

**SACRAMENTO CENTRAL GROUNDWATER AUTHORITY
SUSTAINABLE GROUNDWATER MANAGEMENT ACT SUB-COMMITTEE
MEETING**

Wednesday, August 19, 2015; 1:30 PM
10060 Goethe Road
Sacramento, CA 95827
SRCSD/SASD Office Building – Room 1212 Sunset Maple

MINUTES:

1. CALL TO ORDER AND ROLL CALL

Darrell Eck called the meeting to order at 1:30 p.m.

The following meeting participants were in attendance:

Board Members (Primary Rep):

Tom Mahon, Agricultural Interests
Rick Bettis, Conservation Landowners
Tom Nelson, Florin Resource Conservation District/Elk Grove Water District

Board Members (Alternate Rep):

Brett Ewart, City of Sacramento
Forrest Williams, County of Sacramento/Sacramento County Water Agency

Staff Members:

Ping Chen, SCGA

Others in Attendance:

Sarah Britton, Deputy County Counsel – County of Sacramento
Mark Madison, Florin Resource Conservation District/Elk Grove Water District
Bruce Kamilos, Florin Resource Conservation District/Elk Grove Water District
Jon Goetz, GEI

2. REPORT BACK ON OUTREACH ACTIVITIES

Mr. Eck reported that he attended a workshop for the Solano Subbasin group on July 22, 2015. Mr. Eck stated that the group was just getting started and was in the process of identifying appropriate interested parties and the frequency of meetings. The Solano group had not begun discussions on arrangement of GSA formation within the subbasin. Mr. Eck pointed out that the Solano Subbasin shared a common boundary with SCGA along the Sacramento River and that the County of Sacramento fell within the subbasin along the Delta portion of the County.

Mr. Nelson asked if the Solano Subbasin was high priority. Mr. Eck responded that it was a medium priority basin.

Mr. Bettis asked for clarification on the "white areas" within the basin. Mr. Eck replied that those areas were regions within the basin not covered by an active groundwater management plan.

Mr. Madison and Mr. Kamilos asked for clarification on SCGA's role as it related to the Solano Subbasin. Mr. Eck replied that because the South American Subbasin shared a hydro geologic boundary with the Solano Subbasin, SCGA as the GSA for the South American Subbasin would have to coordinate with Solano Subbasin GSA's to ensure that neither side would adversely affect the other by their respective management actions.

Mr. Eck then summarized the RWA/SGA workshop that took place on July 30, 2015. The workshop was intended to assess and facilitate South American and North American Subbasin SGMA activities and to discuss the internal SGMA development of the North American Subbasin. Mr. Eck reported that the major issue related to the fact that the North American Subbasin spanned Sacramento, Sutter, and Placer Counties and the existing relationships of the various municipalities.

Next was discussion of the Southeast Sacramento County Agricultural Water Authority (SSCAWA) Board meeting from August 11, 2015. Mr. Madison asked which entities comprised that group. Mr. Eck responded that it was Omochumne-Hartnell Water District (OHWD), Galt Irrigation District, and Clay Irrigation District. Mr. Eck stated that the SSCAWA had expressed an interest in forming a GSA for that subbasin and discussed altering its JPA to include Sloughhouse RCD, City of Galt, and County of Sacramento to facilitate their participation in the effort.

Mr. Goetz then brought up the San Joaquin County SGMA meeting from August 12, 2015. He mentioned that SSCAWA was not in attendance at the meeting although they are a part of the same subbasin. Mr. Eck described the meeting as more of a kickoff type event with discussion on assessment of interested parties and the formation of a working group which was scheduled to meet for the first time on September 9, 2015 at the same time as the next SCGA Board meeting. Mr. Eck reported that some of the stakeholders had expressed an interest in splitting the subbasin at the Dry Creek boundary of Sacramento County with the intention that the area to the south would belong to the San Joaquin Subbasin. Mr. Eck said that others at the meeting expressed opposition to the idea while arguing that it might not be worth the effort. Mr. Eck then pointed out the South American and San Joaquin Subbasins shared a relatively short boundary with each other. Mr. Eck also pointed out that the San Joaquin Subbasin was considered 'critically over drafted' by DWR and that there was a question as to whether adjoining basins may be affected by the management of such a basin.

Mr. Eck then reported on the SGA Board meeting from August 13, 2015. The SGA Board voted to give direction to staff to proceed with GSA formation by filing a Notice of Intent with DWR.

Mr. Kamilos asked if SGA had intended to modify the basin boundary as part of its Notice of Intent to include only its current management area. Mr. Goetz replied that they were not, that the State allowed for multiple GSA's within a single basin and that SGA would be pursuing

that arrangement. Mr. Ewart stated that he believed there could ultimately be three GSA's within the North American Subbasin.

