

Meeting Notes

May 07, 2015

Groundwater Sustainability Program

Purpose

These notes document DWR recorded “issues” from meetings with local agencies and stakeholders (i.e. water districts, water agencies, City representatives and Tribal Governments) regarding the Sustainable Groundwater Management Act (SGMA) implementation. This meeting sought to achieve the following goals:

- 1. Provide an overview of the SGMA to Tribal Governments and highlight specific Tribal concerns*
- 2. Provide a tutorial on DWR groundwater web based tools and sites*
- 3. Identify Tribal needs for information, data and technical assistance.*
- 4. Discuss DWR Tribal outreach for the future.*

Introduction

The following is a list of agencies represented at this meeting. The names of specific individuals who were in attendance are provided in the attached sign in sheet.

- Bureau of Indian Affairs (BIA)
- California Department of Water Resources (DWR)
- Indian Health Services (IHS)
- Inter Tribal Long Term Recovery Foundation
- Rural Community Assistance Corporation (RCAC)
- Southern California Tribal Chairmen’s Association (SCTCA)
- State Water Resources Control Board (SWRCB)
- Tribal Environmental Protection Agency

Issues

- A. Sustainable Groundwater Management Act
- B. DWR Groundwater Sustainability Program
- C. DWR GSP Draft Strategic Plan
- D. Website Tools And Information Center
- E. Tribal Involvement Roundtable Discussion

Attachments Enclosed

- GSP May 07, 2015 Meeting Summary
- Sign-in Sheet
- Powerpoint Presentations

MEETING SUMMARY

Groundwater Sustainability Program

May 07. 2015

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ACTION ITEMS

1. **Ms. Murrell** to provide information on support with eradicating illegal marijuana gardens.
2. **Ms. Agustinez** to follow up with colleagues to provide information on the Rural Community Assistance Corporation drought program.
3. **Ms. Agustinez** to circulate June 9-10 Tribal Consultation meeting information to participants.
4. **Ms. Agustinez** to coordinate a meeting with the Tribal GIS association for further discussion on improving DWR’s GIS mapping tools for Tribes.

A. WELCOME AND INTRODUCTIONS

Honorable Chairman Allen Lawson, San Pasqual Band of Mission Indians, provided an opening blessing and welcoming remarks. John Flores, San Pasqual Band of Mission Indians, and Anecita Agustinez, Department of Water Resources (DWR) Tribal Policy Advisor, also welcomed participants. Ms. Agustinez thanked the San Pasqual Tribe for hosting the meeting, and stated that the primary purposes of the day’s meeting were to:

- Provide an understanding of the Sustainable Groundwater Management Act (SGMA) and DWR’s Groundwater Sustainability Program Draft Strategic Plan
- Identify tribal needs for information, data and technical assistance
- Discuss DWR tribal outreach for the future
- Provide a tutorial on DWR groundwater web-based tools and sites

DWR hosted a similarly structured public meeting in Red Bluff, California on April 13. One document that will be developed as a result of these two meetings will be a “Frequently Asked Questions” (FAQ) handout designed specifically for Tribes.

Dorian Fougères, facilitator from the Center for Collaborative Policy, California State University Sacramento, reviewed the agenda and ground rules for discussion. Attendees then introduced themselves and their tribal, organizational and/or agency affiliation, and mentioned their key area of interest as related to this meeting. Interests included:

- How to bring waters to tribes if there is a shortage
- How to conserve groundwater
- Climate change adaptation planning
- Knowledge gathering about groundwater sustainability and the drought
- California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization
- General information about basin activity and groundwater well activity
- Basin re-prioritization impacts
- Options for tribes to comply with new SGMA regulations
- Funding infrastructure as related to SGMA
- How new SGMA legislation applies to California Native American Tribes, and how to apply for associated grant funding
- How tribes can be involved in Groundwater Sustainability Agencies (GSAs)
- How SGMA will affect the members of the San Luis Rey Water Authority
- How or if tribes' acceptance of state funds would affect tribal sovereignty
- How SGMA will overlap with Integrated Regional Water Management (IRWM)
- How SGMA might limit tribes' ability to use groundwater resources, and the opportunities to leverage SGMA to better manage the resources tribes do have
- How to develop a groundwater sustainability plan (GSP) for a medium-priority basin that does not have an agency lead
- Use of desalination to augment groundwater supply
- Availability of imported water
- Decentralized wastewater processing systems
- Post-disaster groundwater contamination and mitigation
- Monitoring of hillsides as related to drought, wildfires and groundwater contamination

Following introductions, Brian Moniz, DWR Southern Regional Office, Chief, Special Projects Section, provided a review of the organizational structure of DWR. Please refer to the accompanying PowerPoint slides for further detail.

