

Meeting Summary

Ukiah Valley Basin Sustainable Groundwater Management Act Implementation Meeting

December 15, 2016

County Administration Center, Agriculture Building Conference Room

890 North Bush Street

Ukiah, CA

Prepared by the Center for Collaborative Policy, CSU Sacramento (based on meeting notes taken by Sarah Dukett)

Background	1
Meeting Summary	1
1. Welcome, Introductions, Review of Previous Meeting Summary & Overview of Today's Meeting	2
2. GSA Formation Committee Working Group Report	2
3. Feedback from Board/Constituency Meetings	2
4. Review of Draft GSA Joint Powers Agreement – Discussion	5
5. Next steps and Timing	5
Attendance	5

Background

California's Sustainable Groundwater Management Act (SGMA) provides a statewide framework for sustainable groundwater management. SGMA is intended to support local groundwater management through the oversight of local agencies, which are required to form Groundwater Sustainability Agencies (GSAs) by June 30, 2017. GSAs must develop groundwater sustainability plans (GSPs) by 2020 or 2022 (depending on priority) to achieve sustainability within twenty years of the GSP's adoption.

The California Department of Water Resources (DWR) is providing GSA development support to the County of Mendocino (the County) and various stakeholders in the Ukiah Valley Basin (the Basin). Following a series of public workshops held by the County in 2015, the DWR tasked the Center for Collaborative Policy (CCP) at California State University, Sacramento to support GSA formation efforts, including assessing the perspectives of a diverse set of stakeholders, facilitating stakeholder discussions, and helping finalize the governance process(es) for one or more GSAs. This is the sixth public meeting held as part of this process, and the fifth meeting held of the group as a GSA Formation Committee. After the July meeting, a Working Group was formed to discuss further possible GSA structures and return with these to the larger group.

Meeting Summary

This meeting's purpose and goals were to:

- Discuss a draft Joint Powers Agreement (JPA) for the proposed GSA;
- Continue to report on feedback from participants' boards/constituencies; and

- Identify next steps re: GSA formation.

Supporting Documents (on County website)

Supporting Document A – Meeting agenda

Supporting Document B – Draft JPA for a Ukiah Valley Basin Groundwater Sustainability Agency

1. Welcome, Introductions, Review of Previous Meeting Summary & Overview of Today's Meeting

Mendocino County Supervisor Carre Brown welcomed attendees to the meeting. People introduced themselves.

Facilitator Malka Kopell of the Center for Collaborative Policy reviewed the agenda.

During the review of the previous meeting summary, there was a suggestion that the role of the Mendocino County Resource Conservation District (MCRCD) in the new JPA be clarified at this meeting.

2. GSA Formation Committee Working Group Report

Sarah Dukett summarized the activities of the Working Group since the October public meeting. The Working Group met three times – once in November, twice in early December – to produce the draft JPA that is being discussed at this meeting. The first two focused on the content, while the third included a representative from the Mendocino County Council office in order to focus on legal language. Sarah asked for comments, both at this meeting and in the coming weeks after people are able to take it to their boards.

One comment registered a desire to have had the JPA draft a bit earlier in time for review prior to today's meeting.

The discussion turned to revisiting the issue of GSA board structure. This was motivated by Working Group members' ongoing discussions with their own boards, and is summarized under the next agenda item.

3. Feedback from Board/Constituency Meetings

Tamara Alaniz summarized the joint position of the Working Group members' boards on three issues related to GSA board structure that the group had been discussing: (1) the role of the Sonoma County Water Agency (SCWA); (2) whether to create a designated agricultural seat; and (3) how to represent the interests of the MCRCD and the local tribes. Alaniz stated that:

1. The various boards had discussed the role of the SCWA on the new GSA, and had agreed in their desire to accept the SCWA's offer, made in the early stages of discussion, to participate in an advisory role.
2. The boards had also agreed to advocate for the creation of an agricultural seat.
3. Lastly, the boards had decided not to take a position on how the MCRCD or the tribes are represented in the new GSA.

The first of these points was echoed by a member of the Working Group in the name of the Millview, Redwood, Willow and Calpella Water Districts. The third was echoed by a request to clarify the "partial

position” of the MCRCD with regard to voting rights.

