



1 Meeting Brief

- 2 ➤ The Vina Stakeholder Advisory Committee (SHAC) met virtually on February 16, 2021.
- 3 ➤ **Sustainable Management Criteria (SMC):** The SHAC provided input on the SMC Vina GSA
- 4 Board Workshop (2/10/21). SHAC members also provided feedback on the Management
- 5 Committee’s recommendation to the board for proposed Measurable Objectives (MO) and
- 6 Minimum Thresholds (MT) [[Access Presentation Slides](#)].
- 7 ➤ **Projects & Management Actions (PMAs):** The SHAC briefly reviewed PMA requirements, the
- 8 relationship between the SMCs and PMAs, the proposed timeline, approach, and next steps.
- 9 The SHAC discussed legal implications of PMAs and shared concerns and ideas to address
- 10 their concerns. Materials prepared by the Vina GSA Management committee included a
- 11 presentation [[Access Here](#)], a staff memo discussing legal implications [[Access Here](#)], a PMA
- 12 glossary of terms [[Access Here](#)], and a draft PMA submittal form [[Access Here](#)].
- 13 ➤ **Next Meeting:** The SHAC will meet again via video conference on March 16, 2021 from 9:00-
- 14 12:00.

15 Action Items

Item	Lead	Completion
• Incorporate suggested revisions to the meeting notes (1/19/21).	CBI & Management Committee	
• Include overview of GSP completion timeline in next Vina SHAC agenda.	CBI & Management Committee	
• Add PDF and Word versions of the PMA submittal form to the website.	CBI & Management Committee	[Access Here]
• Share Dr. Todd Green’s (Chico State) dataset information from the Airborne Electromagnetic Study (AEM) to evaluate which monitoring wells align with which aquifer zones.	Christina Buck, Butte County	
• Provide examples of successful recharge projects (e.g., Yolo County’s FloodMAR, Glenn and Colusa pilot projects).	CBI & Management Committee	
• Post meeting recording on the website.	CBI & Management Committee	[Access Video Access Audio] .

16 Summary

17 The Vina SHAC met on February 16, 2021 via video conference, as a result of COVID-19.

18 Participants included Vina SHAC members, Groundwater Sustainability Agency (GSA) member

19 agency staff, technical consultants, representatives of the CA Department of Water Resources

20 (DWR), and members of the public. Below is a summary of key themes and next steps discussed

21 at the meeting. This document is not intended to be a meeting transcript. Rather, it focuses on

22 the main points covered during the group’s discussions. The video-conference meeting recording

23 is available at the Vina GSA website [[Access Video | Access Audio](#)].



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1. **Introductions & Agenda Review (0:00:00)**

The SHAC members, facilitator, technical consulting teams, and staff introduced themselves. The facilitator gave a brief overview of the agenda.

2. **Public Comment for Items Not on the Agenda (0:00:23)**

- a. G. Sohnrey (SHAC ag well user representative) suggested inviting Land IQ to an upcoming Vina SHAC meeting to present their report on the 20-year land and water use changes in Butte County and the Vina Subbasin (1999-2019).
- b. S. Goepf (SHAC domestic well user representative) raised concern about water pollution caused by homeless camps along the drainage way and asked for further clarification related to the Delta Conveyance Project. P. Gosselin (Butte County) shared the GSA is not responsible for water quality impacts from human activities, other than those related to groundwater pumping, such as salinity. GSAs need to be aware of water quality concerns, as well as avoid mobilizing plumes or exacerbating pollution through pumping. In terms of the Delta Conveyance Project, Butte County acknowledged it is a major concern. The County has previously opposed the proposal and will evaluate the impacts if and when the project moves forward.

3. **Meeting Notes Review & Consideration (0:07:50)**

The SHAC reviewed the previous meeting notes (1/19/21) [[Access Here](#)]. The facilitation team took note of specific edits and will bring back a revised summary, with tracked edits for SHAC review. In addition, SHAC members requested adding attribution to their comments and including a time stamp to specific agenda items to simplify navigating the video recording.

4. **Sustainable Management Criteria (SMC) Overview - Discussion (0:29:50)**

The SHAC provided input on the SMC Vina GSA Board Workshop (2/10/21) [[Access Presentation Slides](#)]. The SHAC also provided feedback on the Management Committee's recommendation to the GSA board on proposed Measurable Objectives (MO) and Minimum Thresholds (MT), with the purpose of soliciting public comment and SHAC discussion.

