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DEFENDING NORTHERN CALIFORNIA WATERS

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Dear Mr. Yun:

AquAlliance submits the following comments for the Proposition 84 Integrated Regional Water Management Planning Grant process and the Northern Sacramento Valley – 4 County Group’s proposal.

### **DWR Process**

AquAlliance found the DWR web site unclear and unfriendly. The notice that there is a comment period is easily found, but there is no sign of the proposals. Our voice mail message to Bill Hoffmann the week of December 13<sup>th</sup> was not returned. Clearly, DWR’s methods of communication fail to pass even a rudimentary test. This is not acceptable.

In addition, DWR’s notice of a comment period lacks any mention of the purpose for the comments and how they will be used. It appears to AquAlliance that this is window-dressing for DWR, so the legislature can be assured there was a “public process” when millions of dollars are being dispersed. This type of hollow sincerity is what causes public disdain for government in general and continues that massive waste of public funds for poorly designed proposals, such as the now defunct Sacramento Valley Integrated Regional Water Management Plan. It then comes as no surprise that DWR seems ready to approve the Northern Sacramento Valley – 4 County Group Proposal, which also provides the pretence of public involvement.

### **Northern Sacramento Valley – 4 County Group Proposal**

An IRWM region is not based solely on geographic considerations or characteristics. It is also defined by water management issues, its stakeholders,

and water-related conflicts. Table 1 of Appendix F of the Regional Acceptance Process (RAP) for IRWM indicates that evaluation value is given to: Stakeholder Inclusiveness requiring a listing of the stakeholders participating in the IRWM Plan including each stakeholder's tie to water management within the IRWM region.

The Northern Sacramento Valley Four County Group Integrated Regional Water Management Regional Acceptance Process, 2009 Application was not found on DWR's web site, but we located it at Butte County's ([http://www.buttecounty.net/Water%20and%20Resource%20Conservation/Four%20Counties/~//media/County%20Files/Water%20Resource/Public%20Internet/4%20Counties/RAP/Appendix%208%20\\_%20proposedparticipants.ashx](http://www.buttecounty.net/Water%20and%20Resource%20Conservation/Four%20Counties/~//media/County%20Files/Water%20Resource/Public%20Internet/4%20Counties/RAP/Appendix%208%20_%20proposedparticipants.ashx)). The application explains in *section 3.3.2 Develop Stakeholder List and Involvement Plan*, that the Four County Group has developed an initial working list of stakeholders from within the region through their outreach activities to date. The list is attached to this RAP application as Appendix 8, which displays the stakeholder group and the contact person for that entity. The author of the application assures excluded stakeholders that, "...this list will not be exclusive to these entities. Through various outreach efforts it is anticipated that the existing list will be expanded to incorporate other interested parties." These assurances ring hollow as the applicant chooses processes that exclude important stakeholders that have a proven record of interest in the region's water management.

Appendix 8 includes appropriate regional government agencies, irrigation and water districts, watershed conservancies, private utility water corporations, and county RCD's. But the proposed participants pointedly exclude certain stakeholder entities that have been involved in the region's water management process for over 10 years.

Two significant water policy leaders and their organizations are conspicuously missing from this list. Barbara Vlamis, former Executive Director of Butte Environmental Council and current Executive Director of AquAlliance has a long record of interest in regional water policy proceedings and is a leader in protecting the ground water and wetlands in northern California to sustain family farms, communities, creeks and rivers, native flora and fauna, vernal pools, and recreation. Barbara Hennigan, Executive Director of Butte-Sutter Basin Area Groundwater Users provides representation for the interests of all overlying groundwater-dependent users, with the goal of ensuring a sustainable supply of accessible water through promotion of sound science, participation in the public process, and by providing information and education for members and the public.

AquAlliance and Butte-Sutter Basin Area Groundwater Users are key players that must be involved in the foundation of a RAP. In the fall of 2007, participants in the Multi Party MOU approached the California Department of Water Resources (DWR), Division of Planning and Local Assistance (DPLA). They requested support for their efforts to advance regional water planning and management under the two MOUs. In particular, they sought DPLA's support for the engagement of the Center for Collaborative Policy (CCP), a program of California State University Sacramento. Participants looked to CCP to make recommendations for how participants could work more effectively both together and with other stakeholders in the 4 County Area in advancing regional water planning and management. Mss. Vlamis & Hennigan were recognized then as key participants and were interviewed at length along with about 50 other interviewees.

The CCP interviewers found that, “there did not appear a uniformly shared understanding among the public entity interviewees regarding the conditions for starting or maintaining a successful public policy collaborative...” and furthermore that, “comments made by some interviewees suggest that, at a minimum, some representatives of some public entities might benefit from some training, whether initial, refresher, or advanced, in these different processes and their relative appropriateness. Beyond these manifestations of limited understanding of collaboration, a few representatives of some public entities demonstrated skepticism or even hostility towards a more collaborative approach.” Pg. 12, Four County Water Planning and Management Assessment, [http://www.bigchicocreek.org/documents/groundwater\\_mgmt\\_4county\\_assessment.pdf](http://www.bigchicocreek.org/documents/groundwater_mgmt_4county_assessment.pdf)

The CCP report was issued on August 31, 2008, giving the 4CMOU planners/administrators ample time to follow through on the CCP Ultimate Recommendation:

“Within the 4 County Area, an Area-wide Visioning activity best matches the opportunities offered by collaboratively water planning and management with the challenges involved in such collaborative activities.” This approach would have allowed all stakeholders a seat at the planning table. Unfortunately Butte County, as the nominal head of the 4CMOU process, ignored the expert advice of the CCP and chose a process that presents select updates of the progress of the 4CMOU to the public during busy government meetings that are scantily described in various agendas and never described in detailed minutes of these meetings. “Butte County participates in outreach through many avenues including monthly meetings of the Butte County Water Commission. The Commission is a Brown Act body, which requires the posting and distribution of agendas seventy-two hours prior to each meeting. [pg. 35, item 4.1.1 of the RAP application]

<http://www.buttecounty.net/Water%20and%20Resource%20Conservation/Four%20Counties/~media/County%20Files/Water%20Resource/Public%20Internet/4%20Counties/RAP/FourCountyRAP042609.ashx>

While most items on the Butte County Water Commission agenda have detailed background documents, the updates on the 4CMOU water commission’s meetings are sparse at best and totally lacking in detail in the agenda/minutes of the meetings. Here is an example of the monthly update excerpted in full from the agenda and MINUTES OF THE BUTTE COUNTY WATER COMMISSION dated November 3, 2010:7.

*Update on the Prop 84 application process for the Northern Sacramento Valley Integrated Regional Water Management planning grant within the Counties of Butte, Colusa, Glenn, Tehama, Sutter and Shasta. Information only, no action. Jim Brobeck addressed the Water Commission.*

During the past years the “4” county MOU has expanded its range to include 2 more counties: Shasta and Sutter. The Prop. 84 application mentions a 5<sup>th</sup> county (Sutter) but continues to describe the group as a 4-county effort. There is no mention of the 6<sup>th</sup> county (Shasta) which has been added to the group and extends the range of complex collaboration well beyond the Butte Basin aquifer system. This is not adequate documentation of the activities regarding the 4CMOU or dissemination of the material to the public. There should also be opportunities for in-depth public dialog with all the participants who are currently meeting privately.

The failure of the 4CMOU leaders to follow through on the CCP Ultimate Recommendation to open the planning effort with a broad Area-wide Visioning activity, the apparent deficit in understanding among these planners regarding the conditions for starting or maintaining a successful public policy collaborative; the overt exclusion of the groups and leaders that represent groundwater dependent citizens and environmental; the addition of Shasta County which has a range of water management challenges entirely different from counties that overly the Butte Basin Tuscan and Tehama aquifer formations; and the failure of Butte County Water Department staff to provide details on the evolution of the 4CMOU activities are indications of an inadequate stakeholder involvement plan.

### **Conclusion**

AquAlliance believes that the 4CMOU has not created a credible structure and process for public involvement. To correct this here must be:

- *Detailed* documentation provided on a monthly basis and made easily available to the public.
- Opportunities for in-depth public dialog with all the participants who are currently meeting privately.
- Halt the 4CMOU until there is a Visioning Process as recommended by the experts at the Center for Collaborative Policy, "...the 4 County Area (defined as the geographic area within the boundaries of Butte, Colusa, Glenn and Tehama Counties could benefit substantially from an Area-wide water "visioning" activity," (p. 1 Four County Planning and Management Assessment).

AquAlliance also requests mailed notification of IRWM planning and implementation events, RFPs, and comment periods.

Sincerely,

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Cc; Assembly Member Jared Huffman

**Four County Area  
Water Planning & Management  
Assessment**

**Butte, Colusa, Glenn & Tehama Counties,  
California**

**August 31, 2008**

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I. Executive Summary .....	1
II. Introduction .....	4
III. Background and Methods .....	6
IV. Major Findings.....	8
A. Collaborative Culture.....	8
1. Types and Value of Public Engagement.....	9
2. Tone of Civil Discourse.....	13
3. Shared Feelings of Lack of Appreciation .....	16
4. Shared Feelings of Skepticism, Frustration & Distrust .....	17
5. Conditions for Meaningful Dialogue & Collaboration.....	19
6. Private Stakeholder Group Challenges .....	21
B. Level of Shared Understandings.....	22
1. Goals and Visions.....	22
2. Applicable Laws and Policies .....	24
3. Natural System Dynamics.....	24
4. History.....	25
C. Role of the MOU Entities.....	27
1. Existence and Current Activities .....	27
2. Role of Counties .....	28
3. Governance Structure .....	29
D. Relationship to Other Planning Processes .....	31
1. Delta Vision.....	31
2. SVIRWMP .....	32
3. Watershed and Floodplain Planning & Management.....	33
V. Recommendations .....	34
A. Collaborative Culture.....	34
1. Public Outreach .....	34
2. Civil Discourse .....	35
3. Lack of Appreciation .....	36
4. Skepticism, Frustration & Distrust.....	37
5. Conditions for Meaningful Dialogue.....	37
6. Private Stakeholder Group Challenges .....	38

B.	Level of Shared Understandings.....	39
1.	Goals and Vision .....	39
2.	Applicable Laws and Policies .....	40
3.	Natural System Dynamics.....	41
4.	History.....	42
C.	Role of MOU Entities .....	43
1.	Current Activities .....	43
2.	Role of Counties .....	44
3.	Governance Structure .....	44
D.	Relationship to Other Planning Processes .....	45
1.	Delta Vision.....	45
2.	SVIRWMP .....	46
3.	Watershed & Floodplain Efforts .....	46
VI.	Overall Recommendation .....	47
VII.	Attachments* .....	55
A.	Four County MOU.....	55
B.	Addendum to Four County MOU.....	55
C.	Multi-Party MOU .....	55
D.	DPLA-CCP Task Order .....	55
E.	List of Interviewees.....	55
F.	Interview Questions.....	55
G.	Conditions for Sustaining a Policy Collaborative .....	55

## I. Executive Summary

### Overview of Report's Six Sections:

This Assessment is divided into 6 Sections. After this initial Section, Section II provides a brief introduction, with a half-dozen caveats to the reader. Section III provides a brief background for the Assessment and describes the process by which it was prepared. The remaining three Sections form the heart of the Assessment. Based on the stakeholder interviews, Section IV sets out “Findings” in 16 subject areas. Section V, in turn, offers recommendations keyed to each of these “Findings.” And finally, Section VI offers the ultimate recommendation—the 4 County Area (defined as the geographic area within the boundaries of Butte, Colusa, Glenn and Tehama Counties) could benefit substantially from an Area-wide water “visioning” activity.

For the reader's convenience, this Executive Summary sets out first the most general findings from Section IV and then Section VI's ultimate recommendation.

### General “Findings”

- Within the 4 County Area, there are various levels of civic engagement on water planning and management. Depending upon the issues and the agencies involved, the public entities charged with water planning and management activities (counties, water districts, and regulated public utilities) use a variety of tools to inform the interested public about proposed plans, projects, programs and policy developments, and seek the interested public's input. For a wide variety of reasons, the public entities' efforts to engage and, in turn, be engaged by the interested public, have met with a range of degrees of success.
- Nevertheless, as evidenced both by the two MOUs described below in Section III, as well as some specific planning efforts within the last decade, there is substantial movement towards a more robust culture of collaboration both among public entities and between those entities and private sector stakeholders. Indeed, the very request by the “partners” to the Multi Party MOU to seek support for this assessment indicates the importance placed by the signatory counties, districts and regulated utilities on better collaboration among themselves and with the interested public.
- There is, however, plenty of room for greater interaction between and among all the stakeholders involved. And the level of civil discourse is strained in some aspects. Across the region, major stakeholder groups do not fully appreciate or trust each other.
- Creation of a *region wide*, more collaborative approach will not happen overnight. Civic leaders will need to create or improve conditions for meaningful collaboration and address numerous practical issues. And not all private sector stakeholders necessarily perceive it in their best interests to work collaboratively with other stakeholders. Still, there is more than enough common interest in moving forward collaboratively that, with the right leadership and support, much can be accomplished.