The division of DWR that groundwater falls under is IRWM. There are four regional IRWM offices, including Southern California. The Groundwater Division of IRWM addresses such issues as groundwater basin prioritization, groundwater updates to the California Water Plan, CASGEM, and groundwater sustainability. Groundwater supplies are not just impacted by drought and population, but other natural disasters such as severe wildfires and earthquakes.

B. SUSTAINABLE GROUNDWATER MANAGEMENT ACT

1. History and Passage of SGMA

Dr. Tim Ross, DWR, Chief, Groundwater Section, presented on the history and passage of the 2014 Sustainable Groundwater Management Act. Please refer to Dr. Ross' PowerPoint presentation slides and the Groundwater Sustainability Program draft Strategic Plan (draft Plan)

for further detail. The timeline of key SMGA milestones can be found on pages 22-23 of the draft Plan. Dr. Ross noted:

- DWR continues to work through the nuances and details of the draft Plan, and there may be questions for which DWR does not yet have the answer.
- State law is optional for tribes. Tribal participation as related to SGMA is completely voluntary.
 - Tribes can interact with local agencies.
 - All tribal water rights are protected under the Act.

Key points from the presentation included:

- Statewide Water Use
 - Updates to the California Water Plan are published in Bulletin 160
 - Groundwater comprises about 39% of water used in the state
 - On dry years, groundwater comprises up to 60% of water use
 - South coast hydrologic region uses on average 34% groundwater
 - There are a numerous basins throughout the state that do not receive water from the Colorado River, and thus rely completely on groundwater
 - Most of the groundwater use occurs in the Central Valley
- Annual Mean Precipitation for the Southeast Desert is 6”
 - There have been only two years in the past decade where annual rainfall has exceeded the average
- Significant changes in groundwater storage elevation occur due to drought conditions
 - There are many wells that are lower than they have ever been, some as much as 110’.
 - Extreme groundwater withdrawal is resulting in renewed land subsidence.
 - Renewed land subsidence threatens infrastructure, buildings, water delivery systems, and long-term water supply capacity.
- Impacts to Ecosystems
 - When groundwater levels decline, surface streams tend to lose water to the aquifer.
 - This has the potential to adversely affect those who depend on surface flows, including farms, cities, fish and other wildlife.
- 2012 Groundwater Management Planning
 - Groundwater Management Plans (GMPs) were required before the adoption of SGMA.
- 2014 Sustainable Groundwater Management Legislation
 - In January 2014, the Governor released the California Water Action Plan (CWAP)
 - A comprehensive and practical approach to water resources management
 - Action 6 in the CWAP is where SMGA originated from
 - In September 2014, SGMA was signed into legislation. It is comprised of three different bills that were passed and provides the framework for groundwater management for the state.
 - There are roles for both the state and local jurisdictions re: SGM

- Groundwater Basin Mapping
 - Bulletin 118 is the most recent comprehensive groundwater basin map
 - Basins are currently mapped by alluvium
 - SGMA does not apply to areas outside of these basins
- SGMA key intended outcomes
 - SGMA requires that Groundwater Sustainability Plans (GSPs) be adopted for high and medium priority basins.
 - Adjudicated basins are exempt from developing GSPs. They only require minimal reporting.
 - Low or very low priority basins are exempt from developing GSPs, but are encouraged to develop plans proactively.
 - There is a groundwater management tool on the DWR website that has a map of the current basin boundaries. It includes a tribal lands layer, as well as priority basin layers. The map is interactive, GIS-based, and you can zoom in for detail.
- DWR will be developing regulations for how basins boundary revisions may be requested and regulations for what must be included in a groundwater sustainability plan. DWR will be responsible for implementing these regulations and reviewing GSPs. The SWRCB will be responsible for intervening in basins where DWR has found that the GSP does not meet the requirements of the regulations.”
- Timetable for Sustainable Management
 - 2017: Groundwater Sustainability Agencies (GSAs) must be identified
 - 2020: Basins in critical overdraft must be covered by a GSP
 - 2022: Other high and medium priority basins not in overdraft must have GSPs
 - 2040 or 2042: Each high and medium priority basin must achieve sustainability
- SGMA provides new management authority and management tools for GSAs
- SGMA establishes basic requirements for GSPs
- GSPs must be developed via a comprehensive understanding of all water inputs and demands in order to achieve sustainability without undesirable results (e.g. land subsidence, water quality impacts, depletion of surface water, etc.)
- SGMA provides for state oversight as a backstop only. Control remains with local agencies provided they have developed adequate GSPs.
- Tribal participation in SGMA – Water Code: 10720.3
 - It is to the tribes’ discretion to determine how much they interact with agencies on these issues, or participate in a GSA.
 - Federally recognized tribes may participate through a Joint Powers Agreement (JPA) or other agreement with local agencies in the basin.
 - Participating tribes are eligible to conduct planning, financing, and management under SGMA, including eligibility for grants and technical assistance.
 - Exercise of regulatory authority, enforcement, or collection of fees needs to be pursuant to the tribe’s authority and not pursuant to the authority granted under SGMA.

