

Stakeholder Assessment Report

Findings and Recommendations on Implementing the Sustainable Groundwater Management Act in Sonoma County

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Overview

The State of California passed the Sustainable Groundwater Management Act in 2014. The State has designated three groundwater basins in Sonoma County as medium priority: the Petaluma Valley, Santa Rosa Plain, and Sonoma Valley. The Act requires that medium and high priority basins form a groundwater sustainability agency by June 2017, develop a groundwater sustainability plan by 2022, and achieve sustainability by 2042. Under the Act, local agencies with water supply, water management or land use responsibilities are eligible to form a groundwater sustainability agency. To develop an effective process for groundwater sustainability agency formation in these three basins, the Sonoma County Water Agency contracted with the Consensus Building Institute to conduct a stakeholder assessment and make recommendations on a process for forming groundwater sustainability agencies in compliance with the Act. This report summarizes the interview findings and process recommendations.

CBI conducted interviews with representatives of each GSA-eligible local agency and key organizations and interest groups. CBI also met with both the Santa Rosa Plain and the Sonoma Valley basin advisory panels in person to discuss panel members' perspectives on implementing the Act. CBI also conducted an online survey related to these issues and received 36 confidential responses. For the survey, CBI invited basin advisory panel members from both the Sonoma Valley and Santa Rosa Plain, stakeholders interested in water issues, federal and state agencies with jurisdiction in the region, and Public Utilities Commission-regulated water companies to participate.

During this assessment, CBI met periodically with the County-Water Agency Working Group made up of staff from the County Administrator's Office, Permit & Resource Management Department, County Counsel and the Sonoma County Water Agency to discuss preliminary insights and findings and identify subsequent steps in the assessment process. After completing most of the interviews and receiving the majority of survey respondents, CBI met with staff of the GSA-eligible entities to discuss the assessment's preliminary findings and begin developing a process that would consider the responsibilities of the governing boards of the eligible entities and the many stakeholders in the county that are interested in groundwater issues. Process recommendations in this report reflect the outcome of those deliberations.

Existing Groundwater Management Programs

Both the Sonoma Valley and the Santa Rosa Plain have groundwater management programs with monitoring programs, stakeholder involvement, and other components to manage groundwater in

different stages of implementation. The Sonoma County Water Agency is the lead agency for implementing these programs. Both have a Basin Advisory Panel that develops consensus-based recommendations to implement the groundwater programs effectively. The Petaluma Valley is in the early stages of assessing its groundwater resources.

Assessment Findings

The following summarizes findings from interviews and surveys of the Consensus Building Institute.

Understanding SGMA and Water Stakeholders

Generally, interviewees are trying to understand and think about the best way to implement the law in the designated basins in the county. It is important to note that most respondents, both staff and stakeholders, articulate commitment to long-term sustainable groundwater management and the importance of groundwater-surface water interaction, conjunctive use, and integrated water resources management. One interviewee emphasized that cooperation across all the entities (water districts, cities and county) is essential for implementing SGMA successfully.

Governance and Representation

Respondents discussed a range of issues that they would recommend for consideration in forming one or more groundwater sustainability agencies. Key themes were keeping decisions local within the basin, and making sure that different users' interests are somehow balanced in groundwater management. Respondents respect local knowledge and control for water management and expressed concern about needing to participate in management decisions for other basins and about agencies or stakeholders from external jurisdictions making decisions about local groundwater. At the same time, some recognize a need for a regional perspective on water resources and land use; those with this perspective feel confident that regional considerations can blend with local decisions. Everyone acknowledges that the county government has an important role to represent the unincorporated areas of the County, in particular domestic well owners. Participants offer the following considerations for the voting structure and representation.

Potential Voting Structure and Representation in a GSA

- Balance agriculture, urban, city, and rural residential interests
- Provide for local control
- Consider that Sebastopol (100% reliance) and Rohnert Park rely more heavily on groundwater supply than other cities
- Protect groundwater supply interests of cities' that use groundwater as supplemental supply (peak and emergency)
- Consider that SCWA has pumping facilities in the Santa Rosa Plain groundwater basin only, not in Petaluma Valley or Sonoma Valley
- Avoid using the quantity of water use for representation since conserving water use is key
- Consider population in representation
- Allow for governing boards to appoint representatives (so representative could be elected official or an appointee). Each entity to decide who represents it.
- GSA Board should not mix staff and elected officials. Interviewees prefer that GSA board consist of elected or appointees of electeds. People cite the Water Advisory Committee / Technical Advisory Committee model as effective with policy arm for limits and potential fees.
- Consider rural domestic well owners: representation and participation, the large number of wells, and significant groundwater use.

