

Regular Meeting of the Colusa County Groundwater Commission
Meeting Minutes
March 12, 2015; 1:30 p.m. – 3:30 p.m.
Colusa County Farm Bureau, 520 Market Street, Colusa CA 95932

1. Call to order

Meeting was called to order at 1:30 p.m. by commissioner Lorraine Marsh

b. Introductions

In attendance:

Mary Fahey: Colusa County Ag Department

Elly Gutierrez, Colusa County Ag Department

Joe Damiano, Colusa County Ag Commissioner

Bryan Busch: RD 108

Gene Beauchamp, Landowner, CDMWC Board Member

Kim Gallagher, Landowner

Robert Harper: Peterson Ranch

Shelly Murphy: CCWD

Oscar Serrano: CCIC

Roy Hull: DWR

Derrick Strain, Landowner

Jim LaGrande, Landowner

Ben Carter, Water Users Group member

Denise Carter, Colusa County Supervisor

c. Roll call

Commissioners present:

Lorraine Marsh

Jeff Moresco

Mark Morris

Bruce Rolan

Darrin Williams

Commissioners absent: *None*

d. Acceptance of agenda

Motion made by: Williams

Seconded by: Rolan

Vote: Approved unanimously

e. Approval of Minutes from January 15, 2015

Motion accept Minutes as presented for January 15, 2015

Motion by: Williams
Seconded by: Moresco
Vote: Approved unanimously

Approval of minutes from February 4, 2015

Motion on the table: To accept Minutes as presented for February 4, 2015
Motion by: Morris
Seconded by: Darrin Williams
Vote: Approved unanimously

f. Comments by commissioners

There were no comments from commissioners

g. Period of Public Comment

There were no comments from the public

2. GENERAL BUSINESS

a. Staff report on upcoming meetings with Local Agencies to discuss Groundwater Legislation and Groundwater Sustainability Agency (GSA) formation

Report by Mary Fahey: Staff is coordinating two meetings with local agencies that are eligible to be Groundwater Sustainability Agencies (GSAs). One meeting will be with Irrigation Districts and Reclamation Districts. The other meeting will be with local government agencies. The purpose of these meetings is to get an idea of the different agencies' thoughts and ideas regarding formation of the GSA/GSAs for the two groundwater basins we will need to manage. Meeting date with the Irrigation Districts will be April 17, 1:30-3:30. Meeting date with the Local Government Agencies is still to be determined.

b. Staff report on upcoming Public Meeting to provide information on groundwater activities

Ms. Fahey reports that staff is also coordinating a public outreach meeting. People are concerned about new Ground Water legislation and there is misinformation circulating. We are trying to address that. The public outreach meeting will be May 12th at the Colusa Fairgrounds from 6:30pm to 8:30pm. Items on the agenda will be a brief overview of water law; Roy Hull from DWR will be giving a presentation about groundwater conditions in the local area. Also someone from DWR will present information about SGMA. There will also be a supervisor there to discuss the County perspective on the new Groundwater Legislation.

Ms. Fahey also reports that the TST is still working on the monitoring network. They have broken the county out into 4 quarters and have started with the south west quarter of the county. There are a lot of data gaps in that area. They will move on and solicit land owners to volunteer monitoring their wells to fill those data gaps. Roy Hull from DWR reports that we know where we are monitoring and where we need to monitor. Commissioner Darrin Williams asked if they have a good mix of depths. Roy answers, yes they do. Commissioner Rolan mentions that is the "hotbed" area of this county. It is very important to

see if they can get a lot of information from land owners in that area. Ms. Fahey mentions that is why they centered the focus on that area. Several landowners have stepped forward who are willing to have the county monitor their wells for groundwater levels. Ms. Fahey would like to put together a voluntary monitoring network so they can merge more data into the monitoring program. The county would monitor the voluntary wells.

Question from public: what town is monitored? Ms. Fahey explains that the monitoring network will include the entire county. They are in the process of updating the monitoring grid, starting with the quadrant of the county that is south of Hwy 20 and west of I-5. The Southeast quadrant will be evaluated next. It's a program we will continue to build on over time.

Commissioner Morris asks: if the county is going to have money to monitor wells?

Joe Damiano reports that they are working on the budget now and will see what resources are available.

Ms. Fahey further reports that DWR is still completing their 2014 land and water use report, which will help us evaluate groundwater and surface water use in the county.

Ms. Fahey mentions that she had a conversation with MBK Engineers and at this point they are not aware of any proposed out-of-county groundwater substitution transfer proposals from Colusa County.

There was brief discussion on groundwater sustainability agencies.

Commissioner Rolan asked if all GSA's have to coordinate together?

Ms. Fahey answered, yes and if not, the County and basin will lose local control.

Roy Hull mentions the state looks at the procedure of how they will evaluate all these plans and see if the plans will manage sustainably. DWR will be evaluating these plans. He also stated there is going to be an opportunity to adjust basin boundaries. The draft will be coming out this summer. The final regulations are due Jan. 1, 2016. They are also working on best practices on how to establish plans.

Ben Carter (WUG member) asked if there are any other agencies that want to be a GSA?

Shelly Murphy, Colusa County Water Agency states that her District is planning a public hearing to start the process to become a GSA.

Commissioner Rolan replied that GCID may be interested.

Ms. Fahey explains that eligible agencies can partner together to be one GSA.

Commissioner Morris asked if there are plans to coordinate with Glenn and Yolo Counties.

Ms. Fahey responded that she has been communicating with both counties.

Commissioner Marsh asked where we are on the process of the County's GSA.

