



# TRIBAL ENGAGEMENT IN CA WATER POLICY IMPLEMENTATION

Panel:

California Water Rights, Groundwater and the Drought

15<sup>th</sup> Annual Conference

California Indian Law Association

October 16, 2015

Jackson, CA

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Department of Water Resources



# PRESENTATION OVERVIEW

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)

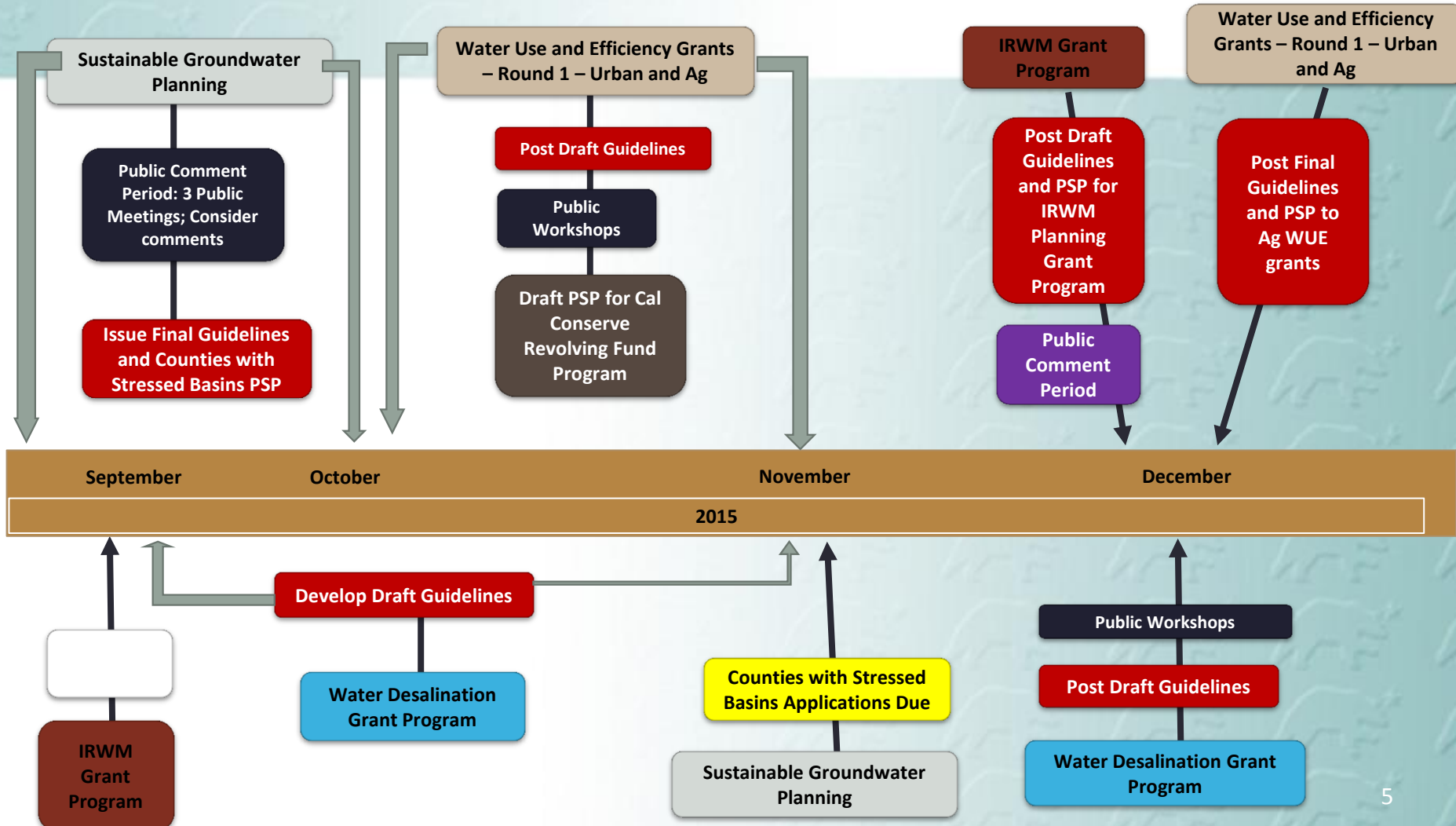
# DEPARTMENT OF WATER RESOURCES

## 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



# 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

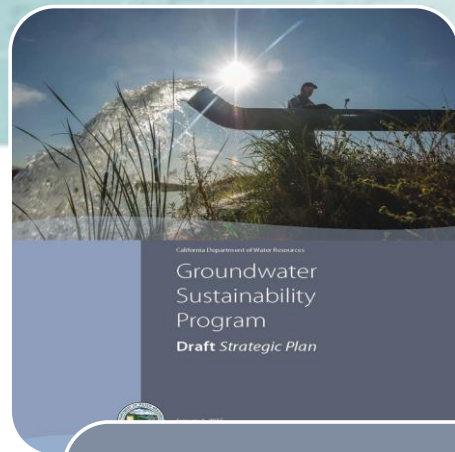