Debrief SMC Workshop (0:34:30)

The Management Committee solicited SHAC members' feedback and insights on the SMC Vina GSA Board Workshop (2/10/21). Meeting materials, including video and audio recording, are available on the website [[Access Here](#)].

Discussion

- a. G. Sohnrey (ag well user) thought it was nice to have the workshop with members from both boards. He thought the process was moving too fast, there was too much to cover, and the SHAC did not have enough time to discuss, reach agreement, and come away with



- 1 formal recommendation to the GSA Board. He thought it was important to clarify that the
 2 information presented did not reflect SHAC consensus recommendations.
- 3 b. J. Brobeck (environmental rep) referred to the SMC for depletion of inter-connected
 4 surface and groundwater. Specifically, Brobeck expressed the desire to include non-
 5 riparian Valley Oak Trees in the subbasin that are currently not identified as GDE; the only
 6 identified so far are those in the narrow bands around the creeks. J. Brobeck has been in
 7 contact with TNC representatives, who suggested including non-riparian areas currently
 8 absent from the database in the basin's GDE map. P. Gosselin (Butte County) suggested
 9 bringing this item to a future meeting agenda.
- 10 c. A. Dawson (domestic well user) expressed the workshop was not useful, did not
 11 encourage a bilateral flow of information and questions. The SMC conversation was not
 12 framed adequately and felt the SHAC is being rushed through the process. The new tables
 13 presented seem to gloss over the domestic well impact, and the board did not have time
 14 to extract information. She felt that the GSA Board Members did not seem well informed,
 15 and some did not show up.
- 16 d. S. Lewis (ag well user) expressed concern with the polling questions used in the meeting,
 17 as they did not offer enough options (e.g., all of the above, none of the above, etc.).
- 18 e. A member of the public echoed SHAC members' comments and suggested greater clarity
 19 in terms of goals and public expectations for future workshops.
- 20 f. D. Rice (Rock Creek Reclamation District (RCRD) GSA) shared their Board has been in
 21 conversations with the Vina GSA Management Committee and have been thinking about
 22 setting different MOs and MTs in the North Vina Management Area. RCRD will be
 23 reviewing more data and plans to provide recommendations soon.
- 24 g. D. Skinner, and domestic water user and Chair of the Butte County Water Commission,
 25 shared some observations from the joint board meeting. His suggestions included
 26 developing a schedule highlighting the goals the SHAC needs to meet by month, removing
 27 unnecessary information from the charts provided, and specifying how much water will
 28 need to be obtained or saved per area to achieve sustainability. He suggested following a
 29 conservative and protective approach, and then loosening the requirements, if
 30 warranted. Lastly, he highlighted the reality that GSAs will need to make decisions with
 31 incomplete information in order to meet the January 31, 2022 deadline.

33 Management Committee Recommendation & Next Steps (0:51:15)

34 After receiving the SHAC's input on the workshop and reflecting on the feedback received so far,
 35 the Management Committee proposed establishing the **MT on the 10th percentile and the MO
 36 based on the 2015 trend**. The language in the SMC would reflect that the proposed MOs and
 37 MTs would be adjusted if insufficient PMAs are brought forward. P. Gosselin (Butte County)
 38 shared that although these initial recommendations may be challenging to reach, they represent
 39 an aspirational goal to be the most protective of groundwater uses and domestic wells.

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 41 P. Gosselin echoed the SHAC members' concerns related to the time pressure to submit the plan
 42 in time and meet compliance. Originally, the Management Committee was planning to prepare



1 the SMC and share for public review in February. Considering the SHAC and GSA Board requested
2 more time for discussion and consideration, the schedule will be adjusted for the SMC chapter
3 to be released late March. Given the time constraints, the GSA needs to ensure the right caveats
4 and structures are established to adapt as more information becomes available. P. Gosselin also
5 noted that the GSP submitted would just be a start, and the GSA would have the opportunity to
6 improve and evaluate the plan over the years.

