

GSAG Meeting Notes

June 2, 2016 | Vacaville, CA



OVERVIEW

GSA Advisory Group Participants

Jim Allen, Ag Advisory Committee
(alternate for Russ Lester, non-voting)

Jack Caldwell, Cal Water

Ping Chen, Sacramento County Water Authority
(alternate for Darrel Eck)

Jim Christensen, Travis Air Force Base

John Currey, Dixon Resource Conservation District

Royce Cunningham, City of Vacaville

Mike Hardesty, RD 2068

Don Holdner, Maine Prairie Water District

Misty Kaltreider, Solano County

Cary Keaton, Solano Irrigation District

Joe Leach, City of Dixon

Chris Lee, Solano County Water Agency

Russ Lester, Ag Advisory Committee

Derrick Lum, Solano County Farm Bureau

Ryan Mahoney, Maine Prairie Water District

(alternate for Don Holdner, participated as primary in second half of meeting)

David Melilli, City of Rio Vista

Peter Miljanich, Solano County

(alternate for Misty Kaltreider, non-voting)

Erik Ringelberg, Northern Delta GSA

Chris Rose, Solano RCD

**Brooking Gatewood, Ag Innovations, Facilitator*

**Joseph McIntyre, Ag Innovations, Facilitator*

**Tessa Opalach, Ag Innovations, Notes*

**Hong Lin, DWR, Technical Support*

Mayor Len Augustine, Mayor of Vacaville, attended in the audience in the first few hours of the meeting as well.

Not in attendance: Tim O'Halloran, Yolo County Flood Control & WCD; Melinda Terry, North Delta Water Agency; Felix Riesenberg, City of Fairfield (provided input via email in advance of meeting); Gordon Stankowski of Rural North Vacaville Water District;

Meeting Goals

- Review, discuss and refine draft GSA governance structure proposals
- Leave with 1-3 viable drafts to share with your constituencies

Featured Resources

1. [Sonoma County Stakeholder Assessment Report](#) - Published by Consensus Building Institute
2. [The 2014 Sustainable Groundwater Management Act: A Handbook to Understanding and Implementing the Law](#) Published by Water Education Foundation, published by the Water Education Foundation
3. [Know Your Options: A Guide to Forming Groundwater Sustainability Agencies](#), published by the California Water Foundation
4. [Designing Effective Groundwater Sustainability Agencies: Criteria for Evaluation of Local Governance Options](#), published by UC Berkeley School of Law

Meeting Summary

1. **INTROS & UPDATES.** Members introduced themselves and shared important updates.
2. **AG SUMMIT HIGHLIGHT.** Members discussed the input and themes from the Ag Summit.
3. **DRAFT PROPOSALS.** The group discussed 7 draft proposals, highlighting the key principles and qualities of each proposal. After discussion, each member was given 3 dots to apply to favorite proposal(s).
4. **COORDINATING AGREEMENT OR SINGLE ENTITY DECISION.** The group discussed the advantages and disadvantages of creating a GSA made up of several entities through a JPA or MOU as

opposed to a single agency serving as the GSA, either Solano County or Solano County Water Agency.

- a. **DECISION:** The group will use a JPA or MOU approach in the next round of proposals.
- 5. **PROPOSAL REFINEMENT.** The group created a hybrid from two of the draft proposals (C & F). Each member was given an opportunity to raise concerns or ask questions about the hybrid model.

