

**Cosumnes Subbasin SGMA Working Group + Technical Advisory Committee  
Joint Meeting**

**Meeting #16**

**Meeting held March 21, 2018**

**Prepared by the Consensus Building Institute**

**ACTION ITEMS**

<b>Who</b>	<b>What</b>
GSAs	Consult GSA attorneys re: Working Group/TAC meeting consistency with Brown Act; resolve in advance of April Working Group/TAC meeting.
GSAs	Review state agreement template and provide comments if needed
Water Forum/EKI	Draft letter to East San Joaquin Subbasin (ESJ) with request to include a Cosumnes technical representative in ESJ advisory committee and offering reciprocity
Water Forum	Update the previous description of technical selection process and send out the past composition of technical consultant selection team; GSAs to respond with any desired changes.
Technical Consultant Selection Team	Develop technical consultant draft RFQ for review at April Working Group meeting.
Sac/ County	Mock-up contractual relationship.
Sac. County	Distribute information about Zone 13
SRCD	Continue to gather information and consider the benefits and drawbacks of developing separate GSP. Provide clarity to the Working Group as soon as possible.
Water Forum/CBI/EKI	Send meeting materials five days in advance of meetings and post PowerPoints in advance of meetings when possible.
CBI/Water Forum	Print tent cards for Darrel Evensen and Steve Winkler

**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 on the main points covered during the group's discussions and any action items.

**GENERAL UPDATES**

**Brown Act Consistency**

More than two board members from the same groundwater sustainability agency (GSA) attend joint Cosumnes Technical Advisory Committee (TAC) and Working Group meetings. To comply with the Brown Act, GSAs are required to issue public notice when more than two GSA board members attend a meeting. To comply with the Brown Act, Omochochumne-Hartnell Water District (OHWD) notices TAC/Working Group meetings as a workshop by posting Working Group/TAC meeting announcements on its website and on a bulletin board in the Wilton post office.

**Outcome:** Each GSA will conduct due diligence with its respective legal counsel regarding Brown Act compliance and resolve any compliance issues in advance of the April Working Group/TAC meeting.

### **Proposition 1 Grant Status**

All public comments regarding Proposition 1 draft grant awards are now posted online. No comments were submitted regarding the draft grant award for the Cosumnes Subbasin. The agreement template, which is [posted online](#), will likely not undergo any major changes. Some other basins have reviewed the contracting agreement between the contracting entity and DWR, in an effort to expedite the contracting process.

### **Near-Term Coordination with Eastern San Joaquin Subbasin**

Eastern San Joaquin Subbasin (ESJ) is forming a Stakeholder Advisory Committee via application process. Representatives for a range of interested parties will comprise the Stakeholder Advisory Committee. The Stakeholder Advisory Committee and the Technical Advisory Policy Committee will each meet monthly to develop recommendations to the ESJ joint power authority (JPA), which is the decision-making body for ESJ.

**Outcome:** On behalf of the Working Group, EKI will submit a letter to ESJ requesting Cosumnes Subbasin representation on the Technical Advisory Policy Committee and offering reciprocity in the form of ESJ participation in the Cosumnes Technical Advisory Committee.

### **Update from South American Subbasin**

At the request of Supervisor Don Nottoli, the Water Forum is convening a series of bilateral meetings between SCGA and Omochochumne-Hartnell Water District and between SCGA and Sloughhouse Resource Conservation District to discuss areas of GSA overlap, with the goal of identifying a mutually agreeable solution. The second meeting will take place on April 3.

### **Technical Consultant Selection for Groundwater Sustainability Plan (GSP) Development**

The Working Group agreed to use its previous process (used to select a technical consultant to develop the subbasin's Prop. 1 application) to select a technical consultant to develop the subbasin's groundwater sustainability plan (GSP). The process is roughly as follows:

1. Form a subcommittee with GSA representation (two representatives per GSA);
2. Develop selection criteria;
3. Solicit responses via RFP;
4. Rank applications received based on selection criteria;
5. Conduct interviews with top applicants.

Participants agreed to issue an RFQ, as an RFQ offers greater flexibility than a RFP, affords parties the opportunity to negotiate budgets and as such may solicit more responses.

**Outcome:** The Water Forum and Sacramento County will update the written description of the technical advisor selection process. The Water Forum will distribute the list of past selection committee representatives, which consists of two representatives per GSA; any GSAs that wish to modify their selection committee representatives will respond accordingly to the Water Forum. The selection committee will bring a draft RFQ for technical advisor to the April Working Group/TAC meeting.

