

MEETING SUMMARY September 15, 2016

Colusa Sustainable Groundwater Management Act (SGMA) – Governance Subcommittee Meeting #2

MEETING RECAP

- The Colusa Governance Subcommittee heard a presentation from the Private Pumper Advisory Committee (PPAC) that included a proposed governance structure.
- The Subcommittee agreed in concept to the PPAC's proposed governance structure with a few modifications.
- The group identified key questions regarding the roles of the different entities in the PPAC's proposed governance structure.
- The water agencies in Colusa and Glenn Counties will meet in the next two weeks to develop a governance proposal which they will present at the October 11, 2016 Colusa Governance Subcommittee meeting.
- Examples of existing legal agreements (JPA, MOU, other) will be provided for discussion at the next Governance Subcommittee meeting.

For more local information visit the [Colusa County Water Resources Webpage](#).

For information on SGMA visit the [Department of Water Resources SGMA Webpage](#).

MEETING SUMMARY

Opening Remarks

Tania Carlone, Senior Mediator/Facilitator with the Center for Collaborative Policy (CCP) opened the meeting, introduced herself and welcomed subcommittee and observer introductions. Ms. Carlone reviewed the agenda and stated that the purpose of today's meeting is to further the SGMA Governance discussion in Colusa County.

SGMA Implementation Updates

Ms. Carlone reported on the following SGMA updates:

- DWR sends out regular SGMA email updates which are very informative. Folks can subscribe to the listserve at the DWR SGMA website: [Department of Water Resources SGMA Webpage](#).
- Basin Boundary modifications will be finalized and posted on the DWR website at the end of this month. The next opportunity to submit a basin boundary modification request will be in 2018. The exact dates have not been determined. DWR will provide an interim Bulletin 118 update in 2017, and a more comprehensive update will be completed in 2020.
- DWR will publish the initial Best Management Practices (BMP) by January 1, 2017. The BMPs are provided by DWR to assist with GSP development. Agencies are not obligated to use them. DWR will provide public meetings regarding BMP development in late October.
- DWR has updated the GSP Regulations Guide. It is a helpful publication, and can be found on the DWR website.

Mary Fahey, Colusa County Water Resources, gave updates on SGMA planning activities in adjacent counties. Glenn County is developing a PPAC and Butte and Yolo Counties are also considering PPACs. Colusa County will begin coordination efforts soon with Glenn and Butte counties.

Discussion Topics

Explore Multi-Agency GSA Governance Proposals

Private Pumper Advisory Committee (PPAC) Proposal

Darrin Williams, PPAC member, provided a PowerPoint presentation outlining the private pumper perspective on SGMA governance in Colusa County. Mr. Williams described the PPAC's perspective on the biggest concerns of well owners and water districts related to GSA development and SGMA implementation. The greatest fear of the private pumpers is that sustainability will be achieved by reduced groundwater pumping. Water agencies' greatest fear is that their surface water supplies will be looked at as the solution to sustainable groundwater conditions. Bryan Busch, Reclamation District 108, stated that water agencies also fear that if surface water supplies are reduced, they may not have the option to supplement with groundwater.

Mr. Williams presented a proposed governance structure (**Appendix A**) that includes a multi-agency GSA, a Groundwater Commission, five Management Areas, and support staff. Mr. Williams referred to the publication, "*Defining Effective Groundwater Sustainability Agencies: Criteria for Evaluation of Local Governance Options*," by Wheeler Water Institute, Center for Law, Energy and the Environment, University of California, Berkeley, School of Law (Find a link to this publication on the Colusa County Water Resources website: <http://countyofcolusa.org/index.aspx?NID=676>). Mr. Williams described two sets of criteria from the publication: *Efficacy* and *Fairness*, and discussed how the proposed Governance Structure satisfies these criteria.

Details of the PPAC's proposed governance structure include:

- One multi-agency GSA covers the entire county, inclusive of all agencies that want to participate
- No stand-alone GSAs, eliminating the need for Coordination Agreements
- Five Management Areas (MA) that correspond to Supervisorial District boundaries
- One Groundwater Commissioner for each MA, appointed by the Board of Supervisors
- The five-member Groundwater Commission sits on the GSA Board, along with the GSA-eligible agencies that want to participate
- GW Commissioners are not necessarily strictly private pumpers, the criteria would be determined by new by-laws, to be developed
- Each MA has an Advisory Committee consisting of 3 private pumpers and the GSA-eligible agencies that exist in the MA
- Advisory Committees hold regular meetings, attended by a Groundwater Commissioner
- MA Advisory Committees relay information to the GSA's governing body
- A Local Implementing Agency may or may not be part of the structure within each MA
- Support staff to be provided by the County and/or outside agencies such as technical consultants
- 3-tiered fee assessment to landowners includes:
 1. A basin-wide assessment to all land overlying the subbasins
 2. A per well fee
 3. A per acre-foot fee

(The PPAC presentation is available on the Colusa County Water Resources website: <http://countyofcolusa.org/index.aspx?NID=677>, under "Past GSA Workgroup Meetings")

County Response to PPAC's Proposal

Supervisor Carter reminded the group that the County has never said that they want to be the overarching GSA for the entire County. They believe each agency has something to offer and there are efficiencies to one county-wide multi-agency GSA. It is essential that private pumpers are included in governance. Colusa County has started out governance planning in a collaborative way and that is why we are successful. The County is agreeable to the PPAC's proposed governance structure, including five Management Areas (MA), and the Groundwater Commissioners being appointed per MA. If we can get agreement on a governance structure by January, 2017, we can begin the GSA boundary adjustments. The County is dedicated to contribute to the process. It has already provided Water Resources staff which has been a great benefit to all involved, and has kept the process moving forward.

