

SACRAMENTO GROUNDWATER AUTHORITY REGULAR MEETING OF THE BOARD OF DIRECTORS

Thursday, December 12, 2019; 9:00 a.m.

5620 Birdcage Street, Suite 110

Citrus Heights, CA 95610

(916)967-7692

AGENDA

The Board will discuss all items on this agenda, and may take action on any of those items, including information items and continued items. The Board may also discuss other items that do not appear on this agenda, but will not act on those items unless action is urgent, and a resolution is passed by a two-thirds (2/3) vote declaring that the need for action arose after posting of this agenda.

The public shall have the opportunity to directly address the Board on any item of interest before or during the Board's consideration of that item. Public comment on items within the jurisdiction of the Board is welcomed, subject to reasonable time limitations for each speaker. Public documents relating to any open session item listed on this agenda that are distributed to all or a majority of the members of the Board of Directors less than 72 hours before the meeting are available for public inspection in the customer service area of the Authority's Administrative Office at the address listed above. In compliance with the Americans with Disabilities Act, if you have a disability and need a disability-related modification or accommodation to participate in this meeting, please contact the Executive Director of the Authority at (916) 967-7692. Requests must be made as early as possible, and at least one full business day before the start of the meeting. The Board of Directors may consider any agenda item at any time during the meeting.

- 1. CALL TO ORDER AND ROLL CALL**
- 2. PUBLIC COMMENT:** Members of the Public who wish to address the committee may do so at this time. Please keep your comments to less than three minutes.
- 3. BOARD SECRETARY APPOINTMENT**
Action: Appoint Josette Reina-Luken as the SGA Board Secretary
- 4. CONSENT CALENDAR**
Minutes of the August 8, 2019 and October 10, 2019 meetings
Action: Approve August 8, 2019 and October 10, 2019 meeting minutes
- 5. WATER MANAGEMENT OPTIONS PILOT MEMORANDUM OF AGREEMENT**
Information Update: Rob Swartz, Manager of Technical Services
Action Item: Authorize the Executive Director to enter into a Water Management Options Pilot Memorandum of Agreement with the Regional Water Authority and United States Bureau of Reclamation
- 6. ELECTION OF 2019 SGA OFFICERS**
Information Update: SGA Nominating Committee update and recommendations
Action: Elect 2019 SGA Chair and Vice Chair
- 7. GROUNDWATER SUSTAINABILITY PLAN DEVELOPMENT UPDATE**
Information Update: Rob Swartz, Manager of Technical Services

8. **AN OVERVIEW OF THE SACRAMENTO GROUNDWATER AUTHORITY**
Information Presentation: Rob Swartz, Manager of Technical Services
9. **SGA FISCAL YEAR 2020 BUDGET REALLOCATION**
Discussion: Jim Peifer, Executive Director
Action Item: Action: Reallocate \$30,000 from the SGA Professional Fees Budget Category to the Staff Expenses Budget Category
10. **EXECUTIVE DIRECTOR'S REPORT**
11. **DIRECTORS' COMMENTS**
12. **ADJOURNMENT**

Next SGA Board of Director's Meeting – February 13, 2020 at 9:00 a.m. at the RWA/SGA office, 5620 Birdcage Street, Suite 110, Citrus Heights

Notification will be emailed when the SGA electronic packet is complete and posted on the SGA website at <http://www.sgah2o.org/meeting/board-meetings/>

Sacramento Groundwater Authority Board Meeting
December 12, 2019

AGENDA ITEM 3: BOARD SECRETARY APPOINTMENT

STAFF RECOMMENDATION:

Action: Appoint Josette Reina-Luken as the SGA Board Secretary

Sacramento Groundwater Authority Board Meeting
December 12, 2019

AGENDA ITEM 4: CONSENT CALENDAR

STAFF RECOMMENDATION:

Action: Approve August 8, 2019 and October 10, 2019 meeting minutes



1. CALL TO ORDER

Chair Tobin called the meeting of the Board of Directors to order at 9:00 a.m. at the Regional Water Authority/Sacramento Groundwater Authority office. Individuals in attendance are listed below:

Board Members

Caryl Sheehan, Citrus Heights Water District
Marcus Yasutake, City of Folsom
Brett Ewart, City of Sacramento
Linda Dorn, County of Sacramento
Robert Matteoli, Del Paso Manor Water District
Randy Marx, Fair Oaks Water District
Paul Schubert, Golden State Water Company
John Wingerter, Orange Vale Water Company
Mary Harris, Rio Linda/Elverta Community Water District
Dave Jones, Sacramento Suburban Water District
Pam Tobin, San Juan Water District
Mike DeWit, Agriculture

Staff Members

Jim Peifer, Rob Swartz, Nancy Marrier, Cecilia Partridge, Monica Garcia and Chris Sanders, legal counsel

Others in Attendance

Dan York, Joe Duran, Kevin Kennedy, Richard Shatz, Tom Gray, José Ramirez, Matti Siltanen, Susan Talwar and N.C. Doyel

2. PUBLIC COMMENT

None.

3. CONSENT CALENDAR

The minutes of the June 13, 2019 meeting

Motion/Second/Carried (M/S/C) Ms. Harris moved, with a second by Mr. Schubert, to approve the June 13, 2019 Sacramento Groundwater Authority (SGA) Board minutes. The motion carried by the unanimous voice vote of all directors present, with the exception of Ms. Harris who abstained.

4. SUSTAINABLE GROUNDWATER MANAGEMENT ACT AND GROUNDWATER SUSTAINABILITY PLAN DEVELOPMENT UPDATE

Rob Swartz, Manager of Technical Services, reported that on July 17, 2019 the Department of Water Resources (DWR) released its recommendations and reviews for 15 Alternatives to Groundwater Sustainability Plans (GSPs) that were submitted prior to January 1, 2017. DWR recommended approval of nine of the plans. With the recommendations, DWR released detailed reviews of the Alternative GSPs. Staff expects to review these to gain insight on the expectations of our own GSP.

