

Cosumnes Subbasin SGMA Working Group
Meeting Summary #10
Meeting held July 19, 2017
Prepared by the Consensus Building Institute

MEETING IN BRIEF

At its tenth meeting, the Working Group endorsed the **Technical Advisory Committee Terms of Reference**. Further, each GSA plans to bring the finalized **Framework Agreement** to its respective board for formal consideration by August 31. The Working Group discussed the Proposition 1 grant application process, including the anticipated role and responsibilities of the grant's administering entity. Participants also reviewed a first draft **Public Outreach and Engagement plan** and recommend holding an all-basin **public workshop** by the second week of September. Approximately 17 members of the public attended the Working Group meeting. The next Working Group meeting will take place on Wednesday, August 16, 2017.

ACTION ITEMS

Who	What
All GSAs	Seek GSA board endorsement of Framework Agreement (via resolution) by August 31 <i>Note: The Water Forum is available to work with boards as needed</i>
All GSAs	Send CBI broad or general outreach categories, as well as specific names and contact info (to help build the public outreach list)
Water Forum/CBI	Distribute GSAs clean version of TAC Terms of Reference, with Jay's edit incorporated (DONE)
Water Forum/CBI	Send GSAs clean version of Framework Agreement, with minor edit per Mark's comment incorporated (DONE)
Water Forum/CBI	Work with GSAs to identify timing and location for fall public workshop(s)
CBI	Number future agenda items
CBI	Incorporate sign-in sheet into email list
CBI	Send email blast with notifications of upcoming meetings
Water Forum	Schedule August TAC meeting. <i>Topic: GSA ideas for candidate studies to support GSP development</i>

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.

WELCOME AND OVERVIEW

Bennett Brooks welcomed GSA participants and members of the public to the Working Group meeting. He presented the following background on the SGMA Working Group:

Sustainable Groundwater Management Act (SGMA) passed in 2014

- Requires sustainable groundwater usage in medium and high priority basins
- Locally driven effort with statewide backstop
- Entire subbasin must be covered by a GSA and actively managed
- Public outreach and engagement is essential

SGMA timeline

- June 2017: Form groundwater sustainability agency(ies) (GSA)
- January 31, 2022: Develop groundwater sustainability plan (GSP)
- 2042: Achieve sustainability

Governance in the Cosumnes Subbasin

- 7 GSAs to cover the subbasin; collaborative Working Group formed
- Water Forum serving as convener; actively facilitated discussions
- Putting finishing touches on Framework Agreement to guide near-term discussions

Technical discussions are key

- **Technical Advisory Committee (TAC)** – *established*
 - Primary role is to develop technical advice for consideration by the Working Group
- **Independent Technical Advisor** - *in process of bringing on-board*
- **Joint Fact-Finding Process** - *looking to build*

Public outreach approach

- Three core elements: Transparency, informed, meaningful dialogue
- Working Group + TAC: Open to public; focused comment periods pegged to topics
- Public workshops throughout process
- Other approaches under discussion

GENERAL UPDATES

Technical Advisor Selection Update

The Technical Advisor Selection Committee convened earlier in the day to review and rank proposals submitted in response to the Request for Proposals for the Cosumnes Subbasin Technical Advisor position. *Next steps:* The Water Forum (in consultation with the Selection Committee) will schedule candidate interviews for the following week. The Committee is expected to recommend a Technical Advisor shortly thereafter.

Update from Neighboring Subbasins

East San Joaquin Subbasin is seeking state funding for facilitation services.

South American Subbasin has an alternative application pending. There is currently GSA overlap within subbasin. The Water Forum is scheduling a bilateral meeting with entities to identify

a mutually agreeable resolution.

Recent DWR/State Board SGMA Updates

DWR recently issued new **guidance on SGMA Outreach and Engagement** ([link](#)).

In the last fiscal year, the Water Forum received a modest DWR grant to help pay for **facilitation services**. DWR is opening another application period for funding for facilitation services, for which the Water Forum will apply.

Potential to access USBR 215 water (flood flows)

John Mulrooney: Galt Irrigation District encouraged GSAs to consider opportunities to take advantage of USBR 215 spill waters (flood flows). Given the high cost (\$43/acre-foot), however, subsidies will be needed to make acquiring the water financially viable. Interested participants are encouraged to contact John offline.

Public Comment: Important to document the potential to use USBR 215 water, including any obstacles that arise and how they are addressed.

GUIDING DOCUMENTS

GSAs reviewed and finalized two key documents: The SGMA Working Group **Framework Agreement** and **TAC Terms of Reference**.

FRAMEWORK AGREEMENT REVIEW

The Framework Agreement is intended to serve as a guidance document to guide **near-term** deliberations among the Working Group. Board approval of the document is time-sensitive; the document demonstrates the GSAs' commitment to work together, which is an essential piece of the Proposition 1 application.

