



County of Lassen  
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

Maurice L. Anderson, Director  
707 Nevada Street, Suite 5  
Susanville, CA 96130-3912  
Phone: 530 251-8269  
Fax: 530 251-8373  
email: landuse@co.lassen.ca.us  
website: www.co.lassen.ca.us

April 2, 2021

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

TO: Board of Supervisors  
Agenda date: April 13, 2021

FROM: Maurice L. Anderson, Director

*MJM  
FOR*

SUBJECT: Letter in support of Assembly Bill 754, which proposes to extend the deadline to submit a Groundwater Sustainability Plan to the Department of Water Resources to January 31, 2023.

ACTION REQUESTED:

Receive letter and authorize the Chairman to sign

**Summary:**

As the Board is aware, in coordination with Modoc County, staff from both counties, the Big Valley Groundwater Basin Advisory Committee (formed by memorandum of understanding with Modoc County) and others have been working on preparation of a Groundwater Sustainability Plan (GSP) for the Big Valley Groundwater Basin for submittal before the January 31, 2022 deadline.

The COVID-19 pandemic has made preparation of the GSP difficult since conducting meetings during the pandemic has been challenging. This Board has asked both the legislature and the governor for additional time.

The attached Assembly Bill (AB 754) would extend the due date to January 31, 2023 (from January 31, 2022). As such, attached, for the Board's consideration, is a letter of support for said legislation.

MLA:gfn  
Enclosures

County of Lassen  
Board of Supervisors

---



**CHRIS GALLAGHER**

*District 1*

**DAVID TEETER**

*District 2*

**JEFF HEMPHILL**

*District 3*

**AARON ALBAUGH**

*District 4*

**TOM HAMMOND**

*District 5*

County Administration Office  
221 S. Roop Street, Suite 4  
Susanville, CA 96130  
Phone: 530-251-8333  
Fax: 530-251-2663

April 13, 2021

Assembly Member Eduardo Garcia  
Chair of the Water, Parks, and Wildlife Committee  
Legislative Office Building  
1020 N. Street, Room 160  
Sacramento, CA 95814

Assembly Member Megan Dahle  
Vice Chair of the Water, Parks, and Wildlife Committee  
Legislative Office Building  
1020 N. Street, Room 160  
Sacramento, CA 95814

Dear Chair Garcia and Vice Chair Dahle:

This letter is in support of Assembly Bill 754, which was introduced by Assembly Member Devon Mathis. Said Assembly Bill was referred to the Water, Parks, and Wildlife Committee on March 15, 2021. In summary, this bill would extend the due date to January 31, 2023, for Groundwater Sustainability Agencies (GSA) in basins that are not critically over drafted to submit a Groundwater Sustainability Plan (GSP) to the Department of Water Resources.

Lassen County and Modoc County serve as the GSAs for the Big Valley Groundwater Basin, for the portion of the basin within their respective jurisdiction. Said GSAs have been working cooperatively (through a memorandum of understanding) to prepare a single GSP for the entire basin.

Preparation of said GSP has been negatively impacted by the COVID-19 pandemic. Specifically, the pandemic has made it difficult to conduct the public outreach needed to prepare the plan. Over the last year, the public has been less inclined to meet physically because of the virus. We have attempted to accommodate by conducting more internet and phone based meetings.

Choose Civility

Assembly Member Eduardo Garcia, Chair Water, Parks, and Wildlife Committee  
Assembly Member Megan Dahle, Vice Chair of the Water, Parks, and Wildlife Committee  
April 13, 2021  
Page 2 of 2

However, internet connectivity in Big Valley is exceedingly poor and the basin is not well situated to allow online type public meetings. We were very pleased to see proposed legislation to provide more time to submit the required GSP. In fact, on August 11, 2020, we sent a letter to the legislature requesting additional time (see attached) for this very reason (lack of ability to have meaningful public dialogue because of COVID-19). We have also sent multiple letters to the Governor, requesting an executive order allowing more time.

If adopted, this legislation will greatly improve upon the GSP that is ultimately adopted by ensuring the time needed for adequate public participation. The above said, please understand that we support this legislation only to the extent that it will provide more time to submit the required GSP. We are not supportive at all of the bill becoming a vehicle to legislate additional requirements. It is our position that the requirements of the Sustainable Groundwater Management Act are already too onerous, especially in basins like ours that were only designated a "medium priority basin" by half of one point.

