

# GSAG Meeting Notes

September 13, 2016 | Vacaville, CA



## OVERVIEW

### GSA Advisory Group Participants

Jack Caldwell, Cal Water Dixon  
Bill Emlen, Solano County (*observing*)  
Don Holdner, Maine Prairie Water District  
Cary Keaton, Solano Irrigation District  
Joe Leach, City of Dixon  
Chris Lee, Solano County Water Agency  
Russ Lester, Ag Advisory Committee

Peter Miljanich, Solano County  
(*alternate for Misty Kaltreider, non-voting*)  
Chris Rose, Solano Resource Conservation District  
Terry Schmidtbauer, Solano County  
*\*Joseph McIntyre, Ag Innovations, Facilitator*  
*\*Tessa Opalach, Ag Innovations, Notes*

Not in attendance: Jim Allen, Ag Advisory Committee; Jim Christensen, Travis Air Force Base; Royce Cunningham, City of Vacaville; John Currey, Dixon Resource Conservation District (sent comments in advance); Darrell Eck, Sacramento County; Mike Hardesty, RD 2068; Misty Kaltreider, Solano County; Derrick Lum, Solano County Farm Bureau; Ryan Mahoney, Maine Prairie Water District (alternate for Don Holdner); David Melilli, City of Rio Vista; Felix Riesenber, City of Fairfield; Erik Ringelberg, Northern Delta GSA; Chris Rose, Solano RCD

---

### Meeting Goals

- Refine draft principles statement
- Discuss voting options for final governance recommendation

### Featured Resources

1. [August 29, 2016 Meeting Notes](#)
2. [Draft Guiding Principles](#)
3. [Decision Structure Brief](#)

### Meeting Summary

1. **INTROS & UPDATES.** Members introduced themselves and shared important updates.
2. **GUIDING PRINCIPLES DISCUSSION.** Members reviewed and offered edits to 9 guiding principles, and added two additional principles. The members agreed to work with this set of 11 principles moving forward.
3. **GOVERNANCE STRUCTURE DISCUSSION.** Members discussed the two governance structures that resulted from the August 29th meeting, and were encouraged to come to the September 27th meeting to discuss the concepts behind each structure, rather than the specifics of each structure.
4. **FUNDING WORKING GROUP UPDATE.** The funding working group has met once, but does not have any material to report back to the larger group at this time. They are meeting again before the September 27th meeting.

### Next Steps

1. **Principles:** Ag Innovations will modify and distribute the revised guiding principles.
2. **Next meeting:** We will vote on governance structure & discuss financing proposals from our work group.
3. **Next meeting:** The next meeting will be held on September 27, 2016, 11am-2pm.

## DETAILED MEETING NOTES

## Welcome and Updates

- Joseph welcomed the group and reviewed the meeting's agenda and goals. Our goals are to refine the guiding principles and discuss voting options for final governance recommendation.
- Members were asked to share essential updates for today's discussion:
  - Joe Leach: At the next meeting, we should have a discussion about scheduling. Our respective councils and boards will need to take action on the JPA, including governance mechanism. Their input will become critical for everything to form together.
    - Based on Chris' timeline, representatives need to go to their boards next month. Some boards are more difficult to update than others due to scheduling limitations.
  - Russ Lester: Farmers are in the heat of harvest, which is not an ideal time for folks to respond. To get good attendance at an Ag Summit, it would be best to host the event in early December.
  - Peter Miljanich: There will be a 90-day notification period between when a GSA is submitted and when it is approved by DWR.

## The Focus of GSA Advisory Group Recommendations

At the end of the August 29th meeting the group decided to discuss guiding principles and membership at this September 13th meeting to present to member boards and to inform JPA writing. The group has also been charged, as per our charter, with coming up with governance recommendations for consideration by their boards and public stakeholders. This meeting began with a discussion to clarify what form of recommendations we want to focus on: board membership, guiding principles, and/or JPA development.

