TRIBAL ENGAGEMENT IN CA WATER POLICY IMPLEMENTATION

Panel:
California Water Rights, Groundwater and the Drought

15th Annual Conference
California Indian Law Association
October 16, 2015
Jackson, CA

Anecita Agustinez
Tribal Policy Advisor
Department of Water Resources
1. Role of California Department of Water Resources in California Water Issues
   - Water Bond Funding
   - Groundwater Sustainable Management Program
2. Tribal Engagement in the Implementation of California’s Sustainable Groundwater Management Act
3. Drought Relief Efforts
   - Governor’s Drought Task Force
   - Tribal Consultation on Statewide Basis (Flood, Fire, Drought)
DEPARTMENT OF WATER RESOURCES

ACTIVITIES

- Groundwater activity in Division of Integrated Regional Water Management
  - Local support and assistance
  - IRWM Program
  - Grant Program, including Local Groundwater Assistance
  - Water Transfers
  - CASGEM – CA Statewide Groundwater Elevation Monitoring
  - California Water Plan and Bulletin 118 support
  - Drought assessment support
  - Sustainable Groundwater Management

- Programs administered through Sacramento headquarters and four region offices
  - Region offices facilitate working more closely and being more responsive to the locals
  - Regional tribal liaisons provide assistance and local support to Tribal Policy Advisor for tribal outreach
DWR PROP 1 ESTIMATED TIMELINE

- **September 2015**
  - IRWM Grant Program
  - Water Desalination Grant Program
  - Develop Draft Guidelines

- **October 2015**
  - Post Draft Guidelines
  - Public Workshops
  - Draft PSP for Cal Conserve Revolving Fund Program

- **November 2015**
  - IRWM Grant Program
  - Post Draft Guidelines and PSP for IRWM Planning Grant Program
  - Public Comment Period

- **December 2015**
  - Water Use and Efficiency Grants – Round 1 – Urban and Ag
  - Post Final Guidelines and PSP to Ag WUE grants

- **2015**
  - Public Comment Period: 3 Public Meetings; Consider comments
  - Issue Final Guidelines and Counties with Stressed Basins PSP
  - Sustainable Groundwater Planning
  - Water Use and Efficiency Grants – Round 1 – Urban and Ag
  - Counties with Stressed Basins Applications Due
  - Sustainable Groundwater Planning
  - Public Workshops
  - IRWM Grant Program
  - Water Desalination Grant Program
TRIBAL PARTICIPATION IN GSP AND GMP

-non mandatory

The Act provides that the federal government or any federally recognized Indian tribe may voluntarily agree to participate in the preparation or administration of a groundwater sustainability plan or groundwater management through a joint powers authority or other agreement with local agencies in the basin.

However, this discretion is left entirely up to the tribe or federal interest:

“A participating tribe shall be eligible to participate fully in planning, financing, and management under this part, including eligibility for grants and technical assistance, if any exercise of regulatory authority, enforcement, or imposition and collection of fees is pursuant to the tribe’s independent authority and not pursuant to authority granted to a groundwater sustainability agency under this part.”
FINANCIAL ASSISTANCE AND TRIBAL OUTREACH

• Proposition 1 – Water Quality, Supply and Infrastructure Improvement Act (Water Bond)
  ▪ $7.5 billion
  ▪ $100 million in funding to Groundwater Sustainability Agencies to develop and implement sustainable groundwater management plans
    ▪ $10 million committed to counties with stressed GW basins to develop or strengthen local ordinances and conservation plans.

• Creation of Work Groups and a DWR SGMP Tribal Advisory Group
  ▪ Development of Technical Assistance Outreach
KEY IMPLEMENTATION DATES FOR SGMA

- June 30, 2017: Local groundwater sustainability agencies formed (GSAs)
- 20 years after adoption: All high- and medium-high priority groundwater basins must achieve sustainability.
COMMUNICATION AND OUTREACH
Ensuring Tribal Engagement in Outreach

