

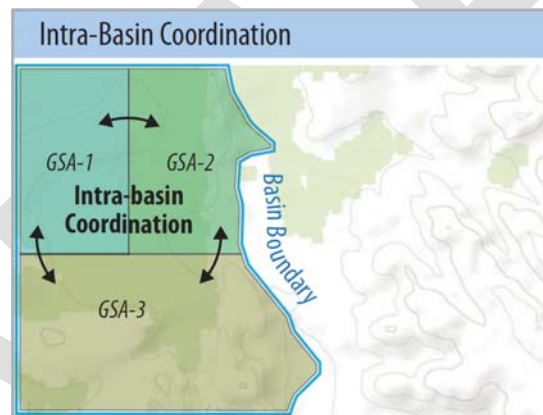
Topic 6: Intra-Basin Coordination Agreements

*Department of Water Resources - Sustainable Groundwater Management Program
August 3, 2015*

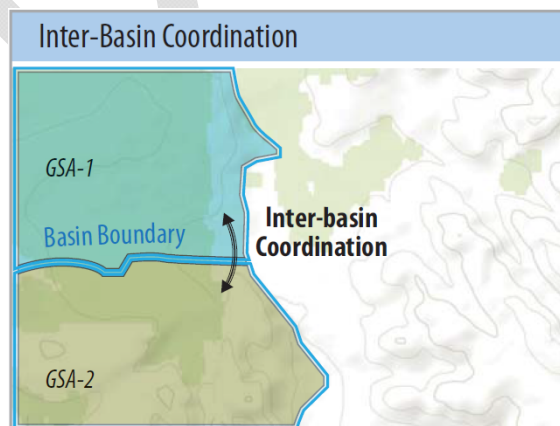
1.0 PURPOSE AND DEFINITION

The purpose of this paper is to provide information to advance the discussion with stakeholders and the public as the Department of Water Resources (DWR) develops regulations as required in the Sustainable Groundwater Management Act (SGMA). DWR identified a series of ten topics related to the development of Groundwater Sustainability Plan (GSP) regulations that were deemed of special interest to further discuss with stakeholders and the public. This paper covers information specific to Topic 6: Intra-Basin Coordination Agreements.

Intra-basin coordination agreements are agreements that will be formed between two or more GSAs when two or more GSPs are developed within the same groundwater basin



Inter-basin coordination agreements are agreements that may be formed between GSAs within adjacent, hydrologically connected groundwater basins.



2.0 BACKGROUND

In 2014, legislation was passed that provides a statewide framework for sustainable groundwater management in California (Senate Bill [SB] 1168, Assembly Bill [AB] 1739, and SB 1319). This legislation, referred to as the SGMA, is intended to support local groundwater management through the oversight of Groundwater Sustainability Agencies (GSAs). Only local agencies can elect to be a GSA. To avoid intervention by the State Water Resources Control Board (SWRCB), the SGMA requires that all area of a basin be covered by one or more GSAs in all high- and medium-priority basins by June 30, 2017. The SGMA then requires GSAs to develop GSPs for their areas by January 2020 or 2022, and to achieve sustainability goals by 2040 or 2042. In addition, the SGMA allows the SWRCB to intervene where GSPs are found to be incomplete or inadequate. The exceptions to these requirements include adjudicated portions of a groundwater basin and local agencies that have already submitted to DWR an alternative submittal to a GSP that has been approved or is pending approval.

This document presents preliminary draft information to promote discussion and is subject to revision. Furthermore, because this discussion paper addresses a variety of issues raised by individuals and entities outside of DWR, inclusion of the issues in this document does not constitute an endorsement of any particular issue. DWR invites comment and input on the preliminary draft information and questions presented in this document. Comments should be submitted to sgmps@water.ca.gov.

3.0 SELECT CALIFORNIA WATER CODE SECTIONS

3.1 Water Code Sections Related To Intra-Basin Coordination

The following California Water Code (Water Code) Section (§) are related to aspects of the SGMA that require **intra-basin** coordination agreements.

§ 10721. Definitions.

*(d) "**Coordination agreement**" means a legal agreement adopted between two or more groundwater sustainability agencies that provides the basis for coordinating multiple agencies or groundwater sustainability plans within a basin pursuant to this part.*

§ 10727. Groundwater Sustainability Plans.

