

TUSCAN WATER DISTRICT

Groundwater Sustainability in the Vina Subbasin: Who Does What, What TWD Can Do, and How Projects Move Forward

The Vina Subbasin’s Governance Framework

Achieving groundwater sustainability in the Vina Subbasin requires coordination among agencies with distinct but complementary roles. Three governing documents help establish this framework: the Vina GSA Joint Powers Agreement (2019), LAFCO Resolution No. 18 2022/2023 (which formed the Tuscan Water District), and the Memoranda of Understanding executed January 28, 2025, between TWD and Butte County GSA, and TWD and the Vina GSA and Rock Creek Reclamation District GSA.

Together, these documents create a clear division of responsibility: the GSAs plan and regulate; TWD implements projects that advance the GSAs’ sustainability goals. This structure reflects the practical reality that the Vina GSA, by the terms of its own JPA, will not have employees (JPA Section 12.3). While the GSA retains full regulatory authority, implementing physical infrastructure—recharge basins, conveyance systems, monitoring networks—requires a dedicated operational entity. TWD was formed to fill that role.

Who Does What in the Vina Subbasin

Vina GSA / Rock Creek GSA	Tuscan Water District
Develop, adopt, and amend the Vina Subbasin GSP under SGMA.	Implement projects and management actions consistent with the GSA’s GSP.
Set sustainability criteria, monitor basin conditions, and enforce compliance.	Conduct feasibility studies, pursue funding, and build infrastructure.
Review TWD project proposals for consistency with the GSP before implementation.	Submit project proposals to the relevant GSA(s) for a consistency determination.
Retain all GSA authority; no authority has been delegated to TWD.	Serve as a GSA partner—not a GSA—and will not undertake GSA duties (MOU §2(a)).

A note on Rock Creek Reclamation District. The table above describes the general division of roles between the GSAs and TWD. The Rock Creek Reclamation District occupies a somewhat different position. RCRD was formed decades ago to provide flood control and drainage services to approximately 4,644 acres in northern Butte County. Unlike the Vina GSA — which by the terms of its JPA will not have employees — RCRD is an operational district with independent authority to develop, implement, and operate projects within its boundaries. RCRD also serves as one of the two GSAs in the Vina Subbasin. In its May 2021 letter supporting TWD's formation, RCRD clarified that while the two districts' boundaries would overlap, there would be no duplication of services, absent joint agreement, and that RCRD would retain its autonomy to develop, adopt, and implement the GSP within its boundaries. TWD's role as an implementation partner is therefore most directly relevant to the Vina GSA, which lacks independent operational capacity.

Why a Separate Implementation Entity?

Under SGMA, GSAs are responsible for developing and implementing Groundwater Sustainability Plans. In principle, a GSA could both plan and build. In practice, the Vina Subbasin’s governance structure reflects a different approach—shaped by both institutional design and stakeholder preference. The Vina GSA’s Joint Powers Agreement (Section 12.3) provides that the Agency “will not have any employees.” Member agencies may be engaged to manage the GSA’s business, and the GSA may hire consultants, but this staffing model was designed for a regulatory and planning body—not for building and operating physical water infrastructure, which requires dedicated project management, engineering oversight, and sustained operational capacity.

After SGMA passed in 2014-15, landowners and county elected officials recognized that achieving sustainability would require a focused entity with independent authority to pursue funding, conduct feasibility studies, and implement projects. The formation of TWD as a California Water District under Water Code §34000 et seq. provides that capacity—a public agency with a landowner-elected board, independent funding authority, and the legal tools to get projects built. The MOUs formalize this complementary relationship, and LAFCO Condition 18 requires that before TWD pursues any GSP implementation activity that may result in a physical change in the environment, it must first obtain a GSP consistency determination from the Vina GSA—ensuring the GSA retains clear oversight of whether TWD’s projects align with the sustainability plan.

What TWD Can and Cannot Do

LAFCO’s Conditions of Approval define TWD’s boundaries.

TWD Is Authorized To:	TWD Is Restricted From:
Conduct studies and feasibility analyses related to groundwater sustainability, recharge, conveyance, and storage.	Exporting or transferring water outside the Vina or Butte Subbasins (LAFCO Condition 17(a)).
Pursue grants and funding for project feasibility and implementation.	Operating as a retail water provider—these powers are inactive and latent (Condition 17(b)).
Enter cooperative agreements and MOUs with GSAs and other agencies.	Pursuing CEQA or implementing any project without a GSA consistency determination (Conditions 14 and 18; MOUs).
Implement projects that have received a GSA consistency determination and completed CEQA review.	Exercising power over Rock Creek Reclamation District works without written consent (Condition 16).

The GSP Consistency Determination: What It Is and What It Isn’t

LAFCO Condition 18 defines the GSA’s consistency determination as a ministerial review—not a discretionary approval. The GSA determines only whether a proposed project is (1) within the scope of a project or action identified in the GSP, or (2) consistent and compatible with the goals, objectives, purposes, and policies of the GSP. The Condition specifies that GSA staff “shall not use or exercise any personal or subjective judgment” in this determination, and that it “is not intended to confer on the GSA the discretionary authority to determine whether to approve a District project or to modify or condition a project.” The purpose is to confirm GSP consistency before TWD undertakes the effort and expense of CEQA review, implementation, and operation.

How Projects Move Forward in the Vina Subbasin

Projects follow a structured pipeline with multiple public checkpoints. All TWD activity today involves research and due diligence—not construction.

Stage	What Happens	Key Safeguard
1. Exploration	TWD investigates whether a project concept is feasible—engineering, cost, environmental factors, funding.	Discussed at open board meetings. No GSA approval required yet.
2. Proposal	If viable, TWD prepares a project description and submits it to the relevant GSA.	Becomes part of the public record.
3. GSA Review	The GSA undertakes a GSP consistency determination by reviewing the project and determining if the project is consistent with the GSA’s GSP.	GSA retains full discretion (MOU §2(b)(1&2)).
4. CEQA	Environmental review under the California Environmental Quality Act, as required by LAFCO Condition 18.	Public comment opportunity.
5. Build	Only after all prior steps are completed does construction begin.	Ongoing reporting, as may be required.

The bottom line: exploring a project is not the same as building it. No project advances to construction without a GSA consistency determination and environmental review. The GSAs retain full authority over sustainability planning, and TWD provides the operational capacity to turn those plans into reality—within the guardrails that LAFCO and the MOUs have set.

Source Documents

- Vina Groundwater Sustainability Agency — Joint Powers Agreement (executed April 9, 2019)
- Butte LAFCO Resolution No. 18 2022/2023 — Conditions of Approval for TWD Formation (recorded February 1, 2024)
- MOU: TWD, Rock Creek Reclamation District GSA, and Vina GSA (January 28, 2025)
- MOU: TWD and County of Butte GSA (January 28, 2025)

This document was prepared by TWD staff for public information purposes. It is not legal advice.