- Some would like opportunity for agriculture and private water companies (like Cal American Water) to have a role in governance.
- Concern exists that agricultural interests, if involved in GSA, might overwhelm cities' interests.

Examples

Multiple interviewees suggested the Sonoma County Transportation Authority and the Sonoma County Water Agency's Water Advisory Committee / Technical Advisory Committee as successful models to examine and possibly emulate. One person suggested the North Bay Watershed Association. Interviewees repeatedly cited the Waste Management Agency as an example to avoid.

Costs

Interviewees from the agencies are concerned about costs and funding SGMA implementation. While SGMA authorizes the groundwater sustainability agency to levy fees, the agency is still subject to Proposition 218, potentially limiting the ability to raise funds. Entities that purchase water from the Sonoma County Water Agency to supply their customer base (water contractors) expressed concern about paying for groundwater planning more than once – through water purchases that fund SCWA and through cost sharing agreements for groundwater planning. The cities express commitment to continuing to fund groundwater planning, but would like other groundwater users (specifically in unincorporated areas) to contribute since substantial groundwater use occurs outside of city boundaries, and some cities only use groundwater for emergency and peak supply – it is a small part of their water budget.

County of Sonoma Role

Since the County is default agency under SGMA¹, many interviewees believe that the County should take the lead in organizing SGMA implementation and seeking public input. The County has a stated commitment to sustainability and view groundwater as an element. The Board of Supervisors has the responsibility of representing both agriculture and domestic well owners in the unincorporated areas as well as city residents under SGMA. Some interviewees express concern about the County's ability to represent agricultural interests in the unincorporated areas. Most interviewees support the County representing rural residential well owners. The relationship between the Cities and the County is complex. As agencies, the Cities and County work together on a number of issues, and due to differing interests, some efforts have created tensions. These unrelated tensions sometimes affect attitudes about the role that the County should play in implementing SGMA.

Basin Advisory Panels and Public Input

Everyone recognizes the value that the existing basin advisory panels play in an advising on groundwater management. Interviewees express openness to relying on the basin advisory panels into the future in some capacity. Some interviewees strongly advocate that basin advisory panels continue because the panels have played a critical role for discussing and resolving groundwater management issues, reducing conflict in the groundwater basins. Some interviewees articulate concerns about challenges within the Santa Rosa Plain Basin Advisory Panel and limitations this places on effective collaboration.

¹ Under SGMA, the County can opt out of GSA formation. If no agency in a basin steps forward to form the GSA, the state would intervene.

Stakeholders demonstrate a high level of expectation for public outreach and stakeholder involvement. Respondents urge expansive outreach to rural residential well owners and seeking guidance and input from basin advisory panels and the public on forming the groundwater sustainability agency.

Governance Options

As part of the assessment, the facilitator and interviewees discussed possible configurations for the groundwater sustainability agency(s) within basins and across the three basins. Stakeholders articulated pros and cons of different options based on their understanding at the time.

One GSA per Basin or 3 GSAs

Pros

- + Provides for decision making at local level, reflects each unique basin

Cons

- GSAs might compete against one another for external funding
- Spreading resources too thin

Models: Existing BAP Structure

Hybrid: One GSA per Basin (or 3 GSAs) that Coordinate or Share Staff and Resources

This option was very popular among interviewees.

Pros

- + Provides for decision making at local level
- + Shares resources across basins
- + Allows for regional consideration on management issues

Cons

- GSAs might compete against one another for external funding

Models: Metropolitan Transportation Commission

Centralized: 1 GSA in County for all three Basins

Pros

- + Like simplicity and ease of setting up
- + Shares decision making across agencies with possibility of designating seats for particular agencies or interests groups
- + Shares resources and costs

Cons

- Governing board too big. Agency too big.
- Prefer decision-making at local level. Might miss the nuances of the local detail
- Concerned about GSA board representing all groundwater users' interests

Models: LAFCO

Multiple GSAs/Basin

No one expressed interest in having multiple GSAs within a basin

Important Qualities for a Groundwater Sustainability Agency

In response to the facilitator's question, respondents articulated the following qualities for the agency:

- Political and technical credibility
- Strong technical capacity
- Track record of conducting similar activities
- Fairly represent local interests
- Willingness to leverage existing work (USGS studies and existing Groundwater Management Programs)
- Link responsibility between countywide surface water supply and basin groundwater supplies
- Equal representation
- Ratepayer considerations
- Efficiencies
- Cost effective

Other Evaluative Elements

Interviewees recommend comparing costs, potential fees that structures and options would require.