## Four County Water Planning and Management Assessment

- Interviewees demonstrated widely different understandings of many key aspects of water planning and management in the 4 County Area. Any collaborative effort would need to address these fundamental differences.
- There is widespread agreement that water planning and management needs to be done regionally, especially in connection with the Lower Tuscan Formation.
- There is a shared recognition among all interviewees that the resource, particularly the groundwater resource, does not end at county lines. What happens in one county may affect people in another county.
- As such, there is widespread agreement that the creation of the 4 County MOU is a positive, even a very positive, development. Substantial differences do exist, however, as to what the specific role and function of the 4 signatory Counties should be in regional water planning and management.
- There is shared understanding among all the interviewees that local water needs, though variously defined, be met before water from the 4 County Area is asked to “contribute” to solving water needs in other parts of the state. Beyond that, perspectives differ greatly as to how any water planning and management activities within the 4 County Area should interact with other planning processes or management interests by other governmental entities.

### **Ultimate Recommendation:**

Within the 4 County Area, an Area-wide Visioning activity best matches the opportunities offered by collaboratively water planning and management with the challenges involved in such collaborative activities.

### **What is a “Visioning Activity”?**

While there are different approaches to visioning that might be appropriate to this kind of public policy dialogue, there is much overlap among the approaches in terms of both desired outcomes and process framework.

### **-Expected Outcomes:**

Visioning activities seek to develop a shared vision, or identify shared aspects of multiple visions, over an agreed upon planning horizon. In addition, they identify areas of difference. Along the way, participants develop a better understanding of: how they got to the status quo; what drivers are impacting the status quo; where they are heading if the status quo continues; and what each others’ issues and underlying interests are. Tools of constructive dialogue can be developed and practiced, and constructive working relationships advanced.

Visioning activities can also (but do not have to) nicely lead to subsequent planning efforts, where participants try to develop ways to achieve the shared aspects of the vision. Thus, they could be a very useful first step in developing, over the longer term, a 4 County Area integrated water resources plan—if that’s the direction that the water planning and management decision makers within the 4 County Area ultimately choose to go. But even if such a next step is not taken, the results of the visioning activities can inform other planning efforts within the area.

### **-Process Framework:**

Typically stakeholders from all relevant interest groups participate in a one or two day facilitated session. During the session, participants first describe, in an appropriate level of detail, the context for the visioning activities. This generally involves a description of current conditions relevant to water resources in the 4 County Area (from their individual perspectives); key history that lead to the current conditions; and key drivers affecting the current conditions. Participants then identify aspects of the current conditions that they wish to see continue, and aspects that they would like to leave behind. At each step along the way, areas of apparent agreement and disagreement are noted and, as time permits, “tested” by the facilitation team with probing questions.

Then, and generally while working in smaller groups, participants develop and describe their desired futures for those water resources. The descriptions may be visual, narrative, dramatic, or some combination of those or other approaches; indeed, a wide variety of tools exist to help groups develop and describe visions. Each of the small groups then presents that group’s vision to the full group. Again, both commonalities and differences are noted and, as time permits, explored further. Finally, participants discuss what might be appropriate next steps. These steps might include opportunities for trying to develop more commonality among the different visions sketched or ways where the common features might be implemented.

### **Additional Features:**

Visioning activities generally share two additional features. First, prior to the visioning “event,” the specific content and format of the event is developed by a “design team.” Members of the design team are drawn from a diverse and balanced group of stakeholders. They work through the design questions posed by the process facilitator as well as other interested stakeholders. Second, after the event, a report is developed to describe the event and capture the range of agreement—and disagreement—on the various visions sketched by event participants. Each participant gets a chance to review and comment upon the draft; and the final report is often presented to the Boards of the sponsoring or participating organizations, as well as other interested groups.

### **Why a Visioning Activity?**

Section VI considered four broad sets of possibilities for further collaborative water planning and management activity within the 4 County Area. In addition to visioning, these included: a) water forums; b) ongoing planning processes; and c) development of a 4 County Area regional water management plan. As analyzed more fully in Section VI, an Area-wide Visioning process best matches the opportunities offered by collaboratively water planning and management with the challenges involved in such collaborative activities.

### **-Additional Benefits:**

The “Expected Outcomes” discussion above outlines the principal opportunities generally offered by visioning activities. In addition to those opportunities, a visioning process offers some other advantages over some of the other collaborative efforts that might be pursued within the 4 County Area. In particular, unlike a full regional water planning process, a visioning process generally proceeds on a much shorter schedule (e.g., six

## Four County Water Planning and Management Assessment

months to plan; one to two days to implement; and two to three months to develop and present a report to interested groups and organizations.) Costs are substantially less, as scientific and engineering studies are not required. The principal out-of-pocket costs are for third party assistance in process design, meeting facilitation, and, as desired, report preparation and presentation. Often, participants can volunteer meeting spaces and make other in-kind contributions to help organize and run the event. The amount of preparation time for participants (other than those on the design team) is much lower than for participants in ongoing water planning advisory committees.

Finally, and perhaps most importantly, consensus on elements of a vision, if not a single overarching vision itself, is often easier to obtain than consensus on the ways to implement the shared elements. In particular, visioning offers people an opportunity to move forward, beyond entrenched positions rooted in historical controversies, to collectively conceive a shared future. Participants in such processes often find that it is easier to find common ground on the shared future they would like to see than on their assessment of the current situation or the relevant past. And from a shared understanding of the future, participants may find it easier to solve—collaboratively—the problems they face in implementing that shared vision.

As discussed more fully below in Section IV, there are some genuine strains in some aspects of the water planning and management dialogue within the 4 County Area. A good bit, but not all, of the tension that can be found within the Area arises from the lack of agreement on the appropriateness, if any, of one or more particular water management “tools,” e.g., what people within the region often call “conjunctive use.” Absent a shared vision for the water resources within the 4 County Area, or at least shared elements of a vision, there is little chance for reaching agreement on the appropriateness, if any, of this or any other water management “tool.”

Despite these strains, the overall level of familiarity among the stakeholders with each other and with the issues appears quite high. With broad stakeholder participation; clear groundrules agreed to by all participants; and outside facilitation to ensure a transparent, interest-based approach, conditions seem appropriate for the staff and elected water policy leaders in the 4 County Area to move forward collaboratively on an area-wide water visioning process.

## II. Introduction

This report assesses a range of current stakeholder perspectives on water planning and management in the counties of Butte, Colusa, Glenn and Tehama (the “4 Counties” or the “4 County Area”). Unless otherwise indicated, as used in this Report, the “4 County Area” refers to the *collective geographic area* within the boundaries of the four mentioned counties; it does not refer to the *governing Boards* of any of those counties. And, as a *geographic, not a “political” unit*, the “4 County Area” includes within it those surface water districts and other water purveyors who carry on one or more of their activities within those county boundaries.

The report contains three principal parts. The first, set out in Section IV, summarizes and organizes the results of 30 confidential interviews, with 52 individuals, conducted in April and May 2008. The second part, set out in Section V, makes specific

## Four County Water Planning and Management Assessment

recommendations based on those results. The third part, set out in Section VI, focuses on the ultimate recommendation—that the 4 County Area move forward with a collaborative visioning process.

The reader of this report should bear six things in mind. First and foremost, this is a *snapshot of a range of stated stakeholder perspectives*. As such, perspectives on issues among the interviewees often varied. Indeed, as described in Section III, interviewees were selected in part to provide such a range. To the extent possible, based either on explicit or implicit answers to interview questions, the report tries to capture that range. It occasionally notes the relative numbers of interviewees who expressed a given perspective. These notes are meant only to add additional points for further dialogue. They are by no means a substitute for a statistically valid survey of public opinion.

Second, the 30 interviews generated over 300 pages of raw interview notes. In distilling these notes to a readable summary, many individual comments, details or specific insights were necessarily left out. Despite these editorial efforts, the author hopes that interviewees will see their overall perspectives and their principal concerns represented.

Third, as a snapshot of *stated perspectives*, the author made no attempt to document the relationship between those stated perspectives and what historians or scientists might conclude as to their “truth” or “accuracy.” Stated perspectives provide their own limited truth: it is simply “true” that so-and-so stated such-and-such to the interviewer. (At least, to the extent that he heard it and recorded it accurately.) And yet where perspectives are based on historical events, or scientific studies, differences in perspectives might arise from a diverse set of causes.

For example, to focus first on history, different stakeholder experiences during the historical events; different memories of those events; and different interpretations of those events all might contribute to a different perspective as to what actually occurred. A professional historian, with access to a more complete set of information than any one stakeholder might have, might well come to some conclusions as to the reasons for some of the differences.

Similarly, to speak of science, many reasons might exist as to the source of differences in opinions as to what is “known” about a water system. Stakeholders might have access to different data or different interpretations of that data. Stakeholders may have different opinions as to the impact of the data’s source on its overall reliability. To some extent, the peer review process can help resolve differences in scientific opinion.

In any event, for those stated perspectives linked to historical events or scientific understandings, this report makes no effort to reach conclusions as to the truth or accuracy of any of these matters. Those matters were beyond the scope of the assignment given and the resources available for the task. (Cf. Attachment 4 (“Task Order.”))

Fourth, the report makes no attempt to assess another truth—the personal truth behind the statements made. While the interviewer attempted to create an environment in which the interviewees would be comfortable expressing themselves honestly and candidly, the report takes stated perspectives at their face value, i.e., as true statements of perspective. Where indicated, the interviewer probed gently to make sure that the interviewer understood the stated perspective and how it might be consistent with other statements

## Four County Water Planning and Management Assessment

made by, or attributed to, the interviewee. Otherwise, the interviewer made no attempt to uncover an interviewee's "true" (e.g., hidden or ulterior) motives or objectives.

Fifth, the reader should remember that this assessment involved 52 separate interviewees. Often, the interviewees made broad, general statements about themselves or other stakeholder groups. All such generalizations need to be taken for just that—broad, general statements. For example, there were interviewees from four different counties and ten different water districts or utilities. Each of these entities has its own long history of interaction with other public and private stakeholders. Broad generalizations made by some interviewees about collective conduct by these "public entities" often overlooks substantial differences among, e.g., specific entities, specific individual representatives of specific agencies, or events relevant to specific proposals for programs, policies, or projects. Similarly, broad generalizations made about stakeholders from other interest groups masks a corresponding degree of individual differences.

Sixth and finally, the recommendations set out in Section V (and ultimately, Section VI) are offered not as "ending points," but as starting points for a richer, deeper conversation among those with a direct stake in the process and outcomes of water planning and management in the 4 County Area. They are process-oriented suggestions to be sifted through, digested, considered, adapted, and used to develop something tailored to the specific needs of the stakeholders in the 4 County Area. While drawn from experiences gleaned from other processes, they should be approached reflectively. The issues in the 4 County Area are complex and there is a long history of differences among the perspectives of the stakeholders. At times, these differences have led to conflict and litigation. There is no ready made, off the shelf, one-size-fits all solution that will make stakeholders willing to work collaboratively with each other on all proposals. Moreover, where, as in the 4 County Area, a culture of *region wide*, robust, fully interactive collaboration is only beginning to emerge, and the tone of the water policy dialogue is occasionally tinged with skepticism and hostility, stakeholders should not expect any overnight progress in advancing their respective interests.

Although there are no overnight solutions possible, a long term, constructive, problem-solving approach to addressing stakeholders' underlying interests in regional water planning and management can begin whenever all stakeholders both: a) truly perceive it to be in their personal interests to engage in such an approach; and b) are given a real opportunity to participate in genuine dialogue that can lead to meaningful collaboration.

The good news is that most of the stakeholders interviewed during this assessment do perceive it to be in their personal interest to work collaboratively with each other, even with representatives with whom they've been at odds in the past. And there is a broad zone of potential agreement over the circumstances in which genuine dialogue and meaningful collaboration can occur. Of the various choices discussed in Section VI, a 4 County Area visioning process can best match opportunity and challenge to help the region move forward, collaboratively, on regional water planning and management.

