

# MEETING SUMMARY

## Kern Subbasin Public Workshop #2

November 1<sup>st</sup>, 2016 | 2:30 pm | 3200 Rio Mirada Drive, Bakersfield, CA

*Prepared by the Center for Collaborative Policy (CCP), CSU Sacramento*

### A. Background

In September 2014, Governor Brown signed the Sustainable Groundwater Management Act (SGMA), marking a fundamental shift in the management of water resources in California. Under the legislation local agencies have been charged with the responsibility to form groundwater sustainability agencies (GSA) to create and implement groundwater sustainability plans (GSP) leading to sustainable groundwater basins. The ultimate goal is to create a GSA(s) and GSP(s) that is responsive to the interests of beneficial uses and groundwater users while simultaneously protecting the long-term reliability of the resource.

To assist with this effort in the Kern Subbasin, the Department of Water Resources (DWR) has provided professional facilitators from the California State University Sacramento's Center for Collaborative Policy (Center) to conduct a series of public workshops and stakeholder interviews to assess stakeholder interests, concerns and goals for GSA formation.

This is the second of an anticipated series of six workshops to occur before December 31, 2016. The feedback received will help all parties understand the range of perspectives, areas of agreement and disagreement, and issues that must be resolved in the GSA formation process and subsequent GSP development. Success will ultimately depend on the commitment and participation of a large number of people and organizations throughout the development and implementation process.

### B. Meeting Objectives

The purpose and goals for this workshop were to:

- Provide an overview of the Sustainable Groundwater Management Act (SGMA), Groundwater Sustainability Plan (GSP) requirements
- Review issues and concerns heard to date
- Receive public input to identify critical issues that must be addressed through the development and implementation of groundwater sustainability plans that are compliant with SGMA

### C. Opening

Stephanie Lucero, CCP facilitator, opened the meeting and reviewed the agenda. She provided an informational PowerPoint presentation that highlighted 1) Kern SGMA Stakeholder Assessment Approach 2) SGMA Overview and Requirements of GSPs, and 3) Stakeholder Assessment Update.

Workshop information, including the PowerPoint presentation can be accessed via the KGA website: <http://www.kerngwa.com/information>.

Interested parties may sign up for the KGA Stakeholder Mailing List to receive information about future workshops and the GSA development process at <http://www.kerngwa.com/kga-stakeholder-mailing-list>.

## D. Stakeholder Open Discussion and Comment Session

*Unless otherwise noted, responses to comments/questions were provided by attendees and CCP Staff.*

- Could you provide greater detail about water quality related to DWR's definition of sustainability?
  - It is necessary for groundwater basins to meet state minimum standards for water quality. In addition, there may be more stringent local requirements to meet under the GSP.
- If a Municipal water supplier already has groundwater, will they be eligible to receive some form of relief (e.g. distributed more water to make up for current shortages)?
  - These issues will be addressed by GSA members and Advisory Group participants during the development of the GSP(s).
- Can further explanation be provided related to depletions of interconnected surface water and how that affects water quality?
  - **Public Comment:** As an example, a pumper at the edge of the basin may draw in poorer quality water compared to pumpers located more centrally in the basin due to increase in total dissolved solids and lower water levels.
- What is going to be our responsibility, as public agencies, to regulate private pumpers?
  - **Public Comment:** Certain private pumpers under the *de minimis* threshold of two acre-feet per year (AFY) or less may be exempt from certain provisions of SGMA. However, in order to be compliant with SGMA, it is the responsibility of the GSAs to ensure that the groundwater basin GSPs as a whole achieve sustainability. SGMA does not require local water agencies to be individually compliant with SGMA; rather it requires compliance from the Subbasin GSAs. All GSAs will work collaboratively to meet the goals of SGMA within their subbasin, this includes ensuring GSAs have appropriate authorities to regulate private pumping and water extraction activities outlined in their GSPs.
- Doesn't the law cover the regulation of private pumpers in "white spaces"?
  - The law suggests the County be responsible for overseeing "white spaces", but the GSA may be able to do if they have authority on their own or through some

agreement (MOU or JPA) with authorities with jurisdiction like the County. This is one reason why collaboration is so important for this process.

- What is the distinction between a private pumper who has County jurisdiction versus a private pumper within a water district?
  - This issue is related to who is managing the area where the private pumper lies and which GSA will have authority over them. .
- If you/ your operations are inside a water district boundary, are you under the purview of that district by default?
  - If that district elects to become the GSA. There may be areas, called “doughnut holes,” (white areas within a district). GSAs will regularly opt to sign an MOU with the County or join with a GSA with authority for consistency of management.
- The law allows GSAs to take on responsibilities such as enforcement and taxation, in order to meet the goals of the GSP they establish and approve. Please confirm if each parcel of land will be represented by one GSP, and if there are areas not represented by a GSA, the State could site non-compliance for the Subbasin?
  - The State Water Resources Control Board (State Board) may say the entire basin is non-compliant, or they may choose to just put one area under probation for non-compliant parcel. Regarding GSPs, there is no threshold for how many GSPs the Subbasin develops. The requirement by DWR is that Plans must be coordinated amongst GSAs.
- Does this mean it is possible to have different sustainability goals throughout a basin?
  - SGMA requires that GSAs identify sustainability goals for the entire basin. There may be interim milestones or minimum thresholds for sustainability indicators that vary in different parts of a basin. Sustainability goals must be consistent within the Subbasin and the subbasin GSP(s).
- In my perspective, this comes down to landowners making business decisions with regard to what they are going to do with their land and available water; I do not believe the State will step in if only part of the basin is non-compliant.
- Participants expressed a desire for stakeholders to maintain local control of the groundwater and avoid State intervention.
- GSA eligible local agencies need direction from landowners on whether to form their GSA either with KGA, individually, or another method. However, some landowners do not understand the specifics of SGMA or what direction their eligible GSA entities need to move forward.

