

SACRAMENTO CENTRAL GROUNDWATER AUTHORITY (SCGA)
Sustainable Groundwater Management Act Sub-Committee Meeting
Final Minutes
April 7, 2016

LOCATION: 10060 Goethe Road, Room 1213
Sacramento, CA 95827
1:00 p.m. to 3:00 p.m.

MINUTES:

1. Call to Order and Roll Call

Paul Schubert called the meeting to order at 1:30 p.m.

The following meeting participants were in attendance:

Board Members:

Paul Schubert, Golden State Water Company
Tom Nelson, FRCD/EGWD
Tom Mahon, Agricultural Interests
Brett Ewart, City of Sacramento
Forrest Williams, County of Sacramento
Rick Bettis, Conservation Landowners

Staff Members:

Darrell Eck, SCGA
Sarah Britton, Legal Counsel
Ping Chen, SCGA
Ramon Roybal, SCA

Others in Attendance:

Mark Madison, FRCD/EGWD
Bruce Kamilos, FRCD/EGWD
Jonathan Goetz, GEI
Mike Eaton, Cosumnes Coalition
Mike Wackman, OHWD
Rodney Fricke, Self
Leyland Schneider, OHWD
Jay Schneider, Sloughhouse RCD
Herb Garms, Sloughhouse RCD

2. Public Comment

None

Mr. Nelson requested that the next SGMA Subcommittee meeting be scheduled to discuss FRCD's proposed JPA. The subcommittee decided on April 21, 2016 at 1 pm.

3. Draft Emergency Regulations for Groundwater Sustainability Plans and Alternatives

Mr. Goetz provided a presentation reviewing the comments that were submitted on behalf of SCGA to State DWR regarding the Draft Emergency Regulations. Mr. Goetz announced that a draft of the comments was sent out to the subcommittee prior to submittal to DWR on March 30th.

Mr. Nelson asked if the subcommittee members were supposed to have received a draft copy of the comments by March 18th and that he did not feel like he had enough time to give feedback. Mr. Goetz apologized and explained that it was a resource issue and that putting the comments together took longer than expected.

Mr. Goetz explained that the nature of the comments that were submitted followed closely with the specific needs of SCGA as opposed to those expressing a statewide perspective. Mr. Goetz stated that SCGA was in concurrence with organizations such as ACWA and supported the more statewide comments that they submitted. Mr. Goetz explained that the SCGA's comments were drawn from the position that SCGA sought to preserve and build off of its existing groundwater management efforts and resources specifically, that SCGA had a successful SB1938 compliant plan and program in place.

Another focus of the comments was to ensure the integration of the Alternative Plan submittal process. Mr. Schubert asked for background on the significance of an Alternative Plan versus going through the entire GSP process. Mr. Eck replied that the Alternative Plan process should allow for an agency like SCGA that had an SB1938 compliant program to utilize the existing work and resources as a point to build from rather than starting from the beginning. Mr. Madison asked if an Alternative Plan would impair FRCD's request for a new JPA. Ms. Britton responded that it likely would not but that SCGA would have to be careful to conform with the adopted regulations that may require that existing agency apply for an Alternative Plan. SCGA would have to ensure that a change to its existing JPA did not put it in conflict with the definition of an existing agency.

Other focus areas of the comments were clarifying the nature and extent of external agency coordination and addressing the realities of implementing new funding programs at the local level. Mr. Goetz mentioned the comments also addressed the need for DWR's financial and technical assistance for coming into compliance with SGMA but that at the appropriate time DWR would also recognize that the local agencies would be able to provide technical feedback to DWR regarding the condition of the local groundwater basin. Mr. Goetz then mentioned that the comments addressed the concept of substantial compliance which discussed setting reasonable timelines for agencies and encouraging but not requiring the sharing of data.

Mr. Goetz stated that an informational presentation would be given to the SCGA Board at its April 20th meeting regarding the draft regulations and would address the current status

of the draft regulations relative to their approval through the State and the California Water Commission. The presentation would also highlight SCGA's concurrence with ACWA and its principles and would introduce comments from member organizations that were relevant to SCGA.

Mike Eaton with the Cosumnes Coalition commented that Rick Bettis as the Conservation Landowner representative was not afforded appropriate time to review the comments submitted to DWR and could not take into consideration any feedback that he may have received from the stakeholders that he represented.

Mr. Madison asked what was the most important comment that Mr. Goetz was hearing from across the state. Mr. Goetz responded that there is a common concern that the regulations are overly prescriptive.

4. Basin Boundary Modification

Mr. Goetz stated that SCGA's interest in keeping the current basin boundary as defined by Bulletin 118 was to preserve its existing management actions and resources, not as a measure of competitiveness for the region.

Mr. Goetz provided review of OHWD/SRCD basin boundary modification application and associated technical documentation.