### Discussion Highlights

- At the August 29th meeting, the group agreed to discuss governance structure and principles recommendations, which would be turned over to lawyers to write a JPA. The intent is that by the time we are forming the JPA, it should be a straightforward process due to the membership structure and principles work done before drafting the JPA. This decision reflects the majority view that we cannot draft JPA language without knowing the board structure and the principles.
- Some members entered this meeting though concerned that there are other important issues (such as recharge water use rights) on the table. Voting on principles and membership structure without understanding the entirety of the JPA would likely not work for these members' boards.
- Others expressed concern that due to the complexity and legal nuance of writing a JPA, this group's time would be wasted in trying to draft the entirety of the JPA at this time. Writing a JPA will require legal counsel. If we don't decide on membership and principles before going to attorneys, it might take more time and money to draft the JPA. The majority of the group agreed that we should draft principles before writing a JPA.
- The purpose of the guiding principles document is to agree on an approach that lays foundations that will inform the JPA that will come together over the next several months. JPA drafting will require attorney input, and no agencies will sign any document until it is ratified by policy makers and attorneys.
- Regarding voting, the same concern arose, and the response was that the GSA Advisory Group decision on a membership and voting structure would be, as per our charter, a recommendation to board members, with an understanding that we will look at detailed language in the future with legal council support.

### Questions

- Does the JPA need to be executed by June, 2017?
  - Yes, need to form JPA establishing GSA or have an agency act as GSA or state comes in.
- Do principles offer enough specificity that when we send them to lawyers to draft the JPA the lawyers will be able to turn our principles into legal language?
  - Principles are rather general, and the rubber will hit the road when the agreement is drafted.

## Principles Refinement

Joseph introduced the guiding principles Ag Innovations culled from 5 sources: Ag Summit, GSAG formation, GSAG survey, GSAG August 29th meeting, and models from other GSA development processes throughout the state. The group read through the principles together, and then discussed edits and additions. The draft principles are available [here](#), and will undergo another round of input from GSA Advisory Group members. Key points from the discussion that led to the agreed upon principles revisions are detailed below.

### The purpose of guiding principles

- Principles are what we aspire to and they should reflect the intent of the group. The principles should guide the direction of staff, decision-making of the board, and development of the plan. The GSP should also reflect the principles, and the governance structure should protect the interests of the parties at the table.
- Principles will not guarantee rights because they are not legally binding. We can hardcode rights into the JPA, hardcode rights into the membership or hardcode rights into the voting structure. Other GSAs around the state are using membership and voting to protect rights, for example, by requiring unanimous votes on rights-related matters.

### Developing a principle on managing groundwater recharge

The first draft principles did not address recharge. The group agreed to add a principle that addresses our stance on this important issue, but had a long discussion on the level of detail required. Highlights below.

- A case for a recharge credit for districts/agencies:
  - Groundwater levels have increased since the implementation of the Solano Project. SID's work through that project has benefited other parts of the subbasin. Natural rain and water additions from SID and Maine Prairie are the two top sources of recharge in the subbasin. This should be considered for a recharge credit.
  - An example of how this could be considered: Assume all parties will get 2-3 acre feet/acre as the maximum sustainable yield. Assume also that Maine Prairie and SID could show through a study that their history of importing surface water for several decades contributed to groundwater recharge. Might this kind of recharge be considered a credit, and grounds for extracting more groundwater per year than the standard allocation? In this case, farmers would not be allotted this particular extra allocation because they are not *importing* surface water and contributing to recharge in this way.
- The group agreed that benefits for active recharge is a good idea, and that we should broaden the idea to include some form of credit for all recharge rather than just imported surface water recharge. We can take a broad and proactive approach to maximize recharge potential to preserve our water resource base into the future. This broader approach is legally defensible. It could also include recharge credits for:
  - On-farm rainwater recharge
  - Surface water and storm water runoff in cities can be put into recharge rather than draining down to the Delta.
  - Sewage and storm-water might be appropriately treated and put toward recharge.
  - Additional strategic surface water allocation to maximize recharge potential.
    - For example, we might pull uncontrolled water from Putah Creek and recharge with it.
- The core principle here is the intent to maximize potential for recharge in our subbasin and to credit rechargers.
- Members agree that someday there will be water allocations to achieve sustainability and that recharge credits could help encourage recharge activity and improve subbasin groundwater levels.
- Some members feel that the level of detail about protecting recharge rights needs to be discussed and drawn out in the GSP, while others think those rights should also be protected in the principles\*.
- Legal questions:
  - Is the right related to recharge already be covered by state law and groundwater interactions? *Our current understanding is that recharge is legal under many conditions, but beneficial use is not formally associated with recharge.*
  - Is there a law that says surface water users can use groundwater that comes from the application of surface water? *Our current understanding is that anyone can use any groundwater they have access to regardless of its source into the ground. The SGMA process aims to avoid waste of groundwater.*

