

**Cosumnes Subbasin SGMA Working Group**  
**Meeting Summary #11**  
**Meeting held August 16, 2017**  
**Prepared by the Consensus Building Institute**

**MEETING IN BRIEF**

At its August meeting, the Cosumnes Subbasin SGMA Working Group formally approved the EKI team of Anona Dutton and Earl James as the subbasin’s independent technical advisors. The EKI team presented their analysis on the pros and cons of one versus multiple GSPs within the subbasin. The Working Group continued its previous discussion of the Proposition 1 administrative entity selection, provided feedback on the newly launched Cosumnes Subbasin website ([cosumnes.waterforum.org](http://cosumnes.waterforum.org)) and on the draft subbasin Public Outreach and Engagement Plan, and offered direction on a series of two-hour SGMA public workshops within the subbasin.

**ACTION ITEMS**

<b>Who</b>	<b>What</b>
Working Group	Send J. Golomb links or materials to post on webpage; also send categories for FAQs and any recommended language for an updated Fact Sheet
EKI	Send draft presentation on one vs. multiple GSPs; distribute project proposal forms electronically
Water Forum/CBI	Draft FAQ talking points; revise outreach plan; update webpage
Water Forum	Reach out to tribal entities; invite to present at Working Group or TAC meeting

**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**

**Recent DWR/State Board SGMA Updates**

The Proposition 1 proposal solicitation package (PSP) is expected to be released in late August and is not expected to be significantly different from the previously released draft. Once released, there will be a nine-week preparation period.

Newly passed state legislation highlights the importance of the farming and ranching community in groundwater management. As such, language describing beneficial uses and users of groundwater will be revised to explicitly call out the farming and ranching community.

**DWR Facilitation Grant**

The Water Forum applied for a Department of Water Resources (DWR) facilitation grant. If awarded, the grant will help fund CBI's work. The previous facilitation grant expired on June 30, 2017.

### **Cosumnes Subbasin Website**

The newly launched Cosumnes Subbasin website, [cosumnes.waterforum.org](http://cosumnes.waterforum.org), contains the latest meeting information and materials. Working Group members provided the following input based on its review of the website:

- Consider creating a password-protected page where TAC and Working Group participants can view documents in draft form.
- Include on the website a clear explanation of why SGMA is important.
- Consider including a subbasin and GSA map overlaid on Google Maps.
- On the Meetings page, describe the difference between the TAC and Working Group.
- Move the outdated fact sheet into an archive of materials from the April, 2017 public workshop; replace with an updated fact sheet

### **Outcome:**

- Collaborative participants are encouraged to send Julia Golomb links or materials to post on the website.
- Participants are encouraged to send Ms. Golomb feedback on the website language; in particular, does the website adequately address why SGMA is important?

### **TAC UPDATE**

Leading up to the Prop. 1 submission date, the TAC may meet as much as every two weeks (now through late October) and will aim to meet at times when at least one participant from each GSA can attend. The Water Forum and EKI shared the following updates from the TAC's August 15 meeting:

### **TECHNICAL ADVISOR SELECTION**

The Technical Advisor Selection Committee received seven applications. After screening all seven statements of qualifications, the Committee interviewed 3 applicants and most highly ranked the EKI team composed of Anona Dutton and Earl James. The Water Forum successfully negotiated a contract with EKI. While the EKI team has commenced work, contract execution awaits formal approval from the Working Group.

**Outcome:** The Working Group voted unanimously to approve hiring EKI as independent technical advisors.

### **PROJECT TIERS**

EKI has started ranking project elements by tiers 1 through 3. Tier 1 includes subbasin-wide work required by SGMA and definable now. Tier 2 elements are also definable now, but could take place at the subbasin or GSA level, depending on how the Working Group chooses to proceed. Tier 3 includes potential projects that could be required to fill data gaps, but are not yet fully definable. Rather than defining tier 3 projects as part of the grant application, Ms. Dutton will instead include language in the grant application that describes a future process for determining which Tier 3 projects to conduct.

Ms. Dutton noted that any GSA wishing to propose a specific project for inclusion in the grant application will need to complete a project proponent form.

**Outcome:** Ms. Dutton requested that GSAs interested in putting forward any specific projects for potential inclusion in the grant application complete project proposal forms. Ms. Dutton is to distribute proposal forms electronically following the meeting.