**Contractual Relationships**

[View slides.](#) Linda Dorn presented on the role of Sacramento County as Prop. 1 grant administrator. Near-term steps:

- At its April 10 meeting, the Sacramento County Board of Supervisors will vote on authorizing Sacramento County to enter into contract with DWR to serve as the Prop. 1 grant administrator for the Cosumnes Subbasin.
- DWR will transfer the grant award from Southeast Sacramento County Agricultural Water Authority to Sacramento County.

Dorn noted that Prop. 1 grant administration involves significant administrative overhead costs that cannot be recovered through the grant funds.

**Cost Share:** The Prop. 1 scope outlines approximately \$2 million in technical consultant costs for GSP development; the Prop. 1 grant will cover \$1 million in costs. \$1 million in local cost share will cover the remaining costs, with 50% of the cost share coming from Sacramento County Zone 13 Funds and 50% from the other six GSAs.

Kerry Schmitz, Sacramento County, noted that Sacramento County is currently conducting a flow analysis to assess whether Zone 13 will have the cash flow needed to administer the Prop. 1 grant. If not, Sacramento County may need to provide an internal carryover loan. Additionally, the City of Galt may be able to contribute a portion of its cost share half up front. Schmitz noted that Sacramento County collects \$100k annually via an assessment on the property tax bill for Zone 13 in the Cosumnes Subbasin. By request of the Working Group, Sacramento County will provide further details on Zone 13 figures.

Dorn outlined the following grant administration responsibilities for Sacramento County as grant administrator and for Working Group members:

<b>Prop. 1 Grant Responsibilities Sacramento County</b>	<b>Prop. 1 Grant Responsibilities Working Group</b>
Develop, distribute a RFQ for consulting services.	Review and approve RFQ, rank responses, interview and select technical consultant.
Develop, execute and manage primary contract for consulting services (Board Approval of Contract).	Review and approve contract.
Review, approve and pay invoices associated with approved contracts.	Review and concurrence on all invoices for payment (may be done by Subcommittee).
Manage grant agreement with DWR (all record keeping and reporting-See Exhibit H in Template Grant Agreement).	Review grant agreement. Track respective contributions and in-kind services and report to County.
Submittal of all invoices and reports to DWR associated with the Grant Agreement	Review if desired.

Compile and track all aspects of contract work: expenditures, balance, work progress, performance	Review.
Enforce terms of the contract	None.

**Discussion**

Participants discussed the possibility of compiling a list of low-cost expenditures (below a certain threshold) into a monthly consent item that contains a high degree of specificity. Many participants see value in having the Working Group review all invoices during the early stages of GSP development, in order to establish familiarity with typical expenses. Additionally, participants suggested implementing a requirement that the Working Group pre-approves any costs that surpass a threshold, such as \$20k, in an effort to mitigate the possibility of conflict arising over expenses that Sacramento County already paid.

**Outcome:** Working Group members desire close review of expenses before they are paid; a streamlined approach to covering expenses; predictability for GSAs; and reliability for Sacramento County as grant administrator. Dorn will share a draft invoicing approach at the April Working Group/TAC meeting.

**Sloughhouse Resource Conservation District (SRCD) Resolution Related to GSP Preparation**

At its March 9 board meeting, Sloughhouse Resource Conservation District (SRCD) planned to consider a proposed resolution to prepare a GSP separately from the rest of the Cosumnes Subbasin. Given that a quorum was not present for the board meeting, the SRCD board tabled the resolution for its April meeting.

The SRCD Board’s primary objective is to consider whether developing a separate GSP would impact Sustainable Groundwater Management Act (SGMA) implementation and to evaluate other impacts associated with developing a separate GSP. Consistent with the Prop. 1 grant application, SRCD noted that it would cover all additional costs associated with developing a separate GSP, including additional modeling and legal costs. SRCD also affirmed its commitment to a well-coordinated GSP development effort.