- Landowners expressed a desire from GSA eligible entities to provide a list of specific issues or what type of direction they need from landowners.
- Is there enough science to obtain the actual sustainable yield value for the basin? It would be useful in order to help determine where land fallowing may need to occur or pumping operations limited, etc.
  - There is substantial science and data collection occurring in the basin. But it will require the GSA entities and their stakeholders (including private pumpers) to collaborate and *share* data in order to obtain an accurate picture of the basin. This is how the actions delineated in the GSP will be informed, and a path to reaching sustainability by 2040 can be outlined.
- We are struggling in these groups to form GSAs and complete Step 1. It seems we may be “putting the cart before the horse”. Growers are asking frequently how much land they will have to stop farming long-term, and they cannot be provided answers without numbers.
  - Landowners cannot yet be provided with the information they are requesting because they want to see numbers “on the ground”, yet eligible GSA entities cannot provide more information until they are formed, start coordinating together, begin sharing data and understand the basin as a whole. Thus, the first step is to form GSAs and build trust amongst parties.
  - For Kern Basin, GSA entities need to reach out to the landowners; it is necessary for all parties to understand what kind of additional information they need, and how to provide it. Consider asking directly what their needs for groundwater are, so the GSAs can figure out how to manage that. Landowners may need clarity why GSA eligible entities believe that adjudication is not the desirable option.
- We need to get the sustainability number, which seems to be the hardest thing to get. Do we really need this number for GSA formation, or just by the time we get to 2040? Who has the authority to implement these decisions?
  - The sustainable yield number is not required before forming your GSA.
  - The sustainable yield should be established by the basin 2040. GSPs should anticipate what that sustainable yield is by 2020 when they develop their GSPs.
  - **Public Comment:** We may focus first on understanding the “checkbook balance” to see how close the basin is to meeting supply and demand levels for groundwater. Then this value can be extrapolated to a sustainably number.
- What input do GSAs need from stakeholders to form themselves as GSAs—what can we do as stakeholders? It seems like stakeholders want more input on GSPs compared to the GSA formation.
  - **Public Comment:** Landowners should talk to the GSA eligible agencies, and Boards of Directors and request they act upon the landowners’ input.

- A question for landowners is, at what level do they want to interface with the process? At the local, State, or district level; once GSAs are formed? Etc.
  - It is critical to ensure that stakeholders feel their voices are being heard, no matter what stage they choose to interface with the process.
  - Water districts want to know when they form a GSA, their stakeholders will support it.
  - Stakeholders do not feel they can support the GSA if they do not have information on how the collective decisions will be made and what decisions will be made.
- We need to start forming GSAs, and then look for any overlap, blank areas, etc., because right now we are behind schedule to meet the SGMA deadline for GSA formation.
  - GSAs formations are required to be noticed to DWR by June 30, 2017.
  - Public Comment: One participant suggested forming GSAs based on water district boundaries and have the County to absorb the “white spaces.”

### Other General Stakeholder Input

- **Enforcement:** Most stakeholders agree that there must be some protocol when a well is shut off, “where the rubber meets the road,” and recognize the need for a robust engagement of landowners via outreach. Landowners must understand the cost of local and County involvement versus State involvement. Stakeholders also referenced the need for cross-coordination of multiple GSAs, as well as the need to balance enforcement issues over their own customers.
- **Brainstorming Sessions:** Many stakeholders feel it may be a good idea to include a brainstorming session in the workshops—something that opens up discussion of the broad range of issues and options.
- **Equity:** Many landowners do not yet acknowledge the implications of SGMA. This may be a painful process for them, and they may feel pending water cutbacks and associated costs and hardships will not be equitably shared. Prices of recent land sales have not changed to reflect the new, and future water supply under SGMA.
- **Adjudication:** Some stakeholders see adjudication as an alternative path to SGMA compliance. Other stakeholders identified that adjudication will not address undesirable results.
- **Lack of participation:** Many landowners are not currently participating in the process, because they do not see anything they can do yet. Landowners cited the need for “hard numbers” as a remedy to this challenge.

- **Municipal Involvement:** Most stakeholders say they need municipalities involved more as they are developing their plans, in order to look at the change of land use, and determine how to grow their cities.
- **Communication:** Most stakeholders agree that there must be better communication between eligible GSAs and landowners, and say that each is waiting for direction and guidance from the other.
- **Compliance:** Stakeholders agree that governance is important, and understand that an area could be in perfect compliance, but the plan cannot be submitted until the entire basin is coordinated.
- **Kern Groundwater Authority:** Many stakeholders think KGA could file GSAs on any remaining/non-covered areas within the basin.