### **III. Background and Methods**

In 2006, representatives of the Counties of Butte, Colusa, Glenn and Tehama signed a Memorandum of Understanding on "Regional Water Resource Coordination,

## Four County Water Planning and Management Assessment

Collaboration, and Communication” (“4CMOU”). (See Attachment A.) The goals of the 4CMOU are:

- 2.1 To foster coordination, collaboration and communication between the four counties on water-related issues, to achieve greater efficiencies, and enhance public services.
- 2.2. To provide a framework for the management and disbursement of funding associated with activities pursued jointly under this MOU.
- 2.3 To improve competitiveness for State and Federal grant funding.

In the spring of 2007, representatives of the counties signed an addendum that further clarified their understandings. (See Attachment B.)

In the spring of 2007, representatives of the four counties, along with identified “water partners” (special districts, governmental entities, and water purveyors), signed a “Memorandum of Understanding for Integrated Regional Water Management Planning and Regional Water Resources Coordination, Collaboration and Communication.” (See Attachment C.)

Referred to as the “Multi-Party Water Resources MOU” (“MPMOU”), it is intended: “to build upon ... and further the purposes and goals of the Four County MOU by involving the Water Partners ... that are charged with water resources planning and development.” Its initial focus was to be “on issues associated with mutual concerns associated with the coordinated management of groundwater within the four county subregion, including, but not limited to, the ‘Lower Tuscan’ and ‘Tehama’ groundwater aquifer systems.”

In the fall of 2007, participants in the MPMOU approached the California Department of Water Resources (DWR), Division of Planning and Local Assistance (DPLA). They requested support for their efforts to advance regional water planning and management under the two MOUs. In particular, they sought DPLA’s support for the engagement of the Center for Collaborative Policy (CCP), a program of California State University-Sacramento. Participants looked to CCP to make recommendations for how MPMOU participants could work more effectively both together and with other stakeholders in the 4 County Area in advancing regional water planning and management.

In January 2008, DPLA issued a Task Order to CCP under an existing CCP-DPLA contract. (See Attachment D.) That Task Order directs CCP to:

[C]onduct an assessment to ascertain the best approach to assisting regional partners with water resources planning efforts. This includes: 1) developing an assessment questionnaire; 2) preparing a letter of introduction describing the assessment process and its purposes; 3) identifying individuals to be interviewed as part of the assessment; 4) analyzing the results of the interviews; 5) preparing a report summarizing the major findings from the assessment on how to proceed; and 6) coordinating with the regional partners on assessment progress and findings and conclusions. The intent is to identify whether conditions are well suited for conducting a collaborative process, and, if so, how best to approach the process.

## Four County Water Planning and Management Assessment

Working with representatives of the regional partners (i.e., the four counties and their water partners under the MPMOU), CCP developed a list of potential interviewees consistent with the project purpose and budget. Interviewees were selected for their: a) knowledge of the issues; b) representation of key interests; and c) (where known) contribution to a diversity of opinions on the issues and interests.

In March 2008, representatives of the 4 Counties emailed invitation letters to the potential interviewees in their respective counties. CCP senior mediator Gregory Weber arranged and conducted the interviews between April 11 and May 26, 2008. During that period, he held 30 separate interviews. As some of the interviews involved multiple participants, a total of 52 individuals participated. (See Attachment E.)

All but one of the interviews was conducted in person. Depending upon the interviewee's availability and the number of interviewees participating in a given session, interviews lasted between 45 minutes and 2.5 hours. None were recorded electronically. While each interview involved a freely flowing conversation on the relevant topics, the flow generally touched on matters raised in a framework of thirteen questions developed for the assessment. (See Attachment F.)

At the start of each interview, after the interviewer's personal introduction, interviewees were reminded of the reasons for the interviews and the process by which the assessment would be developed. In addition, interviewees were promised confidentiality. In particular, interviewees were told that no comments or quotations would be attributed to them directly or indirectly without their permission. They were also told that they would receive a draft copy of the assessment report and given an opportunity to correct any errors or misattributions. Following the review period, a final version of the report would become available to anyone in the interested public. Finally, interviewees were given a chance to ask any questions about the interviewer or the assessment process.

With two principal exceptions, interviewees did not disclose any matters that they would not want attributed to them individually. Indeed, the interviews were overwhelmingly characterized by comments that interviewees had either: a) already publicly stated, perhaps dozens of times before, or b) were willing to state in public. The two exceptions were: a) speculations about true motives of other stakeholders; and b) comments about personalities of other stakeholders. In preparing this report, only generalized summaries of issues regarding true "motives" were included. And no comments were included about stakeholder personalities.

In early July 2008, an initial draft of this report was emailed to the interviewees. Comments were received by phone and email through early August. This final draft was emailed to the interviewees in early September 2008. It is intended to be a public document available to all who might be interested in its findings and recommendations.

## **IV. Major Findings**

### **A. Collaborative Culture**

Within the 4 County Area, there are various levels of civic engagement on water planning and management. Depending upon the issues and the agencies involved, the public entities charged with water planning and management activities (counties, water districts,

## Four County Water Planning and Management Assessment

and regulated public utilities) use a variety of tools to inform the interested public about proposed plans, projects, programs and policy developments, and seek the interested public's input. For a wide variety of reasons, the public entities' efforts to engage and, in turn, be engaged by the interested public, have met with a range of degrees of success. Nevertheless, as evidenced both by the two MOUs described above in Section III, as well as some specific planning efforts within the last decade, there is substantial movement towards a more robust culture of collaboration both among public entities and between those entities and private sector stakeholders. Indeed, the very request by the MPMOU "partners" to seek support for this assessment indicates the importance placed by the signatory counties, districts and regulated utilities on better collaboration among themselves and with the interested public. There is, however, plenty of room for greater interaction between and among all the stakeholders involved. And the level of civil discourse is highly strained in some aspects. Major stakeholder groups do not fully appreciate or trust each other.

In sum, there is an emerging recognition upon the part of an increasing number of leaders in the public entities within the 4 County Area that, for at least some types of decisions, the benefits of a more collaborative approach to civic engagement on water planning and management may well outweigh the drawbacks. Creation of a region wide, more collaborative approach will not happen overnight. Civic leaders will need to create or improve conditions for meaningful collaboration and address numerous practical issues. And not all private sector stakeholders necessarily perceive it in their best interests to work collaboratively with other stakeholders. Still, there is more than enough common interest in moving forward collaboratively that, with the right leadership and support, much can be accomplished.

### **1. Types and Value of Public Engagement**

A wide range of opinions exists on the degree of "openness and transparency" manifest by public entity staff and decision makers in the 4 County Area on water planning and management matters. Opinions range from "we've done so much" to "It's all done behind closed doors; quit hiding things."

Similarly, a wide range of opinions exists on what constitutes genuine "public outreach." It appears to some stakeholders that, at least for some entities or on some matters, the relevant public entities do only enough to provide the minimum posted or published notice and opportunity for public comment that the law requires. For other entities or on other matters, there was general acknowledgement that the relevant public officials will directly contact stakeholders with known interests in a matter and invite them to attend a hearing, workshop or other meeting. In these situations, however, it is believed by many that it is enough to have tried to get the stakeholder input, even if the stakeholders do not appear at the meeting.

As evidenced by both comments made by some interviewees, as well as actions taken under the two MOUs, there has been a growing recognition over the past decade by many public entities that, at least for some processes, the public entities' overall interest may best be served by inviting stakeholders to participate meaningfully in a ongoing collaborative approach to developing guidelines or recommendations on water planning

## Four County Water Planning and Management Assessment

and management policy, program, or project opportunities. Such ongoing collaborative approaches—which go beyond “public outreach”—involve structured, interest based, early and frequent opportunities for active stakeholder involvement in the shaping of proposed policies, programs, and projects. (For a general description of the conditions necessary to sustain a robust policy collaborative, as opposed to less robust forms of public outreach and engagement, see Appendix G.)

Nevertheless, among both public and private stakeholders, differences of opinion exist on the value of a more collaborative approach to water planning and management. For example, among public entities, when it comes to collaborating *with other public entities*, a much greater recognition now exists of the benefits of working together to achieve common and individual objectives. Indeed, the 4CMOU and the MPMOU themselves exemplify the trend toward overcoming past rivalries and present differences in order to work together. There is plenty of work to be done in terms of structuring and implementing a collaborative approach under the signatories to the two MOUs. Moreover, there are public entities within the 4 County Area that have not signed up to be “water partners” under the MPMOU. Nevertheless, for those who have signed, there is at least basic recognition of at least some of the benefits to be gained.

When it comes to public entities actively collaborating with private stakeholders, however, there is more of a mixed track record. As noted by several interviewees, some entities appear to genuinely appreciate the value of robust, interactive, policy-shaping collaboration—beyond simple public outreach—and are interested in developing or refining, as their individual situations require, their collaborative skills and resources.

Of the public entities involved, the counties have the longest and most extensive track record of attempts to foster interest-based, collaborative, problem-solving approaches to the development and implementation of local water planning and management policy. Examples can be found within all the counties. For a variety of reasons, Butte County offers the most extensive list of attempts at collaborative local water planning. A partial list includes:

- the 1998 “Mitigation Report” to the Butte Water Commission (which produced some common understandings as well as separate opinions from representatives of groundwater pumpers and surface water districts);
- the State DWR’s “Integrated Storage Investigation” during the early parts of this decade (facilitated by CCP) (Interestingly, the reasons for that collaborative’s eventual termination are the subject of some broad differences of perspective, with participants from different interest groups each accusing other interest groups of “hijacking” the process);
- the development of the 2005 Butte County Integrated Water Resources Program (which eventually received near, but not complete, unanimous support from the stakeholder participants);
- and the extensive series of ongoing collaborative groups that are available to advise the Butte County Board of Supervisors as that Board sets and implements Butte County water ordinances and policy (e.g., the Water Commission, the Water Advisory Committee, and the Technical Advisory Committee.)

## Four County Water Planning and Management Assessment

- In addition, there are two efforts that are ongoing or soon to be underway to involve stakeholder groups
  - the refinement of the design of the Butte Basin Groundwater model or the Water and Environment Hydrology model;
  - the implementation of the Tuscan Aquifer Monitoring, Recharge, and Data Management Project.

Colusa, Glenn and Tehama Counties also offer their own examples of ongoing, collaborative, interest-based efforts to provide stakeholders with a formal means to advise their Boards of Supervisors on key aspects of local water planning and management policy. Colusa County has a County Groundwater Commission. And it is developing its groundwater management plan with a plan Advisory Committee. Glenn County has a Water Advisory Committee with its own Technical Advisory Committee. And Tehama County, through its Flood Control and Water Conservation District, has an Technical Advisory Committee to help it implement its AB 3030 Groundwater Management Plan. And all of these formal committees are just part of the local outreach efforts undertaken by the responsible staff members of the three Counties involved.

Although many of the public sector interviewees expressed support for collaborative approaches to water planning and management, a few public sector interviewees, however, also noted or expressed apparent skepticism or reluctance about the relative advantages and disadvantages of such approaches. It appeared that, for at least some of these interviewees, this skepticism and reluctance greatly predominates over any perceived benefits of such robust collaborative approaches.

In addition, a few of those public sector leaders who displayed sympathy for a more collaborative approach to water planning and management articulated the benefits with statements such as “we’re awful at public relations;” and “it’s better to be out in front of the curve than always on the defensive.” While a start at articulating some of the benefits of a collaborative approach, comments like these focus only on the communicative benefits of collaborative partnerships. Indeed, they focus on collaboration “as a better way of getting our (i.e., the public entities’) message out and understood.” While this may well be indeed one of the results of a successful collaborative approach, it overlooks many other benefits of collaboration. For example, it fails to suggest that collaboration may well foster better communication *from* the private stakeholders as well as *to* them. As well as allowing for the possibility of deeper understandings of complex issues; more creative, robust and implementable solutions; and the development of long term, constructive working relationships among all stakeholders. Overall, the public sector interviewees statements demonstrate that genuine appreciation of these other potential benefits of collaboration, while by no means complete, does appear to be growing.

While interviewees manifested different degrees of recognition of the values of robust collaboration, there did not appear a uniformly shared understanding among the public entity interviewees regarding the conditions for starting or maintaining a successful public policy collaborative. (See, e.g., the factors CCP uses, set out in Section VI and Appendix G.) In particular, there appeared to be no widely shared understanding regarding the: a) different types of civic engagement and their appropriateness for different decisions or activities; b) conditions where a collaborative approach is indicated

## Four County Water Planning and Management Assessment

and where it is not; and c) conditions necessary to sustain a collaboration. Some of this may have been an artifact of the interview questions, times, and formats. But comments made by some interviewees suggest that, at a minimum, some representatives of some public entities might benefit from some training, whether initial, refresher, or advanced, in these different processes and their relative appropriateness.

