



June 23, 2014

The Honorable Fran Pavley
Member, California State Senate
State Capitol, Room 4035
Sacramento, CA 95814

RE: Senate Bill 1168 – Groundwater Management (As Amended June 17, 2014)
CONCERNS/AMENDMENTS REQUESTED
Hearing Date: June 24, 2015/Assembly Water, Parks & Wildlife Committee

Dear Senator Pavley:

On behalf of the Rural County Representatives of California (RCRC) and the California State Association of Counties (CSAC), we write to express our concerns with your Senate Bill 1168, as amended June 17, 2014. Given the time constraints, our comments are preliminary and do not address the bill in its entirety.

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. RCRC and CSAC agree that some legislative changes are needed to ensure that local agencies, including counties, have the incentives, better tools, secure and reliable funding, and authority to support effective groundwater management planning and implementation. However, we feel very strongly that any changes to existing groundwater management law must respect, enhance, and support the authority and discretion of counties to manage land use and water resources.

General Plan/Groundwater Management Plan

SB 1168 proposes to require a city or county, before the adoption of a substantial amendment to the General Plan, to review and if necessary revise the land use, conservation, open space, or any other element to address, among other things: 1) any adoption or update to a groundwater management plan; 2) Any limitation on pumping groundwater by a groundwater management agency; and, 3) An adjudication of water rights. (Section 2, GC 65350.5)

The General Plan expresses the city or county's development goals and embodies public policy relative to the distribution of future land uses, both public and private. Land use agencies are responsible to ensure the protection of the environment, the maintenance of a healthy economy, and the equitable treatment of all people. Missing in SB 1168 is any requirement that the groundwater management agency, when developing or amending a groundwater management plan, consider the city or county General Plan.

RCRC and CSAC urge that the bill be amended to require the groundwater management agency, before action is taken to adopt or substantially amend a groundwater management plan, to review, and if necessary revise, the groundwater management plan to address the goals and public policies embodied in the land use, conservation, open space, or any other relevant element of the General Plan.

These two new provisions together will ensure the desired close coordination and consultation between water supply and land use agencies.

Basin and Subbasin Priority

SB 1168 requires the Department of Water Resources (DWR) to categorize each basin and subbasin, and the Department of Fish and Wildlife (DFW), in collaboration with DWR, to identify those basins and subbasins where species and ecosystems are vulnerable to existing and future groundwater conditions. DWR is then required to revise the priorities of those basins and subbasins as appropriate. (Chapter 2.5, Section 10726)

While DWR and DFW are engaged in this prioritization process, it would be timely and efficient to also require the identification of "low or very low priority" undeveloped or minimally developed remote basins or subbasins in order that they may be specifically excluded from requirements for groundwater elevation monitoring, the development of a local governance structure, a groundwater management plan, etc.

While SB 1168 does not include low or very low priority basins within its requirements, Section 10722 states "This part applies to all groundwater basins in the state," and Section 10735 (b) (2) states "(2) For basins and subbasins identified by the department as low or very low priority, sustainable groundwater management plans may be submitted to the department."

Placing requirements on Bulletin 118 identified basins without consideration of the utilization (or non-utilization) of the basin is not a good use of scarce resources. A case in point is the existing California Statewide Groundwater Elevation Monitoring (CASGEM) elevation monitoring program. Current law requires counties to "volunteer" to monitor groundwater elevation in undeveloped or minimally developed remote basins where there is no other entity to undertake the task – or lose eligibility for state water - related grant funding. RCRC and CSAC urge that the current law relating to

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groundwater elevation monitoring be amended to exclude these types of basins, and that SB 1168 specifically allow the exclusion of these types of basins from the requirements of the bill.

Groundwater Management Agency Formation

SB 1168 defines a "groundwater management agency" to mean "one or more local agencies," "local agency" to mean "a local public agency that has water management or land use responsibilities within the groundwater basin," and specifies that a groundwater management agency may be established by any local agency or combination of local agencies. While this section of the bill will need to be expanded upon, it appears the intent of SB 1168 is to allow local agencies the flexibility to determine at the local level the appropriate governance structure for each locality. RCRC and CSAC strongly support local control as it relates to governance of groundwater resources.

Conclusion

RCRC and CSAC would welcome the opportunity to have a dialogue with you and the sponsors regarding the concerns specified, as well as other issues we will bring to the table once our members have had the opportunity to carefully review the bill and consider the potential impacts.

Sincerely,



KATHY MANNION
Legislative Advocate
RCRC



KAREN KEENE
Senior Legislative Representative
CSAC

cc: Members and Consultant, Assembly Water, Parks & Wildlife Committee
Republican Consultant