



**Wyandotte Creek
Groundwater Sustainability Agency
Agenda Transmittal**

Agenda Item: 3

Subject: Conduct Public Hearing: Wyandotte Creek GSA Property Related Fee.

Contact: Kamie Loeser

Phone: Phone

Meeting Date: 07/27/23

Regular Agenda

Department Summary:

The Wyandotte Creek Groundwater Sustainability Agency (WCGSA) is establishing a long-term fee to fund the ongoing GSA administration, GSP implementation activities, and SGMA compliance and reporting requirements. The Board directed staff to follow the Proposition 218 process for establishing long-term fees with the following actions:

- 1) Approval of the WCGSA Fee Report at the May 25, 2023, Board Meeting including recommended long-term fees.
- 2) Approval of Proposition 218 Notice for distribution to landowners in the WCGSA service area subject to fees.
- 3) Setting of public hearing for July 27, 2023, to receive protests prior to consideration of a proposed long-term fee.
- 4) Publishing of Notice of Public Hearing in Chico Enterprise Newspaper prior to public hearing.

The Board approved proceeding with the Irrigated/Non-Irrigated Fee option to pursue long term WCGSA funding as reflected in the Final Fee Report approved by the Board on May 25, 2023. This option resulted in maximum fees for Non-Irrigated, Irrigated-Surface Water, and Irrigated-Groundwater user classes of \$1.16, \$7.39, and \$11.40 per acre per year respectively. The fees are calculated by allocating the total GSA costs by the total net assessable user class acreage in the Subbasin, excluding Federal and Tribal lands which are exempt from SGMA related fees, and State lands which are considered uncollectible for budget purposes. Because the Fee option is parcel based, the Board is using the Proposition 218 fee mechanism consistent with Water Code Section 10730 and the associated public process to establish the fee. Proposition 218 requires notices to be sent to all landowners subject to the fee at least 45-days prior to Board consideration of proposed fee approval. Proposition 218 Notices were mailed to all landowners subject to the proposed fee by June 9, 2023, providing for a 45-day notice period in advance of considering approval of proposed fees. The fees are subject to a majority protest vote whereby those receiving notices can submit written protest ballots voting against the proposed fees. If a majority protest vote is received, the WCGSA cannot approve the proposed fees.

The WCGSA provided the protest form in the Proposition 218 Notice sent to all landowners subject to the proposed fee and will count protests received at the WCGSA PO Box (as indicated in Notice) up until June 27, 2023, plus those protests received at this public hearing. If a majority protest is not received per the protest count at the end of the public hearing, the WCGSA Board may adopt the attached resolution certifying the majority protest process results and consider approving the proposed fees in a separate Board action (Item 6).

The fee applied by the WCGSA may vary from year to year but will not exceed the user class fee maximum amounts per acre per year unless an increase in the fee is approved through a subsequent Proposition 218 proceeding. This proposed fee also provides landowners and properties with immediate SGMA compliance benefits and local representation. If the GSA is unable to operate, implement the GSP, and comply with SGMA, then the GSA may be placed in a probationary status with the state and landowners would be subject to regulation and oversight by the State Water Resources Regional Control Board (SWRCB) and would be subject to higher fees.

Fiscal Impact: None

Staff Recommendation: Conduct public hearing for Wyandotte Creek GSA property related fees.

Attachments:

Exhibit A: Proposition 218 Notices (45-days prior to public hearing) and **Exhibit B:** Notice of Public Hearing (Published) Resolution certifying the results of the WCGSA Proposition 218 Majority Protest Process

WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY

NOTICE OF HEARING TO ADOPT PROPOSED FEE

In compliance with California State Law, notice is hereby given that the Wyandotte Creek Subbasin Groundwater Sustainability Agency (Wyandotte Creek GSA) will hold a **public hearing on: July 27, 2023 at the Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA 95965 at 2:00 p.m.** to consider the adoption of a new annual per acre fee starting in Fiscal Year 2023-24 for implementation of the Wyandotte Creek GSA Groundwater Sustainability Plan (GSP) required by the State of California pursuant to the 2014 Sustainable Groundwater Management Act (SGMA).