Beyond these manifestations of limited understanding of collaboration, a few representatives of some public entities demonstrated skepticism or even hostility towards a more collaborative approach. These responses seem to be tied to a proudly held history of independence occasionally reinforced by legal counsel's advice. Those who share this view might hold, or are at least are perceived by others to hold, opinions such as "this is our private business;" "we've run things this way for generations;" "collaboration causes way too much delay, especially on the details of planning, engineering or scientific matters;" "collaboration just gives private stakeholders an opportunity for pre-lawsuit discovery;" and "they're just going to sue us anyway, so why bother."

For their part, on the whole, private sector stakeholders expressed their own range of perspectives on the value of robust collaboration with their public entity counterparts. Some of the strongest statements about the value of such collaboratives uttered by, or attributed to, private sector interviewees belong to those stakeholders who have felt or perceived themselves excluded for whatever reason, or included only as afterthoughts, from some prior water planning and management processes. The support for a more collaborative approach, however, is not universal. As with those few public sector interviewees who expressed skepticism about the value of collaboration, a few private sector representatives do not appear to believe that it is in their own or their organization's best interest to consider adding collaborative tools to their more competitive approaches. Moreover, as noted below, see Sections IV.A.5 and IV.A.6, the willingness of any private stakeholder to participate collaboratively will depend upon the ability of the sponsoring public entities to establish conditions for meaningful participation. And finally, tempering the enthusiasm of some private stakeholders to collaborate is their firmly held perception that whenever a prior collaboration has appeared to be truly engaging diverse private stakeholders, "it gets hijacked" by public entities threatened by the direction it is going. (Ironically, as noted above, some public entity interviewees expressed similar perceptions that some private sector stakeholders had "hijacked," e.g., by difficult behavior, at least one attempt at a water planning and management collaborative.)

Regardless of how public entities seek and receive information about private stakeholder concerns, there was widespread agreement among the interviewees that the public sector entities, at least at the staff level, have a good general awareness of what the stakeholder concerns might be. The level of detail of knowledge of the concerns, however, varies considerably from issue to issue.

One area where at least some public entities wished to have greater awareness of stakeholder concerns involves environmental review. Several interviewees stated that they frequently hear comments that project proponents need to comply with the state and federal environmental review statutes (known by their acronyms as "CEQA" and "NEPA," respectively). When asked what CEQA/NEPA compliance specifically means,

## Four County Water Planning and Management Assessment

the commenters are perceived as acting strategically, to preserve their legal options, by offering no details.

### 2. Tone of Civil Discourse

While the overall tone of discourse on water planning and management issues within the 4 County Area is civil, there are major strains, if not outright hostility, between several stakeholder groups.

At a minimum, there are deeply hardened positions on some issues that are central to the perceived interests of many public and private stakeholders. The two most vocal areas of disagreement involve the values of: a) what is colloquially called (within the 4 County Area) “Conjunctive Use”; and b) the Sacramento Valley Integrated Regional Water Management Plan (SVIRWMP).

As used by the interviewees, “Conjunctive Use” exemplifies two practices. Interviewees primarily referred to the practice of surface water rights holders selling surface water rights for export out of the 4 County Area and either fallowing lands or, more controversially, replacing the exported surface water with locally pumped groundwater. A second form of “conjunctive use,” championed by, among other entities, the Natural Heritage Institute, involves the active pumping of groundwater in order to create additional storage space for active recharge during subsequent wet seasons. A very wide range of perspectives exist on the circumstances, if any, when either of these two approaches could appropriately be considered as part of the water planning and management strategies for the 4 County Area.

At one end of the spectrum, some believe that there is no water available for conjunctive use under any circumstances. At the other end of the spectrum are those who believe that a good bit of water might be available under many circumstances. In between the extremes are those who believe that “at best, it’s a gamble;” or “some water might be available in very limited circumstances (e.g., during drought emergencies); or “some water might be available regularly.”

Closely related to the wide differences in opinion over the appropriateness of “conjunctive use” is an equally wide range of differences of opinion over the value and legitimacy of the SVIRWMP. Led by the Northern California Water Association (NCWA), the SVIRWMP was released in its currently “final” form in December 2006. It attempts to develop an integrated approach to water planning and management in 8 counties in the Sacramento Valley (the four counties who are the subject of this Assessment, with the addition of Shasta, Sutter, Yolo and Yuba counties.)

A complete assessment of the content of the SVIRWMP as well as the process by which it was developed is beyond the scope of this Assessment. Rather, this Assessment will summarize the wide range of perspectives on the Plan’s content and process.

At one end of the spectrum, Plan proponents conclude that the Plan is “a great document; there was an adequate process by which it was developed; in any event, it is a starting point to be built upon.” In support of the Plan, these stakeholders note:

- The Plan’s strong element on conservation strategies;

## Four County Water Planning and Management Assessment

- The controversial “Conjunctive Use” components, both in general & in the Lower Tuscan formation in particular, are only a small portion of the overall Plan;
- NCWA’s leadership was appropriate, as it is the only entity that brings together the surface water districts, the counties, the water purveyors, & the other surface water rights holders
- The Plan has been adopted by 30 entities in many counties;
  - The only complaints come from a “40 square mile area” within just *one* (Butte) of those 8 counties
- NCWA staff accomplished a lot with little or no staff and with no financial contributions from members;
- NCWA held three publicly noticed meetings; three different drafts were put out for review; no one has ever been prevented from commenting
  - In addition, local stakeholders were able to give input into the local components that got incorporated into the broader plan
- At the absolute minimum, the document should not be discarded, as it has captured many ideas on paper, and has substantially advanced the water planning and management conversation

A second perspective heard during the interviews agrees that the Plan’s content is very positive but concludes that the process could have been substantially improved. Areas for improvement noted primarily involved the timing and robustness of the public outreach component of the process.

A third perspective agrees on the areas for process improvement and is less supportive of the overall content. “There’s some good stuff in there,” is how one interviewee iterated this perspective. Another stated, “it’s a nice compendium of information.” A third was harsher: “It’s just an aggregation of individual projects, but aggregation does not mean integration.”

The least supportive perspective dismisses both the Plan’s content and the process by which it was developed. “It’s a lousy document, produced by a lousy process; scrap it and start all over.” Holders of this perspective state:

- That the Plan was driven by those surface water interests who wanted to avoid being obliged to contribute to meeting Delta water quality requirements that might well have been imposed as part of “Phase 8” [of the Bay-Delta Water Quality and Water Rights Hearings]
- The Plan was completed hurriedly to meet DWR grant deadlines;
- The parties focused on Phase 8 related “Implementation” projects before a watershed assessment was completed
- The Plan lacks a governance structure
- Tribes and watershed groups were left out at first although they were later invited to submit comments and potential projects

## Four County Water Planning and Management Assessment

- Efforts to invite comments were minimal. Several interviewees repeated the following sequence of events:
  - A draft for public comment was issued on the Friday before Labor Day 2006;
  - there had been no public comment invited before this draft was released
  - The public comment meeting was then held almost immediately, on the Tuesday AFTER Labor Day.
  - The only people who directly learned of the release of the draft and the public meeting were those who happened to be on the NCWA web site AND saw a the meeting announcement on a “Popup” window not otherwise blocked by the viewer’s web browser
  - The draft at that time was downloadable only as a single, large file
- There were no groundwater dependent farmers on the drafters’ groundwater committee
- Only 1 person who resided north of Sacramento was part of the drafting group.
- Comments might have been invited but were not responded to. As one interviewee stated, “We gave them 11 pages of comments but none were responded to.”
- Environmental issues were short changed
- There is “Fuzzy language at best” as to the Plan’s protection to local water supplies.

At times, these widely separated and increasingly hardened positions turn the dialogue rigid and harsh, with participants seeming to tune each other out, having “heard it all before.” The deeply hardened positions are closely accompanied by a great skepticism, shared virtually across-the-board, about the “true” motives behind the stated interests of other stakeholders. (See below, Section IV. A. 4.) On some issues, the hardened positions and deep skepticism erupt into frustrated name-calling, with members of different “sides” to an issue each accusing members of the other “side” of being “liars,” or deliberate disseminators of misinformation.

Five sets of longstanding tensions, often accompanied by a history of rivalry, competitive behavior, and occasional outright conflict, also contribute to some of the strain in the debate. The first set involves the tension between those farmers who belong to districts that possess surface water rights, and those who don’t. The second set involves tension between orchardists and rice growers. The third set involves the tensions between those who reside in urban Butte County and those who reside in the overwhelmingly rural remainder of the 4 County Area. A fourth set exists between water interests generally west of the Sacramento River and those generally east. The fifth set involves those who have their own surface water rights, and those who purchase surface water from others, notably the federal Bureau of Reclamation. These tensions exist to varying degrees but would need to be recognized and addressed in the formation of any collaborative

## Four County Water Planning and Management Assessment

processes both over the entire 4 County Area and, to a lesser extent, within any one individual county.

There is widespread recognition of three of the reasons for lack of meaningful or civil dialogue on some controversial issues. These include: a) the difficulty of speaking in the abstract about potential challenges and opportunities or costs and benefits, absent a specific proposal in mind; b) the difficulty of getting people engaged *before* a crisis occurs; and c) the passion and emotions that stakeholders on all sides of an issue bring to the debate.

The concerns about the lack of dialogue are shared by stakeholders with widely varying interests. Interviewees concerned about the 3<sup>rd</sup> party impacts of increased export-related pumping expressed frustration that they are not given adequate notice before new pumping starts. For their part, some surface water district voices expressed frustrations that they are not called by opponents of proposed projects to verify facts or assertions. Similarly, these voices feel that they often first learn the details of such opposition when they are served with a copy of a complaint in a law suit. “Why won’t they talk to us before they sue us?” captured this frustration.

Finally, Butte County interviewees were asked to identify an individual or individuals who might bridge the wide gaps between some of the interest groups within their county. Interviewees, however, were unable to identify anyone who was both knowledgeable about the issues and interests and is respected by all the different interest groups.

### **3. Shared Feelings of Lack of Appreciation**

There is a shared feeling of frustration, across all the interest groups, that their interests and contributions are not adequately appreciated by stakeholders from other interest groups.

For example, some county voices expressed frustration that stakeholders fail to appreciate the effectiveness of existing legal protections (e.g., local ordinances and accompanying regulatory structures) to local groundwater resources. Frustration was also expressed over the perceived lack of appreciation of the professionalism of staff “who’re often struggling to do their best with very limited resources.”

Some groundwater-dependent farmers expressed generalized frustration that their concerns over the impacts of increased pumping by others (e.g., potentially increased pumping lifts, aquifer compaction, subsidence, water quality) were not appreciated by those who are interested in increased export-related pumping.

Some voices from within the surface water district community expressed frustration over how the districts are often perceived as well as an under-appreciation of their positive contributions to the area. For example, several interviewees fought against the characterization that they “are trying to strip mine the groundwater” or serve only their narrow financial interests. “No matter what we do,” one stated, “we’re the bad guys.” On the contrary, one stated, “We’re in it for the long term good of all within our counties.” There was also a perceived lack of appreciation for the past and ongoing efforts and challenges facing these districts. As expressed by one or more interviewees, these have included:

## Four County Water Planning and Management Assessment

- their long history of private initiative in bringing water into the districts that would not otherwise have been available to contribute to groundwater recharge.
- the positive role that low volume, high value, temporary water sales can have to generate revenues to offset maintenance, litigation, or other expenses.
- the general position of districts, caught in the middle between State wide water planning and County level Basin Management objectives.
- The genuine challenges faced by all Sacramento Valley water interests—surface and ground--as the State looks to the valley surface water districts to help “solve” the problems of the Delta of the Sacramento and San Joaquin river.

Finally, there was some frustration from voices from within the urban water purveyor community over demands by some growth control advocates that these purveyors, rather than the cities or counties served, set land use or growth policies.

Voices from, or attributed to, the environmental community decried their occasional branding as ecoterrorists or elitists. The former charge ignores the positive legacy that they believe that they have left. The latter ignores the number of members who actively and financially support their activities.

Some interviewees from the watershed community expressed frustration that their contribution to water planning and management is unappreciated, frequently ignored, or where included, is often an under funded, afterthought.

