

## MEETING SUMMARY | April 28, 2016

### Colusa Sustainable Groundwater Management Act (SGMA) – Governance Workgroup Meeting #4

#### MEETING RECAP

- Sacramento State University Center for Collaborative Policy (Center) Facilitator Dave Ceppos (facilitator) provided updates on the Glenn County SGMA implementation process; Mary Fahey, Colusa County Water Resources Coordinator, informed the Colusa County Governance Workgroup (Workgroup) of the Private Pumper Advisory Committee's (PPAC) recent activities.
- Meeting attendees considered the Local Implementing Agency (LIA) governance concept and its application to the Management Area construct.
- Meeting attendees engaged in open discussion about Colusa County governance considerations and next steps.

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

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

#### MEETING SUMMARY

##### Opening Remarks

The meeting began with the Pledge of Allegiance. Dave Ceppos (facilitator) introduced himself as the facilitator for the Colusa County GSA formation process and the Associate Director of the Center. The facilitation services of the Center were made available through funding from the Department of Water Resources (DWR). The Center is working throughout the State and in Yolo and Glenn counties in the Colusa Subbasin. This meeting constitutes Workgroup meeting #4 and represents a shift away from background and general Sustainable Groundwater Management Act (SGMA) education and information to more specific discussions about what governance options will be applied in Colusa County. The facilitator then reviewed the agenda and welcomed meeting participants to introduce themselves (See Participant List on page 10).

##### SGMA Process Updates

###### PPAC Meeting Update

Mary Fahey provided an update on the first PPAC meeting which took place on April 21, 2016. Ms. Fahey posted the meeting summary on the Colusa County Water Resources Webpage. She informed the Workgroup that Grant Davids (Davids Engineering) led the PPAC in a discussion of Colusa County groundwater conditions using a map he produced utilizing available data. PPAC members come from a good geographic spread across the county and, therefore, are able to represent the heterogeneous conditions and diverse private pumper community. The PPAC discussed the Management Area concept. They also requested, as a means of outreach, that the County engage in social media by creating a [Facebook Page](#) for Colusa County groundwater.

As an action item from the meeting, the group decided to send an outreach letter from the PPAC to Colusa County private pumpers to keep them informed of SGMA implementation and to get other private pumpers involved in the process.

#### Glenn County Governance Meeting

The facilitator informed meeting participants that the first Governance Workgroup meeting in Glenn County occurred on April 26, 2016. The Glenn meeting used consolidated materials from Colusa Governance meetings 1 and 2. The objective is to accelerate the Glenn meeting process to get the Glenn and Colusa Workgroups aligned. In the next couple of months this will allow the two counties to begin intra-basin coordination discussions. Department of Water Resources (DWR) staff members from the regional office and the SGMA Program attended the Glenn County meeting. The Center reported the findings from the Glenn County stakeholder assessment. Overall, the central themes from the assessment were similar to those of Colusa County. However, there was a greater level of concern regarding the County of Glenn's objectives and capabilities for SGMA implementation.

#### Proposed Process Over the Next Several Months

With the expected release of the final Groundwater Sustainability Plan (GSP) regulations in June, the Workgroup will gain greater certainty and specificity about the roles and responsibilities and actions required of GSAs and will, therefore, influence and inform GSA formation efforts. As a result, the next Workgroup meeting will take place in June after the final GSP regulations are released. The facilitator explained that the Center has been utilizing short-term, 90-day plans to implement the GSA formation process in Colusa County thus far. Going forward, the Center will develop a longer term plan that illustrates milestones that must be achieved by spring 2017.

#### **Discussion-- Governance Ideas/Options/Interests**

The facilitator framed the discussion by referencing the management area concept found in the draft GSP regulations. He explained that with the exception of a few groundwater basins in the state, most basins have heterogeneous conditions. The GSP regulations allow for management areas as a way to acknowledge variable conditions and as a means to develop actions to address those distinct conditions. The general expectation is that the management area concept will most likely be retained in the final regulations. The important distinction is that in the draft regulations, management areas are introduced as a planning and technical construct, not as a governance structure. That is primarily because SGMA is clear that governance is in the hands of local communities. While the State seems willing to allow for management areas, sustainability will be measured and determined on a basin scale.

