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A Comprehensive Virtual Update on SGMA's Current Phase: **Groundwater Sustainability Plans (GSPs) in California**

*Insights from leading legal, technical, governmental policy, and
water resource managers*

July 16 & 17, 2020 | Via Zoom

Agenda—Day 1

8:00 Registration Opens

8:30 Introduction & Overview

Eric N. Robinson, Esq., *Program Co-Chair*
Kronick Moskowitz Tiedemann & Girard ~ Sacramento, CA

Wendy Y. Wang, Esq., *Program Co-Chair*
Best Best & Krieger ~ Los Angeles, CA

8:45 Update on GSP Adequacy Reviews by the Department of Water Resources and Control Board

Progress towards completion of GSP development; lessons from plan reviews for what a GSP needs to contain to avoid intervention by the State Water Resources Control Board, including stakeholder outreach

Erick Soderlund, Esq., *Senior Staff Counsel*
California Department of Water Resources ~ Sacramento, CA

Nicole Kuenzi, Esq., *Senior Staff Counsel*
California Water Resources Control Board ~ Sacramento, CA

10:00 Break

10:15 Modeling Update: SGMA Modeling Requirements and Tips for Incorporating Modeling Results into GSPs

Practical guidance for model review and consensus building among stakeholders in support of SGMA: Current issues in model design and practical tips for stakeholders and managers tasked with reviewing a model and its inputs

John L. Fio, *Principal Hydrogeologist*
EKI Environment & Water, Inc. ~ Davis, CA

Using groundwater models for intra-basin and inter-basin coordination

Derick Williams, P.G., CHG,
Principal Hydrogeologist
Montgomery & Associates, Inc. ~ Paso Robles, CA

Impact of pumping on surface flows: Calculating the impact of surface flow depletion and the resulting impact on habitat for fish and riparian vegetation

Eugene B. (Gus) Yates, *Senior Hydrogeologist*
Todd Groundwater ~ Alameda, CA

12:15 Lunch (on your own)

1:30 Groundwater Augmentation as a Path for Achieving Sustainability

SGMA, groundwater replenishment and Orange County basin sustainability

Adam Hutchinson, *Recharge Planning Manager*
Orange County Water District ~ Fountain Valley, CA

Water transfers and the need to address issues relating to the quality of the water being acquired; tips for navigating the complexity of water transfer agreements

Anona L. Dutton, PG, CHG, *Vice President*
EKI Environment & Water, Inc. ~ Burlingame, CA

Assembly Bill 658 and temporary diversion of excess surface water during high-flow events for recharge projects: The challenge of basing GSPs on a forecast of extreme weather events

Andre Monette, Esq.
Best Best & Krieger ~ Washington, DC

3:00 Break

3:15 The Need for Consultation with Tribal Governments as Sovereign Nations in GSP Development and Tips for Reaching Win-Win Solutions

Federally reserved rights as senior rights; consultation requirements and how they differ from stakeholder participation; addressing Tribal concerns about sharing pumping and aquifer management data; tips for effective consultation and reaching solutions

Holly A. Roberson, Esq., *Moderator*
Kronick Moskowitz Tiedemann & Girard
Sacramento, CA

Anecita Agustinez, *Tribal Policy Advisor*
California Department of Water Resources
Sacramento, CA

John Covington,
Reservation Services Administrator
Morongo Band of Mission Indians ~ Banning, CA

5:00 Adjourn Day 1

Agenda—Day 2

8:30 Groundwater Production Allocations During Shortages

How to manage the tension between allocations, production rampdowns, and water right claims by competing pumpers

Jill Weinberger, Ph.D., P.G., *Principal Hydrogeologist*
Dudek ~ Encinitas, CA

Operational perspective

Eric Averett, *General Manager*
Rosedale-Rio Bravo Water Storage District
Bakersfield, CA

9:45 Break

10:00 Groundwater / Surface Water Connections and SGMA's Water Quality Component: The Need for GSP Flexibility to Address Surface Flow Needs for Fish and Surface Water Users

Conjunctive management of groundwater interconnected with surface streams and SGMA as a forum and structure for using cleanups to maximize sustainable yield and make them happen faster; overview of environmental justice considerations

Eric N. Robinson, Esq., Program Co-Chair

Perspectives on how smaller communities can finance solutions through the SGMA process

Nicole Kuenzi, Esq., Senior Staff Counsel
California Water Resources Control Board
Sacramento, CA

Maurice Hall, Ph.D., P.E.,
Associate Vice President - Ecosystems
Environmental Defense Fund ~ Sacramento, CA

Sierra Ryan, Water Resource Planner
County of Santa Cruz ~ Santa Cruz, CA

12:00 Lunch (on your own)

1:15 GSA/GSP Finance

Funding opportunities and tips for structuring project funding proposals to maximize chances of success

Michael G. Colantuono, Esq.

