



Sustainable Groundwater Management Act (SGMA) Implementation

**REDDING GROUNDWATER BASIN GSA Formation
(Anderson and Enterprise *Medium Priority* Subbasins)**
Introduction

This draft proposal has been developed by the Groundwater Sustainability Agency (GSA) Formation Committee in the Anderson and Enterprise Groundwater Subbasins¹ of Shasta County. The California Department of Water Resources (DWR) has identified these two subbasins as medium priority. As required by the Sustainable Groundwater Management Act (SGMA), all medium and high priority basins in the State of California must establish a GSA by June 30, 2017 and develop a Groundwater Sustainability Plan (GSP) to avoid state intervention by the State Water Resources Control Board. Medium priority basin GSPs must be completed by January 30, 2022.

The GSA Formation Committee is comprised of 6 eligible GSA agencies², including: Anderson Cottonwood Irrigation District (ACID), Bella Vista Water District (BVWD), City of Anderson, City of Redding, Clear Creek Community Services District (CSD), and Shasta County.

Table 1. GSA-Eligible Agencies in the Anderson and Enterprise Subbasins

Agency	Anderson Subbasin	Enterprise Subbasin	Comment
Participating Agencies			
ACID	x	x	
Bella Vista Water District		x	
City of Anderson	x	x	
City of Redding	x	x	
Clear Creek CSD	x		
Shasta County	x	x	
Non-participating Agencies			
Cottonwood Water District	x		County met with District on 9/13 and will make a presentation at Cottonwood’s October board meeting regarding the County representing Cottonwood’s district lands as White Areas.
Centerville CSD	x		County met with District on 9/13 and will make a presentation at Centerville’s October board meeting regarding the County representing Centerville’s district lands as White Areas.
Igo/Ono CSD	x		Received confirmation of no interest

¹ Basin as defined by SGMA means a groundwater basin or subbasin identified and defined in Bulletin 118 or as modified pursuant to Water Code section 10722.

² GSA eligibility: "Any local agency or combination of local agencies overlying a groundwater basin may decide to become a groundwater sustainability agency for that basin." (Water Code§10721)

"Local agency" means a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin." (Water Code§10721)



Governance Alternatives

The three key elements of the governance alternatives are:

- **Overlying Basin Representation** – SGMA only allows parties overlying a basin to have representation in that basin. The intent of the GSA is to create one GSA to manage both basins. However, the MOU/JPA would specify that only agencies overlying a basin have decision-making authority on issues within their respective subbasins.
- **County Representation** – SGMA specifies that in the event that there is an area within a high or medium priority basin that is not within the management area of another agency, the county within which that unmanaged areas lies will be presumed the GSA for that area. These unmanaged areas are referred to as white areas. The County will represent the white area groundwater pumpers and will form a private pumper advisory group to advise the County on white area groundwater related activities (pending Board of Supervisors' approval).
- **GSA Governing Board** – GSA governing board members will be elected representatives from the governing bodies of the participating agencies.

Table 2. GSA Alternatives

Table 2 depicts the three alternatives that the GSA Formation Committee considered for GSA Board representation (number of seats) and votes. The Committee identified a preferred alternative which is illustrated in red.

	Over Basin Representation		GSA Alternatives (Alt) (reps/votes)			
	Anderson	Enterprise	Alt 1	Alt 2: Preferred Alternative	Alt 3	Comments
Purveyor						
ACID	x	x	1	1	1	
Bella Vista Water District		x	1	1	1	
City of Anderson	x		1	2	1	
City of Redding	x	x	2	2	1	
Shasta County	x	x	2	2	1	Rep. districts not included
Clear Creek CSD	x		1	1	1	

GSA Board Representation, Voting and Cost Share Allocations

The proposed cost share allocation is proportional to the number of votes. Agencies only vote on issues within their respective sub-basins. This proposal aims to establish a workable number of board seats (total of 9 board members). Table 3 illustrates the number of board members per agency, each agency's corresponding votes per basin, the total number of votes, and each agency's proportional cost allocation.

