

MEETING NOTES | July 10, 2014

Santa Rosa Plain Basin Advisory Panel

MEETING IN BRIEF

Announcements.

- Consultant Tim Parker offered an overview of state-wide water policy developments (see Attachment A). He noted, in particular, three similar bills regarding groundwater management that are making their way through the legislature. They could significantly change how groundwater is managed, and underscore the value of getting a good locally-controlled program in place before the changes occur.
- Keith Abeles will no longer represent the Community Alliance for Family Farmers (CAFF) on the Panel; that seat is temporarily vacant but for this meeting, CAFF has given Rue Furch its proxy.
- Panel member Lloyd Iversen asked Ann Maurice (Ad Hoc Committee for Clean Water) to serve as his designated representative for this meeting as he could only be present for part of it.¹ Ann apologized for bringing what sounds like criticism into what sounds like the last meeting of the process, but she hasn't been involved so far and only recently learned of it.

Audio Recording. The Sonoma County Water Agency (SCWA) has a policy that when an attendee is recording a Panel meeting, staff do so as well and make the recording available to all. An observer was video-taping this meeting; hence, staff also recorded the meeting. See links below:

- [Recording Part 1 7-10-14 Panel Meeting](#)
- [Recording Part 2 7-10-14 Panel Meeting](#)

Meeting Overview.

- The Panel reviewed the most recent revisions to the final draft GMP, discussed several additional possible revisions, and agreed on a few minor ones.
- There remained a short list of proposed changes that would have taken more time than was available at this meeting to work through; because the Panel did not want to delay the possibility of recommending at this meeting that formal decision-makers approve the GMP, these items were referred to the Technical Advisory Committee (TAC) for consideration during the implementation phase (after the adoption of the plan).
- The Panel then discussed whether they had a consensus to recommend the GMP for formal approval. Two Panel members were not ready to do so because their constituents are still reviewing the final draft GMP.

¹ One Panel member questioned whether Lloyd's designated representative could be seated, given that she does not live in the Santa Rosa Plain, which the Charter requires, and she introduced herself as representing the Ad Hoc Committee on Clean Water, rather than well owners (whom Lloyd represents). Marci agreed that this could be debated, but questioned whether it was a good use of the Panel's time at this meeting. The matter was dropped at this point, but resurfaced later in the meeting and continued to be a point of contention with a number of Panel members.

- The Panel then voted on whether to use the alternative decision-making procedure;² however, the necessary 75% of Panel members did not favor doing so out of consideration for the two Panel members whose members need a bit more time to complete their review of the final draft GMP.

Next Panel meeting: Please protect August 14, 9:00am-12:00 noon, for a potential Panel meeting. If held, the meeting will take place at 35 Stony Point Rd., Santa Rosa. Staff will confirm via email in early August.

Topics: If an August meeting is held, the focus will be on getting closure on any final changes needed to the GMP in order to recommend it for formal approval. The Panel also would discuss other items related to approving the GMP, such as feedback from constituent briefings, staff assistance needed by Panel members for such briefings, progress by Panel members in obtaining letters of support for the GMP. Finally, if time permitted, Panel members would have an initial discussion about when and how the implementation phase is expected to get underway.

MEETING SUMMARY

Opening Remarks.

- Project Manager Marcus Trotta (SCWA) opened the meeting by thanking Panel members for their 2.5 years of participation, during which they have attended many meetings, reviewed many versions of the draft Groundwater Management Plan (GMP), and provided much input. He asked colleague Jennifer Larocque to review a list of all the outreach that has taken place to help ensure that the affected community understands the emerging GMP.
- Marcus observed that the GMP provides a framework for how we will sustainably manage our groundwater. He believes that the iterative process the Panel has pursued has produced a strong and robust plan. He indicated that, at this meeting, staff would be asking the Panel if it is ready to recommend that the lead agency's Board formally adopt the GMP. If so, SCWA's board would consider the GMP through a noticed public hearing at a September meeting, and, after hearing from the public at that meeting, consider passing a resolution to adopt it.
- He noted that once decision-makers approve the GMP, the Panel's work will continue on into implementation. Near-term focus areas of implementation will include development of groundwater monitoring programs and scenario modeling to help prioritize among various possible management strategies. There will also be extensive additional outreach during the implementation phase. Marcus indicated that the GMP will be a living document – i.e., it can be updated as necessary.
- Technical consultant Tim Parker noted that the final draft GMP is a very robust document, compared to other groundwater management plans he has seen. He believes it reflects the Panel's issues and concerns.

