

Siskiyou County Sustainable Groundwater Management
Butte Valley Advisory Committee Meeting
MEETING SUMMARY

Date/time: October 28, 2021, 3:00 – 6:00 p.m.

Location: Online Virtual Zoom Platform: <https://stantec.zoom.us/j/95544703308>

Key contacts: -Matt Parker, County of Siskiyou Natural Resources Specialist mparker@co.siskiyou.ca.us 530.842.8019
 -Katie Duncan, Stantec Consulting Services, Facilitator katie.duncan@stantec.com 916-418-8245
 -Laura Foglia PhD, U.C. Davis Technical Team Lead lfoglia@ucdavis.edu 530.219.5692

MEETING RECAP

- **Approval of Past Meeting Summary:** The committee approved its July meeting summary for posting on the Siskiyou County Website.
- **Public Comment:** There were no public comments for non-agenda items.
- **District Staff and Other Announcements:** Matt Parker provided an update on behalf of the GSA. Pat Vellines from DWR also shared updates.
- **High-Level Review of Comments Received and the Public Comment Matrix:** The Facilitator provided a high-level review of the comment letters received during the Public Comment Period and an overview of the Public Comment Matrix.
- **Detailed Review of Substantive Technical and Policy Comments and Draft Responses:** The technical team and GSA Legal Counsel reviewed the Multiple Comment Responses to substantive technical and policy comments and answered questions from the Advisory Committee.
- **Discussion: Board Adoption of GSP and Related Action Items:** The Plan will move to the Board of Supervisors on December 7 for adoption, where the Chair will present the opinion of the Advisory Committee. The technical team will continue to update the Plan based on the comments received.
- **Meeting Adjourns**

SUMMARY OF ACTION ITEMS

<i>Action Item</i>	<i>Responsible Party</i>	<i>Status/Deadline</i>
Language in the GSP pertaining to the following topics will be rewritten for clarity: <ul style="list-style-type: none"> • wetlands around Meiss Lake • endangered species 	Technical Team	

View [Siskiyou County's groundwater website](#) for posted meeting materials.

MEETING SUMMARY

Call to Order, Introductions, Agenda Review, and Virtual Meeting Structure

Katie Duncan called the meeting to order, introduced the participants, reviewed the Agenda, and provided an overview of virtual meeting protocols.

Approval of Past Meeting Summary, Update on Action Items

Katie Duncan provided a copy of the previous meeting summary. the Advisory Committee whether there were objections to posting the minutes. Hearing no feedback, the meeting summary from July was approved and will be posted to the County of Siskiyou website.

Public Comment Period – Non-Agenda Items

Katie Duncan solicited public comments on non-agenda items.

District Staff Updates and Other Announcements

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Matt Parker provided an update about changing the language in the Advisory Committee Charter related to membership terms. There will be an opportunity for members of the Committee to indicate if they would like to keep their seat on the Committee or if they would prefer to step down, after GSP Adoption. Matt will provide a summary of the GSP Public Comments to the Board of Supervisors on November 2nd. The Tulelake groundwater consultant will also provide an update on the development of their GSP at the 11/2 Board Meeting. Further, that meeting will include an update on the State Water Board emergency curtailments in place in the Shasta and Scott subbasins.

Pat Vellines provided several updates from DWR:

1. The AEM flights for Shasta Valley will occur on October 29 and 30; October 30 and November 1 for Scott Valley; and November 1 and 2 for Butte Valley. You can learn more at: www.water.ca.gov/water-basics/drought/drought-funding
2. Small communities drought relief funding and urban and multi-benefit drought relief grants are available on the DWR website: www.water.ca.gov/water-basics/drought/drought-funding
3. The Sustainable Groundwater Management Office hosted several webinars last week and recordings will be posted online. One meeting pertained to the GSP Submittal process. Another relates to resources for SGMA implementation: grants for communication and outreach. Lastly, one webinar is on the topic of data accessibility.

Laura Foglia shared that their team, with Melissa at the City of Dorris, submitted a project application for one of the DWR grants.

