

MEETING SUMMARY | February 25, 2016

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

MEETING RECAP

- Sacramento State University, Center for Collaborative Policy (Center) Facilitator Dave Ceppos welcomed participants, reviewed today’s agenda and provided a recap of action items from the last working group meeting.
- Meeting attendees received an overview of the recently released Draft Emergency Groundwater Sustainability Plan (GSP) Regulations, with items of likely interest for Colusa stakeholders.
- Meeting attendees received information on who can participate in a Groundwater Sustainability Agencies (GSA) and how they can participate.
- Meeting attendees received more clarification on the responsibilities of being a GSA.
- Meeting attendees engaged in an open discussion to begin brainstorming GSA governance approaches. These discussions will continue at future meetings.

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 staffperson, Rich Wilson was no longer working on the project due to health issues with his back and that his colleague, Tania Carlone, (who was not available for this meeting) will work with Colusa SGMA stakeholders going forward. Tania is also working with Mr. Ceppos on facilitation in Glenn County which will provide cohesiveness in SGMA planning in the Colusa Subbasin. Mr. Ceppos asked Supervisors Vann and Evans to make any initial comments to the group. Supervisor Vann thanked everyone for taking time out of their busy schedules to participate in this important planning effort.

Presentation/Discussion: DRAFT Groundwater Sustainability Plan Emergency Regulations

Mr. Ceppos set the stage for today’s discussion by drawing a SGMA “box” on the white board and explaining that there is a lot of leeway locally on how we structure our governance and develop our GSP(s), but that we do have to stay within the SGMA “box.” He also noted that he and his team are working with 14 different SGMA planning entities and each is forming their governance differently.

Mr. Ceppos then began his presentation by explaining that “emergency” only means that the GSP regulations are being fast-tracked. He gave an overview of the regulations. He made specific reference to the fact that local control remains first and foremost in the regulations. He also discussed that adaptive management will be an important tool to address uncertainties.

We will have to work with what we know now, and adapt as we learn more. Final GSP regulations will be approved by the California Water Commission by **June 1, 2016**. There will be three public meetings and one webinar in March to accept comments on the draft regulations. Staff from the Center will facilitate these meetings.

Mr. Ceppos described items of interest in the Draft Regulations. He explained that these items are called out strictly through his personal filter, not through discussions with any local agencies. He reminded the group that any entity that is a GSA is responsible to develop a GSP and that the GSP regulations describe what is at stake for agencies that want to be a GSA. He mentioned **Article 8: Coordination Agreements** and commented that this is something that Colusa and Glenn Counties need to start thinking about.

During his presentation, Mr. Ceppos highlighted the following:

Article 2 defines a “**Coordinating Agency**.” This entity is the single point of contact representing all agencies/Plans in a basin. This is a new concept and may present some challenges when several agencies are participating in local SGMA implementation.

Article 3 – Technical and Reporting Standards: Mr. Ceppos mentioned that a particular groundwater model is not being mandated by the Department of Water Resources (DWR) or the State Water Resources Control Board (SWRCB), but separate efforts in a basin and adjoining basins must be coordinated. It is also important to note that all data will be publically available. This includes technical studies, well data and any other data.

Article 4 – Procedures: Plans must include information on how interested parties are engaged in the process and how they are able to participate in the development and implementation of the Plan. GSAs must have a comprehensive outreach plan in place.

Article 5 – Plan Contents, Agency Information: Mr. Ceppos has heard that Governance will be one of the first sections of the Plans to be reviewed. If this section is not complete, DWR will find the Plan to be inadequate and will not review the rest of the Plan. This section will need to document persons with management authority for implementation of the Plan as well as legal authority of the Agency. A description of anticipated revenues and costs of implementing the Plan must also be included, and Agencies must demonstrate that they have the necessary financial ability to implement the Plan.

Other items under **Article 5** make clear that Plan development will not be an easy lift: Description of the Plan Area will be very detailed and must include information on other existing programs and how they might affect local SGMA implementation efforts and vice versa; Notice and Communication - a summary of outreach efforts and a detailed communication plan is required; Basin Conditions - a detailed water budget is required, among other technical work.

Management Areas – The Draft Regulations provide the opportunity to subdivide areas that may require different management efforts than the basin as a whole. This is a new concept

demonstrating recognition that there is not a one size fits all solution to groundwater management.

