

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

Date/time: October 26, 2021, 3:00 – 6:00 p.m.

Location: **This is a hybrid meeting. Participants can attend in-person or virtually.**

In Person: LTC Conference Room
 190 Greenhorn Road
 Yreka, California 96032

Virtual Online Zoom platform: <https://stantec.zoom.us/j/91016698696>

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:** Although the Advisory Committee did not receive unanimous consent, it did reach a majority and the Plan will move to the Board of Supervisors on December 7 for adoption. The dissenting opinions from Gregg Warner and Grant Johnson will be presented along with the Plan to the Board. 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>
Suggestions for language to be added to the GSP: <ul style="list-style-type: none"> • Explanation of Public Trust Doctrine and how it does or does not apply in the context of the GSP. • Add information about how the Plan considers protection of endangered species. • Prepare a focused and updated table for data needs/ data gaps, similar to the table to be developed for PMAs. • Update schedule to include interim milestones to reassure the public that the Plan will be updated prior to the five-year update. 	Technical Team	
Follow up on the concern shared by Leah Easley, regarding the minimum threshold for surface water.		

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

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

Katie Duncan called the meeting to order and introduced the in-person Facilitator, Kelly Davenport. The in-person attendees made self-introductions. Katie Duncan introduced the online attendees. The Facilitators reviewed the Agenda.

Approval of Past Meeting Summary, Update on Action Items

Katie Duncan provided a copy of the previous meeting summary and asked 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.

Steve Griset began to provide public comments related to the GSP, but the in-person facilitator asked them to wait until later in the agenda to ask questions or provide feedback on the GSP.

District Staff Updates and Other Announcements

Matt Parker provided an update about attendance on the Advisory Committee and the language in the Charter. 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. The Public Hearing to Adopt the GSP will be held at the Board of Supervisors Meeting on December 7.

Pat Vellines provided several updates from DWR:

1. The AEM flights for Shasta Valley will occur on October 29, 30; October 30 and November 1 for Scott Valley, and Nov 1, 2 for Butte Valley. Results from the flights will be available in six months. Pat provided the following additional information about flight lines:
 - a. All parcel owners within 500 meters of the planned Airborne EM flight lines will receive a letter from DWR notifying them that the surveys will be conducted in their area. The flight lines are draft until flown and may change due to on-ground conditions, which is the reason for notifying parcels owners in the buffer zone. The actual flown flight lines will be shared with the public post data collection.
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.

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

Katie Duncan provided an overview of the comment letter review process, the grouping of comments, and the scope of today's review. She asked the Advisory Committee members whether there were any Group B or C comments that should be elevated to Group A and included in today's discussion. There were no specific items or requests.

Detailed Review of Substantive Technical and Policy Comments and Draft Responses

The Facilitator introduced the Group A comments that necessitate a response from the District's consulting Legal Counsel, Aaron Ferguson. The first topic is related to Public Trust Doctrine.

Aaron Ferguson provided an overview of the extent to which the GSP addresses the **Public Trust Doctrine**.

- Amanda Cooper questioned whether the County considered Public Trust since it wasn't cited in the GSP. Since the Shasta River is interconnected with groundwater, she wants clarification. Ferguson replied that the doctrine applies in the well permitting context. While the Doctrine is not directly referenced in the plan, it's not to say that it hasn't been a point of conversation. He suggests adding language the Chapter 2 or 3 to explain the Doctrine and how it does or does not apply in this context.
- Grant Johnson asked for clarification on who has authority over well drilling or monitoring. Ferguson clarified that although there is overlap between the members of the Flood Control District and the Board of Supervisors, they are organizationally distinct. Matt Parker provided clarification about well permitting authority. There is language in

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the Plan about how the District (GSA) plans to coordinate with the County Environmental Health Department. Ferguson pointed to the Management Action of no net expansion of groundwater use; that action speaks to the close coordination with the Environmental Health department. An in-person attendee contests that “contemplating a relationship” may not be specific enough to be useful.

- Amy Campbell, The Nature Conservancy, asked how other GSPs or GSAs interpret their role, as it relates to Public Trust Doctrine. They find it duplicitous that the County holds both the authority to set plans and regulate them. Aaron Ferguson is not familiar with another plan that explicitly references Public Trust Doctrine. Laura Foglia added that based on her experience working in other subbasins, they did not include Public Trust and they received no comments about it.