7

8 *SHAC Member Input*

- 9 a. G. Sohnrey (ag well user) suggested setting the MT at the 15% percentile and the MO at
10 the 2030 trends. Since the plan can be amended prior to the 5-year update, the GSA can
11 consider indicating data necessary to evaluate and determine any revisions.
- 12 b. B. Smith (business rep) expressed he needs more information. He expected to see greater
13 reference to the electric well logs and descriptive well logs, which inhibits his ability to
14 make recommendations. C. Buck (Butte County) suggested bringing in Dr. Todd Green's
15 (Chico State) dataset from the airborne electromagnetic study (AEM) to evaluate which
16 monitoring wells align with which aquifer zones. B. Smith would greatly appreciate
17 bringing that information in, acknowledging the SHAC is capable of understanding highly
18 technical data. He expressed hesitancy about making a recommendation for the 10-15%
19 MT levels. As the business representative, he is concerned about a significant number of
20 household wells that may go dry relatively soon. Lastly, he emphasized the importance of
21 ground truthing results with well screening data.
- 22 c. A. Dawson (domestic well user) supports the Management Committee's
23 recommendation, setting the MT at 10% and the MO at the 2015 trend line, as long as it
24 is attainable and allows for a sufficient margin of operation. She highlighted it would be
25 useful for domestic well owners to know at what depth to drill their wells. She appreciated
26 the suggestion of starting with the 10% percentile, accompanied by a substantial effort to
27 obtain more data and information about the wells at that level. Then, the GSA could
28 possibly lower to 15% coupled with substantial/aggressive mitigation measures.
- 29 d. S. Lewis (ag well user) echoed the need for flexibility and supports relying on science and
30 modeling available. She advocates for the 2030 trendline, as picking the 2015 trendline
31 might leave the subbasin in an inflexible position. In terms of the MT, statistically, the 15th
32 percentile seems to make most sense. She would advocate choosing the MT and MO
33 levels in tandem, either both conservative or both less conservative.
- 34 e. C. Madden (Butte College) stated that establishing the MT at the 15th percentile and the
35 MO at the 2030 trendline would maximize operational flexibility. He requested more
36 information before making a final recommendation and supported continued use and
37 support for the BBGM.
- 38 f. S. Goepf (domestic well user) shared establishing the MT at the 15th percentile seemed
39 like an educated guess, based on the consultants' suggestions. P. Gosselin (Butte County)
40 clarified that the consultants present data and analysis, but it will be up to the GSA Boards
41 to make policy decisions. These decisions are risk mitigation decisions, including the



- 1 choice of where to set the level of protection based on what local stakeholders value,
- 2 prioritize, and consider to be significant and unreasonable conditions.
- 3 g. J. Brobeck (environmental rep) shared he needs more information and is not ready to
- 4 make a recommendation.
- 5 h. T. Beynon (CalWater substitute for D. Kehn) refrained from commenting, without more
- 6 information.

7

8 *Non-SHAC:*

- 9 a. D. Rice (Rock Creek Reclamation District GSA) shared that the MT at 10th percentile and
- 10 MO at observed 2015 levels will not work for the North Vina Management Area. He
- 11 suggested greater focus on management areas. Further, the board at Rock Creek will
- 12 make further analysis and come back with more recommendations.
- 13 b. A member of the public requested greater clarity regarding management areas. They
- 14 were concerned that from a public perspective, setting differing SMC per management
- 15 area might be confusing and difficult to digest.

16

17 SHAC Vote on Management Committee’s initial recommendation to set the MT on the

18 10th percentile and the MO based on the 2015 observed water levels trend

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	SHAC Members
Support	A. Dawson
Do not support	S. Lewis, G. Sohnrey – they support setting MT at 15% and MOs at the 2030 trend.
Need more information	S. Goepf, B. Smith, C. Madden, J. Brobeck, T. Beynon

20

21

22 Outcomes & Next Steps | SMC

- 23 a. The Management Committee will bring the SHAC’s feedback to the next GSA Board
- 24 Meeting.
- 25 b. The SMC draft chapter will be released by late March for public review.

26

27 **5. Projects and Management Actions: (1:40:00)**

28 The SHAC briefly reviewed PMA requirements, the relationship between the SMCs and PMAs,

29 the proposed timeline, approach, and next steps. The SHAC discussed legal implications of PMAs

30 and shared concerns and ideas to address concerns. Materials prepared by the Vina GSA

31 Management committee included a presentation [[Access Here](#)], a staff memo discussing legal

32 implications [[Access Here](#)], a PMA glossary of terms [[Access Here](#)], and a draft PMA submittal

33 form [[Access Here](#)].