Facilitator Malka Kopell then noted the need to reopen the conversation about GSA board structure, and specifically about the role of the SCWA. As a way to begin this discussion, she invited the SCWA representatives who were present via a phone link to speak about how they saw their role in the Mendocino GSA. Marcus Trotta and Corey O’Donnell took up this invitation.

SCWA’s key points were:

- SCWA recognizes that they are different from local agencies, but notes their interest in sustainable groundwater management in the Ukiah Valley given their responsibilities to maintain sustainable flows in the Russian River.
- SCWA recognizes the sensitivities of their involvement in this GSA, in particular the fact that many decisions will be made locally about local issues. SCWA would like to figure out how to have a voice to serve their own interests without interfering in local issues.
- SCWA brings support to the basin via various partnerships, resources and technical expertise, including strong relationships with the USGS, state DWR and other state representatives; significant resources that will benefit the GSA, including ongoing work with USGS; and experience in groundwater management and climate change modeling.
- SCWA wants to participate and have meaningful input, but is open on the question of *how* to do this, given their different position. Their primary goal is to do this from a technical standpoint.

Discussion

Advisory board: A number of comments addressed the question of an advisory board, through issues of how, when and who. Specific comments included:

- We recognize SCWA’s expertise, but they’re not a local agency. So we also appreciate that they respect that.
- The current GSA plan reserves the right to create an advisory body or bodies as needed, but does not specify more than this.
- Having an advisory committee of one member would be awkward, but there are other groups [in addition to SCWA] that might be useful to be able to get advice from in the future; examples include City of Ten Thousand Buddhas and Russian River Estates. That said, given all of the uncertainty even about the GSA itself, it does not make sense to specify exactly how an advisory capacity might work.
- Setting up the JPA now, we should plan to develop an advisory committee in the future and specify its role then, but we should also clearly maintain a separation between Mendocino and Sonoma county agencies.
- Q: Are there examples out there of “stepped” advisory committees in existing JPAs that we could draw on? A: No, not that we know of; the current draft JPA maintains the possibility to create an advisory committee, but it is not more specific than this.
- SGMA requires that all stakeholders have to be engaged.

Complexity: The issue of complexity emerged through two examples, and came up in contrast to earlier stated preferences to “keep things simple”:

- The partial or limited membership of the MCRCD, and
- Whether the Russian River Flood Control District (RRFC) would need to recuse itself from certain voting situations in order to avoid the duplication of voting power since they also sit on the board of the Upper Russian River water districts.

Tribal representation: There was a short side discussion about which tribes were to be listed in the JPA in order to make sure that all were included. This was resolved by looking at the draft JPA text.

At this point, facilitator Malka Kopell sought to distinguish three threads and to pursue these separately: (1) the role of the SCWA, (2) the role of the RRFC, and (3) clarification about the role of the MCRCD.

1. SCWA

- Two participants spoke in favor of including SCWA on the GSA board as originally planned: one said that City of Ukiah would have to reconsider its support for the proposal if SCWA was excluded; the other stated that he saw little risk that 1 vote on an 8-member board could undermine local control, and that SCWA would bring significant resources.
- Carre Brown pointed out the group could be much bigger than it already is, since every water manager has standing and could, in theory, have a vote. (It was clarified that SGMA extends this right to land managers as well.) Brown made a plea for collaboration across past differences, given the big task ahead.
- Old animosities between Sonoma and Mendocino: “Every time we [Mendocino] go for a water right, they sue us.”
- Debates about SGMA wording on “local control” – SCWA is not accountable to the people of the Ukiah Valley; others read this differently (“not so black-and-white”).
- Q: Is SCWA willing to pay, if it were to have a seat on the GSA? A: SCWA does not have a definitive answer yet; they are waiting to see how the conversation plays out. They also pointed out that they were already providing significant funding to the current USGS work.
- SCWA: interactions between groundwater and surface water are important for sustainability of both; that is the reason they are involved in the conversation. In the past, there were discussions of voting and non-voting members of the GSA board. They are not looking to lead, but they believe that they meet the SGMA definition of holding an interest, and they want to be involved in some way.
- Malka probed for agreement: that SCWA should be included, and that its role should be limited. The disagreement is what that role looks like. She proposed that this discussion continue in a small group – a subcommittee including SCWA – so that the discussion could involve significant back-and-forth, given that this is trying to plan something that will last for twenty years. Advice: start with goals/functions and concerns rather than structure; SGMA is flexible.
- This proposal was accepted after some discussion, during which participants pointed out that SCWA’s participation in an advisory role has already been discussed, and a smaller group would thus benefit from direction from the larger group in order to avoid going around in circles. The group decided that this subcommittee should be comprised of people who have sufficient authority to have the discussion, and would meet before agencies return to their boards. It was agreed that the following people would serve on the subcommittee:
 - Carre Brown, Mendocino County
 - Dan Hamburg, Mendocino County
 - Kevin Doble, City of Ukiah
 - Doug Crane, City of Ukiah
 - Paul Zellman, RRFC
 - Tyler Rodriguez, RRFC
 - Jerry Cardoza, URRWA
 - Ken Franklin, URRWA
 - Mike Webster, MCRCD
 - Frost Pauli, Mendocino County Farm Bureau
 - Brandi Brown, Redwood Rancheria