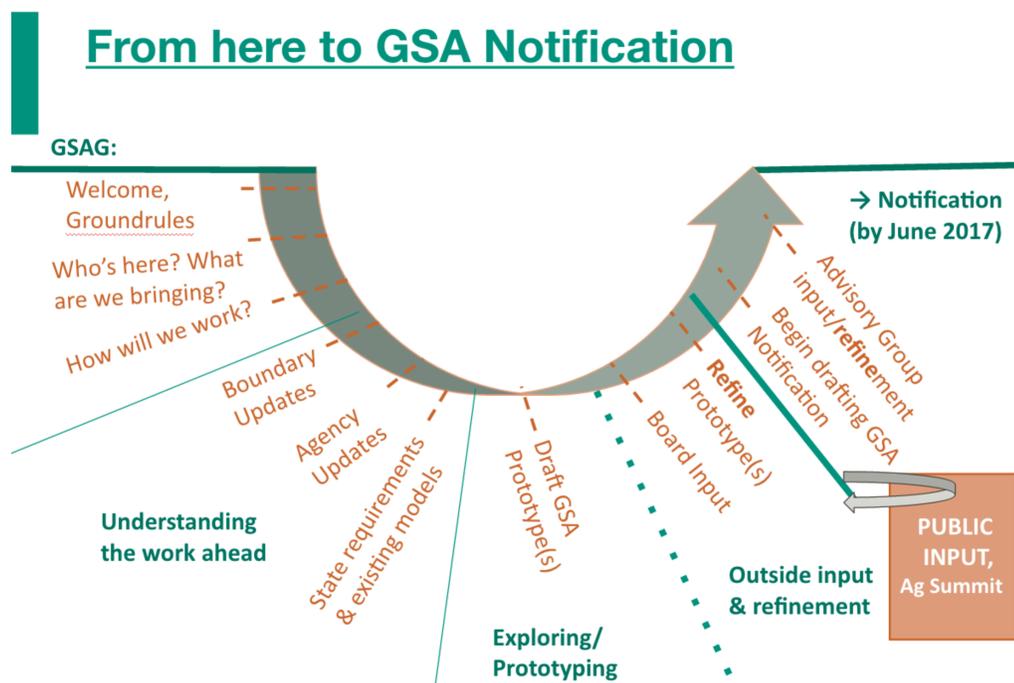
Next Steps

1. **Working group:** Chris Lee, Royce Cunningham, Cary Keaton, Russ Lester and Ryan Mahoney will meet to draft 1-3 comprehensive proposals from the options discussed during the meeting. The proposals will be circulated to the group prior to our next meeting.
2. **Coordination agreements:** Peter will prepare MOU and JPA comparison materials to present to the group at the next meeting and help determine the advantages and disadvantages of each option for the proposals drafted by the working group.
3. **Funding:** Chris Lee will draft a simple estimate of GSA costs to help guide a funding discussion at the next meeting.
4. **Next meeting:** Brooking will send a Doodle Poll to schedule the next meeting for late July or early August.

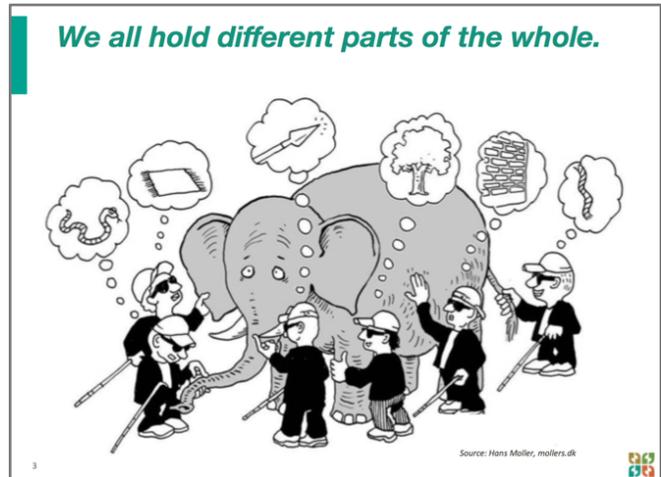
DETAILED MEETING NOTES

Welcome and Agenda Review

- Brooking announced Lucas' departure for a new position closer to home for him, and introduced [Joseph McIntyre](#), President and Principal Facilitator at Ag Innovations. He has decades' experience working with groups tackling difficult questions in California, and looks forward to working on this project.
- Brooking reviewed the Theory U approach to solving complex problems we are following in this meeting process.



- Our **long-term goal** is to develop an GSP that minimizes conflict in the community, maximizes our shared interests, builds trust, engages stakeholders, is resource efficient and makes the best use of technical knowledge. We are currently in the middle of the U, exploring and prototyping a draft GSA. We are discussing those ideas and utilizing public input and feedback from boards to refine our proposal for another round of public input.
- Like the old Chinese Parable of the Elephant, we all hold different parts of the whole and bring different views and assets to the table to help create workable solutions for all. We want to engage our creative as opposed to positional attitudes and mindsets as much as possible in this process.
- Groundrules and working agreements review:
 - Be present, Listen openly, Speak courteously, Suspend certainty, Represent your Agency/Constituency Interests above personal interests.
 - We will need to make assumptions to move forward in this process. Where we get new information, we will go back and adjust prior assumptions.
 - We will use our 6 point decision-making protocol laid out in our charter.



Info Share and Updates

- DWR will reply to Yolo County's basin boundary modification request at the end of June; the decision will be posted to the DWR website. The request received 9 letters of support and 1 letter of opposition.
- Chris Rose is joining our group from Solano RCD. RCD eligibility remains a case-by-case question around the state. DWR has suggested that our County situation is similar to that of Sonoma, where the RCDs have been considered by the State Water Board to be GSA-eligible for their land use and water purveying duties.
- The three Yolo County Reclamation Districts that were not included in the Yolo County basin boundary modification request have joined the North Delta GSA process.
- On Putah Creek Road groundwater is more deficient now than it ever has been this early in the season; this is an indicator of the importance and urgency of the work we are doing.
- The rest of the update conversation focused on the May 26, 2016 Ag Summit.
- DWR provided an E-mail clarification regarding our proposed organization structure based in special management areas (June 2, 2016). Key points included reiterating that only GSA eligible agencies can formally form a GSA, and it would be up to that GSA to form a governance board and/or advisory committees and voting structures that include other parties. The email also emphasized that special management areas (SMAs or GMAs) are meant to be based on differences in water use sector, water source type, geology, and aquifer characteristics, and are not intended to be separate governance structures. The GSA cannot transfer its authorities and responsibilities to SMAs. The GSA is ultimately responsible for developing, implementing, and enforcing the GSP.

Ag Summit Highlights

The Ag Summit, held in Vacaville on May 26, was attended by ~90 farmers, landowners, agency representatives, and other members of the public. Attendees discussed the [principles](#) they wish to see in the GSA formation process and filled out a survey. Full meeting notes are available [here](#).

