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June 23, 2014

The Honorable Roger Dickinson
Member of the Assembly
State Capitol, Room 2013
Sacramento, CA 95814

RE: **AB 1739 (Dickinson) – Groundwater Management
As Amended on June 17, 2014 – CONCERNS/REQUEST AMENDMENTS
Set for Hearing June 24, 2014 – Senate Natural Resources and Water Committee**

Dear Assembly Member Dickinson:

On behalf of the California State Association of Counties (CSAC) and the Rural County Representatives of California (RCRC), we write to express our concerns with your AB 1739 regarding groundwater management.

Counties know firsthand the current challenges facing all of California in addressing water issues. They also fully recognize that groundwater has its own set of unique challenges that must be resolved. CSAC and RCRC agree that some legislative changes are needed to ensure that local agencies, including counties, have incentives, better tools, secure and reliable funding, and authority to support effective groundwater management planning and implementation. However, we feel very strongly that any proposed changes to existing groundwater management law must respect, enhance and support the authority and discretion of counties to manage land use and water resources.

AB 1739 would establish a statewide sustainable groundwater management framework. The following comments should be viewed as preliminary and will be supplemented by additional comments following the hearing. Given the complexity of this area of law and the potential repercussions of any proposed changes, our members will need ample time to carefully vet any potential impacts.

While we are supportive of some aspects of the bill, there are certain provisions that cause us great concern. These include the provision that would require local planning agencies to review, and update as necessary, their general plans upon certain events, including the adoption of groundwater management plans (Government Code Section 65302.12); and, the process for identifying the groundwater sustainability agencies (Water Code Section 10725.5).

General Plan/Groundwater Management Plan

General Plans express a city or county's development goals and embody public policy relative to the distribution of future land uses, both public and private. Consequently, city and county land use agencies are responsible for ensuring the protection of the environment, the maintenance of a healthy economy, and the equitable treatment of all people.

While AB 1739 would provide cities and counties with the ability to “review and comment” on a proposed groundwater sustainability plan (GWSP) or a plan amendment, it does not include any requirement that the groundwater sustainability agency consider the city or county General Plan when developing the GWSP.

RCRC and CSAC urge that the bill be amended to require the groundwater sustainability agency, before action is taken to adopt or substantially amend a GWSP, to review, and if necessary revise, the GWSP to address the goals and public policies embodied in the land use, conservation, open space, or any other relevant element of the General Plan.

These two new provisions together will ensure the desired close coordination and consultation between water supply and land use agencies.

Identification of Groundwater Sustainability Agencies

While we are very appreciative of the addition of counties to the bill’s definition of “local agency”, proposed Water Code Section 10725.5 would have the effect of placing counties in a secondary role to the groundwater sustainability agency when developing a sustainable groundwater management system for the currently unmanaged areas, the so-called “white areas”. This section of the bill is contrary to the stated intent of the Association of California Water Agencies recommendations upon which AB 1739 is based – that local agencies have the flexibility to determine at the local level the appropriate governance structure for each locality.

CSAC and RCRC urge that the bill be amended to specifically provide counties with the authority to adopt GWSP’s for any basin located wholly or partially in the unincorporated area. Counties are in the best position to protect the rights of those individuals and entities utilizing groundwater in the basin that are not within the boundaries of a groundwater management district.

Small Domestic Pumping

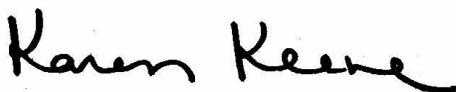
Proposed Water Code Section 10727 presumes that small domestic pumping will not be exempt from monitoring, extraction limits, etc., and places the burden on the local agency to justify any such exemption in the GWSP.

AB 1739 should be revised to reverse this presumption.

Lastly, both CSAC and RCRC agree with the California Farm Bureau Federation’s statement that, “Any legislation that creates a new groundwater management regime must be coupled with real, substantive actions to increase surface water supplies and restore water supply reliability.”

Given the time constraints our comments do not address AB 1739 in its entirety. Consequently, CSAC and RCRC would welcome the opportunity to have a dialogue with you and the sponsors regarding the specified concerns as well as other comments we may have once we receive additional feedback from our members.

Sincerely,



Karen Keene, CSAC
Senior Legislative Representative



Kathy Mannion, RCRC
Legislative Advocate

cc: Members and Consultant, Senate Natural Resource and Water Committee