- Ben Henthorne III, Redwood Valley Rancheria
- Susan Gorin, Sonoma County
- David Rabbit, Sonoma County

2. RRFC

- There was concern that having RRFC on the JPA would give them extra voting power since they are also representing the Upper Russian River water districts. This had been acknowledged earlier in the meeting by a RRFC representative, who said that this was why there had been significant discussion already about how to make sure voting parity was preserved. Because of the possible parallels between RRFC and SCWA – both have groundwater interests in the Ukiah Valley due to their surface-water-management responsibilities – this discussion also returned to the question of SCWA’s role.
- One possibility proposed was that the JPA include language to limit RRFC’s voting power in order to avoid excess voting power. There was a concern that this may cause legal issues and would need to be checked.
- This discussion led to a listing of agenda items for the subcommittee assembled above:
 - SCWA’s role
 - RRFC’s role
 - Limitations on MCRC
 - Cost sharing among GSA/JPA members
 - Dues and voting
 - Staff involvement in a technical advisory capacity

3. MCRC/Cost sharing & risk

- This discussion focused on the more general question of the cost sharing among all GSA/JPA members, not only the rights and responsibilities of non-dues-paying members.
- A recurrent concern was how costs of litigation would be shared. The draft JPA includes a clause about special projects that would cover things like studies (so that some members could opt out), but litigation could complicate this.
- SCWA is currently in similar SGMA discussions in their own county about how to deal with what they call “gap funding” issues – how to fund startup costs and other costs incurred before the GSA becomes fully functional. They are also discussing how to staff the GSA(s), and are exploring options involving in-kind contributions and/or contracting with members for services.

4. Review of Draft GSA Joint Powers Agreement – Discussion

The group did not have time to get to this agenda item.

5. Next steps and Timing

The subcommittee discussed above will meet at a time to be scheduled, sometime in early January.

The next meeting of the larger group will take place on January 26 from 1:00 to 3:30.

Attendance

Attendees included but were not limited to the following individuals:

- Jerry Cardoza, URRWA

- Kevin Doble, City of Ukiah
- Bill Koehler, Upper Russian River Water Districts
- Roger Kellerman, City of 10,000 Buddhas
- Dan Hamburg, Mendocino County
- Carre Brown, Mendocino County
- Sarah Dukett, Mendocino County
- Susan Knopf, Ukiah resident
- Zack Sampsal, Pinoleville Pomo Nation
- Deborah Edelman, MCRCD
- Douglas Crane, City of Ukiah
- Paul Zellman, RRFC
- Devon Jones, Mendocino County Farm Bureau
- Brian Wallace, LACO
- Chris Watt, LACO
- Jeremiah Puget, North Coast Regional Water Quality Control Board
- Dan Hamburg, MCBOS
- Ben Henthorne III, Redwood Valley Rancheria
- Brandi Brown, Redwood Valley Rancheria
- Carmel Angelo, Mendocino County
- Erick O'Donnell, Ukiah Valley Daily Journal
- Tamara Alaniz, RRFC
- Sean White, City of Ukiah