Changes to the Framework Agreement from last version:

- New section on Groundwater Sustainability Plan (GSP) development - discusses how the Working Group will work together and gather information to inform GSP development
- Added cost-share language
- Clarified language related to quorum

Discussion

- The Proposition 1 grant guidelines outline the need for GSA collaboration within the subbasin, which the Framework Agreement demonstrates.
- Participants underscored that this is a **near-term** agreement that will only take the group to the point of beginning to develop the GSP process. The Framework Agreement strives for consensus as the preferred process for decision-making.
- At the beginning of the discussion, six of the seven GSAs voiced their willingness to recommend adoption by their governing boards. Sloughouse RCD voiced several outstanding concerns: (1) interest in proportional voting; (2) certainty in management areas; and (3) support for basin boundary line adjustment. There was also interest in

incorporating a sunset provision to the Framework Agreement. Concerns by Sloughhouse triggered the following discussion points:

- Facilitator Bennett Brooks reminded the Working Group that in its prior discussions, the group established a strong desire to make decisions by consensus, but in instances where consensus is not possible, one vote per GSA is a balanced and efficient way to move forward - particularly given that the Proposition 1 application is due in October and additional time is needed to consider various proportional voting options.
- Several GSA representatives noted that, as this is a near-term agreement, governance decisions may differ in the longer term. In response to a suggestion from Sloughhouse and to inform future discussions, CBI and the Water Forum offered to research into different decision-making methods being used by GSAs elsewhere in the state.
- It was noted that the subbasin's Proposition 1 grant application would be disadvantaged if the Working Group were to move forward without all seven GSAs as participants. Additionally, GSP development would become a more expensive process, as much of the technical work would be duplicative.
- B. Brooks also noted that the Framework Agreement explicitly calls out the potential for distinct management zones as was requested by Sloughhouse at an earlier Working Group meeting.
- While proportional representation remains an issue of concern for Sloughhouse, the GSA is nonetheless prepared to bring the Framework Agreement to its board for consideration. T. Gohring strongly encouraged GSA boards to take action on the Framework Agreement given the timing constraints associated with the expected Proposition 1 deadline.

Next Steps

- CBI will send GSAs a slightly revised version of the Framework Agreement.
- All seven GSAs will bring the Framework Agreement to their respective governing boards for review and formal action by August 31. The Water Forum has provided a sample resolution.
- CBI and the Water Forum are to research into voting mechanisms (proportional, other) being considered in other subbasins statewide

TECHNICAL ADVISORY COMMITTEE TERMS OF REFERENCE

The Working Group reviewed the Technical Advisory Committee (TAC) Terms of Reference. This version incorporates input from the June 26, 2017, Working Group meeting. Primary changes focus on the following points:

- Eliminating any reference to “competing science.”
- Including the opportunity for TAC members to include minority reports as attachments to Water Forum TAC meeting summaries.
- Narrowing the section on “Media & Communication” to media only.

Outcome

The Working Group unanimously endorsed the TAC Terms of Reference, which will serve to guide TAC deliberations. The document will be updated in the future, as needed, by the Working Group. GSAs may share the Terms of Reference as an informational item with their respective governing bodies.

PROPOSITION 1 GRANT APPLICATION PROCESS**DWR Grant Application Requirements and Timing**

The Proposition 1 grant process will be initiated when the Department of Water Resources (DWR) issues the proposal solicitation process (PSP), on or shortly after August 1. There will be no pre-notification prior to the PSP release. Because the application process is competitive, it is important that the Working Group submit the best possible application.

There is a \$1 million maximum award amount, with a 50% match requirement. Preliminary cost-share analysis assumes substantial financial assistance from Sacramento County and the Water Forum, as well as in-kind/match funding from GSAs. The technical advisor (to be hired) will conduct a more focused financial and cost-share analysis.

Initial Discussion - Administering Entity Selection

The Working Group engaged in a preliminary discussion around the administering entity, with a focus on administering entity responsibility and obligations as well as the role of Working Group oversight. There may be only one applicant/administering entity and one application per subbasin. The administering entity must be a GSA; all seven GSAs in the Cosumnes Subbasin meet the additional requirements for administering entity. The Working Group will need to determine which GSA will serve as the administering entity, as well as discuss the relationship between the administering entity and Working Group.

At its June meeting, the TAC brainstormed preliminary criteria for determining the administering entity, which will be responsible for managing contracts related to GSP development. DWR suggested looking at past IRWM grants as a reasonable proxy for the administering entity's role and responsibilities. Based on IRWM, the Water Forum anticipates that up to 5% of the grant award can be used for grant administration.

