

SACRAMENTO CENTRAL GROUNDWATER AUTHORITY (SCGA)
Governing Board Meeting
Final Minutes
January 13, 2016

LOCATION: 10060 Goethe Road, Room 1205
Sacramento, CA 95827
9:00 a.m. to 11:00 a.m.

MINUTES:

1. CALL TO ORDER AND ROLL CALL

Brett Ewart called the meeting to order at 9:00 a.m.

Mr. Ewart announced that staff had asked to reverse the order of agenda items number six and seven. There were no oppositions.

The following meeting participants were in attendance:

Board Members (Primary Rep):

Tom Nelson, Florin Resource Conservation District/Elk Grove Water District
Tom Mahon, Agricultural Interests
Rick Bettis, Conservation Landowners
Christine Thompson, Public Agencies Self-Supplied
Dave Ocenosak, Sacramento Regional County Sanitation District
Paul Schubert, Golden State Water Company
Carl Werder, Agricultural-Residential

Board Members (Alternate Rep):

Todd Eising, City of Folsom
Brett Ewart, City of Sacramento
Forrest Williams, Sacramento County
José Ramirez, Sacramento Regional County Sanitation District
Charlotte Mitchell, Agricultural Interests
Ward Winchell, Public Agencies Self-Supplied
Brian Frাগiao, City of Elk Grove

Staff Members:

Darrell Eck, Executive Director
Sarah Britton, Legal Counsel
Heather Peek, Clerk of the Board
Ping Chen, SCGA
Ramon Roybal, SCGA

Others in Attendance:

Hong Lin, California State Department of Water Resources
Jonathan Goetz, GEI
Kerry Schmitz, Sacramento County Water Agency
Mark Madison, Florin Resource Conservation District/Elk Grove Water District
Bruce Kamilos, Florin Resource Conservation District/Elk Grove Water District
Cesar Montes De Oca, City of Rancho Cordova
Jim Blanke, RMC Water and Environment
Mark Roberson, Water Forum
Rob Swartz, Sacramento Groundwater Authority (SGA)
Jesse Roseman, The Nature Conservancy
Rodney Fricke, Public
Darlene Gillum, Rancho Murieta CSD
Joe Zilles, Kleinfelder
Leland Schneider, Omochumne-Hartnell Water District
Herb Garms, Sloughhouse RCD
Jay Schneider, Sloughhouse RCD
Mark Salmon, Parsons Brinckerhoff

Member Agencies Absent

*City of Rancho Cordova
Rancho Murieta CSD
Omochumne-Hartnell Water District
Commercial/Industrial Self-Supplied
California-American Water Company*

2. PUBLIC COMMENT

None.

3. CONSENT CALENDAR

The draft meeting minutes for the November 4, 2015 Board meeting, were reviewed for final approval.

Motion/Second/Carried – Mr. Schubert moved, seconded by Ms. Thompson, the motion carried unanimously to approve the minutes.

4. REPORT BACK ON 2X2 MEETING WITH OMOCHUMNE-HARTNELL WATER DISTRICT

Mr. Nelson reported that he and Ms. Thompson had met with two representatives from Omochumne-Hartnell Water District (OHWD) on December 21st and that his take away from the meeting was that OHWD was very firm in their plan to form their own GSA.

Leland Schneider, Board Member OHWD, confirmed Mr. Nelson's report stating that OHWD sought to form its own GSA while working collaboratively with SCGA on managing the water in the Consumnes River basin and with recharging areas within the American River watershed. Mr. Schneider stated that his impression from the meeting was that SCGA was willing to work collaboratively with OHWD on the SGMA process.

Mr. Nelson stated that he communicated to the OHWD representatives that the cost of GSP implementation was going to be significant and suggested that it would make sense to remain within the larger group that formed SCGA.

Ms. Thompson stated that she also discussed the advantages staying within the Sacramento SCGA from a cost perspective and to benefit from work had been done by SCGA to date. Ms. Thompson also stated that she had stressed the importance of both organizations to work collaboratively.

Mr. Werder commented that if OHWD was not successful in meeting all of the requirements of SGMA, that they ran the risk of being taken over by the State.

Mr. Eising reiterated an opinion he had expressed at a previous SCGA Board meeting regarding OHWD, in which he stated that generally more success could be had when forming and maintaining local alliances, particularly when it came to applying for grant funding.

Mr. Eck recalled that it was mentioned during the 2x2 meeting that OHWD had not set a date to file as a GSA as yet and that it had released a Request for Proposal (RFP) to evaluate the feasibility of a Bulletin 118 boundary change. Mr. Eck stated that OHWD expressed clearly that it sought to remain intact and felt like they did not want to be taken over. Mr. Eck stated that the primary concern was with the Bulletin 118 boundary change proposal and what types of impacts that could have relative to sustainably managing the groundwater basin.

