

**Department of
Community Development
Mike Penrose, Interim Director**



Divisions
Administrative Services
Building Permits & Inspection
Code Enforcement
County Engineering
Economic Development & Marketing
Planning & Environmental Review

March 30, 2016

California Department of Water Resources
Attn: Lauren Bisnett
P.O. Box 942836
Sacramento, CA 94236

RE: Draft GSP Emergency Regulations Public Comment

Dear Ms. Bisnett:

The Planning and Environmental Review (PER) Division of the Sacramento County Department of Community Development is responsible for providing a range of land use planning services within the unincorporated County which includes:

- Accepting and processing land use development applications;
- Assessing environmental impacts and preparing environmental documents;
- Monitoring mitigation actions; and
- Overseeing Countywide policy and standards through the General Plan and Zoning Code maintenance and updating.

Staff from the PER Division has reviewed the Draft GSP Emergency Regulations (Regulations) provided by the California Department of Water Resources, and requests that the following items be further clarified to address the effects of the Regulations on the land use responsibilities of the PER Division, as well as other land use agencies:

1. Coordinate with Agencies

The Sustainable Groundwater Management Act (SGMA) declares that coordination is vital between the Groundwater Sustainability Agency (GSA) and the local land use agency (CA Government Code Section 65352.5). SGMA and the Regulations address coordination through:

- SGMA requires a groundwater sustainability plan (GSP) to account for the most recent planning assumptions stated in the general plans of local land use agencies within the sub-basin (CA Water Code Section 10726.9).
- SGMA allows a GSA to appoint an advisory committee to guide the GSP development and implementation process (CA Water Code Section 10727.8).
- Section 353.6 of the Regulations states that a GSA must make information about its GSP development and implementation process publically available.

- Section 354.10 of the Regulations gives a detailed list of what the GSP should include regarding notification and communication by the GSA with other agencies and interested parties.

However, the Regulations lack specific language regarding required coordination between the GSA and the local land use agency in GSP development and implementation. The Regulations should define the roles of the land use agency, water provider, and GSA as they relate to governance, GSP development, annual reporting requirements, and infrastructure financing to sufficiently assess the level of effort and resource needs by entity. Required coordination should be clearly identified in the Regulations and should occur early in the plan development process. A GSA should be required to enter into a communication agreement with their local land use agency(s) at the outset of the development, amendment, or modification of a GSP (see Regulations Section 354.10(e)), which should be provided to the Department of Water Resources as part of the Initial Notification as described in Section 353.6 of the Regulations. .

To further the close coordination as described above, the Regulations should be modified to include GSP amendments and modifications in the "Initial Notification" (Regulations Section 353.6) and "Public Comment" (Regulations Section 353.8) provisions as follows:

§ 353.6. Initial Notification

(a) Each Agency shall notify the Department, in writing, within 30 days of an Agency's decision to develop, *amend*, or *modify* a Plan. The notification shall provide general information about the Agency's process for developing or *amending* the Plan, including the manner in which interested parties may contact the Agency and participate in the development and implementation of the plan or *amendment*. The Agency shall make the information publicly available by posting relevant information on the Agency's Internet Web site. ...

§ 353.8. Public Comment

Any person may provide comments to the Department regarding any proposed or adopted Plan.

(a) The Department shall accept public comment on any aspect of an Agency's decision to develop, *amend*, or *modify* a Plan as described in Section 353.6, including all elements of the proposed Plan as it may be developed, *amended*, or *modified* by the Agency.

(b) The Department shall establish a comment period of no less than 60 days on an adopted Plan or *amendment* that has been accepted by the Department for evaluation pursuant to Section 355.2, 355.6, or 356.12....

2. Define Terms

The Regulations state that the GSP will include a description of existing and proposed *land uses*, *land use activities*, and/or *land use plans* (Regulations Section 354.8). They also state that projected water demand for the water budget will utilize projections of *local land use planning* (Regulations Section 354.18). These terms are not clearly defined. Local land use agencies typically use the following categories: 1) existing land uses; 2) approved land uses which have not yet been constructed; and 3) proposed land uses which have not yet received land use approval. The Regulations should note the differences between these categories, and the GSA should use these categories in its description, analysis, and projections for the current, historical, and projected water

budgets of the GSP. Addressing this issue will require close coordination with a land use agency, as stated above.

3. Recognize Existing Programs and Areas of Sustainable Management

Existing land use agency-supported public groundwater management processes (i.e., Sacramento Groundwater Authority and Sacramento Central Groundwater Authority) with a history of successful sustainable groundwater management should either have the option of beginning with existing plans and programs in the initial Plan submittal, or provide mechanisms similar to the Alternative process for existing groundwater management agencies not covering an entire subbasin.

Public processes, supported by the local land use agency(s), taking place on or prior to September 2014 (SGMA Enactment Date) should be permitted to assess their progress in public interest-based processes consistent with the GSP regulations, and determine what additional actions, if any, are necessary to achieve a SGMA compliant GSP or Alternative Plan, and submit comprehensive findings on data gaps to be filled for the initial GSP and first five years of implementation.

4. Anticipate Conflicts

The SGMA states that the GSA's actions shall be consistent with the local general plan unless there is insufficient sustainable yield in the basin to serve the land uses designated in the general plan (CA Water Code Section 10726.4). The Regulations state that the GSA will assess: 1) how implementation of the proposed GSP may affect land use and 2) assess how land use plans may affect achieving sustainable groundwater management (Regulations Section 354.8). Additionally, the Regulations direct the GSA to develop projects and management actions to prevent undesirable impacts on the groundwater basin (Regulations Section 354.44). There is the potential for a conflict to occur between the objectives and actions of the GSP and those of the general plan resulting in significant implications to both the GSA and land use agency. The Regulations should provide remedies for these conflicts and propose measures to reduce the potential for future conflicts to occur, for example requiring the approval of specific findings by a GSA when developing, amending, or modifying a GSP to ensure its consistency with the general plans of the overlying sub-basin.

By addressing the concerns above, the Regulations will provide greater clarity to the local land use agencies regarding the GSP's effects on land uses. Staff looks forward to working closely with the GSA's in Sacramento County to achieve sustainable groundwater management.

Should you have any questions or concerns regarding this letter, please feel free to contact Todd Smith, Principal Planner at (916) 874-6918 or smithtodd@saccounty.net, or Surinder Singh, Principal Planner at (916) 874-5462 or singhsu@saccounty.net.

Sincerely,

for

Leighann Moffitt, AICP
Planning Director

Todd Smith
3/30/16