

**SACRAMENTO CENTRAL GROUNDWATER AUTHORITY
REGULAR MEETING OF THE BOARD OF DIRECTORS**

Wednesday, November 9, 2011; 9:00 am
10060 Goethe Road
Sacramento, CA 95827
(SASD South Conference Room No. 1212 – Sunset Maple)

The Board will discuss all items on this agenda, and may take action on any of those items, including information items and continued items. The Board may also discuss other items that do not appear on this agenda, but will not act on those items unless action is urgent, and a resolution is passed by a two-thirds (2/3) vote declaring that the need for action arose after posting of this agenda.

The public shall have the opportunity to directly address the Board on any item of interest before and during the Board's consideration of that item. Public comment on items within the jurisdiction of the Board is welcomed, subject to reasonable time limitations for each speaker.

- 1. CALL TO ORDER AND ROLL CALL – 9:00 a.m.**
- 2. PUBLIC COMMENT:** Members of the public who wish to address the Board may do so at this time. Please keep your comments to less than three minutes.
- 3. CONSENT CALENDAR**
 - Minutes of July 13, 2011 Board meeting.
Action: Approve Consent Calendar items
- 4. ELECTION OF OFFICERS**
 - Election of Chair and Vice Chair of the Board of Directors.
Action: Elect Chair and Vice Chair of the Board of Directors of the Sacramento Central Groundwater Authority for calendar year 2012 in accordance with Section 3.06(a) of the Rules of Procedure.
- 5. GROUNDWATER DATA POLICY**
 - Information presentation and discussion: SCGA staff.
Action: Adopt Policy 300.1, Groundwater Data Policy.
- 6. EXECUTIVE DIRECTOR'S REPORT**
 - a) California State Groundwater Elevation Monitoring (CASGEM)
 - b) Legislation/Regulatory Update
 - c) Groundwater Survey
 - d) Grant Update
 - e) South Area Water Council
 - f) Sacramento Water Recycling Coalition

7. DIRECTORS' COMMENTS

ADJOURNMENT

Upcoming meetings –

Next SCGA Board of Directors Meeting – Wednesday, January 11, 2012, 9 am;
10060 Goethe Road, South Conference Room No. 1212 (Sunset Maple).

AGENDA ITEM 3: CONSENT CALENDER

BACKGROUND:

Minutes of the July 13, 2011 SCGA Board meetings.

STAFF RECOMMENDATION:

Action: Approve Consent Calendar items.

SACRAMENTO CENTRAL GROUNDWATER AUTHORITY (SCGA)
Governing Board Meeting
Draft Minutes
July 13, 2011

LOCATION: 10060 Goethe Road, Room 1212
Sacramento, CA 95827
9:00 a.m. to 11:00 a.m.

MINUTES:

1. CALL TO ORDER AND ROLL CALL

The following meeting participants were in attendance:

Board Members (Alternate Rep):

Darren Wilson, City of Elk Grove
Elizabeth Sparkman, City of Rancho Cordova
Jim Peifer, City of Sacramento
Herb Niederberger, County of Sacramento/Sacramento County Water Agency
Anthony van Steyn, Agricultural Interests
Rick Bettis, Conservation Land Owners
Edwin Smith, Public Agencies Self-Supplied
Ed Crouse, Rancho Murieta Community Services District
David Armand, California-American Water Company
Dave Ocenosak, Sacramento Regional County Sanitation District
Paul Schubert, Golden State Water Company

Staff Members:

Darrell Eck, Executive Director
Heather Hawke, Board Clerk
Ping Chen
Ramon Roybal

Others in Attendance:

Rodney Fricke, Aerojet
Jim Blanke, RMC/WRIME Inc.
Jose Ramirez, Sacramento Regional County Sanitation District
Rob Swartz, Sacramento Groundwater Authority
William Hughes, ASE Inc.

Member Agencies Absent

City of Folsom
Elk Grove Water District
Agricultural-Residential
Omochumne-Hartnell Water District

2. PUBLIC COMMENT

None

3. CONSENT CALENDAR

The draft meeting minutes for the meeting held on March 9th, 2011 were reviewed for final approval.

Motion/Second/Carried – Mr. Bettis moved, seconded by Mr. Smith, the motion carried unanimously to approve the minutes.