The facilitator called meeting participants' attention to the map developed by Grant Davids of Davids Engineering which characterizes the groundwater conditions in Colusa County using existing data (**See appendix A**). He provided an overview of the map and suggested that it may inform preliminary thinking about possible management areas.

- **Comment:** Shelly Murphy, general manager of Colusa County Water District (CCWD) pointed out that private pumper areas are missing from the map, particularly to the west of Arbuckle and near Dunnigan. She indicated at the same time, the map shows CCWD's groundwater depleted. She is concerned that the map may be misleading because it doesn't adequately reflect the other users that surround CCWD.
- **Question:** On the map, what is the meaning of the term Surface Supply Area?
  - **Response:** It will be important to clearly define all of the terms on the map. The Center will relay these questions to Grant Davids. This map is merely a starting point for the discussion.

### **Local Implementation Agency (LIA) Concept**

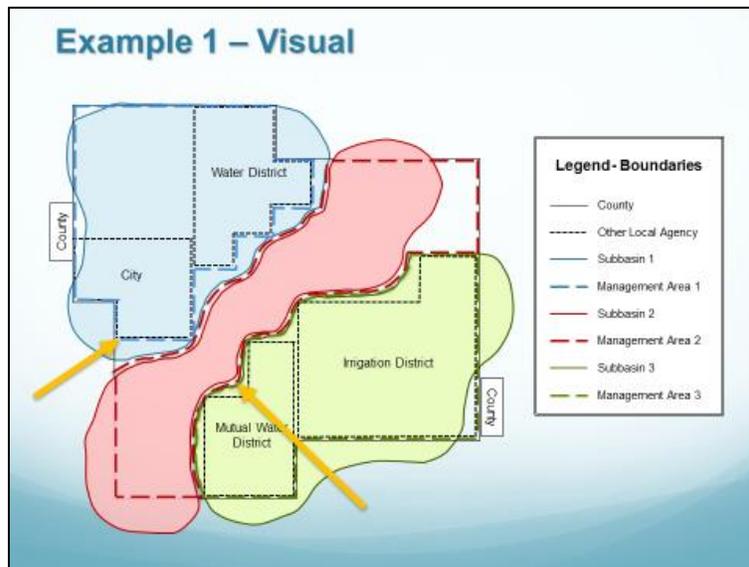
The facilitator then revisited the Local Implementing Agency (LIA) PowerPoint Presentation that was originally presented to the Workgroup at the March 29<sup>th</sup> Workgroup meeting. He stated that the LIA concept was first envisioned by CCP for Kaweah Delta stakeholders. He emphasized that the concept has not been reviewed or approved by DWR or the State Water Resources Control Board (State Board).

The problem that the LIA concept attempts to address is SGMA does not create any other new form of governance except for GSAs. SGMA doesn't address whether an eligible agency is ready or able to become a GSA. Therefore, SGMA creates concern for local agencies who do not want their water use dictated by other agencies and who have limited resources to participate in and/or create a GSA. In some cases, multi-agency GSAs will be appropriate to achieve economies of scale, avoid duplication of effort and confusion, and provide an effective mechanism to share data. However, a multi-agency GSA has practical limitations such as size, the time commitment necessary to participate, and the cost to function as a member. The LIA concept offers the hypothesis that there can be an intermediate form of governance that achieves SGMA objectives and accommodates the interests and limitations of a local agency that prefers not to form a GSA. LIA is a unit of a GSA that delivers implementation of SGMA at the most localized level.