Discussion of the PPAC proposal followed. The major talking points are highlighted below:

- Private pumpers and water agencies have unique challenges.
- The requirements for June 30, 2017 are limited. Can we just have a vision for governance?
 - Can we put together an agreement for governance that will help us get to governance? It will be great if we make it by June 30, but if we don't we will have a contingency plan in place.
 - We shouldn't use this as an excuse to kick the can down the road.
 - If Colusa County has their structure in place by June 30, and others in the basins do not, the State may leave us alone because we are compliant. We should aim to have governance firmly in place by June, 2017.
- We all need to work together. If one area needs attention, the local MA will work on it, with support from the governing board. If we get good rain and good surface water supplies, we won't have to do much. If surface supplies are reduced, we will all have to pull together to provide solutions.
- Questions arose about the Proposition 218 process. Ms. Carlone mentioned that CCP is in the process of getting information on this. While the issue isn't legally settled, it is anticipated that a 218 process will be necessary for a GSA to collect fees for SGMA implementation.
- The PPAC's governance proposal merges Option #1 and Option #2 from the last Subcommittee meeting very well.
- Need clarification on the roles of the governing body and the MAs. Differing opinions included:
 - Each MA is responsible for sustainability in their area. The governing body would hold them accountable.
 - MAs are the second tier of governance where decisions are being made.
 - Push the authorities down to the MA level (eg. The "Yolo model"). The governing board has broad authorities such as developing the Plan, monitoring, modeling, etc.
 - The MA cannot tell the governing body what to do, but they can come up with a solution and bring it to the governing body. MA cannot have too much authority.
 - Concern if each MA is responsible for the solution in their area. They may need to take it to the governing board, or other MAs to manage on a basin-wide scale.
- The water districts in Colusa and Glenn counties will be meeting in the next couple of weeks and will present their governance proposal at the October 11 Colusa Governance Subcommittee meeting.
- Most agencies are agreeable to a multi-agency GSA, but a couple of water districts expressed their concerns regarding equitable representation and equitable costs. As a stand-alone GSA, they feel they have more control over their fate, but if the group can agree on some key items that have been discussed in previous meetings, they will advocate to their Boards to be part of a multi-agency group. They will formulate a proposal when the water districts meet in the next couple of weeks (see above bullet).

- Tribes and other federal agencies don't need an official role in governance (unless requested) but they can participate at the MA level.
- The PPAC's proposed governance model includes a legal governance entity but does not specify which type of entity. There was a request for more information and examples of the different types of governance organizations, JPA, MOU, other.

Conclusion

- Subcommittee members were agreeable to the PPAC's proposed governance structure with a few modifications to the chart:
 - Remove the LIA boxes
 - Remove the words "Advisory Committees" from the MAs
 - List the agencies/districts in the MAs
 - Add Groundwater Commissioners to the MAs
- Some items need clarification and agreement:
 - Does the GSA governing body consist of Board members and/or staff from the participating organizations?
 - Should Groundwater Commissioners be appointed or elected?
 - Define the roles and responsibilities of the governing body and the MAs:
 - Where are authorities vested? Which decisions are being made at the GSA level and the MA level?
 - Define criteria for the Groundwater Commissioners
 - Develop new by-laws for the Groundwater Commission

Action Items and Next Steps

- Further discussion on legal agreements – JPA, MOU, Charter, or other **(item for next agenda)**
 - CCP to provide examples of legal agreements that are currently in place in other areas of the state
- Ms. Fahey to update the PPAC's governance Chart **(Appendix B)**
 - Remove the LIA boxes
 - Remove the words "Advisory Committees" from the MAs
 - List the districts in the MAs
 - Add Groundwater Commissioners to the MAs
- Develop criteria for Groundwater Commissioners (County).
- Ms. Fahey to work with DWR on a breakdown of private pumper acreage from DWR. Utilize acreages provided by Bill Vanderwaal (Provost and Prichard) in the PPAC presentation and update those acreages. **(item for next agenda)**
- The water districts in Colusa and Glenn Counties are meeting to discuss what they would like to see regarding governance. They will have their proposal ready for the next Colusa GSA Subcommittee meeting on October 11, 2016. **(item for next agenda)**
- Ms. Fahey/County to draft letter from the County to the GSA-eligible agencies that have not been participating to give them a drop dead date that the County will presume responsibility for their service area under SGMA.
- Ongoing – Ms. Fahey will send via email any important SGMA-related information (eg. The BMP survey) to the group.

