

MEETING SUMMARY | March 29, 2016

Colusa Sustainable Groundwater Management Act (SGMA) – Governance Working Group Meeting #3

MEETING RECAP

- Sacramento State University Center for Collaborative Policy (CCP) Facilitator Dave Ceppos welcomed participants, reviewed today's agenda.
- Meeting attendees received a presentation on the concept of Local Implementing Agencies (LIAs) and Management Areas as alternatives to being a Groundwater Sustainability Agencies (GSA), or developing a separate Groundwater Sustainability Plan (GSP).
- Meeting attendees received a recap on SGMA Governance, including the "who among equals" can participate in a GSA and the roles and responsibilities of being a GSA.
- Meeting attendees were given time to contemplate their potential roles by engaging in an exercise utilizing a GSA Roles and Responsibilities Matrix.
- Meeting attendees engaged in an open discussion to continue brainstorming GSA governance approaches. These discussions will continue at future meetings.
- CCP intends for this group to have a very good idea of local governance structure in the next few months.

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

For information on SGMA please visit the [Department of Water Resources SGMA Webpage](#).

MEETING SUMMARY

Introduction

The meeting began with all attendees reciting the Pledge of Allegiance. The facilitator reviewed the agenda and welcomed introductions by all attendees. He noted that his colleague, Tania Carlone, unfortunately could not attend the meeting due to illness. Mr. Ceppos drew the audience's attention to the Matrix handout and mentioned that later in the meeting, attendees would be engaging in a deeper conversation about local governance.

Presentation/Discussion: Local Implementation Agency (LIA) Concept

Mr. Ceppos described the background of the LIA concept. It is a Governance concept developed by himself and his colleagues at CCP. It has not been blessed by the Department of Water Resources (DWR) or the State Water Resources Control Board (SWRCB), but it is something to be considered.

Mr. Ceppos then gave a brief review of local activities, including the proposed Yolo County Basin Boundary Modification. Currently Colusa and Glenn Counties have to partner in the Colusa Subbasin; there are 26 GSA-eligible agencies in Colusa County and a similar number in Glenn County; by this time next year, we need to have our governance figured out. Mr. Ceppos also mentioned that the SWRCB will provide a series of meetings about what State intervention will look like if they have to intervene and manage a basin.

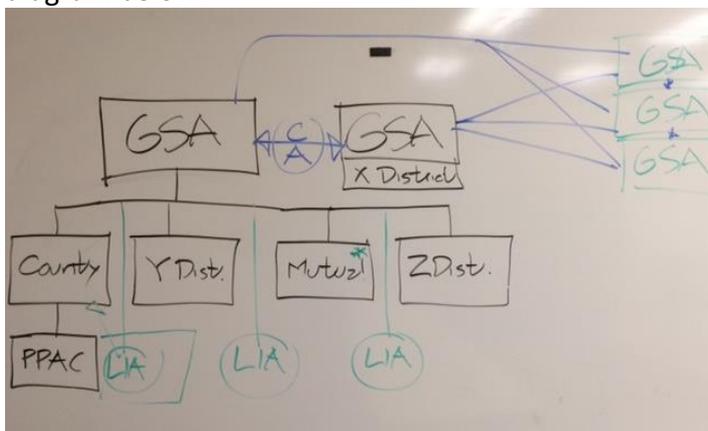
Mr. Ceppos continued with the LIA concept. He described how SGMA gives an “all or nothing” feeling – either you are a GSA or you have nothing. This has created a feeling among agencies that they need to protect themselves. SGMA creates a concern for local agencies that do not want their water use dictated by others, but they have limited capacity to be a GSA. A multi-agency GSA is an option, but there are practical limitations given the number of agencies in our basins, and the resources needed to participate in SGMA implementation.