Responsibilities of administering entity (examples only; not comprehensive)

- Administer contracts and serve as intermediary between grantor (state) and contractors: track contractor activity and ensure compliance; review invoices; communicate this information to DWR and the Working Group.
- Reconcile invoices
- Provide consistent communication, including monthly reports to Working Group.
- Must have cash available to cover upfront costs while waiting for reimbursement
- A certain percentage of the grant will be through-audited. As such, the administering entity's bookkeeping must be very tight and successfully audited.

Discussion

- Omochumne-Hartnell and Amador are not interested in serving as the administering entity.
- Sloughhouse will consult with Amanda Platt (CARCD) about the possibility of Sloughhouse serving as the administering entity and contracting with CARCD.
- Sacramento County is willing to serve as administering entity. Kerry Schmitz is hiring for a GSA Manager position. All administration would be conducted through the Sacramento County administrative support team, including the Sacramento County accounting department.
- SCWA may be eligible to serve as administering entity.

- Facilitator Bennett Brooks recommends that, regardless of who serves as the administering entity, the Working Group works on clearly articulating the relationship between the entity and the Working Group.
- The group discussed the option of using a prime/sub-contracting relationship between a GSA and the Water Forum. Tom Gohring indicated that he would research the option.

Next Steps

- Sloughhouse to provide update on the possibility of Sloughhouse serving as administering entity and contracting with CARCD.
- Sacramento County is willing to serve.
- SCWA is open to possibility; would need vetting by board.
- Water Forum will research the option of serving as a sub-contracting entity to one of the GSAs.

Public Comment

Question: Has this group decided who will prepare the Proposition 1 grant application?

Response: Water Forum staff will prepare the majority of the grant application and the independent technical advisor will provide senior review. Sacramento County's consultant (GEI/HDR) may also review the application.

Comment: Disappointed that the Sloughhouse Board didn't have time to look at the Working Group Framework Agreement, but took time to consider Proposition 1 grant administration. Whoever administers grant needs to be an entity that focuses on the goals of the group and operates in such a way that benefits the whole group.

PUBLIC OUTREACH

TAC and Working Group meetings are now open to public. The Working Group reviewed a first draft **Outreach and Engagement Plan**, which was developed by CBI based on input received at the June Working Group meeting and in individual conversations with each GSA. According to the Working Group, the draft plan is generally on track.

The group agreed that it would be beneficial to host a **public workshop** before October to support the Proposition 1 grant application. The Working Group identified the following key topics to share in public workshops:

- SGMA background – *Support interested public in coming up to speed on SGMA*
- Near-term efforts and grant scope
- Anticipated costs and how they will be covered

Discussion

- The Working Group expressed support for a basin-wide workshop, to take place in the evening.
- Public Workshop should be held by second week of September at the latest, in order for input to be truly useful.
- Working Group participants support a unified message across GSAs.
- Galt and Clay could team up for a workshop.
- Important to avoid heavy acronym use in public workshops.

- It is GSA responsibility to keep their respective boards informed during the grant development process.
- Include special outreach to elected officials.

Items for future consideration

- Form a standing **stakeholder advisory body**?
Input: Pose key questions at public workshops and on website, to receive public input clearinghouse style; including the question of whether there should be a standing SH advisory body.
- Would **talking points** be helpful?
- Designate one or more **public information officer**? Should this be the Water Forum or another entity?
- Form a **communications committee**?

Outcome

- CBI/Water Forum will move to schedule a subbasin-wide public workshop by the second week of September.

Public Comment

Comment: Technical background on water issues connected to where people live would be helpful for setting the context of SGMA implementation; this would help make the topic relevant and personal for domestic well owners.

Comment: To draw a large attendance, frame a public workshop as: “Don’t let the state dictate how you use your water.”

Comment: It is important to include local tribes; consider conducting targeted tribal outreach and workshop.

MEETING PARTICIPANTS

Ed Gonzalez, Amador County Groundwater Management Authority
Gene Mancebo, Amador County Groundwater Management Authority
Damon Wykoff, Amador County Groundwater Management Authority
Mike Israel, Amador County Groundwater Management Authority
Gary Thomas, Amador County Groundwater Management Authority
Jay Schneider, Sloughhouse Resource Conservation District
Herb Garms, Sloughhouse Resource Conservation District
John Mulrooney, Galt Irrigation District
Leland Schneider, Omochumne-Hartnell Water District
Mark Stretars, Omochumne-Hartnell Water District
Mike Wackman, Omochumne-Hartnell Water District
Rick Wohle, Clay Water District
Sue Wohle, Clay Water District
Gary Silva, Clay Water District
Mark Clarkson, City of Galt

Rodney Fricke, Sacramento County
Kerry Schmitz, Sacramento County
Tom Gohring, Water Forum
John Lowrie, Water Forum
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For questions regarding this meeting summary, please contact Tom Gohring at the Water Forum or Julia Golomb at the Consensus Building Institute.