

CHARTER

for the Solano Subbasin GSA Staff Advisory Group (GSAG)

Purpose and Goals

The purpose of the Solano Subbasin GSA Staff Advisory Group (GSAG) is to develop recommendations for the governance structure for a Groundwater Sustainability Agency (GSA) or Agencies for the Solano Subbasin to fulfill the requirements of the Sustainable Groundwater Management Act (SGMA). All recommendations will be reviewed and vetted between meetings by member organizations’ boards and constituencies. **The GSAG is *not* the GSA for the Solano Subbasin.** It is a forum for GSA-eligible agencies of the Solano Subbasin to:

- Develop a common understanding of the authority and responsibility of GSA(s) in the Solano Subbasin.
- Share information, ideas, and concerns pertaining to the SGMA process in the Solano Subbasin.
- Solicit and respond to input from both agency boards and public stakeholder groups.
- Support the development of GSA governance recommendations that ensure fair representation of agency and stakeholder interests in service of the long-term sustainable protection of local groundwater resources.
- Negotiate in good faith to achieve consensus on the development of a governance structure for a GSA(s) for the Solano Subbasin that will guide the management of groundwater into the future in compliance with SGMA.

Membership

The GSA Staff Advisory Group (GSAG) is structured as an invitation-based, ad hoc Advisory Group of staff representatives from GSA-eligible agencies of the Solano Subbasin, as defined by state-administered maps, as well as representatives from a limited number of stakeholder groups. For size management, the GSAG asks for only one representative staff member per GSA-eligible agency to actively participate in each meeting. The Staff Advisory Group will be most effective where the same participant attends all meetings, however, each agency can nominate an alternate to fill in as necessary. Alternates are expected to be fully briefed and able to represent the member during decision-making. Invited membership includes one representative from the following GSA-eligible agencies:

| MEMBERS | STAFF REPRESENTATIVE |
|--|--|
| Sacramento County / Sacramento County Water Agency | Darrell Eck |
| Solano County | Misty Kaltreider. <i>Alternate: Peter Miljanich.</i> |
| Yolo County / Yolo County Flood Control and Water District | Tim O’Halloran. <i>Alternate: Elisa Sabatini. (Would be in Yolo Subbasin if boundary modification passes.)</i> |
| City of Dixon | Joe Leach |
| City of Fairfield | Felix Riesenber |
| City of Rio Vista | David Melilli, <i>alternate: Cecil Dillon</i> |
| City of Vacaville | Royce Cunningham |
| California Water Service | Jack Caldwell |
| Dixon Resource Conservation District | John Currey |
| Maine Prairie Water District | Don Holdner |
| Rural North Vacaville Water District | Gordon Stankowski (<i>Keep informed</i>) |
| Solano County Water Agency | Chris Lee |
| Solano Irrigation District | Cary Keaten |
| Local Agencies of the North Delta (LAND) | Erik Ringelberg |

| | |
|---|---|
| Coalition (RD 3, 150, 307, 349, 501, 536/2085, 554, 556, 999, 2011, 2060) | |
| Solano County Farm Bureau | Derrick Lum |
| Solano County Agricultural Advisory Committee | Russ Lester. <i>Alternate: Jim Allen</i> |
| Solano Resource Conservation District | Chris Rose |
| Yolano / RD 2068 | Mike Hardesty |
| North Delta Water Agency | Melinda Terry |
| Travis Air Force Base / U.S. Air Force | Merlin Miller |
| Glide District / RD 765 | Pat Markum. TBD. (<i>Would be in Yolo Subbasin if boundary modification passes.</i>) |
| West Sacramento / RD 900 | Kekrick Jameson. Info Only. (<i>Would be in Yolo Subbasin if boundary modification passes.</i>) |
| Twitchell Island/ RD 1601 | Juan Mercado. TBD, talking with board. |
| Prospect Island / RD 1667 | State run, info only. |
| Liberty Island / RD 2093 | Stakeholder, not interested in governance. |
| Cache Haas Area / RDO 2098 | Tom Schene – may participate in future meetings. |
| Peters Pocket / RD 2104 | Ken Machado. Info Only. |

Administration

To start, the Solano County Water Agency will provide administrative support to the GSAG until and unless it chooses otherwise. SCWA’s administrative role is to support the collaborative interagency GSA formation process and does not presume to have any governance authority over the GSAG or within the GSA itself. SCWA, as a GSAG member agency, will have one staff representative.