# KEY IMPLEMENTATION DATES FOR SGMA

- June 30, 2017: Local groundwater sustainability agencies formed (GSAs)
- January 31, 2020: Groundwater sustainability plans adopted for critically over drafted basins.
- January 31, 2022: Groundwater sustainability plans adopted for high- and medium-priority basins not currently in overdraft.
- 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

Sep 2014 –  
Mar 2015



### Draft Regulations

- Basin Boundary
- GSP
- Critically Overdrafted Basins

Apr – Sep 2015



### Local Outreach

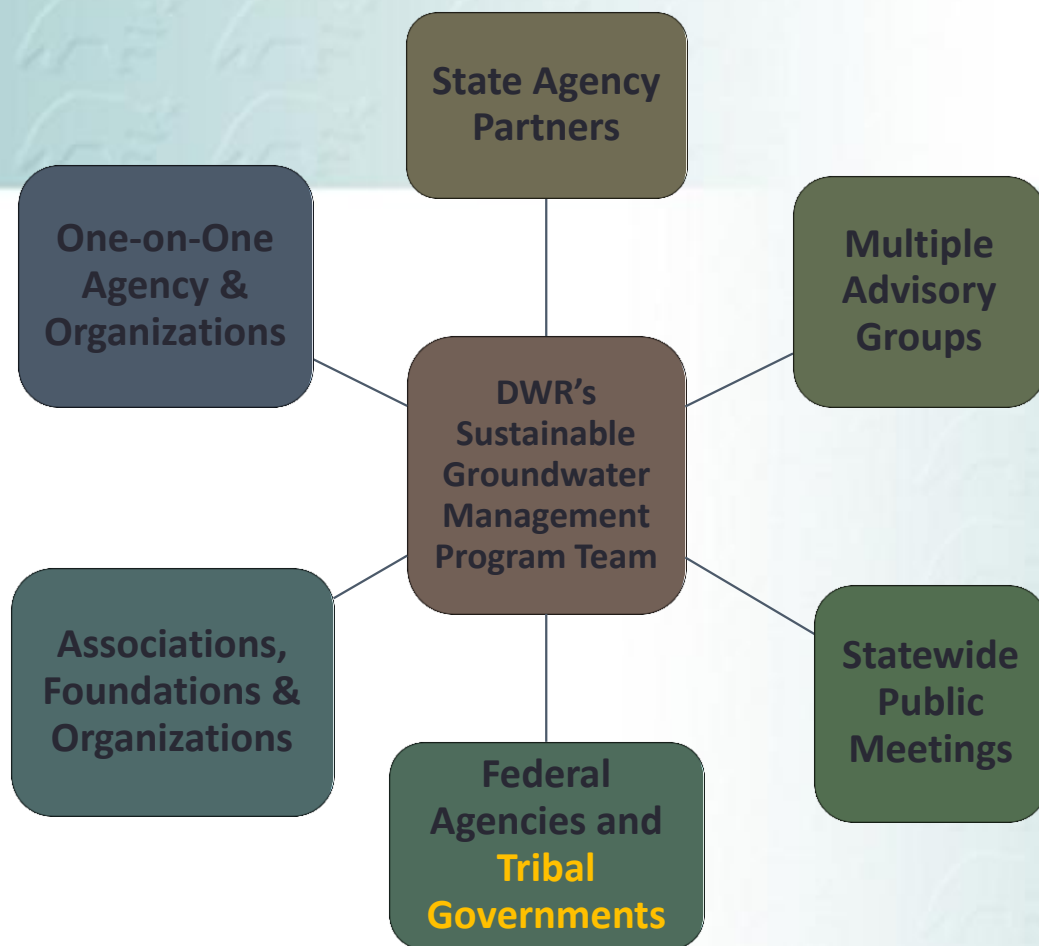
- Engagement
- Identify champion agencies
- GSA formation