Sincerely,

Aaron Albaugh, Chairman,  
Lassen County Board of Supervisors  
Big Valley Lassen Groundwater Sustainability Agency

AA:MLA:gfn  
Enclosure

cc: Devon Mathis, Assembly Member, California State Assembly  
Modoc County Board of Supervisors as the Big Valley Modoc GSA  
Rural County Representatives of California (RCRC)  
California State Association of Counties (CSAC)



AMENDED IN ASSEMBLY MARCH 11, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 754**

---

**Introduced by Assembly Member Mathis**

February 16, 2021

---

~~An act relating to groundwater. An act to amend Sections 10720.7 and 10735.2 of the Water Code, relating to groundwater.~~

LEGISLATIVE COUNSEL’S DIGEST

AB 754, as amended, Mathis. ~~Sustainable Groundwater Management Act.~~ *Sustainable groundwater management: groundwater sustainability plan.*

*Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin if the basin is not entirely covered by an adopted groundwater sustainability plan or plans or a department-approved alternative by the applicable deadline. The act authorizes the board to adopt an interim plan for a probationary basin, as specified.*

*This bill would extend the deadline for all high- or medium-priority basins not subject to critical conditions of overdraft to be managed*

*under a groundwater sustainability plan or coordinated plans until January 31, 2023. The bill would make conforming changes to the authority of the board to designate a high- or medium-priority basin as a probationary basin for the failure to manage a basin under a groundwater sustainability plan or coordinated plan by the applicable deadlines.*

~~Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified.~~

~~This bill would state the intent of the Legislature to enact statutory changes relating to the Sustainable Groundwater Management Act.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

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

1     *SECTION 1. Section 10720.7 of the Water Code is amended*  
2     *to read:*

3     10720.7. (a) (1) By January 31, 2020, all basins designated  
4     as high- or medium-priority basins by the department that have  
5     been designated in Bulletin 118, as it may be updated or revised  
6     on or before January 1, 2017, as basins that are subject to critical  
7     conditions of overdraft shall be managed under a groundwater  
8     sustainability plan or coordinated groundwater sustainability plans  
9     pursuant to this part.

10    (2) By January 31, ~~2022~~, 2023, all basins designated as high-  
11    or medium-priority basins by the department that are not subject  
12    to paragraph (1) shall be managed under a groundwater  
13    sustainability plan or coordinated groundwater sustainability plans  
14    pursuant to this part.

15    (b) The Legislature encourages and authorizes basins designated  
16    as low- and very low priority basins by the department to be  
17    managed under groundwater sustainability plans pursuant to this

1 part. Chapter 11 (commencing with Section 10735) does not apply  
2 to a basin designated as a low- or very low priority basin.

3 *SEC. 2. Section 10735.2 of the Water Code is amended to read:*

4 10735.2. (a) The board, after notice and a public hearing, may  
5 designate a high- or medium-priority basin as a probationary basin,  
6 if the board finds one or more of the following applies to the basin:

7 (1) After June 30, 2017, none of the following have occurred:

8 (A) A local agency has decided to become a groundwater  
9 sustainability agency that intends to develop a groundwater  
10 sustainability plan for the entire basin.

11 (B) A collection of local agencies has formed a groundwater  
12 sustainability agency or prepared agreements to develop one or  
13 more groundwater sustainability plans that will collectively serve  
14 as a groundwater sustainability plan for the entire basin.

15 (C) A local agency has submitted an alternative that has been  
16 approved or is pending approval pursuant to Section 10733.6. If  
17 the department disapproves an alternative pursuant to Section  
18 10733.6, the board shall not act under this paragraph until at least  
19 180 days after the department disapproved the alternative.

20 (2) The basin is subject to paragraph (1) of subdivision (a) of  
21 Section 10720.7, and after January 31, 2020, none of the following  
22 have occurred:

23 (A) A groundwater sustainability agency has adopted a  
24 groundwater sustainability plan for the entire basin.

25 (B) A collection of local agencies has adopted groundwater  
26 sustainability plans that collectively serve as a groundwater  
27 sustainability plan for the entire basin.

28 (C) The department has approved an alternative pursuant to  
29 Section 10733.6.

30 (3) The basin is subject to paragraph (1) of subdivision (a) of  
31 Section 10720.7 and after January 31, 2020, the department, in  
32 consultation with the board, determines that a groundwater  
33 sustainability plan is inadequate or that the groundwater  
34 sustainability program is not being implemented in a manner that  
35 will likely achieve the sustainability goal.

36 (4) The basin is subject to paragraph (2) of subdivision (a) of  
37 Section 10720.7, and after January 31, ~~2022~~, 2023, none of the  
38 following have occurred:

39 (A) A groundwater sustainability agency has adopted a  
40 groundwater sustainability plan for the entire basin.