### **EKI PRESENTATION – ONE VS. MULTIPLE GSPs**

At the August 15 TAC meeting, participants requested a deeper discussion and evaluation of the pros and cons of moving forward with one groundwater sustainability plan (GSP) versus multiple GSPs within the subbasin. In response to this request, EKI analyzed four areas of potential impact: cost, GSA technical autonomy, GSA management autonomy and risk. Mr. James and Ms. Dutton presented the following analysis to the Working Group.

GSP regulations emphasize basin-wide compliance and coordination, achieved through one of the following options:

- A single GSP
- A single GSP with identified “management areas”
- Multiple GSPs that are coordinated through a coordination agreement and submitted together as a single, coordinated submittal. All basin reporting must also be coordinated in a single submittal.

*Table: Benefits and drawbacks of multiple GSPs within the subbasin*

Issue	Benefits	Drawbacks	Comments
<b>Cost</b>	--	More expensive (limited economies of scale and redundant work efforts)  More difficult to get DWR grants	Basin-level efforts will need to be funded as well as individual GSP efforts  Requires development and implementation of coordination agreement(s) (additional technical and legal fees, etc.)
<b>Autonomy - Technical</b>	(Potentially) increased control over GSP development process, timing and content	Limited economies of scale and redundant work efforts	Has to be fully coordinated with other GSPs at the outset and throughout or risk expensive and potentially critical path reconciliation  Must meet minimum standard of technical compliance
<b>Autonomy - Management</b>	(Likely) neutral depending on governance structure	--	Governance / coordination agreement can clearly identify the roles and responsibilities of each GSA in developing and implementing the GSP
<b>Risk</b>	--	Basin is vulnerable to	DWR will only accept credible,

		performance of “lowest common denominator”	coordinated GSPs  State Water Resources Control Board (SWRCB) intervention will not serve anyone well
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EKI advised that developing multiple GSPs would most likely: (1) lead to higher costs; (2) nonetheless require a coordinating agreement; (3) increase the subbasin’s vulnerability to performance of “lowest common denominator;” and (4) increase the subbasin’s risk of failed SGMA compliance. EKI further advised that while multiple GSPs may offer marginal benefits related to autonomy, many of those benefits are really quite limited since a single GSP, coupled with a well-crafted governance structure and management zones, could offer a comparable level of autonomy.

EKI recommended that each GSA provide direct input into the development of a single groundwater model in the service of one GSP, rather than work to develop competing models. EKI also reminded participants that GSAs may bring its own technical advisor(s) to the Working Group process.

**Outcome:** No final decision was made regarding single v. multiple GSPs.

### **PROP. 1 GRANT APPLICATION PROCESS**

#### **DWR Grant Application Requirements and Timing**

The Water Forum anticipates that the PSP will be released in late August, with an application deadline nine weeks later (late October). In consultation with the TAC and Working Group, EKI will be responsible for developing a scope of work and budget to include in the application. The Water Forum will manage overall assembly of the Prop. 1 application.

**Outcome:** The Working Group agreed that the TAC will conduct the vast majority of the application review. The Working Group will review the Prop. 1 application only once.

#### **Administrative Entity Selection**

Bennett Brooks presented on the role, responsibilities, and selection criteria for the Prop. 1 grant administrative entity.

##### *Eligibility requirements*

- Only a GSA from the respective subbasin may serve as administrative entity
- One applicant per basin
- Compliance requirements

##### *Roles and responsibilities*

- Numerous administrative, contractual tasks
- Reimbursement likely capped
- Expected to work in service of GSAs

##### *GSA interest - based on July Working Group discussion*

- Three entities possibly interested in serving as administrative entity: Sloughouse RCD, SSCAWA, Sacramento County
- Permissible for a GSA to sub-contract the role

- Not interested: Amador County, Clay ID, City of Galt, Galt ID
- Potential for Water Forum to serve as subcontractor to a GSA without charging overhead

*GSA board action required by contractual entity*

- Makes near-term decision essential

*Role and responsibilities of the contractual entity*

- Administrative Entity works in service of the SGMA Working Group
- Working Group has direct oversight of all Administrative Entity activities related to grant administration
- Any changes in scope of work and/or budget outlined in the grant proposal require Working Group review and approval
- Contractual Entity will provide a monthly report to the Working Group