### \*Broader discussion on the role of water rights in the principles statements:

- Some members thought we should qualify the protection of existing water uses in the principles statement. They are not comfortable with grandfathering in current water uses if they are not fair. (Note, clarifying a shared definition of 'fair' will important in this process as well.)
- It was observed that the group is trying to write a document that hedges against the inevitable outcome of water allocations in the future. That future is coming, so members want to protect their district's interests in advance in the JPA. There was disagreement on whether this is an appropriate approach for our GSA development process.
  - Some members want assurances in the JPA that their perception of what their rights are protected in advance of any other activity the GSA will take on.

- Other members felt that negotiating the specifics of those rights is equivalent to trying to negotiate the GSP within this group - that is, it is outside the bounds of our charge.
- Others pointed out that because SGMA can't change water rights there is not much point quantifying or describing protection of already-existing rights.
- The group recognized that this issue has been a core challenge to our progress for several meetings. The possibility of needing to form a separate GSA as one possible resolution was raised. A few key points were made:
  - Each GSA would still need to work with others in the Subbasin through coordination agreements
  - Having a single GSA within the subbasin will keep costs down and will maximize the opportunities for exchange of resources and technical information.
  - However, for some, a separate GSA represents greater voting control over key issues of concern compared to a minority view within a single GSA board.
  - All in the group still want to continue negotiations toward a single GSA approach.

**Decision:** The group agreed to move forward with the 11 revised principles, two of which address recharge rights and protections. The group decided to move forward with the principle including recharge rights because the point is important to one of our crucial members.

## Final governance structure & voting options discussion

Joseph presented the two governance structures the group discussed during the August 29, 2016 meeting, and asked the group: Are these the two different models we want to work from?

### Discussion highlights

- Some members believe the governance structure is the most important chance to make sure the GSA board is functional and balanced, and that voting roles are secondary.
- SID suggested modifications to the 17 member board structure to reduce it to a 14 member board structure by removing the two public at large seats and the County Supervisor at large seat. The reasoning for this proposal is that Dixon RCD and Solano RCD are adequate ag voices, and the County has two seats so it does not need a third at-large seat. If we add another seat to create a 15 member board, that seat could be a public at-large seat selected by the GSA board.
- Solano RCD would like to see proportional representation for agriculture. With a smaller board, they do not necessarily need a seat on the board, but with a larger board they feel their seat is necessary to ensure proportional representation for agriculture.
  - The 11 member board has proportional representation for agriculture.

**Next step:** As the meeting ended, Joseph presented a charge for next time: Let's think about membership according to key underlying *concepts*, and focus less on number of seats. For example, our two primary governance structure candidates are based on different concepts: (1) all eligible agencies have a seat or (2) seats are determined to ensure balance between different sectors. The voting rules, for example super majority and unanimous voting, will be particularly important if all eligible agencies have a vote.

Next steps are captured at the top of this document.