Background:

The Wyandotte Creek GSA is a joint powers agency formed to comply with the requirements of SGMA for that portion of the Wyandotte Creek Groundwater Subbasin underlying the BUTTE COUNTY, CITY OF OROVILLE, and THERMALITO WATER and SEWER DISTRICT. The Wyandotte Creek Subbasin area is described in California Department of Water Resources Bulletin 118 (2020), Sacramento Valley Groundwater Basin, Wyandotte Creek Subbasin, Number 5-021.69 which is classified as a Medium Priority Subbasin comprised of approximately 59,382 total acres. As required by SGMA, the Wyandotte Creek GSA adopted a GSP in 2022, and must now implement that GSP as required by law to prevent the State of California from stepping in to manage the local groundwater basin and corresponding groundwater resources.

Basis of Proposed Fee:

To provide local groundwater management, sustainability, and SGMA compliance, the Wyandotte Creek GSA must annually monitor and report groundwater conditions to the State, prepare required updates to the GSP, conduct required coordination among GSAs in the Sacramento Valley Groundwater Basin, and maintain GSA operations. GSA operations include but are not limited to legal, technical and administration costs (including consultant services, insurance, office and outreach materials, and accounting).

The proposed fee is a property-related fee governed by Proposition 218 and the California Constitution. California Water Code Section 10730 provides authority for the Wyandotte Creek GSA to impose Fees to support GSA administration, GSP implementation, and SGMA compliance. The Wyandotte Creek GSA Board has reviewed the best options to fund the GSA and associated activities over the next five years as explained and documented in the May 2023 Proposition 218 Fee Report.

The service of local groundwater management requires each landowner to cover the cost of groundwater management, GSA administration, GSP implementation, and SGMA compliance including groundwater monitoring, preparation of annual reports, and regulatory compliance activities to ensure that the Wyandotte Creek Subbasin is sustainable over the long term, as required by SGMA. Each acre in the Wyandotte Creek Subbasin is required to be managed by a GSP and will receive the local management services of the Wyandotte Creek GSA. Ensuring sustainability will allow the Wyandotte Creek GSA to maintain local control and **avoid expensive State intervention and operation of the Subbasin, which would result in much higher Fees.** If the State Water Resources Control Board intervenes in the Wyandotte Creek Subbasin, it may impose annual fees ranging from \$100 per domestic well, to \$300 per agricultural well, plus up to \$55 per acre-foot of pumped water per well and require annual reporting of extractions to the State. For more information:

https://www.waterboards.ca.gov/water_issues/programs/gmp/docs/intervention/intervention_fs.pdf

Implementing the proposed fee allows the GSA to provide groundwater management services and ensures a more affordable and locally managed option for managing the Wyandotte Creek Subbasin while maintaining SGMA compliance for all landowners.

Proposed Property Fee:

The proposed per-acre fee funds the service of groundwater management including implementation of the GSP and compliance with SGMA. This fee is a per-acre fee that imposes a maximum fee of **\$13.86 per irrigated-groundwater acre** (in 2023 dollars, including inflation, for the subsequent four years). The proposed fee, if approved, will become

effective for the 2023-24 fiscal year (beginning July 1, 2023), with the first payment due by December 15, 2023. **The actual amount of the fee will be set by Resolution of the Wyandotte Creek GSA but cannot exceed the maximum per acre fee specified above, including the inflation factor, absent a subsequent Proposition 218 proceeding.**

The proposed annual per acre fee is prorated based on parcel size; examples are provided in the table below:

0.10-acre parcel	0.25-acre parcel	0.50-acre parcel	1.0-acre parcel	5.0-acre parcel	10.0-acre parcel	25.0-acre parcel
\$1.39	\$3.47	\$6.93	\$13.86	\$69.30	\$138.60	\$693.00

There are three proposed maximum rates; \$8.98 per irrigated-surface water acre, \$13.86 per irrigated-groundwater acre, and \$1.38 per non-irrigated acre. Each acre of land subject to a fee would only be charged one of these rates. The rate applicable to your parcel has been indicated above.

For more information, including the Fee Report summarizing the findings, please visit the Wyandotte Creek GSA website at: <https://www.wyandottecreekgsa.com>.

Public Hearing and Majority Protest:

Under the California State Constitution, owners of land subject to the proposed fee have the right to protest its adoption. If you have received this notice, one or more parcels under your ownership will be subject to the proposed fee. If the identified parcel has more than one record owner or renter, only one written protest will be counted. In the event of a majority protest, the fee will not be instituted. There is a 120-day statute of limitations for challenging any new, increased, or extended fee or charge.