4. BUDGET COMMITTEE REPORT

A motion to approve the Fiscal Year 2012 was pending votes from the City of Elk Grove and the City of Folsom. Mr. Niederberger reiterated that the Joint Powers Agreement called for a unanimous vote of JPA signatories along with a majority vote of all other board members.

Motion/Second/Carried – Mr. Smith moved, seconded by Mr. Bettis, the motion carried unanimously to approve the minutes once pending votes from the city of Elk Grove and the city of Folsom are received.

5. UPDATE ON THREATS TO GROUNDWATER QUALITY ANALYSIS

Jim Blanke from RMC/WRIME Inc. provided an update on the modeling analysis of the potential mobility of contaminant plumes originating from the Aerojet-Boeing Corporation, McClellan, Mather, and downtown rail yard cleanup areas. Mr. Blanke mentioned that the project's approach was to track particles conservatively. Mr. Blanke mentioned that going forward there may be a need to account for new supply wells, new development projects, regional boundary modeling, and remediation pumping.

6. UPDATE ON PROCESS TO REVISE THE AMERICAN RIVER BASIN INTEGRATED REGIONAL WATER MANAGEMENT PLAN

Mr. Swartz discussed the State's objectives regarding the process as being primarily to improve water supply reliability, protect and improve water quality, ensure sustainability through environmental stewardship, promote multiple benefits from project investments, promote integration and regional planning, and to promote local agencies to build facilities. Mr. Swartz listed modified boundaries, upper basin coordination, goals and objectives (providing reliable, sustainable water supply to meet existing/future needs of region), new governance structure, region acceptance process, consideration of needs of disadvantaged communities, climate impacts and additional stakeholder outreach as having been targeted for improvement and updating. He also added protecting and enhancing the quality of

surface, groundwater and environmental resources, such as water sheds within the region and people's properties from flood damage as additional elements. Mr. Swartz described two year planning horizon, January 2011 to January 2013, with the primary focus of tasks for the IRWMP to consist of basic data, disadvantaged area communities (DAC) involvement, climate, goal/objectives, web interface, projects, prioritization and planning/preparation.

7. GROUNDWATER DATA POLICY

Mr. Eck reported that SCGA staff had a number of requests to provide information submitted to the Authority by its member agencies and no clear policy exists to provide direction on how information should be shared and what should be kept confidential. The SGA Board has had a similar discussion and on June 9, 2011 adopted a Groundwater Data Policy. The policy defines the role of SGA in managing and disseminating data on behalf of their member agencies. With the update of the HydroDMS the managing, availability, and dissemination of information will become more of an issue. Development and implementation of a policy similar to that adopted by the SGA Board will make decisions regarding the sharing of member agency information easier to manage, regionally consistent, and provide greater piece of mind.

8. EXECUTIVE DIRECTOR'S REPORT

Mr. Eck began by announcing that the City of Elk Grove had voted to approve the FY2012 budget leaving the City of Folsom as the last JPA signatory to submit a vote.

Mr. Eck then reported on the following:

- a) California State Groundwater Elevation Monitoring (CASGEM) – Work and coordination is being continued for consistent monitoring plans.
- b) Legislation/Regulatory Update – AB359 requires a map for recharge areas included in plans/maps.
- c) Groundwater Management Planning in California
- d) South Area Water Council -
- e) Sacramento Water Recycling Coalition - Updated website.

9. DIRECTOR'S COMMENTS

Mr. Peifer reported that the City of Sacramento was in the process of updating their water master plan and that it may call for increased use of groundwater in the central basin.

Mr. Wilson announced that the City of Elk Grove storm drain master plan EIR was planned for public review by the end of July. He also announced the showcase of his City's demonstration rain garden.

ADJOURNMENT

Upcoming Meetings –

Next SCGA Board of Directors Meeting – Wednesday, September 14th, 2011. 10060 Goethe Road, Sacramento, CA; SASD South Conference Room 1212 (Sunset Maple).

By:

Chairperson

Date

Date

AGENDA ITEM 4: ELECTION OF OFFICERS

BACKGROUND:

Section 3.06(a) of the Groundwater Authority's Rules of Procedure provide that the Chair and Vice Chair serve for a term of one calendar year.

STAFF RECOMMENDATION:

Action: Elect Chair and Vice Chair of the Board of Directors of the Sacramento Central Groundwater Authority for calendar year 2012 in accordance with Section 3.06(a) of the Rules of Procedure.

