

Cosumnes Subbasin SGMA Working Group
*****Framework Agreement*****
For Phases 3 and 4 of Groundwater Sustainability Plan Development

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 continue development of a Sustainable Groundwater Management Act (SGMA)-compliant Groundwater Sustainability Plan (GSP or Plan) for the Cosumnes Subbasin.

This non-binding agreement is intended to guide the parties' deliberations through the completion of Plan development and submittal (i.e., through January 31, 2022). Prior to Plan implementation in 2022, this or a subsequent agreement is to be replaced by a Memorandum of Understanding, Memorandum of Agreement, Joint Powers Authority 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 updated framework agreement adopted by all parties' governing bodies (or authorizing individuals) prior to or as close to March 1, 2020, as possible.

This agreement may be amended or revised with the agreement of all parties. Parties also have the right to withdraw from this agreement. If any party is considering withdrawing from the agreement, the party is asked to disclose its intent and rationale as soon as possible to the Cosumnes Subbasin Working Group. Formal intention of withdrawal shall be given with not less than a 30-day advance notice. Financial obligations outlined in the 2018 cost-share agreement approved by all Groundwater Sustainability Agencies (GSAs) and incurred prior to the notice to withdrawal, if any, are to be honored.

Overarching Approach

Under California law, SGMA requires the Cosumnes Subbasin Groundwater Sustainability Agency or Agencies (GSAs) to have one or more GSPs in place by January 31, 2022.

The following agencies (referred to as the parties in this agreement) are GSAs within the Cosumnes Subbasin: Omochumne-Hartnell Water District; Sloughouse Resource Conservation District; Galt Irrigation District; Clay Irrigation District; City of Galt; Amador County Groundwater Management Authority; and Sacramento County. Together, they comprise the Cosumnes Subbasin SGMA Working Group.

These parties commit to working cooperatively with the current goal of developing a single, integrated, SGMA-compliant GSP to foster plan effectiveness, coordination and efficiencies. However, nothing in this Framework Agreement precludes the GSAs from making a decision to

pursue the development of multiple coordinated GSPs (as opposed to a single integrated GSP) to facilitate implementation.

The parties recognize that the GSP may include distinct management areas to foster implementation and monitoring; these zones may or may not be exactly coincident with each GSA's respective jurisdiction. Parties further recognize that GSAs have the authority under SGMA to include distinct management areas. The intent is to give each GSA governing body the maximum flexibility to manage groundwater within their respective jurisdictions, benefiting the subbasin as a whole. 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, relying on a transparent and inclusive process to foster the consideration of the beneficial uses and users of groundwater in the subbasin. The comprehensive Stakeholder Communication and Engagement Plan developed in Phase 1 will continue to guide stakeholder engagement throughout the remainder of the GSP development process.

Regarding administrative aspects related to near-term GSP development, the parties have identified Sacramento County as the contract administrator for the Sustainable Groundwater Planning Grant Program awarded by the state to support GSP development in the Cosumnes Subbasin, as well as the subbasin's pending Sustainable Groundwater Management Program Proposition 68 planning grant proposal, if successful. Sacramento County undertakes this work on behalf of, and at the direction of, the Working Group. The Working Group has requested that the Water Forum serve as the overall "Project Manager" and point of contact for the planning work in the subbasin.

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 all sectors in supporting a vibrant region and will work to foster dialogues that acknowledge and build on this interdependence. This includes building on past work 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 recognize the imperative to reach broad agreement among all parties and will strive for consensus throughout the process.
- **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; (3) draw on the advice of a technical consultant(s) selected by the Working Group to support its development of a GSP; and (4) commit to resolve differences, including 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. This may, as needed, include establishing subcommittees comprising representatives of each GSA.
- **Accommodate uncertainties.** Parties recognize that actions both within and outside the sub-region may impact GSP development and even affect subbasin boundaries. Parties agree to work adaptively to track and accommodate for such uncertainties.

Collaborative Protocols

The facilitator/convening team will work with the Working Group 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 honest and fair; and as 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
 - Focus on subbasin groundwater sustainability, as defined by SGMA

Near-Term Collaboration Structure

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

- A Working Group to guide near-term, collaborative development of the subbasin's GSP. The Working Group consists of 2 or more 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. To that end, each GSA commits to make a genuine effort to achieve consensus. Consensus is the preferred method for reaching agreement; voting is a last resort.
- No action will be taken at any Working Group meeting unless at least 5 of the 7 GSAs are present.
- When full consensus is not possible, fiscal decisions will require approval of at least 5 of the 7 GSAs to balance the need for broad support among the parties, fair representation and timely action. Fiscal decisions expected in Phases 3 and 4 are summarized in Attachment 1.
- When full consensus is not possible, non-fiscal decisions will require a simple majority of the GSAs (at least 4 out of 7). Non-fiscal decisions expected in Phases 3 and 4 are summarized in Attachment 1.
- GSA representatives unable to attend a meeting may vote by proxy; they are, however, encouraged to provide an alternate.
- If and when votes are needed, each GSA will have one vote only to ensure equal voice among the parties.

Given the GSP's critical importance as a foundational document to guide implementation of sustainable groundwater management in the subbasin, the Working Group will strive for full unanimity when discussing the administrative draft, the public review draft and the final GSP. Each GSA will have final authority as to whether or not it approves the Final GSP.

Technical Support

To support well informed decisions, the parties have established a Technical Advisory Committee (TAC), as needed, to provide input and recommendations to the Working Group on technical aspects of GSP development and, later on, implementation. The TAC works in service of the Cosumnes Subbasin SGMA Working Group. The Working Group may combine TAC/Working Group meetings as needed. A separate Terms of Reference has been developed for the TAC.