Discussion, questions and comments followed:

Responses are from Dr. Ross, unless otherwise noted.

- What is impeding the State to implement **actions against drought** when trends in water depletion and rainfall are so severe?
 - Generally, politics cause delays to action. However, Governor Brown has made a lot of progress in regard to the State's water shortage.
 - Additionally, social norms are such that when the state experiences a short amount of rain, people forget about the long-term drought and attention is shifted to other issues.
 - The reality is California is always in a state of drought, insofar as conservation should be a daily action.
- Regarding the average annual precipitation bar graph: if the spikes in rainfall were removed as outliers, then the region's annual rainfall would be even less than 6". This may be a useful metric for securing funding for drought-remediation activities.
- Does **land subsidence** affect the ability of that area to recharge?
 - Yes. In areas where the land is comprised of dense material such as clay, groundwater recharge is impossible. This land subsidence is a permanent change. Land subsidence decreases the overall capacity for a basin's groundwater storage.
 - Groundwater basins against the edge of mountains or other coarse geologic material do not tend to subside.
- Has the Governor given authority to municipalities to install meters on private wells as part of this program?
 - No. SGMA provides authority to GSAs to require installation of meters on private wells. This authority is not specific to municipalities, although a municipality may opt to become a GSA. This authority would not be applicable on tribal lands, consistent with existing state and federal law.
- In DWR's opinion, how much of the State's drought issues are attributable to **overpopulation**, as opposed to dry weather conditions?
 - For the purposes of this presentation, drought is defined by the supply of water and how the lack of water supply impacts humans. A lack of rainfall is not necessarily synonymous with drought. This is a larger issue that society as a whole is just beginning to address: if the population keeps growing, how will the state supply everyone with water?
- How much of the State's water use is on farms?
 - Approximately 70-80%.
- If the state continues to issue water restrictions and increase water rates, small independent farms will be forced out of business. Plants and animals require water as well as humans. Further, though the State is encouraging its current residents and businesses to dramatically conserve water, they continue to allow for the building of new

- residential communities and business parks. Therefore it seems there is no net gain of water storage. These are **issues involving the equity and fairness** of water distribution.
- This conversation topic is in part stimulated by the Governor's Water Action Plan, as well as SGMA.
 - San Diego County in particular is starting to look closely at connecting land use and land use planning to water supply, with particular emphasis on groundwater. Many of the building ordinances and related water use ordinances are passed at the county level.
- How will **desalinated water** help support non-coastal communities if no pipes are being constructed to transport this water inland?
 - Desalination will offset the average amount of imported water use of coastal communities, so more will be available for inland areas.
 - There are remaining challenges to getting desalination facilities operational, though the cost of building these facilities is now approaching the cost of importing water.
 - If the country can install oil and natural gas lines that span the United States, why can't California import water from other parts of the nation?
 - Economics. People do not want to pay that much for water.
 - How can water storage/usage be managed for hard rock areas?
 - As basins are defined by alluvium, rocky areas are outside of groundwater basins. Thus SGMA does not apply to these areas.
 - How much of groundwater is managed by **water agencies versus individual communities or homeowners**?
 - Most of the basins in the state have agencies managing them. Others fall under the jurisdiction of federal or state lands (e.g. the Mohave Desert), and others are on various tribal lands.
 - SGMA is not the state attempting to control local water supplies. Rather, it is providing tools for local agencies to maintain the sustainability of their groundwater basin, and use what management authority they may have under the Act. SGMA is thus directing authority to local agencies to manage groundwater supply.
 - The legislation does have deadline requirements for the local agencies to meet. If deadlines are not met, then the State Water Resources Control Board may step in to develop a GSP for that local agency to implement and manage.
 - Does California differentiate between State and Federal adjudication of a basin?
 - No. Adjudication means that a court, any court, has made a ruling on that basin.
 - If meters are installed on private wells, what prevents the local authority or county for charging for that water?
 - That question is more specific to local ordinances, and is best answered on a case-by-case basis by local legal authorities.