Mr. Schneider said that OHWD was in the process of hiring engineers to ensure the boundary lines were correct and that it would not change their water management. Mr. Ewart stated that with regard to any proposed Bulletin 118 boundary adjustment, the direction had previously been given by the Board to staff to oppose any such action. Jay Schneider, member of the public representing Sloughhouse RCD, stated that what was being investigated was a scientific boundary adjustment as opposed to a jurisdictional adjustment. Mr. Nelson replied that there could be multiple scientific studies produced to establish an argument for or against moving the boundary. Mr. Ewart directed staff to, if sufficient scientific studies were performed regarding Bulletin 118 boundaries in the region, return and present them to the Board.

Leland Schneider stated that OHWD's actions were being done with the intention of protecting its constituent's groundwater rights. Mr. Schubert replied that the formation of a GSA did not mean a forfeiture of water rights and that no one was seeking take away anyone else's water rights. Mr. Schubert stated that the goal of the Authority was to manage

groundwater basin in a way so as to protect the groundwater resource and rights of the basin stakeholders.

Jesse Roseman, member of the public representing The Nature Conservancy, asked if OHWD would be proposing a GSA just for itself or for the whole Southeast Agriculture Water Authority area, including Clay and Galt Water Districts. Mr. Schneider replied that OHWD would be applying as a GSA for itself but hoped that the other entities would work together to manage the basin.

5. SGMA/FINANCE SUBCOMMITTEE REPORT

Mr. Eck provided a recap of the December 16, 2015 and December 22, 2015 SGMA subcommittee meetings. The primary topics were the ongoing discussions related to JPA revisions and the SCGA financial model. Mr. Eck reported that staff had been coordinating with the North Delta Water Agency (NDWA), the Local Agencies of the North Delta (LAND), OHWD, Sloughouse RCD, and the South Sacramento Agricultural Water Authority. Mr. Eck reported that the subcommittee members had expressed concerns that the any entity filing for as a GSA within the South American Subbasin absent negotiations with SCGA would be detrimental to SCGA and its members. Additionally, the subcommittee felt that absent negotiations, the filing of a competing or overlapping GSA notification would be an appropriate response and provide an opportunity for negotiations and an opportunity to reconcile any unresolved issues in accordance with SGMA. Mr. Eck then reported that the subcommittee recommended that the Board discuss the prospect of filing a competing or overlapping GSA notification in the event that significant unresolved issues exist between SCGA and any other interest who intended to file for a GSA in the South American Subbasin.

Mr. Winchell, General Manager, Southgate Recreation and Park District, stated that under the old contribution structure for SCGA membership, agencies that pumped less than five thousand acre-feet were not required to pay for participation but that under the proposed contribution model they would be charged ten thousand dollars. Mr. Winchell stated that that level of a contribution was more that his district paid in membership dues for all of the organizations that it belonged to combined, and that it would result in his district not being able to participate with SCGA as a voting member in the future. Mr. Winchell asked that the Board consider that during its discussions of future funding. Mr. Winchell stated that organizations like his represented a group of stakeholders and that asking his lone organization to pay for representation of the entire group was too cumbersome and that it might be considered that his organization and others like it on the SCGA Board might be considered to pay a respective portion of the entire represented stakeholder group's contribution. Mr. Eck thanked Mr. Winchell for his comments and stated that what was discussed and presented by the finance subcommittee was just the first iteration and that the committee sought input from the larger board and other stakeholders in the basin.

Mr. Bettis stated that at the subcommittee meeting that it was explained that Zone 13 paid for some of SCGA's stakeholder group's participation such as the agricultural group. Mr.

Betting asked Mr. Eck to reiterate it for the Board. Mr. Eck said that when the Groundwater Authority was formed, the decision was made that in the case of Agricultural Interests and Agricultural-Residential, the funding for those stakeholder groups would be provided through the Sacramento County Water Agency's (SCWA) Zone 13. Mr. Eck stated that a similar arrangement was open for discussion and needed to be part of the conversation going forward.

Mr. Nelson asked who has control over Zone 13 funds. Mr. Eck explained that Zone 13 was a zone created by SCWA to address regional water supply and drainage issues and that groundwater management was considered to be a regional water issue.

Mr. Ewart invited Mr. Winchell and any other stakeholder to submit written comments to staff regarding the development of future SCGA funding.