The group will be facilitated by a neutral third party group, Ag Innovations, until and unless it chooses otherwise or current contract funding runs out. The GSAG will discuss means to provide additional financing to support ongoing administration and facilitation costs as needed, using the decision-making process outlined below.

Meeting Ground Rules

The Staff Advisory Group will use the following standing ground rules to establish a productive protocol for meetings and may modify them as appropriate.

- **Be Present:** Give each other the gift of our time (cell phones off).
- **Listen Openly:** Practice patience, attention, and respect for different views.
- **Speak Courteously:** Share your views candidly, define key terms, and share the floor generously.
- **Suspend Certainty:** Be curious about new information, approaches, and opinions.
- **Represent your Agency and/or Constituency Interests:** As representatives of a larger stakeholder group, members agree to a) consider these group interests over individual interests at all points in the deliberation process and b) act as liaisons with these groups and their Elected Bodies to share updates on and solicit input into GSAG deliberations and recommendations.

Decision-Making

The GSAG is a working group tasked to develop recommendations regarding the governance structure of the GSA agency or agencies for the Solano Subbasin, for consideration by all member agency boards as well as vetting through a formal public input process led by Ag Innovations. In the development of the recommendations, the GSAG will strive for consensus (agreement among all participants) in decision-making. **Consensus here means that all group**

members either fully support or can live with the decision or overall recommendations and believe that their agencies and organizations can as well.

In reaching consensus, it is useful to refer to the Gradients of Agreement below. This scale makes it easier for participants to be honest and register less-than-whole-hearted support without fearing that their statement will be interpreted as a veto. When differences of opinion exist after extensive discussion, a straw poll will be taken using the Gradients of Agreement. Unless a member votes to reject (level 6), the proposal will move forward.

| 1 | 2 | 3 | 4 | 5 | 6 |
|----------------------------------|---|---|--|--|---------------------------------------|
| Fully endorse! | Endorsement with minor issues | Conditional agreement | Stand Aside / Abstain / Neutral | Disagreement | Reject |
| I strongly support the proposal. | I generally like it. Proceed with my support. | I can support if some steps are taken now or in the future. | I neither support nor reject the proposal – Proceed. | I don't agree with the proposal in its current form but will not reject it outright. | I cannot support the proposal at all. |

In the event a member cannot support the proposal and votes to reject, members will decide on the appropriate next course of action together for the decision at hand.

Member Agreements

The GSAG represents a first step in an ongoing collaborative effort toward SGMA compliance within the Solano Subbasin. Staff participation in the GSAG is part of a good faith commitment founded on the following core agreements:

1. **Collaboration:** The Members agree to work collaboratively towards SGMA compliance within the Solano Subbasin and to build upon existing frameworks, cooperation, and successful water management efforts in Solano County.
2. **Groundwater governance:** While it is unknown at this time what governance structure will take form for the Solano Sub-basin, the Members agree to work individually and collectively to seek formation of one or more GSAs to provide SGMA-compliant groundwater management governance within the Solano Sub-basin prior to June 30, 2017. The ultimate governance structure within the Solano Sub-basin is not the subject of this Charter. As such, this Charter does not form a GSA or multiple GSAs, but rather begins a consensus-seeking discussion process toward SGMA compliance.
3. **Coordination:** The SGMA requires that the entire Solano Sub-basin be covered by one or more GSP(s). If more than one GSP is established, SGMA further requires that a coordination agreement be in place and deemed adequate by DWR. To this end, the Members understand that coordination and collaboration on various levels, many of which may not be clear at this time, will be essential to complying with the SGMA requirements, regardless of which groundwater governance structure ultimately develops within the Solano Sub-basin.
4. **Advisory Input:** Staff representatives will provide key GSAG recommendations to their respective boards for review and, where appropriate, approval.