- In light of the recent court ruling, are **tiered water rates** legal?
 - This is currently being reviewed. It will take some time to determine the actual implications of this ruling.
 - Mr. David Sandino, DWR Senior Counsel: The court was reviewing whether water rates, in alignment with Proposition 218, accurately reflected the cost of services. The ruling was such that tiered rates are permissible only if higher rates are adequately justified by the cost of services. In general, the sale of water is not intended to be a profit-generating business.

- If wells are drilled beyond a certain depth, notification is sent to the federal Department of Homeland Security. How will this affect access to local groundwater supply?
 - Dr. Ross noted he did not have the expertise in this area needed to provide a response.

- Will metering data become public information?
 - Yes, though the information will be aggregated by area. It will not be disclosed on an individual-residence level.

- Certain wells in this area contain large amounts of minerals. Does SGMA allow for water purification and subsequent groundwater recharge?
 - No response was provided.

- Should one of the key outcomes of GSAs include a clear statement that **tribes can opt in or out of participation**? Certain tribes interact well with their local agencies, while others have more unproductive relationships.
 - This is written into the Act itself. It is clearly stated that tribal participation is voluntary only. Tribes can choose their level of interaction with other agencies within the groundwater basin boundaries.
 - Ms. Agustinez: DWR recognizes tribal sovereignty and is working on outreach at the government-to-government level. The consideration for tribal participation involves funding: Proposition 1 funds are eligible to tribes if they participate in a monitory entity under CASGEM.

- **Proposition bond funding** is often not friendly to tribes, as it requires high matching funds. Or, in the case of Proposition 84, grantees are required to fund their project first and then apply for reimbursement. There are structural impediments to the grant process, and additional challenges surrounding the fair distribution of funds. What are the matching requirements for Proposition 1 funding?
 - Many spot-language bills regarding Proposition 1 are in development.
 - A Tribal Consultation on Proposition 1 Water Bond Funding will be held on June 9th and 10th to provide specific Tribal funding information.

- DWR should refer to USDA Rural Development model for tribal application of funding. There are ways of working with communities to get through the bureaucratic process.

- Given the 2017 deadline for development of a GSA, what is the **most immediate way for Tribes to participate in local conversations about GSA formation**?

- Much of the GSA formation conversation will occur at the county level. It is suggested that tribal representatives reach out to the County Board of Supervisors personally, state their interest in involvement, and provide the counties with their direct contact information.
 - If tribes are interested in having a joint meeting with the counties, DWR may be able to facilitate this. Also, there is an upcoming California State Association of Counties (CSAC) meeting in Sacramento that may be of interest.
 - Regardless of what the counties are doing, tribes are able to develop their own GSPs.
 - The progress of formation of GSAs can be tracked on the DWR website.
- It would also be beneficial to have County staff attend these types of tribal meetings as well, such that the interaction is reciprocal.
- Ms. Agustinez: Chapter 5 of the Proposition 1 Water Bond (Clean, Safe, and Reliable Drinking Water Programs) is the most likely place for tribal participation. Regulations for this will be in development next year.
- How do the GSAs function with respect to **tribal land ownership**? Specifically, if tribes were to purchase land that was under the authority of a GSA and put this land into a trust, does the land come out of the GSA and back into the tribe's control?
 - This is a legal question, and DWR has no oversight on how GSAs are generated. The details of any agreement (e.g. a JPA or Memorandum of Understanding (MOU)) fall to those participating local agencies.
 - When tribal purchased land goes into a trust, it depends on the conditions the tribe agrees to (Fee-to-Trust Process).
 - It was requested to add this information into Dr. Ross's slide on Tribal Participation (slide #26).
- **How do GSAs become formally effective?**
 - Once a proposal for a GSA formation is received by DWR, they are reviewed for adequacy and posted to the website for public viewing. If after 90 days there are no competing GSAs applying for the same basin, that GSA is effectively deemed the authority for that basin.
 - GSPs can be developed by the GSA for the entire basin, or each agency may choose to develop a Plan for the various sub-basins.
 - Mr. Sandino: One consideration is that GSAs do not have to be just one body. They can be made up of a combination of bodies/authorities and function collectively via interagency agreements.
 - Another option is to form a GSA for the entire basin, including tribal involvement, and collectively develop a management and decision-making structure for within the GSA.
 - Other non-tribal entities are asking these same questions, and responses will be compiled into a FAQ sheet.
- One tribal representative for a local GSA will not meet the needs of all the tribes, even if the tribes are in a short distance from each other.

