development/implementation of the plans should be phased, and the process should provide support for outreach/education and adequate time for consensus building. The definition of “local agency” in Water Code Section 10752 should also be amended to ensure that counties are eligible to receive grants funds for groundwater management plans.

#### **What would help local agencies overcome barriers to funding for conservation, projects, and programs?**

Funding is one of the biggest challenges for counties. With a secure funding stream, county staff would be able to better fulfill the information gaps that exist and provide a higher level of coordination, outreach, and presence in the local and regional water arenas.

Proposition 218 presents a major impediment to funding improved planning and management actions. We urge the Administration to take an active role in leading stakeholder discussions regarding potential changes to Proposition 218 and voter

threshold requirements for approval of funding initiatives targeted at investments in new or existing water and groundwater management infrastructure.

DWR should provide additional grant funding for local agencies and entities to update their Groundwater Management Plans. Additionally, because many rural counties lack the resources to apply and/or compete for grant funding we urge the Administration to develop an alternative and simplified funding mechanism for rural groundwater projects and programs.

**What types of governance structures are most effective for managing groundwater locally, and should these models be encouraged?**

As referenced above, there are a number of models where counties successfully coordinate with local water agencies. Some of these have been formalized through MOUs, JPAs or through integrated regional water management planning (IRWMP) efforts. In addition, counties have adopted groundwater management plans and ordinances, and been designated as the monitoring/reporting agency under CASGEM.

Although we agree that such models should be encouraged, CSAC believes that such actions taken by counties should be honored and not superseded by changes to state law or procedures. Any new or proposed changes to governance structures should be determined by local agencies, including cities, counties and special districts with input from local stakeholders.

**What specific data and information do local managers need to succeed? What should be done to help them obtain the data?**

Besides financial support the next most urgent need from the state is technical assistance. As groundwater becomes even more important in drought and emergency situations, there is a strong need in understanding groundwater basins. It is difficult to garner public support and the local political will to address groundwater issues and fund groundwater programs without science-based information. We agree with our members' assertions that technical and financial assistance by the state can help advance local understanding of groundwater conditions and the importance of groundwater management to local stakeholders and decision makers.

Specific technical assistance needs identified by our members include: depth to water monitoring, quality monitoring, thresholds for quality monitoring; information regarding new technologies, and best practices in monitoring potential interchange of water during construction, use, and destruction or removal of water wells.

Moreover, CSAC believes that in order for counties to manage groundwater more effectively it will be imperative that a detailed and easily accessible groundwater data base be established. This would enable counties to develop local groundwater management plans with key input from local water agencies and individual well owners. Such data will also contribute to the local land use decision making process.

Lastly, assistance from the state should be limited to technical assistance, monetary assistance, and assistance in situations where local management has failed. In addition,

more funding should be made available for baseline funding and for the maintenance of programs, not just grant funding for start-up costs to a new program with no funding to continue. It would also be helpful to have fact sheets for local water managers and counties delineating authority, and other basic information for easy dissemination and outreach to local groups. For example: A basic “How to Start Water Management” series.

**What can be done to help local and regional agencies manage a basin or sub-basin that spans multiple jurisdictions?**

As noted above, many counties already successfully coordinate with local water agencies. Together counties and local water agencies are quite capable of determining the appropriate governance structure for managing their basin or sub-basin.

For counties, it would be helpful if they had easy access to the data that the local water agencies are required to submit to other agencies (i.e. water quality reports, water usage, etc.) This could be accomplished either through the water agencies or through the agency collecting the information.

**Are there improvements to the groundwater adjudication process that would make it more useful and cost-effective for local authorities?**

CSAC does not have any recommendations at this time regarding the groundwater adjudication process.

**What role should groundwater management plans (GWMPs) play, and does their content need to change?**

Historically, funding has been made available to local agencies to develop groundwater management plans under AB 3030. Unfortunately, the existing definition of “local agency” (Water Code Section 10752) has precluded most counties from accessing AB 3030/AB 1932 groundwater management grant funding. As noted above, CSAC believes that the term “local agency” should be redefined to explicitly include counties thus allowing them to access potential funding to enhance their groundwater management programs.

**What incentives could local and regional agencies be given to improve groundwater management?**

We believe that most local agencies will react positively to an incentive based approach that includes regulatory relief (i.e. eliminate redundancies and streamline reporting requirements) and technical and financial assistance (see earlier recommendations).

**Should local groundwater management planning be connected, through formal processes, to land use decisions, county general plans, or integrated regional water management plans? If so, what kind of formal processes?**

As you know, county land use decisions are already guided by several formal processes in which water resource management is addressed including in their General Plans, zoning ordinances and other locally enacted land use rules. Counties are also required to comply with the California Environmental Quality Act (CEQA) which includes a process

that requires water resources and groundwater to be evaluated. Additionally, the processes under SB 610 and SB 221 require a water supply analysis be done for large projects. Also worth noting is Section 10910 of the California Water Code which permits Local Agency Formation Commissions (LAFCOs) to require cities, when applying to expand their sphere of influence, to provide information for determining whether existing and planned water supplies are sufficient to meet current and new demands. CSAC would welcome the opportunity to discuss potential ways to strengthen existing processes in a reasonable and cost-effective manner.

In addition, we agree that coordination among counties and local water agencies/districts is critically important for managing groundwater resources. To make this happen, both water and land use managers need better data and information on local basin hydrology, recharge characteristics, water budgets, groundwater modelling and land use projections. In addition, the water data and analyses must be produced in a manner that is useful for land use managers.

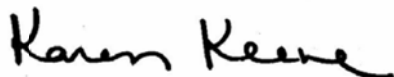
State Backstop Authority when Local Action Has Not Occurred or Has Been Insufficient

The State should allow local agencies to develop groundwater management actions and should only be involved in basins that lack management efforts or are approaching distress. Any State backstop must ensure local groundwater basin stakeholder involvement before determining if that basin merits additional scrutiny. Additionally, any regulatory based actions need to consider the economic impacts prior to ensure that communities are prepared to deal with and react to redirected and unintended impacts. We continue to believe that funding is the key resource that the State should provide.

Lastly, we would be remiss if we did not mention the interconnection between groundwater and surface water. Groundwater will be depleted in the long run if we don't have surface water. In order to maintain and protect our groundwater resources we need to have adequate, and potentially expanded surface water availability. We believe this is necessary for the long term viability of the entire State.

CSAC would like to again thank you for your willingness to engage CSAC and local officials on this important discussion. We look forward to continuing to work with you on achieving a thoughtful and effective groundwater management program in California. Should you have any questions regarding our comments, please contact me at 916-327-7500, ext. 511.

Sincerely,



Karen Keene, CSAC  
Senior Legislative Representative

cc: Members, State Water Resources Control Board  
Ms. Martha Guzman-Aceves, Office of the Governor  
Mr. Ken Alex, Director, Governor's Office of Planning and Research  
Mr. Gordon Burns, Undersecretary, California Environmental Protection Agency