² The necessary quorum to hold the vote was present, either in person or via proxy provided in advance to the facilitator.

Feedback on Final Draft GMP.

Technical Consultant Tim Parker oriented the Panel to the most recent changes in the final draft Groundwater Management Plan (GMP), and indicated that staff think the document is in good shape. The most recent changes incorporated in the final draft GMP version dated 2014_07_02 in the footer include:

- Add reference to Laguna de Santa Rosa watershed as being comparable to SRPW in Section 1
- Added reference to Charter and Governance Proposal in Section 1
- Added subsection on CEQA exemption to end of Section 1.7
- Incorporated Sonoma RCD edits to Section 3.2
- Added Section 3.8 Water-Energy Nexus
- Added 'per capita' to BMO-2
- Incorporated Sonoma RCD edits to Section 5.4.2
- Changed references to BMPs as examples versus recommending
- Added sentence referring to 'best science and technology currently available' to Section 5 second paragraph
- Added 'consideration of best available science' to 5.6.1 Increase Recycled Water for Agricultural Irrigation
- Removed 'is a sustainable water source' from 5.6 Increase Water Reuse
- Miscellaneous grammatical edits
- Updated Table 6-1 with new 5.4.2 Recommended Actions
- Added Appendix C Panel Members, Charter and Governance Proposal
- Updated Appendix H with changes from Section 5.4.2

The Panel discussion of the final draft GMP focused on the following:

- **Best Management Practices (BMPs):** Facilitator Marci DuPraw noted that, in making a round of pre-meeting calls to Panel members, it came to her attention that several had certain concerns about references to BMPs in the GMP. Concerns included: a) difficulty locating some of the referenced BMPs; b) a desire to more fully understand the BMPs referenced to confirm that the Panel considers them to be consistent with the GMP; c) interest in suggesting other BMPs for possible inclusion; and c) the format in which they are included (e.g., weblinks vs. a list of the practices vs. a list of organizations who have information about BMPs vs. narrative descriptions included in the GMP).

Before opening the floor to participants to share their perspectives on this topic, the facilitator asked the Panel to be thinking about the best approach for getting closure on this issue in a manageable timeframe. The range of approaches included:

1. Have a substantive discussion and seek to resolve it today;
2. Refer the issue to further TAC discussion during the implementation phase;
3. Hybrid of #1 and #2 (e.g., leave in the GMP those references to BMPs where the text simply notes that a particular practice is in use; refer text that refers to a particular practice as an example of a "best management practice" to the TAC for further discussion during the implementation phase;
4. Remove all references to BMPs from the document;
5. Put all such references in the "Additional Resources" section of the GMP;
6. Put all such references on the project website;
7. Other approaches (to be determined).

Participant comments on this issue included:

