

Cosumnes Long-Term Governance Committee Meeting Notes

Meeting #3 | October 6, 2020

Meeting Overview

The Long-Term Governance Committee held its third meeting to review and refine long-term governance considerations discussed thus far, particularly related to:

- Central/basin-wide entity’s authority and responsibilities
- Approach to address the estimated 10,000 AF deficit
- Potential JPA agreement
- Decision-making protocol
- Remaining information needs

Next Meeting: **November 3, 1:00-2:30p**

Key Outcomes

- All support for the categorized functions and actions table (certain actions may be GSA-level in some situations).
- General support for GSAs to work as a basin to collectively identify P&MAs to address the estimated 10,000 AF deficit. More discussion is warranted to identify how GSAs want to operate thereafter.
- Several want some sort of mechanism to ensure wise future development decisions.
- Some support for utilizing a JPA with limited scope to ensure a central administrative entity has the authority to conduct basin-wide activities; however, still need to research more about JPA options.

ACTION ITEMS

Who	What
Mike W	Continue to reach out to Galt WD about future participation in WG activities.
Kerry	Share information about how land use issues have been handled in the S. American subbasin.
CBI/WF	Present information on JPAs and examples from other basins.
CBI/WF	Present how other basins are addressing future development
Linda	Share information on GSAs’ specific authorities and sideboards for limiting groundwater use (if more information to share)
Kerry	Share information examples from SGA and SCGA’s governance
GSAs	Send questions about JPAs and working groups/advisory group governance, roles, and responsibilities (will then invite attorney to answer questions at the appropriate time)

MEETING NOTES

Considerations Discussed Thus Far

In addition to the Committee meetings, CBI has been conducting informal outreach calls to GSAs to check how individual GSAs feel the discussions are progressing, and identify areas of convergence or issues that warrant further discussion. *(Note: CBI spoke with most GSAs (but not all representatives on each GSA); Amador indicated they need to speak more internally about a few items, and CBI was unable to reach Galt ID before today’s meeting.)*

These insights were pulled together with previous Committee discussions:

- Broad recognition of a need for some form of central, administrative entity to manage basin-wide obligations, while also shaped by shared interest in:
 - Preserving GSA autonomy
 - Emphasizing coordination role more than centralized governance
 - Striving for lower cost approaches
- Significant overlap among GSAs on administrative entity’s needed authorities and functions
- Some specifics may be better decided once there is greater clarity on P&MAs, monitoring needs and costs, etc.

Central Basin-Wide Administrative Entity’s Role/Responsibilities

(blue font: Changed based on 10/6 discussion)

Potential Administrative Entity Functions and Authorities		
MUST DO (significant overlap among GSAs)	POSSIBLE (more discussion needed)	NO GO (more discussion needed)
Annual report writing	Monitoring (if efficient and desired by GSA(s))	Dictate mechanisms individual GSAs use to raise fees
5-year updates to DWR Progress/status: P&MAs, etc. Possible mod to GSP	Coordinate, implement and / or manage joint projects (if efficient and desired by GSAs)	Dictate an individual GSA’s land use and / or best practices
Common monitoring protocols to guide GSA implementation	Targeted outreach (if efficient and desired by GSA(s))	Limit any GSA’s governance options 20-year implementation period
Enter into and oversee contracts	Apply for grants (if efficient and desired by GSA(s))	
Data collection and management Managing database and reporting	Data collection and management (if desired by GSA(s))	
Ability to collect, disburse funds		
Hire staff		
Implementation coordination <ul style="list-style-type: none"> • Information-sharing, other 		
Basin-wide outreach		

Discussion

- Perhaps one or more GSAs may choose to conduct their own data collection and management. However, creating a single database that compiles all the information will help streamline the reporting process to DWR.
- The group discussed utilizing something similar to current WG process – a hired expert like EKI sets up, organizes, and reports the information required by DWR. This still requires a central, administrative

body to act on behalf to the GSAs (oversee the hired consultant, etc.). The current WG process is funded through Prop 1 funds administered by Sacramento County (who has indicated they do not want to serve as the administrative entity through GSP implementation).