Progress continues on activities related to developing a GSP for the North American Subbasin (NASb). A summary table of activities related to the scope of work for the NASb relative to the DWR Proposition Sustainable Groundwater Planning (SGWP) grant was included in the packet. Also included was a summary of the budget with respect to the NASb SGWP grant activities. Mr. Swartz will meet with the new DWR SGWP grant manager that has been assigned in the near future.

There were two deep monitoring wells constructed in Placer and Sutter Counties. Mr. Swartz described the differences found when testing the wells. One of the wells required a special cap seal as the well water contains methane gas. The wells will be monitored and the data will provide useful information. Construction is expected to begin on four shallow monitoring wells mainly along the Bear and Feather Rivers. Under SGMA, we are required to address the relationship between the surface water systems and the groundwater systems. A draft model grid has been completed. There is an opportunity through RWA to get the funding together to also develop the model for the South American Subbasin. Mr. Swartz reported that a better model will result when both models are developed at the same time.

Mr. Swartz gave an overview of the Prop 1 SGWP Budget. SGA has made their full contribution of \$262,700 to the effort. The first grant reimbursement has been received from DWR in the amount of \$50,912. Total funds collected to date are \$475,791. After expenses the current cash balance is \$114,555.

5: GROUNDWATER MANAGEMENT PROGRAM UPDATE

Mr. Swartz said that staff is continuing to monitor groundwater elevations on a monthly basis in several monitoring wells. He provided a PowerPoint presentation update on the Groundwater Management Program including groundwater level monitoring and groundwater quality issues. He said that data indicates that groundwater continues recovering since the most recent drought. He provided information and data on various wells through the region showing water levels, drawdown and recovery.

The SGA Regional Contamination Issues Committee met on July 25, 2019. Issues discussed included an update on the hexavalent chromium (CrVI) maximum contaminant level (MCL) setting process. The committee was formed in 2004 in response to additional discovery of Aerojet contamination north of the American River. There are claims by McClellan that recovery of groundwater levels due to conjunctive use were interfering with the remediation timetable. The committee

includes representatives of impacted water suppliers, regulators overseeing sites and responsible parties. The intent of the committee is to find areas of common interest to improve efficiency for all participants and to identify emerging regional water quality concerns as early as possible.

Mr. Swartz reported that at a July 19, 2019 State Water Board (SWB) Division of Drinking Water Advisory Group meeting on hexavalent chromium, it was reported that an economic feasibility white paper and public workshops are expected in October or November. Informal rulemaking on maximum contaminant level is expected in late 2019 or early 2020 with formal rulemaking in late 2020 or early 2021.

Mr. Swartz reported that an MCL for 1,2,3 Trichloropropane (TCP) was established by the SWB in December 2017. As a result of the MCL, sampling was required of public water systems through 2018. The results indicate that there are two occurrences of MCL exceedances in the SGA area, and there are two exceedances to the south of the SGA.

The SWB has ordered additional sampling for PFAS in water systems that have had previous detections of PFAS or are near potential source activities. This included 32 wells in Sacramento County. While there is no MCL for PFAS, the State Water Board is considering lowering the notification levels and action levels for certain PFAS compounds, which could have ramifications in the region. Several thousand PFAS compounds exist and are used to make materials resistant to stains, water-proof and non-stick items and are contained in fire-fighting foam. The compounds are extremely persistent and resistant to typical environmental breakdown accumulating in the air, soil and water as well as in the human body.

Mr. DeWit exited the meeting.

PFASs that are of current concern include Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS). There is no current drinking water standard but US EPA established a lifetime Health Advisory Level (HAL) for PFOA and PFOS of 70 nanograms/liter (or parts per trillion). The SWB adopted the US EPA HAL as the California Response Level (RL). When the RL is exceeded, and concentrations cannot be reduced below the RL, DDW recommends removing the source from service.

The SWB established Notification Levels for PFOA and PFOS in 2018. When NLs are exceeded, the Division of Drinking Water (DDW) recommends the source be removed from service and treated. SWB has ordered additional sampling for drinking water wells within two miles of an airport, one mile of a municipal landfill or one mile of a well with a UCMR3 detection. Thirty-two wells in Sacramento County were ordered to test with results expected within the next few months.

Mr. Peifer added that we don't want regulatory action that punishes the water purveyors for PFAS. Other states are making progress to make sure regulatory and any legal efforts that come up punish the makers of PFAS and help to offset the costs to water agencies.

Chair Tobin said that she has been in meetings with Mr. Swartz and Mr. Peifer to discuss the direction for SGA to continue improving the effectiveness of the organization. It was suggested that a workshop be held to familiarize new members with the history and future goals of SGA. Mr. Peifer said that a workshop would provide historical context of the SGA and future potential, to build members understanding of the SGA. Regulatory and technical issues would also be addressed. Members were asked to email any topics or clarification on issues that they would like to see covered at a workshop to Chair Tobin, Mr. Peifer or Ms. Partridge.

6. EXECUTIVE DIRECTOR'S REPORT

Finance and Administrative Services Manager Recruitment – Staff is advertising for a Finance and Administrative Services Manager to fill the vacancy when Nancy Marrier retires. Ms. Marrier will be retiring from public service on December 3, 2019. There will be an overlap time so the new candidate has an opportunity to learn the functions of the position.

SGA Outreach – Mr. Swartz will present to the Groundwater Resources Association of California's Second Annual Groundwater Congress, which will take place September 17-19, 2019 in Sacramento. He will speak on expanding conjunctive use through creation of the Sacramento Regional Water Bank.

Legislative Update – Funding for safe drinking water has been resolved through SB 200 (Monning). The solution provides for \$130 million annually and comes primarily from Greenhouse Gas Reduction Funds (GGRF) with a backstop from the General Fund.