(b) A groundwater sustainability plan may be any of the following:

(1) A single plan covering the entire basin developed and implemented by one groundwater sustainability agency.

(2) A single plan covering the entire basin developed and implemented by multiple groundwater sustainability agencies.

*(3) Subject to Section 10727.6, multiple plans implemented by multiple groundwater sustainability agencies and coordinated pursuant to a single **coordination agreement** that covers the entire basin.*

§ 10727.2. Required Plan Elements.

A groundwater sustainability plan shall include all of the following:

(a) A description of the physical setting and characteristics of the aquifer system underlying the basin that includes the following:

(1) Historical data, to the extent available.

(2) Groundwater levels, groundwater quality, subsidence, and groundwater-surface water interaction.

(3) A general discussion of historical and projected water demands and supplies.

(4) A map that details the area of the basin and the boundaries of the groundwater sustainability agencies that overlie the basin that have or are developing groundwater sustainability plans.

(5) A map identifying existing and potential recharge areas for the basin. The map or maps shall identify the existing recharge areas that substantially contribute to the replenishment of the groundwater basin. The map or maps shall be provided to the appropriate local planning agencies after adoption of the groundwater sustainability plan.

(b) (1) Measurable objectives, as well as interim milestones in increments of five years, to achieve the sustainability goal in the basin within 20 years of the implementation of the plan.

(2) A description of how the plan helps meet each objective and how each objective is intended to achieve the sustainability goal for the basin for long-term beneficial uses of groundwater.

§10727.6. Requirements for Coordinated Plans, When Multiple Plans Cover a Basin.

Groundwater sustainability agencies intending to develop and implement multiple groundwater sustainability plans pursuant to paragraph (3) of subdivision (b) of Section 10727 shall **coordinate** with other agencies preparing a groundwater sustainability plan **within the basin** to ensure that the plans utilize the same data and methodologies for the following assumptions in developing the plan:

(a) Groundwater elevation data.

(b) Groundwater extraction data.

(c) Surface water supply.

(d) Total water use.

(e) Change in groundwater storage.

(f) Water budget.

(g) Sustainable yield.

§ 10733.4. Submittal of Plans to Department for Evaluation.

(a) Upon adoption of a groundwater sustainability plan, a groundwater sustainability agency shall submit the groundwater sustainability plan to the department for review pursuant to this chapter.

(b) If groundwater sustainability agencies develop multiple groundwater sustainability plans for a basin, the submission required by subdivision (a) shall not occur until the entire basin is covered by

groundwater sustainability plans. When the entire basin is covered by groundwater sustainability plans, the groundwater sustainability agencies shall jointly submit to the department all of the following:

- (1) The groundwater sustainability plans.
- (2) An explanation of how the groundwater sustainability plans implemented together satisfy Sections 10727.2, 10727.4, and 10727.6 for the entire basin.
- (3) A **copy of the coordination agreement** between the groundwater sustainability agencies to ensure the coordinated implementation of the groundwater sustainability plans for the entire basin.

3.2 Water Code Sections Related To Inter-Basin Coordination

The following Water Code Sections are related to aspects of the SGMA that relate to **inter-basin** coordination agreements.

§ 10733. Department Review of Plans.

(c) The department shall evaluate whether a groundwater sustainability plan adversely affects the ability of an adjacent basin to implement their groundwater sustainability plan or impedes achievement of sustainability goals in an adjacent basin.

§ 10733.2. Plan Review and Implementation.

- (a) (1) By June 1, 2016, the department shall adopt regulations for evaluating groundwater sustainability plans, the implementation of groundwater sustainability plans, and **coordination agreements** pursuant to this chapter.
- (2) The regulations shall identify the necessary plan components specified in Sections 10727.2, 10727.4, and 10727.6 and other information that will assist local agencies in developing and implementing groundwater sustainability plans and **coordination agreements**.

3.3 Selected Water Codes – Relationship of Coordination Agreements to Other Parts of SGMA

§ 10722.2. Process for Requesting and Approving Basin Boundary Revisions

(a) A local agency may request that the department revise the boundaries of a basin, including the establishment of new subbasins. A local agency's request shall be supported by the following information:

- (1) Information demonstrating that the proposed adjusted basin can be the subject of sustainable groundwater management.