34



1 *Legal Implications & Potential Consequences*

2 V. Kinkaid (O’Laughlin & Paris LLP) shared initial thoughts regarding the PMA Chapter and the
 3 SHAC concerns expressed thus far. While the issues and rules for water recharge and storage are
 4 not new, V. Kincaid shared the GSAs will need to consider (1) what projects GSAs seek to promote
 5 and what rules they want to establish, including those related to ownership; and (2) what will the
 6 GSA’s role be and what falls under their purview and authority. P. Gosselin shared that the legal
 7 implications document will be very useful when reviewing and evaluating specific project
 8 proposed. There may be certain projects that do not go through the GSA; however, GSAs can set
 9 potential management actions to ensure projects that may impact their ability to achieve
 10 sustainability would need to be reviewed and approved by the GSA board before getting
 11 implemented.

12

13 SHAC Discussion: (1:55:00)

14 a. **Groundwater vs. Stored Surface Water:** G. Sohnrey (ag well user) shared he thought
 15 discussing potential implications of PMAs without specific projects and actions to
 16 consider is not useful and productive. He suggested considering establishing a
 17 management action that specifies that any groundwater recharge project could not gain
 18 any rights to groundwater that supersedes existing groundwater rights and beneficial
 19 uses in the Butte County. V. Kinkaid when one recharges surface water, that water does
 20 not legally “become groundwater,” and rather is considered “stored surface water.”
 21 Establishing a management action like the one proposed would fall outside the GSA’s
 22 authority and lead to immediate lawsuits. GSAs do not have the authority to change
 23 surface water laws. That said, the GSA could be more strategic about how to lawfully
 24 protect reaching sustainability. Some tools at the GSA’s disposal include 1) establishing
 25 structural rules regulating potential impacts to sustainability, 2) timing (when the water
 26 can be taken out), 3) supply augmentation (ensuring only “recharged water” can be
 27 extracted), and 4) water migration into rivers, streams, or neighboring subbasins. These
 28 rules, however, need to be clearly supported by facts.

29 b. **Upland Forest Management:** J. Brobeck (environmental rep) shared that in his
 30 understanding the aquifer system the Vina GSA is trying to protect is founded on a
 31 pressurized system recharged from the foothills. The overlying layers can leak into it if the
 32 pressurized system is depressurized. Thus, applying water to the surface will not recharge
 33 the deep aquifer. He would like to focus on PMAs, such as upland forest management,
 34 which could benefit stream flows. These projects would require collaboration with other
 35 agencies.

36 c. **Urban Conservation and Efficiency:** J. Brobeck asked whether urban conservation and
 37 efficiency projects create new rights. V. Kincaid shared that conservation does protect
 38 “conserved water,” which means the users could sell, recharge, or use it in a different
 39 way.

40 d. **Overlying Groundwater Rights:** J. Brobeck asked about groundwater pumpers’ ability to
 41 extract recharge water that is not considered “native” and possible regulations that may
 42 accompany recharge. V. Kincaid clarified that this would lead to an accounting issue. If all