There are those within the tribal community who share similar frustrations. Besides the general concern that their interests are overlooked or included as afterthoughts, three specific aspects of tribal participation are often either misunderstood or under appreciated. First, there is a wide range of abilities of individual tribal units to participate in water planning and management processes. The range is generally directly attributable to the tribe’s staff and financial resources. Second, few outside the tribal community fully appreciate the independence of each tribe from every other. As ordinarily one tribe does not speak for another tribe, it is difficult to bring groups of tribes into water planning and management processes with a single representative of the overall “tribal interests.” Third, there is general under appreciation outside the tribes of the ceremonial role that certain waters may play in the tribe’s life.

Finally, those familiar with the State’s role in water planning and management noted under appreciation for both the level of financial assistance provided to local entities and the positive state role in encouraging people to work together regionally.

### **4. Shared Feelings of Skepticism, Frustration & Distrust**

Accompanying the shared feelings that their own interests are under valued by others, many, but by no means all, interviewees expressed skepticism about the “true” agendas, motives, interests, contributions and behavior of other stakeholders. Usually, this skepticism expressed itself in terms that connoted frustration. Occasionally, it also rose to the level of distrust, even outright hostility.

For example, in speaking of surface water districts, some interviewees from other interest groups asked:

## Four County Water Planning and Management Assessment

- Why do they claim to be interested in “sustainability” when the only “sustainability” that motivates them is the sustainability of their income?
- Why do they hold groundwater dependent farmers in such disregard?
- Why are they so arrogant and believe that all the water belongs to them?

In talking about at least some representatives of environmental interests, some interviewees from other interest groups asked:

- What is it that they want out of any solution? *Are* they true champions of the natural environment, per se, or are they fundamentally more interested in “Slow Growth” or preservation of the Status Quo at all costs?
- Do they promote anything that will make things “better” or do they just like to oppose things?
- Are they mostly in it for themselves, i.e., press and litigation as a fundraising source?
- Do they really want to know about the resource, or are they afraid that research will show that there might be water available for export?
- Can they ever be genuine partners in meaningful collaboration on water issues or is it to their strategic advantage to: keep people ignorant or afraid; to obfuscate with endless questions that sidetrack discussions; or to actively sow misinformation?
- Do they look at commercial farming as only a “necessary evil,” i.e., something better than urbanization?

In speaking about some groundwater dependent farmers, some interviewees from other interest groups asked:

- Are they just jealous of surface water rights holders?
- Do they think there’s no change can ever come to their pumping levels?
- Do they really believe that limitless free groundwater exists beneath them?
- Are they just looking for a way to monetize the resource like the surface water districts can do?
- Why don’t they band themselves together and assess themselves like the surface water districts did? Do they just want to “have something for nothing”?

In speaking of counties, some interviewees from other interest groups asked:

- How can we work with them when they are captured by wealthy, politically powerful interests?
- How can they act regionally when they are each so provincial in their individual focus?
- How will they ever have the political guts to halt pumping if Basin Management Objectives are triggered or other Third party 3P-harms occur, since they are subservient both to districts and to the California DWR?

Finally, in speaking of the California DWR, some interviewees from other interest groups asked:

## Four County Water Planning and Management Assessment

- How can DWR reconcile its apparent conflict between its water stewardship roles and its water supply roles?
- How can we trust anything from DWR since it is ultimately controlled by the State Water Contractors?
- How can we trust DWR since it's ultimately biased against agricultural interests in favor of the large, powerful urban interests?
- How can we trust DWR, since it's learned how to leverage some of the dysfunctional dynamics within Butte County to its own advantage?
- How can we trust DWR since it's been a "disingenuous partner;" we were willing to consider "conjunctive use" programs if DWR helped get us increased surface water storage, but DWR has not moved so slowly on the surface storage programs?
- Why is DWR's groundwater research program so overly preoccupied with studying how withdrawals of percolating groundwater might reduce State Water Project "SWP" yields as opposed to how active GW basin management might increase overall system yields?
- How can we work with DWR since DWR staff itself often doesn't seem to know how the various programs they administer interact OR what they're accomplishing?

The skepticism and distrust, while not universal, does make it difficult for some stakeholders to accept assurances that project proponents are going to:

- Fully comply with CEQA/NEPA regarding the studies and mitigation of environmental impacts
- Agree to and then honor legal, moral, political, or voluntary commitments to "keep everyone whole" regarding economic, environmental or social impacts
- Pursue projects, e.g., surface water exports, that clearly benefit the entire community
- Are pursuing "research" for the sake of "research" rather than as a ruse or ploy to set up new groundwater production capabilities.

And, across the board, distrust makes it difficult for those who share any form of it for any stakeholder to believe that those they distrust will make reliable partners in any collaborative process.

### **5. Conditions for Meaningful Dialogue & Collaboration**

A substantial amount of agreement exists over some of the conditions for meaningful dialogue and collaboration. Matters over which agreement either was expressed or is likely to be obtained include:

- Invite representatives of all relevant interests, even if not all of them will choose to participated collaboratively
- Dialogue must be free of personal attacks and imputation of motives

## Four County Water Planning and Management Assessment

- As one interviewee expressed it, participants in water planning and management dialogue should “stay open minded; be respectful of each other’s interests; listen.”
- Provide adequate notice of meetings and agendas
- Develop meeting times that are conducive for non-water professional participants
  - Decision makers or process leaders who actually *want* stakeholder input will, as one interviewee expressed it, “meet people on their terms, not yours.”
- Clearly identify and acknowledge the interests and objectives of all participants.
- Whenever shared dialogue moves to collaborative work, emphasize problem-solving approaches
- Participants need to discuss, understand and agree to the type of process that is ultimately being employed (e.g., consensus decision making? consensus-seeking? Perspective gathering?)
- Participants need to discuss, understand and agree to the identity of the final decision makers.
- Funding sources for any process needs to be disclosed to all participants
- A neutral facilitator should be engaged
- A neutral process administrator should be engaged
  - There is a perception among some stakeholders that some existing public entity staff members are too biased towards surface water district interests
- All participants, whether public or private stakeholders, should be trained in collaborative processes
- For technical matters, e.g., scientific, engineering, or economic, some process must assure independent review of materials generated by participant staff or consultants.
  - E.g., neutral experts could be directly engaged or peer review processes could be employed

Beyond these conditions for which agreement, at least in principle, seems reasonably obtainable, one or more stakeholders have suggested additional conditions for their participation in any genuine dialogue or collaboration on water planning and management in the 4 County Area. All of these suggestions would require substantial additional discussion. They include:

- Proportionate representation
  - Some believe that groundwater-dependent farmers and orchardists are systematically under-represented in existing water planning and management conversations or fora and that this must be remedied in any future water planning and management efforts

## Four County Water Planning and Management Assessment

- Others are unwilling to participate in meetings that are “packed” with supporters of just one perspective
- Preconditions regarding the Sacramento Valley Integrated Regional Water Management Plan (SVIRWMP)
  - Some stakeholders have expressed an unwillingness to participate in any collaboration involving a project that is part of the SVIRMWP as it now exists
- Preconditions regarding Water Rights
  - Some stakeholders have expressed an unwillingness to participate in any collaboration that will question the California water rights system
- Role of History
  - All stakeholders agree that they have no interest in participating in the rewriting of history, but, as noted below, they disagree substantially on relevant history, and some are unwilling to participate unless some acknowledgement and healing occurs regarding the 1994 export-related pumping
- Closed or secret meetings
  - Where closed-to-the-general-public meetings are permitted by law, there are differences of opinion over the benefits of such meetings
  - There are also differences of opinion over the value of allowing interest groups to meet privately, e.g., in caucus
- Support for meaningful participation by private stakeholders
  - Nonprofits would like financial support for staff’s time spent participating in any collaborations
  - Stakeholders without the resources to employ their own technical experts seek financial support for the employment of independent or peer-reviewing experts
- Overall Planning Approach
  - Differences of opinion exist over the right balance between “top-down” planning, led by technical experts, and “bottoms-up” planning, led by non-technical stakeholders.

### **6. Private Stakeholder Group Challenges**

There was widespread recognition, particularly among private stakeholders, but also among many representatives of public entities, that there are major practical challenges to increasing meaningful public participation. These challenges would need to be recognized and, where possible, addressed as part of the design of any particular collaborative process.

The most frequently mentioned challenges included:

## Four County Water Planning and Management Assessment

- An overall lack of resources for technical staffing and facilitation of robust public processes;
- The busy schedule of farmers makes it difficult for all but the most dedicated to spend the time to:
  - Read the lengthy documents needed to prepare for meetings
  - Attend the meetings themselves
- A reliance on volunteerism:
  - E.g., counties rely heavily on volunteers to staff their Technical Advisory Committees;
  - With the exception of members of the Butte Sutter Basin Groundwater Users' Ass'n, many groundwater-dependent farmer are unwilling, absent a crisis, to assess themselves to pay for meaningful representation in water planning and management processes. As a result, participation in these processes often depends on the personal commitment of a small group of dedicated but over-extended volunteers.
- Private non-profit organizations lack sufficient staff and access to independent technical expertise to participate meaningfully in time consuming, expensive water planning and management processes
- The timing and location of many meetings are perceived to be set for the convenience of the water professionals, not the volunteers or non-profits
- In some counties, there is no local voice for environmental interests; in other counties, there is no unified voice among the environmental community.
- With the exception of the members of the Butte Sutter Basin Groundwater Users' Ass'n, there is no organized representation among groundwater-dependent farmers.

### **B. Level of Shared Understandings**

Interviewees demonstrated widely different understandings of many key aspects of water planning and management in the 4 County Area. Any collaborative effort would need to address these fundamental differences. Indeed, it may be that the best place to start a more collaborative approach to water planning and management in the 4 County Area would be with a series of activities that would identify and attempt to bridge these differences in understanding.

#### **1. Goals and Visions**

Among the diverse group of stakeholders interviewed, beyond the most basic statement of a desire to have a “sustainable resource” there appears to be no overall shared vision for the management of the water resources in the 4 County Area. That is, there is no agreement about what “sustainable” means or how to ensure it. Absent a shared vision, it will be difficult for stakeholders to agree upon common management goals, much less management tools.

## Four County Water Planning and Management Assessment

Interviewees' visions took one of two general approaches. While not mutually exclusive, they come at the issues from opposite perspectives. The first approach focuses on the maintenance of existing uses and benefits and the avoidance of potential harms. "Do no harm" is the operative principle for this approach. The second approach focuses on maximization of potential gains. "Manage the resource to promote overall good."

The latter perspective is exemplified by the large group of stakeholders who support the Sacramento Valley Integrated Regional Water Management Plan (SVIRWMP.) The SVIRWMP does contain a vision statement that is at least, on the surface, shared by all those entities that have adopted it. But, as described more fully above (Section IV. A. 2), that Plan has not only *not* been endorsed by all of the stakeholder groups, its very existence is a substantial point of contention for several stakeholder groups.

All interviewees who spoke on the topic acknowledged that the long term, sustainable management of the resources is a critical goal. As one surface water district representative stated, "We were environmentalists before they could spell the word." But interviewees differ on: a) the meaning of "sustainability;" b) the relative roles of environmental, economic and social values in determining sustainability; c) the perceived genuineness of other stakeholders' commitments to promoting sustainability; and d) the ways to attain and ensure sustainability.

On a more specific management level, there is no widespread shared meaning on the actual or potential benefits (if any) and costs (if any) to the region of surface water transfers. As for transfers *between* water users within the 4 County Area, these did not arise as points of contention during the interviews. This could be because there was either no widespread awareness about these transfers, or no disagreement about the positive role that these intra-area transfers play in assuring local water supplies. As such, except among those who have participated in such transfers, there was little discussion about these transfers. For those who did express an opinion, there was agreement that these intra-regional transfers offer many benefits for the region. As for transfers *from* water users within the 4 County Area to those outside the Area, there was substantial discussion of their actual and potential costs and benefits. As described above (Section IV. A. 2), substantial differences in opinion exist both as to those potential costs (economic, environmental and social) and the potential benefits of such transfers.

Focusing here solely on the potential benefits of such transfers as part of a regional water planning and management strategy, two groups of opinions exist as to the calculation of those benefits. One group finds that it is enough if the residents of the 4 Counties benefit indirectly from such water transfers. Under this view, the direct benefits received by those transferring the water will trickle down to others within the counties as the benefits are spent or invested locally. Another group, however, believes that extra regional water transfers should more directly benefit the residents of the 4 Counties. Under this view, assuming a transfer were otherwise consistent with an applicable management plan, and third party harms were addressed, transferring entities would directly contribute to an appropriate public entity something akin to a severance or transfer fee. Proponents of this view also expressed a desire to have neutral experts analyze the extent of the purported "trickle-down" benefits claimed by those who hold the other view.

