

# Solano GSA Workshop

February 9, 2017 | 4:30-6:30 PM

SCWA Board Room (810 Vaca Valley Parkway, 2nd floor)

## WORKSHOP GOALS

1. Inform and Update Prospective GSA Board Members on:
  - a. SGMA basics
  - b. Work to date in the Solano Subbasin
  - c. Anticipated work ahead for GSA filling
2. Address questions and concerns on any of the above

Presentation slides are available for download [here](#).

The notes below cover highlights from these presentations and Q&A discussions.

## WORKSHOP AGENDA

### 4:30 Introductions (Brooking Gatewood, Ag Innovations)

- Goal: to provide updates, a basic overview of SGMA and how we've gotten to current GSA recommendations, and what's next to meet state deadlines.
- This meeting is a "Test Run" for the prospective board- not a formal Board meeting. The group is still working on legal agreements to formally convene the GSA - the aim today is to make sure we're on the same page for the next phase of work.
- The audience today includes staff experts who have been working on the GSA recommendations for the last year.
- Long term goal: sustainability of groundwater in the sub-basin well into the future.
- Ground rules used in GSAG and public meetings:
  - Be present, listen openly, speak courteously, suspend certainty

### 4:40 SGMA Overview (Chris Lee, Solano County Water Agency)

- Groundwater management has been voluntary until January 2015. A number of cities and districts have already been collecting data that gives a decent baseline as we look at this.
- SGMA requires measurement and analysis on sustainable management. It recognizes local management is best. If not done effectively, state can come in and take over management of sub-basin (this is the idea of a "state backstop").
- Deadlines:
  - June 30 2017 GSA must be formed
  - Then there is a 5 year period to develop the GSP (Groundwater Sustainability Plan).
  - Then the subbasin has 20 years to show sustainable management.
- DWR regulates and assists, and GSA performs planning and implementation, State Board enforces.
- Solano subbasin is a medium priority basin, largely because it uses a lot of groundwater for agriculture and that is anticipated to grow in the future Current groundwater conditions are good in most parts of the subbasin.
- The Solano County-based GSA(s) will have coordinating agreements with Yolo and Sacramento Counties on their portions of the subbasin.
- We are looking at one GSA to cover all of Solano County
  - In January, SID decided to begin a "two path approach" of both filing with the state to be a sole GSA and continuing to participate in the full group process. If their concerns can be addressed they will rescind the application to the state and stay with the collaborative Solano GSA.



- The group includes staff representatives from local agencies, the Farm Bureau, the Ag Advisory Committee, and the Northern Delta GSA group.
- Uses a 6 point consensus scale - i.e. a 5 is “don’t agree but won’t block”.
- We had some 5s in our decision-making process along the way, but were able to move forward with this model.
- Recommendation:
  - 1 Solano GSA as a JPA (v.s. MOU).
    - Main reason to give important voting to non-agency representatives.
  - 16 member board.
    - Preference for both smaller board and inclusiveness, both goals being hard to achieve at the same time up front. This exact arrangement could change (a few could drop out). This would have a small financial implication.
      - Group moving towards super-majority voting.
- How public input has been used to date:
  - First meeting asked what are concerns? This list informed FAQ and input for strong Ag representation.
  - Held Ag summit in the spring to ask that community what principles should be part of JPA draft.
  - Winter 2016 meetings asked for input on ways to potentially getting credit back for recharging groundwater and other good land management practices, so landowners would be credited and not just taxed.
  - Key Concerns raised in the process:
    - Who can rep Ag sufficiently? Elect own representatives.
    - Local control
    - Fee structure: wells metered and monitored. Deep well drilling impact (Public Concern).
    - Can SGMA streamline with existing regulations where possible?
- Fee questions are common, it’s useful for the board to know up front don’t know answer until 2020 or 2021 as the GSP planning process begins, and that public input will be a part of this process all along the way.
  - Ag summit principle themes were integrated into final principle themes.
  - Public input is required all along the way- will be a long process (20+ yrs).