**Discussion:**

- While there is no set percentage of funds that can go toward administrative overhead, DWR wants the bulk of its funding to be used for project elements rather than for overhead.
- The Working Group acknowledged that any entity that takes on the administrative entity role needs to be realistic about overhead and administrative costs; 3-5% is low for grant administration. The Executive Director of CA Association of Resource Conservation Districts estimates that 15% is a more typical cost of grant administration.
- The Water Forum or Sacramento County would be able to administer the grant at a relatively lower cost. Water Forum would likely be able to partner with other GSAs as Administrative Entity.
- Administrative costs can count as grant match funding.
- Once the grant is awarded, the administrative entity must have the capacity to cover all of the expenses in advance of reimbursement from DWR. Reimbursement can take between 90 days and six months.

**Options:**

- Sloughouse RCD | Sub: CA Association of Resource Conservation Districts and/or Water Forum
- SSCAWA | Sub: Water Forum
- Sacramento County (with County conducting much of the administrative work) | Sub: Water Forum
- Amador County - *option of last resort*

The state requires that the grant proposal include a formal board resolution from the administrative entity. Ms. Dutton reminded the group that the grant administrator needs to be demonstrably consistent with the approach of the entire basin. She also noted that the strength of the Prop. 1 application will not be impacted by the decision to have a GSA serve as administrative entity versus a GSA with sub-contractor.

**Outcome:** At its September meeting, the Working Group is to decide which GSA will serve as administrative entity.

**OUTREACH PLAN**

Working Group participants reviewed the draft Cosumnes Subbasin Stakeholder Outreach and Engagement Plan. A member recommended defining GSA at the start of the Outreach Plan. The Working Group determined that a Communications Committee is not needed at this time, as the Water Forum and CBI will continue to drive outreach efforts under Working Group guidance.

### Talking Points

Participants agreed that it would be useful for CBI and the Water Forum to develop a set of shared talking points about SGMA implementation in the Cosumnes Subbasin, to support a common message throughout the subbasin. Most members of the public are not yet familiar with SGMA and GSAs. As such, some of the talking points should be introductory and all talking points should be written in language accessible to the general public. The Working Group recommends developing talking points in approximately six different categories, with periodic updates.

Potential categories of talking points include:

- *SGMA 101*: What is SGMA and why does it exist; include legal requirements, theoretical benefits, definition of GSA and GSP.
- *SGMA background*: How and why SGMA originated
- *What this means for you*: How and when SGMA will start affecting the public; include timeline, how to get involved now, and possible effects.
- *Cost*: Grant applications, etc.
- *Governance*: Standing bodies, etc.
- *Public engagement*

Additional concepts

- Distinguish between fact sheet and talking points.
- Purpose of talking points: informational. To capture the issues under discussion, to support a common understanding of SGMA in the Cosumnes Subbasin, and to avoid mixed messages.
- Emphasize importance of local control and avoiding state intervention.
- Include a list of contacts outside of Cosumnes Subbasin, such as at DWR, Solano Subbasin

**Outcome:** Water Forum and CBI will draft talking points and share with the Working Group for review. Participants may send Ms. Golomb any specific topics or pieces of information to include.

### Public Information Officer - to serve as designated point of contact

To support a unified voice within the Subbasin, the Working Group recommends that the Water Forum serve as the primary point of contact. The Water Forum will conduct initial conversations and may direct inquiries to other GSAs as needed. The Working Group affirmed the following points:

- It is important to have a shared understanding of how to handle public inquiries and interested media.
- Individual entities have the capacity to voice their own perspectives.
- The Water Forum represents dialogue at the table, while individual GSAs represent only their own perspectives.

### TAC Composition

The Water Forum noted that a wide range of interests - from wine industry, aquaculture and tribal governments, to advocates for the Cosumnes River (Cosumnes Coalition) and other environmental interests - are likely to be tracking the SGMA process and interested in providing input into the GSP

development process. Consistent with best practices, the Working Group needs to consider a mechanism to engage interested groups in ongoing and meaningful dialogue.

One option, Water Forum staff noted, would be to include representatives for additional interests as members of the TAC as members. The Water Forum suggested that a possible disadvantage of bringing on new TAC members would be more challenging meeting logistics; a possible advantage would be greater standing with DW, because the Working Group would have actively sought and included a broad range of perspectives in dialogue. Additionally, thoughtful consideration of the perspectives of interested groups throughout the process is likely to lead to a more comprehensive and defensible product.

