

**Cosumnes Subbasin SGMA Working Group**  
**Meeting Summary**  
**Meeting held June 26, 2017**  
**Prepared by the Consensus Building Institute**

### MEETING IN BRIEF

At its ninth meeting, the Cosumnes Working Group extended the time period for submitting Technical Advisor applications and confirmed the process for selecting a Technical Advisor, outlined the initial steps of a stakeholder outreach strategy (focused on opening Working Group and Technical Advisory Committee meetings to the public starting in July), and continued discussion of the Framework Agreement, with five of the six GSAs present voicing their willingness to recommend that their governing bodies formally adopt the most recent draft. The next meeting of the Working Group is to be held Wednesday, July 19, from 1-4 p.m. at the Herald Fire Hall.

### ACTION ITEMS

Who	What
Water Forum	Extend deadline for Technical Advisor submittals; provided link to GSAs
Water Forum	Set TAC and Working Group meeting dates; specifically canvas GSAs to confirm preferred timing for July 19 Working Group meeting
Water Forum	Update timeline to account for Working Group guidance related to the technical advisor selection process
Water Forum/CBI	Distribute presentation materials to GSAs: TAC discussion summary; stakeholder outreach presentation; updated timeline
CBI	Develop initial draft outreach plan based on GSA feedback
CBI	Revise draft Framework agreement and distribute to GSAs
CBI	Revise TAC Terms of Reference and distribute to GSAs
CBI	Distribute link to Eastern San Joaquin <i>Conflict of Interest</i> code to GSAs
GSAs	Confer, as needed, with legal counsel to confirm relevant Brown Act requirements related to TAC and Working Group deliberations
Amador	Provide CBI/Water Forum with link to Eastern San Joaquin <i>Conflict of Interest</i> code

### 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

All GSAs filings have been posted on DWR's website. The subbasin appears fully covered without overlap or gaps, consistent with the July 1, 2017, SGMA deadline.

## Neighboring Subbasins

**East San Joaquin subbasin** held the first meeting of its JPA governing body. The JPA will serve as the governing body for the subbasin. The subbasin's working group will be the focal point for GSP development and negotiations. G. Mancebo noted that the subbasin is developing a Conflict of Interest Code. He will provide a link to the code for subsequent distribution to the Working Group.

An alternative submittal filed by **Sacramento Central** is still under review by the State. T. Gohring noted that SCGA remains concerned that the draft PSP rules that do not allow grant funding to subbasins with alternative plans under review. He also noted that Water Forum is convening a new dialogue, to be facilitated by CBI's Gina Bartlett, to discuss GSA overlap issues in the Sac Central subbasin.

## Prop. 1 Updates

John Lowrie provided a brief summary of key DWR updates related to the state's pending PSP package, highlighting **key rules included in the draft package** (1 submittal per subbasin, application needs to cover entire basin, only GSAs eligible to file, etc.). Other updates from J. Lowrie and B. Brooks emphasized the state's interest in receiving applications that **demonstrate strong coordination** across GSAs and **solid stakeholder outreach**. B. Brooks noted that **early submittal does not appear to advantage any GSA** as awards will not be granted on a first-come, first-served basis. B. Brooks also relayed feedback from DWR that **SSCAWA is eligible to file** on behalf of the subbasin (though he reiterated the importance of reconfirming key details once the final PSP package is released.)

## Unmanaged Areas Workshop

Kerry Schmitz **reiterated the County's intention to hold a workshop** in those areas to be covered by the County to keep interested water appraised of SGMA developments and foster discussions regarding future GSA representation. An email was also sent to the distribution to update parties on the current filing status.

## TECHNICAL ADVISORY COMMITTEE TOPICS

Technical Advisory Committee discussions centered on the three topics summarized below.