Discussion about themes discussed at the Summit:

1. *Ag is too diverse to be accurately represented by one voice.*
 - a. Perspectives of those who grow crops will differ from those who grow trees
 - b. There is a huge difference in the different types of ag uses and ag properties
2. *A process that doesn't include ag will not succeed.*
 - a. Ag represents the majority of current groundwater pumping. If the seats are determined by use, ag will have majority representation.
3. *Management areas, determined by hydrological and geographical considerations, will allow for local control.*
 - a. 9 agricultural zones that overlay the Solano subbasin, as defined by the General Plan could become SMAs (Special Management Areas).
 - b. Governance structure has to be able to deal with isolated areas as we move into the science phase of this process.
4. *Holistic approach: Agencies, ag, surface water and groundwater are all part of the same system.*
 - a. Districts bring in water from other counties which is beneficial to groundwater pumpers
 - b. Some agencies put water back in the ground
 - c. We should strive for balance between independent well users and those who use agency/service water
 - d. Voice for the small pumpers and small users to be protected and not overrun by larger entities
5. *The process needs to ensure the sustainability of a fixed resource, considering the growing population and diversity of users and usage purposes.*
 - a. Ag within the district is planting more permanent crops and trees, which increases irrigation
 - b. Governance structure should be able to cope with changing trends
 - c. According to an SID study, by 2024 SID properties will need to supplement SID water by pumping groundwater. Those properties' rights to pump groundwater need to be preserved.
6. *Simplicity is preferable. We should avoid allowing a perceived lack of trust to result in a complex board structure and governance system.*

Discussion questions:

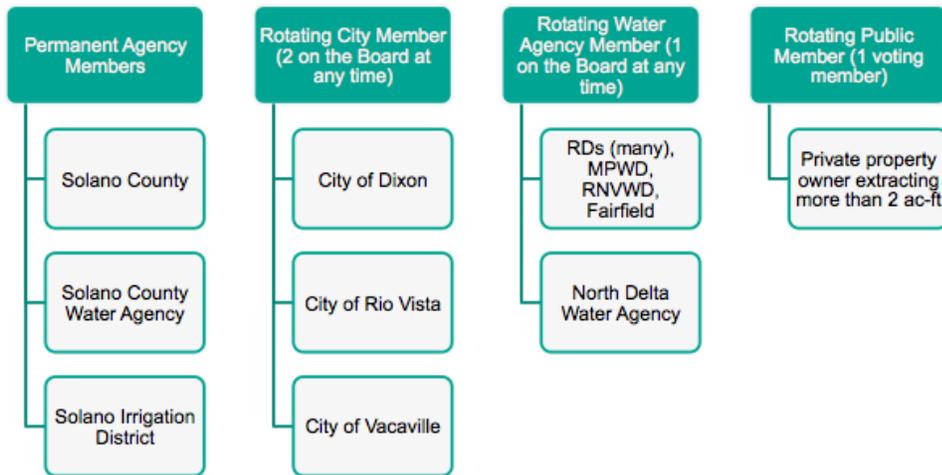
- What is the underlying interest for ag? Long term economic sustainability?
- How do you build a GSA that can genuinely balance competing interests?
- How do we define "proportional representation"?

Finally, some individuals expressed concern that the survey collected at the Ag Summit, which asked people to indicate which agencies they felt most comfortable representing them, was presented to attendees before they were given enough information about how SGMA would impact them. The survey results should be considered lightly, as a result. Ag Innovations has synthesized high level themes in the version to be shared with the public, and will not share the detailed results documentation unless/until we get more robust data.

Draft Proposal Review Discussion

Prior to this June 2 meeting, a number of draft proposals were circulated amongst GSAG members for discussion and review. Each distinct governance proposal was presented in the GSAG meeting by the person who wrote or formulated it. Key principles from each proposal were highlighted, and the group had a chance to ask clarifying questions.

Option A - Basic GSA Governance Structure, JPA, 7 Board Members



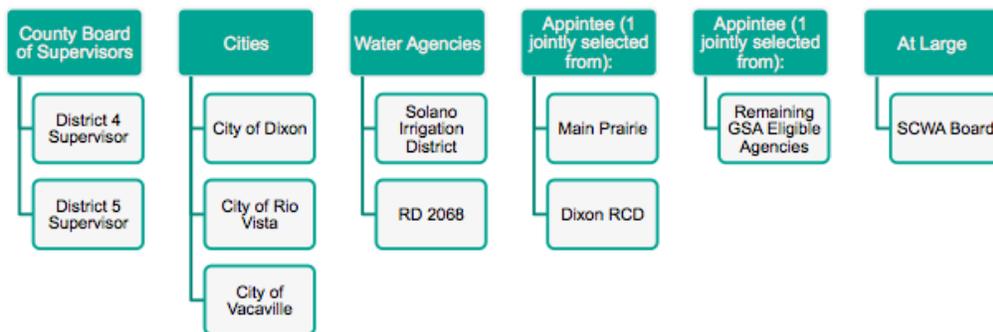
Principles/Highlights

- Solano County Solano Subbasin focus, with coordinating agreements with Yolo and Sac County
- One vote for each member
- Rotation between city members
- Rotation between water agencies
- Rotating public member to ease concerns about public input; could be elected from other board members (similar to LAFCO process for public representation).