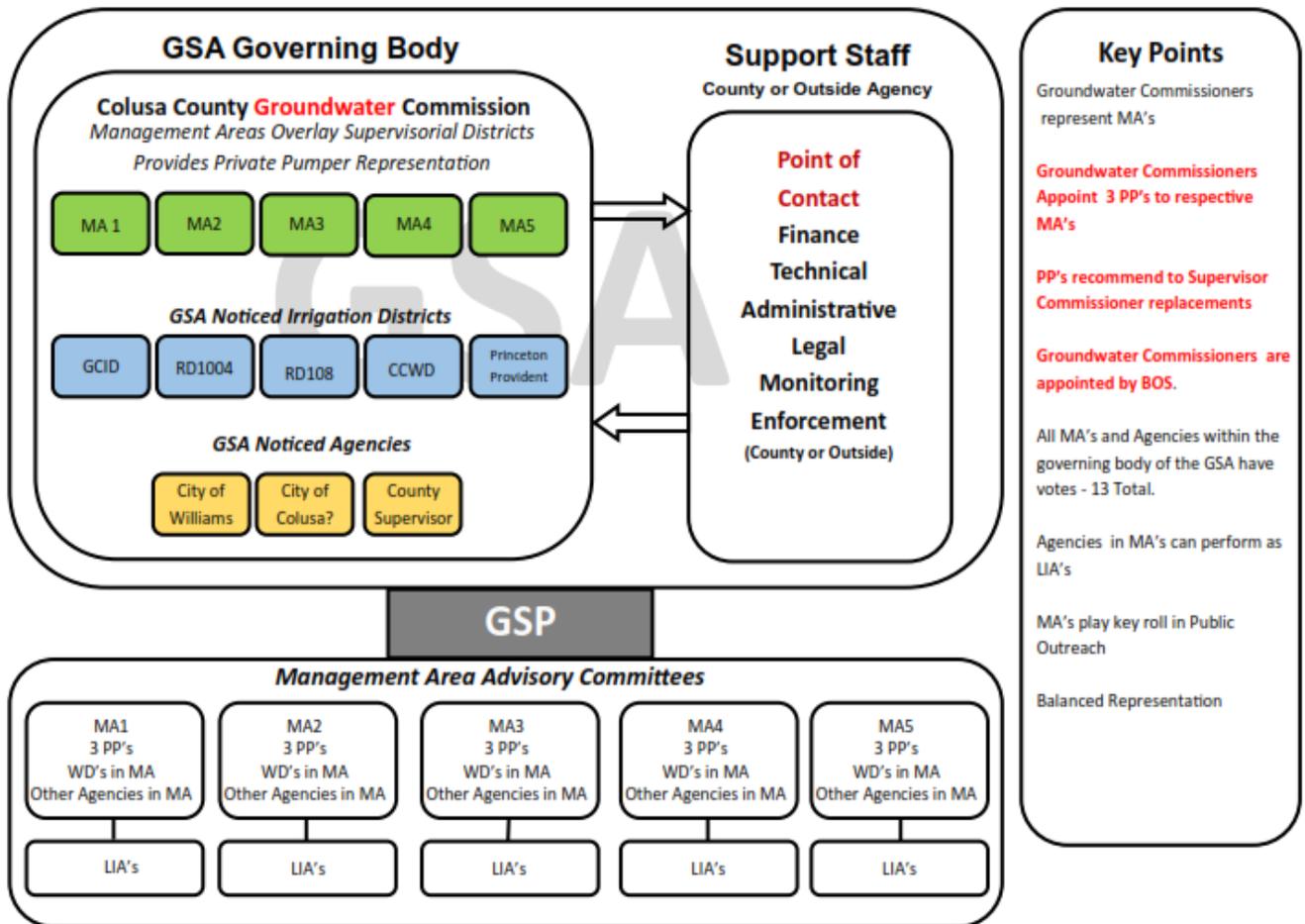
Participant List

➤ Denise Carter	Colusa County Supervisor
➤ John Garner	Princeton Codora Glenn and Provident Irrigation Districts
➤ Shelly Murphy	Colusa County Water District
➤ Stewart Angerer	Colusa County Waterworks #1, Grimes
➤ Mike Mitchell	City of Williams
➤ Chuck Bergson	City of Williams
➤ Jim Wallace	Colusa Drain Mutual Water Company and RD 479
➤ Derrick Strain	Private Pumper Advisory Committee (PPAC)
➤ Thad Bettner	Glenn Colusa Irrigation District
➤ Bryan Busch	Reclamation District 108
➤ Lewis Bair	Reclamation District 108
➤ Darrin Williams	Colusa County Groundwater Commission/PPAC
➤ Charles Marsh	Reclamation District 479
➤ Carli Morengo	Colusa County Farm Bureau
➤ Greg Plucker	Colusa County Planning and Building Director
➤ Kim Gallagher	PPAC
➤ Todd Heidrick	City of Colusa

Staff

- Mary Fahey Colusa County Water Resources Coordinator
- Tania Carlone Center for Collaborative Policy

Appendix A: PPAC Proposed Governance Option



Appendix B: PPAC Proposed Governance Options with modifications based on discussions at September 15, 2016 Governance Subcommittee meeting