With the passage of SB 200, much of the work on implementation will shift over to the State Water Board and the regulatory realm. The State Water Board had previously begun work on a safe drinking water needs assessment and water affordability. Regional Water Authority (RWA) staff has been engaged in those processes and has submitted comment letters into both of those proceedings remaining engaged as they, and others work on safe drinking water.

Water Resilience Portfolio Initiative – On April 29, 2019, Governor Newsom signed an executive order directing his administration to develop a comprehensive strategy to build a climate-resilient water system. The order directs the secretaries of the California Natural Resources Agency, California Environmental Protection Agency and the California Department of Food and Agriculture to identify and assess a suite of complementary actions to ensure safe and resilient water supplies, flood protection and healthy waterways for the state's communities, economy and environment.

The RWA will be developing a set of recommendations to inform the Governor's Water Resilience Portfolio initiative, which will partly focus on successful groundwater management and future opportunities resulting from it, such as the Sacramento Regional Water Bank.

Water Forum Update – Water Forum staff continue to provide support to the Voluntary Agreement (VA) effort. The VAs would provide an alternative to the SWRCB staff proposed update to the Bay Delta Water Quality Control Plan, which would substantially modify flows into the Delta. The VAs will provide flow and habitat, and for this region, a version of the American River Flow Management Standard. The VA proposal is currently being evaluated by the SWRCB to determine if it provides equivalent benefits to the staff proposal.

Other efforts include facilitation of SGMA efforts in south Sacramento County and the planning/permitting of habitat projects.

SGA Financial reports – The financial reports for the period ending on June 30, 2019 were included in the packet.

7. DIRECTORS' COMMENTS

Mr. Ewart reported that during a 2018 water transfer the City of Sacramento received groundwater from Sacramento Suburban Water District. The City is now transferring surface water back into Sacramento Suburban Water District's system.

Mr. Schubert said that Golden State Water will have their system online for fluoridation at their Arden facility by September.

Ms. Harris, Rio Linda/Elverta Community Water District, thanked Mr. Swartz for his Groundwater Management Program Update presentation.

Mr. Yasutake said that City of Folsom is close to finishing up their intertie project with Golden State Water Company under a drought grant. On August 27th the City of Folsom will be hosting a rate study public workshop. The city has received approval from the Bureau of Reclamation to expand their water place of use for their Central Valley Project water service contract. This allows the city to use water anywhere within the city limits.

Ms. Dorn, County of Sacramento, announced a public workshop on geophysical techniques hosted by the Consumnes Work Group on August 21st in the City of Galt. Additional information is available on the Water Forum website.

Ms. Sheehan, Citrus Heights Water District, said that with the Safe Drinking Water Act, the State Water Board Division of Drinking Water is developing an entire branch to handle this matter by hiring 26 new employees to work in the new branch. They are working on getting the program up and operational.

Mr. Gray said that the Fair Oaks Water District is in the process of planning for the construction of two new wells. The board will be considering one well as an ASR project. Their board acquired almost one acre for a new three-million-gallon water storage tank.

Adjournment

With no further business to come before the board, Chair Tobin adjourned the meeting at 10:17 a.m.

By:

Chairperson

Attest:

Nancy Marrier, Finance and Administrative Services Manager



1. CALL TO ORDER

Vice Chair Sheehan called the meeting of the Board of Directors to order at 9:00 a.m. at the Regional Water Authority/Sacramento Groundwater Authority office. Individuals in attendance are listed below:

Board Members

George Leidy, Carmichael Water District
Caryl Sheehan, Citrus Heights Water District
Marcus Yasutake, City of Folsom
Brett Ewart, City of Sacramento
Linda Dorn, County of Sacramento
Paul Schubert, Golden State Water Company
John Wingerter, Orange Vale Water Company
Mary Harris, Rio Linda/Elverta Community Water District

Staff Members

Jim Peifer, Rob Swartz, Nancy Marrier, Cecilia Partridge, Monica Garcia and Chris Sanders, legal counsel

Others in Attendance

Joe Duran, Tom Gray, Greg Zlotnick, Laura Byrd, Trevor Joseph, NC Doyel, Alan Vail, Bob Reisig, Ali Taghavi, Matti Siltanen, Hilary Straus, David Gordon and Alan Driscoll.

A quorum was not present at this meeting; therefore, no actions could be taken.

Motion/Second/Carried (M/S/C) Mr. Ewart moved, with a second by Mr. Yasutake, to continue with the information items on the agenda. The motion carried by the unanimous voice vote of all directors present.

2. PUBLIC COMMENT

None.

3. CONSENT CALENDAR

The minutes of the August 8, 2019 meeting.

A quorum was not present at this meeting; therefore, no action was taken on this agenda item.

4. SUSTAINABLE GROUNDWATER MANAGEMENT ACT AND GROUNDWATER SUSTAINABILITY PLAN (GSP) DEVELOPMENT UPDATE

Mr. Swartz said that progress continues on activities related to developing a GSP for the North American Subbasin (NASb). A summary table of activities related to the scope of work for the NASb relative to the DWR Proposition Sustainable Groundwater Planning (SGWP) grant was enclosed in the packet. Also enclosed was a summary of the budget with respect to the NASb SGWP grant activities.

All monitoring wells have been constructed and equipped with pressure transducers that measure the pressure being exerted on top of the transducers. This data can be converted to determine water elevation levels in the well. At this time, measurements are being taken four times a day to provide a continuous record of each well. Staff is sampling a series of additional monitoring wells in the basin for water quality. These are wells that have been constructed by other agencies. Staff is beginning to draft some of the chapters of the sustainability plan with background information. The most controversial future item will be the water budget.

The grant program budget that was included in the packet reflects the funding that staff is managing on behalf of the Groundwater Sustainability Agencies (GSAs). Additional items have been identified that need to be completed. A website has been developed, www.NASbgroundwater.org where the public can access information on who to contact if they are in a certain area within the subbasin. The website is also an opportunity to sign up as a stakeholder to receive meeting notifications.