Landowners desiring to protest the proposed Wyandotte Creek GSA fee should send their written protest prior to the public hearing to: Wyandotte Creek Subbasin Groundwater Sustainability Agency, c/o Wyandotte Creek GSA, PO BOX 745, Oroville, CA 95965, or in person at the public hearing on July 27, 2023 at 2:00 p.m., so long as the protest is received prior to the close of the public hearing. **Protests submitted by e-mail, fax, or other electronic means are not valid and will not be counted as a protest.**

There are multiple ways to obtain additional information about this topic:

- View more information online at <https://www.wyandottecreekgsa.com>.
- Call the Wyandotte Creek GSA at **(530) 552-3591**.
- For more information about SGMA, see the California Department of Water Resources website: <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management>

If you do not wish to protest the proposed Wyandotte Creek GSA Fee, you do not need to take any action.



WYANDOTTE CREEK GSA PROPOSITION 218 PROTEST FORM

To protest, complete and detach this portion of the Notice and mail to Wyandotte Creek GSA, P.O. Box 745, Oroville, CA 95965, OR submit in-person at the Public Hearing on July 27, 2023, 2:00 p.m., Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA. All protests must include:

- Landowner Printed Name(s): _____
- Assessor's Parcel Number: _____
- Statement of Protest: _____

Under penalty of law, I affirm that I am the owner(s) or authorized representative of the owner of the above parcel.

- Valid Landowner Signature(s): _____

Each parcel is entitled to one protest. If a parcel has more than one owner, all must sign one protest form.

If you do not wish to protest the proposed Wyandotte Creek GSA Fee, you do not need to take any action.

WYANDOTTE CREEK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY NOTICE OF HEARING TO ADOPT PROPOSED FEE

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Background:

The Wyandotte Creek GSA is a joint powers agency formed to comply with the requirements of SGMA for that portion of the Wyandotte Creek Groundwater Subbasin underlying the BUTTE COUNTY, CITY OF OROVILLE, and THERMALITO WATER and SEWER DISTRICT. The Wyandotte Creek Subbasin area is described in California Department of Water Resources Bulletin 118 (2020), Sacramento Valley Groundwater Basin, Wyandotte Creek Subbasin, Number 5-021.69 which is classified as a Medium Priority Subbasin comprised of approximately 59,382 total acres. As required by SGMA, the Wyandotte Creek GSA adopted a GSP in 2022, and must now implement that GSP as required by law to prevent the State of California from stepping in to manage the local groundwater basin and corresponding groundwater resources.

Basis of Proposed Fee:

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The proposed fee is a property-related fee governed by Proposition 218 and the California Constitution. California Water Code Section 10730 provides authority for the Wyandotte Creek GSA to impose Fees to support GSA administration, GSP implementation, and SGMA compliance. The Wyandotte Creek GSA Board has reviewed the best options to fund the GSA and associated activities over the next five years as explained and documented in the May 2023 Proposition 218 Fee Report.

The service of local groundwater management requires each landowner to cover the cost of groundwater management, GSA administration, GSP implementation, and SGMA compliance including groundwater monitoring, preparation of annual reports, and regulatory compliance activities to ensure that the Wyandotte Creek Subbasin is sustainable over the long term, as required by SGMA. Each acre in the Wyandotte Creek Subbasin is required to be managed by a GSP and will receive the local management services of the Wyandotte Creek GSA. Ensuring sustainability will allow the Wyandotte Creek GSA to maintain local control and **avoid expensive State intervention and operation of the Subbasin, which would result in much higher Fees.** If the State Water Resources Control Board intervenes in the Wyandotte Creek Subbasin, it may impose annual fees ranging from \$100 per domestic well, to \$300 per agricultural well, plus up to \$55 per acre-foot of pumped water per well and require annual reporting of extractions to the State. For more information:

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effective for the 2023-24 fiscal year (beginning July 1, 2023), with the first payment due by December 15, 2023. **The actual amount of the fee will be set by Resolution of the Wyandotte Creek GSA but cannot exceed the maximum per acre fee specified above, including the inflation factor, absent a subsequent Proposition 218 proceeding.**

The proposed annual per acre fee is prorated based on parcel size; examples are provided in the table below:

0.10-acre parcel	0.25-acre parcel	0.50-acre parcel	1.0-acre parcel	5.0-acre parcel	10.0-acre parcel	25.0-acre parcel
\$0.90	\$2.245	\$4.49	\$8.98	\$44.90	\$89.80	\$224.50

There are three proposed maximum rates; \$8.98 per irrigated-surface water acre, \$13.86 per irrigated-groundwater acre, and \$1.38 per non-irrigated acre. Each acre of land subject to a fee would only be charged one of these rates. The rate applicable to your parcel has been indicated above.