5. **Stakeholder engagement:** The Members recognize that meaningful stakeholder engagement is essential to the GSA formation process. The Members commit to implementing a robust process to engage public input and will work with Ag Innovations to ensure fair representation of public and agricultural interests in the process. The Members will work collaboratively with community groups, individuals, and stakeholders to develop a proposed governance structure to manage groundwater in the subbasin and comply with SGMA. The Members will seek to institutionalize stakeholder engagement in the governance structure and will ensure regular, productive communication between the Members, stakeholders, and stakeholder representatives.
6. **Coordinated and collaborative data management:** The Members acknowledge that transparency and data sharing are fundamental components of effective resource management collaboration. The Members will identify opportunities to enhance data management and sharing across jurisdictional and organizational boundaries. With appropriate exceptions for confidential data, the Members will make data accessible and shareable in order to enhance collaboration among different organizations and stakeholders, increase the effectiveness of management decisions, and reduce disputes.
7. **No implied financial commitment:** This Charter does not evoke or imply any financial commitment of the Members beyond the commitment of staff time to attend and prepare for meetings. However, the Members acknowledge that during the tenure of the GSAG situations may arise when it is collectively advantageous to secure vendor-provided supplies or services that require cost sharing among the Members. Any such agreement to share costs shall be made using the decision-making procedure identified above and shall be subject to appropriation of required funds by member agency boards.
8. **Term:** The Members have entered into this Charter voluntarily. This Charter may not be modified except by mutual consent of authorized officials from the Members, using the decision-making procedure identified above. This Charter shall become effective upon signature by the authorized officials from the Members and will remain in effect until one or more GSAs covering the entirety of the Solano Subbasin is approved by DWR. At this point, the charter will be modified to support the next phase of SGMA implementation or terminated, by mutual consent of the Members.
9. **Good faith efforts:** Each Member shall use its best efforts and work wholeheartedly and in good faith for the expeditious completion of the objectives of the GSAG and the satisfactory performance of the terms and provisions contained herein.

Appendix A – Context for Implementation of the Sustainable Groundwater Management Act in the Solano Subbasin

In California, overlying landowners generally have the right to extract and use groundwater. Prior to the Sustainable Groundwater Management Act (SGMA), unless a basin was adjudicated by a Court or Settlement Agreement, a property owner’s right to pump and extract groundwater was limited only by the availability of groundwater, the rights of the basin’s other groundwater users, and the Constitutional requirement that requires all use of water be “reasonable and beneficial.” In some California groundwater basins, unlimited pumping led to over drafting and its associated negative impacts. In 2014, prolonged drought and heightened public awareness of groundwater over drafting created the conditions that lead to the passage of SGMA.

The Solano Groundwater Sub-basin (Solano Sub-basin), as defined by the Department of Water Resources’ (DWR) Bulletin 118, 2003 Update, encompasses approximately 664 square miles and is largely located within Solano County. The Members share common groundwater resources within the Solano Sub-basin and have managed those resources in the best interests of their respective constituents in compliance with applicable state laws.

With its passage in the California Legislature and signing into law by Governor Brown, the SGMA will change many conditions and requirements under which all groundwater resources are currently managed within the Solano Sub-basin. A foundational tenet of the SGMA is to maintain existing local control of groundwater management, provided groundwater is managed in a sustainable manner, as outlined in the SGMA (see Appendix B for SGMA Tenets).