Questions:

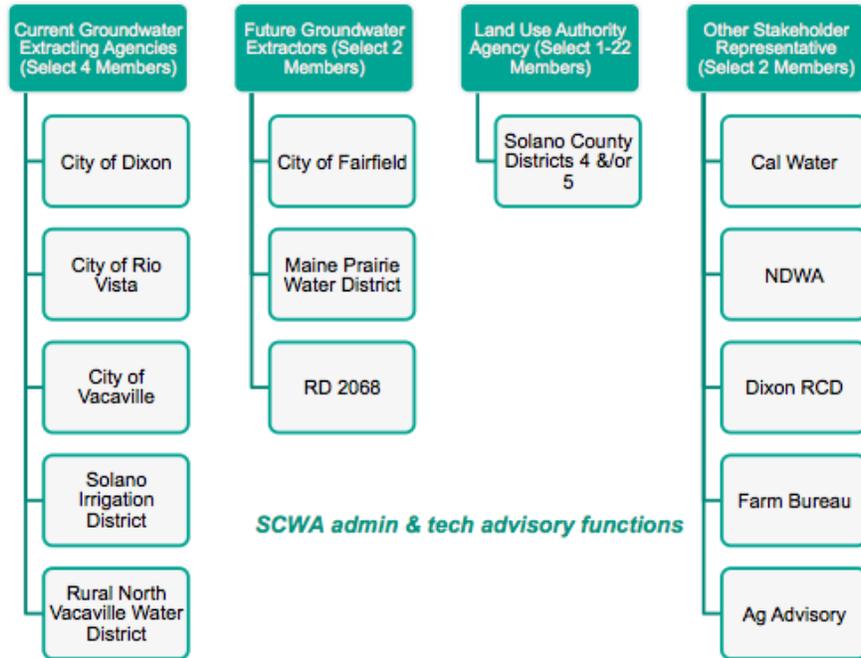
- Regarding rotating member columns, what is the basis for being a permanent member rather than a rotating member?
 - That process has not been determined yet.

Option B - Basic GSA Governance Structure, JPA, 10 Board Members



This model was designed by Bill Emlen, Solano County. The principles/highlights were not presented or discussed during the meeting as revisions had been made to this approach which are represented in option D below.

Option C - Basic GSA Governance Structure, JPA, 9-10+ Board Members



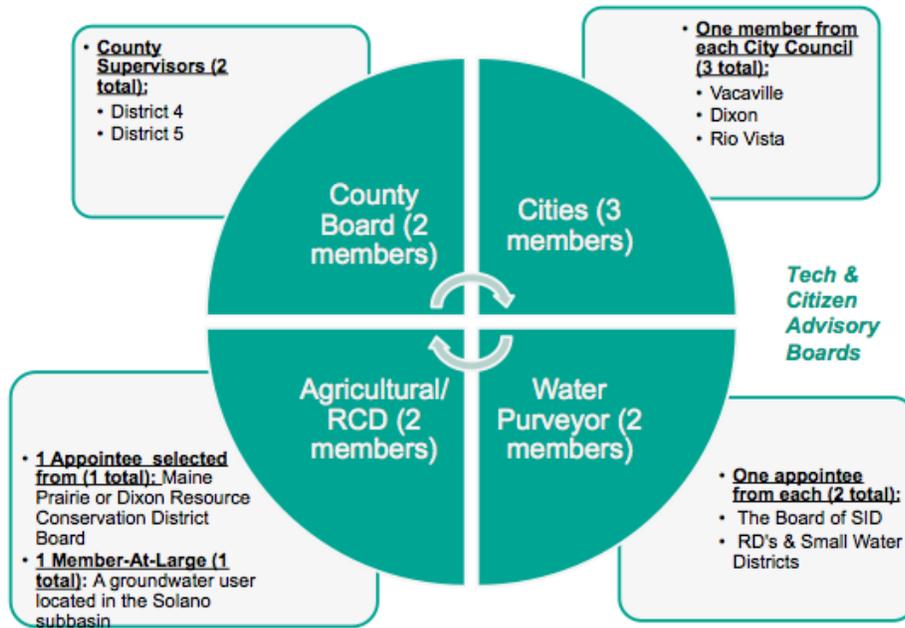
Principles/Highlights

- GSA focuses on those groups who extract groundwater; everyone needs to find representation within those defined groups.
- Non-rotational because during the year someone is not on the board they will feel disenfranchised
- A larger board with more representation is preferable to rotation or a smaller board.
- One vote for each member

Questions:

- Why does SCWA have a direct vote? The people SCWA represents are already represented by other agencies and are members of SCWA. SCWA has behaved as a facilitator and convener rather than a voter. SCWA will be able to operate throughout the GSA structure without a vote.
 - SCWA is putting resources into monitoring so they may want to have a vote.
- Who holds the GSA?
 - An advisory board coordinated through a JPA agreement.
 - There is a governing board that sets the policy and the vision. SMAs focus on specific geographic problems.