High-Level Review of Comments Received and the Public Comment Matrix

Katie Duncan provided an overview of the comment letters received, the comment review process, the grouping of comments, and the scope of today's review. She asked the group whether there were any Group B or C comments that should be elevated to Group A or discussed today. She also asked if there were any questions about the Comment Matrix. The Advisory Committee did not ask questions or elevate comments.

Detailed Review of Substantive Technical and Policy Comments and Draft Responses

The Facilitator reviewed the various comment sub-categories and introduced Siskiyou County Legal Counsel, Aaron Ferguson, who will provide thoughts on comments that require legal response.

Aaron Ferguson started with an overview of the Butte Valley GSP's approach to meeting **Public Trust Doctrine** requirements. Based on existing monitoring data, there is no clear connection between navigable waters (the purview of the Public Trust Doctrine) and groundwater resources. He explained why the GSP has not established Sustainable Management Criteria (SMCs) for Interconnected Surface Waters (ISW). Thomas prompted Aaron to provide an explanation for what constitutes navigable waters. Patrick Graham also weighed in. Thomas added that from a technical perspective, there is not enough existing data to establish an ISW SMC. They have classified this as a data gap that the SMC can be addressed in the Plan's five-year update.

- Janae Scruggs (CDFW) added that their letter pertaining to PTD referenced to concerns around wetlands rather than navigable waters. She cited page 12 about ecological services protected by PDT.
- Aaron replied that the extent to which the wetlands are connected to Meiss Lake via interconnected surface waters is uncertain. To the extent that there is not a documented impact, PDT is not triggered. If such an ISW connection is established, the County's read of ELF is that it applies to the well permitting context, so the PDT wouldn't necessarily require a specific action by the GSA. Thomas added that in the Scott and Shasta subbasins, there is a clear connection between surface water and groundwater, so the Public Trust Doctrine was clearly applicable. Based on data collected in recent years, there is evidence that groundwater is pumped into Meiss Lake, but not that there is a natural inflow. The technical team is confident that the Plan meets the legal requirements of SGMA. Aaron emphasized that the definition of a groundwater-dependent ecosystem (GDE) precludes the inclusion of Meiss Lake as a GDE.
- Richard Nelson asked whether the GSP should include an Appendix, laying out how the GSA will fill the ISW data gap. Thomas replied that the GSP does list the data gaps that will be addressed in implementation. He clarified that the GSP does not need to include an on-the-ground project to address the data gap in order to be considered complete.

Aaron Ferguson discussed how the GSA approached addressing state and federal protections for **endangered species**. He believes the Plan is consistent with the required protections. To the extent that there is an indication of potential impact, those details about the species have been included in the Plan. Should any endangered species not be listed in the GSP, he encourages the commenter to relay that information to the GSA and they would incorporate them.

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Pat Graham corrected a statement made earlier, regarding about whether Meiss Lake receives water from groundwater pumping. Thomas apologized for his misrepresentation and clarified that water is pumped to the wetlands, but not to Meiss Lake.

- Thomas asked CDFW to clarify whether they're suggesting that since the wetlands used to be part of Meiss Lake, they should be treated as navigable waters. Janae clarified that CDFW believes PDT does apply, but not on the grounds of navigability. She does not agree with Aaron's point of view and suggests they take the conversation offline to compare relevant data. Pat Graham clarified that the wetlands in question are jurisdictional wetlands.
- John Bennett asked whether the wetland is still a wetland if relies on pumped groundwater to be maintained. Pat Graham listed characteristics of wetlands and noted that he does not have the legal definition in front of him.

The Facilitator turned the conversation to comments related to **Groundwater Dependent Ecosystems (GDEs)**. Thomas noted that in this initial assessment, based on limited data and funding, the GSP's task is to identify what the current data suggests are GDEs. The plan accomplishes this. Moving forward, the GSA will evaluate whether there are additional GDEs and incorporate them into the Plan accordingly. In the meantime, the GSP's approach to groundwater levels includes an operational margin that will protect potentially unidentified GDEs in line with historical levels. He emphasized that SMCs cannot be set based on hypotheticals.