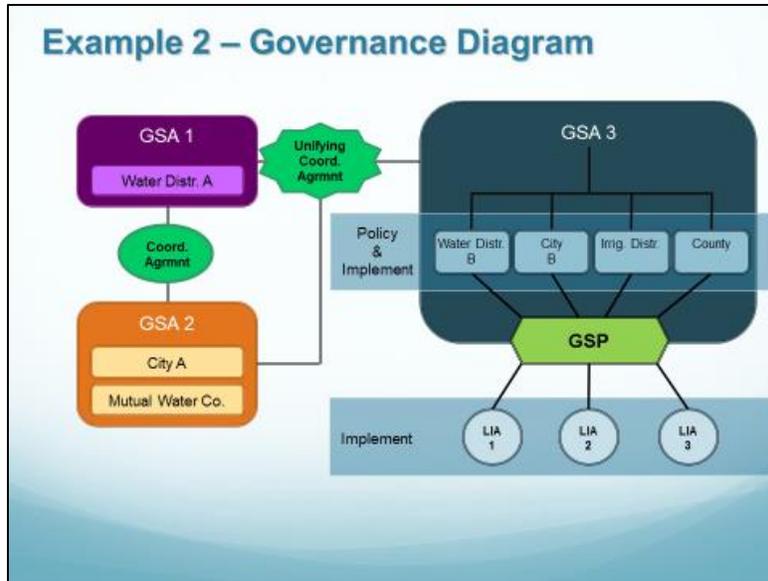
An example of how the LIA concept can be applied is a multi-agency GSA is formed. All eligible GSAs are provided a venue for input on governance and the GSP. Some of the eligible GSAs choose to become a governing member of the GSA while others opt to be a LIA. The GSP is prepared and includes management areas as described in the GSP draft regulations. The management area boundaries are created to match the boundaries of individual eligible GSAs or groups of eligible GSAs. In the GSP, the respective roles, responsibilities and actions are defined and described and differ by management area. In this scenario, the GSA assumes high level responsibilities, such as: reporting to the State, fee collection and enforcement. The LIAs assume the localized responsibility to implement actions as described in the GSP.

The facilitator introduced the below graphic "Example 1" which illustrates three hypothetical management areas as shown in the legend and different ways in which governance could

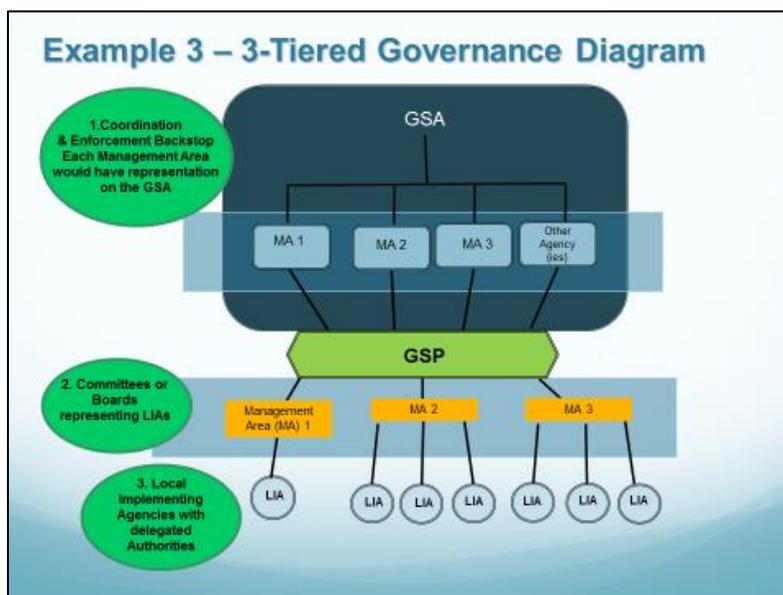
overlay the management area construct. One concept is to “snap” the lines of the management area to the jurisdictional boundaries such as in the blue area or Subbasin 1. The blue area or Subbasin 1 would include a County, a city, and a water district. By snapping the lines, fringe areas are created that someone would need to address (the County, perhaps). The green area or Subbasin 3 shows an example where the lines of the management area are not snapped to the jurisdictional boundaries. The red area or Subbasin 2 could illustrate a management area that is represented by only one agency such as a water district or a County.



In Example 2 below, it depicts another hypothetical Governance arrangement in a Subbasin that includes three GSAs. GSA 1 is made up of a single water district. GSA 2 is a combination of a city and a mutual water company that has been invited to join the GSA. GSA 3 is a multi-agency GSA made up of a water district, a city, an irrigation district and a County. It also includes three LIAs. As is required by SGMA, there would need to be coordination agreements. The more GSAs there are, the more coordination agreements required. It is true, however, that it’s possible to develop a boilerplate coordinating agreement (as illustrated by the *Unifying Coordinating Agreement* in the diagram).



In Example 3 below, the Three-Tiered Governance Diagram, the management area concept and SGMA governance are merged. In this hypothetical scenario, there are three management areas. An additional layer of governance is created. Each management area would have representation on the top tier of the GSA. At the management area governance tier, there would be a management area committee. The management responsibilities are vested at the most localized level in this scenario. The LIAs have their “marching orders” as described in the GSP. If there are bad actors, the first line of defense would be the governing board of the LIA. At some point, if all other options have failed, ultimate enforcement authority is given to the top-tier of the GSA for enforcement as a backstop.