Mr. Ceppos went on to explain that the LIA concept provides some middle ground. The idea is that there can be a form of governance that achieves SGMA objectives AND meets the interests of local agencies that opt out of being a GSA. The LIA is an implementing unit of a GSA. The LIA manages their area and implements SGMA at the most localized level possible. LIAs are still involved in SGMA implementation, but they do not take on a governance role.

Mr. Ceppos provided a hypothetical example: A multi-agency GSA is formed in a basin. All GSA-eligible agencies are able to provide input on governance and GSP development. Some GSA-eligible agencies decide to take on a governing member role while others opt to be a LIA. A GSP is prepared that includes Management Areas with boundaries that match those of the GSA-eligible agencies or groups of agencies. The multi-agency GSA assumes specific global responsibilities (reporting, enforcement, fee collection, etc.) while LIAs assume localized responsibility to implement the requirements of the GSP attributed to them (local water use, landowner engagement, initial enforcement, etc.). The LIA is part of the discussion and they implement the GSP in their area with their people. They are the first line of enforcement and the GSA, utilizing its authorities, acts as backup when needed.

Mr. Ceppos then opened the floor to discussion and Q & A:

Supervisor Carter asked if Mr. Ceppos could provide a diagram to clarify, and he provided the diagram below:



The diagram illustrates a hypothetical situation with several GSAs across two counties, and shows where LIAs and the PPAC may fit in. This shows a joint GSA with a Board, a single GSA with their Board, several LIAs that are engaged with the joint GSA and the PPAC which is engaged with the County. The blue lines indicate Coordination Agreements. Mr. Ceppos

mentioned that Coordination Agreements between basins is voluntary, and that multiple GSPs in a basin must be coordinated and have a legal Agreement.

Question: Does each GSA have to develop a GSP? Answer: Not necessarily.

Question: Will we really need 25 Agreements? Answer: It's possible – Mr. Ceppos is describing the worst case scenario.

Question: In the illustration, could LIAs have a voice with both GSAs? Answer: Yes.

Question: Where does a Management Area fit in? Answer: We will get to that.

Question: Who gets to vote? Answer: There are a myriad of voting options: one agency = one vote; voting weighted by acreage; by number of wells, etc. This will be decided locally.

Question: If you are a LIA and don't feel represented can you pull out and join with another GSA? Answer: Yes, there are many options.

Question: What is the deadline to be a GSA? Answer: Technically June 30, 2017, but you can amend your GSA prior to that date if you form one sooner.

Question: There is a big area of private pumpers in Colusa County. Privates need to be in the upper layer. Is there a way they can be on that that layer without forming their own agency?

Answer: the PPAC is a starting place. The Sacramento Groundwater Authority (SGA) has a model (**Action Item** next meeting). They are a JPA and for each seat at the table they get to bring in a secondary agency that is not eligible to be on a JPA.

Question: In the SGA example, can the County designate the PPAC to participate in a GSA?

Answer: Don't know. Mr. Ceppos provided a hypothetical scenario: The Arbuckle area is a Management Area including CCWD and a Private Pumper area. CCWD is on the GSA board and a LIA oversees the Private Pumpers.

Question: How do you decide to be a LIA? How does each layer interface with the State?

Answer: The overarching agency, "Coordinating Agency," interfaces with the State as the one point of contact for the basin.

Question: Why would the LIA want to do anything at all? Answer: They may not. Another option is to have the non-GSA entities form another advisory committee to the County, similar to the PPAC.

Question/Statement: The LIA has no say in development of the GSP. Response: Yes they do.

Statement: But they have no voting rights. Response: That's up to the group.

Question: I am an older generation. Nothing we are doing here is creating any water is it?

Answer: No.

Statement: The concept of the LIA is how you are represented in a GSP. The LIA should have a say in the Plan. Consideration of governance should be tied to what needs to be done in the Plan, where the hard work will be needed. Answer: Yes. The legislation was developed lineally based on deadlines. The more technical work that needs to be done, the more management will be required. Creating the Plan first could relieve some fear/angst. The Plan will tell us what we need to do.