Also, consistent with the cost-share agreement developed among the seven GSAs, the Working Group intends to engage technical consultant(s) to assist with GSP development. Other support (e.g., legal advisors) will be considered and secured, as needed, by the Working Group.

GSP Development Cost Share

GSP development cost-shares are described in a separate cost-share agreement prepared and approved by the seven GSAs.

GSP Development

The purpose of this Framework Agreement is to provide organizational and decision-making structure to support the GSAs working collaboratively to continue development of a GSP. The Working Group, with the support of Technical Consultant, will tackle the last two phases of the four-phase Plan development outlined in the subbasin's Proposition 1 (AB-1471 Water Quality, Supply, and Infrastructure Improvement Act of 2014) application: Sustainability Planning and GSP Preparation and Submittal. It will also guide execution of the tasks included in the subbasin's Proposition 68 (Sustainable Groundwater Management planning grant proposal), if successfully awarded. The Proposition 1 grant and Proposition 68 proposal, if successful, serve to guide the subbasin's groundwater planning efforts. Additionally, the Working Group commits to general management tasks, also outlined in the Proposition 1 grant Work Plan, including actions such as (1) grant management and administration, (2) project management, and (3) quality assurance/quality control (QA/QC). Any changes to the subbasin's Work Plan included in the Proposition 1 grant scope of work or Proposition 68 proposal are subject to the approval of the Working Group.

The parties have agreed to work together as a collaborative planning body on this GSP development for their mutual benefit. The Working Group is neither a Joint Powers Authority nor a governmental entity; rather, it is a collaborative planning effort guided by the parties for their mutual benefit. Any implementation actions to be taken as a result of this planning effort are expected to be taken by the individual parties and approved by the respective governing bodies.

Nothing in this agreement precludes an individual GSA from pursuing its own individual studies at its own cost. The Working Group, with the advice of the technical consultant and based on additional presentations by the sponsoring GSA, will jointly determine the extent to which such individual studies are to be used to inform the GSP.

Nothing in the agreement precludes an individual GSA from preparing its own GSP. If a GSA chooses to produce a separate GSP, a Coordination Agreement, per SGMA statute and DWR regulations, shall be developed between the preparers of the well-coordinated GSPs and the Working Group. Incremental costs associated with developing a separate, well-coordinated GSP would be paid for separately by the GSA(s) proposing such effort.

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, riparian water users, overlying water users, etc.) beyond the signatories to this agreement. Parties commit to revisit the near-term collaboration structure, after Phase 1 and Phase 2, and as necessary, to account for public feedback.

A Stakeholder and Communication and Engagement Plan developed in Phase 1 is used to guide the subbasin's outreach efforts.

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 GSA views only. Water Forum staff will coordinate with the Working Group to develop any needed "talking points" for media and other interested parties.

Attachment 1 - Near-Term Decisions (Phases 3 and 4)

Below is a listing of the possible near-term decisions to be made during Phases 3 and 4 of the GSP development. This list is based on the subbasin's Proposition 1 - Sustainable Groundwater Planning Grant Program work plan and the Proposition 68 - Sustainable Groundwater Management planning grant proposal and is current as of January 2020. This list will be revisited and updated, as needed.

Phase 3: Sustainability Planning Phase

Non-Fiscal

- Governance/Coordination
 - Determine recommended GSP structure
 - Decide whether to utilize management areas defined by physical characteristics or jurisdictional boundaries
 - Develop preliminary recommendation for long-term governance structure to guide GSP implementation
 - Potentially determine GSP structure
- Technical
 - Develop sustainable management criteria: sustainability goal; undesirable results and minimum thresholds; and measurable objectives and interim milestones
 - Identify projects and management actions to address sustainable management criteria
 - Develop and finalize monitoring network and protocols
 - Conduct data collection and associated analyses per Prop. 68 proposal, if awarded
- Stakeholder Engagement
 - Confirm stakeholder outreach approach needed to ensure a well informed Groundwater Sustainability Plan
 - Develop access agreements with local land- and well owners to develop and implement subbasin monitoring and conduct data collection activities as part of the Prop. 68 proposal, if awarded
 - Convene the Surface Water Working Group if the subbasin's Prop. 68 proposal is awarded.

Fiscal

- Determine, as necessary, funding needed to implement potential projects and management actions
- Develop preliminary approach to funding needs and sources for GSP implementation

If Proposition 68 funds are awarded to the subbasin, the technical team will work to better understand and characterize key subsurface conditions, groundwater dependent ecosystems, and the nature and source of recharge to and extractions from the groundwater system, as well as to improve models to better estimate groundwater/surface water interaction. Understanding of and consensus on these key technical elements will be important.

Phase 4: GSP Preparation and Submittal Phase

Non-Fiscal

- Governance/Coordination
 - Finalize recommended GSP structure
 - Finalize long-term governance structure to guide GSP implementation
- Stakeholder Engagement
 - Confirm stakeholder outreach conducted to ensure a well informed Groundwater Sustainability Plan

Fiscal

- Determine, as necessary, additional fiscal contributions needed to continue implementing GSP development (Phase 4)
- Finalize funding needs and sources for GSP implementation
- Review and approve GSP Administrative Draft, Revised GSP Draft for public review and respond to comments for Final GSP for submittal to DWR

Note: Given the GSP's critical importance as a foundational document to guide implementation of sustainable groundwater management in the subbasin, the Working Group will strive for full unanimity when discussing the administrative draft, the public review draft and the final GSP. Each GSA will have final authority as to whether or not it approves the Final GSP.