

**Cosumnes Sub-Basin SGMA Work Group**  
**May 17 – 9-12 PM**  
**LOCATION: HERALD FIRE HALL - 12476 IVIE RD., HERALD CA**

**AGENDA**

Welcome and Introductions – 10 minutes

- Meeting Overview
- Agenda Review

General Updates – 20 minutes

- GSA filing status
- GSA boundary adjustments
- Unmanaged areas workshop
- Update from neighboring subbasins
- Prop 1 Status
- Other

Framework Agreement Review – 60 minutes

- Elicit feedback from Working Group members on their respective governing board reviews; consider implications
- Continue review/revision to Framework Agreement
- Cost Share Approach
- Confirm ongoing vetting needs/approach within each GSA

Technical Advisory Committee Report Out – 60 minutes

- Review/discuss TAC deliberations/recommendations from May 13 meeting
  - Integration/coordination issues with neighboring basins
  - County-wide modeling
  - Prop. 1 development
  - Basin boundary revisions

Near-Term Public Outreach Needs – 20 minutes

Next Steps – 10 minutes

Adjourn

**Cosumnes Subbasin SGMA Working Group**  
**Meeting Summary #8**  
**Meeting held May 17, 2017**  
**Prepared by the Consensus Building Institute**

**MEETING IN BRIEF**

At its eighth meeting, the Cosumnes Working Group discussed the draft Framework Agreement, received a report-out from the first Technical Advisory Committee meeting, approved the development of an RFQ for an independent technical advisor, and discussed future outreach needs.

**ACTION ITEMS**

<b>Who</b>	<b>What</b>
Water Forum (John)	Send Prop. 1 application criteria to Working Group
Water Forum	Develop draft budget for next 6 months (to inform cost share proposal)
CBI/Water Forum	Arrange future presentation to Working Group on management zones
CBI	Talk offline with each GSA to inform a draft outreach plan
CBI	Revise draft Framework agreement and send to GSAs
CBI/Water Forum	Research ramifications of GSA withdrawal from Framework Agreement (requisite actions and timeframe)
CBI/Water Forum	Create draft Framework Agreement resolution
GSAs	Vet Framework Agreement with governing bodies <b>by late June</b> ; sign via board resolution
Water Forum	Set TAC and Working Group meeting dates
CBI/Water Forum	Outline process and timeline for technical advisor selection

**DISCUSSION – KEY THEMES**

Below is a summary of key themes discussed at the meeting. This summary is not intended to be a meeting transcript. Rather, it focuses instead on the main points covered during the group's discussions.

**GENERAL UPDATES**

**Filing Status**

Sacramento County filed to serve as backstop GSA for any unmanaged areas in Sacramento County. The County will support a smooth transition with any eligible entity that might step up to serve as a GSA in the future. The County will also serve as the GSA for unmanaged areas in the South American and Solano subbasins.

The City of Galt expects to file as a GSA for areas within its jurisdiction within the next day or two (May 18 or 19).

All other GSAs have been accepted or filed for GSA status.

### ***Unmanaged Areas Workshop***

The Working Group discussed hosting a public workshop in June or July to lay out options for covering unmanaged areas in the subbasin. Participants suggested including a presentation from a representative from a group that has formed its own GSA, and walking through what it takes to form a GSA or extend a GSA's boundary.

### **Neighboring Subbasins**

**East San Joaquin subbasin** finalized its JPA and will hold its inaugural board meeting in June. A Working Group, which advised on JPA formation, will likely morph into a Technical Advisory Committee for the JPA governing body.

An alternative submittal filed by **Sacramento Central is under review by the State**. The State could take up to a year to make a decision on the proposed alternative.

### **Proposition 1 Status**

DWR published a draft Proposition 1 proposal solicitation package (PSP) for public review and comment. The draft PSP specifies that a GSA must serve as the applicant for Proposition 1 grant funding; in response to an inquiry from the Water Forum, the Department of Water Resources (DWR) specified that a JPA comprised of GSAs would likely be an eligible applicant. The Water Forum would not be an eligible applicant as it is not a GSA.

