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A Comprehensive Update on SGMA's Current Phase: **Groundwater Sustainability Implementation in California**

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

November 4 & 5, 2021

Live Online | Pacific Time Zone

Agenda—Day 1

9:00 Introduction & Overview

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

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

9:15 Update on Groundwater Sustainability Plan (GSP) Adequacy Reviews

Progress report from the lead state agencies and what they think is going well and what needs improvement; a look forward to the 5-year reviews and the potential need for more stringent standards for projections of the availability of replacement water

Amanda Pearson, Esq., Staff Attorney
Water Resources Control Board ~ Sacramento, CA

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

10:15 Break

10:30 Areas of Concern Arising from Stakeholder Reviews

Case study of the San Joaquin Valley review

Samantha Arthur,
Working Lands Program Director
National Audubon Society ~ Sacramento, CA

Ellen Hanak, Ph.D., Water Policy Center Director
Public Policy Institute of California
San Francisco, CA

Trevor Joseph, P.G., CHG, Hydrogeologist
City of Roseville ~ Roseville, CA

12:00 Lunch Break

1:15 GSPs: Signed, Sealed, Delivered. Now what for Groundwater Sustainability Agencies (GSAs)?

The need for GSAs to proactively think about how to address DWR & SWRCB comments; funding; monitoring practice runs; stakeholder engagement; coordination and mutual accountability; and the balance between implementation and litigation

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

1:45 SGMA Modeling Requirements and Tips for Incorporating Modeling Results into GSPs

Current issues in model design and practical tips for stakeholders and managers tasked with reviewing a model and its inputs

Abhishek Singh, Ph.D., P.E.,
Vice President - Western Region
INTERA Incorporated ~ Torrance, CA

Technical case study of Northern Sacramento Valley collaboration process for intra-basin and inter-basin coordination: Efforts undertaken during GSP preparation including outreach and modeling; resulting framework for moving into implementation

Lisa Porta, P.E., *Senior Water Resources Engineer*
Montgomery & Associates ~ Sacramento, CA

The interplay between pumping and surface flow depletion: Best practices for modeling the impact; the need to identify and incorporate compliance with standards for maintaining habitat for fish and riparian vegetation

Claire Kouba, P.C.E.,
Ph.D. Candidate, Hydrologic Sciences
University of California ~ Davis, CA

3:15 Break

3:30 Groundwater Shortages: Managing the Tension Between Allocations, Production Rampdowns, and Water Right Claims by Competing Pumpers

The legal structure for allocations

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

Applying the concepts: Approaches taken by various GSAs and initial results on how they're working

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

A market-based solution for allocating water: Case study of a water accounting and trading platform

Tara Moran, Ph.D., *CEO*
California Water Data Consortium
Sacramento, CA

5:00 Adjourn Day 1

Agenda—Day 2

9:00 Sovereign-to- Sovereign Tribal Consultation Issues and Environmental/Economic Justice Considerations in Development of GSPs

Federally reserved Tribal Water Rights as senior rights and how consultation requirements differ from stakeholder outreach; federal and state social justice initiatives; consideration of environmental and economic justice issues in water resource planning

Holly A. Roberson, Esq., *Moderator*
Kronick Moskovitz Tiedemann & Girard
Sacramento, CA
Anecita Agustinez, *Tribal Policy Advisor*
California Department of Water Resources
Sacramento, CA
John Covington,
Reservation Services Administrator

10:30 Break

10:45 Water Infrastructure Development Funding

Raising revenues: Overview of the pathways and tips for identifying the ones that best fit the project needs identified in the GSP and GSA as an entity

Michael G. Colantuono, Esq.
Colantuono Highsmith & Whatley
Grass Valley, CA

Federal funding opportunities: How water augmentation and other SGMA-driven projects could benefit from the Biden Administration's jobs from infrastructure development plan

Lowry A. Crook, Esq.
Best Best & Krieger ~ Washington, DC

Project finance: Creative funding opportunities, including public/private partnerships, and tips for structuring project funding proposals to maximize chances of success