5: SACRAMENTO REGIONAL WATER BANK

Mr. Swartz provided an overview of how the proposed Sacramento Regional Water Bank (Water Bank) would work and the remaining planning needed to have an operational Water Bank by 2022. The Water Bank is being developed through the Regional Water Authority (RWA).

Related to planning for the Water Bank, RWA successfully applied for funding assistance through the United Bureau of Reclamation's Basin Study – Water Management Options Pilot Program. RWA has been awarded \$650,400 that will be used to conduct operations modeling with Reclamation to ensure that the Water Bank does not impact Central Valley Project operations. The operations model is of surface water operations related to reservoirs and rivers, and it would need to be linked to the regional integrated water flow model (IWFM); a groundwater model currently being developed in the region to evaluate the Water Bank. The IWFM model development is being used to meet the local cost share requirement for the Reclamation funding support. Because SGA is managing the development of the IWFM model for the North American Subbasin (NASb), SGA would need to be a part

of the Memorandum of Agreement (MOA) currently being developed between RWA and Reclamation. This would allow the funds being used for the NASb IWFM to be counted as local cost share.

Mr. Swartz reported that conjunctive use has been successful in stabilizing groundwater levels in the region, but we expect the hydrology to change significantly in the future. Developing a Water Bank can help incentivize expanding conjunctive use and ensure future sustainability. Following groundwater banking guidelines can help ensure future success under the Sustainable Groundwater Management Act (SGMA). A 2018 pilot proved our ability to work together and understand many of the mechanisms of the Water Bank. The 2018 pilot showed the positive results of agencies working together with the baseline groundwater use, total pumped and transfer credited for each agency. It is anticipated to finish planning the Water Bank and to become fully operational in 2022. Additional facilities could expand on operational capacity as funding becomes available.

The Water Bank is ultimately storage, putting water in the system in wet years and a recovery program in dry years. The Water Bank would have an accounting system to ensure that we are operating sustainably. The Bureau of Reclamation has recognized other water banks, which are required from the Central Valley Project Improvement Act. This act committed 700,000 acre-feet of water to the environment, resulting in impacts to those who had Central Valley Project contracts. To help mitigate the impacts, Bureau of Reclamation was directed to allow for the establishment of groundwater banks so that in a wet year, if there was no need to take the water, it could be banked for recovery in a future dry year. There are allowances for multi-year storage. Water has to be stored before it can be recovered.

A quorum was not present at this meeting; therefore, no action was taken on this agenda item.

6. EXECUTIVE DIRECTOR'S REPORT

Finance and Administrative Services Manager Recruitment – Ms. Josette Reina-Luken started on October 8th as the new Finance and Administrative Services Manager.

Mr. Peifer announced that Jack DeWit, long-time SGA Board AG representative, has passed away.

SCGA Request - The Sacramento Central Groundwater Authority (SCGA) recently adopted a strategic plan. A goal of the SCGA plan states the SCGA will “Determine the most appropriate governance structure that effectively represents the diverse stakeholders and executes the mission of the SCGA.”

Two objectives associated with this goal include: “...model SCGA after the Sacramento Groundwater Authority (SGA), or other measures to most effectively

and efficiently govern” and “create new governance to foster independence, transparency, accountability, and cost efficiency as it relates to the long-term management of the basin.”

The RWA has received a request from the SCGA to brief the SCGA board on the RWA staffing relationship with the SGA and the feasibility of providing staff to SCGA in a similar method. SCGA has requested the RWA staff review the details and feasibility of providing staff to SCGA and present the findings to the SCGA at a future board meeting. A copy of the letter making the request was included in the packet.

SGA Outreach – Mr. Peifer submitted an application to serve on the Association of California Water Agencies’ Groundwater Committee.

Mr. Peifer and Mr. Swartz met with Ms. Terrie Mitchell on October 3rd from the Sacramento Regional Sanitation District, Dave Richardson from Woodard & Curran, and Erik Ringleberg from the Freshwater Trust to discuss the Sacramento Regional Water Bank and the South County Ag Project.

Jim Peifer participated on a panel on Urban, Rural and Agricultural Supplies at the State Water Resources Control Board on September 23rd. The panel discussion was part of a larger drought panel discussion to inform the Water Resilience Portfolio Initiative.

Rob Swartz presented on the Sacramento Regional Water Bank to the Groundwater Resources Association of California’s Western Groundwater Congress on September 19th and to the City of Sacramento Water Committee on September 24th.

Water Resilience Portfolio Initiative – On April 29, 2019, Governor Newsom signed an executive order directing his administration to develop a comprehensive strategy to build a climate-resilient water system. The order directs the secretaries of the California Natural Resources Agency, California Environmental Protection Agency and the California Department of Food and Agriculture to identify and assess a suite of complementary actions to ensure safe and resilient water supplies, flood protection and healthy waterways for the state’s communities, economy and environment.

The RWA has sent a comment letter with recommendations to inform the Governor’s Water Resilience Portfolio initiative, which will partly focus on successful groundwater management and future opportunities resulting from it, such as the Sacramento Regional Water Bank.

Water Forum Update – The Water Forum recently completed a 7.5 acre gravel spawning project near Sailor Bar on the American River. See attached press release and FAQ.

Water Forum staff continue to provide support to the Voluntary Agreement (VA) effort. The VAs would provide an alternative to the State Water Resources Control Board (SWRCB) staff proposed update to the Bay Delta Water Quality Control Plan which would substantially modify flows into the Delta. The VAs provide flow and habitat, and for this region, a version of the American River Flow Management Standard. The VA proposal is currently being evaluated by the SWRCB to determine if it provides equivalent benefits to the staff proposal.