**Table 3. GSA Member Agency Board Representation, Votes and Cost Share Allocations**

GSA Member Agencies and number of board members	Basin Votes		Sum	\$\$
	Anderson	Enterprise		
Shasta County (2 board members)	2	2	4	28.6%
City of Redding (2 board members)	2	2	4	28.6%
City of Anderson (2 board members)	2		2	14.3%
ACID (1 board member)	1	1	2	14.3%
Clear Creek CSD (1 board member)	1		1	7.1%
Bella Vista Water District (1 board member)		1	1	7.1%
Total (9 board members)	8	6	14	100%

For any item affecting both basins, Shasta County, City of Redding, and City of Anderson would have two votes each. ACID, Clear Creek CSD, and Bella Vista Water District would have 1 vote each.

GSA Agency Purpose

The Agency is created with the purpose and intent of jointly forming a separate entity through a legal agreement (JPA/MOU) to fulfill the role of a GSA as provided in SGMA. The Agency's primary, short term purpose and responsibility is the development and adoption of a Groundwater Sustainability Plan (GSP) (an approximately 5- year planning effort, as allowed by SGMA). The longer term purpose and responsibility of the Agency is the implementation and management of the GSP. It is not the intent of the Agency to assume any authorities impacting local planning and land use.

GSA Powers and Authorities

A GSA may exercise any of the powers described in Chapter 5 of SGMA, in addition to, and not as a limitation on, any existing authority. Chapter 5 stipulates that a GSA "has and may use the powers in this chapter to provide the maximum degree of local control and flexibility consistent with the sustainability goals."

- **General Authorities**– General authorities are to be assumed by the Agency with approval of the JPA/MOU. These should be those authorities allowed that support meeting the initial purpose of the Agency (GSP development).
- **Conditional Authorities** – The GSA Formation Committee proposes that there are powers/authorities that will need to be enacted if certain conditions in the basins are met as identified in the GSP. The JPA/MOU should allow for this potential but only with a supermajority of the Board (see *Decision-making* below).

Triggers for GSA Powers and Authorities

Authorities noted as Conditional (see *Table 4*) would be subject to a supermajority vote, and only available if:

- Groundwater elevation is within 5 feet of the minimum threshold as determined by the GSP over an area of at least four square miles.
- Migration of more than 2640 feet of any contamination site or plume identified in the GSP in concentrations in excess of current drinking water standards.
- New groundwater contamination in median concentrations in excess of current drinking water standards over an area of at least 40 acres. – Note: new groundwater contamination must come from an outside source, it cannot be something that wasn't documented previously.
- Violation of any minimum threshold as identified in the GSP.



Decision-Making

The Board aspires to seek consensus. However, the work of the Board must be timely and efficient. Therefore, “consensus-seeking” represents an approach through which the Board will make a robust, reasonable attempt to reach consensus (the duration of which will be decided by the Board). After such attempts are made, if the Board cannot reach consensus, the approach and outcomes are memorialized, and the Board defaults to a supermajority vote.

- **Supermajority Definition:**
 - Anderson Subbasin – 8 total votes – supermajority: 6 votes
 - Enterprise Subbasin – 6 total votes – supermajority: 5 votes
- **Quorum Definition:** – 6 of the 9 board members constitute a quorum of the overall board
 - Enterprise – quorum of 5 of the 6 Enterprise members needed to address Enterprise only issues
 - Anderson – quorum of 6 of the 8 Anderson members needed to address Anderson only issues
- **Majority** – majority of the quorum. This applies to overall, Enterprise and Anderson issues.
- **Supermajority:**
 - Overall – 7 affirmative votes needed to enact an item requiring a supermajority. Note if only 8 members attend a meeting, constituting a quorum available to conduct the meeting, 7 votes are still needed for super majority items.
 - Enterprise Issues Only – 5 affirmative votes needed.
 - Anderson – 6 votes needed.

Table 4. GSA Powers and Authorities

Table 4 illustrates the proposed general and conditional authorities and their corresponding Water Code Section and Title from the SGMA Chapter 5.