- One Panel member indicated that she would not be able to be part of Approach #1 if it implies reaching consensus because some of her constituent organizations only meet every other month, and plan to discuss the GMP at upcoming meetings.
- A representative of the Ad Hoc Committee for Clean Water said that what the GMP contains about BMPs is important, given that the County is being sued for not having adequate BMPs for agriculture, and indicated that the Committee is developing BMPs for water conservation.
- Drop phrase “during real property transactions” in Section 5.4.2 in the phrase “Develop incentives for conservation retrofits during real property transactions in unincorporated County areas not served by existing conservation programs...” (making the point more broadly applicable);
- A representative of the Ad Hoc Committee for Clean Water reported difficulty finding information on the UC Extension and NRCS BMPs referenced in Section 5-20, was concerned that some of the information may not exist, and asked that the sentence, “Examples of BMPs include those developed by Sonoma RCD, NRCS, and UC Cooperative Extension” be deleted; others reported that they had been able to locate the information on the NRCS site and knew that the information on the other BMPs referenced did exist;
- One Panel member advocated for Approach #2 (refer the sentence to the TAC for discussion during implementation) and make it more explicit how to find the descriptions of the BMPs referenced;
- Another Panel member advocated for Approach #3 (the hybrid approach);
- A Panel member suggested pinning down whether the BMPs in question exist or not; if so, include them – if not, don’t;
- Another Panel member expressed concern about a small number of participants who do not have relevant technical expertise slowing down progress;
- A Panel member expressed concern that if the matter gets referred to the TAC, it will lead to endless discussion about what constitutes a BMP, while we have experts on the subject among us who have informed the current language in the GMP;
- A member of both the Panel and TAC said that the TAC had gone through the referenced discussion at the last TAC meeting, and all but one person agreed to forward the GMP to the Panel;³
- The representative from the Ad Hoc Committee for Clean Water said that there are other organizations with good information on BMPs to which references could be added, and expressed interest in developing additional text on BMPs for inclusion in the GMP;
- Another Panel member expressed a preference to avoid the use of weblinks in the GMP because they don’t necessarily exist forever;
- Some concern was expressed about whether including references to BMPs meant that the Panel was endorsing or legitimizing them (Panel members had differing opinions on this, with many disagreeing that including a BMP as an example represented an endorsement);

³ The facilitator noted that the TAC recommends things to the Panel, and the Panel can recommend things back to the TAC, and that is what is being discussed here.

- A distinction was noted between references to certain practices occurring vs. references to a practice representing a “best management practice,” with the former being non-controversial);
- A Panel member expressed discomfort with the idea of excluding all references to BMPs;
- Several Panel members indicated that, whatever approach the Panel selects for dealing with this issue, it should not derail completion of the GMP;
- One Panel member expressed the view that the Panel should rely upon BMP information available through the RCD, NRCS, and UC Extension because they have been known for their technical expertise on agricultural BMPs for decades;⁴
- One person suggested explaining in more detail in Section 5.4 what BMPs are, make it clear that references are not meant as endorsements, and leave the references in.
- One Panel member objected to another Panel member having appointed a member of the public who was attending her first Panel meeting as his alternate, and indicated that he felt this disrespected the Panel’s collaborative process, and that the Charter speaks to this;⁵ and
- Another Panel member suggested adding a phrase like “such as” or “to be considered” when referring to BMPs to avoid the impression that the Panel is endorsing the BMPs referenced.

In the end, the Panel decided on a modified version of the “hybrid” approach, as follows:

1. Leave in the GMP the “factual” references – i.e., those simply mentioning that a particular practice is in use;
2. Remove from the final draft GMP version 2014_07_02 the one sentence in Section 5.4.2, page 5-20, Recommended Actions, Item #1, last part of the paragraph, which begins with “Examples of BMPs include those developed by ...” and refer it to the TAC for further discussion during the implementation phase (e.g., how BMPs are referenced in this sentence, which should be included, and the format in which they should be included);
3. Add the phrase “... to be considered...” as a qualifier anywhere that the GMP references examples of BMPs; and
4. Drop phrase “real property” in Section 5.4.2 in the phrase “Develop incentives for conservation retrofits during real property transactions in unincorporated County areas not served by existing conservation programs...”