Interviewees recommend creating a structure that can manage future basin designations as medium or high priority in the county

Consistent with SGMA, participants would like to evaluate the ability of the governance structure to protect groundwater supply interests for all beneficial uses / users.

Interviewees noted that SCWA has the technical and scientific capacity to develop the groundwater sustainability plan. SCWA is involved in groundwater management and conjunctive use. SCWA also provides regional perspective across basins and has been able to solicit funding from the state to assist existing groundwater programs.

Interviewees recommended repeatedly to keep the structure as simple as possible and to avoid cumbersome, costly bureaucracy while allowing more complex structures to evolve if needed in the future. Concern exists that establishing structure could be lengthy or difficult. Some worry that creating a joint powers authority would be very difficult to organize / agree to and cumbersome in implementation.

Some local agencies also express concern about the possibility of the groundwater sustainability agency usurping the control of local jurisdictions in decision-making.

Recommendations

The Consensus Building Institute has developed these process recommendations through a participatory evaluation process, sharing preliminary interview findings with staff of the GSA-eligible agencies to then design a recommended process. The goal of the proposed process is to form groundwater sustainability agencies in the basins that have widespread support of the eligible agencies, stakeholders, and the general public.

Anticipated Discussion Topics for Decision-Making on GSA Formation

Based on the interviews, surveys and discussions, the parties will need to discuss the following topics to reach a successful conclusion on GSA formation.

- *Decision-making framework:* Agree on how decisions will be made at a staff level and sequencing for governing board consideration and final approvals.
- *Principles for developing governance options:* Serve as a tool to demonstrate intent and help others understand how the GSA-eligible agencies will work together.
- *GSA authorities and responsibilities:* Clarify the authorities and responsibilities that the law establishes.
- *Governance structures and options:* Explore the governance structure options and necessary legal agreements necessary to support successful formation and implementation.
- *Criteria for evaluating options:* Use to evaluate, weigh and compare options using eligible entity and stakeholder interests as basis of criteria.
- *Legal documents for GSA formation:* Craft the legal documentation of all agreements.
- *Communication and outreach:* Develop an outreach strategy to inform all beneficial users of groundwater and the public at large.
- *Costs:* Consider the costs of forming and operating the groundwater sustainability agency and developing a funding and finance plan and associated policies.
- *Timeframe for GSA formation:* Monitor and comply with state-mandated deadlines.

Process Overview

The diagram outlines the recommended process for GSA(s) formation in Sonoma County. In summer 2015, staff of the GSA-eligible agencies began meeting to understand and explore options to comply with SGMA. In the summer and fall of 2015, staff would work together to develop governance options that might be appropriate for the basins, given the existing groundwater programs and based on the interests of the agencies and stakeholders in the basins. During fall 2015, the County and the Sonoma County Water Agency, in cooperation with the other GSA-eligible entities, would host public workshops to increase the public's understanding of SGMA and share information about potential options for complying with SGMA in the basins. Additional outreach activities would also occur, including informational materials and a web site. Also some GSA-eligible agencies would likely provide briefings to governing boards during regularly scheduled meetings, all of which are open to the public and would serve as another outreach vehicle.

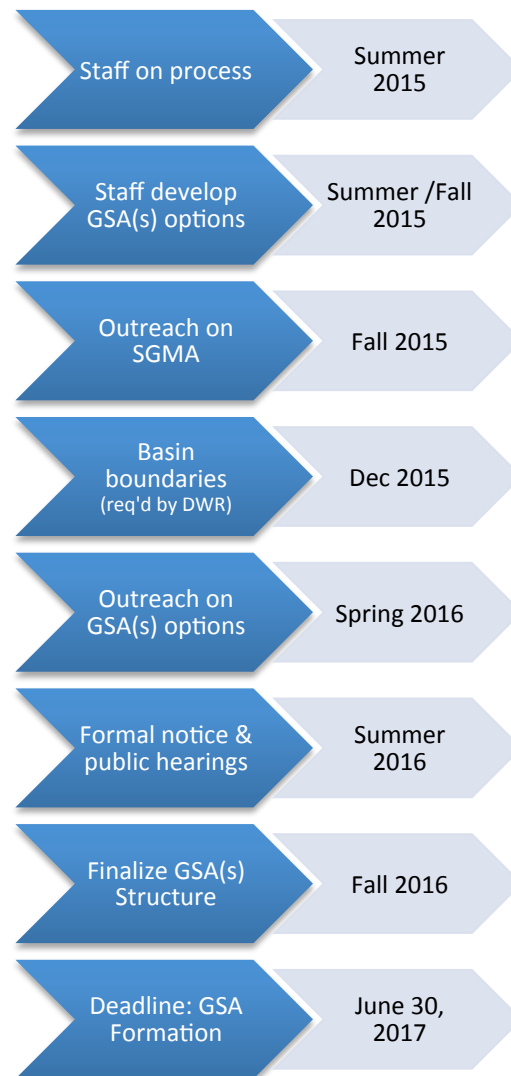
While outreach was occurring, the GSA-eligible entities would continue discussing the details of GSA governance options, exploring options in more depth over time. These discussions would benefit from the outreach process yielding new insights and potential concerns that staff can then incorporate into discussions.