Article 6 – Evaluation and Assessment: Mr. Ceppos explained how the Plans will be evaluated by DWR. GSAs must open a public comment period before submitting their Plans to DWR, then, once submitted, DWR will open another 60-day public comment period. DWR has two years to review Plans. DWR will determine if Plans are: 1. Adequate, 2. Conditionally Adequate or 3. Inadequate.

At this stage of the discussion, the facilitator took several questions from the group. He provided answers when feasible, but also noted that the Center would check with DWR on questions in which the answer was not immediately clear. At times, others that have familiarity with SGMA also provided responses. Initial questions about SGMA, and associated responses, included the following:

- Question: What are the revenues? Are these costs for landowners through the Proposition (Prop) 218 process? Answer: A fee assessment is not definitive to Prop. 218. Supervisor Vann mentioned that there are currently a couple of bills moving through that are addressing this that would remove the 218 requirements. Mr. Ceppos mentioned that if an area cannot find a way to fund and complete GSP implementation, they will be considered non-compliant, in which case the State will step in.

Mr. Ceppos took this opportunity to mention that the group needs to start thinking about power distribution and authority with SGMA implementation. Is it based on number of wells, acreage, financial contributions, other?

- Question: How will DWR define “Sustainability?” We are in a dry period now, what if we enter a wet period and things recover. Answer: We take a baseline now, look at conditions 50 years back and project forward. Are we still sustainable? This will require modeling.
- Question: SB 1317 (Wolk) is new proposed legislation that could limit well installations. What future legislation may come up that will affect our planning process after the GSPs are developed and how do we address this? Answer: We have six years to develop Plans. There is still a lot to be determined. Add to the uncertainties the Climate Change influence. Things could change radically. If GSAs are in a constant state of flux, implementation will be complicated. We need good lobbyists. We need to continue to move forward and be proactive.
- Question: How is the priority set for Tribal lands? How will this be sorted out in the GSPs? Answer: We are not sure. They are addressing this issue in Southern California and it is not resolved. This is something we need to keep track of.

Outstanding questions awaiting DWR response:

- Question: What will the mechanism be to provide comments to DWR?

- Question: Regarding anticipated revenues and costs of implementing the Plan (pg. 15 of the regulations), will entities using State Revolving Funds have to comply?

Action Items:

- Supervisor Vann noted that Colusa County may want to weigh in with comments on Prop. 218 bills. The action item is to follow up with information on these bills.
- Keep track of Tribal lands issues

Presentation/Discussion: GSA Formation

The facilitator next moved on to a presentation on Governance options. He gave credit to Mr. Richard Shanahan of Bartkiewicz Kronick & Shanahan who developed much of the information presented in support of Yolo County's SGMA effort.

Mr. Ceppos stated that it is very important that everyone understands clearly who can play what role in governance. Everyone is not equal. Local public agencies can be a GSA; Mutual Water companies, as of SB 13, can be part of a GSA, but must be invited and must have a legal agreement with the GSA; Private pumpers and the public cannot be GSAs. It does not matter if a GSA-eligible agency is a huge district or a tiny district, they are equal in the eyes of SGMA. One or more GSAs must be formed per basin and can be made up of a single agency or two or more eligible agencies. Two or more GSAs must have a legal Coordination Agreement. The County is assumed to manage all areas outside of any managed area.

The draft GSP regulations stipulate that all GSAs must have a defined governance approach that will be documented in the GSP. The GSPs must also include a Communication Plan that is adopted by the GSA(s). Mr. Ceppos stated that we have about a year to get all of this done. It is not a marathon, but also not a sprint. Colusa County is on a great path and should be proud of its actions. There are other areas of the State that are not making progress and could have problems in the future.

Section 10726.5 – *In addition to any other authority granted to a GSA by this part or other law, a GSA may enter into written agreements and funding with a private party to assist in, or facilitate the implantation of, a GSP or any elements of the plan.*

Mr. Ceppos called out this section, which is not in the original language, and mentioned that he is working with DWR to get clarity.