- **Whether Further Outreach is Needed Prior to Referring Final Draft GMP to Formal Decision-Makers for Approval:** The facilitator reminded the group of an action item from the previous Panel meeting, in which a Panel member had proposed

⁴ The facilitator noted that to find a lasting agreement, consensus agreements need to consider what works from a technical perspective, but also what reflects stakeholders’ values and what is politically feasible

⁵ The facilitator agreed that the Charter contains relevant language, but that it would likely involve a debate. She questioned whether this would be a good use of the Panel’s time at this meeting. The matter was dropped at this point, but resurfaced later in the meeting and continued to be a point of contention with a number of Panel members.

doing more outreach to well-owners prior to recommending the GMP to formal decision-makers for approval. The action item was that SCWA staff was going to look into whether creating a well-owner outreach database was legal and feasible, and report back to the Panel. Project Manager Marcus Trotta reported that it is legal and technically feasible, but that it would cost an estimated \$6,500 – 10,000 given that it would be sent to about 14,000 parcels; these funds are not in the SCWA budget for this year.

Jennifer Larocque (SCWA) reviewed remaining pre-approval outreach plans, as well as an extensive list of outreach activities planned for the GMP implementation phase (which is described in the GMP under BMO 1 and 2); she noted that remaining pre-approval outreach is expected to include a public hearing with advance notice to the public, a notice in the papers, a press release, an email blast, and information for the Panel and TAC to use in briefing their constituencies. Jennifer mentioned that outreach activities during GMP implementation are expected to include both an overall outreach program as well as targeted outreach associated with specific projects and monitoring initiatives.

The facilitator suggested that the Panel might want to form an outreach subcommittee during the implementation phase to help guide the outreach activities. However, she noted that the outreach discussion on the agenda today is focused on closing the loop regarding last month's suggestion that further outreach be conducted to well-owners prior to referring the GMP for decision-maker approval. She asked the Panel, based on the above report, if they collectively feel a need to do any further pre-approval outreach beyond what is already planned.

Points made by participants include:

- The representative from the Ad Hoc Committee for Clean Water indicated that she had only recently become aware of the Panel's existence, although it was formed over 2 years ago, and that many other people are not aware of this effort because meetings are held during business hours and people don't read public notices in the Press Democrat;
- Numerous Panel members expressed significant frustration about the legitimacy of this designated representative being seated at the "11th hour," with comments made that questioned how she could know the primary representative and not know of this effort, given that the Panel has heard from that primary representative and his network all along; the understanding that she does not live in the Santa Rosa Plain, which is required for Panel representatives; and the perception that seating her was an insult to the collaborative process;
- Another Panel member expressed the view that the Panel has done a very good job with outreach (600 people attended public meetings);
- One Panel member noted that even with the best outreach, there will still be people who say they didn't know about an initiative;
- The representative of the Ad Hoc Committee for Clean Water indicated that the Committee could do outreach to well owners for \$1,000;
- Another Panel member commented that a mailing may not be particularly effective;

- A Panel member observed that Project-specific outreach during implementation will be helpful;
- Another Panel member said that there is nothing to be afraid of in moving this document forward, since it is not a regulatory document and will be able to further evolve over time;
- One Panel member noted that we are drawing GMP development to a close, but just beginning GMP implementation, so we can add outreach if needed along the way; and
- Another Panel member said that the public wants to see the GMP proposed and approved, and urged the Panel to proceed to recommend its approval.

The general sense of the group was that it was not necessary to add additional pre-decision outreach activities beyond those already planned, and that the subject should not be given more air time because the Panel had been operating from an agreed-upon outreach program, and the charter indicates that the Panel need not revisit subjects upon which they have already reached consensus.

- **Other:** The facilitator asked the Panel if anyone had any further revisions to the GMP to request; three people indicated that they did. The facilitator suggested flip charting one list for items that were non-controversial, and another list of requested revisions that would require further Panel discussion. Given time constraints, she indicated that she would then suggest that the Panel approve the non-controversial items all together, but refer the controversial items to the TAC for further discussion during the implementation phase. (Thus, if the Panel agreed today to recommend that decision-makers approve the final draft GMP, it would contain the “non-controversial” revisions, but not the “controversial” ones.)
- The non-controversial items included:
 - In Sections 5.6.1 and 5.6.2, on pp. 5-26 and 5-27, where the GMP discusses increasing recycled water for agricultural use, add “peer-reviewed” before “research” in the phrase that begins “consideration of current research....”;
 - and
 - Adding “to be considered” where there are references to any examples of BMPs.