## **2. Applicable Laws and Policies**

There is a widely shared perception among interviewees that applicable water law greatly complicates water planning and management and is not well understood by the non-lawyer participants. Several interviewees called for public information “workshops” on Water Law in general and groundwater law in particular. Others have noted that workshops like these have been offered as part of Water Awareness or Northern Sacramento Valley Water Forum programs.

There is no uniformly shared understanding as to the legal obligations, if any, or voluntary commitments, if any, of surface water districts to address economic, environmental or social impacts of export water sales.

## **3. Natural System Dynamics**

Interviewees’ demonstrated a general consensus on the need for greater understanding of the local water resources, particularly the Lower Tuscan Formation.

There was a wide range of opinions expressed over the overall state of knowledge of the system. At one end of the spectrum, interviewees expressed confidence that enough is known to develop adequate management plans. At the other end of the spectrum, interviewees expressed frustration at how little was known. These voices called for a much more thorough understanding of the system before further uses for the formation are developed.

There is general agreement that the groundwater monitoring and data exchange network currently in place is moving in the right direction towards meeting stakeholder needs, but that there’s a long way to go. And some differences exist over how the data should be collected, accessed, and models built from it.

There is no widespread shared understanding over how the overall water “system” works. For example, there are dueling understandings of the physical extent of the formation. There is no shared understanding of the interaction of surface flows and groundwater. Questions raised by interviewees included:

- Where, when and how does the formation recharge?
- Is wet year recharge generally sufficient to avoid an overall long term decline in static water levels (except in specific “cones of depression,” e.g., Chico and Durham)?
- What happens when west side portions of the formation are pumped aggressively?
- What do water planners and managers need to know before it is appropriate to pump the formation aggressively?
- When do natural ecosystems most need surface water flows?
- What does “safe yield” mean in this formation?
- Is “safe yield” even an appropriate basin management concept?

## Four County Water Planning and Management Assessment

The non-technical nature of the interviews made it difficult to assess the extent to which: a) there are disagreements about the adequacy of the existing data or plans to improve it; and b) there are disagreements over interpretation of the existing data, including its concerns over its reliability.

There is no set of technical experts (e.g., hydrologists, geologists, or hydrogeologists) whose work is accepted by all interviewees. Absent some sort of independent peer review, work done both by the State DWR and by consultants hired by surface water districts is viewed skeptically at best by some interviewees.

While all interviewees generally agree that decisions about basin planning and management should be guided by “sound science,” there is insufficient agreement upon either the specific role that “sound science” should play in guiding management decisions or how “sound science” should develop. As to the former, one set of perspectives suggests that scientists must specifically conclude that a proposed project will *not* cause harm. In contrast, another set of perspectives suggests that proposed projects should otherwise be able to go forward unless sound science concludes that the projects *will* cause harm. This same dynamic also plays itself out in determining how much knowledge of potential harms must occur before an “experiment” relevant to understanding the basin will be permissible. Adherents to the former view want a complete analysis of the potential harms that an experiment may cause, and some level of assurance that any identified harms will be avoided. Holders of the second view believe that experimentation must occur in order that a better understanding of potential harms is developed.

### 4. History

There are widespread and heated differences in perspective regarding both the events and the lessons to be learned from the export-related groundwater pumping that occurred in Butte County in 1994. These disagreements continue to impact water planning and management discussions today, particularly those that involve proposals for export-related pumping.

The basic events themselves, i.e., what happened, remain disputed. Despite several efforts, including reports from DWR, UC Davis, and the Natural Heritage Institute, there remains no definitive account of the events of 1994 whose meaning is shared by all stakeholders.

As a result, almost fifteen years after the events in question, fundamental disagreements remain over:

- Did any wells “run dry”? Or “lose suction”? Didn’t Durham’s three municipal wells shut down triggering rationing, chlorination, and the drilling of a new well? And didn’t other domestic pumpers in the Durham area run out of water?
- If so, was the export related pumping responsible? Or does the existence of separate cones of depression under the Western Canal area (where export related pumping occurred) and the Durham area (where it did not) demonstrate that the exports weren’t responsible for the Durham effects noted?

## Four County Water Planning and Management Assessment

- Were there any monitoring wells in place? If there were, could the export-related pumpers really tell within 5 feet what the impacts of their pumping was?
- To the extent there was any “loss of suction,” did excessive pumping by groundwater-dependent farmers on weekends (to take advantage of lower electrical rates, or field workers’ schedules, or both) cause it? Or does the lack of “loss of suction” despite similar pumping patterns during the more severe 1977-78 drought demonstrate that export-related pumpers caused the suction loss?
- Do the lower static aquifer levels noted during the 1977 drought, at a time when there was no intensive export-related pumping, demonstrate that export related pumping in 1994 did not cause any perceived impacts?
- Did neighbors string garden hoses in the Durham area to provide emergency water for adjoining property owners whose pumps had “run dry” or “lost suction”? Or is this just a myth?
- Did any farmer have reduced crop yield or did any other business lose any money because of the export-related pumping?
- Did the aquifer fully recover by 1995 from the 100,000 acre-feet of export related pumping?

The very disagreements over the essential “facts” leads to a disagreement over the lessons that have been learned from the 1994-export related pumping.

All of the interviewees agreed that *some* lessons had been learned. In particular, all point to the enactment of Butte County’s “Measure G,” which created the Butte County Department of Water and Resource Conservation, and set up the system of Basin Management Objectives, as a direct response to many of the issues raised during 1994. Beyond that, there is general agreement that things could have been done much better than they were in 1994. Thus, there is general agreement that there was not enough:

- Planning
- Notice
- Communication
- Modeling
- Avenues for Complaint or
- Recourse for demonstrated harms

Many of the interviewees opined that, given changes and protections now in place, whatever happened in 1994 could never happen again today. For most of these interviewees, the lessons of 1994 have been learned, and “it’s time to move on.”

For other interviewees, however, key lessons have *not* yet been learned. These include:

- Acknowledgement that export-related harm occurred during 1994;
- Recognition that export of surface water from the 4 County Area, coupled with replacement groundwater pumping within the 4 County Area, “is very dangerous.”

## Four County Water Planning and Management Assessment

- Aquifer levels interact with each other, so pumping in one level can impact pumping in others;
- No adequate protections exist to either prevent any third party impacts (economic, environmental or social) or mitigate for them;
- Local elected leaders remain unwilling to stand up to either the surface water districts or the California DWR when it comes to preventing third party harms

For these interviewees, the burden should be on the export-related pumpers to prove that their pumping *did not* or *will not* cause harm, rather than on those who claim to be impacted to prove that pumping *caused* harm.

Some of those who believe that there are unlearned lessons also opined that until some sort of “healing” occurs, it will be hard for people to move forward. Any such “healing” process would need to address at least four matters:

- Export related pumping caused harm during 1994 and that needs to remain part of the collective memory;
- The aquifer acted “squirrely” during 1994 and its behavior is not always predictable;
- Export related pumping poses a danger to 17000 wells in Butte County alone
- Increased pumping impacts the behavior and location of toxic plumes

### **C. Role of the MOU Entities**

There is widespread agreement that water planning and management needs to be done regionally, especially in connection with the Lower Tuscan Formation. There is a shared recognition among all interviewees that the resource, particularly the groundwater resource, does not end at county lines. What happens in one county may affect people in another county. As such, there is widespread agreement that the creation of the 4 County MOU (4CMOU) is a positive, even a very positive, development. Substantial differences do exist, however, as to what the specific role and function of the 4 signatory Counties should be in regional water planning and management.

#### **1. Existence and Current Activities**

At a minimum, interviewees thought that the 4CMOU accomplished four things. First, it allows regular interaction among the counties’ staff and occasional interaction among the counties’ designated elected representatives. Second, it allows for common applications to grant funders. Third, it should allow participants to leverage their staff and other resources to better understand the local water resources, particularly the groundwater. Such greater understanding should come about as the participants work together to extend the groundwater monitoring network, share data through a common, accessible data base, and develop acceptable models. Fourth, the 4CMOU effort recognizes that, at least for some purposes, the NCWA/SVIRWMP planning area is too big, with too many different planning entities and issues. As such, the 4 County Area represents an appropriate level of resolution for either its own stand alone planning efforts or as a nested-sub unit in a broader Sacramento Valley planning process.

## Four County Water Planning and Management Assessment

Some interviewees expressed frustration that the meetings held under the auspices of the 4CMOU were not announced or open to the public, nor were adequate meeting minutes, notes or summaries provided after the meetings.

There was less awareness among interviewees of the existence of the Multi-Party MOU (MPMOU). For those who knew about the MPMOU, many expressed support for the agreement, but noted that nothing (other than this assessment) had been done by the signatories. Some of those interviewees who are skeptical about the motives or interests of surface water districts also expressed some skepticism about the role or purpose of the MPMOU.

### **2. Role of Counties**

In considering how the parties to the 4CMOU and the MPMOU should proceed on regional water planning and management, interviewees expressed a wide range of perspectives on the appropriate roles for counties. At a minimum, a consensus exists that counties had a positive role to play in:

- Developing, compiling and providing good information
  - E.g., developing a groundwater monitoring network to supplement or complement surface water district monitoring wells
  - Sharing information through an accessible database
  - Developing acceptable basin models
- Providing outreach for water planning and management information & discussion
- Providing a public forum for debate
- For relevant public decisions, providing political accountability by having decisions taken by electeds ultimately responsible to the electorate
- Regulating Land Use
- And at at least some level, e.g., as exemplified by the Basin Management Objectives in place in several counties, helping protect pumpers from 3d Party harms caused by other pumpers.

Beyond these areas, there was not as complete an agreement on the counties' roles. For example, interviewees expressed a range of opinions over the regulatory role for counties. Most of the interviewees have accepted the county groundwater export ordinances and basin management planning ordinances. Most, but by no means not all, interviewees do not believe that counties should go further in their "regulation" of pumping. As for other possible county roles, various interviewees suggested that counties might appropriately:

- Use the two MOUs as vehicles to provide notice of proposals for new pumping projects in one county that that might cause third party impacts in other counties, as well as a forum for addressing any such impacts;
- Represent groundwater pumpers who are not within a surface water district;

## Four County Water Planning and Management Assessment

- Short of “representing” non-district landowners, at least facilitate interactions between districts and non-district landowners;
- Act as a broker/mediator/facilitator in disputes between districts/purveyors;
- Work through the “lessons of 1994;”
- Coordinate environmental review of water projects within a county;
- If trained, provide some other dispute resolution services among water interests;
- Act as an intracounty coordinator or clearinghouse for groundwater management plans developed by surface water districts;
- Help the state plan for additional surface water storage.

Several interviewees expressed some general cautions regarding the appropriate role for counties in water planning and management. On the one hand, in encouraging a greater roles for counties, several cautioned that “if we don’t plan to manage locally, the State will come in and take it over for us.” On the other hand several cautioned that the appropriate role for “county government” within the 4 County Area may well depend upon the specific county involved. That is, the role of any given county may depend in large part on the abilities of counties to fund meaningful staff level participation or the existence of other resources to bring to the water planning discussion (e.g., Butte County’s Table A entitlements).

### 3. Governance Structure

For the most part, interviewees expressed few thoughts regarding an appropriate structure to govern activities under either MOU.

Two matters appeared to limit the robustness of the comments regarding governance structure. First and foremost, the discussion seemed too abstract or premature for most of the interviewees. Those interviewees who were not signatories to either MOU generally lacked enough awareness of either to offer any perspectives on a governance structure. In particular, it was unclear to them what role, if any, non-signatory stakeholders could, should or would have in any collaborative efforts that might emerge under either MOU. It was also unclear to them what types of collaborative efforts might emerge, or what the functions of the 4CMOU in particular might be.

Even for those interviewees who were familiar with both MOUs, for the most part, the interviews did not produce many comments regarding potential governance “structures.” Those who did comment agreed that some sort of structure is needed to guide decision making, at least where consensus is absent. But, on the whole, that discussion seemed premature, or too complicated to work through in the interview time allotted.

Before such a discussion would likely produce useful information, interviewees need to sort out such matters as: a) the types of issues for which decisions will need to be made; b) the identify of non-MOU signatory stakeholders who might be asked to provide input into any decision making process; c) the role of such stakeholders in helping signatories reach decisions (e.g., consultation? consensus-seeking?); and, to some extent, d) the overall roles and responsibilities of different participants in any “projects” (plans,

## Four County Water Planning and Management Assessment

programs, policies and facilities) that might be developed and implemented under either MOU.