Brian D. Cullen, President & CEO
VICO Infrastructure Company LLC ~ Newport Beach, CA

12:15 Lunch (on your own)

1:30 Groundwater / Surface Water Connections

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 the need to address possible undesirable results from pumping

David Rose, Esq., Staff Counsel
State Water Resources Control Board
Sacramento, CA

GSPs where the ground/surface connection is a big issue: Evidential aspects for proving what is necessary to maintain the ecology of impacted surface waters in the basin

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

Dealing with shortages: Lessons from curtailment of diversions from the Scott River for other river basins, such as Santa Clara, where SGMA may prevent automatic replacement of surface water with groundwater; how we can expect those processes to play out

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

3:00 Break

3:15 SGMA and Groundwater Litigation: The Implications for GSP Development

Litigation challenging GSPs: Legal theories, defenses, and outcomes

Derek R. Hoffman, Esq.
Gresham Savage Nolan & Tilden
San Bernardino, CA

Basin adjudications: Update the Borrego, Las Posas, and the recently filed Oxnard and Pleasant Valley Basin adjudications

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

4:30 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 year's installment in our continuing series on sustainability plan development starts with an update from DWR and WRCB on plan adequacy reviews from the agency perspectives. We follow that with a case study of stakeholder reviews of the San Joaquin Valley plan.

We will 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.

The second day starts with a discussion of federally reserved water rights and compliance with requirements for consultations with Tribal governments as sovereign nations. This year the panel also will address environmental and economic justice considerations. We will then talk about conjunctive management, and you will have an opportunity to hear a case study of how Siskiyou County dealt with curtailment of diversions from the Scott River and the lessons for other river basins.

Water infrastructure development funding continues to be a major issue and you'll be able to hear about federal funding opportunities and effective strategies for raising revenues. We round out the program with a discussion of the implications for GSP development of court decisions in cases involving challenges to GSPs and of basin adjudication proceedings.

Take a careful look at the topics and speaker credentials--they are people you'll want to hear from and question about solutions for the issues you face. Register soon to save your virtual seat.

~ Eric N. Robinson, Esq. of Kronick Moskowitz 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, we offer a special rate of \$670. For Tribal Members, public interest NGO's, students, and people in their job for less than a year, our rate is \$447.50. All rates include admission to all program sessions and course materials.

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As an added value bonus, you'll receive access to audio and video recordings of the program at no extra charge.

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, October 29, 2021. 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 12.0 California MCLE, 11.75 ABCEP environmental professional, and 11.75 AICP land use planner 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 Moskowitz 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 Moskowitz Tiedemann & Girard. She focuses on environmental law and policy, CEQA, land use, water, climate change, and renewable energy. Prior to joining the firm, she served as Land Use Counsel at the California Governor's Office of Planning and Research (OPR) where she worked on Tribal cultural resources.

Anecita Agustinez has served as the Tribal Policy Advisor for the California Department of Water Resources since August 2013. She provides policy support and recommendations regarding Tribal issues to the Director and Chief Deputy Director and has been actively engaged with our projects and programs, assisting with Tribal consultation and development of the DWR Tribal Consultation Policy.

Samantha Arthur is the Working Lands Program Director for the National Audubon Society in California. She also serves on the California Water Commission.

Michael G. Colantuono, Colantuono Highsmith & Whatley, has specialized in municipal law since 1989. He has expertise in a broad range of areas of concern to local governments in California, including constitutional law, land use regulation, open meetings, elections, municipal litigation, conflicts of interest, public utilities, LAFCO issues, inverse condemnation, cannabis regulation, and a wide range of public finance issues involving taxes, assessments, fees and charges.

John Covington is the Reservation Services Administrator for the Morongo Band of Mission Indians. He has served on several state and regional advisory committees, most recently the Department of Water Resources Tribal Advisory Committee for the implementation of SGMA. He currently serves as Chairman for the Beaumont Cherry Valley Water District and for the Riverside County Municipal Advisory Committee, and is a current Board of Director for the California Rural Water Association located in Sacramento.

