

Staff Report for September 11, 2019: ESJ GWA Board Meeting
Draft GSP Comment Review Process

Submitted by Woodard & Curran

Board Meeting Agenda

1. **Approval of July Meeting Minutes** (No accompanying staff report)
 2. **Outreach & Groundwater Sustainability Workgroup Update** (No accompanying staff report)
 3. **Ad-Hoc Committee Recommendation and Input** (No accompanying staff report)
 4. **Draft GSP Public Comment Incorporation Process**
 5. **Overview of Draft GSP Public Comments** (No accompanying staff report)
 6. **Staff Administration for GWA for Implementation** (No accompanying staff report)
 7. **Implementation Next Steps** (No accompanying staff report)
 8. **DWR Update** (No accompanying staff report)
 9. **October Agenda Items** (No accompanying staff report)
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Draft GSP Comment Review Process

ISSUE SUMMARY

The Sustainable Groundwater Management Act (SGMA) places tremendous importance on community engagement throughout the creation of a groundwater sustainability plan (GSP). SGMA requires a groundwater sustainability agency (GSA) encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the GSP. (Wat. Code, §10727.8(a).) SGMA requires each GSP include a summary of the notification and communication the GSA provided to agencies and interested parties. (23 CCR § 354.10.) The summary must include comments on the GSP and a summary of responses provided by the GSA. (23 CCR §354.10(c).) In reviewing the adequacy of the GSP, the Department of Water Resources (DWR) will consider whether an agency has adequately responded to the comments which raise credible technical or policy issues within a plan during its review of a GSP. (23 CCR §355.4(b)(10).)

In the DWR Guidance Document for the Sustainable Management of Groundwater Sustainability Plan (GSP) Annotated Outline published in December 2016, DWR interpreted the requirements above to recommend the GSP contain an appendix of comments received and responses thereto. (DWR Guidance Document for the Sustainable Management of Groundwater Sustainability Plan Annotated Outline, at 10.)

In order to comply with the above requirements and DWR recommendations, the GWA will need to review the GSP comments and determine how to appropriately respond, and if a response is necessary. The GWA released the draft GSP on July 10, 2019 for a public comment period of 45 days ending on August 25, 2019. The GWA instructed the public to provide comments electronically to info@esjgroundwater.org and requested comments be submitted on a template provided on the website.

At the August 14, 2019 Advisory Committee Meeting, the Advisory Committee recommended the Board approve the following processes and protocols. The Board will consider approval on September 11, 2019:

- Provide the GWA members access to comments through a shared FTP location to ensure each individual GSA can individually access and review GSP comments.
- Appoint a temporary, ad hoc committee that is open to staff members from each member without causing a quorum issue of the advisory committee or GWA Board. The comment review ad hoc committee would convene for one meeting, spanning over a period of days, to review the comments, summarize the comments, and provide recommendations to the Advisory Committee regarding responses to comments and potential changes to the GSP.
- Adopt a protocol that requires each GWA member agency forward any GSP comments it receives to the consultant within 3 business days of receipt. The consultant will post comments to the shared database to allow all GWA members access to the comments.

QUESTION FOR CONSIDERATION:

1. How should the GWA review and respond to public comments to best comply with SGMA and DWR recommendations?

CONSULTANT RECOMMENDATION

- Post all public comment letters on ESJ GWA website, www.esjgroundwater.org.
 - Provide direction to consultant to incorporate non-substantive editorial or clarification comments.
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- Convene Ad-hoc committee to review and respond to substantive comments, with 2-3 workshops held prior to October 9, 2019 Board Meeting.
- Ad-hoc Committee to provide recommendations to Board on how substantive comments are handled in the Final GSP and approve consultant moving forward with incorporating responses into the GSP for finalization on November 5, 2019.

BOARD RECOMMENDATION

Board to consider on September 11, 2019
