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Via Electronic Mail
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April 25, 2014

The Honorable Edmund G. Brown Jr.
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

Dear Governor Brown,

In response to your Administration's request, on February 12th, for input on how to sustainably manage groundwater in California, the California Groundwater Coalition (CGC) is providing the attached recommendations.

CGC was formed at the urging of California State and local officials who believe that increased efforts are needed to educate and inform policy makers and the public about California groundwater resources. CGC members include public and private groundwater management entities located throughout California and consist of experts with technical, legal, and professional groundwater and related expertise.

CGC believes that in order to have any meaningful legislation that will lead to California's groundwater basins being sustainably managed will take time to develop. Therefore, we do not believe that this type of legislation should be enacted through the budget process and should, instead, be passed by the Legislature so that there is time for public hearing and input from all of the stakeholders.

Thank you for the opportunity to provide this input. We look forward to working with you on this important issue going forward.

Sincerely,

Kenneth Manning
President, California Groundwater Coalition

Local Control and Authorities

There is broad consensus that California's groundwater basins should be managed by local groundwater professionals that know and understand the basin and local conditions that impact it. As basin hydrogeology varies, the local agency should identify a safe operating range based upon hydrogeologic conditions of that specific basin, taking into consideration factors such as subsidence from excessive overdraft and potential impacts to groundwater quality. Scientists agree that there is a direct correlation between groundwater quantity and groundwater quality.

In order to protect and improve groundwater quality local agencies must have the clear authority to:

- allocate groundwater and to manage pumping so that the groundwater basin storage remains within a safe operating range;
- assess fees on pumping to fund groundwater management programs and projects;
- assess an extra surcharge to customers for pumping above an identified threshold.

Additionally, where such activities would likely result in significant legal liability due to Proposition 218; it should be determined whether the local agency could be indemnified.

Counties/Local Water Agency Coordination

Another critical component of successful groundwater management is coordination amongst counties and other local jurisdictions that have land use authorities with local water agencies and districts. Coordination and consultation is most important for land use decisions that have the potential to affect water resources and permitting of water wells. Additionally, coordination with individual rural residential and agricultural well users is important, but challenging given the absence of organized entities to represent these users in many areas.

Sonoma County was one of the first counties to develop a Water Resources Element for its General Plan. The Water Resource Element includes steps and provisions for advancing local groundwater management and coordinating with other agencies and stakeholders that are implementing groundwater management plans. County funding limitations have created challenges for fully accomplishing this. Assistance from the State through a possible mandate and funding to local agencies to perform groundwater management activities could alleviate and/or diminish this obstacle.

Need for Technical Assistance/Resources from State

Technical and financial assistance from the state can help advance local understanding of groundwater conditions and convey the importance of groundwater management to local stakeholders and decision makers. Without the State's technical assistance and financial support, it is difficult for local agencies to develop the science-based information needed to garner public support, muster the local political will to address groundwater issues and fund various groundwater programs.

Streamlined Permitting

There is an additional opportunity to streamline and/or coordinate the permitting process for conjunctive use/groundwater projects to improve the existing groundwater management process. The expedited permit process could be tied to projects and/or programs that are included in adopted groundwater management plans.

State Involvement

Lastly, there is agreement that having the State as an ultimate back-stop can be an important factor in motivating local stakeholders that are unable or unwilling to proactively manage groundwater resources at the local level. In the aforementioned instances, criteria or triggers should be codified for when and how state involvement would occur. Such criteria or triggers could involve a series of steps similar to the following:

- The designated State agency (possibly the Department of Water Resources, which already has a history of technical involvement and familiarity in many regions) will conduct periodic reviews of the local Groundwater Management Plans to ensure that those plans include specified management criteria (e.g., basin management objectives with clearly defined thresholds for maintaining, or recovering, groundwater levels, groundwater quality, and base flow to streams to prevent or reverse adverse situations such as overdraft, land surface subsidence, and saline intrusion).
- The designated State agency (possibly the Department of Water Resources) would evaluate the performance of local plans in meeting these objectives.
- If objectives are being met or the local agency can demonstrate that there are clearly defined plans in place to meet the objectives, then management at the local level should continue with the State providing technical and financial assistance. If objectives are not being met and the local agency cannot demonstrate that there are clearly defined plans in place to meet objectives, a fact finding consultation between the State and the local agency would be triggered (possibly DWR and the State Board) to gather information as to why the local agency has failed to perform and identify ways in which the State could assist.
- If the consultation reveals the local agency is unwilling or unable to manage the basin satisfactorily, the basin would be placed into “receivership” by the State (or other appointed entity) to manage the basin on an interim basis. The basin will remain in a receivership status until the local agency can demonstrate their interest and ability to properly manage the basin. Once demonstrated, the State will allow the local agency to resume management of the basin.
- In order to get the funding and technical assistance to those basins in the most critical need, the State should create criteria to prioritize California’s basins. This will alleviate the obligation of the State and/or local agency to expend significant resources on very low use or low priority basins.