- The **number of tribal representatives** is not limited or predetermined. If 20 tribes, for example, want to participate in a GSA, then they would all have to be a part of the agreement.
- Mr. Sandino: The possibility of a JPA has special meaning, such that it would allow tribal communities and local governments to come together to form a new governmental authority. How that new governance functions in terms of voting, etc. would be up to the members of this entity. This is a powerful change and opportunity.

2. SGMA Legislative History as it Relates to Tribes

Art Bunce, Attorney for Barona Band of Indians, provided an overview of the evolution of SGMA with particular emphasis on how the legislation applies to tribes. His participation on the agenda was at the request of Chairman Bo Mazzetti, Rincon Band of Luiseno Indians, in order to provide a background on the legislative participation of Tribes in the drafting of the SGMA legislation as it applies to Tribes.

He noted:

- Initially, it appeared that AB 1739 and other companion bills were benign for tribes, until the details were examined.
 - GSAs will be collecting data, and it will be within their charge to allocate water shortage cutback measures.
 - The ultimate question then becomes, who will have to comply with the water supply cut backs? This is a difficult duty of the GSAs and serious concern for tribes.
- The McCarran Amendment also applies. This Amendment:
 - Waives the United States' sovereign immunity in suits concerning ownership or management of water rights, as long as they might be affected by the result of the suit.
 - Enables suits concerning federal water rights to be tried in state courts.
- Historically, state courts have been hostile to tribes (for example, the Salt River case in Arizona). States may develop new water right measures without obeying federal rights.
- Tribal councils saw this Amendment as a possible loophole or threat during the drafting of the SGMA legislation as related to tribal water rights.
- Barona Band of Indians, as lead liaison, contacted Senator Dickinson, author of AB 1739 to notify him of unintended consequences of the legislation as it was drafted at that time.
 - Senator Dickinson requested that the tribes assist in amending the language such that it would not prove harmful to tribal water rights in the long term.
 - Mr. Bunce drafted the language related to tribal participation in SGMA, as currently ratified. The two key principals in the Act protecting the tribes are:
 - Participation of Tribes in formation of a GSA is voluntary.
 - Federally reserved water rights to groundwater shall be respected in full.
- This language allows for water supply cut backs to be made in other areas before being made in tribal areas.
- It also allows for some funding opportunities and technical assistance to tribes, and the development of infrastructure that would help manage tribal water resources such that tribes are more empowered to make intelligent choices about water use.

- If tribes do elect to participate in a JPA, they should consider all accompanying nuances such as: are the meetings of the JPA subject to the public records act, are they subject to the Brown Act, will financial disclosure be required, etc.

Discussion, questions and comments followed:

- What, if any, is the advantage of the tribal governments to be leads in the GSA?
 - Mr. Bunce: Tribes already have the authority to manage their groundwater independently, with none of the State requirements to meet. The primary benefit of participating or leading a GSA would be funding opportunities. But, Tribes are welcome to develop their own GSPs under their own authority.
 - Mr. Bunce: San Diego County does not support tribal trust status. They do not have good relations with tribes.
- How will SGMA impact what is currently happening with Agua Caliente?
 - Mr. Bunce: That tribe has stepped forward to assert its federally recognized rights, including authority over groundwater. This particular area does not have surface water. Agua Caliente has a strong case by the law, and by the facts. A court ruling is expected soon.

C. DWR GROUNDWATER SUSTAINABILITY PROGRAM

Dr. Ross next presented on DWR's implementation of the Sustainable Groundwater Management Program. Please refer the PowerPoint presentation and the Groundwater Sustainability Program Draft Strategic Plan for additional detail.