Mr. Goetz discussed OHWD's assertion that its participation in the management of the South American Subbasin was not critical to the sustainability of the basin due to well established funding mechanisms and existing management structure. Mr. Goetz then discussed San Joaquin County's jurisdictional basin boundary modification to move the boundary north to the San Joaquin/Sacramento County border as a means to consolidate resources county wide. Mr. Goetz then pointed out that the modification would have the effect of diminishing the resources available to OHWD and Sloughhouse RCD within the Cosumnes Subbasin and thus seemingly result in a ripple effect in which the loss of resources on one side of the basin must be made up for on the another side. Mr. Goetz suggested that the subcommittee might consider addressing the San Joaquin boundary modification request relative to the ripple effect it may cause. Mike Wackman, General Manager of OHWD, commented that it was explained to him that San Joaquin County's motivation to support moving the basin boundary north was driven by North San Joaquin Irrigation District desire not to be split along the Mokelumne River and thus split available resources on either side of the river. Mr. Schubert asked Mr. Wackman to confirm his statement to the Sacramento County Board of Supervisors that the proposed San Joaquin boundary modification would affect the sustainable yield of the Cosumnes Subbasin. Mr. Wackman confirmed that the modification would affect the calculation of the sustainable yield in the Cosumnes Subbasin and that he had made the comment to highlight to Sacramento County that it was an issue in addition to similar issues that may occur within the South American Subbasin and that as the County it should be aware of the potential effects of the proposals throughout the County.

Jay Schneider with the Sloughhouse RCD, distributed a request letter to the SCGA Executive Director , board clerk, and members of the subcommittee. Mr. Schneider then

made a verbal request for SCGA not to oppose the basin boundary modification application by OHWD and Sloughhouse RCD and a request for SCGA to not file an overlapping GSA.

5. Groundwater Sustainability Agency Formation

Mr. Goetz reported to the subcommittee that OHWD had passed a resolution to file for GSA formation over its service area and that additionally Sloughhouse RCD had passed a resolution to form a GSA for a portion of its service area within the South American Subbasin. The subcommittee discussed the Board's previous action to direct staff to take action to file a competing GSA encompassing the entire South American Subbasin if any other agency filed within the basin without first coordinating and reaching agreement with SCGA on how the arrangement would function going forward in compliance with SGMA. Mr. Nelson asked if GSA formation could synchronize with the submittal of an Alternative Plan without causing a conflict between the two processes. Ms. Britton answered that the deadline for Alternative Plan submittal was technically before the deadline required for GSA formation and that it was likely to be determined in the adopted regulations that a GSA boundary should largely match the boundary as defined by an Alternative Plan.

Mr. Nelson asked what SCGA planned to do to solve the problem of coming to an agreement with OHWD in the event that SCGA filed a competing GSA. Mr. Nelson suggested that OHWD felt that the current SCGA model did not work for them and that was why they were filing as a separate GSA. Mr. Wackman clarified that OHWD was acting in accordance with the SGMA legislation and the authorities and functions that it provided to those entities who applied to become a GSA. Mr. Wackman stated that OHWD was not saying that it SCGA had done a bad job or was a bad model for the role that it served prior to SGMA rather OHWD sought to implement SGMA on its own behalf largely due to the powers it granted.

Mr. Schneider commented that SCGA should not file a competing GSA and should instead negotiate with OHWD and Sloughhouse RCD after they become GSA's.

Mr. Goetz discussed the difference between the area's that could be potentially covered by an Alternative Plan which may encompass the current footprint of SCGA, and the potential SCGA GSA, which would strictly follow the Bulletin 118 boundary for the South American Subbasin. The difference between the two areas might need to be reconciled either through coverage by another entity other than SCGA or the regulations may ultimately allow for the Alternative Plan boundary to be adjusted.

Mr. Goetz introduced a potential SCGA GSA application boundary that encompassed the entire South American Subbasin and was divided into three zones, two of which corresponded to the potential respective overlap areas with OHWD and Sloughhouse RCD. Ms. Britton explained that the zones would theoretically allow for any uncontested area to move forward with GSA acceptance while any potentially contested area would go through the legislatively prescribed process. Ms. Britton further explained that it

might allow for SCGA to come to resolution with OHWD and Sloughhouse RCD in distinct fashion and thus afford for optimization of the GSA process.

Mr. Schubert expressed a concern of preempting any remaining potential negotiations and mediation with OHWD. Mr. Eck replied that the board could pass a resolution to move forward with the process but that the public hearing for noticing the GSA formation would not occur until May 11th.

The subcommittee discussed clarifying the language of recommended action number two to specify that the proposed boundaries in question were the Bulletin 118 boundary and not limited to the current jurisdictional SCGA boundary.

Motion/Second/Carried - Mr. Williams moved, seconded by Mr. Ewart, the motion carried to recommend the Board adopt a resolution stating SCGA's intent to move forward with an alternative submittal. Mr. Nelson opposed.

Motion/Second/Carried - Mr. Ewart moved, seconded by Mr. Ewart, the motion carried to recommend the Board adopt a resolution commencing the SGMA GSA formation process relative to the proposed boundaries. Mr. Nelson opposed.

6. Action Items/Next Steps Assignments

Present the submitted SCGA comments regarding the Draft Emergency Regulations to the Board at the April 20 meeting.

Present recommendations to the SCGA Board per actions one and two of Item #5.

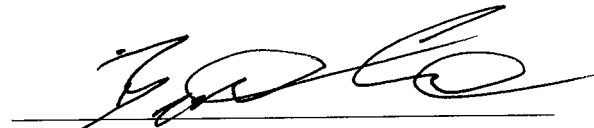
ADJOURNMENT

Mr. Schubert adjourned the meeting at 3:00 pm

Upcoming meetings –

Next SCGA Board of Directors Meeting – Wednesday, April 20, 2016, 9:00 am; SASD South Conference Room 1207, Valley Oak.

By:



Chairperson

4/20/16

Date



4/20/16

Date