AGENDA ITEM 5: GROUNDWATER DATA POLICY

BACKGROUND:

From time to time, there have been requests by outside entities for information submitted to the Authority by its member agencies. Currently, no clear policy exists to provide direction on how information should be shared and what should be kept confidential. As was discussed at the July 13, 2011 Board meeting, the SGA Board addressed this issue by adopting a Groundwater Data Policy. The policy defines the role of SGA in managing and disseminating data on behalf of their member agencies. With the update of the HydroDMS the managing, availability, and dissemination of information will become more of an issue. Development and implementation of a policy similar to that adopted by the SGA Board will make decisions regarding the sharing of information easier to manage, regionally consistent, and provide greater piece of mind to both the Authority and its member agencies.

STAFF RECOMMENDATION:

Action: Adopt Policy 300.1, Groundwater Data Policy.

SACRAMENTO CENTRAL GROUNDWATER AUTHORITY POLICIES AND PROCEDURES MANUAL

Policy Type : Operations
Policy Title : Groundwater Data Policy
Policy Number : 300.1
Date Adopted : November 9, 2011
Date Amended :

1.0 Purpose

The purpose of this Groundwater Data Policy (“Policy”) is to establish a methodology for the Sacramento Central Groundwater Authority (“Authority”) to receive data from member agencies and to respond to data requests that ensures the confidentiality of the data are maintained.

2.0 Scope

This Policy applies to all groundwater data that are currently in the possession of the Authority or that the Authority will acquire in the future.

3.0 Recitals

- 3.1. WHEREAS, the Authority is a joint powers agency formed pursuant to the Joint Exercise of Powers Act (Cal. Gov’t Code section 6500, et seq.) and acts pursuant to the authority of its member agencies; and
- 3.2. WHEREAS, the mission of the Authority is to manage, protect and sustain the groundwater resources of the basin of Sacramento County south of the American River consistent with the Water Forum Agreement for the benefit of the water users within the basin, and to coordinate with other management entities and activities throughout the region; and
- 3.3. WHEREAS, the Authority, in carrying out its mission, has need to acquire groundwater data (e.g. well location, geological information, water quality and water level data) from its member agencies and compile the data in a data management system; and
- 3.4. WHEREAS, the member agencies have developed or acquired confidential, technical and proprietary information relating to well construction, groundwater data and water quality information (“Confidential Information”) and that all parties wish to ensure that the Confidential Information which may be

disclosed pursuant to this Policy is treated in strictest confidence consistent with the requirements of law; and

- 3.5. WHEREAS, such Confidential Information is not general public knowledge, is proprietary and/or confidential and is being disclosed on a limited basis, voluntarily, under the terms and conditions of this Policy; and
- 3.6. WHEREAS, the Authority has received requests from both the public and its member agencies for the groundwater data it has acquired; and
- 3.7. WHEREAS, member agencies have requested the Authority to respond to a data request on its behalf; and
- 3.8. WHEREAS, the California Public Records Act (Gov't Code section 6250, et seq.) declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the state; and
- 3.9. WHEREAS, notwithstanding the intent of the California Public Records Act, the Act also exempts numerous types of information from public disclosure, including
 1. geological and geophysical data (Gov't Code section 6254(e));
 2. well completion reports (Cal. Water Code section 13752);
 3. disclosure of a public record to a public agency pursuant to an agreement to treat the material as confidential (Gov't Code section 6254.5(e)); and
 4. any information where, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Gov't Code section 6255); and
- 3.10. WHEREAS, the Authority and its member agencies agree that subject to the discretion of the individual member agency, such Confidential Information is exempt from public disclosure but may be disclosed on a limited basis pursuant to the statutory provisions cited above, and they further agree not to dispute or in any manner contest or object to a member agency's determination or policy or policies in this regard; and
- 3.11. WHEREAS, the Authority, as a public agency subject to the California Public Records Act, is in need of a written Policy for acquisition of data from its member agencies and to respond to internal and external data requests that ensures the confidentiality of the data are maintained.

NOW THEREFORE, BE IT RESOLVED THAT:

1. Member agencies shall provide groundwater data to the Authority under a claim of confidentiality and shall have all documents marked as confidential.