## Open Discussion/Q&A

The facilitator encouraged open discussion about the interests, roles, ideas and principles related to GSA formation and governance options in Colusa County. The following discussion themes emerged from the conversation.

### *Eligible GSA and Stakeholder Outreach and Engagement*

- **Questions:** There are a lot of eligible GSAs that are not participating in these Workgroup meetings. How can we get these other entities in the room?
  - **Response:** The local GSA eligible agencies know about the SGMA implementation efforts. Ms. Fahey has reached out to the eligible GSAs and continues to provide them with information. The County will likely take on the district areas that haven't filed to be a GSA and don't want to be involved.
  - **Response:** There are 27-28 eligible GSA agencies in the county. If they do not claim a governance role, then the County is going to have to take on a role to represent them.
- **Comment:** We need to reach out to groundwater users in the problem areas.

### *How are we going to pay for this?*

- **Question:** SGMA implementation is going to be expensive and funding is going to have to be generated. How are we going to pay for this?
- **Question:** This is going to require technical staff and consultants. Wouldn't it be best if a multi-agency GSA employed the same team?
- **Comment:** The costs can be shared to develop the plan and it would hopefully keep the costs down. The GSP will articulate what actions need to be taken in areas with groundwater challenges. Various agencies would be willing to contribute resources to the development of a plan. There will also be grant funding available.

### *Develop a SGMA Compliance Task List and Discuss Issues Alignment to Inform Governance Formation*

- **Comment:** Before we make governance structure decisions, we need to get more specific about what tasks are going to be required and necessary to implement/comply with SGMA. Once we have a clear list of tasks or a work plan, we can start determining decision-making or governance categories for each of the necessary tasks.
  - **Follow up:** Based on what the GSP regulations require: models, monitoring, water budget, for example, are some of the tasks. You would then sort each of these activities and make a determination about at what level decisions should be made.
  - **Follow-up:** Bring in Grant Davids to create the task list as a basis for the discussion at the next governance meeting. Grant knows Colusa County and would be the ideal person to put this together.
- **Comment:** Until we get specific, it's challenging to get our minds around governance.

- **Question:** Until we know what the GSPs regulations say, how can we determine governance?
  - **Response:** That's why our next Governance meeting will not occur until after final regulations are released.-
- **Comment:** It's not only a matter of creating a matrix of tasks and governance assignments but it's important for the group to seek alignment or agreement on how we intend to respond to the 6 significant and unreasonable effects. We also need to determine to what degree we agree on the actions required to address these effects. Until we start wrestling with those hard issues, and if we are not aligned on a suite of actions, it will be difficult to organize governance.
  - **Responses:**
    - We need more technical information to be able to talk about unique areas, issues and how we intend to address them. It feels like we are not there yet.
    - On a broad or general level, we know where the problems are and how to address them.
    - The 6 critical parameters don't come into play until they are determined significant and unreasonable- that's where the management areas come into play.
- **Comment:** We need to educate each other about our issues and then we go from there.
  - **Response:** You have a year to get the GSA formed. You then have 5 years to develop the GSP. How deeply do we go into these issues now is an open question.

### ***Management Area Delineations***

The facilitator asked if it would be beneficial to work with Grant Davids to prepare preliminary management area delineations for the June Workgroup meeting.

- **Comment:** We could work with Grant Davids to put together a combination of data from DWR and what private pumpers know is going on. It gets really hard to carve up these lines. This is all tied together.
- **Question:** Do you agree that management areas should be determined on a hydrogeological basis, as is suggested in the draft GSP regulations?
  - **Response:** It's just as important to determine management areas based on who wants to be involved and what actions they want to take.

### ***Service Area Overlap***

- **Comment:** It is important for us to make GSA boundary determinations as soon as possible. Right now nobody is a GSA. It's important that we delineate the GSAs in the county first and then give them the legal authority. We would also serve as a model to inform Glenn County's SGMA implementation.