Other efforts include facilitation of SGMA efforts south of the American River and the planning/permitting of habitat projects.

An article on PFAS has been written in the LA Times with information provided by Cal Am. The article may be of immediate interest in our region. Mr. Peifer handed out key messages on new PFAS monitoring requirements. The Regional Contamination Issues Committee will meet on Oct 24th at 9:30 a.m. This is a quarterly meeting that is attended mostly by staff. Anyone needing further information was asked to contact Rob Swartz.

Mr. Swartz said that items discussed at the meetings include updates on McClellan and Aerojet contamination, with updates on the status of remediation operations and any issues that have come up since the last meeting. Staff receives agency updates on projects they are working on to deal with contamination issues. It is expected that there will be discussion on PFAS and the results of the required testing that has been done.

The 2019 RWA Holiday Social is scheduled for Thursday, December 12, 2019 at North Ridge Country Club.

7. DIRECTORS' COMMENTS

Mr. Ewart said that the City of Sacramento has just completed sending all the water back to Sacramento Suburban Water District to complete their water transfer. They will be continuing to send water to SSWD for the coming year.

Ms. Harris introduced Bob Reisig as the new SGA alternate representative for Rio Linda/Elverta Community Water District. Jerry Wickham, long time Board Member, has passed away.

Mr. Yasutake said that the Folsom City Council authorized staff to issue Prop 218 Notices for rate increases for water, waste water and soft waste. The notices are expected to be mailed next week. A public workshop is scheduled for November 6th with a public hearing on December 10th.

Mr. Peifer noted that because there was not a quorum present that he will decide if a special meeting is needed or if the items will be placed on the December SGA board meeting agenda.

Adjournment

With no further business to come before the board, Vice Chair Sheehan adjourned the meeting at 10:04 a.m.

By:

Chairperson

Attest:

Nancy Marrier, Finance and Administrative Services Manager

AGENDA ITEM 5: WATER MANAGEMENT OPTIONS PILOT MEMORANDUM OF AGREEMENT

BACKGROUND:

Note that this item was presented to the SGA Board in October 2019. No action was taken as there was not a quorum of the Board present.

In July 2019, the Regional Water Authority (RWA) adopted a Regional Water Reliability Plan (RWRP). Among the recommendations of the RWRP was to develop the Sacramento Regional Water Bank (Water Bank) as a means of expanding conjunctive use operations in the region to improve water supply reliability. A copy of the RWRP is available at <https://rwah2o.org/regional-water-reliability-and-drought-contingency-plan/>. RWA is still in the planning phases of the proposed Water Bank with a goal of having federal recognition by the United States Bureau of Reclamation (USBR) by 2022.

Related to planning for the Water Bank, RWA successfully applied for funding assistance through the USBR's Basin Study – Water Management Options Pilot Program. RWA has been awarded \$650,400 that will be used to conduct operations modeling with Reclamation to ensure that the Water Bank does not impact Central Valley Project operations. The operations model is of surface water operations related to reservoirs and rivers, and it would need to be linked to the regional integrated water flow model (IWFM) groundwater model currently being developed in the region to evaluate the Water Bank. The IWFM model development is being used to meet the local cost share requirement for the Reclamation funding support. Because SGA is managing the development of the IWFM model for the North American Subbasin (NASb), SGA would need to be a part of the Memorandum of Agreement (MOA) currently being developed between RWA and Reclamation. This would allow the funds being used for the NASb IWFM to be counted as local cost share. Staff is requesting that the Board authorize the Executive Director to enter into the MOA with RWA and Reclamation upon its completion. There is no fiscal impact to SGA through the MOA. A copy of the MOA template is included in the packet.

STAFF RECOMMENDATION:

Information Update: Rob Swartz, Manager of Technical Services

Action Item: Authorize the Executive Director to enter into a Water Management Options Pilot Memorandum of Agreement with the Regional Water Authority and United States Bureau of Reclamation

**Department of Interior
Bureau of Reclamation**

INSERT Pilot NAME

MEMORANDUM OF AGREEMENT

The United States Department of Interior, Bureau of Reclamation (Reclamation) and *Insert non-Federal partner Name(s)* agree to work collaboratively to perform the *Insert Pilot Name* as part of the WaterSMART Basin Study Program. This Memorandum of Agreement establishes the terms that will guide the performance of the Pilot.

ARTICLES

I. Definitions

- A. Reclamation means the United States Department of the Interior, Bureau of Reclamation.
- B. Non-Federal Partner(s) means [xyz].
- C. Parties means Reclamation and Non-Federal Partner(s).
- D. Agreement means this Memorandum of Agreement.
- E. Cost-Share means a specific percentage (%) of identified charges that are allocated to specific entities or Non-Federal Partner(s).
- F. In-kind Services means services provided by a non-Federal entity that substantially contribute to the completion of the work task or task identified.
- G. Confidential Information means trade secrets or commercial or financial information that is privileged or confidential under the meaning of 5 USC 552(b)(4).
- H. Intellectual Property means any invention that is legally protected through patents, copyrights, trademarks, and trade secrets or otherwise protectable under Title 35 of the United States Code, under 7 USC 2321, et seq., or under the patent laws of a foreign country.
- I. Key personnel means *identify the key team members involved in the administration, management, or performance of the study*.
- J. Subject Invention means any invention or other intellectual property conceived or first reduced to practice under this Agreement which is patentable or otherwise protectable under Title 35 of the United States Code, under 7 USC 2321, et seq., or under the patent laws of a foreign country.
- K. Scope of Agreement means those activities set forth in Appendix 1.

L. Term of Agreement means that period set forth under the Section IV, Article 9, Term of this Agreement.

II. Authorities and Financial Obligations

1. Authorities: Nothing in this Agreement alters the statutory authorities or any other authorities of the Non-Federal Partner(s) or Reclamation. This Agreement is intended to facilitate cooperative efforts for mutual provision of services and support, and technical assistance by both Parties in the conduct of meeting the objectives and scope of this Agreement. This Agreement does not supersede or void existing agreements between the Non-Federal Partner(s) and Reclamation.

