

SGMA Requirements for Stakeholder Engagement

Applying Regulation into Practice

April 18, 2019
Fillmore and Piru Basins
Groundwater Sustainability Agency



Dave Ceppos
Managing Senior Mediator
Sacramento State University
College of Continuing Education
Consensus and Collaboration Program

Presentation Outline

- **Regulatory Context**
- **Framing Questions about Regulations**
- **Practical Responses**
- **Practical Applications**

Regulatory Context



Regulatory Requirements

*CALIFORNIA CODE OF REGULATIONS, TITLE 23. DIVISION 2. CHAPTER 1.5. SUBCHAPTER 2.
GROUNDWATER SUSTAINABILITY PLANS*

§ 354.10. Notice and Communication

Each Plan shall include a summary of information relating to notification and communication by the Agency with other agencies and interested parties including the following:

- (a) A description of the beneficial uses and users of groundwater in the basin, including the land uses and property **interests potentially affected by the use of groundwater** in the basin, the **types of parties representing those interests**, and the **nature of consultation with those parties**.
- (b) A list of public meetings at which the Plan was discussed or considered by the Agency.
- (c) Comments regarding the Plan received by the Agency and a summary of any responses by the Agency.

Regulatory Requirements

§ 354.10. Notice and Communication (continued)

(d) A communication section of the Plan that includes the following:

- (1) **An explanation of the Agency's decision-making process.**
- (2) Identification of opportunities for public engagement and a discussion of **how public input and response will be used.**
- (3) A description of **how the Agency encourages the active involvement of diverse social, cultural, and economic elements of the population within the basin.**
- (4) The method the Agency shall follow to inform the public about progress implementing the Plan, including the status of projects and actions.

Regulatory Requirements

- What are you doing to pass the higher bar?
- This is:
 - Not NEPA/CEQA
 - Complicated (but doesn't have to be hard)
 - New
 - Serious
 - Mutually Beneficial
 - GSA benefits from you doing this
 - Stakeholders benefit from you doing this

Regulatory Questions

- How will you describe “interests”
- Do you know what that means and what DWR is looking for?
- Do you know who represents those interests?
 - Are you sure?
- Do you know what “the nature of consultation” means and how to describe it?
- How will you describe your decision-making process?

Regulatory Questions

- How will public input and response be used?
 - What happens if the public input is poorly informed? How do you use it?
 - What happens if responses are inconsistent with GSA member interests?
- What is your plan to “encourage the active involvement of diverse elements in the basin”?

Beneficial Users / Uses

- Holders of Overlying Rights (agriculture and domestic)
- Municipal Well Operators
- Public Water Systems
- Tribes
- Local Land Use Planning Agencies
- Disadvantaged Communities
- Federal Government
- Environmental Users
- Surface Water Users

Practical Responses

How will you describe “interests”

What does that mean and what is DWR looking for?

Do you know who represents those interests?

- Interests = Needs / Motivators
 - Hierarchy of Needs
 - Needs ≠ Wants
 - I NEED water for my family>
 - I WANT to use as much water as I feel like.

Practical Responses

How will you describe “interests”

What does that mean and what is DWR looking for?

Do you know who represents those interests?

- Representation
 - Do your due diligence / “Walk the Beat”
 - Convene stakeholders to ground truth things
 - Understand the difference between defining representatives and defining interests
 - Prepare a Communications and Engagement Plan

Practical Responses

Do you know who represents the interests?

What is your “nature of consultation”?

What are your decision-making protocols?

- Representation (cont.)
 - Advisory Committees and Seated Board Members
 - Define “rules of engagement”
 - Define Shared Expectations - **VERY IMPORTANT**
 - Document expectations and rules
 - Repeatedly restate expectations and rules in public

Practical Responses

*What are your decision-making protocols?
How will public input be used?*

- Decision-Making
 - Charters, By-Laws, or similar
 - Transparency
 - Authenticity
 - Consistency

Practical Questions

What are your decision-making protocols?

How will public input be used?

Consistency with GSA interests?

- Decision-Making and Public Input
 - Memorialize Guiding Principles / Interests
 - Keep you Eyes on the Prize
 - SUSTAINABILITY Not Special Interest
 - Define Goals and Objectives
 - Qualitatively (principles / interests)
 - Quantitatively (Undesirable Results)

Practical Responses

What are your decision-making protocols?

How will public input be used?

Consistency with GSA interests?

- GSA is NOT obligated to agree with beneficial users
- GSA IS obligated to make hard and informed decisions
- Robustly Document the Process
 - Avoid arbitrary and capricious decisions
 - Avoid “smoke filled rooms”
 - Be above reproach
 - Create an administrative record (i.e. like CEQA)