Motion/Second/Carried – Ms. Thompson moved, seconded by Mr. Williams, the motion carried unanimously to recommend conducting the public outreach, notice, and hearing required to file a Notice of GSA Formation for the SCGA service area if a separate local agency files for GSA formation within the SCGA jurisdictional boundaries without outreach and engagement with SCGA and resolution of pertinent issues thereto.

6. INTRODUCTION OF PRE-DRAFT GSP REGULATION CONCEPTS

Jon Goetz, GEI, provided an informational update of the proposed GSP regulations scheduled for release in early February 2016 (*Note: Mr Goetz's presentation can be viewed on the Authority's website for the January 13, 2016 meeting date*). Mr. Goetz introduced Hong Lin as a representative from the State Department of Water Resources (DWR) who could answer questions related to SGMA.

Mr. Werder asked if coordination between every GSA in the region would be required and if it were that it would entail a significant amount of effort to do so. Mr. Goetz replied that coordination would be required between all affected GSAs both in basin and in adjacent basins and thus more GSAs would mean greater levels of coordination.

Mr. Bettis asked in the basins that were being discussed were the basins as defined by Bulletin 118 and that some groups in the region that were pursuing adjustments to those basins. Ms. Lin replied in the affirmative and added that DWR was in the midst of a three month window of accepting proposed Bulletin 118 boundary modifications and would be processing those proposals around September 2016. Mr. Werder asked if there would be an extension of the window to submit a boundary modification proposal. Ms. Lin replied that the current process for consideration of basin boundary adjustments was just the first window which would lead to a 2017 interim update of Bulletin 118 and that subsequent opportunities would be available during preparation of a comprehensive Bulletin 118 update which was planned for 2020. Ms. Lin noted that the window for the 2020 update for modification proposals would be the 2018-2019 timeframe. Ms. Lin then stated that with each update to Bulletin 118, a subsequent update to the basin priority rankings would occur.

Mr. Ewart asked Mr. Goetz to comment on whether or not a scientific definition of a basin based on a hydrologic versus a hydrogeologic interpretation could cause a significant source of friction for future coordination of GSPs. Mr. Goetz replied that from a purely technical engineering perspective he could not reconcile the definition of a groundwater basin boundary on hydrogeologic terms. Mr. Goetz noted that the Board had stated that it would support a basin boundary definition as determined by DWR and mutually agreed upon by interests on both sides of a boundary. Ms. Lin commented that DWR would be evaluating two types of basin boundary modification proposals, jurisdictional and scientific. Ms. Lin explained that DWR would ultimately make such determinations based on the expertise of its technical staff. Ms. Lin reminded that DWR's priority was basin sustainability and that coordination between local interests was a key factor. Ms. Lin stated that funding opportunities via mechanisms such as Prop. 1 would become available and that collaborative efforts would be in a more favorable position to benefit.

Mr. Schubert asked for clarification regarding the filing of an alternative plan asking if it would save significant resources and time by utilizing the existing GMP during the GSA/GSP process. Mr. Goetz replied that it would and that under an alternative plan an agency would not be required to form a GSA although it could volunteer to do so. Mr. Nelson asked if a GMP would have to be developed by January 2017 to qualify for an alternative plan. Mr. Goetz replied that SCGA could utilize its existing GMP while also accounting for the requirements called for in the SGMA legislation. Ms. Lin commented that although the existing GMP could be utilized, DWR would be analyzing for compliance with all of the technical requirements under SGMA and that it was likely that SCGA's GMP would need to be significantly enhanced in order to meet those requirements. Ms. Lin stated that those specific requirements would be published as draft regulations by DWR during the first part of February 2016. Mr. Goetz stated that until the draft regulations were published, an accurate estimate of the level of effort needed to meet the requirements of an alternative plan could not be made.

7. SGMA IMPLEMENTATION UPDATE

Mr. Eck recalled that at the November 4, 2015 Board meeting staff was directed to work with the County on an MOU that would address representation for that portion of the South American Subbasin that generally lies west of Interstate 5. Since that time staff had engaged in conversations with the North Delta Water Agency and LAND. Both of those entities had expressed an interest in this portion of the South American Subbasin. Staff proposed to continue working with those entities further, prior to pursuing an MOU with the County. Mr. Eck then stated that SGMA contained provisions for recognizing existing groundwater management organizations that appeared to allow a more advantageous approach to SGMA compliance. Mr. Eck said it appeared that additional clarification on that approach would be part of the draft regulations to be released in February. Mr. Eck announced that staff would like to have the opportunity to consult with DWR regarding that approach in the January/February timeframe and if necessary assess feasibility, timing, and potential cost implications.

Mr. Eck then mentioned that OHWD had released a request for proposal to determine the feasibility of relocating the Bulletin 118 boundary to be coextensive with its north district boundary.