For a second reason, the responses to interview questions about “governance structures” were limited. Only a very few interviewees were familiar with one or more regional water planning and management efforts. Those mentioned included: the North Coast Integrated Regional Water Management planners; the CABY (Consumnes, American, Bear & Yuba) planners; the Sacramento Water Forum; and SAWPA (Santa Ana Watershed Project Authority). A few interviewees expressed a preference for a governance structure along the lines of the North Coast IRWMP. Under that process, two elected officials from each of the 7 member counties form the governing board. That board is, in turn, advised by a public advisory body with two appointed members from each county. Those expressing an interest in this particular format stressed its “democratic” nature. They also expressed a distrust for the representative “interest-group” approach of the CABY and Sacramento Water Forum approaches. Such an approach, they feared, inevitably excludes one or more interest groups or gives undue influence to other groups.

Other interviewees, familiar with all the listed processes, were less sanguine about the usefulness of the North Coast IRWMP, or any of the other processes, as a model. “Each of the identified areas is very different from the 4 County Area,” was how one interviewee described it. “We need to come up with a structure that addresses our unique attributes.”

Several interviewees also discussed the Sacramento River Conservation Area Forum (SRCAF) as a potential model. The SRCAF provokes a range of opinions, from overall support to frustrated opposition. Supporters point to its “good balance among different public and private interests.” Even supporters, however, have acknowledged the challenges of reaching agreement among the different interests. Opponents assert that “there are too many different interests represented” and that “the governance structure is unbalanced, with too much weight given to certain interests.” Those who are unhappy with the governance structure also tended to be, however, unhappy with their perception of the Forum’s mission. “It just encourages the removal of agricultural lands from production,” was one interviewee’s conclusion.

One other area relevant to “governance structure” did receive some additional attention. Widely differing opinions were expressed regarding the potential “regulatory” (i.e., project approval) role of the 4CMOU group. On the one hand, several interviewees expressly cautioned that “whatever structure emerged, it should not create another ‘layer of bureaucracy’ before projects could move forward.” In contrast, several other interviewees expressly hoped that the 4CMOU group could do just that, i.e., block projects proposed in one county that might have impacts in another county. In the middle were those who hoped that the 4CMOU group would at least act as a “clearinghouse” for identifying such project proposals and providing a forum for addressing potential concerns.

Three other issues arose in some of the conversations. First, as discussed more fully below (Section IV. D. 2), there is a wide range of opinions as to how, if at all, the water planning and management activities of the parties to the two MOUs should relate to the

broader, Sacramento Valley-wide planning efforts currently embodied in the SVIRWMP. Second, several conversations raised the possibility of exploring the addition of Shasta County, were it interested, to the two MOUs. Time constraints precluded a systematic exploration of this topic. Still, to the extent that it came up, reactions were unanimously positive. Finally, participants in one interview suggested that the participants in the two MOUs should make sure that they are fully aware of water planning and management activities in other upstream counties, e.g., Plumas, that might impact downstream options.

### **D. Relationship to Other Planning Processes**

There is shared understanding among all the interviewees that local water needs, though variously defined, be met before water from the 4 County Area is asked to “contribute” to solving water needs in other parts of the state. Beyond that, perspectives differ greatly as to how any water planning and management activities within the 4 County Area should interact with other planning processes or management interests by other governmental entities. Four such processes came up most frequently in the interviews: 1) Delta Vision, 2) SVIRWMP, 3) Watershed Groups; and 4) Tribal Interests.

#### **1. Delta Vision**

There is growing, but by no means complete, awareness that water management strategies coming from Delta Vision—the State’s current effort to address the host of problems affecting, and affected by, the Delta of the Sacramento and San Joaquin Rivers—may greatly impact water planning and management options in the 4 County Area. (Following the conclusion of these interviews, the Northern Sacramento Valley Water Forum sponsored a workshop on Delta Vision and its potential impacts on the Sacramento Valley.) As one interviewee stated, “The only thing protecting the north state source areas is the lack of a peripheral canal.” There is also widespread agreement, and broader awareness, that however Delta Vision shakes out, there will be continued attention directed from other parts of the State towards the water resources of the 4 County Area as potential sources for water demands elsewhere. As one interviewee dramatically stated, “There’s a noose tightening around the north state.” And while not tested systematically throughout the interviews, it is likely that there would be widespread agreement to one interviewee’s belief that “the other regions in the state, and the State itself, need to understand how water, including groundwater, is already being beneficially used in the 4 County Area, either to support economic or environmental interests.”

Interviewees’ perspectives on the potential impacts of Delta Vision range from willing acceptance to grudging acceptance to resistance. Voices from the latter perspective stated:

- “Aren’t our endangered species as important as the Delta’s?”
- The State needs to ensure that each region is fully independent of each other for water. “Don’t look to the north state to solve the south state’s water problems.”

Voices from the willing or grudging acceptance perspective stated:

- “We’re all part of the same State; let’s help the State meet its goals.”

## Four County Water Planning and Management Assessment

- “Water is inevitably going to go south; let’s pro-actively establish the terms that best meet our [north state] interests;”
- “It’s better to ship some water south to reduce the pressures for urbanization in the source areas.”

Finally, there was widespread agreement that the Sacramento Valley in general, and the 4 County Area in particular, is under-represented in water planning and management discussions and decision making in Sacramento.

### **2. SVIRWMP**

The future relationship between the water planning and management activities within the 4 County Area and the SVIRWMP provoked a variety of responses among interviewees. As described above (Section IV. A. 2), interviewees expressed a wide range of often firmly, even passionately, held positions on both the content within the NCWA-developed SVIRWMP and the process by which NCWA developed it. Questions about how the 4 County Area’s future regional water planning and management activities could and should continue to interact with that Plan were raised by multiple interviewees and addressed by a few.

Integrated regional planning offers participants many opportunities and challenges. Two principal opportunities include: a) greater efficiencies in leveraging staff, financial, and, indeed, water supply “resources,” both in planning and management; and b) greater access to state bond-funding, much of which is tied to inclusion in robust and coherent regional plans. Two principal challenges are: a) the broader the region, the greater the overall complexity of the system to understand and “integrate” and the greater the diversity of stakeholder interests and perspectives; and b) the broader the region, the greater the “competition” among participants for those projects that must be prioritized region-wide in order to qualify for third party funding.

As conceived by NCWA, the 8-County wide SVIRWMP is a home for several “nested” integrated regional water management plans. As such, it incorporates county-level, or multi-jurisdictional level, plans. For example, it includes the 2005 Butte County Integrated Water Resources Program. As described by several interviewees, Butte County developed this plan, with input from stakeholders, on its own as a vehicle to seek state funding for identified projects. When told by the State DWR that it needed to be included as part of a broader region in order to be truly “regional” for purposes of certain grants, Butte County worked with NCWA to get it included within the broader SVIRWMP.

Given the nested structure of the SVIRWMP; the range of strongly held opinions on the value of the SVIRWMP; and the pending release of guidelines for the next round of state Bond funding, several interviewees wondered whether there was an opportunity for the water planning and management entities within the 4 County Area to revisit the IRWMP. In particular, several interviewees thought it was an opportune time to consider more systematically, with stakeholder input, the advantages and disadvantages of developing a 4 County IRWMP, either as a stand-alone plan, or as a nested plan within the

## Four County Water Planning and Management Assessment

SVIRWMP. Such a discussion would dovetail nicely with many of the overall “governance structure” issues raised by the two MOUs.

### **3. Watershed and Floodplain Planning & Management**

Interviewees generally recognized that Watershed Planning has advanced throughout the 4 County Area through a series of voluntary and state supported initiatives.

There was widespread agreement among many interviewees that there is a disconnect between Water Supply planning, Land Use planning, and Watershed/Water Use planning. (As noted in Section II, time and resource constraints precluded the testing of these perceptions.) As far as land use decisions, multiple interviewees stated:

- Local land use plans lack a water element;
- Land use planners often ignore watershed or water supply impacts of land use decisions;
- The impacts of land use plans on water quality is also frequently overlooked
  - E.g., there may be nitrate contamination issues in private wells on Chico’s urban fringe. 1-acre minimum lot sizes push the problem further out and gobble up more agricultural land
- Water purveyors do not want to be a forum for debating land use decisions; water purveyors are obligated to serve customers that come to them via city or county land use decisions.

As for water supply planning and management, many within the watershed community have either felt left out of the dialogue, or included as afterthoughts and second-class citizens in such processes. While watershed planners and managers acknowledge the differences between watershed plans and water supply plans, and want to keep the processes separate, several voices urged far greater integration between the two.

Closely linked to watershed planning is floodplain planning and management for flood prevention. Although brought up by one or two interviewees, in general, there was little discussion of just how the processes for water supply, watershed, and floodplain planning and management in the 4 County Area need to inter-relate.

One area where all three processes are likely to overlap increasingly are in Ecosystem Restoration projects within traditional floodplains. Mention of such projects triggers a range of responses. Some oppose any project that removes any land from agricultural production. Others praise opportunities for farmers to get a fair price either for voluntarily take marginal lands out of production or otherwise benefiting from conservation easements. Many of those interviewees most attuned to floodplain management see additional opportunities (or threats, depending upon their perspective) for using “new” flood control methods (e.g., setback levees) to enhance ecosystem restoration opportunities. All of these activities are likely to have water supply implications, particularly over the location and protection given to surface water diversion sites and methods.

## V. Recommendations

Note: Unless otherwise indicated, the recommendations below are generally addressed to the signatories of the 4CMOU and their partners under the MPMOU. For convenience, these will be collectively referred to as “4CMOU/MPMOU staff and electeds.” Within their own organizations and cultures, the recommendations should be considered as directed to the appropriate staff or elected decision makers.

Where appropriate, other interviewees should adapt and apply the recommendations to themselves and any relevant organizations they represent.

### A. Collaborative Culture

#### 1. Public Outreach

Findings	Recommendations
Wide Range of Opinions on What Constitutes “openness and transparency”	4CMOU/MPMOU staff and electeds should consider: <ul style="list-style-type: none"> <li>- Identifying and discussing the advantages and disadvantages, if any, of providing occasions for staff to meet, collectively, with the interested public</li> <li>- Identifying and discussing the advantages and disadvantages, if any, of providing summaries of matters discussed at meetings of 4 County or MPMOU staff</li> <li>- Reviewing, with appropriate legal counsel, the Brown Act “open meeting” requirements</li> </ul>
Wide Range of Opinions on What Constitutes “public outreach”	4 County and MPMOU Staff and decision makers should develop shared understanding of the: <ul style="list-style-type: none"> <li>- Different models of civic engagement</li> <li>- Advantages, disadvantages, and overall appropriateness of using different models in different situations</li> </ul>

Four County Water Planning and Management Assessment

Findings	Recommendations
<p>Wide Range of Opinions on Value of “Collaboration”</p>	<p>4CMOU/MPMOU staff and electeds should develop shared understanding of the:</p> <ul style="list-style-type: none"> <li>- Different models of public policy collaboratives</li> <li>- Advantages + disadvantages of the different models</li> <li>- Conditions favorable for launching a public policy collaborative</li> <li>- Conditions necessary to sustain a public policy collaborative</li> <li>- Legal requirements applicable to public policy collaboratives</li> </ul> <p>Private stakeholders invited to participate in a genuine public policy dialogue or collaboration should honestly consider the ability of such processes to meet their underlying interests. Where, after informed reflection, such processes do not appear to be in their underlying interests, they should not waste other stakeholders’ time and energy by participating.</p> <p>In any given collaborative effort, all stakeholders—public and private—need to agree to a set of ground rules to set out their mutual expectations of appropriate collaborative behavior and the extent to which they will engage in competitive actions vis-à-vis each other while simultaneously participating in any collaborative activity.</p>
<p>Inability of water decision makers to get specific input from stakeholders on perceived CEQA requirements</p>	<p>4CMOU/MPMOU staff and electeds should:</p> <ul style="list-style-type: none"> <li>- Consider more extensive use of pre-project proposal workshops or other public outreach efforts to identify specific potential concerns</li> <li>- Work to develop more constructive long term relationships with stakeholders to foster more open dialogue in general and, where appropriate, more collaborative approaches on proposals that might lead to new policy, program, project or other problem-solving initiatives</li> <li>- In the interim, temper any expectations or hopes that stakeholder groups committed to competitive strategies (i.e., win/lose) will not act competitively</li> </ul>

