



County of Monterey

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June 10, 2024

The Honorable Steve Bennett
California State Assembly
State Capitol, Room 4710
Sacramento, CA 95814

**Re: AB 2079 (Bennett): Groundwater extraction: large-diameter, high-capacity water wells: permits.
– OPPOSE UNLESS AMENDED**

Dear Assemblymember Bennett,

The County of Monterey has an oppose unless amended position on your measure Assembly Bill (AB) 2079. This bill restricts the local control of groundwater previously guaranteed by the Sustainable Groundwater Management Act (SGMA). The proposed requirements in the bill would mandate ministerial permitting agencies deny all large-diameter, high-capacity wells within a quarter mile of a well used for supplying domestic water to one or more persons or to a community.

AB 2079 would attempt to fundamentally redirect groundwater management from the original intent of SGMA—to allow for flexible local control based on hydrologic conditions. At this point in time, all basins above a medium priority are required to be managed under a Groundwater Sustainability Plan (GSP) under Water Code Sec. 10720.7 (a)(2). Groundwater Sustainability Agencies (GSAs) must annually report to the Department of Water Resources on progress towards sustainability (Water Code Sec. 10728). SGMA anticipated development of new locally managed rules culminating with final approval and adoption of GSPs by 2025 in all required basins.

The County of Monterey and GSAs have expended significant sums in our efforts to comply with SGMA and prepare paths forward toward sustainability. By essentially replacing the local control element of SGMA related to well interference and subsidence mitigation with a statewide, inflexible mandate, this bill makes these expenditures superfluous. Keeping the focus on a holistic approach to groundwater sustainability that is driven by local knowledge will maintain meaning behind the public funds already invested in SGMA and will ensure that locals can tailor their strategies to local conditions.

The bill seems to be intended to address well spacing issues but does not respect varying hydrology and geology throughout the state of California. SGMA anticipates that the state will continue to support our thriving California farming and manufacturing communities. Water supply is critical to these economies. The legislation anticipates that if an individual or business has a domestic well, even in a developed area, or an area with an abundance of groundwater, a large-diameter, modern well will interfere with a domestic well. This includes water banks, groundwater recharge areas, and basin boundary areas. The legislation would exempt the same large diameter well to be developed in a rural residential area regardless of the amount of water withdrawn. The bill does not exclude well replacement or modernization of existing wells, nor does it consider the efficiency of new wells over time.



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When SGMA was developed, the focus on achieving groundwater sustainability was rightfully on the relative use of groundwater: on how much water is used. It did not focus on how many wells are or may be in existence. This is because achieving sustainability depends on inputs and outputs overall, not how many locations that can extract groundwater.

The notification process outlined in the legislation is cumbersome and expensive—and may be difficult to achieve. The notifications are overly complicated and unnecessary in some cases. Counties are often the lead agency but are not always the Local Enforcement Agency (LEA). The bill includes confusing notification language requiring a LEA to also notify all other LEAs administering well programs within a basin regardless of whether that LEA is within the jurisdiction of the LEA or not. The legislation requires LEA to notify by written US Postal Service all owners or agents of all parcels within a one-mile radius— including in areas where rural postal service is challenged by closed post offices and services. Failure to meet any of these multiple requirements would likely result in lawsuits.

Counties are working with the Administration and will continue to increase communication and information sharing regarding SGMA, with our partners at the GSAs. The County of Monterey supports a continued focus on groundwater, basin management and the implementation of local water policies with support from state and federal partners. We encourage legislation that focuses on movement to groundwater sustainability through the local implementation of SGMA, dedicated groundwater recharge, and expedited permitting for recharge events. We remain committed to establishing strong Groundwater Sustainability Plans, driven at the local level, and look forward to continuing to achieve water sustainability statewide.

For these reasons, the County of Monterey has taken an oppose unless amended position on Assembly Bill 2079. Should you have any questions, please feel free to contact the County of Monterey's Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,

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Glenn Church, Chair
Board of Supervisors

cc: Chair & Members, Senate Appropriations Committee
Consultants, Senate Appropriations Committee
The Honorable Dawn Addis, 30th Assembly District
The Honorable Anna Caballero, 14th Senate District
The Honorable John Laird, 17th Senate District
The Honorable Robert Rivas, 29th Assembly District
California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)