Oct 2015 –  
Jun 2016



# SGM COMMUNICATION AND OUTREACH

## 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.**

# **SUSTAINABLE GROUNDWATER MANAGEMENT PROGRAM - TRIBAL ADVISORY GROUP**

## **Northern California**

- Scotts Valley Band of Pomo Indians
- Big Valley Band of Pomo Indians
- Redwood Valley
- Habematolel Pomo of Upper Lake
- Karuk Tribe
- Bishop Paiute Tribe
- Pit River Tribes
- Susanville Indian Rancheria
- Yurok Tribe

## **Central California**

- Big Sandy Rancheria of Western Mono Indians
- Table Mountain Rancheria of California
- Santa Ynez Band of Chumash Indians
- Cortina Rancheria Band of Wintun Indians of California
- Colusa Indian Community
- Estom Yumeka Maidu Tribe of the Enterprise Rancheria
- Coyote Valley Band of Pomo Indians
- Tule River Indian Tribe
- Tuolumne Band of Me-Wuk Indians

## **Southern California**

- Morongo Band of Mission Indians
- Rincon Band of Luiseno Indians
- Barona Band of Mission Indians
- Chemhuevi Indian Tribe

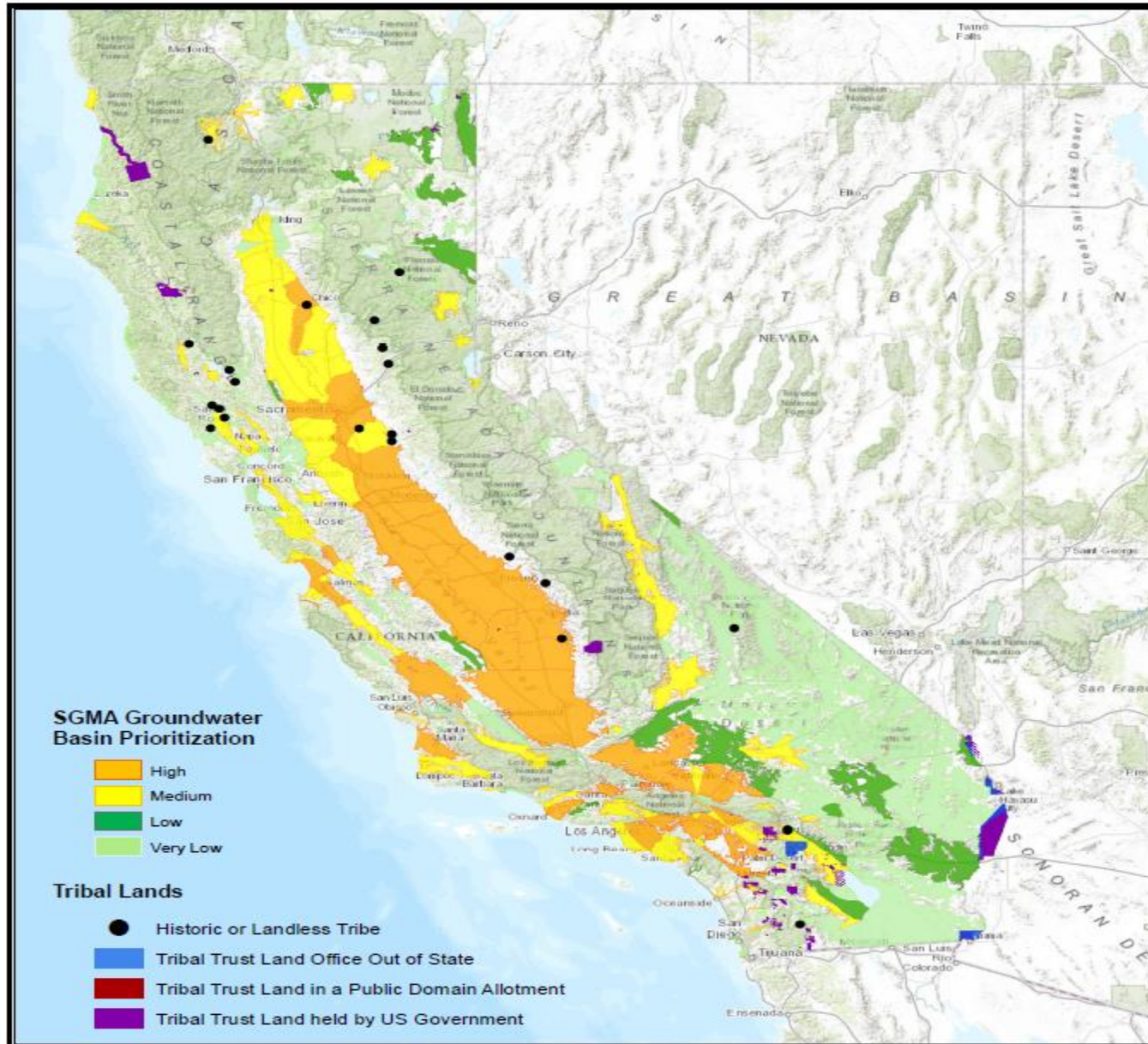
# SGMA IMPLEMENTATION ISSUES IDENTIFIED BY TRIBAL OUTREACH

- 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



**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

**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**

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**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.

## INFORMATION:

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# 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.