#### **Timeline for Proposition 1 Grant Application:**

- August 2017 PSP release (exact date to be determined)
- Application open nine weeks
- Application period closes in October 2017
- Review and decisions on grant funding by December 2017

#### **Additional Details**

- Limit of \$1 million grant per subbasin
- 50% cost share
- Some consideration may be given for recently incurred costs to count towards match
- The draft PSP specifies criteria for a competitive application

### **FRAMEWORK AGREEMENT REVIEW**

Working Group participants reviewed the draft Working Group Framework Agreement, which CBI revised based on input received at the April Working Group meeting. The Framework Agreement is an important **component of the Proposition 1 application**, because it will demonstrate the Working Group's cohesion and commitment to work together on SGMA implementation in the Cosumnes subbasin. The Framework Agreement is a **near-term document** that outlines how the Working Group will work together over the next 6 to 9 months.

GSAs are **vetting** the Framework Agreement with their respective governing bodies, with the intention of finalizing the agreement by the end of June or early July. It is important that Working Group members explain to their governing bodies how the group developed the document, including the reasoning and process by which the group arrived at any compromises. Working Group members agreed that each entity's governing board will sign onto the Framework Agreement by **board resolution**. The Water Forum will provide a draft resolution.

Working Group members discussed the following sections of the Framework Agreement:

#### **Defining "Sufficient Notice"**

The existing Framework Agreement language reads that GSAs have a right to withdraw from the agreement with "sufficient notice." Participants agreed that the agreement should clearly define the amount of time needed for a GSA's notice of withdrawal from the Framework Agreement. In determining the appropriate amount of notice needed for withdrawal, Working Group participants considered the following issues:

- GSAs had varied views on the notification period required for early withdrawal. Several suggested that 60-90 days notice would be appropriate to allow adequate time for GSA boards to review the issue. One GSA suggested the notice period should be shorter (e.g., 30 days) to allow maximum flexibility for the withdrawing party.
- Several participants suggested the GSAs need adequate time to deal with any issues that may arise, such as potential white space, funding issues, or impacts to GSP development. For example, one GSA's withdrawal may cause an increase in costs and thus trigger additional withdrawals.
- Language in the Framework Agreement already specifies that "financial obligations incurred prior to withdrawal, if any, are to be honored."

The Water Forum and CBI agreed to more closely examine the issues associated with an early withdrawal from the agreement to better inform the necessary notification period. Water Forum and CBI will include an updated approach in the next draft.

#### **Section: Overarching Approach**

Sloughhouse RCD expressed a preference for open-ended language regarding whether the subbasin will develop one or multiple groundwater sustainability plans (GSPs). Other participants expressed the following:

- The inclination of the Working Group to-date has been to develop one GSP, with multiple GSAs, while not shutting the door on multiple GSPs.
- The subbasin cannot afford the cost associated with developing multiple GSPs.
- Proposition 1 grant funding cannot fund multiple GSPs; there can be only one application per subbasin.
- The Department of Water Resources (DWR) prefers one GSP per subbasin, and thus a single GSP will be advantageous in the Prop. 1 grant application.

#### **Section: Near-Term Collaboration Structure**

- Emphasize that Working Group members will strive for full consensus, with voting as a last resort.
- When full consensus is not possible, all fiscal [rather than time-sensitive] decisions will require a super-majority vote (5 out of 7). A simple majority vote may be used for non-fiscal issues.

- Add bullet that no decisions will be made in near-term around taxing authority/GSP implementation.
- Add language that more clearly defines “near-term financial decisions.”
- The group anticipates that **near-term fiscal issues** include hiring consultants; developing the scope of work; financing the planning process; Proposition 1 development; cost shares; and determining a grant applicant/administrator.
- **Near-term, non-fiscal issues** include: transition to longer-term governance; outreach efforts and stakeholder involvement; basin boundary adjustment; identification of basin spokesperson
- The Framework Agreement is a **near-term** governance document, and thus is not intended to address issues such as fees, taxes, and regulations.
- Work Group members agreed to define a **quorum** as five out of the seven entities. A proxy vote is acceptable (e.g. submitted via email).