Key topics covered in the presentation included:

- Legislation timeline
- Overview of phased implementation of legislation to achieve sustainable groundwater management.
- Communication and Outreach Plan
- DWR is organizing around the many required actions laid out by the legislation.
- In addition to the required actions, there are sub-actions required to support the basic requirements.
- DWR will:
 - Develop a framework for sustainable groundwater management
 - Provide statewide technical assistance
 - Provide statewide planning assistance
 - Assist State and GSA alignment and provide financial assistance
 - Provide interregional assistance
- DWR's immediate actions include:
 - Developing regulations for basin boundaries
 - Updating basin prioritization
 - Identify basins subject to critical overdraft
 - Develop regulations for GSPs

- Basin boundary and GSP/alternative regulations process phases and estimated project timeline

Discussion, questions and comments followed:

Responses are from Dr. Ross, unless otherwise noted.

- Are not **basin boundaries** already established? Is DWR reexamining the geology of the basins?
 - The new Act allows for suggested changes to the basin boundaries. The Act defines criteria for a proposed boundary change, and outlines the information that must be submitted to DWR for evaluation, and by when.
 - DWR is not yet accepting suggestions for boundary changes. This is the notification period.
 - Bulletin 118 defined basin boundaries based on alluvium distribution. This mapping was not conducted at a fine scale, and may require refinement. Further, one basin may be very large and there may be hydro-geologic reasons to divide it into sub-basins.
 - Bulletin 118 will be updated for 2020.
 - The purpose for allowing changes to boundaries is to make sustainable groundwater management easier.
- Would redrawing **basin boundaries** apply to adjudicated basins?
 - No.
 - Some information may need updating. For example, if the boundary of a adjudicated basin did not match DWR's boundary exactly, DWR would adjust their boundary to align with the adjudicated boundary.
- When Bulletin 118 is updated, is there any opportunity for basin boundaries to extend outside alluvial formations? Can **rocky recharge areas** be included?
 - This may be considered as related to the definition of a basin in 2020, but not earlier.
 - DWR has heard from other agencies about significant production of water occurring just outside of basin boundaries that affect their overall groundwater recharge and supply. This may be one opportunity for managing that.
- Without being able to manage surrounding recharge areas, SGMA will not be effective.
- At this time, would a GSA have regulatory authority outside of an alluvial basin boundary?
 - Undetermined. DWR will look into this question and attempt to address it in the FAQ sheet.
- Is an adjudicated basin with a water master eligible to receive **Proposition 1 funding** without having to enter into a GSA partnership?
 - Yes, as an adjudicated basin is legally required to have a management mechanism in place, so should be eligible. Proposition 1 also has sub-categories of funding that may be applicable outside of groundwater.

- If an adjudicated basin participated as a monitoring entity under CASGEM it is eligible for funding under SGMA.
- Mr. Sandino: Concerning bond funding, eligible entities are defined very broadly, and includes federally recognized Indian tribes and state recognized tribes on the Native American Heritage Commission’s California Tribal Consultation List.
- Are there **adjudicated basins** in southern California?
 - Yes. They are usually portions of larger basins. There are around 25 adjudicated basins in the state, and nearly all of them are in southern CA.
 - Page 15 in the draft Plan shows adjudicated basins overlying high and medium priority basins.
 - Adjudication usually occurs when a landowner feels their water rights have been threatened.
 - Adjudicated basins are still required to submit water data and a yearly water master report to DWR.
- Does adjudication apply only to groundwater, or to both groundwater and surface water?
 - An adjudication can apply to either, or both. Most commonly in California, it has been applied to either only surface water or only groundwater.

D. WEBSITE TOOLS AND INFORMATION CENTER

Mr. Moniz demonstrated various tools from DWR’s online Groundwater Information Center. Please refer to the Monitoring and Data Collection Checklist for further information and website addressed for commonly accessed tools.

The path to follow to access this website from DWR’s home webpage (www.water.ca.gov) is:

- DWR homepage → Issues Tab → Planning Tab → Sustainable Groundwater Planning
- Access the “Groundwater Information Center” on the tan-colored side-bar
- Click on “Water Management Planning Tool”

Throughout his presentation, Mr. Moniz made several points to take note of:

- Basin boundaries can be “clicked on” to access further information and metadata about that basin, such as physical basin descriptions per Bulletin 118.
- The current Groundwater Management Plans listed on the website were not drafted under SGMA. They were created prior to SGMA, under SB 1938 and AB 3030.
- Currently the data displayed is available for viewing or screen-printing with a standard web browser; print functions are not yet embedded into the mapping software itself. DWR is currently working on allowing users to export GIS data layers for use in their personal mapping software. The information on this website is not proprietary; it is a matter of completing the back-end work to make the data transferrable and accessible.
 - When the GIS layers are available for export, and announcement will be made via the DWR website.
- The Water Data Library does have downloadable information, and includes CASGEM models.