Colantuono Highsmith & Whatley ~ Grass Valley, CA

Revenue generation tools available under enabling acts and SGMA; procedural requirements under Proposition 218

Randy Fick, Chief Financial Officer

Orange County Water District ~ Fountain Valley, CA

2:15 Break

2:30 SGMA and Groundwater Adjudications: The Implications for GSP Development

The different types of adjudication processes and how adjudication may or may not impact the SGMA GSP development process

Wendy Y. Wang, Esq., Program Co-Chair

Comprehensive adjudication procedures and lessons learned from recent adjudications

David R. E. Aladjem, Esq.
Downey Brand ~ Sacramento, CA

Russell M. McGlothlin, Esq.
O'Melveny Myers ~ Los Angeles, CA

4:00 Evaluations and Adjourn

Who Should Attend

Attorneys, environmental, real estate and agricultural professionals, corporate managers, governmental officials, Tribal representatives, resource managers, land-use planners, landowners, and water agency board members and managers

About the Conference

This installment in our continuing series focuses on current Sustainability Plans development issues. We'll start with an update from DWR and WRCB on plan adequacy requirements and the problems the agencies are seeing during the review process.

We'll then move into a substantive discussion of modeling tools and their role in determining sustainable yields for GSPs.

If your basin is over-subscribed, you'll be particularly interested in the speakers who will be addressing approaches for augmenting water supplies to avoid or reduce cuts in groundwater production. We'll round out the first day with a discussion of federally reserved water rights and compliance with requirements for consultations with Tribal governments as sovereign nations.

The second day focuses on the potential need for production allocations and the interplay between SGMA and groundwater allocations. We'll then talk about conjunctive management and compliance with SGMA's water quality component. This will include use of SGMA as a forum and structure for using cleanups to maximize sustainable yield.

We'll conclude with sessions on the current best thinking on GSA/GSP finance and the best approaches for adjudicating water rights.

We encourage you to take a careful look at the topics and speaker credentials--they are people you'll want to get to know.

To keep everyone safe during the pandemic, we'll be presenting the program via Zoom's webcast platform. It will provide you with ample opportunity ask questions, contribute your own thoughts to the discussion, and have private sidebar conversations with individual participants..

Register soon to join us for this very timely and informative virtual conference.

~ Eric N. Robinson, Esq. of Kronick Moskovitz Tiedemann & Girard and
Wendy Y. Wang, Esq. of Best Best & Krieger, Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$895 with a group rate of \$805 each for two or more registrants from the same firm. For government employees and Tribal members, we offer a special rate of \$670. For students, people in their job for less than a year, and public interest NGO's, our rate is \$447.50. All rates include admission to all program sessions and course materials. You'll also receive access to audio and video recordings at no charge! Make checks payable to Law Seminars International.

Financial aid is available to those who qualify. Contact our office for more information.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, July 10, 2020. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 12.50 California MCLE, 12.25 AICP planner, and 12.25 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flashdrive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$100.

Faculty

Eric N. Robinson, *Program Co-Chair*, is a shareholder at Kronick Moskovitz Tiedemann & Girard and is manager of the firm's Natural Resources Practice Group. He provides counsel to public and private clients on obtaining and defending water rights and water supplies, and obtaining environmental compliance approvals for development projects under local, state, and federal laws.

Wendy Y. Wang, *Program Co-Chair*, is Of Counsel to Best Best & Krieger. She works with public and private clients on matters involving water law, SGMA, and the Endangered Species Act. This includes serving on the team of attorneys who secured a trial court judgment in the Antelope Valley Groundwater Adjudication.

Holly A. Roberson, *Moderator*, is a shareholder at Kronick Moskovitz Tiedemann & Girard. She previously served as Land Use Counsel at the California Governor's Office of Planning and Research (OPR). At OPR, she worked on Tribal cultural resources and the California Environmental Quality Act (CEQA), the General Plan Guidelines, military land use compatibility planning, infill streamlining, utility scale solar siting, complex mediation, drought issues, and SGMA.

Anecita Agustinez has served as the Tribal Policy Advisor for the California Department of Water Resources since 2013. She provides policy support and recommendations regarding Tribal issues to the director and chief deputy director of the Department

and has been actively engaged with its projects and programs, assisting with Tribal consultation and development of the DWR Tribal Consultation Policy.