Lowry A. Crook is a partner at Best Best & Krieger. He represents public and private clients on water infrastructure, the Clean Water Act, environmental review and permitting, ecosystem restoration, and disaster resilience and recovery issues. He has served in senior positions at the White House and federal agencies governing a wide range of environmental, natural resources, infrastructure, energy, land management and transportation issues.

Brian D. Cullen is the President & CEO of VICO Infrastructure Company LLC, which is a sustainable infrastructure company that devotes capital towards assets that deliver positive outcomes for the environment, society, and investors. It invests in innovative technology and environmentally friendly practices that reduce water and energy use, promote recycling, and decrease its clients' carbon footprints.

Anona L. Dutton, PG, CHG, is a Vice President at EKI Environment & Water, Inc. She is 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.

Ellen Hanak, Ph.D., is the Water Policy Center Director for the Public Policy Institute of California (PPIC). As a senior fellow at PPIC, she holds the Ellen Hanak Chair in Water Policy. Before joining PPIC, she held positions with the French agricultural research system, the President's Council of Economic Advisers, and the World Bank.

Derek R. Hoffman is a shareholder at Gresham Savage Nolan & Tilden. An experienced water resources attorney, he represents a wide range of clients including mining entities, mutual water companies, developers, agricultural operators, cemeteries, landowners, golf courses, water districts and other entities in transactional, litigation, and regulatory compliance matters.

Trevor Joseph, P.G., CHG, is a Hydrogeologist for the City of Roseville. He formerly was Hydrogeology Practice Lead for Stantec Consulting and served as the Sustainable Groundwater Management Program Lead for the California Department of Water Resources.

Claire Kouba is a registered California Professional Civil Engineer and a Ph.D. Candidate in the Hydrologic Sciences program at UC Davis. She has expertise in groundwater modeling and remediation, and her research interests include water resource management, data science, and climate change adaptation.

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 is active in development laws designed to reform judicial procedures related to groundwater basin disputes,

Andre Monette is the managing partner of Best Best & Krieger's Washington, DC office. He works extensively with water districts, cities, counties and agricultural interests, and other private entities on matters involving the Federal Clean Water Act and its state law analogues.

Tara Moran, Ph.D., is CEO of the California Water Data Consortium. Prior to joining the Consortium, she led the Sustainable Groundwater Program with Water in the West at Stanford University where her research focused on the technical requirements of sustainable water management, including data collection, sharing, and integration. She was a founding partner for the Groundwater Exchange, where she remains a Board Member.

Amanda Pearson is a Staff Attorney for the Water Resources Control Board where she deals primarily with water rights and SGMA issues. Before joining the State Board, Amanda spent eight years in private practice at a law firm in Sacramento, where she focused on water law and the California Environmental Quality Act.

Lisa Porta, P.E., is a Senior Water Resources Engineer at Montgomery & Associates. Her expertise includes groundwater and integrated water planning, and she has worked extensively on water resource studies across California and the Western United States. She has developed groundwater models and planning documents for several state and local agencies that are helping water

and irrigation districts to better manage their groundwater supplies and to navigate an increasingly complex regulatory environment.

David Rose has been an attorney with the State Water Resources Control Board's Office of Chief Counsel since 2007. He advises the Board on issues involving state and federal environmental law, with an emphasis on water rights, water conservation, SGMA, and Clean Water Act water quality certification.

Abhishek Singh, Ph.D., P.E., is Vice President - Western Region for INTERA Incorporated. His professional experience has focused on research and application experience in the areas of groundwater and surface water modeling, planning and decision analysis, risk and uncertainty analyses, optimization techniques, and temporal/spatial statistics.

Erick Soderlund is Senior Staff Counsel at the California Department of Water Resources. He previously served as Assistant District Counsel for the Santa Clara valley Water District.

Jill Weinberger, Ph.D., P.G., is a Principal Hydrogeologist at Dudek working in the fields of groundwater supply and development, water resource management, and groundwater contamination. She assists water districts, municipalities, and groundwater sustainability agencies with water resource investigations, the interaction between surface water infiltration and aquifer recharge, and assessment of sources and movement of groundwater contamination plumes.