Discussion, questions and comments followed:

- Ms. Agustinez: What are the tribes' current GIS capacities? And how can DWR assist?
 - There is a Tribal GIS Association that meets quarterly. It would be beneficial to have DWR host a web-site walk-through with this group. Mr. Flores is a contact person for the group.
- Is there a GIS layer that indicates the direction of flow of the various aquifers?
 - The GIC Interactive Map Application link takes you a tool for this purpose. Also, groundwater contours can be used to interpret the flows.
- How is water data on this site updated, and who is providing DWR with this information?
 - Data for the Water Management Planning tool is updated via the Water Data Library.
 - Data is supplied to DWR voluntarily from counties, water agencies, etc. Data is also supplied from the U.S. Geological Survey (USGS), and DWR conducts some water monitoring as well.
 - DWR does conduct a Quality Assessment/ Quality Control analysis on the data.
- Tribes provide water data to the Environmental Protection Agency (EPA). Is this data included in DWR's maps and tools?
 - No data is supplied from the EPA as current software systems are not compatible with DWR's. If tribes are interested in seeing their data layered into the mapping system, they are welcome to voluntarily provide their data directly to DWR for inclusion.

E. ROUNDTABLE DISCUSSION

The facilitator reviewed the major areas of focus that had emerged throughout the day's presentations, and invited participants to ask DWR staff any remaining questions they had.

Responses are from Mr. Moniz unless otherwise noted.

- How long will it take for Proposition 1 funding to become available?
 - This depends upon the program through which it is distributed. It can sometimes take 16-24 months.
- Are there set-asides for Federally Recognized Tribes in Proposition 1?
 - No. Non-federally recognized tribes are also eligible for funding.
- What is the State Water Resources Control Board's (SWRCB) role related to SGMA?
 - SWRCB helps to encourage and ensure that groundwater is managed locally. If local GSAs for high or medium groundwater basins are doing an unsatisfactory job with this management, or fail to adopt a GSP, SWRCB may step in on a temporary basis to help manage the resource.
 - SWRCB will begin the state intervention process by designating the basin as probationary.

- Local GSAs do have to report to the SWRCB on metered water supply.
 - This utility information is protected under privacy laws, so specific information on locations of pumps and individual metered use would not be supplied to the public, even via a public information request.
 - There is a “*de minimis* extractor” exemption: if groundwater extraction from a basin is less than 2 acre-feet per year and used only for domestic purposes, reporting to SWRCB is not required.
- Recall that tribal participation in SGMA is voluntary.
- Will implementation of SGMA also come from the Regional Water Quality Control Boards?
 - No. Implementation will come from SWRCB only.
- Does SGMA apply to tribal lands that remain fee lands?
 - Yes.
- Regarding the sustainability goals as listed on Page 16 of the draft Plan, will it be SWRCB’s responsibility to determine if these goals are being met?
 - DWR is currently discussing this approach, and will likely address this in the 2016 updated regulations.
- Ms. Agustinez: Much of the information that DWR is utilizing for drought recognition and response is supplied from Indian Health Services (IHS) and Bureau of Indian Affairs (BIA). DWR does not have access to statewide tribal drought statistics, but relies upon the data collected by IHS. Tribal water systems at risk can also utilize the National Guard to assist with marijuana eradication.
 - Certain tribes have submitted declarations of drought, and simultaneously want to move into farming.
 - BIA has a Water Management funding grant program, and they are working with tribes so that tribes can utilize this funding to assist with state IRWM funding. For example, BIA became the lead for an IRWM grant project, and the San Pasqual tribe became the sub-grantee.
 - IHS is involved in drought solutions, their website contains a drought contingency template and they collect data for assessing tribal water systems at risk.
 - If tribes need assistance for drought emergencies, in addition to contacting IHS, BIA or their local drought task force, they are welcome to contact Cynthia Gomez, the Governor’s Tribal Advisor.
- Please describe drought projects for some of the northern tribes.
 - Tribes living in the City of Montague, in Siskiyou County, used emergency drought funding to build a pipeline in order to bring water into their region. They were able to do this primarily because they were participating in the local Drought Task Force, and their situation was elevated via the Task Force to the California Office of Emergency Services (CalOES).
 - As another example, the Yurok Tribe worked with federal agencies to eradicate illegal growing of marijuana upstream that was diverting their water supply.