**Discussion**

- A participant asked representatives from SRCD what information the SRCD board needs to support its decision-making process and how the Working Group can best assist SRCD in gathering this information. SRCD representatives responded that they are seeking information about the pros and cons of developing a separate GSP, specifically with regard to governance and cost.
- Developing multiple GSPs would not change the Prop. 1 scope of work and thus would not jeopardize the subbasin’s Prop. 1 grant funding.
- The Prop. 1 work plan, schedule and budget reflect preparation of a single, coordinated GSP for the entire subbasin; any additional or incremental costs associated with developing a separate a GSP or separate management areas would be borne by the entity proposing such efforts.
- Technical consultant Anona Dutton, EKI, and Hong Lin, DWR, both noted that the cost of developing multiple GSPs is significantly higher than the cost of developing one GSP.
- Lin further noted that DWR evaluates a GSP in the context of the entire basin. As such, regardless of whether there are one or multiple GSPs in the subbasin, governance must

demonstrate basin-wide collaboration. Even if developing multiple GSPs, the entire basin must coordinate around modelling and develop shared sustainability management criteria.

- SGMA affords each GSA a significant degree of autonomy in implementation; whether or not a GSP utilizes management areas, each individual GSA retains the authority to determine how it will raise funds and enact management actions.
- The Working Group needs greater clarity on the **impact that developing multiple GSPs would have on the timing of GSP development**. In previous discussions, the Working Group affirmed the intention to stay apace of neighboring basins.

## Considerations for Developing a Second GSP

[View presentation](#). At the request of the Water Forum and with Water Forum funds, EKI conducted preliminary analysis on the cost impacts of developing two GSPs ([view project cost analysis](#)); the estimate takes into account DWR's requirements for intra-basin coordination. Dutton presented on considerations for developing a second GSP in the Cosumnes Subbasin:

### Coordination in SGMA

- A *statutory requirement* of GSP development
- Multi-faceted, involving various entities and levels of involvement:
  - **Intrabasin Coordination** – Between GSAs within a Basin
  - **Interbasin Coordination** – Between GSAs across Basin lines
  - **Stakeholder Engagement** – Between GSAs and local stakeholders / beneficial users
- Part of DWR's evaluation criteria for an "Approved" GSP

### Intrabasin Coordination Requirements

- One GSP submittal will be accepted per Basin
- Coordination agreements are required if more than one GSA within a basin intends to submit a GSP
- Coordination agreements must describe "a process for submitting all Plans, Plan amendments, supporting information, all monitoring data and other pertinent information, along with annual reports and periodic evaluations."

Coordination agreements must describe:

- A point of contact on behalf of the Basin (i.e. "Plan Manager")
- The responsibilities of each GSA for meeting the terms of the agreement
- Procedures for exchange of information between GSAs
- Procedures for resolving conflicts between GSAs
- How the GSPs, implemented together, satisfy the requirements of SGMA

Coordination agreements must outline how the GSAs used the same data and methodologies to prepare the GSP, including:

- Groundwater elevation data
- Basin-wide water budget and Sustainable Yield estimate
- Definition of Undesirable Results
- Basin-wide Data Management System (DMS)

### Intrabasin Coordination Can Create Additional Efficiencies

*GSAs may further benefit through coordination on:*

- Implementing a stakeholder engagement plan

- Developing sustainable management criteria
- Developing & managing monitoring networks
- Developing projects and management actions
- Developing a GSP implementation plan
- Pursuing funding opportunities for GSP implementation

### Scoping a Potential Second GSP

The Prop. 1 grant application work plan describes development of a single GSP. EKI estimated the qualitative, incremental cost impacts for preparing a “second GSP” for the Cosumnes Basin on:

- The “coordinated” GSAs within the Working Group (i.e., the “Basin-GSP”)
- The “singular” GSA (i.e., preparing an “individual GSP” for its jurisdictional area)

### Key Assumptions

- Prop. 1 grant monies would be administered according to the approved Work Plan included in the original grant application.
- The “singular” GSA and “coordinated” GSAs would develop a formal Coordination Agreement that would fully meet the requirements of SGMA for the Basin (see GSP Regulations §357.4).
- The “singular” GSA would fully participate in the Basin-wide GSP development process through Phase 2 (i.e., the “Basin Setting”).

### Cost Impacts of a Second GSP By Phase



#### *Project Management & Grant Administration*

- Increased project management and grant administration costs associated with developing a Coordination Agreement will be incurred by both the “coordinated” and “singular” GSAs.
- Any project management-associated costs with developing a second GSP will be borne by the “singular” GSA.

#### *Phase 1 – GSP Foundation*

- Costs to the “coordinated” GSAs will likely remain similar, apart from any increase in intrabasin coordination costs associated with developing a regular “coordination meeting” between the 2 GSP groups.
- The “singular” GSA will be responsible for submitting its own Initial Notification, creating its own funding plan for GSP development, and would likely incur additional costs associated with intrabasin coordination efforts.