### **Q&A with Prospective Board Members**

- Q: What is the definition of supermajority?
  - A:  $\frac{2}{3}$  was initially kicked around; there are concerns around cities being overruled with an 11 supermajority vote though. Staff and Legal Team will come together to make firmer recommendations on this point in late February.
- Q/Comment: Being asked to join beforehand before knowing what our development costs are going to be is tricky for those who have to take this to a city council. When I bring this before the rest of my council I don’t want to have such a wide range of cost.

### **5:25 Preliminary Economics (Chris Lee, Solano County Water Agency)**

- Start-up Costs
  - Can likely get to June 30th deadline without out of pocket cost. JPA and mapping costs are included here. Water Agency has kicked in some cost for internal facilitation. This will get us to DWR application.
  - Recommendation from collective staff is \$6k for first calendar year (to June of 2018). Policy level decision will have to be made on this. The flat fee was agreed on for this initial cost only

- o to expedite the process, but a fee study will help set fair cost allocation for long term GSP planning and implementation.
  - o Fee assessments are likely for groundwater users to manage overall costs over the long-term.
- Defining sustainable yield locally will be another key early part of the Groundwater Sustainability Planning process.

### **Q&A with Prospective Board Members**

- Q: Will the GSA consist of employees and its own department?
  - o A: No. The Solano County Water Agency will continue providing support/staff. Water Agency doesn't have a vote in GSA. Has provided staff thus far and recommending they continue to do so.
- Q: Why is the GSA not being incorporated into SCWA, when you've already got County supervisors over each portion of land, city councils, SID on board?
  - o A: Those who represent agriculture do not have a seat on the SCWA board. In addition, the SCWA board includes members outside the subbasin, which was not desirable in our initial interviews with subbasin leaders and stakeholders.
- Q: Could we at some point in time repay the annual fees to member agencies that are contributing up front to getting this going? Or is this a 'pay to play' approach? When will fees for overuse be put in place?
  - o A: The agreement the advisory group came to is to ask for \$6k start up fee for all members just to get going in the first year. The idea of SCWA offering a loan to those who might have trouble covering these up-front costs was put out on a case-by-case basis. Most parties should be able to recoup costs later through fee assessment, which would not begin until the GSP is approved (as late as 2022). These details and the local desired timeline can be worked out in the fee study process after the GSA is formed.
  - o Most of these start-up fees will actually go to funding the fee study to have more detailed information on appropriate long-term fee structure. We are also learning with and from neighboring subbasins, as all around the state GSAs are working through these same questions.
  - o The law is developing still, and there are many grey areas about costs and other points as part of process as a result. Getting comfortable with uncertainty here will be useful as we move forward.

### **5:50 Short-Term Next Steps & Closing Discussion**

- Timeline
  - o June 2017 to establish GSA w DWR approval.
  - o Draft Joint Powers Authority (JPA) went out in January and has been with legal teams. Most have submitted comments. Content in packets.
- Joint Powers Authority
  - o Next 2-3 months legal teams, board members, and staff will focus on coming to agreement on JPA.
  - o Some want JPA with more teeth, more specific legal clarity. Working through details in the next few weeks on the last round of comments. Then in late February, legal teams and staff will have a in-person meeting to see how far group can get working through the discussion points. Some side meetings on particularly tough pieces/ sticking part may be needed. Aiming to submit by the end of March.
- GSA Application
  - o Who are members, what are boundaries, and proof of agreement.
  - o List of interested parties and how those included.
  - o One more public notice process: will have public meeting with published info.

- 90 day comment period once complete. DWR to accept within 90 days of June 30th deadline.
- Afterwards, the GSA will convene; begin work on fee studies and financing questions, and the Groundwater Sustainability Plan process for the 2022 deadline.