Motion/Second/Carried – Mr. Schubert moved, seconded by Mr. Williams, the motion carried unanimously to direct staff to consult with DWR regarding the feasibility of an alternate approach to SGMA compliance.

8. SLOUGHHOUSE RESOURCE CONSERVATION DISTRICT GSA

Mr. Eck reported that Sloughhouse Resource Conservation District had scheduled a public hearing on January 13, 2016 at 6:30 pm at the Wilton Fire House to elect whether to become a groundwater sustainability agency and that part of Sloughhouse RCD's proposal included portions of the South American Subbasin. Mr. Eck then reported that due to issues with the public notice Sloughhouse RCD legal counsel had announced that the item regarding the GSA notice would not be heard and that the meeting would serve as a mechanism for receiving public comment. Mr. Eck stated that staff proposed to submit a comment letter to the Sloughhouse RCD providing a background on SCGA's development and management history and requesting an open dialogue regarding the GSA/GSP process.

It was suggested that the comment letter be submitted via US Mail. Ms. Britton then commented that because of the deficient noticing, the Sloughhouse RCD meeting would not suffice as a public hearing in accordance with SGMA to conduct the election to become a GSA, however they did properly notice their public meeting and properly agendaized the item as a staff report. Ms. Britton continued to say that she had information from their counsel that Sloughhouse RCD did not intend to present that staff report and intended to continue the item but their counsel did indicate that they would allow public comment on the matter. Ms. Britton recommended that the Board consider whether or not a representative would be needed at that meeting in order to hear any public comment and respond to that item.

Motion/Second/Carried – Mr. Williams moved, seconded by Mr. Bettis, the motion carried unanimously to approve the proposed comment letter, authorize the Executive Director to execute the comment letter on behalf of SCGA, and direct the Executive Director to attend the Sloughhouse RCD public meeting on January 13, 2016, lodge the comment letter, and provide public comment on SCGA's statements articulated therein.

9. MEETINGS OF THE BOARD

Mr. Eck referred to Section 3.09(b) of the Rules of Procedure which set the schedule of Board meetings on the second Wednesday of odd numbered months. Mr. Eck stated that because of issues related to SGMA compliance and associated coordination efforts the Board might need to meet during even numbered months through calendar year 2016. Mr. Eck then reported that staff had arranged for meeting facilities for 9 a.m. to 11 a.m. on the following days:

February 10, 2016
April 20, 2016
June 8, 2016
August 10, 2016
October 12, 2016
December 14, 2016

Motion/Second/Carried – Mr. Schubert moved, seconded by Mr. Williams, the motion carried unanimously to approve a deviation from Section 3.09(b) of the Rules of Procedure and set meeting dates for even numbered months through 2016. If a meeting is found to be unnecessary staff is authorized to provide a notification canceling said meeting.

10. DIRECTORS' COMMENTS

Mr. Nelson asked to be informed about the Groundwater Accounting Program (GAP) Subcommittee. Mr. Eck provided an explanation and then reported that with the enactment of SGMA the GAP Subcommittee had not been meeting. Mr. Eck stated that staff had begun meeting with different consultants to identify one that could be brought on to assist with finalizing the GAP framework documents at which time the GAP committee would be reconvened. Mr. Eck expected that it would occur within the next few months.

Mr. Ewart stated that staff should consider that the current meeting room was causing difficult acoustics for board members and the public and for staff to consider it for future meetings.

Mr. Schubert suggested that the Chair consider placing an item on the next agenda for establishing a budget subcommittee given the extra work that the subcommittee would have to take on in consideration of issues related to SGMA.

Mr. Werder asked if staff had received any feedback regarding SCGA's SGMA information pamphlet. Mr. Eck responded that no comments had been received since it was last presented to the Board.

Mr. Williams pointed out that the map on the SCGA SGMA pamphlet would have to be updated depending on the outcome of OHWD's actions. Mr. Williams then thanked staff for their hard work and stated that implementation of SGMA was going to be demanding for every agency and should not be seen as an unfair burden for any single agency.

Mr. Eising asked if the board should place an item on the next agenda regarding appropriate actions in response to the actions of OHWD. The board decided to have the issue discussed at the next SGMA subcommittee meeting.

ADJOURNMENT

Brett Ewart adjourned the meeting at 10:50 a.m.

Upcoming Meetings –

Next SCGA Board of Directors Meeting – Wednesday, February 10, 2016, 9 am;
10060 Goethe Road, South Conference Room No. 1212 (Sunset Maple).

By:

Faust W. Wilber J
Chairperson

FEBRUARY 10, 2016
Date

Maethe, RL

2-10-16
Date

