

Director Dirk Marks

AB 1234 Report

Date: December 3-5, 2024
Meeting: ACWA Fall Conference
Place: Indian Wells
Report: December 17, 2024

From December 3rd through December 5th, I attended the ACWA Fall conference in Indian Wells CA. Sessions I attended included:

Groundwater Committee

Paul Gosselin, Department of Water Resources' (DWR) program manager reviewed the status of Sustainable Groundwater Management Act (SGMA) implementation noting:

- The first updated Groundwater Sustainability Plans (GSP) are due in January 2025. These reports are viewed more as a status of existing implementation efforts and not intended to be a heavy lift. However, DWR expects the updated GSPs to address that any deficiencies in their review of the original plan. (Of course, the six plans deemed inadequate are on a different track working through the State Water Resources Control Board Process.)
- Additional State funding in support of SGMA will be limited given California's budget deficit. In reaction to the deficit, the State plans on eliminating over 10,000 vacant positions including those in DWR's SGMA office. Some money for implementation is anticipated from Proposition 4, however DWR hasn't developed the rollout process yet.
- DWR anticipates sending a draft Groundwater Subsidence Best Management Practice (BMP) document to the California Water Commission in the spring of 2025.
- Draft Interconnected Surface Waters (ISW) Guidelines are also being issued in the Spring of 2025. Three of the four ISW Guidelines have been released in final or draft form thus far with the fourth document to provide guidance on groundwater dependent ecosystems and ISW. He emphasizes that guidance in the recent draft document to estimate natural (predevelopment) conditions should not be considered the base condition for ISW analysis, but rather its intended is to meet a reporting requirement of SGMA.

Jessica Dias from ACWA Legal Affairs Committee reported on efforts to address the question of diverting flood waters for spreading if such diversions would exceed the diverters water right. Any modifications need to recognize downstream water rights (such as the State Water Project and Central Valley Project.) The ACWA plans to engage in the process to help determine what constitutes excess flood flows.

Trevor Joseph expressed concern regarding the State Water Resource Control Board's (SWRCB) seeming lack of knowledge re groundwater banking programs and wondered if a subgroup should be looking at this.

WATER MANAGEMENT COMMITTEE

Jeane Jones, DWR, provided a water supply outlook noting that the initial SWP allocation is 5%. She also provided information that Southern Pacific Ocean temperatures are a poor predictor of California precipitation.

An update on Bay-Delta Water Quality Control Plan was provided. It included a contrast between State Water Resources Control Board SWRCB staff proposal of 55% unimpaired flow vs. the Healthy Rivers and Landscapes (HRL) options being considered by the SWRCB. For a dry year, the former would result in a 18% allocation while the later would provide a 46% allocation for the CVP. Further the HRL would provide 45,000 acres of habitat.

Updates on the Quench CA, Conservation as a Way of Life and the ACWA Strategic Plan update were provided.

DELTA CONVEYANCE

Design and Construction Authority and Department of Water Resources provided an update on the Delta Conveyance Project. Last year's accomplishments included: a Final EIR, updated Construction Cost Estimate and a Benefit/Cost analysis. Upcoming work focuses on permitting and water rights processes. Water rights strategy is to resolve issues with protesting parties before going before the SWRCB. A recent success with East Bay Municipal Utility District was noted. The Corps of Engineers EIS is anticipated in spring 2025. Project will go to the Bay-Delta Commission for a consistency determination after water rights are settled.

DWR continues to advance its community benefits program. The work is focusing on project eligibility, project prioritization, and administration of future disbursements.

WATER QUALITY COMMITTEE

Among the topics covered at the Water Quality Committee was the listing of Southern California Steelhead. Mauricio Guardaudo (United Water Conservation District General Manager) made an impassioned plea to oppose the ongoing listing process. He criticized the the State Fish and Wildlife Commission for not fully considering the science developed by United and others that show the South-Central Steelhead (a non-listed species) to be genetically identical to Southern California Steelhead as well as ignoring population surveys of rainbow trout. He noted huge investments made to support the species and that only 18 returning steelhead has been identified over the past 30 years at an incurred cost of over \$24 million per fish.