1 (B) A collection of local agencies has adopted groundwater  
2 sustainability plans that collectively serve as a groundwater  
3 sustainability plan for the entire basin.

4 (C) The department has approved an alternative pursuant to  
5 Section 10733.6.

6 (5) The basin is subject to paragraph (2) of subdivision (a) of  
7 Section 10720.7, and either of the following have occurred:

8 (A) After January 31, ~~2022~~, 2023, both of the following have  
9 occurred:

10 (i) The department, in consultation with the board, determines  
11 that a groundwater sustainability plan is inadequate or that the  
12 groundwater sustainability plan is not being implemented in a  
13 manner that will likely achieve the sustainability goal.

14 (ii) The board determines that the basin is in a condition of  
15 long-term overdraft.

16 (B) After January 31, 2025, both of the following have occurred:

17 (i) The department, in consultation with the board, determines  
18 that a groundwater sustainability plan is inadequate or that the  
19 groundwater sustainability plan is not being implemented in a  
20 manner that will likely achieve the sustainability goal.

21 (ii) The board determines that the basin is in a condition where  
22 groundwater extractions result in significant depletions of  
23 interconnected surface waters.

24 (b) In making the findings associated with paragraph (3) or (5)  
25 of subdivision (a), the department and board may rely on periodic  
26 assessments the department has prepared pursuant to Chapter 10  
27 (commencing with Section 10733). The board may request that  
28 the department conduct additional assessments utilizing the  
29 regulations developed pursuant to Chapter 10 (commencing with  
30 Section 10733) and make determinations pursuant to this section.  
31 The board shall post on its ~~Internet Web site~~ *internet website* and  
32 provide at least 30 days for the public to comment on any  
33 determinations provided by the department pursuant to this  
34 subdivision.

35 (c) (1) The determination may exclude a class or category of  
36 extractions from the requirement for reporting pursuant to Part 5.2  
37 (commencing with Section 5200) of Division 2 if those extractions  
38 are subject to a local plan or program that adequately manages  
39 groundwater within the portion of the basin to which that plan or

1 program applies, or if those extractions are likely to have a minimal  
2 impact on basin withdrawals.

3 (2) The determination may require reporting of a class or  
4 category of extractions that would otherwise be exempt from  
5 reporting pursuant to paragraph (1) of subdivision (c) of Section  
6 5202 if those extractions are likely to have a substantial impact on  
7 basin withdrawals or requiring reporting of those extractions is  
8 reasonably necessary to obtain information for purposes of this  
9 chapter.

10 (3) The determination may establish requirements for  
11 information required to be included in reports of groundwater  
12 extraction, for installation of measuring devices, or for use of a  
13 methodology, measuring device, or both, pursuant to Part 5.2  
14 (commencing with Section 5200) of Division 2.

15 (4) The determination may modify the water year or reporting  
16 date for a report of groundwater extraction pursuant to Section  
17 5202.

18 (d) If the board finds that litigation challenging the formation  
19 of a groundwater sustainability agency prevented its formation  
20 before July 1, 2017, pursuant to paragraph (1) of subdivision (a)  
21 or prevented a groundwater sustainability program from being  
22 implemented in a manner likely to achieve the sustainability goal  
23 pursuant to paragraph (2), (3), (4), or (5) of subdivision (a), the  
24 board shall not designate a basin as a probationary basin for a  
25 period of time equal to the delay caused by the litigation.

26 (e) The board shall exclude from probationary status any portion  
27 of a basin for which a groundwater sustainability agency  
28 demonstrates compliance with the sustainability goal.

29 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~  
30 ~~changes to the Water Code relating to the Sustainable Groundwater~~  
31 ~~Management Act.~~



# County of Lassen Board of Supervisors



**CHRIS GALLAGHER**

*District 1*

**DAVID TEETER**

*District 2*

**JEFF HEMPHILL**

*District 3*

**AARON ALBAUGH**

*District 4*

**TOM HAMMOND**

*District 5*

County Administration Office  
221 S. Roop Street, Suite 4  
Susanville, CA 96130  
Phone: 530-251-8333  
Fax: 530-251-2663

August 11, 2020

California State Senate  
Toni G. Atkins, Senate President pro Tempore  
Capitol Office  
State Capitol, Room 205  
Sacramento, CA 95814-4900

California State Assembly  
Anthony Rendon, Speaker  
Capitol Office, Room 219  
P.O. Box 942849  
Sacramento, CA 94249-0063

COVID-19 has had (and continues to have) a monumental impact on the ability of the two Groundwater Sustainability Agencies (GSAs) in the Big Valley Groundwater Basin's (DWR Bulletin 118 Basin 5-004) ability to conduct the public outreach required by the Sustainable Groundwater Management Act (SGMA). As such, this letter is to request that legislation be adopted to extend the January 31, 2022, deadline by one year to submit a Groundwater Sustainability Plan (GSP) to the Department of Water Resources (DWR) for the Basin as required by the SGMA.