For more information, including the Fee Report summarizing the findings, please visit the Wyandotte Creek GSA website at: <https://www.wyandottecreekgsa.com>.

Public Hearing and Majority Protest:

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Proposed Property Fee:

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effective for the 2023-24 fiscal year (beginning July 1, 2023), with the first payment due by December 15, 2023. **The actual amount of the fee will be set by Resolution of the Wyandotte Creek GSA but cannot exceed the maximum per acre fee specified above, including the inflation factor, absent a subsequent Proposition 218 proceeding.**

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Chico Enterprise-Record

400 E. Park Ave.
Chico, Ca 95928
530-896-7702
erlegal@chicoer.com

LUHDORFF & SCALMANINI
500 FIRST ST.
WOODLAND, CA 95695

Account Number: 3770926

Ad Order Number: 0006764968

Customer's Reference Wyandotte Creek Groundwater Sustainability Agency
/ PO Number:

Publication: Chico Enterprise-Record

Publication Dates: 07/12/2023, 07/19/2023

Amount: \$240.73

Payment Amount: \$240.73 Payment Method: Credit Card

Invoice Text: NOTICE OF PUBLIC HEARING

Pursuant to Water Code section 10730(b)(2) and Government Code section 6066, notice is hereby given that the Wyandotte Creek Ground-water Sustainability Agency will hold a public hearing on July 27, 2023, at 2:00 p.m. or as soon thereafter as may be heard, at the Oroville City Council Chambers, 1735 Montgomery Street, Oroville, CA 95965, to receive written protests and consider the adoption of a new property related fee in the amount of \$1.16 per acre annually for the Non-Irrigated user class, \$7.39 per acre annually for the Irrigated-Surface Water user class, and \$11.40 per acre annually for the Irrigated-Groundwater user class for the 2024 Fiscal Year and the subsequent four fiscal years to fund the operations of the Wyandotte Creek Groundwater Sustainability Agency to comply with the Sustainable Groundwater Management Act of 2014.

Information regarding the proposed fee is available online at <https://www.wyandottecreekgsa.com>, by calling the Wyandotte Creek Ground-water Sustainability Agency at (530) 552-3591, or by email at wyandottegsa@gmail.com.

PUBLISHED 07/12, 07/19/2023

Chico Enterprise-Record

400 E. Park Ave.
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3770926

LUHDORFF & SCALMANINI
500 FIRST ST.
WOODLAND, CA 95695

Legal No. **0006764968**

**IN THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA,
IN AND FOR THE COUNTY OF BUTTE**

In The Matter Of
**Wyandotte Creek Groundwater Sustainability
Agency**

AFFIDAVIT OF PUBLICATION

STATE OF CALIFORNIA }
COUNTY OF BUTTE } **SS.**

The undersigned resident of the county of Butte, State of California, says:

That I am, and at all times herein mentioned was a citizen of the United States and not a party to nor interested in the above entitled matter; that I am the principal clerk of the printer and publisher of

**The Chico Enterprise-Record
The Oroville Mercury-Register**

That said newspaper is one of general circulation as defined by Section 6000 Government Code of the State of California, Case No. 26796 by the Superior Court of the State of California, in and for the County of Butte; that said newspaper at all times herein mentioned was printed and published daily in the City of Chico and County of Butte; that the notice of which the annexed is a true printed copy, was published in said newspaper on the following days:

07/12/2023, 07/19/2023

Dated July 19, 2023
at Chico, California



(Signature)

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Information regarding the proposed fee is available online at <https://www.wyandottecreekgsa.com>, by calling the Wyandotte Creek Groundwater Sustainability Agency at (530) 552-3591, or by email at wyandottegsa@gmail.com.

PUBLISHED 07/12, 07/19/2023