- 1 users with overlying water rights claim recharge, the overall overlying water rights might
 2 be reduced. With SGMA, people will account for their water differently.
- 3 e. **FloodMAR:** J. Brobeck asked a clarifying question about the permits required to pursue
 4 FloodMAR. V. Kincaid clarified that it would require applying for a streamlined temporary
 5 permit (or regular application) and would also need to apply to the State Water Board for
 6 a right to recharge. This could present a challenge or an opportunity. Credits for recharged
 7 water would be exempt from county groundwater ordinances, as the water would be
 8 considered “stored surface water.”
- 9 f. **Groundwater pumping rights:** V. Kincaid clarified that a pumper taking more water than
 10 their “yield” could be sued by recharge proponents, could be charged for additional
 11 water, or water right holders may try to extract it leading to overdraft. GSAs could put
 12 constraints on how much water could be claimed and recovered. J. Brobeck expressed
 13 that the 5-consecutive year forfeiture rule might provide incentives to sell or transfer
 14 stored groundwater in order to recuperate investment rather than leave the water in
 15 storage for the environment. V. Kincaid explained that diverted stored surface water is
 16 not a beneficial use in California. Users could be compensated to recharge for
 17 sustainability purposes or for credit. J. Brobeck is concerned with recharge proponents
 18 claiming recharge credit even if the efficacy is not proven. Further, he is concerned that
 19 recharge projects would be a step towards privatizing the water in the aquifer. Then, the
 20 aquifer could be more aggressively exercised by drawing it down to create storage.
 21 Potentially, water could be available for out of basin transfers and exports.
- 22 g. **Recharge as a challenge or an opportunity:** V. Kincaid shared that with every challenge
 23 there is an opportunity. One way to see recharge is the fear of turning groundwater into
 24 surface water, legally. Another way to see it is an opportunity to increase groundwater
 25 supply, delineating “migration” and setting up rules for recharge recover, which need to
 26 be supported by facts and science. The GSA cannot tax or regulate surface water rights.
 27 Further, location is critical. If there is a cone of depression, the GSA might need different
 28 rules and will be on better legal footing. The GSA could structure programs to encourage
 29 people to recharge and leave some water behind.
- 30 h. **Cross-boundary flows and GDEs:** C. Buck emphasized that the GSA will also need to
 31 consider that neighboring subbasins are also accustomed to a certain level of cross-
 32 boundary migration. Further, the GSA might consider utilizing recharge as a strategy to
 33 avoid stream depletion. V. Kincaid said these strategies need to be followed carefully. The
 34 GSA needs to be clear that recharged water is not abandoned but rather being recharged
 35 to increase sustainability. Further, there could be some recharge projects developed by
 36 surface water exporters, which are not managed by the GSA. However, the GSA could
 37 regulate indirectly by arguing for sustainability.
- 38 i. **CEQA:** G. Sohnrey (ag well user) asked whether the Vina GSA could require recharge
 39 proponents to prove scientifically, through CEQA, they are actually extracting recharged
 40 water. The GSA can establish policies, fees, or an ordinance about migration and “leave
 41 behind” could be established founded on science. However, any project led by an agency
 42 would require following CEQA beforehand, and the GSA would be a responsible agency.



- 1 j. **Case law and regulations:** In response to a question by S. Goepf, V. Kincaid explained
 2 that these recommendations are based on cases, some ordinances, some water code
 3 sections, and some new rules. Recharge is not established as a beneficial use in the water
 4 code. Political pressure from Southern California heavily opposed including recharge as a
 5 beneficial use in SGMA. Augmentation and migration are based on case law. More specific
 6 rules will come out of SGMA. Accounting for recharge under SGMA will undoubtedly
 7 evolve through litigation.
 8

9 Public Discussion: (2:20:00)

- 10 a. A member of the public asked V. Kincaid her view of the Butte County Chapter 33 in view
 11 of SGMA. V. Kincaid advised caution, as the County does not have the authority to
 12 regulate surface water rights, rooted in constitutional law. Further, this public member
 13 asked about overlying water right holders' native yield, which is the first step for
 14 establishing water markets. A first step is calculating natural water supply, divided by
 15 reasonable overlying water demand. SGMA will significantly change the accounting.
 16 Lastly, this public member asked about voluntary inter-basin coordination agreements. V.
 17 Kincaid shared that the requirement is very high level, "do no harm." The real question is
 18 communicating and making sure the subbasins are not overcounting water flows to
 19 achieve sustainability. How inter-basin coordination will be worked out during
 20 implementation will be complicated.
 21 b. Another public participant wanted to clarify if Vina wants to strategically implement PMAs
 22 to protect agricultural users to provide additional supply during dry years, for users
 23 without sufficient native yield to support their beneficial use. The GSA could apply for its
 24 own flood flow water right, buy surface water and recharge the aquifer. The question is
 25 where the financing will come from, assuming the supply is available. This strategy could
 26 on a management area basis.
 27

28 Additional information needed:

- 29 a) Butte County will provide the SHAC some examples of successful recharge projects (e.g., Yolo
 30 County's FloodMAR, Glenn and Colusa pilot projects).
 31 b) J. Brobeck would like to have a more precise and clear discussion about inter-basin flows
 32 (between the Vina, Butte, Glenn County), broken down per aquifer layers, groundwater flow
 33 contour maps (per layer), and a depiction of vertical flows to evaluate cross-boundary flows.
 34 c) B. Smith requested some examples of technical information and legal information used in
 35 other subbasin showing the efficacy of recharge projects.
 36 d) G. Sohnrey would like clearer direction related to SHAC input for PMAs. He would rather
 37 discuss criteria for evaluation.
 38 e) J. Brobeck highlighted the need to coordinate across numerous GSAs through foundational
 39 PMAs that may benefit more than one subbasin and require significant investments. PMAs
 40 that cross jurisdictional boundaries have the potential to lead to significant benefits to the
 41 region.



