

MEETING SUMMARY | August 26, 2016
Private Pumper Advisory Committee (PPAC) Meeting #2

MEETING RECAP

- The PPAC expressed concerns that many landowners are still unaware of SGMA and, as a result, encouraged more outreach to landowners.
- Two water resources attorneys verified that a private entity can have equal authorities on a JPA Board, with some caveats.
- The PPAC proposed a governance option that would include five Management Areas (MA) based on Supervisorial Districts with a private pumper representative in each MA, appointed by the Board of Supervisors, and serving on a GSA/JPA Board and on an updated Groundwater Commission.
- The PPAC expressed the expectation that the County will supply ongoing resources to the PPAC, including funding and support from County staff.

For more local information please visit the [Colusa County Water Resources Webpage](#).

MEETING SUMMARY

1. INTRODUCTION

Mr. Ceppos (facilitator) reviewed the agenda, and asked for introductions.

2. SGMA IMPLEMENTATION UPDATES

PPAC Action Items Progress Report

Outreach to landowners is ongoing. The PPAC did a great job getting landowners to the last Governance Workgroup meeting. PPAC members expressed concern that there are still landowners that do not know about SGMA. The group decided on the following action items:

- Continue to place information in the local papers, including announcing upcoming meetings.
- Look into putting a flyer in the property tax bill.
- Look into the Irrigated Lands Regulatory Program mailing list and the Rice Commission list.
- One of the functions of the PPAC is outreach. PPAC meetings can be used as an educational outreach forum for landowners.
- All PPAC members can post information on the Colusa County Groundwater Facebook page.
- Continue to work with Farm Bureau as an outreach entity to their membership.

3. DISCUSSION TOPICS

Mary Fahey, Colusa County Water Resources Coordinator, and Mr. Ceppos each spoke with Legal Counsel regarding authorities that a private pumper can have on a JPA Board. The attorneys indicated that there are not limitations to authorities that a private entity can have on a JPA Board, but there are caveats. Public Code 6500 defines types of agencies that can be signatory to a JPA. This does not include private citizens. Signatories can appoint a private entity. However, the Appointee is never independent of the Appointer. The Appointee gets the authorities that are given to them by the Appointer. The Appointee can be rescinded by the Appointer at any time.

Eligible GSAs are going to create the JPA or other legal agreement and define the authorities. Private Pumpers will be able to advocate for what they want, but will not be able to control the decisions. The other option is for the Private Pumpers to form their own district. However, the formation process for such a district would not be completed by June, 2017. The Private Pumpers can be granted with equivalent authorities. However, the County, per statute, is still responsible for the White Areas.

Question: Currently, the private pumpers are represented by the County. Irrigation Districts have boards. Who on the Board of Supervisors represents the private pumpers? **Answer:** Supervisors Carter and Vann have been appointed as the Board of Supervisors' SGMA ad hoc subcommittee for the County.

Question: If there are four private pumpers appointed to the JPA, and the County decides they don't want private pumpers any more, can they rescind all four or do they replace all four?

Answer: I think both. You could be appointees by the County, or you could be an appointee from one of the other agencies.

Question: Can a full JPA board appoint a private pumper as opposed to a single agency? **Answer:** Not sure.

Question: Can the JPA structure change? **Answer:** That would be stipulated in the GSA bylaws.

a. GSA Formation

Key discussion points included:

- Governance would include MAs with an Advisory Committee in each MA that would elect a representative to the JPA board.
- Private Pumpers could be part of the County GSA and utilize the MAs to designate the appointees. White areas would still be under the County umbrella. Private Pumpers would be advisory to the County.
- Groundwater Commission scenario – Five MAs would be created per Supervisorial District boundaries. Each MA would have a private pumper representative on the GSA Board appointed by the MA's Supervisor. Private Pumper representatives would have equal authorities to the other agencies on the Board. Each of those five appointees would make up the County Groundwater Commission. Within each MA there would be a landowner Advisory Committee.
 - This option merges SGMA and the County Groundwater Commission.
 - PPAC members expressed differing opinions on whether the Commission would be advisory or appointed to the GSA Board with equal authorities.
 - Per law, in order for private pumpers to have equivalent authorities, there must be unanimous agreement among all GSA board members.
 - Question: Would the private pumper appointment structure be flexible enough to allow for the selection of a pumper who is also affiliated with a district? The Current Groundwater Commission has a water district representative.
 - Groundwater Commissioners are currently not appointed per Supervisorial District. There would have to be adjustments made to the Commission by-laws in order to appoint members by Supervisorial District.
- Mr. Ceppos encouraged the PPAC to think through these kinds of details.

Review of two proposed governance options:

The PPAC reviewed the two governance options presented at the last Governance Workgroup meeting (*Appendix A*). The PPAC expressed that both options were similar. PPAC members considered Option #2 to be efficient since the County is already performing many of those functions.