#### *Phase 2 – Basin Characterization and Analysis*

- Assuming the “singular” GSA continues to participate in the Basin-wide development of “Basin Setting” GSP components, costs would largely remain the same for both GSP parties

apart from any increased efforts to reconcile discrepancies in Basin setting interpretation and preliminary monitoring network development

*Phase 3 – Sustainability Planning*

- Definition of the *sustainability goal* and *undesirable results* will need to be developed on a Basin-wide scale and articulated in a formal Coordination Agreement between GSP parties.
- The “singular” GSA will be responsible for developing Sustainable Management Criteria (SMCs), Projects and Management Actions (P/MAs), and finalizing a SGMA Monitoring Network within its jurisdictional area.
- The “coordinated” GSAs will likely continue to assess SMCs on a Basin-wide scale, but will focus on developing P/MAs and finalizing the SGMA Monitoring Network within its jurisdictional area.

*Phase 4 – GSP Preparation and Submittal*

- The costs of preparing a second GSP will be fully incurred by the “singular” GSA, whereas the level of effort to develop the “coordinated” GSP is anticipated to remain largely consistent with the Prop 1 scope.
- Formal coordination between GSP parties will be required to ensure the GSPs, when implemented together, fully meet SGMA requirements for the Basin.
- GSP submission will need to be coordinated between GSP parties.

**Total Estimated Change in Project Costs for a Second GSP**

- For the “coordinated” GSAs: **-\$50,000 to +\$100,000**
- For the “singular” GSA: **+\$200,000 to +\$400,000**
- Costs could be significantly greater if process does not go smoothly or if additional efforts are duplicated.
- These cost estimates are for technical work only and do not reflect added costs for CBI and Water Forum time, which SRCD would bear.
- These estimates, based on other basins, assume that the “singular” GSA would retain its own technical consultant to coordinate with the technical consultant for the coordinated GSP. They also assume that the singular GSA would not remain a part of the Working Group and that there would be additional coordination requirements, e.g. a coordination committee.

**Discussion**

Facilitator Bennett Brooks, CBI, observed that autonomy is important to all GSAs and asked representatives from other GSAs to share why they are comfortable with developing one GSP for the subbasin. Here are their responses:

- *City of Galt*: A broad range of tools are available for implementation; in considering how best to meet sustainable yield goals, each GSA will draw on tools that fit its particular GSA area. Basinwide, GSAs will jointly identify the problem that they need to solve for; yet GSAs will then have autonomy as individual entities to decide what tools to use and how to pay for them.
- Tom Gohring, Water Forum, affirmed that a GSP can be crafted such that each GSA has autonomy to make their own management decisions.
- *OHWD*: There are huge benefits to working together to develop a single, coordinated GSP. For example, there are potential projects (e.g. groundwater recharge) that would increase the subbasin’s water supply and benefit everyone within the basin. Additionally, a single GSP allows flexibility in interbasin coordination.

- *Galt Irrigation District*: Galt ID is a small district without a large tax base and most of its constituents are farmers who need water supply. Bringing in other sources of water will be key.
- *Amador County Groundwater Management Authority*: Cost is a significant factor. Amador wants SGMA implementation to be as effective and as efficient as possible and believes that a single GSP will be more cost effective.
- *Clay Water District* reiterated the importance GSA autonomy in implementation and further noted that SGMA implementation will involve a great deal of coordinated planning over the long term.
- *Sacramento County*: SGMA's GSA structure provides adequate autonomy (with each GSA determining for itself how projects are implemented and paid for), such that there is no discernable benefit to developing multiple GSPs in the subbasin. Sacramento County has an interest in successful groundwater management in each of the four basins; the best chance that we have – including financially - is to work together under one GSP. Economies of scale increase when all seven of the GSAs work together, thereby leaving more funds available to implement projects, which can be very costly. For example, OHWD's recharge project cost roughly \$1 million to implement.
- *SRCD* expressed concern about its ability to modify a single GSP. SRCD further noted that it is in the process of gathering information about the implications of developing a separate GSP.

Hong Lin commented that SGMA is designed such that GSAs serve as stewards of the basin, with groundwater as a limited, common resource. Sustainability management criteria must be developed basin-wide, through a fair and equitable process that considers of all beneficial users, including urban, agricultural and environmental. Additionally, Lin encouraged the Working Group to take advantage of state grants for multi-benefit projects.