SGMA 101
- SGMA Overview
- Roles and responsibilities
- Strategic Plan

Draft Regulations
- Basin Boundary
- GSP
- Critically Overdrafted Basins

Local Outreach
- Engagement
- Identify champion agencies
- GSA formation

Sep 2014 – Mar 2015
Apr – Sep 2015
SGM COMMUNICATION AND OUTREACH

STATE AGENCY PARTNERS

One-on-One Agency & Organizations

Associations, Foundations & Organizations

DWR’s Sustainable Groundwater Management Program Team

Federal Agencies and Tribal Governments

Multiple Advisory Groups

Statewide Public Meetings

ADVISORY GROUPS

• Tribal Advisory Group
• Non-Governmental Organizations
• Association of California Water Agencies
• Northern California Water Association
• San Joaquin Tributaries Authority
• San Luis & Delta Mendota Water Authority
• Central Coast Area
• Counties (RCRC & CSAC)*
• Agricultural Community
• Tulare Lake Hydrologic Group

*Rural County Representatives of California & California State Association of Counties
TRIBAL ADVISORY GROUP
and Tribal Technical Review Panel

- Goal and purpose is to advise DWR’s Sustainable Groundwater Management Program implementation of SGMA
- Responsible for distributing information and resources to their tribe and organizations
- Responsible for sharing issues relative to sustainable groundwater management
- Each member is a representative of their tribal government with permission from their tribal government to be a representative on this advisory body.
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SGMA IMPLEMENTATION ISSUES IDENTIFIED BY TRIBAL OUTREACH

• Does the Sustainable Groundwater Management Act apply to federally recognized tribes?
• Does SGMA apply to non-federally recognized tribes?
• Tribal concerns with utilizing a joint powers authority (JPA)?
• Can a tribe choose to be a Groundwater Sustainability Agency *(GSA)* or exercise the powers of a GSA using the authorities provided by SGMA?
• Does SGMA affect tribal water rights?
• What opportunities are there for tribal governments to provide input during SGMA implementation?

*Tribes are exempt from creating a groundwater sustainability agency (GSA) but are encouraged to participate in local management and creating their own groundwater sustainability plans.*
CASGEM Groundwater Basin Prioritization and Tribal Lands of California

The information on this map is also available on an interactive webmap: https://gis.water.ca.gov/app/boundaries/
STATEWIDE COORDINATION ON DROUGHT

California Governor’s Office of Emergency Services (OES)
Every Monday 11:00AM-12:00PM
Conference Line: 866-768-8564  Code:7526714#

All Tribal Emergency Coordinators are encouraged to participate in a weekly call that is coordinated by the California Governor’s Office of Emergency Services (Cal OES).

Weekly Statewide Drought Call every Monday at 11:00 AM includes participation from Cal OES Regions and State Operation Center, State Agencies, Counties, and Tribal governments.

Purpose of the call:
- National Weather Service and State Agencies report on current drought conditions
- Update on eligible drought grant programs for Counties, Cities, Tribes and Water District
- Tribes and Counties report on potential issues and impacts

Office of Tribal Coordination, California Governor’s Office of Emergency Services
Denise M. Shemenski, MEP, Tribal Advisor
Denise.shemenski@caloes.ca.gov
916-845-8163 Office  916-616-8499 Mobile
MONTHLY STATEWIDE TRIBAL CONSULTATION ON DROUGHT WEBINAR

Facilitated by the Governor’s Tribal Advisors Office
Includes the Governor’s Drought Task Force representatives from Cal OES, SWRCB, DWR, CalFire, CDFW, and federal partners, Indian Health Service

**Tribal Drought Taskforce:**
A total of 7 Tribes have established drought task forces to coordinate tribal drought response.

- Hoopa Valley Tribe (Humboldt County)
- Hopland Tribe (Mendocino County)
- Karuk Tribe (Siskiyou County)
- La Jolla Band of Luiseno Indians (San Diego County)
- Sherwood Valley Tribe (Mendocino County)
- Trinidad Rancheria (Humboldt County)
- Yurok Tribe (Humboldt and Del Norte County)
GOVERNOR’S DROUGHT TASK FORCE
TRIBAL GOVERNMENT-TO-GOVERNMENT
CONFERENCE WEBINAR/ CALL MEETINGS

Wednesday, October 21, 2015
Wednesday, November 18, 2015

Cynthia Gomez
Tribal Advisor
Office of Tribal Advisor
Office of Governor Edmund G. Brown Jr.