#### Section: Near-Term Cost-Share

- Participants discussed the draft language regarding near-term cost structure. The discussion clarified parties’ varying abilities to make financial commitments now, as well as highlighted the needed for a more precise picture of near-term costs to inform future discussions on this topic. Specific discussion points included the following:
  - The Water Forum reiterated its commitment to cover a significant portion of near-term costs.
  - Sacramento County reiterated its intention to contribute a significant portion of the local cost-share, but its representative at the meeting said it was not possible to commit to a specific percentage or dollar amount without prior approval by the Board of Supervisors. Financial assurances are particularly difficult, it was noted, for commitments extending into a new fiscal year.
  - The City of Galt representative noted that his office has secured a commitment to provide \$100,000 in seed money to support development of the GSP.
- The Water Forum agreed to develop more precise budget projections (six month projects through December 2018 and then again through June 2018) to inform further discussions on this topic.

#### Next Steps

- CBI/Water Forum will research the **ramifications of withdrawal** from the Framework Agreement, including what entities would need to act and the timeframes required.
- CBI will **revise the draft Framework Agreement** based on input received at the May meeting (indicate that the Framework Agreement does not preclude coordinated, multiple GSPs, emphasize the intent for entities in management zones to have maximum flexibility for their management actions, update the cost-share language).
- GSAs will continue to **vet the Framework Agreement** with their governing boards.
- CBI/Water Forum will develop a **draft resolution** for governing bodies to use (as desired) to adopt the Framework Agreement.
- Once finalized, each GSA will sign onto the Framework Agreement via **board resolution**.

#### TAC REPORT OUT

The Cosumnes Subbasin Technical Advisory Committee (TAC) met for the first time on May 15. The TAC is not a decision-making body. Rather, its role is to develop recommendations to the Working

Group on technical issues related to SGMA implementation. Below is a brief summary of key topics discussed at the inaugural TAC meeting.

### **Groundwater Modeling**

At its inaugural meeting, the TAC discussed the status of SGMA implementation in adjacent subbasins (East San Joaquin and Sacramento Central). The TAC reviewed several groundwater modeling options. While the TAC has not yet determined a recommended modeling approach, the initial preference among many TAC members is to **align with one of the neighboring subbasins' modeling efforts, with several participants leaning towards a Sacramento County-wide model given the common 2022 timeframe** for completing a groundwater sustainability plan (GSP) and the potential for cost-efficiencies. (East San Joaquin subbasin has a 2020 deadline.) More discussion is needed within the TAC, and it is expected that the technical advisor, once selected, can help guide the TAC's recommendation.

### **Technical Advisor RFQ**

Working Group members reviewed a draft RFQ for an independent technical advisor prepared by the Water Forum. Working Group participants recommend adding **SGMA familiarity** as an additional qualification. The Working Group will form a **selection subcommittee** to help guide the hiring process. Some Working Group participants noted the value in investing in joint **fact-finding** to better understand issues such as possible basin boundary adjustments and avoid competing science within and across subbasins. The technical advisor could help guide any joint fact-finding efforts.

Working Group members were encouraged to submit additional comments on the draft RFQ for consideration by Water Forum staff in developing the next draft.

### **TAC Participation**

With regard to TAC participation, Bennett Brooks encouraged the group to consider (1) the expertise needed in TAC meetings, and (2) the importance of continuity and consistency among TAC participants. The TAC will discuss this further at its next meeting.

### **Outcome**

- The Water Forum will add SGMA familiarity as qualification in the Technical Advisor RFQ.
- The Working Group approved the Water Forum to move forward with revising the draft RFQ for subsequent approval by the Working Group. Working Group members were asked to submit any additional comments or suggested revisions.

### **PUBLIC OUTREACH**

The Working Group had a brief discussion on public outreach needs. Bennett Brooks noted that SGMA outlines a number of public outreach requirements, including the involvement of beneficial uses and users, and documentation of how comments received have or have not informed the plan. He also noted that the State is developing best management practices for public engagement. Additionally, near-term public engagement will help the Working Group identify longer-term needs around information gathering, which will in turn shape development of the Prop. 1 grant proposal. The Working Group should begin developing a plan to guide public outreach and engagement in the subbasin.

Additionally, the Working Group should begin to clarify its needs and goals around **meeting transparency** (for both the Working Group and/or TAC), as well as broader outreach needs.