The above changes will be integrated into the final draft GMP.

The “controversial” items included:

- One representative’s perspective that:
 - There is nothing in the GMP about water sold to Marin County;
 - Section 2-6 contains some inaccuracies (distorted statistics, such as an inflated number for the amount of water used by rural residents);
 - There is a need to give more attention to several topics such as groundwater contamination issues, water conservation, and SCWA wells deeper than 100 feet);
 - There is a need to discuss the drawbacks of groundwater banking, and the GMP currently only discusses its benefits; and
 - The GMP should address anadromous fish.

- A legal opinion is needed as to whether the GMP is exempt from CEQA.
- Adding detail to the discussion of water re-use in Section 3.3, under Municipal Recycled Water – i.e., specifically, including:
 - In the sentence beginning, “The recycled water is distributed to....”, add “...., including city parks in Santa Rosa and Rohnert Park.
 - At the end of that paragraph, add the following text: “Santa Rosa holds NPDES and Reclamation Permits for the Subregional Water Reclamation System, and is responsible for adherence to proper applications of recycled water by its in-house and client irrigators. Santa Rosa also is responsible for annual reports of spills and irrigation misuse.”

Public Comment. Four observers spoke during the time set aside for public comment, voicing the following opinions:

- Narrative descriptions of BMPs should be included in the appendix, not just a reference to them;
- There has been insufficient public outreach related to the GMP;
- At public meetings, there has been insufficient time for the public to make all the comments they would like to make;
- More work is needed on the GMP before it is submitted for formal approval, considering such things as vineyards exporting water when they sell wine grown in the Santa Rosa Plain, and factoring into the estimate of rural water use the amount of gray water recycled on rural properties; and
- The California Water Foundation Plan supercedes the GMP, and this is an indication that the voluntary nature of this process is an illusion.

One person expressed concern about a perceived global trend toward privatization of water. Someone else asked about the timeframe for approval. (If the GMP is still in draft form as of late October, it will require adoption of a new resolution regarding SCWA’s intent to develop such a plan.)

Decision on Whether to Refer Final Draft GMP to Decision-Makers for Approval Today. The facilitator noted that several people during the course of the morning had expressed their desire to go ahead and “vote” on recommending the final draft GMP to decision-makers. The facilitator then reviewed the Panel’s decision-making process, reminding those present that the Panel first seeks consensus (defined as “all either fully support or can live with the proposal, and believe their constituents can too”); consensus as defined in the Panel’s charter can include full endorsement, finding the proposal “workable,” being able to “live with it,” and/or standing aside and letting the Panel proceed without objection. If the Panel is at consensus, no vote is needed.

However, two Panel Members (Jane Nielson, Sonoma County Water Coalition and the O.W.L. Foundation, and Rue Furch, Sebastopol Water Information Group and Sierra Club) explained that their constituents’ review process is lengthy and they were not able to say yet whether their constituents would support recommending the current draft GMP to decision-makers for approval. Jane indicated that she expects the Sonoma County Water Coalition will weigh in at its next meet August 13th. Rue indicated that she is cautiously optimistic that she will have

some indication of SWIG's perspective prior to August 14th, but the Sierra Club may take several months; she will clarify with the Sierra Club in the next month whether it would be acceptable for her to "stand aside" and let the GMP go forward while the Sierra Club review proceeds.