### **Q&A with Prospective Board Members**

- Q: What does 'more teeth' in the JPA mean?
  - A: Surface water and property rights being protected clearly in the legal JPA language is something some agencies are looking for.
- Q: Why not have a living document, given all the uncertainty?
  - A: If the JPA cannot be agreed upon, an MOU is an option, with the thought that down the road maybe a JPA comes back in play. A legal instrument is a requirement when submitted app to DWR. An MOU however would not allow voting seats on the board for public representatives.
- Q: Is there any way to get an extension on June 30th deadline? Knowing this group and county it's a lot of work in small window.
  - A: No, it's a hard date.
- Q: SID exit is the elephant in the room. What is it specifically that concerns them? Is there an ability to compromise? If not, should the group consider moving forward without them? Many are concerned about the short timeline.
  - SID response:
    - To start, SID has always taken position that SID wants to collaborate, but first want protection for property owners and rights. Start from that perspective and then do what they need to do to make sure everyone has water. The JPA is not set up that way currently.
    - The principles are not specifically providing protection of groundwater rights. In December our board took a two-path approach: continue working with this group. From our perspective this is a big deal; voting rights and groundwater recharge issues.
      - Concern with the large Board since SID represents 25% irrigated ag and would only have 6% of the vote. Wouldn't be so concerning if each vote was groundwater pumpers?
      - We know we recharge groundwater in positive net benefit to the district since 1958. Recharge water when goes into ground isn't common property - it's owned by property owner or district. We have the right to pull that out. Concerned about losing that right.
      - Property right issue: numerous meetings where numerous people have suggested limiting access to groundwater by SID.
    - Alarming to join without written protections in document. Hence, if this pathway doesn't work out, SID is also pursuing establishing a separate GSA and has already applied to the state.
    - SID believes this action (separate GSA filing) doesn't cause harm to anyone, it's protecting their existing rights. Still have to work with all of basin to put together plan- can do it collaborative or independently, though one GSP would avoid duplicative costs.
    - A core question is what is the GSA board authorized and not authorized to do? If we get to a position where we're limiting extraction, every property in the region of that allocation receives the same allocation? Clarifying this is a concern, and making sure the language is specific enough to protect properties in our district and others.
  - Public member response:
    - It would be helpful if SID could be clearer about what it means by water rights and where guarantees take place. There may be a distinction between language in the GSP

- and language that forms the GSA. Not sure how that would fit in documentation for authority v.s. what goes in plan.
- Concerned about SID's withdrawal since there may be surface boundaries that define what the district is for surface water, but the aquifer is very different. Surface boundaries may not reflect groundwater- doesn't make sense then that SID would be a separate entity, especially since it's mostly surface water with groundwater wells.
- Q: Do we need to explore a different voting structure to keep SID engaged? How have other Counties addressed these concerns?
    - The GSA Advisory Group explored 7-9 different iterations of board structure options, and the 16-member board was the only place we didn't get a block. We came up with this as the option that would fly for the whole.
      - We're now in a situation where maybe that has shifted? Other prospective board members are expressing concerns with the voting structure and board size as well, from both city and ag representation perspectives.
      - Modifying the structure will require more work.
    - In our recommendations packet, there is some research on what other subbasins have done for voting structures - it really varies. Some have 23 member boards, some have 5 member boards. Many use a super-majority structure for major decisions.
  - Closing Comments:
    - Six commandments of the sustainability plan presented earlier are good guides to focus our conversations. Can it be kept simple if we follow those six guidelines?
    - Another view: its not so simple if don't want to give up anything. JPA is a partnership that says we will work together. Can go back to 40's to look at this issue – water management here has always been about a working relationship countywide. Everyone needs to come together to work on this. Are we all going to give up something- money, authority? Yeah. That's okay. Overall, the community is better served - provide water for constituents. It's a give and take over the next 20 years. A large board is workable, and we have to create sustainable plan that involves us all working together. Every member entitled to one vote.
    - Next step recap: Wrangling through JPA over the coming month. ***Any prospective elected that want to be involved in this process should speak with their staff and attorneys for more information.***

Visit [www.scwa2.com/sqma](http://www.scwa2.com/sqma) for additional background materials.