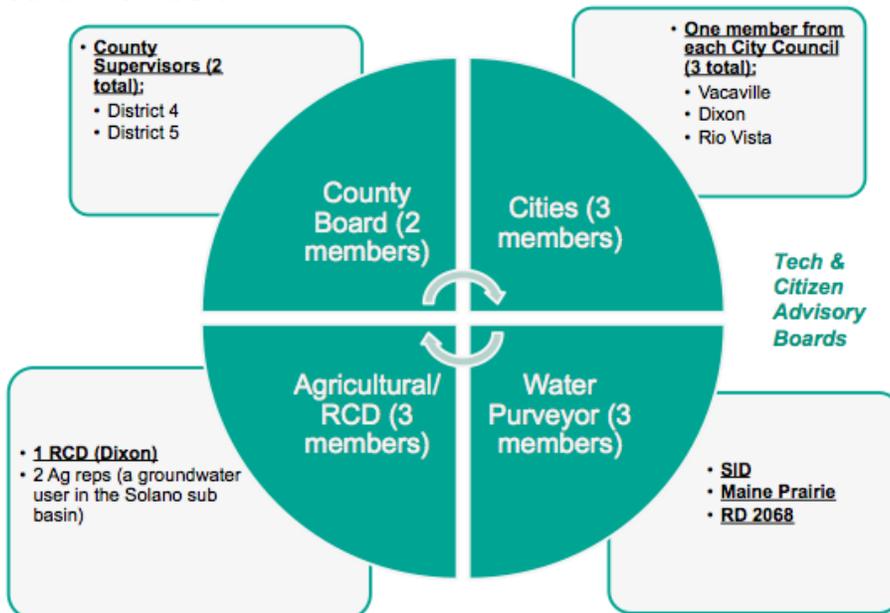
Option D - Basic GSA Governance Structure, JPA, 9 Board Members



Principles/Highlights

- The technical advisory board would be SCWA due to CASGEM and their facilitation services.
- The citizen advisory group would help select the ag membership (environmental interests, etc.)
- Most representatives with minimum size
- One vote per member
- Non-rotational

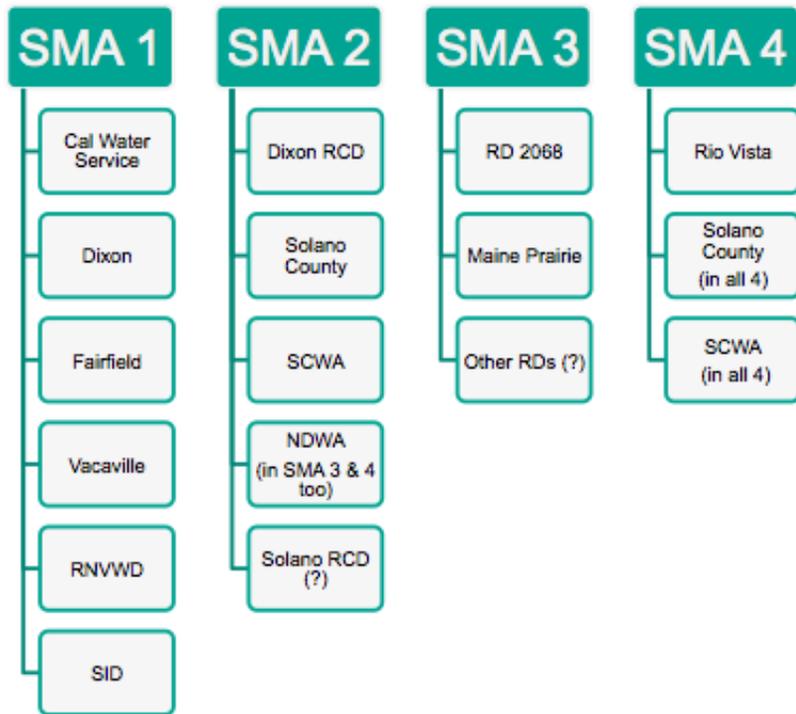
Option E - Basic GSA Governance Structure, JPA, 11 Board Members



Principles/Highlights

- Very similar to Option D, but creates an 11 member board to give the ag community a larger voice.

Option F - Basic GSA Governance Structure of Any of the above options, *plus* Special Management Areas



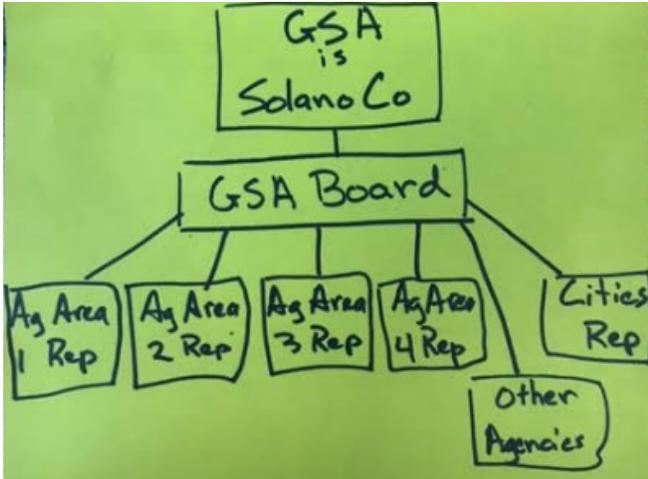
Principles/Highlights

- Larger, more inclusive group
- SCWA as tech support
- Forms the GSA board before determining the SMA boundaries; provides wiggle room and adaptive management

