



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: County Executive
Office
Department No.: 012
For Agenda Of: July 18, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Legislative Program Committee
Director(s)
Contact Info: Brittany Odermann, Deputy County Executive Officer
Jasmine McGinty, Legislative Coordinator

SUBJECT: Letter of Support Request for AB 779: Groundwater: Adjudication and AB 560:
Sustainable Groundwater Management Act: Groundwater Adjudication

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: No

As to form: No

It is recommended that the Board of Supervisors:

- a) Approve the attached letter of support for AB 779 and authorize the Chair to sign the letter; and
- b) Approve the attached letter of support for AB 560 and authorize the Chair to sign the letter; and
- c) Determine that the above action is not a project under the California Environmental Quality Act (CEQA), because pursuant to sections 15378(b)(4) and 15378(b)(5) the recommended action consists of organizational, administrative or fiscal activities of government that will not result in direct or indirect physical damages in the environment.

Summary:

On July 6, 2023, the Legislative Program Committee considered AB 779 and AB 560 both related to groundwater adjudication and directed staff to bring support letters for both items to the full Board for consideration. The Legislative Program Committee recommends the Board of Supervisors approve letters of support for AB 779 and AB 560 related to groundwater adjudication and authorize the Chair to sign.

Background:

On June 26, 2023, the Cuyama Valley Community Association (CVCA) sent a letter in support of AB 779 (Wilson) to the Senate Natural Resources and Water Committee expressing their support of this legislation if amended with one change which removes language that the bill would apply only to basins in which an adjudication has not been commenced by January 1, 2024 (Attachment A). The CVCA states that it is a community-led entity that supports education and advocacy on issues concerning the residents and stakeholders in the Cuyama Valley. District 1 has been working with CVCA on legislative proposals regarding adjudication. CVCA states that if passed, AB 779 could be of benefit to the Cuyama Valley.

Similarly, CVCA supported AB 560 (Bennett) as amended, which addresses an existing statute regarding groundwater adjudication determinations and requires proposed settlements be forwarded to the State Water Resources Control Board (Water Board) for review, in partnership with Department of Water Resources (DWR). On July 5, 2023, CVCA sent a letter of support to the Senate Judiciary Committee for AB 560 if amended with proposed amendments by Assembly member Bennett’s office.

Discussion:

AB 779

Groundwater adjudications must have regularly reported monitoring plans that ensure groundwater supplies are not being depleted by users at unsustainable rates during the proceedings. The adjudication must become more transparent and accessible for all parties to have equal opportunity to participate and understand the process. AB 779 would require the court to appoint one party to forward all case management orders, judgements, and interlocutory orders to the department and the department shall post the documents within 20 business days of receipt. The bill would also require the department to hold public meetings to explain the adjudication process to users in the basin. The bill would also encourage the court to invite a representative from the Department of Water Resources or the State Water Resources Control Board to provide technical assistance or expert testimony. Lastly, the bill would require GSA’s to report monitoring data to the court.

County Public Works staff have reviewed AB 779 and would not be opposed to supporting the bill. While it would not directly impact County departments, it could affect stakeholders in the Cuyama area. CVCA is in strong support of the bill with the amendment removing language that would have the bill only apply to adjudications begun after January 1, 2024 to ensure these provisions have an opportunity to support the Cuyama Basin. In opposition of this legislation are various agricultural groups claiming the review process can cause delays.

AB 560

Also related to basin adjudications, AB 560 mandates parties to an adjudication to have their final proposed settlement confirmed by the Water Board and DWR for consistency with the Sustainable Groundwater Management Act (“SGMA”) code and to ensure they align with the approved Groundwater Sustainability Plan (“GSP”). Recent amendments to the bill will also require both state agencies to comment on the effects the proposed settlement may have on small farmers and disadvantaged communities.

The proposed amendments to AB 560 aim to clarify the relationship between adjudication and SGMA. Thus, CVCA supports AB 560 if amended. In opposition of this legislation are various agricultural organizations and the California Association of Counties (CSAC). As shown in Attachment E, CSAC state their opposition as AB 560 serves to further delay lengthy adjudication proceedings and is duplicative of existing law or may serve as a means to provide a veto power over judicial proceeding. County Public

Works staff have reviewed AB 560 and would not be opposed to supporting the bill. Similarly, to AB 779, it would not directly impact County departments, it could affect stakeholders in the Cuyama area.

The Legislative Program Committee recommends the Board of Supervisors approve the attached letters of support for AB 779 and AB 560 and authorize the Chair to sign.

Fiscal and Facilities Impacts:

None.

Attachments:

Attachment A – Draft Support Letter (AB 779)

Attachment B – Draft Support Letter (AB 560)

Attachment C – AB 779 Fact Sheet

Attachment D – AB 560 Fact Sheet

Attachment E – Cuyama Valley Association Support Letters – AB 779/ AB 560

Attachment F – CSAC Coalition Oppose Letter

Attachment G – AB 560 Proposed Amendments

Authored by:

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