FEDERAL AFFAIRS COMMITTEE

A report noted the special legislative session called by Governor Newsom to fund legal challenges to the upcoming Trump administration's anticipated actions. For the 25/26 legislative session, ACWA staff's priority will be to educate freshman legislators on water issues.

WEDNESDAY'S KEYNOTE SPEAKER

Austin Ewell, executive director of the Water Blueprint for the San Joaquin Valley reviewed the group's mission and its plan to mitigate what will likely be a 20 to 25% reduction in irrigated agriculture due to SGMA and Delta regulatory actions. He also noted the recently executed MOU with the Metropolitan Water District of Southern California.

A DECADE OF SGMA: LESSONS LEARNED AND WHAT'S NEXT

Near term perspectives were provided by:

- Paul Gosselin, DWR program manager, stated that DWR is now in implementation mode. He noted that new ISW new Subsidence BMP could be a driver that disrupts some plans and lead to greater inter-basin coordination/consolidation
- Kristine Sicke, Yolo County Flood Control and Water Conservation District general manager noted that their plan is dependent on the Healthy Rivers and Landscapes being adopted by the SWRCB. Their GSP doesn't work if the unimpaired flow option is adopted.
- Lauren Layne (attorney) represents several clients trying to get out of the SGMA probation process. She thinks the SWRCB probation process will likely result in the reorganization and consolidation of some Groundwater Sustainability Agencies (GSA).

Responsibility for basin groundwater pumping on individual small domestic wells was discussed.

- Historically small well owners bore all risks groundwater level risks but that may be shifting under the SGMA. If a GSA adopts a plan that manages the basin below historical levels it may bear some mitigation responsibility. As a funding requirement for such mitigation was not in SGMA, the question exists, should GSAs be forced to pay mitigation?

Other Legal Issues include:

- What happens if a Groundwater Sustainability Plan fails its 218 process? Who becomes responsible for implementation.
- Takings claims by landowners
- Challenges to SWRCB's authority under SGMA (reference to Kings County)

- How CEQA documents will incorporate the impact of GSPs on development
- If parties opt for an accelerated adjudication process that determines basin safe-yield and there is a difference between that what otherwise would be the SMGA sustainable management criteria, how is that difference resolved?
- How and when does public trust doctrine come into play? The answer may be in the upcoming Interconnected Surface Water guidance document.

REGION 8 MEMBERSHIP MEETING

The group heard reports or topics covered at the conference and discussed future Region 8 meetings and workshops.

DIRECT POTABLE REUSE - ENERGY NEXUS

While the motivational driver is to turn wastewater into a reliable water supply, it comes at a significant energy cost. Field experience is that energy to produce Direct Potable Reuse water supplies will increase energy consumption by 135% over that required to produce water for indirect reuse.

Nevertheless, Palmdale Water District is bringing a direct potable reuse pilot plant online to provide water for a well injection project. It is patterning with Monarch inc. to install a process that will convert 98 of wastewater into product water. It has the added benefit of sequestering CO₂. Palmdale feels that product water will still cost less than the current market price for groundwater in their service area.

The City of Rialto, (located San Bernardino County) is also building a project that will sell water to Inland Utility Agency (a MWDSC member agency) that relies on the price difference of its plant's product water and MWDSC's imported water rate.

CLOSING SESSION

Several awards were presented at the session. SCVWA was mentioned as a nominee for the Huell Howser Excellence in Communication Award, but Contra Costa Water District won the award this year.

Keynote speaker, Debra Fine gave an interesting talk on the art of small talk.

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Director name: Gary Martin

Meetings attended:

- 1) 12/13/24 DCA Board briefing via Zoom.
- 2) 12/16/24 One-on-One meeting with General Manager Stone via Teams

Date of meetings: 12/13/24 and 12/16/24 as noted.

Locations: As noted above.

SCV Water Board Meeting to be presented at: December 17, 2024

December 13

I attended the Delta Conveyance Design and Construction Authority (DCA) board briefing via Zoom. Three of the seven board members received a status report from Executive Director Graham Bradner and key department managers on the status of the project and on the agenda for the upcoming December 19th board meeting in Sacramento.

December 16, 2024

I attended a meeting with General Manager Matt Stone via Microsoft Teams. We discussed a number of items relative to SCV Water that were of mutual interest. The discussion was informative and I appreciate Mr. Stone taking time to meet with me.