2. All data submitted to the Authority by a member agency shall be pursuant to an agreement to treat the material as confidential.
3. The Authority shall maintain all groundwater data as confidential, pursuant to the claims at the time of submission. Only persons authorized in writing by the Executive Director of the Authority shall obtain the confidential information on behalf of the Authority and only for the purposes that are consistent with existing law.
4. The Authority shall immediately notify a submitting member agency of any request for information from a member of the public in order to allow sufficient time to assert any exclusions or privileges that may be available by law.
5. The Authority may not disclose any data to the public without the express authorization of the submitting member agency.
6. The Authority may assert any applicable exclusion or privilege, either on its own behalf or on behalf of a member agency.
7. If any information is required to be disclosed pursuant to law or court order, the member agency shall work with the Authority to comply with the disclosure request while limiting the disclosure in a manner to preserve the confidential and proprietary nature of the Confidential Information.
8. To the extent that a Public Record Act request is made of the Authority and the Authority has been unable to convince the requestor to seek the data directly from the member agency, the member agency/agencies whose data are being sought shall fully and completely defend, indemnify and hold Authority harmless for its costs with respect to asserted exclusions or privileges.
9. The Authority shall disclose groundwater data to a member agency on the condition that the member agency agrees in writing to protect the confidentiality of the records and to limit their disclosure to persons who are employed or retained by the agency and who have signed an agreement to maintain the confidentiality of the records.
10. The Authority shall disclose groundwater data to a public agency only if the public agency requires the information to perform its legally mandated duties and the public agency agrees in writing to protect the confidentiality of the records and to limit their disclosure to persons who are employed or retained by the agency and who have signed an agreement to maintain the confidentiality of the records.

AGENDA ITEM 6: EXECUTIVE DIRECTOR'S REPORT

- a) California State Groundwater Elevation Monitoring (CASGEM)
- b) Legislation/Regulatory Update
- c) Groundwater Survey
- d) Grant Update
- e) South Area Water Council
- f) Sacramento Water Recycling Coalition

November 9, 2011

TO: SACRAMENTO CENTRAL GROUNDWATER AUTHORITY BOARD

FROM: DARRELL ECK

RE: EXECUTIVE DIRECTOR'S REPORT

- a) **California State Groundwater Elevation Monitoring (CASGEM)** – Authority staff continues to coordinate with DWR to complete development of the groundwater elevation monitoring plan for the Central Basin. Formal submittal of the Authority's plan is expected later this month.
- b) **Legislation/Regulatory Update** – AB 359 (Huffman) requires a map identifying groundwater recharge areas for the basin be included in a groundwater management plan. The bill would also require that the local agency provide the map of the groundwater recharge areas to local planning agencies and notify the department (meaning DWR) and other interested persons when a map is submitted to those local planning agencies. This bill was signed by the governor on October 8, 2011. SB 263 (Pavley) would require that reports filed with DWR for digging, boring, or drilling water wells, cathodic protection wells, monitoring wells, or abandons or destroys a well, or deepens or re-perforates a well make these reports available to the public. The bill would also prohibit the State Department of Public Health from preventing the disclosure of information provided in these reports. This bill was vetoed by the governor.
- c) **Groundwater Survey** – The Association of California Water Agencies (ACWA) and the California Department of Water Resources (DWR) has requested the water community to complete an on-line survey regarding groundwater management activities in California. The survey is focused on compiling information about groundwater management efforts statewide to share with policy makers and other stakeholders. The survey data will also help identify areas where local groundwater management efforts should be expanded and where local agencies may need assistance to develop and implement sustainable groundwater management activities. This is especially important as opportunities arise to secure funding for groundwater projects. ACWA and DWR are also interested in learning about groundwater banking projects in California so information is available for those who may want to learn more about this valuable water management tool. Staff responded to the survey on November 4, 2011.
- d) **Grant Update** – DWR has recently announced that it expects the next round of applications for AB 303 grants to be released in Spring 2012.