Question/Statement: The LIA looks administrative – collecting data, etc., while the GSA looks like policy. Answer: Yes.

Question/Statement: To protect your rights, LIA needs to be a GSA first. Answer: No, LIA needs to ensure they're protected in the Agreements, perhaps a conditional Agreement. We don't have the answers now, we still need to get there, but this is our Plan.

Question: GSAs and GSPs – which comes first? Answer: Think about proportional solutions. There is not a one size fits all.

Presentation/Discussion: Groundwater Sustainability Agency Roles and Responsibilities

The facilitator moved on to the second presentation. He provided a recap on SGMA Governance. He called out a key sentence in SB 13, “The authority provided by this subdivision does not confer any additional powers to a nongovernmental entity.” And explained that the legislation did not feel it was appropriate to give enforcement authority to private entities. He also displayed the only two references to private pumpers and the public that are mentioned in Statute: 10723.2 and 10726.5. He also reminded the audience that the County is presumed to manage areas not covered by a GSA.

Next, Mr. Ceppos reviewed the three phases of SGMA: GSA formation, GSP development and GSP implementation. All roles and responsibilities are not created equally over time. We need to decide what we need to do now. Mr. Ceppos referred the group to the document: “Designing Effective Groundwater Sustainability Agencies” from the UC Berkeley School of Law. He mentioned that this is a very good read, and confirmed with County Water Resources staff that it will be available on the Colusa County Water Resources website along with today’s presentations (**Action Item**).

Mr. Ceppos went on to review the roles and responsibilities of a GSA, and emphasized the requirements for outreach, engagement and transparency. He also discussed compliance regarding CEQA and NEPA and went on to discuss funding. GSAs are responsible for developing a funding structure. He also mentioned that if a Prop. 218 fee structure is needed for GSP implementation, and it is voted down leaving the GSA(s) unable to implement the Plan, the State will step in.

Next, Mr. Ceppos presented Authorities of a GSA. These included general authorities, Information gathering, groundwater extraction, property acquisition and management and enforcement.

Question: Under the LIA example, what Groundwater extraction authorities would they exercise? Answer: It is up to us, how we want to structure governance locally.

Mr. Ceppos moved on to open a discussion on the draft GSP Regulations. He mentioned that there are two schools of thought – some feel the regulations are too prescriptive and some feel they are not prescriptive enough.

Audience Comment: They are very prescriptive. They are very logical and well thought out, but he sees them as being overly prescriptive.

Mr. Ceppos concluded his presentation with a discussion on enforcement authorities, coordination and technical responsibilities of GSAs.

The facilitator then turned to the GSA eligible agencies at the table and said it was time for them to start the conversation on where they see themselves fitting in a local governance scheme.

Question: How is the conversation going in the San Joaquin Valley? Answer: Very well in some areas, and not so well in others.

Mr. Ceppos referred to a *GSA Roles and Responsibilities Matrix* that was handed out to all attendees. He asked the GSA-eligible agencies to take 10 minutes to fill out the matrix by checking the GSA roles and responsibilities that they envisioned themselves fulfilling. After this exercise, Mr. Ceppos opened the floor to the agencies to discuss where they see their roles.

