



**Water and Resource Conservation**

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July 22, 2015

Hon. Kristen A. Lucena, Presiding Judge  
C/o Court Administration  
Superior Court of California, County of Butte  
One Court Street, Oroville, CA 95965

FILED  
Superior Court of California  
County of Butte  
AUG 14 2015  
Kimberly Flener, Clerk  
By W. B. BROWN Deputy

Re: Response to the 2014-2015 Grand Jury Report

Dear Judge Lucena:

As invited by the Grand Jury, the Department of Water and Resource Conservation (DWRC), Department of Public Health and Butte County Agricultural Commissioner provide the following responses to the Findings and Recommendations. Please find the responses to the 2014-2015 Grand Jury Report in accordance with Penal Code Sections 933 and 933.05. We appreciate the long hours and diligence of the members of the Grand Jury in investigating, researching and reviewing water issues.

Before responding to the Findings and Recommendations, we would like to offer a clarification to the description of county hierarchy as it relates to water resources found on page 125. The sentence that reads, "The DWRC is employed within a hierarchy that has the Board of Supervisors at the top, then the Water Commission, the Technical Advisory Committee, and lastly the DWRC" does not accurately describe the organizational structure. A more accurate description would reflect that the Water Commission is the primary water advisory body to the Board of Supervisors. The Technical Advisory Committee provides technical support to the Water Commission. The DWRC staffs the Water Commission and Technical Advisory Committee.

**FINDINGS**

**F1: Drought conditions encourage establishing and implementing new government water sustainability programs.**

**Response:** The respondents agree with the finding.

**F2: The DWRC is the lead department in managing Butte County groundwater and its responsibilities will expand greatly under SGMA.**

**Response:** The respondents agree with the finding.

**F3: Water transfers can have economic, social and political consequences.**

**Response:** The respondents agree with the finding.

**F4: Cropping patterns affect groundwater levels.**

**Response:** The respondents agree with the finding.

**F5: Adoption of water law is voter driven.**

**Response:** The respondents partially agree with the finding. A cornerstone of groundwater management in Butte County comes from the 1996 voter initiative (Measure G) that established the Groundwater Conservation Ordinance (Chapter 33 of the Butte County Code). However, the remainder of Butte County water "laws" (i.e., ordinances) were actions taken by the Board of Supervisors with input from the Water Commission and staff. Other mandates and reporting requirements were developed at the state level and are incorporated into the California Water Code.

**F6: Water quality protection falls mainly within the province of the Agriculture Department and the Department of Environmental Health.**

**Response:** The respondents agree with the finding. Water quality protection at the local level falls mainly within the province of the Agriculture Department and the Department of Public Health, Division of Environmental Health.

**F7: Butte County, when compared to DWR, has little authority over whether or not out-of-county groundwater transfers take place.**

**Response:** The respondents disagree with this finding. Butte County has exercised its authority to regulate out-of-county groundwater transfer programs through the Groundwater Conservation Ordinance (Chapter 33 of the Butte County Code). Since 1994, there has not been any out-of-county transfer programs with a groundwater component originating from Butte County.

**F8: New regional water policy under SGMA will compel Butte County officials to collaborate on groundwater issues with officials from other counties for the benefit of the region.**

**Response:** The respondents agree with the finding.

**RECOMMENDATIONS**

**R1: The Butte County Board of Supervisors should increase the DWRC budget, given the increase responsibilities under SGMA and the importance of groundwater to the Butte County Economy.**

**Response:** The recommendation has been implemented. The Board of Supervisors has committed financial resources to fulfill the County's SGMA obligations. The 2015-16 fiscal year budget provides the DWRC with sufficient resources to meet the current level of SGMA responsibilities and obligations. As the requirements of SGMA develop over the next several years, there may be a need for additional resources. If there is a need for additional resources to fulfill Butte County's SGMA obligations, the DWRC will provide recommendations to the Board of Supervisors at that time.