- e) **South Area Water Council** – The Southeast Sacramento County Agricultural Water Authority Board met on October 25, 2011 to discuss expansion of their JPA to include other participants and provide a means for the adoption and implementation of a groundwater management plan covering the South Basin. At that meeting the Board asked that each potential participant be approached to determine their “intent and expectation” for being a part of the JPA. This process is on-going. A copy of the South Area Water Council’s draft groundwater management plan can be found at:

<http://www.ohwd.org/southgmp.html>

- f) **Sacramento Water Recycling Coalition** – The Sacramento Water Recycling Coalition (Coalition) met on October 25, 2011 and featured speakers from the City of Lodi and the Sacramento Regional County Sanitation District (Sanitation District). The City of Lodi discussed their White Slough Water Pollution Control Facility and the recycling and reuse projects associated with that facility. In response to their new NPDES permit, the Sanitation District discussed their Advanced Treatment Technology Pilot Project which will look at treatment technologies to meet new and potential future permit requirements in the most cost effective manner. Details of these presentations, other issues discussed at the October 25 meeting, and issues discussed at previous meetings can be found on the Coalition’s website.

<http://www.srscsd.com/swrc-info.php>

Assembly Bill No. 359

CHAPTER 572

An act to amend Sections 10752, 10753, 10753.2, 10753.4, 10753.5, and 10753.7 of, and to add Section 10753.11 to, the Water Code, relating to groundwater.

[Approved by Governor October 8, 2011. Filed with
Secretary of State October 8, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 359, Huffman. Groundwater management plans.

(1) Existing law authorizes specified local agencies that provide water service to adopt and implement a groundwater management plan. Existing law requires a local agency that elects to develop a groundwater management plan to hold a hearing prior to adopting a resolution of intention to draft a plan and, after the plan is prepared, to hold a 2nd hearing to determine whether to adopt the plan. Existing law requires the local agency to publish a specified notice before each of these hearings. Existing law requires a local agency to prepare a groundwater management plan within 2 years of the date of the adoption of the resolution of intention.

This bill would require the local agency to provide a copy of a resolution of intention to the Department of Water Resources within 30 days of the date of adoption. The bill would authorize any person to request to be placed on a list established by the local agency for purposes of receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents. The bill would require the local agency to provide each of those interested persons and the department with a specified notice prior to the 2nd hearing to determine whether to adopt the plan. The bill would require, if a groundwater management plan is not adopted within 2 years of the date of the adoption of a resolution of intention and the local agency is operating under a previously adopted groundwater management plan, that the previously adopted plan remain in effect. The bill would require the department to post on its Internet Web site the information the department possesses regarding the local agencies that have jurisdiction to develop groundwater management plans and information regarding groundwater management plans provided by local agencies and specified groundwater monitoring entities.

(2) Existing law requires a local agency seeking specified state funds for certain groundwater projects to include in a groundwater management plan various components, including components relating to the monitoring and management of groundwater levels within the groundwater basin.

This bill would specify that the groundwater projects to which these requirements apply include projects that are part of an integrated regional

water management program or plan. The bill, commencing January 1, 2013, would additionally require a map identifying the recharge areas, as defined, for the groundwater basin to be included in a groundwater management plan for purposes of the state funding requirements. The bill would require the local agency to provide the map of the recharge areas to local planning agencies and notify the department and other interested persons when a map is submitted to those local planning agencies.

The people of the State of California do enact as follows:

SECTION 1. Section 10752 of the Water Code is amended to read:

10752. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Groundwater" means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

(b) "Groundwater basin" means any basin or subbasin identified in the department's Bulletin No. 118, dated September 1975, and any amendments to that bulletin, but does not include a basin in which the average well yield, excluding domestic wells that supply water to a single-unit dwelling, is less than 100 gallons per minute.

(c) "Groundwater extraction facility" means a device or method for the extraction of groundwater within a groundwater basin.

(d) "Groundwater management plan" or "plan" means a document that describes the activities intended to be included in a groundwater management program.

(e) "Groundwater management program" or "program" means a coordinated and ongoing activity undertaken for the benefit of a groundwater basin, or a portion of a groundwater basin, pursuant to a groundwater management plan adopted pursuant to this part.

(f) "Groundwater recharge" means the augmentation of groundwater, by natural or artificial means, with surface water or recycled water.

(g) "Local agency" means a local public agency that provides water service to all or a portion of its service area, and includes a joint powers authority formed by local public agencies that provide water service.

(h) "Person" has the same meaning as defined in Section 19.

(i) "Recharge area" means the area that supplies water to an aquifer in a groundwater basin and includes multiple wellhead protection areas.

(j) "Watermaster" means a watermaster appointed by a court or pursuant to other provisions of law.

(k) "Wellhead protection area" means the surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field.