- County of Colusa: Mary Fahey, County of Colusa Water Resources, mentioned that it is a little easier for the County because, per the legislation, Counties are presumed to be a GSA over the white areas, so the County will have a role as a GSA, and anticipates a partnership with other willing agencies.
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- Glenn Colusa Irrigation District: Thad Bettner, GM, spoke up to describe his District's direction. Their Board has been discussing SGMA. It is complicated for them because their service area is in both Colusa and Glenn Counties. They are considering being a stand-alone GSA and also developing their own GSP, or they may partner with the Counties. Their approach is to assess the basin through a resources plan/assessment. They feel gaining that knowledge will help in governance decisions. They want to be cooperative and let the process play out. A big question is how are we going to pay for everything that needs to be done?
 - Mr. Ceppos posed a question to Mr. Bettner: how do you envision in GSP context folks outside of your district that are affected by pumping within your District?
 - Mr. Bettner replied that it goes both ways. Water budgets, water balances, etc. will help inform these conversations.
- Mr. Ceppos asked how many folks in the room represented a GSA-eligible agency. There were 7. Mr. Ceppos expressed concern over this. Ms. Fahey mentioned that in the previous two meetings there was more participation. It was determined that folks may be out of town for Spring Break.
- Sycamore Mutual: Emily James mentioned that their Mutual Water Agency is very small and funding something like SGMA implementation is an issue. There are approximately 10 water users in their District. They would like to entertain working with the County or another GSA.
- Darrin Williams (PPAC): Darrin spoke up about the role of private pumpers. They have the most to lose and they are 3rd among equals. They need a seat at the GSA table. He worries that SGMA implementation could fall apart if private pumpers are not involved.

- Colusa County Water District (CCWD): Shelly Murphy (GM) mentioned that several districts have private pumpers within their districts and that CCWD has folks that need their wells to fulfill their supply when allocations are cut. The question arose regarding how private pumpers within Districts are managed.
- Audience Member: Ken Loy, West Yost Associates mentioned that whether a private pumper is in a District or not, they are an overlying landowner and maintain their right to reasonable use.
- Mr. Bettner mentioned that Mr. Williams is raising the right points regarding the private pumpers. This is what we need information for; we should gather data to form knowledge to help guide governance.
- Mr. Ceppos then mentioned that this could roll into our Guiding Principles.
- Supervisor Carter mentioned that while she understands the need for data, we are forced into a box by the SGMA timelines. We need to put our focus on Governance to ensure that we meet the timelines. We don't have time for studies.
- Audience Member: Hilary Reinhard, Provost and Pritchard, mentioned that we should discuss what each agency wants to do on the Matrix.

An audience member suggested providing examples of what other basins are doing at the next meeting. Mr. Ceppos discussed the idea of sending an email survey prior to the next meeting, for agencies to provide their input on what they want out of SGMA, and what we need to do technically to make these decisions. (**Action Items**)

Next Steps / Action Items

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Action Items:

- Confirm/Add item to Water Resources Website: "Designing Effective Groundwater Sustainability Agencies"
- Email questionnaire to each agency prior to next meeting
- Next Agenda:
 - Examples of how other basins are forming governance
 - Provide Sacramento Groundwater Authority's JPA model as an idea and a way to include the PPAC in Governance

Meeting Participants

➤ Denise Carter	Supervisor, District 5
➤ Shelly Murphy	Colusa County Water District
➤ Thad Bettner	Glenn-Colusa Irrigation District
➤ Bryan Busch	Reclamation District 108
➤ Terry Bressler	Reclamation District 1004
➤ Charles Marsh	Reclamation District 479
➤ Lorraine Marsh	Colusa County Groundwater Commission/PPAC
➤ Oscar Serrano	Colusa Indian Community
➤ Kim Gallagher	Private pumper/PPAC
➤ Craig Bradford	Mayflower Farm
➤ Mary Randall	Department of Water Resources
➤ Darrin Williams	Colusa County Groundwater Commission/PPAC
➤ Dan Gamon	Kleinfelder, Inc.
➤ Ken Loy	West Yost
➤ Derick Strain	PPAC
➤ Grant Davids	Davids Engineering
➤ Emily James	Sycamore Mutual Water Agency
➤ Lance Boyd	PCGID/PID
➤ Donita Hendrix	Dunnigan Water District
➤ Hilary Reinhard	Landowner
➤ Terry Bressler	RD 1004
➤ Elizabeth Harper	Peterson Ranch
➤ Jeff Sutton	TCCA
➤ Jeff Moresco	Colusa County Groundwater Commission/PPAC
➤ Mike Azevedo	Colusa County Public Works
➤ Mike Andriotti	Landowner

Staff

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