Reclamation's authority to enter into this Agreement:

1. Reclamation Act of June 17, 1902 (ch. 1093, 32 Stat. 388; 43 U.S.C. 372, et seq.) and acts amendatory thereof and supplementary thereto.
2. Title IX of the Omnibus Public Land Management Act of 2009 (P.L. 111-11, 123 Stat. 991).

Non-Federal Partner's authority to enter into this Agreement:

2. Cost Sharing: The costs of the Pilot will be shared between Reclamation and the Non-Federal Partner(s), with Reclamation providing \$___ and the Non-Federal Partner(s) providing \$___. The Non-Federal Partner(s) financial contribution will be in the form of _____ (identify in-kind or cash and identify specific amounts if both). Reclamation's financial contribution to the Pilot shall not exceed 50% of the total cost. All or part of the Non-Federal Partner's's share may be provided as in-kind services. Valuation of in-kind services shall be in accordance with 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87).

3. Financial Obligations: This Agreement is not a funding document and does not authorize the obligation or transfer of funds. If a subsequently identified activity or project is identified that may require Reclamation to receive or expend funds received from the Non-Federal Partner(s), funds contributed by Non-Federal Partner(s) will only be used to pay for costs incurred by Reclamation associated with completing the tasks described in this Agreement or modifications to this Agreement.

4. Anti-Deficiency Act: All activities, responsibilities, and commitments made under or pursuant to this Agreement are subject to the availability of appropriated funds and each Agency's budget priorities, as determined by each Agency, and neither the Non-Federal Partner(s) nor Reclamation are obligated in any way under this Agreement to expend appropriations or to enter into any contract, assistance agreement, or other financial obligation. No provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. 1341.

III. Publications, Reports, and Confidentiality

5. Publications: The parties understand and agree that this Agreement may be disclosed to the public in accordance with the Freedom of Information Act. Subject to the requirements of confidentiality and

preservation of rights in Subject Inventions, either party may publish the results of this Agreement, PROVIDED:

- a. The other party is allowed to review the manuscript at least sixty (60) days prior to submission for publication by submission to the Authorized Agent.
- b. The publication shall acknowledge this Agreement and the contributions of each party's personnel.
- c. The final decision as to the publication content rests with the party that writes the publication.

6. Reports: The results of this Agreement and science, engineering, and technology data that are collected, compiled, and evaluated under this Agreement shall be shared and mutually interchanged by Non-Federal Partner(s) and Reclamation. A final report summarizing all data shall be submitted to Reclamation and the Non-Federal Partner(s) through the key contacts identified in Sections V.15.A and B within the performance period of this Agreement, as defined in Section IV.10. The final report will be in the public domain, and will be published on Reclamation's website.

7. Confidentiality: Any confidential information used in this Agreement shall be clearly marked confidential or proprietary by the submitter and shall not be disclosed by the Recipient without permission of the owner. To the extent either party orally submits its Confidential Information to the other party, the submitting party will prepare a document marked "CONFIDENTIAL" embodying or identifying in reasonable detail such orally submitted Confidential Information and provide the document to the other party within thirty (30) days of disclosure.

Neither party shall be bound by confidentiality if the Confidential Information received from the other party:

- a. Already is available to the public or known to the recipient;
- b. Becomes available to the public through no fault of the recipient; or
- c. Is nonconfidentially received from another party legally entitled to it.

It shall not be a breach of this Agreement if the Non-Federal Partner(a) are required to disclose the Confidential Information by a valid order of a court or other government body, or as otherwise required by law, or as necessary to establish the rights of either party under this Agreement; PROVIDED THAT the Non-Federal Partner(s) shall provide prompt prior notice thereof to Reclamation to enable Reclamation to seek a protective order or otherwise prevent such disclosure, and PROVIDED FURTHER THAT the Confidential Information otherwise shall continue to be confidential.

8. Intellectual Property: Unless otherwise agreed by the Agencies, custody and administration of inventions made as a consequence of, or in direct relation to, the performance of activities under this Agreement shall remain with the respective inventing Party. In the event that an invention is made

jointly by employees of the Parties or an employee of an Agency's contractor, the Parties shall consult and agree as to future actions toward establishment of patent protection for the invention.

IV. Term and Termination

9. Term: This Agreement shall take effect upon the approval of the Parties and, unless terminated per Section IV, Article 11, Termination, or extended by agreement of the Parties, will expire three years from the date of the last signature to this Agreement. 10. Amendment: If either party desires a modification in this Agreement, the parties shall confer in good faith to determine the desirability of such modification. Such modification shall not be effective until a written amendment is signed, and dated by the undersigned representative(s) of both parties.

11. Termination: Either Party may terminate this Agreement prior to its expiration at any time, with or without cause, and without incurring any liability or obligation to the other parties, by giving the other parties at least ninety (90) calendar days prior written notice of termination.

V. General

12. Liability: It is understood and agreed that neither party to this Agreement shall be responsible for any damages or injuries arising out of the conduct of activities governed by this Agreement, except to the extent that such damages and/or injuries were caused by the negligent or wrongful acts or omissions of its employees, agents or officers. Reclamation's liability shall be limited by the Federal Tort Claims Act, 28 USC 2671, *et seq.*

13. Limitations: This Agreement sets out the Parties' intentions and objectives and does not direct or apply to any person outside the Non-Federal Partner(s) and Reclamation. This Agreement is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by anyone against the United States, its agencies, its officers, or any person.

14. Notices and Key Personnel: Notices between the parties and copies of correspondence among the scientific and/or technical representatives of each party that interpret or may have a bearing on the legal effect of this Agreement's terms and conditions shall be sent to the key personnel below. Reclamation's key personnel is authorized to perform scientific and/or technical activities falling within the Scope of this Agreement. The key personnel is not authorized to change or interpret with authority the terms and conditions of this Agreement.