The Big Valley Groundwater Basin is located in two counties (Lassen and Modoc), and the counties have stepped forward to act as the GSAs for their respective portions of the Basin. Big Valley is a rural, agricultural area where ranching and farming make up the bulk of the economy by producing alfalfa, hay, wild rice, pasture and range. Ranching and farming have a long history in Big Valley and many current, active ranchers are the same families that homesteaded here. In addition, there is a state wildlife refuge in the middle of the Basin that supports important species and acts as part of the Pacific flyway. Big Valley is designated as a disadvantaged community. To say that there is a high level of interest in how the GSP for Big Valley is developed is an understatement.

The GSAs have been unable to successfully conduct the public outreach expected by stakeholders and required by the SGMA during the COVID-19 emergency. Further, the ability to conduct telephonic or web-based participation is highly limited in Big Valley because there is inadequate internet access and in some cases no internet access at all for stakeholders to participate in public meetings.

While the GSP deadline is still 16 months away, it is clear that we do not have enough time to meet the robust public participation requirements found in the SGMA (summarized in this letter) while also meeting the current submittal deadline. The combination of complex GSP Regulations which require highly technical content and the need for public participation mean that the outreach process will take a lot of time for all parties to come to a shared understanding of what the Regulations require and what the content of the GSP means to them. Decisions that will have a huge impact in the Basin will be made and implemented through the GSP.

The public outreach and participation plan we developed prior to COVID-19 requires frequent public meetings between now and January 31, 2022, to prepare a draft GSP that the GSAs can approve and submit to DWR as required by the SGMA. Between now and the due date, we will be working chapter by chapter, requirement by requirement, attempting to develop a shared understanding and make reasoned decisions. Even before COVID-19, the schedule was tight and the GSAs were challenged to accommodate adequate public involvement, which is focused through the Big Valley Groundwater Basin Advisory Committee (BVAC). The BVAC is formed through a memorandum of understanding between the two GSAs and is proving ineffective because COVID-19 requirements and health considerations have made it difficult or impossible to conduct public meetings. Given the realities of the COVID-19 emergency, many will be left out of the conversation unless additional time is provided.

The Governor has responded to difficulties that agencies are experiencing conducting public meetings during COVID-19 by relaxing certain Brown Act meeting requirements. Through Executive Order Numbers N-25-20 and N-29-20, Governor Newsom's Administration has taken important steps to ensure that public meetings are able to convene and conduct necessary public business during the COVID-19 emergency. In summary, said Executive Orders modified certain requirements for noticing and conducting public meetings, as described in Government Code sections 54950-54963 (Chapter 9, Meetings). In part, provisions of these orders allow remote (web or phone-based) meetings to be conducted from multiple locations, without meeting all of the requirements of the above sections. This includes allowing elected or appointed representatives to participate remotely.

The intent for meeting in this fashion is to allow government to continue functioning while those that need to can maintain isolation. This is necessary and prudent for routine functions, but the SGMA is different. This legislation is new territory for all involved and has wide reaching impacts on stakeholders of all varieties. Because of the long-term nature of the SGMA, the GSAs and stakeholders want to develop a GSP acceptable to stakeholders that reduces the uncertainty that the future holds.

Unfortunately, the above orders are not enough in the Big Valley Groundwater Basin because this remote area of rural, mountainous, northeastern California does not have the digital connectivity required to successfully conduct remote meetings. As discussed herein, attempts to conduct remote meetings in Big Valley have been unsuccessful due to the exceptionally poor internet connectivity. Allowing the public to attend meetings through the internet may be a good strategy for areas that have reliable internet connectivity, but not in rural mountain areas. For internet-based meetings to be successful, infrastructure is needed. This infrastructure is severely lacking in Big Valley and surrounding areas.