- Question: Is this the first time in water code that this language has been included, specific to groundwater? Answer: Not sure

Moving on, Mr. Ceppos reminded the meeting attendees that there are 27 agencies in Colusa County that are eligible to be a GSA and that 6 agencies have filed notice. When the County filed, it created overlap issues that will need to be resolved. An important element in SGMA is that Counties are presumed to be the GSA over all areas that are not covered by another GSA. Counties are the only entities that have to opt out if they do not want to be a GSA.

- Question: Since the County filing, is there a time frame that has been reset within which potential GSAs need to file notice to be eligible? Answer: No

Mr. Ceppos went on to review a map of the groundwater basins underlying Colusa County. He mentioned that Yolo County will likely request a basin boundary adjustment at the County line, removing their portion of the Colusa Subbasin.

- Question: Do you think Yolo County will be successful with their basin boundary adjustment request? Answer: Yes
- Question: If all 6 agencies that have currently filed to be a GSA want to go forward, how do we resolve the overlap? Answer: There are options. All six can remain a GSA with agreements that delineate their boundaries, removing the overlapping portions.
- Question: Does there need to be an agreement between adjoining subbasins? Answer: Yes, but it is not as strict as the agreements that are required among different agencies within the same subbasin.

Outstanding questions awaiting DWR response:

- Question: Currently, the County is committed to be the GSA over the “white areas”. What if a future Board of Supervisors decides they want to opt out? Answer: After much discussion, it was determined that we don’t really know the answer to this question, but it seems it would be very difficult to make that change.

Mr. Ceppos moved on to review the GSA powers and authorities. He then reviewed how domestic well owners are affected by SGMA.

- Question: If a GSA cannot require metering of de minimus users, how can we account for their use? Answer: It could result in the forming of local BMPs or similar management tools..
- Question: Regarding first among equals, Tier 1 are the Local Agencies. Does the County have a better position within Tier 1 because they have a bigger footprint? They are presumed to be over the unmanaged areas, does this give them a trump card? We cannot move forward until they resolve the overlap issues. Answer: Yes, in a way, SB 13 gave Counties a trump card. Are Counties playing in bad faith? No, not in Colusa County Supervisor Vann mentioned that Colusa County feels they have a responsibility to the white areas and they are committed to managing those areas. Mr. Ceppos mentioned that the County recently formed a Private Pumper Advisory Committee to further this effort. He also explained that the legislation recognized that there would be enforcement involved with being a GSA which is why private entities are not eligible.

Outstanding questions awaiting DWR response:

- Question: Can a GSA or County require metering and reporting on Domestic wells?

Discussion of Governance Options

Mr. Ceppos described different legal agreement terms to consider, including: Board structure, allocation of costs and funding, delegation of authority and powers, GSP enforcement, dispute

resolution, terms of office, etc. How do you divide up the responsibilities, voting rights, etc.? These are all important issues that will have to be decided.

Group Discussion – Governance

Next, Mr. Ceppos opened the floor to a group discussion and asked folks to talk about their ideas of local governance in Colusa County.

- City of Colusa: Jesse Cain explained that the City is eligible to be a GSA, but does not want to. They would, however like to be part of a GSA in some manner. He is already metering, reporting and managing city water resources to satisfy SWRCB requirements. The City feels it is part of the County, not separate.
- Comment about the idea of Management Areas, specific to the Arbuckle area.
- Mr. Ceppos asked if anyone disagreed that there needs to be proportional solutions.
- Comment that we don't know enough to say that reducing pumping in one area will solve the problem. The aquifers are connected. Where do you draw the line? The solution is surface water.
- Comment that each area should maintain its expertise. There is a fear among uninformed folks that don't know what is going on in other areas. We need to protect the ability to have negotiations. We need to be careful with governance, not to give up rights or hand over decisions. We should start with common ground, not with worst fears.
- Comment that we need time to digest the new regulations and understand what is required to be a GSA. Who can do what is required – put a Plan together and finance SGMA implementation? We need a common understanding of these things and then decide who is willing to step up.
- A question was posed whether there are any agencies that are certain they want to be a GSA, and it was asked of the agencies that have filed why they did so?
 - Supervisor Vann described the County's first thought was to cover the Private Pumpers, and that Colusa County envisions being a part of a bigger group that implements SGMA. They never imagined more than one Plan. The feeling is that we should all be at the table together.
 - Lewis Bair, Reclamation District 108 mentioned that they never envisioned putting together an individual Plan. They felt they had to file under the 90-day timeframe after the County filed. They prefer to work with everyone to make a group decision. They will also ask their growers what they want to see.
 - Shelly Murphy, Colusa County Water District stated that she feels the Arbuckle area has a target on its back. They filed because they didn't know if the county would and they didn't want the State taking over. They are willing to work with other Agencies. SGMA is important to them because they do not have reliable surface water supplies in their service area and they need to maintain the ability to pump groundwater.

