

From: Brewster, Bill@DWR
To: [Henry Mikus](#); [Michael Carnacchi](#); [Marcus Trotta](#)
Subject: City of Sebastopol questions regarding SGMA
Date: Monday, June 24, 2019 6:21:25 PM
Attachments: [DWR questions 061219.docx](#)

Good Afternoon,

Over the past several weeks, DWR has received questions relating to three SGMA related topics from interested parties from the City of Sebastopol. These topics, along with clarifying information, are listed below:

- **Basin Boundary Modifications** – During the 2018 round of basin boundary modifications, the City of Sebastopol requested to modify the boundary between the Wilson Grove Formation Highlands Basin and Santa Rosa Valley-Santa Rosa Plain Subbasin. Details of the City of Sebastopol request to modify the basin are located at <https://sgma.water.ca.gov/basinmod/modrequest/preview/233>. This request was approved by DWR and the boundary modification process was finalized and released on February 11, 2019. The next basin boundary modifications period is not scheduled and is not expected before 2022. Proposed changes to a basin’s boundary may not be submitted or reviewed until the next round of basin boundary modifications. A local agency can send a request for the Department to consider a basin boundary modification submission period in 2022 or later.
- **Basin Prioritization** – The draft results of the basin prioritization process for basins modified in 2018 (known as “Phase 2”) were made available to the public on April 30, 2019. This was followed by a public comment period that closed on May 30, 2019. A public meeting and webinar on Phase 2 basin prioritization occurred on May 13, 2019. DWR is currently reviewing the submitted comments. DWR may reach out to some comment submitters for additional clarification or data specifically relating to a submitted comment. Aside from the information provided in the draft results and submitted comments, DWR cannot discuss or provide preliminary information as to the potential final outcome of the Phase 2 basin prioritization process. The final results of the Phase 2 basin prioritization will be made available in early summer 2019. For more information about basin prioritization, please refer to the [DWR Basin Prioritization website](#) and [Basin Prioritization Dashboard](#).
- **GSA matters** – DWR has received various questions on the requirements of GSA formation and the potential powers and authorities of a GSA once formed. Matters related to GSA formation and the use of GSA powers and authorities are to be determined at a local level. DWR cannot provide any advice or recommendations on the formation of a GSA, outside of [procedural matters](#). For more information about GSAs, please refer to the [DWR Groundwater Sustainability Website](#), and to [GSA Frequently Asked Questions](#) (Updated May 10, 2019).

In addition to the above information, DWR received a letter via email from the City of Sebastopol dated June 12, 2019, sent on June 17 by Mr. Henry Mikus (see original letter attached). The questions have been copied into this email below, with DWR responses in [blue text](#).

Per SGMA what are the particular responsibilities of the City with respect to SRP, and WFG?

- As a Groundwater Sustainability Agency (GSA), the City’s responsibilities would be to help develop a Groundwater Sustainability Plan (GSP) and implement the GSP’s groundwater sustainability program.
- Relying upon information provided by the City during the 2018 basin boundary modification process, the City overlies a portion of the Santa Rosa Plain (SRP) Subbasin but does not overlie the Wilson Grove Formation Highlands (WGF) Basin. Water Code section 10723(a) states that any local agency overlying a groundwater basin may decide to become a GSA for that basin. Because the City does not overlie the

WGF Basin, it cannot become a GSA in that basin, but it may consider becoming a GSA for the not-yet-managed portion of the SRP Subbasin or becoming a member of the Santa Rosa Plain GSA.

Can an eligible entity belong to more than one basin GSA?

- Yes.

What provisions protect groundwater users in one basin from the effects of activities in an adjacent basin?

- This is addressed in the [Groundwater Sustainability Plan \(GSP\) Emergency Regulations](#) in §357.2 Inter-basin Agreements. Inter-basin Agreements are voluntary legal agreements that align the sustainability goals of adjacent basins.
- Also, as part of the GSP review process, DWR is required to evaluate whether a GSP in one basin affects the ability of a GSP in an adjacent basin to achieve its sustainability goals.

What are the specific concerns that led to the re-prioritization of WFG to “medium” in 2018?