The SGMA requires certain deadlines be met by local agencies within the Solano Sub-basin in order to avoid intervention of local groundwater management by the State Water Resources Control Board (State Water Board). Relevant to the Members, the first SGMA deadline for local agencies requires the formation of at least one Groundwater Sustainability Agency (GSA) by June 30, 2017 in order to avoid the Solano Sub-basin being placed on probationary status (California Water Code section 10735.2). DWR is to be informed of the formation of GSAs and to assess the adequacy of coordination agreements required by SGMA. Probationary status could lead to the State Water Board developing an enforceable interim plan to manage local groundwater resources.

The second deadline for local agencies requires a Groundwater Sustainability Plan (GSP) to be developed to achieve groundwater sustainability within the Solano Sub-basin and submitted to DWR by January 31, 2022. The entire Solano Sub-basin must be covered by at least one GSP. If more than one GSP is established, a coordination agreement must be in place to ensure the coordinated implementation of the GSPs for the Solano Sub-basin to achieve sustainability. In order to craft a GSP that meets the requirements of SGMA, a GSA or GSAs must essentially determine the allowable extraction from a basin such that the basin remains in a state of sustainability. Although SGMA does not change existing rights to use groundwater, it does provide authority to GSAs to limit extractions in order to achieve sustainability. The GSA or GSAs will ultimately determine whether any changes to current management practices in the Solano Subbasin are required.

Appendix B – SGMA Tenets

The Legislature finds and declares as follows:

- 1) The people of the state have a primary interest in the protection, management, and reasonable beneficial use of the water resources of the state, both surface and underground, and that the integrated management of the state’s water resources is essential to meeting its water management goals.
- 2) Groundwater provides a significant portion of California’s water supply. Groundwater accounts for more than one-third of the water used by Californians in an average year and more than one-half of the water used by Californians in a drought year when other sources are unavailable.
- 3) Excessive groundwater extraction can cause overdraft, failed wells, deteriorated water quality, environmental damage, and irreversible land subsidence that damages infrastructure and diminishes the capacity of aquifers to store water for the future.
- 4) When properly managed, groundwater resources will help protect communities, farms, and the environment against prolonged dry periods and climate change, preserving water supplies for existing and potential beneficial use.
- 5) Failure to manage groundwater to prevent long-term overdraft infringes on groundwater rights.
- 6) Groundwater resources are most effectively managed as the local or regional level.
- 7) Groundwater management will not be effective unless local actions to sustainably manage groundwater basins and subbasins are taken.
- 8) Local and regional agencies need to have the necessary support and authority to manage groundwater sustainably.
- 9) In those circumstances where a local groundwater management agency is not managing its groundwater sustainably, the state needs to protect the resources until it is determined that a local groundwater management agency can sustainably manage the groundwater basin or subbasin.
- 10) Information on the amount of groundwater extraction, natural and artificial recharge, and groundwater evaluations are critical for effective management of groundwater.
- 11) Sustainable groundwater management in California depends upon creating more opportunities for robust conjunctive management of surface water and groundwater resource. Climate change will intensify the need to recalibrate and reconcile surface water and groundwater management strategies.
- 12) Sustainability groundwater management is part of implementation of the California Water Action Plan.

It is, therefore, the intent of the Legislature to do all of the following:

- 1) To provide local and regional agencies the authority to sustainably manage groundwater.
- 2) To provide that if no local groundwater agency or agencies provide sustainable groundwater management for a groundwater basin or subbasin, the state had the authority to develop and implement an interim plan until the time the local groundwater sustainability agency or agencies can assume management of the basin or subbasin.
- 3) To require the development and reporting of those data necessary to support sustainable groundwater management, including those data that help describe the basin geology, the short- and long-term trends of the basin's water balance, and other measures of sustainability and those data necessary to resolve disputes regarding sustainable yield, beneficial uses, and water rights.
- 4) To respect overlying and other proprietary rights to groundwater, consistent with Section 1200 of the Water Code.
- 5) To recognize and preserve the authority of cities and counties to manage groundwater pursuant to their police powers.