- We may want to track related lawsuits underway that may affect governance requirements (e.g., Indian Wells)

DISCUSSION OUTCOME: All GSAs present supported the categorized functions and actions; with the caveat that certain actions (e.g., data collection and reporting) may apply in the “Possible” column

Addressing the Estimated 10K AF Deficit

Two broad approaches identified for addressing 10,000 AF deficit:

- Option 1: GSAs will accept a target reduction for their area. Leave it to each GSA (or group of GSAs) to identify necessary P&MAs
 - Fosters autonomy and GSA contributions
- Option 2: Work as basin to collectively identify cost-effective P&MAs and then parcel out costs among GSA
 - Fosters collaboration, realistic, technically challenging to credibly assign portion of deficit to each GSA

Discussion

- WF relayed that discussions in the Ad Hoc Group meetings indicated that it will be very challenging to parse out each GSA’s responsibility for addressing the estimated 10,000 AF deficit.
- Committee member said more information is needed regarding where is the 10,000 AF going and/or potential use.
- Concern expressed about future development (seeing growing trends in new housing and farms on previously non-irrigated lands) and how to monitor those new uses to appropriately manage.
 - Challenge is GSAs do not have land use authority unless a city or county. New South American study is beginning to explore this issue of how might the GSAs work with the land use authorities. (Sac County can keep WG to keep updated on these discussions).
 - Group not fully certain about the exact limitations GSAs have the authority to implement to curb usage: Pump tax is likely within GSAs’ authority; not sure whether GSAs can set pumping limits (technically allowed, but several limitations to consider?), prevent new well installments, utilize mitigation bank approach, etc. GSAs cannot infringe upon existing water rights.
 - Should not underestimate the farmers in the subbasin to work among themselves to limit water use (as demonstrated in past water shortage years).
 - Concern raised that those who will be paying for GSP implementation need adequate representation.
 - Perhaps look at how the 2020 critically overdrafted GSPs addressed this issue.
- Several committee members stated that starting out with Option 2 seems more feasible, particularly until more information becomes available. A couple members indicated a hybrid form of Option 1 and 2 would help ensure the GSAs address the groundwater deficit together, while also maintaining flexibility for GSAs to make decisions customized to their own areas.
- Concern raised over the possible scenario where one GSA bears the burden to address water shortages in its area, when activities outside of that GSA’s area contributed to the issue. Based on the preliminary data, one GSA, who has lacked the capacity to consistently participate in the WG discussions, uses a large proportion of the water and likely lacks the funding and resources to mitigate the impact by itself; therefore risking the entire basin unable to achieve sustainability by 2042.

- SGMA Note: if a basin has not reached sustainability after 20 years, the State Board has the option to address the issue as a single basin, or the State Board may choose to focus on one GSA.

DISCUSSION OUTCOME: GSAs generally support Option 2 (where the GSAs work as a basin to collectively identify cost-effective P&MAs and then parcel out costs among GSA) to address the 10,000 AF deficit. More discussion is warranted to identify how GSAs want to operate thereafter. Several generally want some sort of mechanism to ensure wise future development decisions.

JPA Approach

Some preference for JPA - rather than more informal governing agreement - to establish administrative entity

- More efficient, effective and necessary structure given likely tasks and authorities
- Stronger buy-in to coordinated effort
- GSAs dictate the authorities granted to the JPA

Two primary options for establishing JPA mentioned: expanded SSCAWA or new entity

- If expanded SSCAWA, may or may not include City of Galt and Sac County; Amador seen as likely needing coordination agreement (because diff county)
- If JPA not basinwide, there is still the need for some basinwide coordinating entity

Discussion

- Proposed establishing a JPA that is *initially* fairly limited in scope but allows for creating a central administrative entity that can conduct the essential basin-wide duties; then add elements to the JPA as needed.
 - Possibly start out with the WG that evolves into a JPA.
- Concern: depending on the JPA’s clause, individual parties may independently pursue actions that are counterproductive to the group’s overall goals (e.g., apply for the same grants).
- Concern: representation requirements (e.g., requirement to live in the area or own the area being governed).
- The group considered the role of advisory groups:
 - Staff advisory group: Consists of staff to ensure elected understand the issues.
 - Stakeholder advisory group: Consists of diverse interests (however concern expressed about the limitations to actually impact decisions)
 - Suggestion to have ag interests gather to present policy recommendations (Southeast Sacramento County Agriculture Water Authority, SSCAWA), not in an advisory role (given that GSP implementation will likely affect agriculture the most in Cosumnes).
- Potential good examples of JPAs: Sacramento Groundwater Authority (SGA) and Sac Central Groundwater Authority (SCGA)
- Suggestion to create a list about JPAs and other governance options and invite a lawyer to answer them.

DISCUSSION OUTCOME: Some support for utilizing a JPA with limited scope to ensure a central administrative entity has the authority to conduct basin-wide activities; however, still need to research more about JPA options.

Attendees

GSAs	
Amador County GMA	[Unable to attend]
City of Galt	Mike Selling

Clay Water District	Gary Silva Rick Wohle
Galt Irrigation District	[Mike Wackman – Liaison]
Omochumne-Hartnell Water District	Mark Stretars Mike Wackman
Sacramento County	Linda Dorn Kerry Schmitz
Sloughhouse RCD	Herb Garms Jay Schneider Austin Miller
Conveners/Facilitators	
Water Forum	Tom Gohring
CBI	Bennett Brooks Stephanie Horii