- **June TAC meeting.** J. Lowrie provided a brief overview of the TAC's discussions at its June meeting, highlighting its discussions of the Technical Advisory selection process, potential criteria to inform selection of an administrative entity among the eligible GSAs.
  - **Next Step:** Provide Working Group members with presentation summarizing TAC meeting key discussion points.
- **Technical Advisor recruitment and selection process.** GSAs discussed the merits and downsides of extending the deadline for interested entities to submit RFQs for the technical advisor position. Arguments for extending centered on providing sufficient time for interested applicants to develop and submit materials. Concerns focused on the limited time available to prepare a comprehensive PSP application and GSA's previously expressed interest in having the technical advisor inform development of the application. Based on

the discussion and the Water Forum's recommendation, the **GSA's opted to extend the deadline by one week**, with applications to be submitted by Friday, July 7.

GSAs also asked that the Water Forum's schedule be revised to **include additional time for GSAs** to (1) identify candidate projects and data needs for possible inclusion in the application, and (2) review, meet and discuss the draft Prop. 1 application.

- **Decision:** Extend application submittal deadline one week to July 7.
- **Next Step:** Water Forum is to update the submittal deadline; provide link to GSAs for distribution to candidate applicants.
- **TAC Terms of Reference.** The Working Group discussed a series of proposed changes to the TAC Terms of Reference put forward by Sloughhouse RCD. The discussion focused on several key issues:
  - Concerns that language regarding media and communication (specifically, the language recommending that GSAs refrain from characterizing the perspectives of other GSAs) would unnecessarily constrain its ability to brief its board and constituents. Based on the discussion, the Working Group agreed to revise language to **focus the constraint solely on media and press contacts**.
  - Concerns that language recommending the avoidance of "competing science" would constrain GSAs abilities to bring together experts with differing opinions. CBI and Water Forum staff clarified that the intent is to foster collaborative science and avoid advocacy science. The group agreed to **strike the reference to "avoiding competing science"** since other language makes clear the intent.
  - Concerns that the language doesn't allow for minority reports to be added to TAC summaries. The group agreed to revise the Terms of Reference to **allow for minority reports**.

Five of the six GSAs present agreed to the Terms of Reference with the incorporation of the changes above. Sloughhouse RCD said more time was needed for it to review a revised draft and consider the recent revisions.

- **Decision:** No final decision; Sloughhouse RCD confirmation pending.
- **Next Step:** CBI is to update and distribute the Terms of Reference based on the discussion.

## **PUBLIC OUTREACH**

The Working Group had focused discussion on public outreach needs and approaches. The discussion began with a brief overview from B. Brooks reminding Working Group members on state guidelines and requirements related to stakeholder outreach and engagement, as well as highlighting key findings from J. Golomb's discussions with each GSA to better understand its interests, concerns and suggestions related to public engagement. The Working Group then discussed possible strategies for ensuring transparency and fostering input by interested water users and stakeholders. Key discussion themes centered on the following:

- *The importance of **providing multiple opportunities for public input**.* Working Group members see merit in opening up both Working Group and TAC meetings to interested

members of the public. Robust public engagement is seen as ensuring meaningful input, informing Working Group and TAC deliberations, and meeting state requirements.

- *Creating **opportunities for public input** during both Working Group and TAC meetings.* Working Group members discussed the merits of providing public comment opportunities after each primary topic versus having a single public comment period at the end of each meeting. They also discussed the importance of thoughtfully structuring and facilitating public comments in a manner that ensures ample opportunity for input while ensuring agenda items have ample time for TAC and Working Group member discussion. Some Working Group members were less certain of the merits of opening up TAC discussions, given the complexity of the topic.
- *Working Group members discussed **potential linkages with Brown Act** requirements, particularly as it relates to meeting notification.* Water Forum staff does not believe Brown Act requirements apply to Working Group or TAC meetings (given participation is limited to no more than two representatives from each GSA), but GSA representatives were asked to check with its respective legal counsel to ensure its participation is in compliance.

Working Group members also discussed the need for ad hoc committees to discuss issues such as reviewing applications for technical advisors. They also agreed to defer discussion of its approach to additional outreach strategies (e.g., public workshops, stakeholder advisory bodies) to a future meeting (given time constraints).