SEC. 2. Section 10753 of the Water Code is amended to read:

10753. (a) Any local agency, whose service area includes a groundwater basin, or a portion of a groundwater basin, that is not subject to groundwater management pursuant to other provisions of law or a court order, judgment, or decree, may, by ordinance, or by resolution if the local agency is not authorized to act by ordinance, adopt and implement a groundwater management plan pursuant to this part within all or a portion of its service area.

(b) Notwithstanding subdivision (a), a local public agency, other than an agency defined in subdivision (g) of Section 10752, that provides flood control, groundwater management, or groundwater replenishment, or a local agency formed pursuant to this code for the principal purpose of providing water service that has not yet provided that service, may exercise the authority of this part within a groundwater basin that is located within its boundaries within areas that are either of the following:

(1) Not served by a local agency.

(2) Served by a local agency whose governing body, by a majority vote, declines to exercise the authority of this part and enters into an agreement with the local public agency pursuant to Section 10750.7 or 10750.8.

(c) Except as provided in subdivision (b), this chapter does not authorize a local agency with authority to manage groundwater planning within the service area of another local agency.

(d) Except as otherwise provided in this part, the process for developing and adopting a revised groundwater management plan shall be the same as the process for developing and adopting a new groundwater management plan.

SEC. 3. Section 10753.2 of the Water Code is amended to read:

10753.2. (a) Prior to adopting a resolution of intention to draft a groundwater management plan, a local agency shall hold a hearing, after publication of notice pursuant to Section 6066 of the Government Code, on whether or not to adopt a resolution of intention to draft a groundwater management plan pursuant to this part for the purposes of implementing the plan and establishing a groundwater management program.

(b) At the conclusion of the hearing, the local agency may draft a resolution of intention to adopt a groundwater management plan pursuant to this part for the purposes of implementing the plan and establishing a groundwater management program.

(c) The local agency shall provide to the department a copy of a resolution of intention adopted pursuant to this section within 30 days of the date of adoption. The local agency shall also provide to the department contact information for the person in charge of drafting the groundwater management plan.

(d) The department shall post on its Internet Web site information it possesses regarding groundwater management plans being prepared or adopted pursuant to this part, including information provided by local agencies identified pursuant to this section, and monitoring entities identified pursuant to Sections 10928 and 10930.

SEC. 4. Section 10753.4 of the Water Code is amended to read:

10753.4. (a) The local agency shall prepare a groundwater management plan within two years of the date of the adoption of the resolution of intention.

(1) If the plan is not adopted within two years, the resolution of intention expires, and a plan shall not be adopted except pursuant to a new resolution of intention adopted in accordance with this chapter.

(2) If the plan is not adopted within two years, and the local agency was operating under a previously adopted groundwater management plan, that previous plan shall remain in effect.

(b) For the purposes of carrying out this part, the local agency shall make available to the public and the department a written statement describing the manner in which interested parties may participate in developing the groundwater management plan. The local agency may appoint, and consult with, a technical advisory committee consisting of interested parties for the purposes of carrying out this part.

(c) The local agency shall establish and maintain a list of persons interested in receiving notices regarding plan preparation, meeting announcements, and availability of draft plans, maps, and other relevant documents. Any person may request, in writing, to be placed on the list of interested persons.

SEC. 5. Section 10753.5 of the Water Code is amended to read:

10753.5. (a) After a groundwater management plan is prepared, the local agency shall hold a second hearing to determine whether to adopt the plan. Notice of the hearing shall be given pursuant to Section 6066 of the Government Code. Notice shall also be provided to the department and to all persons on the list established and maintained pursuant to subdivision (c) of Section 10753.4. The notice shall include a summary of the plan and shall state that copies of the plan and any maps that may be prepared pursuant to this part may be obtained for the cost of reproduction at the office of the local agency.

(b) At the second hearing, the local agency shall consider protests to the adoption of the plan. At any time prior to the conclusion of the second hearing, any landowner within the local agency may file a written protest or withdraw a protest previously filed.