Questions:

- How do the voting members fit into the management areas?
 - They are two separate things. GSA is the overarching agency reporting directly to the state; looking at a fiscal agent putting together the GSP, and relies on GMAs for what the plan will look like; put the resources where they are best needed; governing board would be making the hard decisions but with input from SMAs
- Structure of the management areas?
 - The different needs of different areas, input from the ag community, cities and extraction agencies will all be considered. SMAs alleviate some concerns from the ag community that they are not getting enough representation or input.

Option G - Special Management Areas with GSA Governance Structures, 9-11 Board Members



Principles/Highlights

- Focuses on individuals who are 100% dependent on groundwater for livelihood
- GSA is Solano County, but could be a JPA
- GSA board has 1 rep from each SMA
 - Each city is a management area and has a representative
 - Water district (MP, 2068, delta RD coalition, SID, etc) has a rep
 - White areas - create management areas based off of geological reasons - each area has a representative
- One vote per member
- Non-rotational

Questions:

- Question: How many city reps?
 - Rio Vista and Dixon (100% dependent)
 - Vacaville - Somewhat dependent
 - All 3 cities will have their own SMA

Break

During the break, the various proposals were taped to a wall and everyone was given three stickers to use as votes for the various proposals.

Hong Lin, DWR addressed the legality of some of the proposals discussed before the break. The powers and authorities of the GSA are described in [Chapter 5 of SGMA](#). Advisory groups can provide input to the GSA, as staff provides recommendations to the Board of Supervisors. Ultimately, the GSA makes the decisions. Requests submitted by SMAs are evaluated based on achieving and maintaining sustainability for the whole subbasin. SMAs can be tailored to meet individual local needs, but cannot trump or oppose GSA decisions. DWR recommends an advisory committee(s) help develop the GSP. Regarding funding, certain components will be more cost-effective managed at the higher level, rather than the local level.

Questions:

- Can SMA boundaries be created by political/jurisdictional distinction rather than hydrological or geographical distinction?
 - Yes; SMA boundaries can be political boundaries, but DWR prefers hydrological boundaries
 - Cities can make a strong case for the city to be an SMA if the reasoning is based in achieving sustainability and if the proposal does not negatively affect neighboring SMAs

- Are there coordinating agreements between SMAs?
 - No.

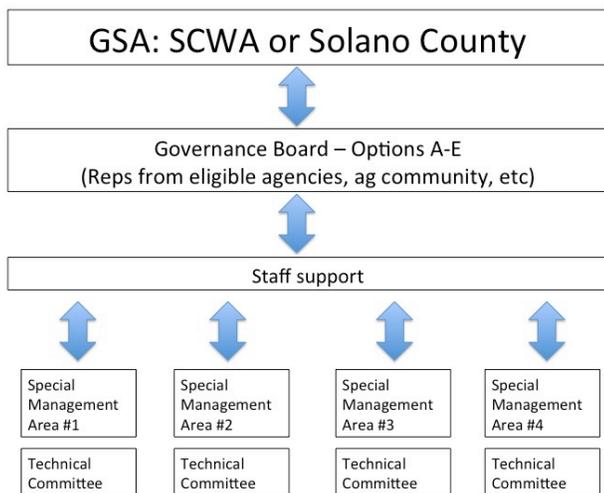
JPA, MOA or Single Entity

The group discussed having a GSA made up of a group of entities functioning within a JPA or MOA as opposed to having a GSA made up of a single entity, either SCWA or Solano County. (i.e. would there be a governing board and a separate single agency GSA that chooses to give power to the governing board, or would the GSA itself be formed through a JPA with a governing board be comprised of members of the groups involved). **Definitions from Peter:**

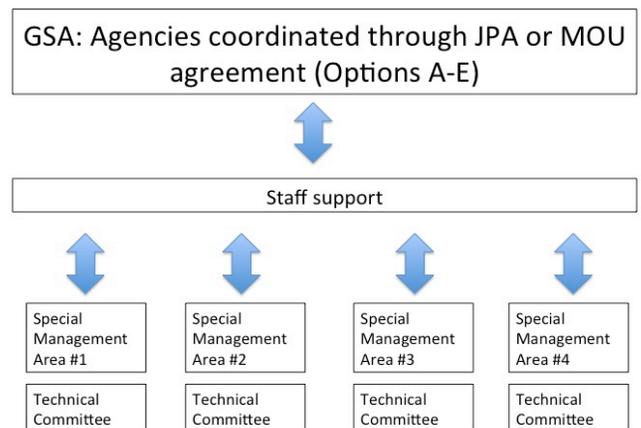
- A JPA is combination of agencies that exercise the powers of those agencies to accomplish functions as a separate legal entity.
- An MOA is a less formal way to accomplish a lot of the same functions, but an MOA doesn't create a separate legal entity.
- There are consequences of both options and Peter volunteered to discuss the advantages and disadvantages in more depth at a later time.