- Aaron provided additional information about the SGMA regulations with respect to undesirable results. The GSA does not need to set an SMC if there is no evidence that undesirable results could occur. For this reason, there is no data to support setting SMCs for ISW right now, though this will be monitored.

The Facilitator asked Thomas and Aaron to comment on how the **Monitoring Networks** will address data gaps. Thomas explained that the monitoring network density is consistent with (and, in fact, exceeds) DWR's guidance. He noted that the GSA has acknowledged its lack of capacity and there will be efforts to collaborate with CDFW and others to carry out the monitoring efforts described in the Plan.

Katie raised the topic of **Water Budgets** and sustainable yield. Thomas spoke to the concerns around declining water levels in Butte Valley, but relayed that their analysis has found that the basin is not in overdraft, even under climate change scenarios. He noted that the sustainable yield value is responsive to changing conditions. This will be clarified in the Plan, but no significant changes will be made.

Katie reviewed comments related to **Projects and Management Actions** as well as the General comments, which have already been addressed in the preceding conversation.

Katie confirmed that the language in the GSP pertaining to wetlands around Meiss Lake will be rewritten for clarity.

Katie Duncan asked the Advisory Committee whether anyone had additional questions about the Group A comments discussed today. The group had no questions.

Matt Parker provided an overview of the next steps toward Plan Adoption. Matt will bring an update to the Board of Supervisors on November 9. The Board of Supervisors will hold a Public Hearing to Adopt the GSP on December 7. The Plan will be submitted to DWR by January 31, 2022. After the Plan is submitted, DWR holds a 75-day public comment period, then has two years to review and approve the Plan. Matt clarified that if a Plan is inadequate, DWR does not immediately fail a plan; they work with the GSA to remedy any shortcomings. The GSA will not wait until the plan is approved to begin taking actions. Matt provided an overview of the activities the GSA will take in Year 1 of implementation. The GSA will initiate projects and management actions, prepare annual reports, and eventually a five-year update.

Richard Nelson commended Thomas Harter and Aaron Ferguson's presentation today. He confirmed with Katie that the Comment Matrix will become a part of the public record.

Discussion: Board Adoption of GSP and Related Action Items

Katie asked the Advisory Committee members to weigh in on whether they are comfortable with the plan moving forward and to relay any additional comments they would like to be included in the presentation of the Plan.

Richard Nelson recommends the adoption of the plan.

Greg Herman recommends the adoption of the plan.

Don Bowen agrees to move forward, pending the changes discussed today. He also suggested clarifying language about Endangered Species.

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Melissa High recommends the adoption of the plan.

Pat Graham would prefer the Plan better address the Public Trust Doctrine and GDEs, but is otherwise willing to move forward. He raised the question of whether the fee structure discussion from the July meeting had been resolved. Matt Parker provided detail about the financing of Year 1 activities. He confirmed that the funding details will be clarified in the final budget.

Matt informed the group that the Final Plan will be published online prior to the December 7 Board Meeting and any Advisory Committee member with comments based on that version could relay those added comments.

Steve Lutz is concerned about the lack of funding source, but is in favor of moving forward with adopting the Plan.

Matt Parker provided closing thoughts on the process of preparing the GSP and expressed his appreciation for the time and energy the Advisory Committee and the public have invested. Thomas Harter also expressed his thanks to the group. Richard Nelson thanked the Committee members.

The meeting adjourned at 5:13 PM.

ATTENDEES:

Advisory Committee Members Present:

Richard Nelson, Private Pumper
Melissa High, City of Dorris
Patrick Graham, CDFW Butte Valley Wildlife Refuge
Don Bowen, Residential
Steve Lutz, Butte Valley Irrigation District
Greg Herman, Private Pumper

Advisory Committee Members Absent:

Don Crawford, Private Pumper
Howard Wynant, Tribal Representative
Steve Albaugh, Private Pumper

Agency Staff and Members of the Public Present:

Janae Scruggs, CDFW
Pat Vellines, DWR
John Bennett

Project Team Staff:

Matt Parker
Aaron Ferguson
Katie Duncan
Marisa Perez-Reyes
Thomas Harter
Bill Rice
Laura Foglia
Claire Kouba
Katrina Arredondo