### **Discussion**

The Water Forum's presentation generated the following individual discussion points among Working Group members.

- Inclusion, while helpful in bring in other perspectives, does not necessarily inoculate the TAC and Working Group from criticism.
- Interested parties are invited to attend TAC meetings as public members and can contribute during public comment periods. This may be sufficient for the time being.
- Broadening the group will make meetings more cumbersome. For example, there are four tribal groups within the subbasin, each of which would have its own representative; other interests would each select one representative.
- It will be important to conduct outreach to ensure specific groups are kept fully informed about what is happening in the subbasin. This includes environmental groups, wine industry (District Grape Growers), tribal, and aquaculture.
- It is important to include a range of perspectives in the TAC's dialogues as this will support a stronger Prop. 1 application. Additionally, an inclusive TAC and Working Group will be seen as more legitimate.
- It may be wise for the Working Group to consider different approaches to public engagement depending on the project phase. More or different approaches may make more sense once the GSP is in development.

Based on the discussion, the Working Group broadly outlined the following actions to support active input from beneficial uses and users.

- Continue to provide public comment periods at all TAC and Working Group meetings.
- Invite interested groups to present at TAC meetings on an ad-hoc basis as this will support more in-depth dialogue.
- Compile a list of interested organizations, their contact information, and issues of interest. Request their input and participation as relevant topics arise.
- The state sets robust standards for the inclusion of beneficial uses and users; the Working Group should strive to both adhere to the spirit of the law and gather the information that it needs.
- Revisit and revise the Subbasin's approach to public engagement, as needed.

**Public Comment:** Tribes are sovereign nations, not members of the public, and should be treated as such. This is a good opportunity to invite tribes to have seats at the table.

**Outcome:** Due to Prop. 1 time constraints, there is not strong support among the Working Group to add seats to the TAC at this time. For the next two months, the TAC will maintain its existing

composition. Instead, the Water Forum will develop a list of tribal entities and interest groups and strive to include them in dialogue by inviting representatives to present meetings or inviting their comments in another way. The Water Forum will refer to DWR's draft guidance on tribal communications.

### **Basin-Wide Public Workshop**

The Water Forum and CBI proposed organizing a series of two-hour public workshops, from 6:30-8:30 pm, and presented a draft public workshop agenda. The Workshop would be an opportunity to share the current direction of the Prop. 1 proposal, solicit input on any needed information, and receive feedback on the Working Group's public outreach approach.

The Working Group recommends holding workshops in the following three areas within the subbasin:

1. Western portion of the subbasin: covers, Galt ID, Clay WD, City of Galt, County portion
2. Herald/Wilton Area: covers SRCD, ag-res
3. Amador County

The Working Group also suggested developing a fact sheet on what is happening in neighboring basins, particularly as it relates to the South American Subbasin.

**Public Comment:** Sacramento Central Groundwater Authority looks forward to coordinating with Cosumnes Subbasin.

### **GUIDING DOCUMENTS**

#### **Framework Agreement**

Amador County, Sacramento County, Sloughouse RCD, City of Galt and Clay ID boards will each consider the approving the Framework Agreement at their upcoming meetings. O-H and Galt ID both approved the Framework Agreement. GSAs may request a board presentation from the Water Forum.

### **MEETING PARTICIPANTS**

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Damon Wykoff, Amador County Groundwater Management Authority  
Gary Thomas, Amador County Groundwater Management Authority  
Ed Gonzalez Amador County Groundwater Management Authority Jay Schneider,  
Sloughouse Resource Conservation District  
Amanda Watson, Sloughouse Resource Conservation District  
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Leo VanWarmerdam, Galt Irrigation District  
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Mark Stretars, Omochumne-Hartnell Water District  
Mike Wackman, Omochumne-Hartnell Water District  
Leland Schneider, Omochumne-Hartnell Water District  
Mark Clarkson, City of Galt  
Kerry Schmitz, Sacramento County  
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Tom Gohring, Water Forum  
John Lowrie, Water Forum  
Earl James, EKI  
Anona Dutton, EKI (via phone)  
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.*

Visit [cosumnes.waterforum.org](https://cosumnes.waterforum.org) for the latest meeting information and materials.