- Question: Regarding the concept of Local Implementing Agencies (LIA) which Mr. Ceppos had mentioned in his presentation, could non-GSAs be a LIA and work with a GSA? Answer: Mr. Ceppos provided hypothetical thinking, realizing that not all areas are created equal and that we will have a Plan eventually; during implementation, Agencies who know their areas best can best implement the Plan at their local level. LIA deals locally and the GSA could be the backup.
- Question: If you sign on to a LIA Plan, what if they change the Plan? Answer: This will be worked out during governance formation.
- Comment that with Basin Boundary adjustments, it will be difficult for Agencies that straddle two basins.

Information Sharing and Updates

The facilitator asked the Colusa County Water Resources Coordinator to discuss the following items with the group:

1. Basin Boundary Modification deadline and letter to DWR

Mary Fahey reminded the group that the subject of a basin boundary adjustment discussion was opened at the last GSA working group meeting to gauge interest regarding a county boundary adjustment. It was determined that this decision was premature since local governance has not been developed, and with the March 31, 2016 deadline, it was not feasible to move forward at this time. Ms. Fahey mentioned a draft letter that Butte County had developed requesting confirmation from DWR that there will be another opportunity in 2018/2019. It was decided that meeting attendees could submit letters on their own if they chose to do so.

2. County formation of Private Pumper Advisory Committee (PPAC)

Ms. Fahey described the recently formed Colusa County PPAC to the group. Members of the PPAC were chosen by the Colusa County Groundwater Commission. The purpose of this committee is to give the private pumpers an opportunity to provide input to the SGMA planning group and to communicate SGMA planning activities to their neighbors.

Ms. Fahey also mentioned to the group that the County had received initial approval of Prop. 1 funding for Counties with Stressed Basins. Funding will go towards a comprehensive county-wide groundwater monitoring and data management program that will be integrated into the local GSP.

Next Steps / Action Items

The next GSA Working Group meeting will be held in March.

Action Items:

- Keep an eye on potential bills related to Proposition 218 requirements.
- Keep track of Tribal land issues as they relate to SGMA.

Meeting Participants

- Kim Dolbow-Vann Supervisor, District 1
- Gary Evans Supervisor, District 4
- Shelly Murphy Colusa County Water District
- Thad Bettner Glenn-Colusa Irrigation District
- Bryan Busch Reclamation District 108
- Lewis Bair Reclamation District 108
- Terry Bressler Reclamation District 1004
- Charles Marsh Reclamation District 479
- Lorraine Marsh Colusa County Groundwater Commission
- Jim Wallace Colusa Drain Mutual Water Company
- Oscar Serrano Colusa Indian Community
- Jesse Cain City of Colusa
- Mike Mitchell City of Williams
- Kim Gallagher Private pumper
- Craig Bradford Mayflower Farm
- Roy Hull Department of Water Resources
- Darrin Williams Colusa County Groundwater Commission
- Dan Gamon Kleinfelder, Inc.
- Brett Matzke Cortina Rancheria
- Ken Loy West Yost
- Derick Strain PPAC
- Lance Boyd PCGID/PID
- Nathan Peterson Chico Nut
- Jim Peterson PPAC

Staff

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

ATTACHMENT A - KEY QUESTIONS FOR DWR / STATE BOARD

Colusa Subbasin

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- Q: What will the mechanism be to provide comments to DWR?
- Q: Regarding anticipated revenues and costs of implementing the Plan (pg. 15 of the regulations), will entities using State Revolving Funds have to comply?
- Q: Currently, the County is committed to be the GSA over the white areas. What if a future Board of Supervisors decides they want to opt out?
- Q: Can a GSA or County require metering and reporting on Domestic wells?