A. Partner(s): Name

Title
Agency, Department
Address
Telephone No.

B. Reclamation:

Name
Title
Bureau of Reclamation

Address
Telephone

15. Subcontracting Approval: A party hereto desiring to obtain and use the services of a third party via contract or otherwise shall give prior notice to the other party, including details of the contract or other arrangement. This requirement is to assure that confidentiality is not breached and rights in Subject Inventions are not compromised.

16. Assignment: Neither party has the right to assign this Agreement or any of its responsibilities hereunder.

17. Endorsement: The Non-Federal Partner(s) shall not in any way state or imply that this Agreement or the results of this Agreement is an endorsement by the Department of the Interior, Federal Government, or Reclamation of its organizational units, employees, products, or services except to the extent permission is granted by an authorized representative of Reclamation.

18. Regulatory Compliance: Both parties acknowledge and agree to comply with all applicable laws and regulations of the state, Federal, and local environmental and cultural and paleontological resource protection laws and regulations as applicable to the activities or projects for this Agreement. These regulatory compliance requirements may include but not limited to, the National Environmental Policy Act (NEPA) including the Council on Environmental Quality and Department of the Interior regulations implementing NEPA, the Clean Water Act, the Endangered Species Act, consultation with potentially affected Tribes, and consultation with the State Historic Preservation Office.

19. Disputes: Any dispute arising under this Agreement, which cannot be readily resolved, shall be submitted jointly to the key personnel officials, identified in Section V, Article 14, Notices and Key Personnel. Each party agrees to seek in good faith to resolve the issue through negotiation or other forms of nonbinding dispute resolution processes mutually acceptable to the parties. Pending the resolution of any dispute or claim pursuant to Section V, Article 19, the parties agree that performance of all obligations shall be pursued diligently.

20. Force Majeure: Neither party shall be liable for any unforeseeable event beyond its reasonable control not caused by the fault or negligence of such party:

- a. Which causes the party to be unable to perform its obligations under this Agreement;
and
- b. Which it has been unable to overcome by the exercise of due diligence.
- c. This includes, but is not limited to, flood, drought, earthquake, storm, fire, pestilence, lightning and other natural catastrophes, epidemic, war, riot, civil disturbance or disobedience, strikes, labor dispute, failure or sabotage of either party's facilities or any order or injunction made by a court or public agency.

21. Relationship between the Parties: The parties are and shall remain independent contractors and nothing herein shall be construed to create a partnership, agency, joint venture, or teaming agreement between the parties.

22. Severability: The illegality or invalidity of any provision of this Agreement shall not impair, affect, or invalidate the other provisions of this Agreement.

23. Governing Law: The construction, validity, performance, and effect of this entire Agreement shall be governed by the laws applicable to the Government of the United States of America in accordance with applicable Federal Law as interpreted by Federal Courts.

24. Waiver: The failure of either party to enforce any term hereof shall not be deemed a waiver of any rights contained herein.

25. Invalid Provision: In the event any provision of this Agreement is determined to be invalid or unenforceable under any controlling law, the invalidity or unenforceability of that provision shall not in any way affect the validity or enforceability of the remaining provisions of this Agreement.

26. Entire Agreement: The terms and conditions contained in this MOA and its appendices or attachments constitute the entire agreement and understanding by and between the parties and shall supersede all other communications, negotiations, arrangements and agreements either oral or written, with respect to the subject matter herein.

27. Counterparts: This Agreement may be executed in duplicate and each original shall be equally effective.

SCOPE OF WORK

I. Purpose

Provide a general description and synopsis of the anticipated scope of the plan of study. Include a statement of why Reclamation and the Non-Federal Partner(s) are interested in collaborating, what each brings to the collaboration, and what results each expects.

II. Geographic Area

Describe in detail the geographic area that the Pilot will cover, include, or analyze.

III. Tasks and Milestones

Identify all tasks and milestones that will be part of the Pilot.

IV. Responsibilities of the parties

Identify and describe the responsibilities of the non-Federal partners and Reclamation.

V. Budget

Include a detailed budget by task that identifies who is responsible for each cost.

VI. Schedule

Include a detailed schedule for completion of the Pilot.

For the Non-Federal Partner(s)

Title
Organization

Date

For Reclamation

Regional Director

Date

Sacramento Groundwater Authority Board Meeting
December 12, 2019

AGENDA ITEM 6: ELECTION OF 2019 SGA OFFICERS

BACKGROUND:

The SGA Board elects a chairperson and vice-chair annually at its December meeting. The Chair appointed a nominating committee including Paul Schubert, Marcus Yasutake and Pam Tobin.

STAFF RECOMMENDATION:

Information Update: SGA Nominating Committee update and recommendations

Action: Elect 2019 SGA Chair and Vice Chair

**AGENDA ITEM 7: GROUNDWATER SUSTAINABILITY PLAN DEVELOPMENT
UPDATE**

BACKGROUND:

After spending much of 2018 and 2019 assembling existing information and developing new data for the North American Subbasin (NASb), we are now ready to begin developing the Groundwater Sustainability Plan (GSP) document. GSP development is expected to last for a year-and-a-half, starting now and concluding in mid-2021. Staff recently reached out to 10 individuals that had expressed an interest in development of the GSP. This outreach is required by the Sustainable Groundwater Management Act (SGMA). Staff proposes to use the regular SGA Board meetings as an appropriate forum for interested parties to participate in development of the GSP. Throughout 2020, staff will provide presentations to the Board on the six sustainability indicators required in a GSP under SGMA. In mid-2020, we expect to have initial modeling results that will give insight on a comprehensive water budget for the NASb. Throughout the remainder of GSP development, the Board may notice increased public participation in meetings as a result of this interested parties outreach.