Ms. Fahey replied that the county is planning the outreach meetings and starting those conversations and that ideally the county would like to see a partnership with other agencies but it is still an ongoing discussion. There will be an update at the next meeting.

3. DISCUSSION/ACTION ITEMS

a. Review proposed updates to the GW Management Ordinance

Ms. Fahey handed out copies of the suggested amendments to the ordinance. She mentions she would like to go through the document item by item. Ms. Fahey mentioned that whatever recommendation the commission comes up with today will go to council for legal review by an attorney with Water Law expertise. After Council review, the document will then be presented at two public hearings and the Board of Supervisors will have the ultimate say.

Changes discussed:

43-1 (a) Date change. July 2012.

43-1 (b) Grammatical. The word "The" on the second line.

43-1 (c) Updated crop estimates for 2013

43-1(e) Section was stricken. It is no longer relevant.

Ms. Fahey asked for consensus on all the above changes from commission and all agreed.

43:1 (f) Change language: "for any transfer purposes" language inserted

-Consensus from commissioners.

Page 2. At top of page: (for in-county transfers) language "... Also essential for information gathering and monitoring purposes...". This language is formally saying we will have review for in-county transfers.

43-1 (g) "...and other stakeholders within the groundwater basin..." language inserted

-Consensus from Commissioners

43-1 (p) "for any transfer purposes" language inserted in two places

Page 4. There was a reference to Glenn County that wasn't necessary. Struck out.

Page 5. Added Section 43-3 Administrative review for export for sale for use within the county.

Replace "export" with "transfer." Brief discussion involving two scenarios when dealing with transfers, groundwater substitution transfers vs. groundwater transfers such as Warren Act contracts.

Commissioners agree that language is needed which considers both scenarios.

-Consensus from commission on all the above.

43-4 "for any transfer purposes" language inserted

43-6 Administrative Structure. Updated language to reflect current structure.

43-7 Application for permit. For ease of reading, the following language was struck: "...for out of county groundwater substitution transfers..."

Page 7, Drought language:

Ms. Fahey provided options for changes to choose from.

Commissioner Williams: sec 43-5 exclusions for permit requirements paragraph C.) page 6 allows local agencies to continue with historical practices. With option 1, does it prohibit that?

Ms. Fahey thought that it will not preclude districts with contiguous lands from transferring across county boundaries, but this will be referred to Council.

Commissioners agree that this language should be taken to County Council.

Mr. Busch, RD 108 (WUG member) expressed concerns for having blanket drought language, that it does not address whether or not a particular transfer is causing impact to the aquifer

Suggestion by Commissioner Williams that the drought language should pertain to out of basin transfers rather than out of county.

Suggestion by Commissioner Williams to add a fourth scenario, " a zero allocation for north of delta contractors."

Commissioner Marsh commented: what we are addressing during a zero allocation is the situation where the aquifer is under significant pressure; we need to take additional steps to protect it. It seems to be a valuable addition to option 1.

Commissioner Moresco commented: change language to address some of the other concerns. At this point in time we don't have enough data to demonstrate that we won't cause effect. Would like option 1 and change "prohibit" to something more flexible.

Roy Hull commented: if you can demonstrate recharge to the basins, it gives you some latitude in respect to being able to do transfers because you're mitigating the harm.

Suggestion from Commissioner Moresco: change "prohibit" to "restricted"

Commissioner Rolan suggested that Ms. Fahey and Mr. Damiano take this to council to put in the proper language and we will go from there.

Ben Carter suggested: Put the quality criteria under section 10 to say extraction will not diminish the water quality.

Roy Hull will look into the part that describes "critical year" because we only know what was critical last year.

Consensus from commission on Drought Language, Option 1 with the addition of out of basin language and the scenario of a zero allocation for north of Delta water districts

Bottom of Page 8 –Ben Carter mentions that there are two (d), change the second (d) to (e)

Page 9. 43-11 a list of conditions that will apply to all permits

Commissioner Williams: On the Monitoring Plan, we should set criteria on monitoring during the transfer so we can stay on top of any problems. We need to know if there will be some mitigation needed.

Ms. Fahey: Darrin at MBK has agreed that they can provide monitoring information monthly. It's just a matter of adding someone to their email list when sending that information out.

Roy Hull adds that sometimes the pumps go on before DWR is notified and there is no baseline for monitoring.

Commissioner Marsh suggested we should establish criteria for monitoring.

Mr. Hull adds: Water transfers will sometimes get ignored in some cases because the concern is getting the water transferred.

Commissioner Marsh commented: That is why we need to have this in our permit process because we are concerned with effective data gathering. Put into our conditions that we do require monitoring before pumping begins.

It was determined to put into the Conditions Item g. Baseline groundwater levels will be provided to the Commission prior to pumping resuming.

43-15 Change Permit Term "not to exceed one water year" rather than "three years"

a. Possible action to recommend proposed Ordinance updates, and forward to Council for review prior to presenting to BOS.

Ms. Fahey asked for other comments from commission or others

Motion to approve changes as discussed

Moved by: Commissioner Moresco

Seconded by: Commissioner Williams

Vote: Approved unanimously

c. Items for next agenda

Ms. Fahey mentions we will be discussing Groundwater Legislation at the next meeting in June.

Supervisor Denise Carter addressed the GWC thanking everyone for their time and effort addressing these changes. It has been difficult work, but very important.

4. ADJOURNMENT

Motion to adjourn

Moved by: Commissioner Rolan

Seconded by: Commissioner Morris

Voted: Unanimous

Meeting was adjourned at 3:17 pm.

Next regular meeting date: June 11, 2015 at 1:30pm Location TBD