The Facilitator introduced the next topic related to broader regulations: **Endangered Species Act**. Aaron Ferguson introduced background information about the federal and state laws concerning protections for endangered species. Ferguson claimed the approach the GSP takes in adopting minimum thresholds for interconnected surface waters and in-stream flows sufficiently protects ESA listed species.

- Grant Johnson asked for clarification about the analysis. Laura Foglia replied that they did not have the data or the time to conduct specific studies related to each ESA species. One of the first steps of implementation is to coordinate with agencies to address this data gap. The technical team is updating the language of this PMA to be more clear about the work that will be undertaken to protect endangered species.
- Laura Foglia spoke broadly about the data gaps in the plan and the actions built into the implementation phase to address those gaps.
- Gregg Werner expressed concern that if the GSA, which does have the authority and the legal responsibility to protect water, does not provide a strong lead, then other agencies and entities would lack the incentive to take actions. Aaron Ferguson clarified that regardless of the specific actions referenced in the Plan (particularly the lack of restrictive actions), the GSA still retains the authority granted by SGMA to restrict groundwater pumping.

Aaron Ferguson spoke to the scope of the temporary **SWRCB Emergency Regulations**. His view is that the regulations are informative, but they do not dictate that the GSA take specific action to hit flow targets. He believes the Plan is consistent with the regulations, and therefore meets the requirement related to consistency.

The Facilitator introduced the comments related to **Interconnected Surface Waters (ISW)**, of which there are 17 related to how the minimum threshold and measurable objectives were determined. The technical team prepared a Multiple Comment Response related to ISW. Laura Foglia provided an overview of the Multiple Comment Response, reminding the group that because the technical team had a very limited set of data on streamflow depletion for the Shasta River, the Advisory Committee determined to take a high-level approach to ISW in this iteration of the Plan. The ISW model will be calibrated based on supplementary data that will be gathered. Laura addressed Leah Easley’s questions about Little Shasta River.

- Gregg Werner believes stronger steps need to be taken to protect Interconnected Surface Waters—not just for environmental users, but for everyone. Tristan Allen spoke to the limitations of SGMA as it relates to water rights and the State Water Board curtailments and the importance of local control. John Tannaci expressed his confidence in the group’s ability to work together to overcome any shortcomings in the GSP. David Webb reiterated the iterative, step-by-step approach the GSA needs to take.
- Steve Griset stated that given that there is currently no overdraft in the basin, why are there curtailments? Laura Foglia clarified that while the basin is not overdrafted, there is a timing problem: more water in winter, not enough in summer.

The Facilitator introduced comments related to **Implementation**, particularly the selection of **Project Management Actions (PMAs)**, the implementation of those actions, and the funding that would support the implementation of the Plan. Laura Foglia provided an overview of the Multiple Comment Response the technical team has prepared. Matt Parker provided input from the GSA perspective on the approach to PMA implementation.

- Amy Campbell requested clarification about what portion of the work laid out in the PMAs is funded and how much still needs to be awarded funding? Matt clarified that most of the modeling work has been funded, but additional funding sources need to be obtained. Laura Foglia added that the technical team has funding to update the model. Because the first round of SGMA implementation funding is released in the fall of 2022, Laura anticipates the GSA will have funds to get them through to that date.
- Gregg Werner requested additional information related to domestic well monitoring.

Katie Duncan solicited overall feedback from Advisory Committee Members.

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Grant Johnson relayed his concern with about how little the GSP will change, based on the Multiple Comment Responses provided today. He wants the GSA to incorporate the feedback that's been discussed. He expressed concern on behalf of the Karuk Tribe for the lack of immediate actions proposed by the GSA, especially given the current demands on the water supply system. Laura clarified that the technical team is changing the GSP based on comments received. Although the content will remain mostly the same, there are going to be edits to provide clarification and additional information.

Related to Gregg's earlier comment, Laura noted that a more detailed table related to the implementation schedule will be added to Chapter 5.

Laura and Leah Easley discussed the justification for how the technical team set the minimum threshold for surface water. Amy Campbell expressed concerns that the minimum threshold appears to prioritize groundwater pumpers by considering post-pumping flows in the river to be "baseflow," and that the needs of fish have been deprioritized. The Facilitators flagged the conversation for follow-up after the meeting.

Ethan Brown asked whether the technical team could prepare a focused and updated table for data needs/ data gaps, similar to the table to be developed for PMAs. Katie indicated that she would pass this question along to the technical team.