The Working Group began to identify interests in impacted communities, including homeowners associations and agricultural associations.

**Outcome**

- CBI will talk offline with each GSA about its outreach needs and draft a first-cut outreach and communications plan for discussion at the next Working Group meeting.

**MEETING PARTICIPANTS**

Tom Gohring, Water Forum

John Lowrie, Water Forum

Kerry Schmitz, Sacramento County

Mike Israel, Amador County

Damon Wykoff, Amador Water Agency

Gene Mancebo, Amador Water Agency

Gary Thomas, Amador Water Agency

Jay Schneider, Sloughhouse Resource Conservation District

Mark Clarkson, City of Galt

Rick Wohle, Clay Water District

John Mulrooney - Galt Irrigation District

Mike Wackman, Omochumne-Hartnell Water District

Mark Stretars, Omochumne-Hartnell Water District

Kurt Kautz - Omochumne-Hartnell Water District

Bennett Brooks, CBI

Julia Golomb, CBI

*For questions regarding this meeting summary, please contact Tom Gohring at the Water Forum or Julia Golomb at the Consensus Building Institute.*

To: Cosumnes Subbasin SGMA Working Group Members  
From: CBI and Water Forum Staff  
Date: April 24, 2017  
Re: Draft Framework Agreement

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Attached is an updated Draft Framework Agreement being developed to support the Cosumnes Subbasin SGMA Working Group. The latest version has been updated to reflect the following (all changes in the draft are marked in underline/strikethrough):

- April meeting input from Working Group members:
  - Clearly state the Working Group's goal of developing a SGMA-compliant GSP.
  - Broaden language around decision-making to:
    - Emphasize that the group will strive for full consensus at all times.
    - Underscore the desire for broad support of decisions among all GSA entities.
    - Note the importance of the group moving forward and avoiding gridlock in an effort to meet critical deadlines, such as the Prop. 1 grant application deadline.
    - Make clear the importance for constituents to be fairly represented in decision-making.
  - Explicitly acknowledge management zones including and beyond the existing JPA.
- A new section on Cost Share informed by the Working Group's discussion at its April meeting. This language has not yet been reviewed by the Working Group and, as such, represents a work-in-progress intended to spark discussion among parties.

As noted in the earlier version, this framework is intended to guide the Working Group's near-term discussions and, in particular, enable action over the next 6-12 months to support the technical work needed to begin characterizing the subbasin. To the extent this framework proves helpful, it is possible parties may wish to use this to guide discussions beyond the near-term timeframe. Eventually, this framework is expected to be replaced by an MOU, MOA, JPA or some other document intended to more formally codify parties' roles and responsibilities, governance, funding, outreach and implementation approaches.

**Cosumnes Subbasin SGMA Working Group**  
**Draft Framework Agreement – Working Outline**  
*(As of 4/24/17; changes since the 4/19/17 Working Group  
in underline/strikethrough or included as comments)*

**Purpose**

The purpose of this Framework Agreement is to outline and confirm the interim process the parties (outlined in the following section) will use to work collaboratively to begin developing a SGMA-compliant Groundwater Sustainability Plan for the Cosumnes Subbasin.

This agreement is intended to guide the parties' deliberations over the next 6-12 months, though it may be used over a longer time period if beneficial. Prior to 2022, this agreement is to be replaced by an MOU, MOA, JPA or other vehicle intended to more formally codify governance, funding, outreach and implementation approaches.

This agreement is not effective until endorsed by all parties. The intention is to have a final draft of this framework agreement completed by mid-May 2017 to support formal adoption by all parties' governing bodies prior to July 1, 2017.

This agreement may be amended or revised with the agreement of all parties. Parties also have the right to withdraw from this agreement with sufficient notice and discussion. Financial obligations incurred prior to withdrawal, if any, are to be honored.

**Overarching Approach**

Under California law, SGMA requires the Cosumnes Subbasin to form a groundwater sustainability agency or agencies (GSAs) by June 30, 2017, and have a groundwater sustainability plan (GSP) in place by 2022.