In addition to the lack of internet capability, Big Valley is already recognized by the DWR and other State Departments as an economically disadvantaged area. The reality is that many of the citizens in Big Valley do not have the resources, both technical and financial, to access the internet, even if adequate internet connectivity were available. The internet access disparity between urban and rural areas is well documented. Further, many of the residents are not familiar with the mechanics of participating in meetings electronically. They have had no training or exposure to this technology and meeting venue. Another challenge is staff availability to facilitate internet-based meetings. The two Big Valley Groundwater Basin GSAs, like many rural governments, have very limited staff, especially technical staff.

On July 1, 2020 the GSAs attempted to conduct a combined live and internet-based meeting in lieu of a traditional live-only public outreach meeting. We attempted to conduct the meeting with "Go-To-Webinar" and failed miserably with unintelligible audio. After thirty minutes, one stakeholder who tried to participate from home decided to take the risk of coming to the live portion of the meeting because of the webinar problems even though her spouse has health concerns that make him high risk.

As stated, the fundamental issue we are working through is that, because of COVID-19, there are now two sections of the SGMA that conflict with each other. The legislation provides a deadline, but the same legislation also requires meaningful public involvement. Because of COVID-19, the public in the Big Valley Groundwater Basin has shown a reluctance to attend public meetings to discuss development of the GSP. Further, and again as a direct result of COVID-19, limitations and requirements have been placed on local governments on how public meetings are to be conducted. Below is a summary of some of the public participation requirements found in the SGMA that, as a result of this health emergency, are at odds with the January 31, 2022, deadline:

- In part, Water Code section 10723.2 states "*[t]he groundwater sustainability agency shall consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans. These interests include, but are not limited to, all of the following...*" Without providing an effective means of participation and in the current COVID-19 environment, it is not possible to consider the interest of all beneficial users or to work with our professional staff on the implementation of whatever plan is ultimately adopted. More time is necessary or an important part of the SGMA will be meaningless. This weakens the resulting GSP, making it more difficult to implement and subjecting the GSP to added scrutiny and challenge. Again, we cannot meet the above public participation requirement while also meeting the January 31, 2022, deadline.
- In part, Water Code section 10727.8 states "*Prior to initiating the development of a groundwater sustainability plan, the groundwater sustainability agency shall make available to the public and the department a written statement describing the manner in which interested parties may participate in the development and implementation of the groundwater sustainability plan...*" In accordance with said section, the GSA's have adopted a memorandum of understanding that establishes an Advisory Committee. A primary function of the Advisory Committee is to facilitate public comment. A meeting format has been



established to incorporate public comment. In light of COVID-19, the above process has proved itself insufficient to capture and facilitate public comment regarding development of the GSP.

Clearly it was the intent of the legislature in adopting the SGMA that GSPs be prepared with broad public participation. Unfortunately, COVID-19 has restricted the ways in which public meetings can be conducted. The GSP will have a huge impact on the lives of the residents and their children. As such, the SGMA rightfully provides the requirement to include the public in the preparation of the GSP. COVID-19, is jeopardizing the public's participation in the very process that the SGMA assured them they could be part of. It is not realistic to expect the public to be satisfied with our limited ability to conduct internet and phone-based meetings for a process they were assured by the legislature that they would be allowed to participate in. Given the lack of alternatives we have for engaging the public in the GSP development process, it seems clear that we will not be able to meet the January 31, 2022, deadline the legislature established for submittal of the GSP to DWR.

We owe it to the public to provide an opportunity to meaningfully participate. In the end, allowing additional time to prepare the GSP is not likely to have as profound an impact as preparing and submitting a GSP without involving the affected public. The GSP is a major undertaking that will affect the lives of the residents and generations to come and take 20 years to implement. The legislature recognized the importance of public participation when the SGMA was adopted in 2014. Unless appropriate steps are taken, COVID-19 will force the GSAs to prepare and submit a plan without meaningful involvement and participation of the very people it will affect. Both the GSAs and the legislature should do everything in their power to prevent this from becoming the legacy of the SGMA.

Again, we ask that legislation be adopted to extend the January 31, 2022, deadline for submittal of a GSP for the Big Valley Groundwater Basin to the DWR. Our request is that the deadline be extended at least 12 months (to January 31, 2023), with possible further extension depending on the status of the COVID-19 pandemic.

Thank you for considering our request.

Sincerely,



David Teeter, Chairman  
Lassen County Board of Supervisors

DT:MLA:gfn

cc: Gavin Newsom, Governor, State of California  
Brian Dahle, Senator, California Senate  
Megan Dahle, Assembly Member, California State Assembly  
Modoc County Board of Supervisors as the Big Valley Modoc GSA  
Big Valley Groundwater Basin Advisory Committee  
Department of Water Resources