Options for GSA in the Solano County portion of the Solano Subbasin:

Option 1: Single entity GSA (SCWA or Solano County)



Option 2: GSA made up of multiple agencies coordinated through JPA or MOU



Discussion:

In favor of a single entity, SCWA or Solano County

- A new entity created through a JPA will require costs and is a more complicated option. There is too much variation between land use and taxation abilities between the agencies to create a functioning JPA.
- SCWA and Solano County are both able to carry out the same functions as a JPA, and are already funded and equipped for those functions.
- A single entity identifies a stronger authority to communicate with DWR and will result in a more streamlined process and control structure. A single entity could maintain the independence of an advisory committee or governance board.
- SCWA is well staffed, they are experts in water, they track data and have an effective structure.
- Solano County is controlled by the Board of Supervisors, which is elected by popular vote. Solano County has police powers that SCWA doesn't have.
- **Question:** If a single agency is the GSA, do they have to have land use authority or cover the entire county?

- Yes; SCWA or Solano County are both eligible agencies to be the GSA. Solano County has land use authority and SCWA covers the whole county area. Neither agency covers the whole subbasin though, so coordinated agreements would still be needed with Yolo and Sacramento Counties unless these agencies are part of the GSA governance.
- As the GSA, SCWA/Solano County could have 2 governance boards: a non-Solano subbasin board and Solano subbasin board.
 - Allows a single agency to be the overarching entity for the entire county.
 - Allows people in the low priority basin to have a place and a venue to address their potential issues. If the low priority basin is mandated to go through the SGMA process in the future, they would have this venue. However, the low priority basin may not want to be included in the medium priority basin process. They may not want to buy into the medium priority basin process. They may want to comply with SGMA separately.

In favor of a JPA/MOU

- Early on in the process the SCWA board discussed being the GSA, but could not come to an agreement. Considering SCWA as the GSA would require two giant steps back in this process and could be overly complicated in practice.
- Because of the out-of-basin nature of Solano County and SCWA, some people were uncomfortable utilizing either entity as the GSA. This poses a major barrier.
- Governance structure could be determined by membership rather than trying to create a separate governance board within an existing agency.

Brooking closed this discussion with a vote: Each participant was asked to vote on moving forward with a GSA made up of several entities bound by a JPA or MOA, as opposed to moving forward with a GSA embodied by a single entity, either SCWA or Solano County.

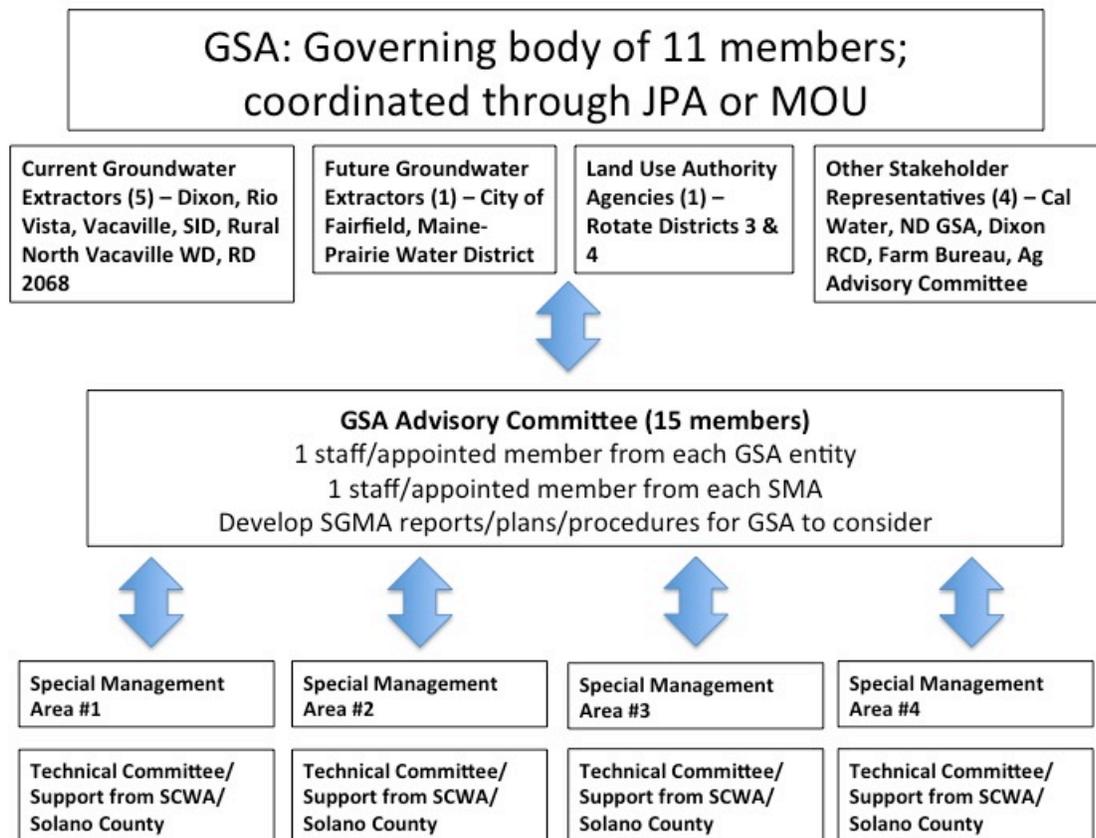
- 3 individuals indicated “5” (All from ag: Ryan, Russ and Derrick)
- All other individuals indicated “1” or “2”
- **Decision: We will move forward with a JPA approach.**