- DWR is required to prioritize basins whenever basin boundaries are modified. In 2016, DWR conducted a basin boundary modification process triggering the statewide evaluation of basin priority under SGMA (Phase 1).
- The basin prioritization process incorporates data from multiple data sources to provide priority points (or a score) for eight separate components. Please refer to the [DWR Basin Prioritization webpage](#) and [SGMA 2019 Basin Prioritization Process and Results Document](#) for specific details about the basin prioritization process.

What changed to allow WFG to be ranked back to “Low” after the three jurisdictional boundary adjustments?

- The WGF Basin is currently ranked as “Low” priority and will keep this status until the Phase 2 basin prioritization process is finalized, at which time it may or may not change priority level. A change may occur based upon the comments and supporting technical information received during the basin prioritization comment period.
- The original *draft* status of “Medium” priority for the WGF Basin was assessed in 2018 basin prioritization (Phase 1), prior to the 2018 basin boundary modification process. The WGF Basin was modified during the 2018 basin boundary modification period based upon three modifications requests from the City of Sebastopol, Marin County, and the City of Petaluma.
- The basins were then prioritized, to account for the basin boundary modification, based on the new area and the eight components of the 2018 basin prioritization (Phase 2). The WGF Basin modification caused the supporting data for each basin priority component (population, population growth, public supply wells, total wells, irrigated acres, groundwater reliance, impacts and habitat and other information) to change. The updated dimensions and distribution of factors affect the prioritization components, which resulted in the current *draft* prioritization of the WGF Basin to be “Low” priority.
- Comments submitted to DWR during the basin priority process are currently being evaluated.

What is the role of the North Coast Regional Water Quality Control Board with SGMA?

- The North Coast Regional Water Quality Control Board is integrated with the State Water Resources

Control Board management of water rights and water quality.

- This is the regional waterboard that works in coordination with the State Water Board.
https://www.waterboards.ca.gov/water_issues/programs/gmp/docs/sgma/sgma_waterboards_basics.pdf
- Here is information on the board's role in SGMA.
https://www.waterboards.ca.gov/water_issues/programs/gmp/docs/sgma/triggers.pdf

What are the respective roles & rights of the GSA with other entities if there are conflicts over land use?

- The powers and authorities given to a GSA if it adopts and submits a GSP to DWR are described in SGMA in Chapters 5, 8 and 9.
- There are several statutory sections in SGMA that address land use and general plans, such as:
 - o Water Code section 10726.9 – *A GSP shall take into account the most recent planning assumptions stated in local general plans of jurisdictions overlying the basin.*
 - o Water Code section 10728.8(f) – *Nothing in this chapter [SGMA] or a GSP shall be interpreted as superseding the land use authority of cities and counties, including the city or county general plan, within the overlying basin.*
 - o Water Code section 10728.4 - *A GSA may adopt or amend a GSP after a public hearing, held at least 90 days after providing notice to a city or county within the area of the proposed plan or amendment. The GSA shall review and consider comments from any city or county that receives notice pursuant to this section and shall consult with a city or county that requests consultation within 30 days of receipt of the notice. Nothing in this section is intended to preclude an agency and a city or county from otherwise consulting or commenting regarding the adoption or amendment of a plan.*
 - o See Government Code sections 65352 and 65352.5 regarding general plans and general plan agencies.
- For more information on GSAs, please go to: <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Groundwater-Sustainable-Agencies>

What might be typical activities conducted by a GSA to assure sustainable groundwater?

- See response above.

Would a GSA be able to impose restrictions on groundwater use or installation of groundwater wells?

- See response above.

What are “water rights”?

- Please go to the State Water Resources Control Board website for this information under water rights frequently asked questions: https://www.waterboards.ca.gov/waterrights/board_info/faqs.html

Is groundwater considered an “open resource” or do people/entities have ownership rights to water underlying their property or boundaries?

- See response above.

I hope that these responses provide some clarity for the City of Sebastopol city council meeting on June 25. Please note that DWR will not be attending the June 25 meeting, however DWR will be attending the July 8 Santa Rosa Plain GSA Advisory Committee meeting.

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