Practical Applications

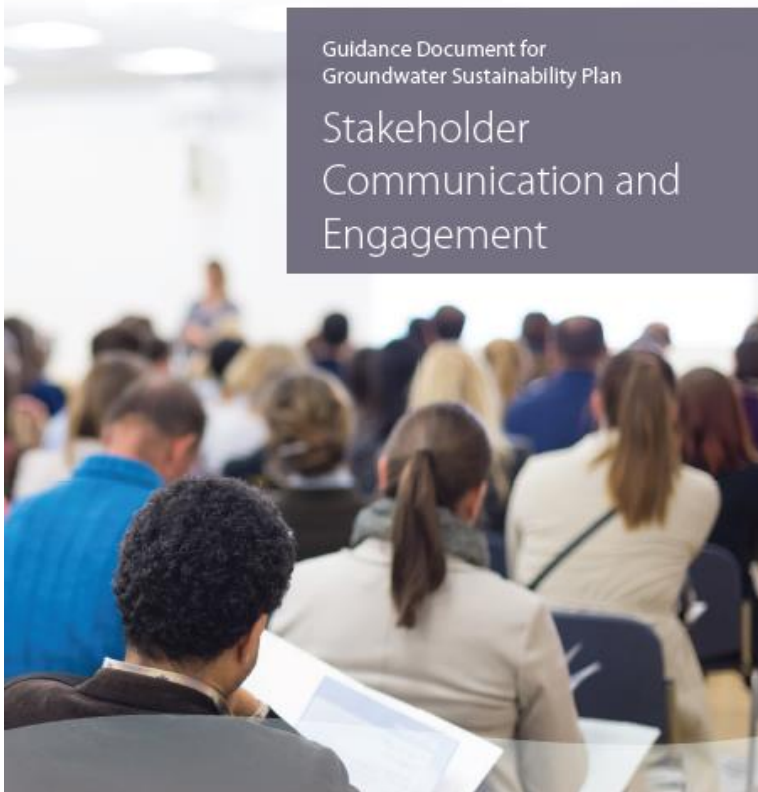


California Department of Water Resources
Sustainable Groundwater Management Program

January 2018

Guidance Document for
Groundwater Sustainability Plan

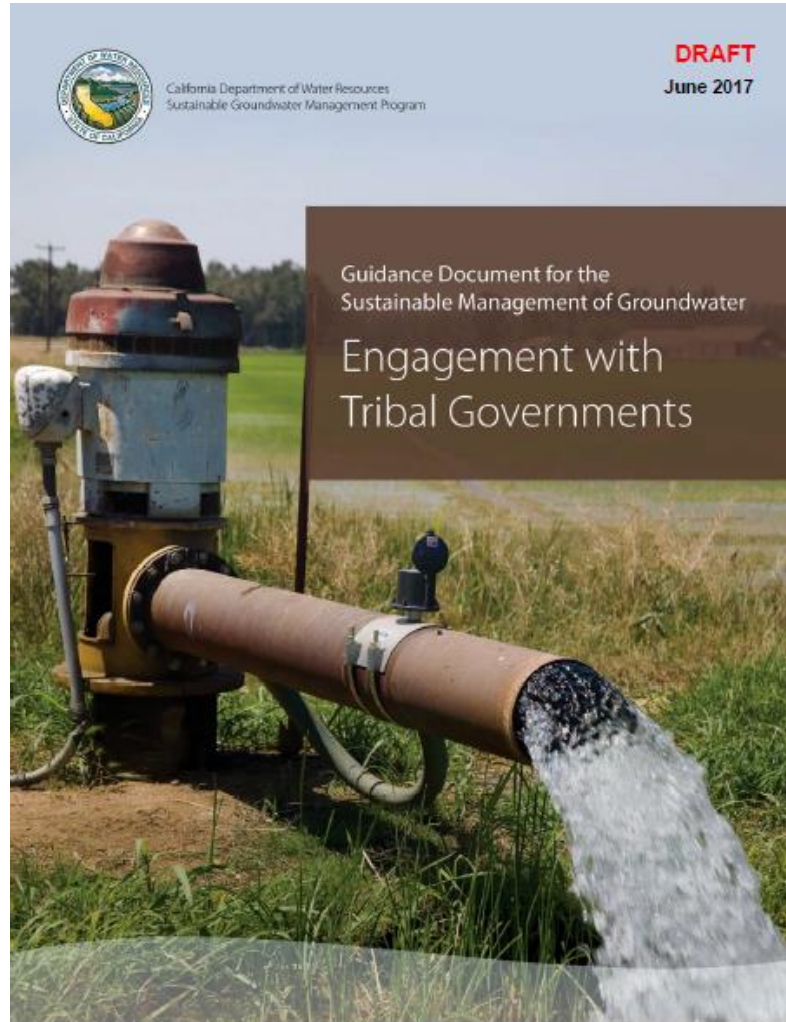
Stakeholder
Communication and
Engagement



California Department of Water Resources
Sustainable Groundwater Management Program

DRAFT
June 2017

Guidance Document for the
Sustainable Management of Groundwater
Engagement with
Tribal Governments



Practical Applications - Toolkit

http://www.water.ca.gov/groundwater/sgm/digital_toolkit.cfm

Stakeholder Survey Template

Date _____

1. Organization or business name: _____
2. Name of primary contact: _____
or
3. Individual stakeholder name: _____
4. Information for primary contact or individual stakeholder:

Email:	Cell:	Twitter:	Website:
--------	-------	----------	----------

Question	Response	Notes
Are you familiar with SGMA regulations?		
Are you currently engaged in activity or discussions regarding groundwater management in this region?		
Do you own or manage operate land in this region?		
Do you manage water resources? If yes, what is your role?		
What is your primary interest in land or water resources management?		
Do you have concerns about groundwater management? If so, what are they?		
Do you have recommendations regarding groundwater management? If so, what are they?		
What else do you want me to know?		
Who else should we listen to?		

Practical Applications - Toolkit

Organization/ Individual <i>(Name of stakeholder organization or individual)</i>	Type of stakeholder <i>(based on water code §10723.2)</i>	Key Interests <i>(stakeholder's key interests related to groundwater)</i>	Key Issues <i>(documented issues (media coverage, statements, reports, etc.) or specific issues such as past events)</i>	GSP <i>(which section(s) of the GSP may this interest be applicable to?)</i>	Rationale <i>(reasons why this is a stakeholder that requires a certain level of engagement)</i>

Discussion / Q&A

THANK YOU

Dave Ceppos
Sacramento State University
College of Continuing Education
Consensus and Collaboration Program

916-539-0350

dceppos@csus.edu