Presentation Outline

• Assessment Process
• Assessment Findings
• Recommendations
• Group Discussion
Assessment Process

- **Purpose**: Identify stakeholder perspectives on implementation of the Sustainable Groundwater Management Act.

  - Interviews Conducted October & November 2016.
  - Interviews conducted in person and by phone.
  - All interviews confidential. No attribution.
  - Used standardized list of 17 questions.
Assessment Process

- Michael James - City of Shafter
- Mark Franz - Shafter-Wasco Irrigation District
- Bea Sanders - Kern County Farm Bureau
- Rick Garcia & Joe Ashley - CA Resources Corp
- Anna Lucia Garcia Briones - Environmental Defense Fund
- Melissa Poole & Kim Brown - Wonderful Orchards
- Dan Hay - Hay Brothers Sheep
- Gary Unruh - Rosedale-Rio Bravo Water Storage District
- Dan Segal - Chevron
- John Reiter - Maricopa Vineyards
- Rodney Palla, Art Chianello, David Beard, Steve Teglia - Kern River GSA
- Frank Ohnesorgen - Disadvantaged Community representative for Poso Creek IRWMP, Pond Union School District
- Doug Nunneley - Oildale Mutual Water Company
Assessment Process

- Dana Munn - Shafter-Wasco Irrigation District
- Alan Christensen - Kern County
- David Couch - Kern County
- Harry Starky & Robbie Patel - West Kern Water District
- Angelica Martin - Tejon-Castaic Water District
- Roy Pierucci - Pierucci Farms
- David Ansolabehere & Dave Hampton - Cawelo Water District
- Jim Nickel - Olcese Water District
- Mark Mulkay - Kern Delta Water District
- Raul Barraza, Alan Peake, Dee Jaspar - Arvin CSD
- Martin Nichols - Lamont Public Utilities District
- Patty Poire - Grimmway Farms
- Stan Wilson - Farmer, Shafter-Wasco Irrigation District
- Nick Stanley - Kern National Wildlife Refuge
Assessment Findings

- Kern Basin & SGMA Background
- Groundwater Sustainable Agencies (GSAs) & Governance Structures
- Groundwater Sustainable Plan (GSP) Issues for Discussion
- Communication and Outreach
- Vision
• Results are presented in aggregate, focusing on common themes and unique differences.

• Findings are presented in qualitative terms.
  • All = 100% of responses
  • Almost All = A few short of unanimous
  • Large Majority/Most = Approximately 75% of all responses
  • Majority/Numerous/Many = More than half, less than 75%
  • Minority/Some/Several = Less than half of participants, more than 25%
  • Few = Less than 25%
Kern Basin Conditions

- Almost All Understand the Need for Management & Sustainability in Kern Basin.

- The Kern Basin must consider how to address the following factors:
  - Permanent crops
  - Fallowing of land
  - Reduced and uncertain surface water availability

- Almost all believe that there are issues in some or parts of the basin with:
  - Chronic lowering of groundwater levels
  - Reduction of groundwater storage
  - Degraded water quality
  - Land subsidence
  - Depletions of interconnected surface waters

- A Few Articulated the Perspective That There is Adequate Water Supply & Quality for specific areas of the Basin.
SGMA Background

• Water Districts more informed than other interested parties.
  • Many still have questions regarding GSA compliance and how to address specific issues within the GSP.

• Agencies are cautious on taking next steps to formation without confirmation from stakeholder/constituents.

• Almost all felt they needed a better understanding of what SGMA will require in terms of pumping to engage in GSA/GSP development.
SGMA Compliance

- Many Questions regarding what is required to comply with SGMA and what others are doing to comply in the Basin.

- A large majority are concerned with GSA formation by June 30, 2017 that covers the entire basin without overlap.

- Almost all agree that local resolution & management is preferred to state intervention.
• A large majority of stakeholders expressed concern about GSA representation without a vote or a voice.

• Most see that multiple GSAs will form for localized management areas. Some want to see one GSA.