<http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=IS3kfRGmxUi8Mf3FICXVWcU9Xwghosqok20Zc72JxVRkXW2WsvNvZzHsEKPgwJHH>

# UPDATE ON GROUNDWATER LEGISLATION 2015-CONT.

## **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.

<http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=A5zPYyR8%2bNk3HK5jDnaMEE3QL3rddh0YLU7UYIWpWrHjCutAHk8cEO9Wt9Zp%2bz7>

## **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.

<http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=%2bsY%2fInGefK8lpzv%2fubhdP%2f5HUCWhQ6IECdcMqx6L16GKFY0Cc2%2fQYbtPZSFQGwKk>

## **SB 13 (Pavley D) Groundwater.**

Status: 9/3/2015-Chaptered by Secretary of State - Chapter 255, Statutes of 2015.

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.

<http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=9%2fJVvFRQqnWptSWtXQSpqo3p3%2bCYpl4PdxA6M7y5YPfHWqwy8Y0CQg%2fU6ePY4jOR>

# 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](mailto:sgmps@water.ca.gov)

# WEB RESOURCES

## **SB 13 (PAVLEY D.) GROUNDWATER**

<http://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=9%2fJVvFRQqnWptSWtXQS pqo3p3%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**

[https://current.water.ca.gov/prog/gwp/sgma/Documents/News%20Release\\_%20Drought%20%20Causing%20Valley%20Land%20to%20Sink.pdf](https://current.water.ca.gov/prog/gwp/sgma/Documents/News%20Release_%20Drought%20%20Causing%20Valley%20Land%20to%20Sink.pdf)

## **WEEKLY DROUGHT BRIEF ARCHIVE**

<http://ca.gov/drought/>



# Thank you



## Contact information:

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