The facilitator then reviewed the alternative decision-making procedure, which can be used when the Panel is not at consensus if 75% of the Panel vote to use it. If that occurs, then another vote is taken on the proposal itself; that requires 75% of the Panel to vote in favor of the proposal for it to pass. The decision still remains open for a set period of time (about 10 days) to allow all Panel members to cast their votes (e.g., assuming not all were present at the meeting). A Panel member did call for a vote on whether to use this procedure; the Panel voted, but did not get 75% in favor due to concern about over-riding the two Panel members whose constituents were still reviewing the final draft GMP.

Thus, Panel members were asked to protect the morning of August 14th for the next Panel meeting on a tentative basis; staff will confirm via email whether this meeting will take place after conferring further with Jane and Rue. There also is some possibility that closure could be obtained via email, depending on whether Jane's and Rue's constituents request changes (and if so, the nature of the changes).

Closing Comments. SCWA staff are working on the Cooperative Agreement for use by implementing agencies, and it should be complete soon. Staff are also working on a sample letter of support, which Marcus will distribute electronically.

Action Items.

- Tim Parker will incorporate the agreed-upon revisions into the final draft GMP and send it back out to the Panel early next week.
- Staff will follow up with Jane Nielson and Rue Furch to pin down when they will be able to speak definitively for their constituents, and factor that into a decision on whether to hold the August 14th Panel meeting or not; staff will confirm with Panel members via email as soon as possible.
- CCP facilitators will check in with all Panel members prior to the next Panel meeting.
- Panel members are encouraged to brief their constituents on the final draft GMP if they have not already.

Attachments *(attached as separate files):*

- A. Announcements Regarding Overall Status of Legislative and Policy Climate in California *(Provided by Consultant Tim Parker)*

Participants.

Panel Members

- Garrett Broughton, Town of Windsor
- Michael Burns, Resident of Santa Rosa
- Mark Calhoon, Fircrest Mutual Water Company
- Elizabeth Cargay, Foothills of Windsor Homeowners Association
- Margaret DiGenova, Cal American Water Company
- Rue Furch, Sebastopol Water Information Group (SWIG) and Sierra Club (and for this meeting, the Community Alliance for Family Farmers)
- Dawna Gallagher, Well Owner and Clean Water Sonoma Marin, Director
- Maureen Geary, Federated Indians of Graton Rancheria
- Edward Grossi, Sweet Lane Wholesale Nursery
- Kara Heckert, Sonoma Resource Conservation District
- Jay Jasperse, Sonoma County Water Agency
- Darrin Jenkins, City of Rohnert Park
- Bill Keene, Sonoma County Agricultural Preservation & Open Space District
- Sue Kelly, City of Sebastopol
- Ann Maurice, Ad Hoc Committee for Clean Water (Designated Representative of Lloyd Iversen, Local Well Owner, for this meeting)⁶
- Gary Mickelson, California Groundwater Association
- John Nagle, Sonoma County Winegrape Commission
- Jane Nielson, Sonoma County Water Coalition and O.W.L. Foundation
- Curt Nichols, Carlile Macy Landscape Architects and Civil Engineers, for the Construction Coalition
- Damien O'Bid, City of Cotati
- Pete Parkinson (retired), County of Sonoma
- Daniel Sanchez, North Bay Association of Realtors
- Tito Sasaki, Farm Bureau
- Rocky Vogler, City of Santa Rosa

Observers

- Karl Adelman, Citizen
- Brenda Adelman, Russian River Watershed Protection Committee
- Lloyd Iversen, Well Owner⁷
- Bob Anderson, United Winegrowers
- Tom Yarish, Homeowner
- Fred Soares, Homeowner, Well owner
- Jeremiah Puget, NCRWQCB
- Debra Tavaris, Sonoma County
- Lou Tavaris

⁶ See footnote p. 1.

⁷ Not present for full meeting, so arranged for designated representative at the table; he functioned as an observer for the portion of the meeting at which he was present.

Staff

- Marcus Trotta, SCWA (Project Manager)
- Jennifer Laroque, SCWA
- Tim Parker, Parker Groundwater (Technical Consultant)
- Marci DuPraw, Center for Collaborative Policy (Facilitator)