- **Comment:** The GSA notifications in the County have been negated by the overlap. The County has said that it has no interest in being the sole GSA. The County expects to take on its legal responsibility under SGMA to represent white areas.
- **Comment:** The County had to throw the broad net to include the county boundaries. The State wants to see all areas covered.
  - **Response:** DWR representative, Mark Norberg, provided some context related to overlap. Overlap would be removed if the County revises the notice by clarifying that it intends to govern only those areas that have not been identified by others. If the overlap isn't resolved by June 30, 2017, the State Board would potentially put a basin on probationary status and assess fees that are most likely going to be more expensive than those that would be assessed locally. Groundwater extraction reporting would need to occur by December 2017. There are some pretty simple approaches to resolving the overlap.
    - **Follow up:** The facilitator asked Mr. Nordberg if DWR legal counsel has provided guidance on whether a County can narratively revise a notification to address overlap in the way he described.
      - **Response:** DWR is discussing this matter internally.

### ***Federally Reserved Water Rights***

- **Question:** It is important to include federally reserved water rights on the maps. How are federally reserved water rights going to be addressed?
  - **Response:** All GSAs are required to communicate with all federal sovereigns (tribes and federal government).

### ***Common Principles***

- **Question:** If you are going to put Sites Reservoir in the common principles, what affect is that going to have on the Sacramento River and water rights? I don't know how we can come up with a plan when we are so uncertain about surface water access.
  - **Response:** The common principles are proposed and have not been vetted by the Workgroup.
  - **Response:** Perhaps, it's better to remove the reference to Sites Reservoir. It may be too specific in this context.

### ***Maps/Data sets***

- **Comment:** Mary Fahey informed the Workgroup that the County is making discretionary funds available for Grant Davids to provide technical support for this process. Additionally, there will be future DWR grants that the County will pursue.

- **Comment:** The Grant Davids groundwater conditions map includes data through the spring of 2015. The data from the maps are probably taken from DWR’s datasets. It would be useful to include spring and then fall 2016 levels.
- **Comment:** The deeper, agricultural wells are not depicted on the map.
  - **Response:** Mary Randall with DWR announced that Bill Ehorn will make a presentation in Willows where he separates the wells from shallow, medium and deep. It may useful for Workgroup members to attend the presentation.
- **Question:** How many monitoring wells does DWR have?
  - **Response:** There are approximately 92 DWR monitoring wells in the county. We can place DWR monitoring wells on the map.

**Action Items and Next Steps**

Action	Responsible Persons	Timeline
Conduct another round of outreach to eligible GSA local agencies who are not currently attending Workgroup meetings	Mary Fahey and the Center	Before next Workgroup meeting
Schedule next Workgroup meeting in June following release of final GSP regulations	Mary Fahey and the Center	Hold Workgroup meeting #5 in June
Conduct follow up conversation with Lewis Bair of RD 108 to start framing issues/key questions and developing task list to inform governance	Lewis Bair, Dave Ceppos	Before next Workgroup meeting
Meet with Grant Davids to discuss management area delineations and to develop preliminary management areas recommendations based on technical analyses	Grant Davids, Dave Ceppos	Before next Workgroup meeting
Create framing questions to inform governance discussion at next Workgroup meeting and for outreach purposes	The Center	Before next Workgroup meeting

## Participant List

➤ Shelly Murphy	Colusa County Water District
➤ Thad Bettner	Glenn-Colusa Irrigation District
➤ Bryan Busch	Reclamation District 108
➤ Terry Bressler	Reclamation District 1004
➤ Lorraine Marsh	Colusa County Groundwater Commission/PPAC
➤ Oscar Serrano	Colusa Indian Community
➤ Kim Gallagher	Private pumper/PPAC
➤ Mary Randall	Department of Water Resources
➤ Darrin Williams	Colusa County Groundwater Commission/PPAC
➤ Derrick Strain	PPAC
➤ John Garner	PCGID/PID
➤ Donita Hendrix	Dunnigan Water District
➤ Terry Bressler	RD 1004
➤ Jeff Moresco	Colusa County Groundwater Commission/PPAC
➤ Mark Nordberg	Department of Water Resources
➤ Kristal Davis-Fadtke	Department of Fish and Wildlife
➤ Vickie Newlin	Butte County
➤ Nathan Peterson	Dunnigan Water District
➤ Brett Matzke	Cortina Rancheria

## Staff

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

## Appendix A: Colusa County Groundwater Conditions Map (Davids Engineering)