Based on the discussion, the Working Group unanimously agreed to the following:

- **Decision:** Publicize future Working Group and TAC meetings; provide opportunity for public comment on agenda
- **Next Step:** CBI is to distribute its presentation summarizing key findings from its discussions with each GSA on public outreach/engagement activities
- **Next Step:** CBI is to draft an initial public outreach and engagement strategy based on the Working Group's discussion to-date
- **Next Step:** Each GSA is to confer, as needed, with its legal counsel to confirm relevant Brown Act requirements related to TAC and Working Group deliberations

### **FRAMEWORK AGREEMENT REVIEW**

Working Group participants reviewed the draft Working Group Framework Agreement, which CBI revised based on input received at and after the May Working Group meeting. **Five of the six GSAs at the meeting broadly endorsed the working draft agreement**, confirming their ability to recommend adoption by their respective governing bodies. **The sixth GSA present – Sloughhouse RCD – expressed ongoing reservations**, suggesting the current agreement limits its ability to adequately represent its constituents. Specific changes recommended by Sloughhouse focused on the following: (1) changing decision-making protocols to require full (100% consensus); (2) requiring that each financial obligation agreed to by GSAs be articulated in a separate legal document; and (3) incorporating language that calls for GSAs to accommodate each GSAs suggestions (e.g., recommended studies and data needs related to GSP development). Sloughhouse further stated that if GSAs are unable to agree to an integrated approach, funds should be distributed proportionally to each GSA.

Working Group members agreed to **add language that articulates the *intention to accommodate each GSA's interests*** related to GSP development *to the extent practicable*, but there was no support for wholesale revision to the Framework Agreement. Several GSA representatives underscored the need for a process that has the GSAs working collaboratively to develop an integrated scientific agenda and approach. It is appropriate, they said, for the TAC and Working Group to fully consider each GSAs request, but **it is not practical to allow a single GSA to obligate the others**. Rather, they said, it needs to be done within the context of a subbasin wide plan. It was also noted that proportional allocation of any state funding would likely be considered inconsistent with the state's Prop. 1 funding criteria and jeopardize the subbasin's application. Water Forum/CBI put forward suggested language to clarify how GSAs will work together in the near-term on GSP development.

Based on the discussion, five of the six GSAs agreed to a revised Framework Agreement that added language related to near-term GSP development. (The document is also to be updated to clarify language regarding the quorum required to make decisions and attach the near-budget.) Sloughhouse RCD voiced continued concern with the draft and said it could not agree to the revised Framework Agreement without consulting with its constituents. A draft template resolution was provided prior to the meeting, but the Working Group did not have time to review or revise the resolution.

- **Decision:** No final decision; Sloughhouse RCD confirmation pending.
- **Next Step:** CBI is to update and distribute the Framework Agreement based on the discussion.

### TECHNICAL ADVISORY COMMITTEE TOPICS

The Working Group did not discuss the Prop. 1 grant selection process in detail nor did it discuss the administration entity (responsibilities and obligations, Working Group oversight) due to time limitations. Both topics will be added to the July 19 meeting agenda.

### NEXT STEPS

The Working Group is scheduled to hold its next meeting on Wednesday, July 19. Sloughhouse recommended that the Working Group consider shifting meeting time to the afternoon to accommodate growers who need to be working in the early morning hours. Water Forum staff is to canvas Working Group members regarding availability.

Other next steps are summarized under Action Items on the first page of this summary.

### MEETING PARTICIPANTS

Kerry Schmitz, Sacramento County  
Damon Wykoff, Amador Water Agency  
Gene Mancebo, Amador Water Agency  
Gary Thomas, Amador Water Agency  
Jay Schneider, Sloughhouse Resource Conservation District  
Amanda Platt, Sloughhouse Resource Conservation District  
Rick Wohle, Clay Water District

Gary Silva, Clay Water District  
John Mulrooney, Galt Irrigation District  
Leo Van Warmerdam, Galt Irrigation District  
Mike Wackman, Omochumne-Hartnell Water District  
Mark Stretars, Omochumne-Hartnell Water District  
Tom Gohring, Water Forum  
John Lowrie, Water Forum  
Bennett Brooks, CBI

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