• A large majority expressed the need to collaborate and coordinate across the basin for SGMA compliance.
• All stakeholders expressed the need for shared data, models, criteria, and interpretation of data that is non-politicized.
  • Almost all that discussed modeling, felt shared data & models will be the starting point for a GSP.
  • A few shared that coming to agreement on GSP models may help move GSA formation discussions forward.
  • Almost all felt shared costs and reporting are beneficial to whole basin.
  • Many expressed concerns with politicizing and interpreting data.
Almost all articulated the need for the GSP(s) to account for historical uses and regional differences.
  • Opinions differed on how those uses should be utilized.

Almost all anticipate some form of water allocation system.
  • Opinions varied on how to develop systemically fair water allocations for each area and the entire basin.

All desire a shared understanding of sustainable yield and agreement on how it will be determined in the Basin.
  • A majority expressed concern with sharing the entire basin’s groundwater resources and areas/regions leveraging each others’ groundwater.
There are differing views on GSP development and coordination.

- Some think one GSP makes most sense due to requirements to coordinate and submit a single plan to DWR.
- Many think developing localized GSPs will allow for greater management and authority over specific management/service areas.
Almost all identified the following Specific areas of concern for further discussion.

- **Surface Water/Groundwater relationship**
- **Credits & Allocations**
  - Agriculture
  - DAC’s, and municipal areas
  - Other “beneficial users”
- **Determining Sustainable Yield**
- **White Areas**
- **Water Quality**
- **Production Water**
- **Fallowing Land**
GSP Development & Enforcement

- Some expressed concerns with GSAs capacity to enforce GSP(s).
- Many anticipate litigation will hold up GSP development & SGMA compliance.
Visions for Success in Kern

- Success for most is the basin reaching sustainable yield/eliminating overdraft while minimizing the economic impacts to the region.

- Success for many farmers is the ability to plan ahead 5 to 10 years and have a framework for transitioning and planning.

- Success is a plan that is adaptive to the unknowns of the region and unexpected results.

- Success for many includes a quality of life enjoyed now in the basin.
Outreach & Engagement

• Almost All Expressed the Need for Stakeholder Engagement & Education
  • Who:
    • Rural landowners and small farmers need to be engaged at a local and manageable level (i.e. levels of complex information & ease of access).
    • Elected officials need to be engaged and informed.
    • Outreach to the business community & labor interests is needed due to economic impacts.
    • DAC & environmental interests need to be engaged.
• Almost All Expressed the Need for Stakeholder Engagement & Education (cont.)

• How:
  • Water districts are well positioned to reach out to communicate with landowners via bills & updates.
  • Media channels need to be used to disseminate information: local papers, social media, newsletters, etc.
  • Localized workshops and information sessions are needed.

• Some discussions will require smaller, stakeholder specific workshops or discussions
Recommendations: Workshop Design

Further Discussion on fundamental Questions:

What GSAS are going to be formed?
  • Who will be part of those GSAs
  • How will they address all Subbasin beneficial users?
  • Options for governance?

What factors will be considered in addressing Subbasin issues?
  • Surface and groundwater relationships.
  • Determining Sustainable Yield.

How will critical Basin issues be addressed?
  • Land fallowing
  • Production water
  • Water quality
SGMA Background – GSA Governance

GSA Roles and Responsibilities

Interested parties must be included in SGMA planning:

- All Groundwater Users
- Holders of Overlying Rights (agriculture and domestic)
- Municipal Well Operators and Public Water Systems
- Tribes
- County
- Planning Departments / Land Use
- Local Landowners
- Disadvantaged Communities
- Business
- Federal Government
- Environmental Uses
- Surface Water Users (if connection between surface and ground water)
Groundwater Sustainability Agencies Options*

- Single existing local agency
- Single new local agency created through special legislation or LAFCO proceeding
- Combination of local agencies acting together under joint powers agreement or “memorandum of agreement (MOA) or other legal agreement”

* Courtesy of Richard Shanahan- Bartkiewicz Kronick & Shanahan
Groundwater Sustainability Agencies Options*

- Joint Powers Agreement (JPA)
  - Authorized by Joint Exercise of Powers Act (Govt. Code 6500 et seq.)

- Two types
  - Creates JPA as new local agency with separate governing board.
  - Does not create new JPA. Agreement as framework for parties to manage a program or project. Sometimes lead agency designated. Sometimes advisory or oversight board created.

