The Sustainable Groundwater Management Act in Colusa County

Roles and Responsibilities of a Groundwater Sustainability Agency
Outline

I. SGMA Background - Recap
II. Governance Phases
III. Roles and Responsibilities
**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
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)
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.
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.....
Eligible GSAs in Colusa County
Governance Phases

• Groundwater Sustainability Agency (GSA) Formation

• Groundwater Sustainability Plan (GSP) Development

• GSP Implementation
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Designing Effective Groundwater Sustainability Agencies: CRITERIA FOR EVALUATION OF LOCAL GOVERNANCE OPTIONS

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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
Authors

• 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 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