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Office: (916) 373-3718
Heather.Hostler@gov.ca.gov
UPDATE ON GROUNDWATER LEGISLATION 2015

AB 617 (Perea D) Groundwater.
Status: 9/18/2015-Enrolled and presented to the Governor at 4 p.m.
Location: 9/18/2015-Awaiting Action by the Governor
AB 617 would make changes to the 2014 Sustainable Groundwater Management Act to clarify definitions and the applicability of the law. It would explicitly provide a process for a groundwater sustainability agency (GSA) to seek participation from a state agency if it is “not working cooperatively regarding implementation of a groundwater sustainability plan,” and would specify that a GSA may implement its plan prior to the completion of any review by the Department of Water Resources.

http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=Rz7GkJUg%2bGVgavJF492FepgFbEmWs41J93L4yAoYV%2fIk6fRe9VHzGz4ITvky58kZ

AB 939 (Salas D) Groundwater sustainability agencies.
Status: 9/10/2015-Enrolled and presented to the Governor at 4 p.m.
Location: 9/10/2015- Awaiting Action by the Governor
AB 939 would make a technical correction to the timeline for the formation of a GSA and the implementation of a plan in the event of a groundwater basin being reprioritized from low or very low priority, to medium or high. Additionally, it would change the notice timeline for meetings of a GSA from 10 days to 20.

AB 1390 (Alejo D) Groundwater: comprehensive adjudication.
Status: 9/18/2015-Enrolled and presented to the Governor at 4 p.m.
Location: 9/18/2015- Awaiting Action by the Governor
AB 1390, along with SB 226 (Pavley), would enact reforms to the groundwater adjudication process. Specifically, these bills would (1) make the adjudication process more cost-effective; (2) ensure that the process is fair and comprehensive; and (3) harmonize the process with the Sustainable Groundwater Management Act to ensure that parties have a forum to determine their water rights but do not use it to obstruct or delay implementation of the Act.

SB 226 (Pavley D) Sustainable Groundwater Management Act: groundwater adjudication.
Status: 9/16/2015-Enrolled and presented to the Governor at 4:45 p.m.
Location: 9/16/2015- Awaiting Action by the Governor
SB 13, along with AB 1390 (Alejo), would enact reforms to the groundwater adjudication process. Specifically, these bills would (1) make the adjudication process more cost-effective; (2) ensure that the process is fair and comprehensive; and (3) harmonize the process with the Sustainable Groundwater Management Act to ensure that parties have a forum to determine their water rights but do not use it to obstruct or delay implementation of the Act.

SB 13 (Pavley D) Groundwater.
Location: 9/3/2015- CHAPTERED
SB 13 makes technical changes to the Sustainable Groundwater Management Act of 2014. The changes are clarifying and do not change the policy of the Act.
WEB RESOURCES

• DWR Sustainable Groundwater Management
  http://www.water.ca.gov/groundwater/sgm/index.cfm

• DWR Water Management Planning Tool Website
  http://www.water.ca.gov/groundwater/boundaries.cfm

• Subscribe to DWR SGM Email List
  http://www.water.ca.gov/groundwater/sgm/subscribe.cfm

• DWR Region Office Contacts
  http://www.water.ca.gov/groundwater/gwinfo/contacts.cfm

• Questions or Comments
  sgmps@water.ca.gov
WEB RESOURCES

SB 13 (PAVLEY D.) GROUNDWATER
http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=9%2fJVvFRQqnWptSWtXQSpqo3p3%2bCYpl4PdxA6M7y5YPfHWqwy8Y0CQg%2fU6ePY4jOR

OFFICE OF TRIBAL ADVISOR DEPARTMENT OF WATER RESOURCES MAPS
California Indian Homelands and Trust Land Maps & CA Statewide Groundwater Elevation Monitoring (CASGEM) and Tribal Lands Overlay
http://www.water.ca.gov/tribal/maps.cfm

NASA REPORT: DROUGHT CAUSING VALLEY LAND TO SINK

WEEKLY DROUGHT BRIEF ARCHIVE
http://ca.gov/drought/
Contact information:

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