- A participant commented that surface water levels in their area fluctuate so much that they believe there is illegal growing of marijuana occurring upstream.
 - Ms. Sophia Murrell, DWR: The National Guard can streamline the process for assistance, and California Department of Fish and Wildlife (CDFW) Game Wardens can also assist. DWR has a template letter that can be used to contact these agencies. Or the CalTIPS hotline is another avenue for contacting the agencies.
 - **ACTION ITEM:** Ms. Murrell to provide information on support with eradicating illegal marijuana gardens.
- The Rural Community Assistance Corporation (RCAC) has developed a drought package with public education information, well sonar information, and other topics.
 - **ACTION ITEM:** Ms. Agustinez to follow up with colleagues to provide information on the Rural Community Assistance Corporation drought program.
- Ms. Agustinez: DWR is interested in developing a Tribal Advisory Workgroup for groundwater sustainability.
 - Any interested parties are welcome to contact Ms. Agustinez for further information.
- If tribal lands encircle another smaller portion of land that is not under tribal ownership (like a doughnut), could the tribe participate in the GSA for that smaller portion of land as well? This occurs in the Palomar Mountain region.
 - The GSA applicant must be a local agency. Tribes are not defined as local agencies in the Water Code. However, a tribe could participate in the GSA for that area if all parties agree.
 - Please see page 16 of the draft Plan for further information.

F. CLOSING

Ms. Agustinez reminded participants about the upcoming June 9-10 DWR Tribal Consultation meeting in Sacramento, at the California Environmental Protection Agency building:

- DWR is coordinating a multi-agency approach to water bond funding distribution, and is encouraging government-to-government conversation.
- The first day of this meeting, June 9th, is when tribal leadership is encouraged to attend.
- The second day of this meeting, June 10th, is when attendees will have the most opportunity to speak with DWR grant managers about proposal viability, appropriate funding sources, etc.
- \$100 million of Proposition 1 funding is allocated to DWR for distribution.
- A useful resource is the Bond Accountability webpage hosted on the California Resources Agency website: <http://bondaccountability.resources.ca.gov>
- **ACTION ITEM:** Ms. Agustinez to circulate June 9-10 Tribal Consultation meeting information to participants.

Other upcoming meeting dates:

- A monthly statewide Tribal Consultation on Drought will be held May 19th, where an update will be provided by the Governor's Drought Task Force.
- An Integrated Regional Water Management IRWM 2.0 Conference will be hosted in San Diego on May 21-22.

Ms. Agustinez and Mr. Flores expressed gratitude to the San Pasqual Band of Mission Indians for hosting the workshop, and look forward to opportunities to work together in the future.

ATTENDANCE

NAME

B., Johnny
Chapman, Jonathan
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Ponce, Cruz
Rodriguez, Thomas

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La Jolla Band of Luiseno Indians
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Soboba Band of Luiseno Indians
Morongo Band of Mission Indians
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Bureau of Indian Affairs
Cabazon Band of Mission Indians
Inter Tribal Long Term Recovery Foundation
Indian Health Service
Rural Community Assistance Corporation
Stetson Engineers, Inc.
Pechanga Band of Luiseno Indians
Pauma Band of Mission Indians
Campo Environmental Protection Agency
Pechanga Water Systems
Ramona Band of Cahuilla Indians
Cahuilla Tribal Environmental Protection Office
Mesa Grande Band of Mission Indians
Mesa Grande Band of Mission Indians
San Pasqual Band of Mission Indians
Tribal Emergency Response Communication
Campo Environmental Protection Agency
Pechanga Water Systems
Rincon Band of Luiseno Indians
Soboba Band of Luiseno Indians
Southern California Tribal Chairmen's Association
Campo Environmental Protection Agency
Twenty-Nine Palms Band of Mission Indians
San Pasqual Band of Mission Indians
Agua Caliente Band of Cahuilla Indians
La Jolla Band of Luiseno Indians
Viejas Band of Kumeyaay Indians
Inter Tribal Long Term Recovery Foundation
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Bureau of Indian Affairs
Viejas Tribal Government
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California Department of Water Resources
State Water Resources Control Board
Center for Collaborative Policy
California Department of Water Resources
Center for Collaborative Policy