Amy Campbell asked for clarification about when the Plan would be updated, per data that will be gathered in 2022, asking if it would have to wait for the five-year update or whether it could start sooner. Laura confirmed that there is room for changing the plan "as we go." Amy suggested incorporated milestones in the schedule to reassure the public that the Plan will be updated prior to 2027. Laura agreed.

Discussion: Board Adoption of GSP and Related Action Items

Kelly Davenport, the in-person facilitator, asked the TAC to weigh in on their level of comfort with recommending the Board adopt the Plan.

Steve Mains does not believe there is much about this Plan that will change before the December 7th adoption date, other than what we've already discussed. He asked Laura if she is confident that the Plan will pass DWR's scrutiny. Laura replied that many people want to see a strong commitment to implementation, so the technical team will endeavor to update the chapter accordingly. Regarding the question about DWR: she cannot speculate. She does not think the Plan suggests actions that cannot be achieved and it doesn't make statements without having adequate data to back them up.

Jim Simondet asked for clarification about what happens after the Plan is adopted by the Board on December 7th, and requested detail about DWR's two-year comment period. Matt Parker provided additional information about the process it takes to upload and submit the GSP. Pat Vellines relayed that DWR is reviewing single-GSA/ single-Plan subbasins first, so this Plan will be reviewed on the earlier end of the two-year period. Laura and Aaron added that the GSA will move forward with implementation, moving in confidence that the Plan will be approved, even if it does receive comments from DWR that require consultation and/or revisions.

John Tannaci recommends the recommendation.

Lisa Faris views this plan as the bare-bones that has a lot of room for expansion. There are many comments from the public that could be incorporated into the plan. She recommends sending it to the Board.

Justin Holmes voiced that the GSA has to start somewhere, so he recommends the recommendation.

Gregg Werner believes this Plan recommends a great effort, but there are a number of aspects that need to be incorporated before they Advisory Committee should recommend adoption. Katie asked Gregg to provide a formal list of his objections, which Matt can include in the packet that is distributed to the Board of Supervisors.

Steve Mains supports the recommendation.

Blair is not in favor of anything, but recommends sending it to the Board to "let them deal with it."

Grant Johnson would like to see the team incorporate the comments that were submitted. He cannot endorse the Plan as it stands, especially as it is a Draft. He is anxious to see the Final. Katie referenced the government-to-government consultation between the GSA and the Karuk Tribe planned and the potential for resolving concerns at that time. Grant's objection will be recorded and relayed to the Board.

Tristan Allan supports sending the Plan to the Board.

Robert Moser was no longer on the call and could not offer a recommendation.

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Katie noted that although the Advisory Committee did not receive unanimous consent, it did reach a majority and the Plan will move to the Board of Supervisors on December 7. The dissenting opinions from Gregg Warner and Grant Johnson will be presented along with the Plan to the Board. The technical team will continue to update the Plan based on the comments received.

Matt Parker thanked the participants for attending. Katie adjourned the meeting at 6:00 PM.

ATTENDEES:

* = *virtual attendee*

Advisory Committee Members Present:

Steve Mains, Granada Irrigation District
Gregg Werner, Environmental/Conservation
Justin Holmes, Edson-Foulke Ditch Company
John Tennaci, Residential
Lisa Faris, Big Springs Irrigation District
Blair Hart, Private Pumper
*Tristan Allen, Montague Water Conservation District
*Robert Moser, Municipal/City (Lake Shastina Community District) [left early]
*Grant Johnson, Karuk Tribe

Advisory Committee Members Absent:

Pete Scala, Private Pumper
Justin Sandahl, Shasta River Water Users Association

Agency Staff and Members of the Public Present:

*Amanda Cooper, CalTrout
Amy Campbell
*Asil Donna
*David Webb
*Ethan Brown
*Ginger Sammito
*Janae Scruggs, CDFW
*Jessica Boyt, DWR
Jim Halpenny
Jim Simondet
*Leah Easley
*Lena Germinario, CDFW
Linda Rose
*Pat Vellines, DWR
*Patrick Graham
Steve Griset

Project Team Staff:

Matt Parker
*Natalie Reed
*Aaron Ferguson
*Katie Duncan
*Marisa Perez-Reyes
Kelly Davenport
*Laura Foglia
*Andrew Calderwood
*Katrina Arredondo
*Thomas Harter