1	2	3	4	5	6
Fully endorse!	Endorsement with minor issues	Conditional agreement	Stand Aside / Abstain / Neutral	Disagreement	Reject
I strongly support the proposal.	I generally like it. Proceed with my support.	I can support if some steps are taken now or in the future.	I neither support nor reject the proposal – Proceed.	I don't agree with the proposal in its current form but will not reject it outright.	I cannot support the proposal at all.

Refining the Proposal

Based on the dots voting during the break, Option C and Option F were combined to create a hybrid which includes an inclusive, non-rotating board structure with 4+ SMAs and technical advisory bodies to be determined at a later time. Joseph asked each person to comment with their thoughts about this hybrid proposal.

Others have mentioned that the [Solano Transportation Authority](#) model may be used for GSA model governance.



Comments:

- Conceptually it's worth following up on; but the details about representation need to be clarified in a written proposal.
- Some agencies already look at groundwater deeply and have groundwater plans that have been approved by DWR. SGMA does not mandate that those agencies abandon those plans, but that subbasins as a whole achieve sustainability. Agencies with existing plans will be able to build upon and continue using those existing plans.
- Having a technical group within each SMA could be problematic. SCWA staff could serve as the technical group for each SMA because they have the expertise and resources.
- There is concern that supervisors could be torn between ag interests and urban interests and create a void. Hopefully the SMAs will coalesce and fill that role.

Size concerns

- Some support declines as the size of the board increases; a large board might not be manageable and might dilute the needs of the members
- The first two columns can be merged together; there shouldn't be a distinction between current groundwater extractors and potential groundwater extractors

GSA/SMA relationship

- Create a few maps of what SMAs may look like, with the understanding the boundaries might morph throughout the process
- The SMAs need to be represented on the governing board. The three no votes were ag water users and it's incredibly important to notice what ag wants.
- Formal connection between the governing board and the SMAs is essential; individuals elected from SMAs will have a vested interest in the areas they represent
- SMAs should also have a voice during the development of the GSP

Qualifying comments

- Dixon RCD wants to help facilitate the ag voice on the GSA board and ensure the people living in the white spaces are adequately represented. However, Dixon RCD doesn't necessarily want a seat on the GSA board if those individuals are properly represented by another agency/representative.
- ND GSA should replace NDWA; the ND GSA Board is fine with being at the advisory level and not being on the GSA Board

Questions:

- Will the board be 9 or 10 members? Will the board continue to grow by adding more agencies?
 - The number of members will be flexible and will increase in order to be inclusive. The SCWA Board has 15 members and they manage to make progress.
- How do you choose which agencies get to be on the board? How do you select 4 players from a column with 6 players?
 - That hasn't been determined yet. Maybe the agencies will be able to choose from among themselves. Anyone who extracts groundwater will want to be on the GSA board. The preference is for more inclusion even if it's more unwieldy.
- What does Ag Advisory refer to?
 - The Ag Advisory Committee, which is separate from a potential, informal ag advisory group. Some people have felt comfortable being represented by the Ag Advisory Committee.
- Are SMAs based on agencies, or are SMAs based on geography and the agencies have a seat on the GSA board?
 - The SMAs are based on geographic areas and all stakeholders in those areas can participate in the SMA. The SMA could either be connected to, or separate from the GSA board. Regardless, some individuals would be active in both their SMA and the GSA board.
- Can SMAs be based on jurisdictional boundaries?
 - Yes, but there is a preference for them to be based on hydrological and geological boundaries.
- How will communication work between the SMAs and the GSA board?
 - Perhaps a technical advisory group will coordinate communication and provide support staff for the smaller SMAs. SMAs may need to pay to be supported by the technical advisory group, SCWA or Solano County.
 - Each SMA will decide how they will handle technical issues.

Questions to consider for the proposals created by the working group:

- What will comprise the technical advisory committee and how will it help smaller players?
- How will SMA decisions be passed on to GSA? How will communication work?
- How do we pick from the list if we don't have a rotating function?
 - Maybe they will choose from amongst themselves
- How can we be efficient and meet the complex needs of this group?
- Should ag have a direct voice on the board?
 - Perhaps there will be two proposals - one with direct ag voice and one without.

The meeting ended with an agreement for five representatives to work together to flesh out a proposal based on this group input, and share it back with the group within a few weeks from today. We will likely meet again in late July or August, given summer holiday schedules and the need for boards to have time to meet and review the proposal.