

MEETING SUMMARY

Kern Subbasin Public Workshop #3

November 15th 2016 | 5:30 pm | 3300 East Belle Terrace 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 are 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 third of an anticipated series of six workshops that will be conducted 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 main themes, issues, concerns and questions we have heard from the stakeholder assessment process to date.
- Review critical questions for working toward 06/30/17 SGMA compliance deadline and beyond.
- Discuss critical issues that must be addressed for successful GSA coordination and GSP development and implementation compliant with SGMA.

C. Opening Remarks

Stephanie Lucero, CCP facilitator, opened the meeting and reviewed the agenda. She provided an informational PowerPoint presentation that highlighted the main themes from the Stakeholder Assessment Process, including: 1) an overview of the Stakeholder Assessment purpose and process, 2) summary of main issues, concerns, and questions by stakeholders, and 3) recommended critical issues to discuss.

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 CCP Staff.

- When will it be determined how much water individuals and agencies can/cannot have?
 - That is part of the GSP development process. The GSPs must be completed by 2020. However, the first step in this process is establishing GSAs. GSAs first must determine how much water there is in the basin, and the sustainable yield of the basin. This step will require data coordination and possibly additional data collection. This data will then be used to develop the GSPs, which will delineate the actions required for the basin to achieve sustainability (including water use reduction measures).
- The aerial view of the county shows quite a bit of unpopulated land, without anything growing on it. Something to consider/discuss is if water usage is allocated by acreage, will the approach be equitable? If not, how can this be made equitable?
- What will be considered “new water”?
 - **Public Comment:** New water is primarily production and treated water. The question remains for GSAs as to how the new water will be determined/incorporated into sustainable yield.
- If it is necessary to fallow land, does it have to be within the boundaries of the GSA that does not have a large enough sustainable yield or can it be down the road?

- Facilitator clarified that participant was wondering if they could use a groundwater allocation from an area with sufficient yield to water land in an area that does not have sufficient groundwater.
 - A question for the GSAs and stakeholder to discuss is how to determine where following of land should occur.
- The current thought seems to be that KGA will absorb coverage of “white spaces” in their GSA formation. Is that accurate?
 - **KGA Representative Response:** Yes, the KGA as a GSA or KGA members as individual GSA entities has agreed to responsibility for the remaining “white space” areas.
- Will /can areas outside of surface area district boundaries retroactively form their own GSAs in the future, in 2019, for example?
 - DWR has indicated that other groups could be formed in the future; however, there are a number of administrative steps required to complete to ensure compliance.
- Please provide an understanding of what will happen by June 30, 2017, if overlapping areas are not covered and GSAs are not formed?
 - **DWR Representative Response:** In that situation, DWR will inform the State Water Resources Control Board (State Board) that the entire basin is not covered by GSAs. It will be to the State Board’s discretion to determine whether or not to put the entire basin or just those overlapping areas on probation.
- What is State Board – issued probation?
 - **DWR Representative Response:** Probation refers to the issuance of the State Board’s Fee Schedule, issued in order to ensure the basin/subbasin in compliance with SGMA. The State Board would also begin coordinating with local agencies, in order for the local agencies to take control of management of their basin. If this probationary measure is unsuccessful, more stringent next steps will be taken, the details of which have not been determined yet, but are in the process of being worked out.
- Would it require a change in legislation to provide more time for GSA development?
 - **DWR Representative Response:** Yes, DWR and all affected parties are bound by what the timelines stated in the SGMA Legislation.
- Given that KGA has agreed to cover the white areas, and looking at the June 30th deadline, what is KGA’s feeling about meeting the deadline?

- **KGA Representative Response:** For clarity, KGA will file to be a GSA on behalf of those members that have requested them to do so. The KGA will begin that process in December/January. The current issue, which is expected to be resolved, is the issue of overlap with the County and/or other GSAs. However, 100% of the basin will be covered.
- You haven't mentioned anything about EPA, who trumps who, how the hierarchy will work here—who has final say?
 - Facilitator clarified that State has no authority over Federal EPA water law. SGMA is a state law and applies to groundwater management. Cal EPA may provide requirements under state law elements like water quality. GSAs, must be consistent with all laws that apply to them (federal, state, etc.)

E. Next Steps and Upcoming Workshops

Ms. Lucero provided an overview of the three remaining public workshops. Future Workshops will continue to identify interests, concerns, and potential solutions to primary issues that have been raised by stakeholders. She affirmed with attendees the value of conducting more in depth discussions on the following topics:

Upcoming Workshop Dates, Times, and Discussion Topics:

- Nov. 28, 11:00 am, Kern County Admin Bldg, 1115 Truxtun Ave, Bakersfield, CA
 - **Surface water/groundwater relationship:**
 - i. Provide an overview of the different perspectives on this relationship, and discuss ideas on how they may be addressed.
- Dec. 5, 5:00 pm, Kern Ag Pavilion, 3300 East Belle Terrace, Bakersfield, CA
 - **Water budgets:**
 - i. Discuss/begin to collectively identify the factors that need to be considered in developing a water budget?
 - ii. Discuss ideas/ approaches for reaching agreement and developing solutions among GSAs.
- Dec. 20, 11:00 am, Kern County Admin Bldg, 1115 Truxtun Ave, Bakersfield, CA
 - **Other considerations:**
 - i. Factors that need to be considered related to production water, water quality, and fallowing land.
 - ii. Approaches to maintaining an equitable and “fair” approach for basin-wide groundwater management. How ca GSA structures ensure stakeholder are appropriately heard and addressed. Discuss what “fair” means to various stakeholders.