**R2: The members of the DWRC, the Butte County Agriculture Department and the Butte County Environmental Health Department should meet with their counterparts in other sub-basin counties to discuss regional groundwater plans under SGMA.**

**Response:** The recommendation has been implemented. The DWRC is taking the lead to coordinate SGMA efforts with other regional local public agencies. In addition to direct coordination discussions with counterparts in other subbasin counties, the DWRC is participating in regional SGMA coordination discussions. The Northern Sacramento Valley Integrated Regional Water Management Plan Technical Advisory Committee is serving as a

public forum for counties in the region (Butte, Tehama, Glenn, Colusa, Shasta and Sutter) to report on the status of their SGMA implementation efforts. Although the DWRC is serving as the lead SGMA implementation agency, other county departments may have SGMA implementation responsibilities in the future. The DWRC, Agriculture Department, Environmental Health Department and Department of Development Services are collaborating on SGMA implementation efforts.

**R3: The Board of Supervisors should integrate General Plan considerations with the sustainable groundwater plans under SGMA.**

**Response:** The recommendation has been implemented. The Butte County General Plan 2030 includes an optional Water Resource Element. The Water Resource Element includes goals, policies and actions consistent with sustainable groundwater management plans required under SGMA. Some relevant examples in the Butte County General Plan 2030 Water Resource Element include:

**Goal W-2** Ensure an abundant and sustainable water supply to support all uses in Butte County.

**W-P2.9** Applicants for new major developments projects, as determined by the Department of Development Services, shall demonstrate adequate water supply to meet the needs for the project, including an evaluation of potential cumulative impacts to surrounding groundwater users and the environment.

**W-A2.1** Implement and periodically update the Integrated Water Resources Plan to ensure the sustainability of water resources within the county.

**Goal W-3** Effectively manage groundwater resources to ensure a long-term water supply for Butte County.

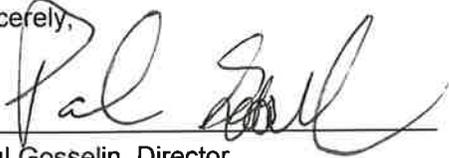
**W-P3.1** The County shall continue to ensure the sustainability of groundwater resources, including groundwater levels, groundwater quality and avoidance of land subsidence, through a basin management objective program that relies on management at the local level, utilizes sound scientific data and assures compliance.

Butte County's actions to integrate General Plan considerations and sustainable groundwater management plans are bolstered by the specific mandates in SGMA. For example, the Government Code requires that "before the adoption or any substantial amendment of a city's or county's general plan, the planning agency shall review and consider all of the following: (a) An adoption of, or update to, a groundwater sustainability plan or groundwater management plan pursuant to Part 2.74 (commencing with Section 10720) or Part 2.75 (commencing with Section 10750) of Division 6 of the Water Code or groundwater management court order, judgment, or decree" (Government Code §65350.5). As part of an action to adopt or substantially amend a general plan, planning agencies are required to refer any groundwater sustainability agency that has adopted a groundwater sustainability plan pursuant to Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code or local agency that otherwise manages groundwater pursuant to other provisions of law or a court order, judgment, or decree within the planning area of the proposed general plan (Government Code §65352(a)(8)). Under SGMA, a groundwater sustainability plan shall take into account the most recent planning assumptions stated in local general plans of jurisdictions overlying the basin (Water Code §10726.9). Additionally, a groundwater sustainability plan shall include a description of the consideration given to the applicable county and city general plans and a description of the various adopted water

resources-related plans and programs within the basin and an assessment of how the groundwater sustainability plan may affect those plans (Water Code §10727.2).

If you have any questions please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Gosselin", written over a horizontal line.

Paul Gosselin, Director  
Department of Water and Resource Conservation

A handwritten signature in black ink, appearing to read "Richard Price", written over a horizontal line.

Richard Price, Commissioner  
Department of Agriculture

A handwritten signature in blue ink, appearing to read "Cathy Raevsky", written over a horizontal line.

Cathy Raevsky, Director  
Public Health Department