David R. E. Aladjem is a partner at Downey Brand. He helps clients throughout California manage and resolve water resources management problems, especially those at the intersection of water rights, endangered species, and CEQA/NEPA.

Eric Averett is General Manager of the Rosedale-Rio Bravo Water Storage District. He serves as President of the Kern River Watershed Coalition and sits on the Board of Directors for the Water Association of Kern County and the Association of California Water Agencies Region 7.

Michael G. Colantuono, Colantuono Highsmith & Whatley, has specialized in municipal law since 1989. He currently serves as City Attorney for the City of Grass Valley and General Counsel for the Grass Valley Redevelopment Agency Successor Agency, the Calaveras County LAFCO, the Oak Tree Park and Recreation District, the Peardale-Chicago Park, Higgins, North San Juan, Ophir Hill, Penn Valley, and Rough & Ready Fire Districts and the Camarillo Healthcare District.

John Covington is the Reservation Services Administrator for the Morongo Band of Mission Indians. He currently serves as Chairman for both the Beaumont Cherry Valley Water District and the Riverside County Municipal Advisory Committee. He also is the current Board of Directors member for the California Rural Water Association.

Anona L. Dutton, PG, CHG, is a Vice President at EKI Environment & Water, Inc. She has been deeply involved in Sustainable Groundwater Management Act implementation throughout the State, including provision of strategic and technical support for Groundwater Sustainable Agency formation and basin boundary adjustments.

Randy Fick is the Chief Financial Officer for the Orange County Water District. Prior to joining the District, he served for twelve years as the corporate controller for Mag Instrument, Inc., a large flashlight manufacturer and distributor.

John L. Fio is a Principal Hydrogeologist at EKI Environment & Water, Inc. He provides SGMA support for basins in California to assist with basin management, compliance with SGMA and GSP development. His tool box includes numerical modeling and chemical, isotopic, and age-dating techniques. He provides solutions to hydrologic challenges by analyzing groundwater systems, quantifying chemical transport in the subsurface, and evaluating groundwater surface-water interactions.

Maurice Hall, Ph.D., P.E., is Associate Vice President for Ecosystems for the Environmental Defense Fund. His areas of expertise: Water management, water policy, hydrology, water resources engineering, aquatic ecosystems, sustainable agriculture, irrigated agriculture, water quality, natural infrastructure, and civil engineering.

Adam Hutchinson is Recharge Planning Manager for the Orange County Water District. His responsibilities include strategic evaluations of future recharge needs, optimizing recharge operations optimization, and conducting recharge-related research. Also working on legislation affecting District activities, groundwater cleanup litigation support, and other water resources related activities.

Nicole Kuenzi is Senior Staff Counsel for the California Water Resources Control Board.

Russell M. McGlothlin is Of Counsel to O'Melveny Myers. His expertise includes compliance with SGMA, water rights permitting and compliance, water transfer agreements, groundwater banking, water quality, regulated water utilities, mutual water companies, and reclamation issues. He has been active in the development of SGMA, as well as laws designed to reform judicial procedures related to groundwater basin disputes.

Andre Monette is a partner at Best Best & Krieger. He focuses on issues at the of water quality and water supply regulation where acute knowledge of multiple regulatory schemes is required, including; streambed restoration, groundwater recharge projects, indirect potable reuse projects, large scale recycled water projects, and effluent limitation compliance.

Sierra Ryan is a Water Resource Planner for the County of Santa Cruz. She leads the conservation program which includes coordination with the local water purveyors on aligning outreach, greywater promotion and inspection, and the water conservation certification required at the time of home sales.

Erick Soderlund is Senior Staff Counsel for the California Department of Water Resources. His recent work has focused on providing legal support for the Department's Sustainable Groundwater Management program.

Jill Weinberger, Ph.D., P.E., is a principal hydrogeologist at Dudek, focusing on groundwater supply and development, water resource management, and groundwater contamination. She has designed and implemented water resource investigations, evaluated the interaction between surface water infiltration and aquifer recharge, and assessed sources and movement of groundwater contamination plumes.

Derrick Williams, P.G., CHG., is Principal Hydrogeologist at Montgomery & Associates, Inc. His project experience includes managing, reviewing, and assisting on water supply, managed aquifer recharge, wastewater disposal, and hazardous waste remediation projects.

Eugene B. (Gus) Yates is a Senior Hydrogeologist at Todd Groundwater. He develops efficient investigative approaches that combine field studies, computer models, statistics, and traditional analysis methods.