The following agencies (referred to as the parties in this agreement) have either filed or expressed their intention to file with the state to form a GSA within the Cosumnes Subbasin: Omochumne-Hartnell Water District; Sloughhouse Resource Conservation District; Galt Irrigation District; Clay Irrigation District; City of Galt; Amador County (Joint Powers Authority pending); and Sacramento County. Parties to the agreement may change based on pending governance decisions for the currently unmanaged areas within the subbasin.

These parties commit to working cooperatively with the goal of developing a single, integrated, SGMA-compliant GSP<sup>1</sup> to foster plan effectiveness, coordination and efficiencies. Parties recognize that the GSP may include distinct management areas including and beyond existing

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<sup>1</sup> Nothing in this Framework Agreement precludes the GSAs from making a collective decision at a later point to pursue coordinated GSPs (as opposed to a single integrated GSP) if that is considered advantageous to facilitate implementation.

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This draft, prepared by the Water Forum and the Consensus Building Institute at the direction of the Cosumnes Subbasin Working Group, is a work-in-progress intended to spark discussion among parties and propel and track progress. It has not yet been endorsed by the Working Group. This document is distributed for review and feedback prior to the 5/17/17 Cosumnes SGMA Working Group meeting and is not for broad distribution.

GSA to foster implementation and monitoring by each GSA within its respective jurisdiction. The exact structure of any management areas will be determined as the GSP is developed. Parties also recognize that the development of a comprehensive GSP for the defined subbasin (i.e., plan area) will require analysis of information and data from a broader geographic study area.

Parties further recognize the importance of engaging stakeholders and the broader public in discussions related to GSP development and implementation and commit to putting in place a transparent and inclusive process to foster the consideration of the beneficial uses and users of groundwater in the basin.

Finally, parties will work to identify an entity to take the lead on administrative aspects related to near-term GSP development.

### Guiding Principles

Parties agree to the following principles to inform and guide Working Group deliberations, foster constructive discussions, promote a clear and shared set of expectations, and encourage collaboration.

- ***Craft a GSP that respects local jurisdictions while building subbasin-wide approach.*** Parties are committed to working together to develop an integrated and effective GSP, while respecting each GSA's interest and expertise to oversee implementation within its unique jurisdiction or distinct planning areas.
- ***Recognize mutual interdependence.*** Parties recognize the value of both the agricultural and urban sectors in supporting a vibrant region and will work to foster dialogues that acknowledge and build on this interdependence. This includes acknowledging past contributions towards sustainable groundwater management while maintaining a forward-looking dialogue.
- ***Commitment to collaborate.*** All parties agree to work together in a constructive manner to meet SGMA requirements based on a locally driven approach. No one is to benefit at the expense of others, and all parties agree to negotiate in good faith – communicating their interests, honoring commitments and acting consistently across different forums.
- ***Strive for consensus.*** SGMA demands close collaboration and coordination among the GSAs if the subbasin is to develop a credible and effective GSP. To ensure broad support, parties will strive for consensus throughout the process. The definition of consensus spans the range from strong support or neutrality to abstention to “I can live with it.” Disagreements will be seen as problems to be resolved rather than battles to be won.
- ***Rely on credible process.*** To foster effective dialogues, parties agree to mutually support a transparent and inclusive process where parties: (1) have a voice through balanced representation and effective meeting protocols; (2) commit to rely on credible

data and clear criteria to inform decision-making; and (3) commit to resolve differences but include mechanisms to avoid impasse. Additionally, the convening/facilitation team is to work in service of all parties.

- **Build progress through incremental agreements.** Participants will use preliminary agreements on issues as the basis for progress towards final agreement. The Working Group will revisit preliminary agreements when new information emerges and again when finalizing overall recommendations.
- **Support effective and efficient processes.** Parties are committed to building off existing structures and past work, where practicable, to leverage past investments and make the best use of everyone's time and resources.
- **Accommodate uncertainties.** Parties recognize that actions both within and outside the sub-region may impact GSP development and even affect basin boundaries. Parties agree to work adaptively to track and accommodate for such uncertainties.

