AGENDA
SPECIAL MEETING
WORKSHOP
CITY OF BANNING
BANNING, CALIFORNIA

November 7, 2016
4:00 p.m.

I. CALL TO ORDER

Roll Call - Councilmembers Franklin, Miller, Moyer, Peterson, Mayor Welch

II. PUBLIC COMMENTS – On Items Not on the Agenda

A five-minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff for future study, research, completion and/or future Council Action.) (See last page. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

III. WORKSHOP ITEM

1. Sustainable Groundwater Management Act............................................................1
   (Presented by Art Vela, Public Works Director)

IV. ADJOURNMENT

Our Mission as a City is to provide a safe, pleasant and prosperous community in which to live, work and play. We will achieve this in a cost effective, citizen friendly and open manner
NOTICE:   Any member of the public may address this meeting of the Mayor and Council on any item appearing on the agenda by approaching the microphone in the Council Chambers and asking to be recognized, either before the item about which the member desires to speak is called, or at any time during consideration of the item. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public.

Any member of the public may address this meeting of the Mayor and Council on any item which does not appear on the agenda, but is of interest to the general public and is an item upon which the Mayor and Council may act. A five-minute limitation shall apply to each member of the public, unless such time is extended by the Mayor. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. The Mayor and Council will in most instances refer items of discussion which do not appear on the agenda to staff for appropriate action or direct that the item be placed on a future agenda of the Mayor and Council. However, no other action shall be taken, nor discussion held by the Mayor and Council on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office (951) 922-3102. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II]
TO: CITY COUNCIL
FROM: Michael Rock, City Manager
PREPARED BY: Art Vela, Director of Public Works
MEETING DATE: November 7, 2016
SUBJECT: Discuss the Sustainable Groundwater Management Act

RECOMMENDATION:

Discuss the approach taken by staff to comply with the requirements of the Sustainable Groundwater Management Act (SGMA) and to provide concurrence with the approach taken or provide direction on an alternative approach.

JUSTIFICATION:

The purpose of the SGMA workshop is to provide details of SGMA and to update City Council on progress made to comply with the requirements of SGMA.

BACKGROUND:

In September, 2014, Governor Jerry Brown signed Senate Bill 1168 and 1319 and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (SGMA). The purposes of SGMA are to provide sustainable management of groundwater basins, enhance local management of groundwater, establish minimum standards for sustainable groundwater management, provide local groundwater agencies with the authority and tools necessary to sustainably manage groundwater and allow for state oversight and intervention if local agencies do not act.

The California Department of Water Resources (DWR) has designated groundwater basins and sub-basins as medium or high-priority, which are required to meet the requirements of SGMA. The City of Banning is within the San Gorgonio Sub-basin ("Basin") which has been classified as a medium-priority basin.

SGMA requires, by June 30, 2017, the formation of locally-controlled groundwater sustainability agencies (GSAs). Once formed, one of GSAs primary responsibilities is
to develop and implement a groundwater sustainability plan (GSP) for their basin or portion of their basin that they are managing. A GSP is to be implemented for the Basin by January 31, 2022.

Local agencies within the Basin responsible for complying with SGMA include: City of Banning, Cabazon Water District, San Gorgonio Pass Water Agency, Mission Springs Water District and Desert Water Agency. This group of agencies have met several times since SGMA was approved to agree to details on how to collectively comply with the requirements of SGMA, which can be accomplished in several ways.

At this point the group has discussed managing the Basin by three GSAs:

1. GSA consisting of the City of Banning, San Gorgonio Pass Water Agency, Cabazon Water District and Banning Heights Mutual Water District.
2. GSA consisting of Mission Springs Water District
3. GSA consisting of Desert Water Agency.

It should be noted that federally recognized tribes such as the Morongo Band of Mission Indians are not obligated to meet the requirements of SGMA and is the reason that they have not been included in item #1 above.

The purpose of the workshop is to provide City Council and the public with information regarding SGMA and to discuss progress made to comply with SGMA. Staff is seeking concurrence from City Council on the approach taken related to the development of a GSA made up of several water agencies.

**FISCAL IMPACT:**

None directly related to this workshop. SGMA related expenses will be related to attorney costs during the development of the GSA memorandum of understanding and costs related the preparation of technical studies to support the development of the GSP.

**OPTIONS:**

N/A

**ATTACHMENTS:**

1. Power Point Presentation

Reviewed by:  
Art Vela,  
Public Works Director

Approved by:  
Michael Rock,  
City Manager
ATTACHMENT 1

(Power Point Presentation)
The Sustainable Groundwater Management Act

Presented by
Wes Milliband, Esq.
Art Vela, P.E.