Discussion on tools that the PPAC would be willing to use, related to past workgroup discussions

Comment: California water law spreads the burden. We are going to have to spread the pain. We don't want to see one area suffer and others not. Arbuckle is a hot spot. We could tell groundwater users in that area that they need to reduce pumping but we don't want to see that. According to water law, the burden has to be shared over the entire basin. Out of area transfers would need to stop. Surface water could be moved into that area from other areas. These are solutions. We don't want to see governance developed where one area suffers and other areas do not. **Response:** Mr. Ceppos advised the PPAC to work on crafting a statement that reflects this view.

Comment: A multi-agency GSA will facilitate everyone using the same tools and spreading the management actions throughout the basin.

b. Technical Information Needs

The PPAC expressed the need for information about the White Areas in order to paint a clearer picture of groundwater use in the county:

- How many wells are in the White Areas?
- What are the cropping patterns (annual, perennial)? This would tell us how many wells can realistically be followed.
- Water budget for White Areas
- Water budgets for Districts

Ms. Fahey has been looking into water budgets along with Lisa Hunter, Water Resources Coordinator in Glenn County. A water budget will cost approximately \$100K for Colusa County only and \$250K for the entire basin.

Mr. Ceppos mentioned that a lot of work is being done throughout the state in advance of June 30, 2017. Having GSAs in place sets the stage to begin GSP development. The bar for June 30 is actually quite low. At bare minimum, we just need to show that every square inch of the basin is covered and there are no overlapping GSAs. The downside to that is that on July 1, after we have a blessing from the State, we will dive into developing the GSP. At that point, important decisions need to be made such as, who are we going to hire, what are we going to study, how are we going to fund these activities? We want to use the time available prior to June 30, 2017 to develop our governance so we are ready to move forward on July 1, then we can start diving into the technical information and studies. We should think about how much technical information we need now to help form our governance and how much we can hold off on until we start to develop our plan.

Comment: Painting the picture of groundwater use illustrates that private pumper involvement is needed on a GSA board. When we talk about balanced representation, this information tells a story and makes the point.

Mr. Ceppos asked that as soon as the private pumpers define themselves as proportionally a majority water user, don't they set themselves up for shouldering the burden of fixing the problem? PPAC members stated that it is the reality that they will be shouldering the burden.

Comment: The water districts are already part of a GSA, they're in. If the private pumpers really put their foot down, they could say that the groundwater users should be in control of the process. We are not saying that we want to control this process, we are saying we want to be a part of it.

Mr. Ceppos stated that the PPAC can advocate for that principle to be added to the Common Principles.

Question: Does the PPAC feel that it doesn't have representation or support? At every meeting, I hear everyone at the table saying they want private pumpers on a governing board.

Comment: The last meeting was the first time the agencies have talked about balance on a board.

Comment: We've talked about one maybe two private pumper representatives on a governing board. The number is very important.

Comment: We haven't had the numbers conversation yet.

Comment: We need to have that conversation.

Mr. Ceppos told the group that they have come up with a more concrete proposal now and this is what they need to bring to the Governance Workgroup to find out exactly how far those agencies want to go.

c. Current and Future County Funding

Mr. Ceppos told the PPAC that if they want the County to negotiate for the highest level of authority they can get, they need to talk to their Supervisors and determine their level of support for the PPAC.

Ms. Fahey mentioned that the PPAC is changing from an Advisory Committee to a group that wants equal representation on a GSA board. They need to consider that this will require resources – staffing, funding, etc. Is the PPAC prepared for this? If the PPAC intends to have the County go to bat for them, they need to talk to their Supervisors and clarify this. Given the authorities they are asking for, the PPAC needs to think about the contributions they are going to make to the process. We are going to have to figure this out for everyone, including the agencies.

There was discussion about utilizing the Proposition 218 process to fund SGMA implementation, but there will be many expenses before that can be implemented. There was not general agreement on how to assess landowners, per parcel, per acre, etc. This is something the PPAC needs to continue to discuss on their own to determine what they want to advocate for.

Mr. Ceppos added that counties across the state are struggling with how to fund SGMA implementation. Nobody expected or built this into their budgets. We need to figure out how we are going to fund this.

The expectation expressed by the PPAC is that the County will supply ongoing resources to the PPAC, including support from County staff.

Next Steps / Action Items

- Ms. Fahey to schedule next 3 meetings (Governance Workgroup, Governance Subcommittee and PPAC)
- Ms. Fahey to relay key discussion points from the meeting to Supervisors
- The PPAC to further refine their proposal
- The PPAC to make clear to Supervisors what they want from the County
- The PPAC to pursue clarification on the level of support the County is willing to provide for the PPAC.
- Ms. Fahey to get acreages of White Area
- PPAC to continue ongoing outreach efforts

MEETING PARTICIPANTS

PPAC Members

Kim Gallagher
Darrin Williams
Jeff Moresco
Derrick Strain
Jim Peterson
Lorraine Marsh

Public

Gilbert Ramos, landowner; RCD; Farm Bureau
Christy Scofield, landowner
Carli Morengo, Farm Bureau
Roger Moore, landowner
Jim LaGrande, landowner
Clarke Ornbaun, landowner
Theresa Bright, landowner

Staff

Mary Fahey, Colusa County Water Resources
Dave Ceppos, Center for Collaborative Policy

Appendix A: Governance Options