* Courtesy of Richard Shanahan- Bartkiewicz Kronick & Shanahan
Groundwater Sustainability Agencies Options*

- JPA establishment process.
  - Prepare, negotiate and approve agreement
  - If it creates new authority: file with county and Secretary of State; and, new public agency start-up actions.
  - LAFCO not involved.

- JPA parties: local agency, county, city, federal government, tribe, mutual water company; no other private party.

* Courtesy of Richard Shanahan- Bartkiewicz Kronick & Shanahan
Groundwater Sustainability Agencies Options*

- Memorandum of agreement (MOA) or other legal agreement
  - Intent seems to be a simpler contract or non-JPA contract.
  - MOA sometimes synonymous with MOU.
  - Could be a range from a nonbinding statement of intent to a more comprehensive binding contract.

* Courtesy of Richard Shanahan- Bartkiewicz Kronick & Shanahan
Groundwater Sustainability Agencies Options*

- JPA with limited GSA powers
- Joint Exercise of Powers Act - “two or more public agencies by agreement may jointly exercise any power common to the contracting parties” only to the extent as authorized by their governing boards.
- SGMA defines a GSA to include “each local agency comprising the groundwater sustainability agency if the plan authorizes separate agency action” (Water Code § 10721(j)),

* Courtesy of Richard Shanahan- Bartkiewicz Kronick & Shanahan
Groundwater Sustainability Agencies Options*

- A GSA and GSP could be structured such that the GSA is responsible for the subbasin-wide SGMA responsibilities (e.g., planning, monitoring, reporting) and that the constituent local agencies are responsible for other localized actions.

* Courtesy of Richard Shanahan- Bartkiewicz Kronick & Shanahan
Groundwater Sustainability Agencies Options*

- Key JPA or contract terms to consider
  - Board structure, governance and voting
  - Allocation of costs and funding
  - Delegation of authority and powers
  - GSP preparation and adoption
  - GSP implementation and enforcement
  - Dispute resolution
  - Term, termination and withdrawal

* Courtesy of Richard Shanahan- Bartkiewicz Kronick & Shanahan
Example 2 – Governance Diagram

- Coordination Agreement
- Technical Advisory Committee
- GSA 2
- City A
- Mutual Water Co.
- GSA via JPA or MOU
- Stakeholder Advisory Committee
- GSP 2
Example 3 – 2-Tiered Governance Diagram

GSA 3

Water Dist. B  City B  Irrig. Dist.  Other Agency (ies)

Policy and Implement

Technical Advisory Committee

GSP 3

Stakeholder Advisory Committee
Example 3a – 3-Tiered Governance Diagram

- GSA
- Water Dist. B
- City B
- Irrig. Dist.
- Other Agency (ies)
- Policy and Implement
- GSP
- Technical Advisory Committee
- Stakeholder Advisory Committee
- Implement
- LIA 1
- LIA 2
- LIA 3
Recommended – 3-Tiered Governance Diagram

GSA 3a

Water Dist. B  City B  Irrig. Dist.  Other Agency (ies)

GSP 3a

Technical Advisory Committee

LIA 1  LIA 2  LIA 3

Policy and Implement

Stakeholder Advisory Committee

Implement
### SGMA | GSA FORMATION TIMELINE (Possibility Probation)

#### REQUIRED

**Develop the Governance Structure (e.g., MOU / JPA)**

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- **Assess/Consider Options**
- **Develop Public Outreach Plan and Hold Public Meeting**

#### RECOMMENDED

**Develop Public Outreach Plan and Hold Public Meeting**

**GSA Formation Committee**

- **Stakeholder Advisory Group(s)**
- **Local Agencies’ BODs**
- **Public Meetings**

**LEGEND**

- **Local Agencies**
- **Stakeholders/Public**
- **DWR**
- **SWRCB**
- **Information Sharing**

#### December-January 2016
- Develop GSA formation proposal
- Vet proposal with boards and public
- Refine proposals
- Begin developing legal agreements

#### December-April 2016/7
- Reach consensus on GSA proposal
- Complete legal agreements (Unless JPA, JPA efforts continue)

#### April-June 2017
- Public notice and hearing
- 30 days to notify DWR after deciding to form GSA
- State deadline for GSA formation June 30, 2017
- Continue JPA development

#### July 2017-Conclusion
- Complete JPA
Thank You

For more information, please contact:

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