**Outcome:** SRCD will continue to gather information and consider the benefits and drawbacks of developing separate GSP. The Working Group requests clarity as soon as possible as to whether SRCD will develop a separate GSP.

### **GSP Public Notification Requirement**

As discussed at the February joint Working Group/TAC meeting, the basin must respond to DWR's GSP public notification requirement before it can enter into contract to receive Prop. 1 funds. DWR requires one notification per GSP in the subbasin. The notification signals the subbasin's intent to initiate the planning process and is from the Working Group to DWR *at this moment in time*. The notification is non-binding and does not limit any future options for a GSA to develop its own GSP; if the subbasin later decides to develop multiple GSPs, the GSA would be required to submit a new notification indicating this change. Notification for a single GSP leaves open the option for multiple GSPs, and thus is consistent with the subbasin's Prop. 1 application. This is the *initial* notification; additional notifications can be filed at any point in the future. John Lowrie noted that the draft submission prepared by the Water Forum is fully consistent with the subbasin's Prop. 1 application, with specific language from the Prop. 1 application incorporated into the draft response to fourth question.

**Outcome:** The Working Group deferred approving submission of the notification until its next meeting, to allow time for the SRCD Board to discuss the topic at its April board meeting.

### **NEXT MEETING**

The Working Group and TAC will next jointly meet at **9:00 am on Wednesday, March 18** in the Community Room at the Galt Police Department.

### **MEETING PARTICIPANTS**

Damon Wykoff, Amador County Groundwater Management Authority  
Darrel Evenson, Amador County Groundwater Management Authority  
Gary Thomas, Amador County Groundwater Management Authority  
Gene Mancebo, Amador County Groundwater Management Authority  
Amanda Watson, Sloughhouse Resource Conservation District  
Herb Garms, Sloughhouse Resource Conservation District  
Jay Schneider, Sloughhouse Resource Conservation District  
Steve Winkler, City of Galt  
Gary Silva, Jr., Clay Water District  
Rick Wohle, Clay Water District  
John Mulrooney, Galt Irrigation District  
Leo VanWarmerdam, Galt Irrigation District  
Leland Schneider, Omochumne-Hartnell Water District  
Mark Stretars, Omochumne-Hartnell Water District  
Mike Wackman, Omochumne-Hartnell Water District  
Kerry Schmitz, Sacramento County  
Linda Dorn, Sacramento County  
Rodney Fricke, Sacramento County  
Ramon Roybal, Sacramento County Groundwater Authority  
Tom Gohring, Water Forum  
John Lowrie, Water Forum  
Anona Dutton, EKI  
Bennett Brooks, CBI  
Julia Golomb, CBI

### **GLOSSARY**

*Below is a list of commonly used terms:*

<b>CBI</b>	Consensus Building Institute - The organization that facilitates SGMA implementation in the Cosumnes Subbasin
<b>DWR</b>	California Department of Water Resources

<b>EKI</b>	The firm that currently serves as independent technical consultant for the Cosumnes Subbasin
<b>Galt ID</b>	Galt Irrigation District ( <a href="#">link</a> ) - One of the seven GSAs in the Cosumnes Subbasin
<b>GSA</b>	Groundwater Sustainability Agency
<b>GSP</b>	Groundwater Sustainability Plan
<b>OHWD</b>	Omochumne-Hartnell Water District ( <a href="#">link</a> ) - One of the seven GSAs in the Cosumnes Subbasin
<b>RFP</b>	Request for Proposal
<b>RFQ</b>	Request for Qualification
<b>Prop. 1</b>	Proposition 1
<b>SGMA</b>	California Sustainable Groundwater Management Act ( <a href="#">link</a> )
<b>SRCD</b>	Sloughhouse Resource Conservation District - One of the seven GSAs in the Cosumnes Subbasin
<b>SSCWA</b>	Southeast Sacramento County Agricultural Water Authority ( <a href="#">link</a> )
<b>TAC</b>	Cosumnes Subbasin Technical Advisory Committee – An advisory body, with representatives from each of the seven GSAs, that develops recommendations for approval by the Working Group.
<b>WF</b>	Sacramento Water Forum ( <a href="#">link</a> )
<b>Zone 13</b>	

*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](http://cosumnes.waterforum.org) for the latest meeting information and materials.