3. BASIN BOUNDARY DISCUSSION

Mr. Eck, Mr. Goetz, and Ms. Britton met with representatives from OHWD on August 12, 2015 to discuss basin boundary issues and DWR's basin boundary regulations. Mr. Goetz reported that during the discussion there was disagreement from representatives of OHWD regarding what constituted a basin boundary. After discussion of the basin boundary regulations OHWD decided to table pursuit of a basin boundary adjustment yet remained concerned about two issues. Mr. Eck described those issues as; 1) concern over being split between two future GSA's (SCGA and SSCAWA) and 2) a desire to be affiliated with the SSCAWA due to the perception that they are more closely aligned to agricultural interests.

Mr. Goetz discussed OHWD's proposed solution to join an SSCAWA GSA. It could result in two GSA's (SCGA and SSCAWA) within the South American Subbasin and three within the Cosumnes Subbasin (SSCAWA, San Joaquin County, and Amador County). Mr. Goetz stated that it might become very complex to coordinate Groundwater Sustainability Plans (GSP) and development of data sets that would cover the entirety of the South American Subbasin as required by SGMA.

Ms. Britton stated she had a discussion with OHWD legal counsel after the meeting in which they discussed OHWD's ability to withdraw from the SCGA JPA. Ms. Britton stated that OHWD could unilaterally decide to withdraw in which case SCGA would have two choices:

- 1) Change the SCGA jurisdictional boundary (amend JPA defined boundary) to excise OHWD.
- 2) Keep the SCGA jurisdictional boundary as is and replace OHWD with the County of Sacramento as the representative for the area commensurate with the OHWD area. Ms. Britton stated that the scenario could result in overlapping or competing GSA's if SSCAWA decided to proceed as the GSA for the entire OHWD boundary. Ms. Britton explained that there was no law or regulation that reconciled such a conflict and that in any case the responsibility of sustainable groundwater management remained with the local governing entities.

Regarding potential GSP arrangements within the South American Subbasin, Ms. Britton clarified that there could be a single plan for the entire basin developed and adopted by SCGA with the cooperation and enforcement of an SSCAWA GSA within the OHWD portion of the basin or there could be two GSP's, one encompassing SCGA's GSA boundary and another for SSCAWA's GSA boundary.

Mr. Mahon asked if given the mandated requirements of a GSP would allow for significant differences in the design of GSP's for adjoining areas. Mr. Eck replied that plans for two separate subbasins could vary significantly but two plans addressing the same basin would have to cooperate.

Mr. Madison expressed a concern over the risk associated with SSCAWA taking steps to develop a GSA and GSP within the South American Subbasin and what would happen if the effort failed or they found themselves unable to comply with all aspects of SGMA. As an example, he asked who would be responsible for completing a GSP to account for the entire basin. Mr. Eck pointed out that any potential failure on the part of SSCAWA's GSA formation or implementation process, that also included inclusion of a portion of the South American Subbasin, could put the entire subbasin at risk of being considered a "probationary basin" by the State. Mr. Goetz then produced a draft list of assurances that SCGA would need from SSCAWA. They included:

- Schedule and milestones for completing SGMA process
- Agree to GSA and Bulletin 118 boundary
- Complete revised SSCAWA JPA
- Establish reliable funding
- Begin discussions on formal coordination agreement including development of the GSP for the South American Subbasin
- CASGEM compliance

Ms. Britton mentioned that OHWD had not agreed to a timeline for providing those assurances. She also communicated OHWD counsel's plan to provide a memo to SSCAWA identifying funding sources for GSA and GSP development as it was a potential problem for their effort.

Mr. Ewart expressed the opinion that SGMA sub-committee proceed with a recommendation to the SCGA Board to submit an NOI for GSA formation for the entire South American Subbasin and pursue development of one GSP for the basin. Mr. Ewart further stated that if the SSCAWA GSA/GSP formation became a reality, SCGA would adjust its course of action at that time. The remainder of the committee members expressed their concurrence.

Mr. Mahon said that another motivation for SSCAWA's move to include the OHWD boundary would be to benefit from the higher water table levels along the stretch of the Cosumnes River in that area, in terms of GSP reporting. Mr. Eck replied that irrespective of how SSCAWA may interpret that phenomenon, the fact would remain that much of that area is within the South American Subbasin as described by Bulletin 118 and that any water level data would be subsumed as such.

Mr. Nelson stated that SCGA should take steps to alleviate OHWD's concern that it has a minority voice with respect the urban stakeholders on the Board and perhaps provide assurances that agricultural interests will not be compromised in the future. It may convince OHWD to remain a part of SCGA. Mr. Eck responded that it was important for everyone to recognize that they shared the same basin and that the actions of each had an effect on the others. Mr. Eck went on to point out that the State was increasingly requiring that all sources of demand be quantified and reported so that all users would necessarily become more accountable.