### Collaborative Protocols

The facilitator/convening team will work with participants to create a problem-solving environment through the following collaborative protocols:

- **Broad participation**
  - Strive to attend meetings consistently; we need everyone at the table
  - Contribute your thoughts, but share time so everyone can participate
  - Seek opportunities to share your perspectives and understand the perspectives of others
  - Listen hard to what others are saying; we need to figure out together what are the better ways forward
- **Honest but respectful engagement**
  - Be as honest, fair and candid as possible (we need to understand what each other is thinking), but engage professionally
  - Respect ideas offered by others; all ideas and points of view have value
  - If you hear something you do not understand, ask questions to clarify
  - If you hear something you do not agree with, help people understand your concerns
  - Avoid personal comments; refrain from characterizing other's remarks
- **Forward-looking dialogue**
  - Creative thinking and problem-solving are essential to success; try to think about problems in a new way
  - Seek to integrate ideas across participants; marry a concern with a solution
  - Focus on issues, not personalities

### Near-Term Collaboration Structure

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This draft, prepared by the Water Forum and the Consensus Building Institute at the direction of the Cosumnes Subbasin Working Group, is a work-in-progress intended to spark discussion among parties and propel and track progress. It has not yet been endorsed by the Working Group. This document is distributed for review and feedback prior to the 5/17/17 Cosumnes SGMA Working Group meeting and is not for broad distribution.

To support effective deliberations that foster informed dialogue and broadly supported actions and ensure constituents are fairly represented, the parties agree to the following near-term collaboration structure:

- The parties will establish a Working Group to guide near-term, collaborative development of the subbasin's GSP. The Working Group will consist of up to 2 representatives from each GSA to foster equal participation among the parties.
- Consistent with the Guiding Principles outlined above, the parties will strive to reach full consensus on all actions under discussion. Consensus is the preferred method for reaching agreement.
- When full consensus is not possible and an issue is time-sensitive, decisions will require a super-majority (at least 5 out of 7) of the GSAs to balance the need for broad support among the parties, fair representation and timely action.
- Further discussion is needed among the parties to define time-sensitive decisions. Similarly, further discussion is needed to identify those decisions, if any, that require only a simple majority (4 out of 7).
- If and when votes are needed, each GSA will have one vote only to ensure equal voice among the parties.

#### **Roadmap for Developing a Groundwater Sustainability Plan**

- To be discussed at April meeting

#### **Technical Support**

To support well informed decisions, the parties will establish a Technical Advisory Committee (TAC) to provide input and recommendations to the Working Group on technical aspects of groundwater sustainability plan development and, later on, implementation. The TAC works in service of the Cosumnes Subbasin SGMA Working Group. A separate Terms of Reference has been developed for the TAC.

#### **Near-Term Cost Share**

It is expected that Proposition 1 grant funding will cover 50% of the total near-term costs related to plan development. It is further estimated that the Water Forum and Sacramento County (via Zone 13 funds) will each cover 20% of near-term costs. It is also anticipated that the remaining 10% of costs will be split proportionally across the other GSAs. Contributions are both cash and in-kind. A formula for determining proportionality is to be determined, as are longer-term cost sharing arrangements.

#### **Stakeholder Outreach and Engagement**

To foster the consideration of the beneficial uses and users of groundwater in the subbasin, the parties agree to the following:

- Parties are committed to an inclusive and transparent process that proactively seeks the engagement and input of potentially impacted parties as identified in SGMA. Parties will work to develop protocols for public engagement, both at public workshops and during regular Working Group meetings.
- Parties will work collectively to develop an agreed-upon outreach plan, but each GSA is responsible for guiding efforts within their respective jurisdictions.
- Parties recognize the value in developing shared messages to ensure consistency; joint participation in outreach efforts is encouraged to foster consistency in message and concretely demonstrate the parties' coordinated effort.
- Parties recognize the need to conduct outreach in the near-term to better understand additional representation needs (e.g., environmental, tribal, other) beyond the signatories to this agreement. Parties commit to revisit the near-term collaboration structure, as necessary, to account for public feedback.

### **Media Contacts**

Working Group members are encouraged to forward any media inquiries to the Water Forum. When talking to the press, Working Group members are asked to represent their own views only. Water Forum staff will coordinate with the Working Group to develop any needed "talking points" for media and other interested parties.