



March 22, 2017

The Honorable Robert M. Hertzberg  
Chair, Senate Committee on Natural  
Resources & Water  
State Capitol, Room 4038  
Sacramento, CA 95814

**RE: Senate Bill 252 - Water Wells - CONCERNS**

Dear Senator Hertzberg:

On behalf of the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), and the League of California Cities (the League), we write to express our concerns with Senator Dodd's recently amended Senate Bill 252. This measure relates to critically over-drafted groundwater basins.

In 2014, we were actively engaged in the landmark water legislation – Senate Bill 1168 and Assembly Bill 1739 – which established the Sustainable Groundwater Management Act (SGMA). Together these measures provide a framework for local agencies to develop plans and implement strategies to sustainably manage groundwater resources within a defined period.

Since being enacted, counties, agencies and stakeholders have been working to meet the June 30, 2017 deadline that requires a local agency/agencies in each high- or medium-priority groundwater basin to have officially formed one or more Groundwater Sustainability Agencies (GSA) for the entire basin. By January 31, 2020, each high- or medium-priority groundwater basin that is subject to critical conditions of overdraft must be managed under a Groundwater Sustainability Plan (GSP). And, by January 31, 2022 all remaining high- or medium-priority groundwater basins must be managed under a GSP with a final review by the Department of Water Resources (DWR) by January 31, 2024. Please be assured that we are committed to facilitating the implementation of SGMA.

We appreciate that the Senator has limited the provisions of SB 252 to critically over-drafted basins. The legislation also recognizes the 'local control' element that has been a key aspect to Sustainable Groundwater Management Act's (adopted in 2014) implementation.

However, a key area of concern is the extent to which SB 252 applies to the issuance of well permits. Currently, this activity is ministerial under the applicable local ordinances – and not covered by the California Environmental Quality Act (CEQA). The approach taken by SB 252 suggests this action would be discretionary and, therefore, raises the question over whether or not a CEQA review is now required. It is our recommendation that the issuance of well permits be maintained as a ministerial action. We understand that this is the Senator's intent and look forward to amendments that will address this concern and the relevant provisions of SB 252.

A second area that is problematic for us relates to: (1) defining the city/county's obligation in assessing the information provided by the applicant as proposed by Water Code Section 13808 (a) – (d); and (2) whether or not the local agency must make a finding. Related to this and also problematic is the scenario in which, during the course of a public hearing, data is provided that is NOT in concert with what is provided by the applicant. We believe that further guidance is needed as to how the city/county address this situation.

Finally, we would recommend that the criteria and actions which may be taken under SB 252 be integrated into SGMA implementation, whether through a sunset provision or other mechanism. It is critical that the actions taken at the local level avoid any conflict under SGMA, and ideally, seamlessly integrate into these activities to take advantage of the human and financial resources dedicated to this program.

One approach or a combination of approaches may address the issues we have raised. For example, the measure could expressly provide that the addition of notice and public hearing requirements, etc. does not alter whether a well permit is ministerial or discretionary. Another option would be to provide that when the GSP for the basin is adopted and functional, these provisions no longer apply. At that point, the GSA would have had the opportunity to fully assess the implications for reaching its sustainability goals and to implement the appropriate measures at the local level.

We will continue to work with Senator Dodd to address our concerns as SB 252 moves through the legislative process. Please contact Mary-Ann Warmerdam at [mwarmerdam@rcrcnet.org](mailto:mwarmerdam@rcrcnet.org), Cara Martinson at [cmartinson@counties.org](mailto:cmartinson@counties.org), or Erin Evans-Fudem at [eevansfudem@cacities.org](mailto:eevansfudem@cacities.org) with any questions or concerns.

Sincerely,



ERIN EVANS-FUDEM  
Legislative Representative  
LCC



CARA MARTINSON  
Legislative Representative  
CSAC



MARY-ANN WARMERDAM  
Senior Legislative Advocate  
RCRC

cc: Members, Senate Committee on Natural Resources & Water  
The Honorable Bill Dodd, Member of the State Senate  
Dennis O'Connor, Consultant, Senate Committee on Natural Resources & Water  
Todd Moffitt, Policy Consultant, Republican Policy Office