Mr. Nelson proposed that SCGA tie the assurances it would need from SSCAWA to the direction it would take for its own GSA/GSP development. If SSCAWA met SCGA's stated assurances then SCGA would proceed under the scenario that the OHWD area would belong to a SSCAWA GSA, if not, SCGA would proceed as planned.

4. STAKEHOLDER OUTREACH

Mr. Goetz estimated that there may be as many as fifty additional stakeholders plus the public for SCGA to outreach to. The outreach plan would engage SCGA Board members to assist in a targeted effort where appropriate and to utilize city council meetings of the various cities on the Board to outreach to the public at large. Invitations of interested parties to SCGA Board meetings would also be utilized as documented outreach efforts.

Out of basin interests that may require coordination were Yolo Subbasin (Yolo County), Solano Subbasin (Solano County), Cosumnes Subbasin (San Joaquin & Amador Counties), and North American Subbasin (Sutter and Placer Counties). Staff as well as sub-committee members would be expected to participate in the SGMA compliance efforts of those groups.

Mr. Goetz presented a list of key components related to SCGA's outreach efforts:

- Purpose to have everybody educated on SCGA's role as one of the GSAs in the South American River Subbasin
- Consistent talking points
- Single Presentation
- "Fact" Sheet with Essential SGMA Information
- Board Review of Presentation and Fact Sheet (Sept 9 Board Hearing?)
- Both the presentation and fact sheet used as documentation in Public Outreach for SCGA

Mr. Eck reiterated the idea that that all SCGA Board members are responsible for communicating with the broader groups that they represent and that it would be critical for SCGA's stakeholder outreach effort.

Mr. Madison expressed that it would be effective to conduct at least four strategically spaced stakeholder meetings that would be conducted by SCGA staff to ensure that the message was consistent and delivered appropriately.

Mr. Goetz then addressed the steps needed for the filing of a Notice of Intent:

- Request Board to initiate process to submit a Notice of Intent (at September 9, 2015 Board Meeting)
- Publication of notification pursuant to § 6066 of Government Code
- Hold public hearing
- Submit NOI to State DWR
- 90 Day Waiting Period – GSA submitting NOI presumed to be exclusive GSA
- Should SCGA maintain its GSA boundaries as the entire South American River Subbasin?

Mr. Nelson asked what would be the target date for publishing the NOI. Mr. Goetz responded that if direction was given to proceed at the September Board meeting that work on developing the NOI document would occur at the next SGMA sub-committee meeting.

Mr. Eck added that the timing of publishing the NOI should account for receiving feedback from OHWD and SSCAWA concerning their desire to encompass OHWD in a SSCAWA GSA. Ms. Britton followed up by stating that if OHWD and SSCAWA were not allowed to provide feedback during the development of the SCGA NOI, then in her opinion those groups would likely protest during the 90 day waiting period prescribed by the legislation.

Mr. Kamilos asked if the JPA would have to be amended to reflect the new boundary prior to submission of the NOI. Ms. Britton responded that it made the most sense to amend the JPA first so that it could be used as a reference in the NOI. She further stated that an NOI based on the current JPA would be limited to the current jurisdictional boundary.

5. ACTION ITEMS/NEXT STEPS ASSIGNMENTS

Next Steps:

- 1) Discuss necessary Considerations & Assurances from OHWD and SSCAWA if separation occurs at September 9, 2015 Board meeting.
- 2) Discuss SCGA JPA amendment requirements supporting OHWD boundary change and separation at September 9, 2015 Board meeting.
- 3) Make recommendation to SCGA Board to proceed with NOI to form GSA.
- 4) Make recommendation to SCGA Board to approve public outreach program, fact sheet, and presentation.
- 5) Ms. Britton to contact OHWD counsel to inform of SGMA sub-committee's plan to present recommendations to the SCGA Board at the September 9th meeting and ask their counsel if OHWD intended to make a statement or request or would be prepared to make a timed presentation.

Action Items:

- 1) Discussion of Board Actions
- 2) Regional Outreach Items
- 3) Review Outreach Presentation and Fact Sheet
- 4) Status and Review of NOI Submittal
- 5) JPA Amendment Requirements
- 6) Next Subcommittee Meeting – September 16.

ADJOURNMENT

Upcoming Meetings –

Next SCGA Board of Directors Meeting – Wednesday, September 9, 2015, 9 am;
10060 Goethe Road, South Conference Room No. 1212 (Sunset Maple).

By:

Joe Penosa
Chairperson

9/21/15
Date

Heather Park

09-09-15
Date