STAFF RECOMMENDATION:

Information Update: Rob Swartz, Manager of Technical Services

**AGENDA ITEM 8: AN OVERVIEW OF THE SACRAMENTO GROUNDWATER
AUTHORITY**

BACKGROUND:

As discussed under Item 7 of this SGA Board packet, Groundwater Sustainability Plan (GSP) development is commencing. Throughout 2020, staff will present on various GSP-related issues to the Board. Staff anticipates more public participation at meetings. Additionally, we have had significant turnover on the SGA Board. At the request of the SGA Chair and Vice Chair, staff will provide an overview of SGA and some of its accomplishments since its formation. This common understanding of SGA's activities will be helpful as we begin development of the GSP.

STAFF RECOMMENDATION:

Information Presentation: Rob Swartz, Manager of Technical Services

AGENDA ITEM 9: SGA FISCAL YEAR 2020 BUDGET REALLOCATION

BACKGROUND:

On three past occasions, the Regional Water Authority (RWA) has employed CALPERS retirees as a Retired Annuitant (Annuitant). Such employment is on a temporary basis to assist in completion of specific work for which the Annuitant possesses specialized knowledge or experience. For one of the previous engagements, RWA hired an Annuitant to assist the Sacramento Groundwater Authority (SGA) in completing its 2014 Groundwater Management Plan. SGA funded the position.

SGA staff has identified the need for assistance to complete the state-mandated Groundwater Sustainability Plan (GSP), which is due by January 31, 2022. Among other requirements, preparation of the GSP will include: 1) detailed analysis of groundwater level data and trends to assess basin health from a quantity perspective; 2) the relationship between groundwater and surface water; and 3) detailed analysis of groundwater quality data and trends to characterize basin health from a quality perspective.

Staff has identified Barbara Houghton as an Annuitant with the experience to assist with this work. Ms. Houghton is a California Professional Geologist and Certified Hydrogeologist with more than 25 years of private and public sector experience in groundwater. Most recently, Ms. Houghton was a manager with the El Dorado County Environmental Management Department where she had oversight of multiple programs including the Hazardous Materials Program (underground storage tanks, hazardous materials, hazardous waste, incident response), Solid Waste Program (illegal dumping, litter), Water Program (small water systems and wells), and Liquid Waste Program (septic systems). Ms. Houghton retired from this position in December 2018 and is eligible to be employed as an Annuitant.

Staff is proposing to work with RWA and SGA legal counsel to develop a temporary employment contract with Ms. Houghton for the period January 1, 2020 through January 31, 2022. Staff is seeking authorization from the RWA Executive Committee on December 11, 2019 to enter into this agreement upon its completion. To fully authorize the proposed employment action through the remainder of the current fiscal year, SGA staff is seeking approval of the SGA Board to fund the temporary staff position. To do so, staff is requesting concurrence to reallocate \$30,000 from the SGA "Professional Fees" budget category in the adopted fiscal year 2020 (FY20) budget to the "Staff Expenses" budget category. Staff has identified available funds from the FY20 budget in the "SGA Consultants – Program Management," which is a sub-category of the Professional Fees budget category. This sub-category was approved for \$60,000 in FY20, and there are currently no other projected expenses for the entirety of FY20. Additionally, the proposed Annuitant work is consistent with the planned use of these funds. Funding for the Annuitant beyond FY20 would be subject to approval of the SGA Board during its annual budget process.

Sacramento Groundwater Authority Board Meeting
December 12, 2019

STAFF RECOMMENDATION:

Discussion: Jim Peifer, Executive Director

Action: Reallocate \$30,000 from the SGA Professional Fees Budget Category to the Staff Expenses Budget Category

Sacramento Groundwater Authority Board Meeting
December 12, 2019

AGENDA ITEM 10: EXECUTIVE DIRECTOR'S REPORT

DECEMBER 12, 2019

TO: SACRAMENTO GROUNDWATER AUTHORITY BOARD

FROM: JIM PEIFER

RE: EXECUTIVE DIRECTOR'S REPORT

- a. SGA Outreach** – Jim Peifer gave a presentation on Groundwater Management to the Sacramento Local Agency Formation Commission on November 6th. Darrell Eck, Executive Director for the Sacramento Central Groundwater Authority (SCGA), Linda Dorn, Sacramento County Water Agency and Dave Underwood were present for the presentation.

Mr. Peifer attended the fall ACWA Conference in San Diego from December 3rd to December 5th. Meetings were held to discuss the Sacramento Regional Water Bank, the Resiliency Portfolio and the Voluntary Agreements with a few managers from the American River Region and representatives from other regions around the State.

Also at ACWA, Mr. Peifer attended the Groundwater Committee on December 3rd. Presentations were given by the State Water Resources Control Board on the new streamlined permitting for capturing high flow events for the purpose of recharging groundwater. The Department of Water Resources gave an update on the Sustainable Groundwater Management Act.

Mr. Peifer gave a presentation to the SCGA Board on December 11th. Mr. Peifer was asked to present on the current relationship between the Regional Water Authority and SGA.

- b. Water Resilience Portfolio Initiative** –Governor Newsom signed an executive order directing his administration to develop a comprehensive strategy to build a climate-resilient water system. The order directs the secretaries of the California Natural Resources Agency, California Environmental Protection Agency and the California Department of Food and Agriculture to identify and assess a suite of complementary actions to ensure safe and resilient water supplies, flood protection and healthy waterways for the state's communities, economy and environment.

The Resiliency Portfolio report is expected to be released this month but the precise date is not certain. Staff will be reviewing the document upon its release and providing comments.

Sacramento Groundwater Authority Board Meeting
December 12, 2019

AGENDA ITEM 11: DIRECTORS' COMMENTS

Sacramento Groundwater Authority Board Meeting
December 12, 2019

AGENDA ITEM 12: ADJOURNMENT