SEC. 6. Section 10753.7 of the Water Code is amended to read:

10753.7. (a) For the purposes of qualifying as a groundwater management plan under this section, a plan shall contain the components that are set forth in this section. In addition to the requirements of a specific funding program, a local agency seeking state funds administered by the department for groundwater projects or groundwater quality projects, including projects that are part of an integrated regional water management program or plan, and excluding programs that are funded under Part 2.78 (commencing with Section 10795), shall do all of the following:

(1) Prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin that is subject to the plan. The plan shall include components relating to the monitoring and management of groundwater levels within the groundwater basin,

groundwater quality degradation, inelastic land surface subsidence, changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin, and a description of how recharge areas identified in the plan substantially contribute to the replenishment of the groundwater basin.

(2) For purposes of implementing paragraph (1), the local agency shall prepare a plan to involve other agencies that enables the local agency to work cooperatively with other public entities whose service area or boundary overlies the groundwater basin.

(3) For purposes of implementing paragraph (1), the local agency shall prepare a map that details the area of the groundwater basin, as defined in the department's Bulletin No. 118, and the area of the local agency, that will be subject to the plan, as well as the boundaries of other local agencies that overlie the basin in which the agency is developing a groundwater management plan.

(4) (A) Commencing January 1, 2013, for purposes of implementing paragraph (1), the groundwater management plan shall include a map identifying the recharge areas for the groundwater basin.

(B) The local agency shall provide the map required pursuant to subparagraph (A) to the appropriate local planning agencies after adoption of the groundwater management plan.

(C) Upon submitting a map pursuant to subparagraph (B), the local agency shall notify the department and all persons on the list established and maintained pursuant to subdivision (c) of Section 10753.4.

(D) For purposes of this paragraph, "map identifying the recharge areas" means a map that identifies, or maps that identify, the current recharge areas that substantially contribute to the replenishment of the groundwater basin.

(5) The local agency shall adopt monitoring protocols that are designed to detect changes in groundwater levels, groundwater quality, inelastic surface subsidence for basins for which subsidence has been identified as a potential problem, and flow and quality of surface water that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin. The monitoring protocols shall be designed to generate information that promotes efficient and effective groundwater management.

(6) Local agencies that are located in areas outside the groundwater basins delineated on the latest edition of the department's groundwater basin and subbasin map shall prepare groundwater management plans incorporating the components in this subdivision, and shall use geologic and hydrologic principles appropriate to those areas.

(b) (1) (A) A local agency may receive state funds administered by the department for groundwater projects or for other projects that directly affect groundwater levels or quality if it prepares and implements, participates in, or consents to be subject to, a groundwater management plan, a basinwide management plan, or other integrated regional water management program or plan that meets, or is in the process of meeting, the requirements of subdivision (a). A local agency with an existing groundwater management plan that meets the requirements of subdivision (a), or a local agency that

completes an update of its plan to meet the requirements of subdivision (a) within one year of applying for funds, shall be given priority consideration for state funds administered by the department over local agencies that are in the process of developing a groundwater management plan. The department shall withhold funds from the project until the update of the groundwater management plan is complete.

(B) Notwithstanding subparagraph (A), a local agency that manages groundwater under any other provision of existing law that meets the requirements of subdivision (a), or that completes an update of its plan to meet the requirements of subdivision (a) within one year of applying for funding, shall be eligible for funding administered by the department. The department shall withhold funds from a project until the update of the groundwater management plan is complete.

(C) Notwithstanding subparagraph (A), a local agency that conforms to the requirements of an adjudication of water rights in the groundwater basin is in compliance with subdivision (a). For purposes of this subparagraph, an “adjudication” includes an adjudication under Section 2101, an administrative adjudication, and an adjudication in state or federal court.

(D) Subparagraphs (A) and (B) do not apply to proposals for funding under Part 2.78 (commencing with Section 10795), or to funds authorized or appropriated prior to September 1, 2002.

(E) A local agency may request state funds to map groundwater recharge areas pursuant to paragraph (4) of subdivision (a) to the extent that the request for state funds is consistent with eligibility requirements that are applicable to the use of the requested funds.

(2) Upon the adoption of a groundwater management plan in accordance with this part, the local agency shall submit a copy of the plan to the department, in an electronic format, if practicable, approved by the department. The department shall make available to the public copies of the plan received pursuant to this part.

SEC. 7. Section 10753.11 is added to the Water Code, to read:

10753.11. A plan shall not be considered invalid, and the local agency shall not be required to recirculate the plan for public comment or to delay implementation of the plan, if the local agency substantially complies with the public notice provisions of this chapter.