The California Department of Water Resources used its Bulletin 118 to establish the basin boundaries. If a basin wishes to change its boundary, the responsible entity must submit an application to the Department of Water Resources between January and March 2016. To that end, the GSA-eligible entities would decide on this issue by December 2015 to ready the application.

Anticipated Discussion Topics for Decision-Making on GSA Formation

- Decision-making framework
- Principles for developing governance options
- GSA authorities and responsibilities
- Governance structures and options
- Criteria for evaluating options
- Legal documents for GSA formation
- Communication and outreach
- Costs
- Timeframe for GSA formation

Proposed Process Overview



By spring 2016, the goal would be for staff to have recommendations on the GSA(s). A robust outreach program on the recommendations would occur during the spring. Assuming no major challenges at that point, the responsible agency(s) would issue one or more formal notices (one per GSA), as SGMA requires, and hold the necessary public hearing. Contingent on the outcome of the public hearing, the governing boards would then direct staff to finalize the GSA structure(s) and notify the State of California of its formation.

Other Important Considerations

Government-to-government contact with the Lytton Rancheria and Graton Rancheria: The County of Sonoma is the appropriate body to initiate formal contact with the tribes in the basins to discuss SGMA. Initial outreach to the tribes has already occurred.



Dry Creek Tribe Land Ownership in Petaluma Valley Basin: The Dry Creek Tribe owns land in the Petaluma Valley groundwater basin; however, the land is not currently in trust.

Disadvantaged Communities: One stakeholder suggested to investigate water quality issues on wells in Southwest Santa Rosa - part of it is Roseland and North of Hearn, south of Highway 12, east of Wright Road and west of Highway 101.

Outreach Strategy: The GSA-eligible entities are putting together an outreach strategy, including briefing governing boards at public meetings, holding public workshops, communicating with the Basin Advisory Panels, and general information on a web site.

Interviews Completed and Survey Information

GSA-eligible Entities

Valley of the Moon Water District
City of Cotati
City of Petaluma
City of Rohnert Park
City of Santa Rosa
City of Sebastopol
City of Sonoma
Town of Windsor
North Bay Water District
Sonoma County Water Agency
County of Sonoma / PRMD

Also Interviewed

Cal American Water Company
Russian River Keeper – Don McEnhill
Sonoma County Farm Bureau – Tito Sasaki
Sonoma County Water Coalition Members: Rue Furch,
Stephen Fuller-Rowell & Jane Nielson
Sonoma Resource Conservation District – Kara
Heckert
United Winegrowers – Group interview

Group Discussion

Santa Rosa Plain Basin Advisory Panel
Sonoma Valley Basin Advisory Panel

36 Surveys Submitted

Basin Advisory Panel members, state and federal agencies, and non-governmental organization representatives invited to participate in survey.



About the Consensus Building Institute and Gina Bartlett

Founded in 1993, the Consensus Building Institute improves the way that community and organizational leaders collaborate to make decisions, achieve agreements, and manage multi-party conflicts and planning efforts. A nationally and internationally recognized not-for-profit organization, CBI provides collaborative problem solving, mediation and high-skilled facilitation for state and federal agencies, non-profits, communities, and international development agencies around the world. CBI senior staff are affiliated with the MIT-Harvard Public Disputes Program and the MIT Department of Urban Studies and Planning. Learn more about CBI at: www.cbuilt.org

Gina Bartlett is a senior mediator at CBI. She has mediated many complex policy issues related to water resources, land use and natural resources over the last 20 years. She is on the national roster of the U.S. Institute for Environmental Conflict Resolution and has a Master's degree in Conflict Analysis & Resolution. Ms. Bartlett previously conducted an assessment and facilitated development of the Sonoma Valley and Santa Rosa Plain groundwater management plans. You can learn more about Gina at: <http://www.cbuilt.org/about/bio/gina-bartlett> (Email: gina@cbuilt.org and Tel: 415.271.0049)