Water Code Section and Title	General Authorities
10725.4 Investigations	A GSA may conduct investigations for the following: a) The need for groundwater Management b) To prepare and adopt a GSP and implementing rules and regulations
10725.8 Measurement Devices and Reporting	May use other reasonable means to determine extraction a) Does not apply to de minimis extractors
10726 Reporting of Diversion of Surface Water to Groundwater	An entity within the area of a GSP shall report the diversion of surface water to underground storage to the GSA
10726.9 Requirement of Plan to Take Account of General Plan Assumptions	A GSP shall take into account the most recent planning assumptions stated in local general plans of jurisdictions overlying the basin. <i>Note: This is an important point that should be part of recitals and purpose</i>



Water Code Section and Title	Conditional Authorities
10725.4 Investigations	<ul style="list-style-type: none"> a) To propose and update fees b) To monitor compliance and enforcement
10725.6 Registration of Extraction Facilities	A GSA may require registration of a groundwater extraction facility
10725.8 Measurement Devices and Reporting	<ul style="list-style-type: none"> a) Require all groundwater extraction facilities be measured b) Measuring devices – cost to the owner, agency approved, agency installed, agency calibrated c) Require annual filing of an extraction report d) May require other reasonable means to determine extraction <ul style="list-style-type: none"> 1. May require other reasonable means to determine extraction
10726.2 Additional Authorities of GSA relating Acquisitions; Augmentations of Local Water Supplies; Transfers and Exchanges of Water; and Treatment	<ul style="list-style-type: none"> a) Real Property (acquire, use, hold, sell, let, etc.) b) Appropriate Surface and Groundwater Rights, import surface or groundwater, conserve/store surface and groundwater c) Voluntary Fallowing of Agricultural Lands Program d) Any acts necessary/proper regarding purchase/transfer/delivery/exchange of water or water rights e) Transport, reclaim, purify, desalinate, treat, manage, control polluted water, wastewater, or other waters for subsequent use f) Commence, maintain, intervene in, defend, compromise, and assume the cost and expense of any and all actions and proceedings
10726.4 Additional Authorities of a GSA	<ul style="list-style-type: none"> a) GSA shall have the following additional authorities <ul style="list-style-type: none"> 1. Impose Spacing Requirements and Operating Regulations (rotational basis, etc.) on wells 2. Control extractions by regulating, limiting, or suspending extractions; construction of new wells, enlargement of existing wells, reactivation of abandoned wells, extraction allocations 3. Authorize transfers within the basin 4. Authorize carryover extraction allocations b) NOTE - does not authorize GSA to issue permits except as authorized by County
Water Code Section and Title	Other Authorities



10726.6 Validation Proceedings; Venue, Time Limitations for Bringing Certain Actions	<i>Consult with legal counsels about any necessary language to reflect these authorities.</i>
10726.8 Relationship of this Part to Other Laws	<i>Consult with legal counsels about any necessary language to reflect these authorities.</i>

GSA Administration

- **Management Committee:** The proposed Management Committee would be comprised of one appointee from each of the member agencies. The Cities and County will appoint the Public Works Director and the Districts will appoint the General Manager or their designee. The Management Committee, among other responsibilities, will take direction from the Board, recommend agenda items, and approve staff reports to be presented to the Board.
- **Technical Advisory Committee (TAC):** A TAC would be established by the Management Committee to advise on technical aspects of GSP development and implementation.
- **Consultant Support:** The consultant will function as an Administrative Manager to be hired by the Board and would report to the Management Committee. Related responsibilities would include: 1) preparation of Board staff reports; 2) managing the Management Committee and Board meetings; 3) managing GSA day to day business, among other responsibilities to be determined by the Board.
- **Other Consultants:** GSP development would likely be a separate contract or contracts.
- **Other Key Staff Support** – While it is yet to be determine, the member agencies will most likely provide other key staff support to the GSA such as, legal counsel, financial officer, a clerk, etc.

Draft Governance Diagram

Anderson & Enterprise Subbasins (Redding Groundwater Basin, Shasta County, CA)