(2) *Technical information regarding the boundaries of, and conditions in, the proposed adjusted basin.*

(3) *Information demonstrating that the entity proposing the basin boundary adjustment **consulted with interested local agencies and public water systems** in the affected basins before filing the proposal with the department.*

(4) *Other information the department deems necessary to justify revision of the basin's boundary.*

(b) *By January 1, 2016, the department shall adopt regulations regarding the information required to comply with subdivision (a), including the methodology and criteria to be used to evaluate the proposed revision.*

(c) *Methodology and criteria established pursuant to subdivision (b) shall address all of the following:*

(1) *How to assess the likelihood that the proposed basin can be sustainably managed.*

(2) *How to assess whether the proposed basin would limit the sustainable management of adjacent basins.*

(3) *How to assess whether there is a history of sustainable management of groundwater levels in the proposed basin.*

Specific coordination requirements related to the Draft Basin Boundary Emergency Regulations are available on DWR's website: http://water.ca.gov/groundwater/sgm/basin_boundaries.cfm

§ 10726.2. Powers and Authorities of GSAs.

A groundwater sustainability agency may do the following:

(b) *Appropriate and acquire surface water or groundwater and surface water or groundwater rights, import surface water or groundwater into the agency, and conserve and store within or outside the agency that water for any purpose necessary or proper to carry out the provisions of this part, including, but not limited to, the spreading, storing, retaining, or percolating into the soil of the waters for subsequent use or in a manner consistent with the provisions of Section 10727.2. **As part of this authority, the agency shall not alter another person's or agency's existing groundwater conjunctive use or storage program except upon a finding that the conjunctive use or storage program interferes with implementation of the agency's groundwater sustainability plan.***

4.0 SUMMARY OF TOPIC ISSUES AND CHALLENGES

As part of the SGMA outreach effort, DWR continues to meet with various organizations and individual experts to receive input on issues and challenges associated with SGMA requirements for intra-basin coordination agreements for basins with multiple GSAs and multiple GSPs. In addition, there is interest in receiving input regarding the issues and challenges associated with the potential need for inter-basin

coordination agreements between GSPs (in adjacent basins) to ensure alignment of water budget data, which will ultimately be needed for effective implementation of GSP sustainability goals.

The following represents DWR identified technical challenges and considerations developed in part based on initial stakeholder comments related to implementing intra- and inter-basin coordinating agreements between GSAs.

Technical Challenges:

- Based on SGMA requirements that the sustainability goal associated with one GSP not adversely affect or impede the sustainability goal of another GSP (§10733), should requirements for the sharing of data, methods, and coordination agreements between intra-basin GSPs (§ 10727.6), be similarly required for adjacent inter-basin GSPs?
- Regardless of agreement type, does the degree of coordination imply the need to coordinate data collection schedules and fully share groundwater data between GSAs?
- To what degree should inter basin type coordination agreements require use of the same data and methodologies for:
 - Groundwater elevation data.
 - Groundwater extraction data.
 - Surface water supply.
 - Total water use.
 - Change in groundwater storage.
 - Water budget.
 - Sustainable yield.
- How will the inherent differences in groundwater information (i.e. detail and variation in amount and types of data) between hydraulically connected basins be addressed so that there is a common understanding and agreement in groundwater flux between those basins? Do the GSP requirements for data coordination and sharing create the need for a DWR SGMA data portal to provide the option for GSAs to store, maintain, and report their GSP data, and to allow for varying levels of data sharing between GSAs/GSPs?
- Modeling of agricultural demands can vary significantly between various models (i.e. the California Central Valley Groundwater-Surface Water Simulation Model (C2VSim) Integrated Water Flow Model - Demand Calculator (IDC) vs Modflow Farm Package). Does the requirement for intra and inter-basin coordination imply the need to use the same groundwater models within and between basins?
- If inter-basin coordination was not required, how would a GSA know if its proposed management practices would interfere with the sustainability goals of an adjacent GSA?

Considerations:

- **GSA Formation:** Formation of GSA area and governance structure needs to take into account the degree and need for GSA/GSP coordination within and between groundwater basins.
- **Basin Boundary Modifications:** Coordination of sustainable groundwater management responsibilities, within and between groundwater basins or subbasins, is necessary when considering a basin boundary modification.
- **Land Use Planning:** Understanding the degree and need for coordination is needed to properly coordinate and align land use planning activities between basins within the same city or county.
- **Management Practices:** Management practices relating to water transfers and conjunctive management will need to consider the sustainability goals of affected GSAs.

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