November 7, 2016
Next Steps

Status of San Gorgonio Pass Sub-Basin Regulations

Implications of New Groundwater Management

SCMA Background

Water Supplies and Drought

AGENDA
California Water Use

- Irrigated Agriculture: 41%
- Managed Wetlands: 2%
- Outflow: 7%
- Required Delta Flows: 9%
- Instream Flows: 31%
- Rivers: 10%
- Urban: 10%
- Wild & Scenic: 10%
Riparian/Overlying, Appropriative, Prescriptive Rights

Reasonable and Beneficial Use

- Right to possess and use, not own, water

Usurpatory Right:

- Water right usually part and parcel to land

Real Property Right of "Bundle of Sticks":

- Contra contractual rights
- Doctrine of hybrid system of riparian/overlying and appropriative

California's "System":

WATER RIGHTS
Local control through GSAS and GSPs

Timeline for Implementing steps

Primary Purpose: "Sustainability Goal"

Sketch

SCMA Background and Milestones: A
Purpose of Sustainable Groundwater Management Act
<table>
<thead>
<tr>
<th>Year</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>January 31, Develop Groundwater Priority Basins in Critical Overdraft</td>
</tr>
<tr>
<td>2017</td>
<td>June 30, Establish Groundwater Basins Medium and High-Priority Sustainabilities</td>
</tr>
<tr>
<td></td>
<td>Establish Groundwater Medium and High-Priority Agencies 2017</td>
</tr>
</tbody>
</table>

New Law with Local Level Regulation

SUSTAINABLE GROUNDWATER MANAGEMENT

ACT
Many more steps and implementation milestones over next 27 years.

Still in earliest stages of implementation — here we go!

**Stoel Rives**

**Sustainable Groundwater Management**

**ACT**
Groundwater basin and subbasin

- Boundaries

subsurface barriers or institutional
geologic and hydrologic subdivisions of a basin using
- Groundwater Subbasin

Groundwater

reasonably well-defined
series of alluvial aquifers with
alluvial aquifer or stacked
- Groundwater Basin – an
declarers that they will not be GSA
unclaimed basins default to County unless County
absent compelling Notice of Intent
GSA presumed to be exclusive GSA within basin(s)
GSA Public Notice Hearing and Notice of Intent to Form a
Local Agency Notification to DWR

Public Process: Now through June 2017
or Revised Boundaries
or more groundwater basins or
or more groundwater basins
Local Agency to Implement the Act in one

GROUNDWATER SUSTAINABILITY AGENCY
GS4  
- Only about 75 of 127 SGMA basins have at least 1
because 90 days have not passed
- 100 “overlapping” 70 are “exclusive” and 43 are neither

• Approx. 213 submittals to DWR

• Establishing GSAS and their powers and

GSAS
Groundwater basins - schedules public.

WR releases draft list critically overdrawn.


30-day comment period now open.

Draft list of 21 basins in critical overdraft.

Draft list of COD basins. pdf

August 2015 Agenda Item 9 At each 5

Deadline is either January 2020 or January 2022.

GSP must provide opportunities for public participation.

To be developed by each GSA.

PLANS

Groundwater Sustainability

Next Step
Legal and Policy Challenges

- Which GSA is paid administrative fees
- "Export Claims"
- Complex set of processes even more complex
- Non-contiguous boundaries make an already
  complex basis from GSA notifications
- Evident already from GSA notifications
- Contiguous boundaries are far from reality in all
Legal and Policy Challenges
Assessments
Management Plans (WSAs), Water Supply

general plans or zoning, and UWMPs
water districts with land use planning, changes to
local public agencies whether counties, cities or

Public Sector

Specific Implications
with AB 1390 / SB 26
Antelope Valley became the poster child for reform

- Code of Civil Procedure §§ 830 et seq.

- Where groundwater adjudications are very likely
  implementation among the impacted stakeholders
  ($10726.8(p))

- A water right remains a water right (Water Code

**WHAT THE REGULATIONS DO NOT MEAN**
(BASIN NUMBER 7-21.04: MEDIUM PRIORITY)
THE SAN GORGONIO PASS SUB-BASIN
Respective rights and obligations

Multiple GSA's and/or GSP's

- MOU potentially identifying "who does what"

Agencies are discussing GSA formation

Wholesale agency San Gorgonio Pass Water

Local water retailers including the City, and

basin.

- the GSA for their service area within the SGP Sub-

Mission Springs Water District has applied to be

portion outside of the City's boundaries

Desert Water Agency is the GSA for a Small

== Basin

== GSA Status of San Gorgonio Pass Sub-
- Deadline: January 1, 2022
  - Work toward GSP development, whether one or multiple GSPs
  - SGMA deeters to local agencies
  - Other agencies seem disinterested in JPA
  - Agencies by way of an MOU or JPA
  - Determine GSA agreement among other local

- June 30, 2017
  - Deadline for GSA formation and submission to DWR is
  - City boundaries that overlap the sub-basin
  - Determine GSA formation by having a single GSA or multiple GSAs such as the City being a GSA within

**NEXT STEPS**
Questions?