1 f) V. Kinkaid shared that at some point GSAs will make a policy decision of whether it wants to
 2 be a GSA that sits back and monitors projects or an active regulator of the system by
 3 establishing rules and regulations. This choice may depend on the level of water deficit and
 4 the preferred approach.

5
 6 PMA Solicitation Form

7 The Vina Subbasin is launching an online solicitation form to gather ideas for potential projects
 8 and management actions (PMAs) that could be evaluated and ultimately included in the Vina
 9 Subbasin Groundwater Sustainability Plan (GSP). Once ideas are gathered, an initial screening
 10 and evaluation process will be conducted, followed by ranking of potential PMAs for more
 11 detailed evaluation and inclusion in the initial GSP. Proposals will be brought to the SHAC for
 12 discussion. *This form is available online at: <https://forms.gle/1WN3Xh76DCtZUwva8>*

13
 14 6. Updates (2:55:00)

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 16 a) Vina GSA Board Updates

17 No updates

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 19 b) Inter-basin coordination updates:

20 Staff representatives from Antelope, Bowman, Butte, Colusa, Corning, Los Molinos, Red Bluff,
 21 Sutter, Vina, Wyandotte Creek, and Yolo subbasins met to continue discussing inter-basin
 22 coordination. During the last meeting, subbasin staff reflected on shared learnings in inter-basin
 23 efforts and priorities moving forward, provided updates on their GSP development status, and
 24 shared key takeaways from adjacent subbasin technical meetings. Efforts will shift towards
 25 establishing a framework for continued inter-basin coordination and dialogue throughout GSP
 26 implementation. Subbasin representatives will provide regular inter-basin coordination updates
 27 at their respective public venues and gather public input related to the direction of current efforts
 28 and desired priorities for inter-basin coordination during GSP development and beyond. Meeting
 29 materials and updates are available at the website [[Access Here](#)].

30
 31 c) Next Steps

32 The SHAC will meet again via video conference on March 16, 2021 from 9:00-12:00.

33 **Participants**

Participant	Representation/Affiliation	Present
Vina Stakeholder Advisory Committee (SHAC) Members		
Anne Dawson	Domestic well user	Y
Bruce Smith	Business representative	Y
Cheri Chastain	CSU Chico	N
Christopher Madden	Butte College	Y
Gary Cole	Agricultural well user	N



Participant	Representation/Affiliation	Present
Tavis Beynon (sub for David Kehn)	California Water Service	Y
Greg Sohnrey	Agricultural well user	Y
James Brobeck	Environmental representative	Y
Sam Goepf	Domestic well user	Y
Samantha Lewis	Agricultural well user	Y
Groundwater Sustainability Agency (GSA) Member Agency Representatives		
Christina Buck	Butte County	Y
Paul Gosselin	Butte County	Y
Kelly Peterson	Butte County	Y
Linda Herman	City of Chico	Y
Erik Gustafson	City of Chico	Y
Jeff Carter	Durham Irrigation District	N
Kamie Loeser	Durham Irrigation District	Y
Colin Klinesteker	Mechoopda Indian Tribe	Y
Darren Rice	Rock Creek Reclamation District GSA	Y
Technical Consultants		
Joe Turner	Geosyntec	Y
Amer Hussain	Geosyntec	Y
Bob Anderson	Geosyntec	Y
Other Representatives		
Debbie Spangler	CA Department of Water Resources	Y
Valerie Kinkaid	O'Laughlin & Paris LLP	Y
Facilitator		
Tania Carlone	Consensus Building Institute	Y
Mariana Rivera-Torres	Consensus Building Institute	Y

- 1 Approximately ten members of the public attended the meeting.