**2. Civil Discourse**

Findings	Recommendations
<p>Hardened Positions</p>	<p>4CMOU/MPMOU staff and electeds should:</p> <ul style="list-style-type: none"> <li>- Consider 3<sup>rd</sup> Party Facilitation to get participants to move off of positions re: “Conjunctive Use” and the “SVIRWMP” and focus on their underlying interests</li> <li>- Reframe the ambiguous, now emotionally-laden term</li> </ul>

## Four County Water Planning and Management Assessment

Findings	Recommendations
	<p style="text-align: center;">“conjunctive use”</p> <ul style="list-style-type: none"> <li>- Consider restarting an IRWMP-type planning process as a specific 4 County Area plan, potentially nestable within some broader Valley-side plan, giving all stakeholders a chance to participate meaningfully in a plan tailored for the 4 County Area in particular.</li> <li>- As a possible preliminary step in such a longer term process, consider launching a 4 County Area visioning activity as described more fully in Section VI.</li> </ul>
Hostile discourse	<p>4CMOU/MPMOU staff and electeds should:</p> <ul style="list-style-type: none"> <li>- Consider 3<sup>rd</sup> Party Facilitation of meetings likely to be emotionally charged</li> <li>- Provide opportunities for new, refresher or advanced staff training on managing, and participating in, public discussion</li> <li>- Model civil discourse in all venues</li> </ul> <p>All participants in any collaborative water planning and management process should:</p> <ul style="list-style-type: none"> <li>- Promote and adhere to ground rules for civil discourse</li> <li>- Commit to building long term constructive relationships</li> <li>- Find genuine ways to acknowledge previously lost opportunities for genuine dialogue</li> <li>- Continue to look to find or develop knowledgeable, respected individuals who can bridge gaps between major interest groups</li> </ul>

### 3. Lack of Appreciation

Findings	Recommendations
Shared Feelings that Stakeholders Are Not Appreciated by Others	<ul style="list-style-type: none"> <li>- Stakeholders, perhaps with 3<sup>rd</sup> Party facilitation, should be able to at least “name the problem;” this report is a step in that direction</li> <li>- As part of any collaborative process, stakeholders, preferably with 3<sup>rd</sup> Party facilitation, should be able to fully introduce themselves, highlighting their positive contributions to their interest groups in particular and the 4 County Area communities in general, as well as the challenges they face</li> <li>- As part of any collaborative process, stakeholders should “put themselves in other stakeholders’ shoes” and identify the positive contributions that the others stakeholders bring as well as the challenges facing each of them</li> <li>- Opportunities should be found for stakeholders to visit each</li> </ul>

## Four County Water Planning and Management Assessment

Findings	Recommendations
	<p>other's places of business or projects to see first hand what each is proudest of</p> <ul style="list-style-type: none"> <li>- Opportunities should be found for stakeholders to get to know each other as individuals and as common residents of the 4 County Area, committed to the Area's future</li> </ul>

### 4. Skepticism, Frustration & Distrust

Findings	Recommendations
<p>Shared Feelings that Other Stakeholders Are Not Speaking or Acting Genuinely</p>	<p>In any public policy dialogue or collaboration, all participants, perhaps with 3<sup>rd</sup> Party facilitation, should:</p> <ul style="list-style-type: none"> <li>- be able to at least "name the problem" and acknowledge its extent; this report is a step in that direction</li> <li>- develop clear groundrules to govern shared expectations of behavior and minimize the role that "trust" has to play at least until participants better know each other</li> <li>- develop better lines of communication and expectations regarding communication to keep matters that arise from festering or adding to additional mistrust</li> <li>- Seek the help of trusted, neutral 3<sup>rd</sup> parties to overcome communications barriers until better direct lines of communication are established between currently suspicious parties</li> <li>- shift the dialogue by developing groundrules that focus on solving problems, not imputing motives</li> <li>- Where skepticism rises to the level of distrust regarding the willingness of stakeholders to honor commitments, minimize the trust component by ensuring that any such agreements are memorialized in a legally enforceable format.</li> <li>- develop a better appreciation of each other and over the long term, develop constructive working relationships</li> </ul>

### 5. Conditions for Meaningful Dialogue

Findings	Recommendations
<p>Large Zone of Potential Agreement regarding Conditions for Meaningful</p>	<p>In any public policy dialogue or collaboration, participants should adopt as groundrules or other process commitments the relevant matters listed in the findings.</p>

## Four County Water Planning and Management Assessment

Findings	Recommendations
Dialogue	
Additional Matters need Further Discussion	In any public policy dialogue or collaboration, participants should address the other relevant matters listed in the findings. There is no one-size-fits-all resolution of these issues. Several of them overlap or intersect with others. Different processes, with different participants, and different available resources, will require different resolutions. Participants may be able to trade off or otherwise package agreements on these matters as part of an overall set of acceptable conditions for participation.

### 6. Private Stakeholder Group Challenges

Findings	Recommendations
Private Stakeholders Face Many Practical Challenges in Meaningful Participation in Public Dialogue or Collaboration	<ul style="list-style-type: none"> <li>- Before launching a public policy collaborative, process sponsors should work to get adequate funding to provide independent technical, administrative and facilitation support</li> <li>- All participants to any public policy collaborative should recognize and acknowledge the challenges and sacrifices that many private stakeholders will make by agreeing to participate</li> <li>- Process leaders and facilitators should set meeting schedules and locations to maximize the abilities of non-water professionals to attend</li> <li>- Process leaders and facilitators should strive hard to find the right balance between meeting preparation materials that are either too voluminous or too shallow. The particular balance struck will depend on the individual participants, the individual issues, and whether work is being done at a “committee” or “work group” level or at a more general “plenary” level</li> <li>- Process leaders and facilitators should explore ways in which different interest groups might organize themselves more efficiently; select their own representatives with the appropriate problem-solving orientations; and seek funding or other outside support for their participation</li> <li>- For technical or scientific matters, better-resourced entities should consider funding qualified independent experts or peer review processes that are acknowledged by all process participants to meet their relevant and genuine data development or analysis needs</li> </ul>

**B. Level of Shared Understandings**

**1. Goals and Vision**

<b>Findings</b>	<b>Recommendations</b>
<p>No Truly Shared Visions or Goals for Water Resources Management</p>	<p>4 County and MPMOU Staff and decision makers should:</p> <ul style="list-style-type: none"> <li>- consider a “visioning” activity as an appropriate “next step” in collaborative regional water planning in the 4 County Area.</li> <li>- A visioning activity generally produces one or more sets of visual or verbal images of a desired future, along with a narrative of varying possible degrees of detail. These images and narratives can then be used in a variety of different ways. These include: dialogue starters; common ground identifiers; planning goals starters; and planning criteria identifiers.</li> <li>- A major benefit of visioning processes is that its future orientation allows people to get out of their well-staked out or entrenched current positions. In many instances, people with widely different views about the present will find that they have much in common when it comes to thinking about their desired futures.</li> <li>- With appropriate preparations and resources, this could be as simple as a one or two day event, or part of a longer process of revisiting Integrated Regional Water Management Planning in the 4 County Area.</li> </ul>
<p>No Uniformly Shared Meaning regarding the Value of Surface Water Transfers, particularly those involving exports from the 4 County Area</p>	<ul style="list-style-type: none"> <li>- Stakeholders should recognize that surface water transfers, with or without accompanying groundwater pumping as a substitute, are water management tools. Absent sufficient shared meaning on: a) a water vision and management goals for the 4 County Area; b) the mechanics of the water system; and c) deep understanding of the issues facing the 4 County Area as it tries to implement its vision and meet its goals, there is unlikely to be shared meaning on the overall costs and benefits from any given management tool, much less the most locally controversial one.</li> <li>- As this is one of the matters described above over which there are very hardened and passionately held positions among some stakeholders, and over which discourse has been outright hostile at times, until steps are taken to address the bases for those hardened positions and hostile discourse, there is not likely to be any uniformly shared meaning on the appropriate role, if any, of those transfers as a water management tool</li> <li>- Even if shared visions and goals can be developed; and shared understandings of the resource are also developed, true shared</li> </ul>

## Four County Water Planning and Management Assessment

Findings	Recommendations
	<p>meaning on the role, if any, of this management tool will only come if <i>all</i> stakeholders are willing to approach the topic with at least some semblance of an open mind and a willingness to risk testing firmly held beliefs as part of a rigorous shared inquiry. It is not otherwise worth attempting to create shared meaning with any stakeholder who is unwilling to risk testing firmly held beliefs.</p> <ul style="list-style-type: none"> <li>- Even for those stakeholders who are willing to test their beliefs, the line between “testable beliefs” and uncompromisable “fundamental values” is fuzzy at best. All stakeholders should recognize that when it comes to willingness to risk harm to deeply held economic, social or environmental values, the only shared meaning that might be achievable is a genuine agreement to disagree.</li> <li>- If and when the grounds for a constructive discussion of this tool have been laid, including a rigorous understanding of the distribution of costs and benefits of such transfers, as there appears to be at least the potential for a disconnect between those who directly benefit from water transfers and those who might bear those costs (directly or indirectly; whether economic, social or environmental), creative thinkers might turn their attentions to ways to better identify, minimize, bridge or otherwise address that potential disconnect.</li> </ul>

### 2. Applicable Laws and Policies

Findings	Recommendations
<p>Relevant Water Law Poorly Understood by all but Water Lawyers</p>	<ul style="list-style-type: none"> <li>- 4CMOU/MPMOU staff and electeds should consider sponsoring a regular water law “course” for interested, non-attorney stakeholders.</li> <li>- Although such courses have apparently been offered in the Area in the past, the calls by some interviewees for such courses suggest still unmet demand or lack of awareness of earlier efforts.</li> <li>- Ideally, such a course would be taught under the auspices of an educational institution;</li> <li>- Care would have to be given to the selection of instructors, to ensure overall academic credibility and, to the extent ever possible, “objectivity” or “neutrality,” while still obtain an appropriate range of perspectives on the relevant legal topics</li> <li>- Depending upon how designed and implemented, any such course, along with any other workshop ideas suggested below, offers opportunities to inform stakeholders, stimulate</li> </ul>

## Four County Water Planning and Management Assessment

	constructive, facilitated dialogue among them, and build long term understandings and relationships
Wide Range of Opinions on Obligations or Commitments of Surface Water Rights Holders to “Keep Whole” or otherwise address 3 <sup>rd</sup> Party impacts	<p>All interested parties should:</p> <ul style="list-style-type: none"> <li>- Get greater clarity on range of opinions re: legal obligations by including this as either a stand alone topic, or as part of the water law “course” described above</li> <li>- As part of the discussion, get a greater understanding of challenges and opportunities, if any, that might exist for Surface water rights holders to negotiate commitments that might go beyond the minimum agreed upon legal requirements</li> </ul>

### 3. Natural System Dynamics

Findings	Recommendations
General Agreement that the water “System” needs to be better understood	<ul style="list-style-type: none"> <li>- Either as part of the now starting “Tuscan Aquifer Monitoring, Recharge, and Data Management Project” (a 4CMOU project); or as part of the Lower Tuscan Integrated Regional Water Management Plan (an investigation being conducted by Glenn-Colusa Irrigation District &amp; the Natural Heritage Institute), or otherwise, an assessment of what is known about the system, what is not known, the priorities for addressing the unknowns, and the ways to address the unknowns, should be developed</li> <li>- This assessment should be developed with substantial stakeholder input, although the form of that input will need to depend upon the level of agreement among all the interested parties as to what is known and unknown.</li> <li>- All participants in the assessment process should recognize that “better understanding” of the system has to proceed under two levels. One level involves the development of new understandings about the system that no one currently has. Examples of this would be new empirical research to answer questions or resolve disagreements. The second level involves ways to communicate what might, indeed, already be “known” by some stakeholders, but the knowledge isn’t shared either because of its complexity, its novelty, or because the source of the knowledge is legitimately perceived to be biased</li> <li>- One key to moving both levels forward will be the careful retention of the technical experts who will do, or will peer review, any studies that are or have been performed to address the previously unknown or resolve disagreements over the</li> </ul>

Four County Water Planning and Management Assessment

Findings	Recommendations
	<p>data and its interpretation. Given the great skepticism and distrust, better-resourced participants in any such assessment should consider the advantages of funding well-qualified independent researchers or peer reviewers, acceptable to all participants in an assessment.</p>
<p>Disagreement over what constitutes “sound science”</p>	<ul style="list-style-type: none"> <li>- 4CMOU/MPMOU staff and electeds should consider holding a one-day workshop on the role of science in water planning and management processes, or if such a workshop has been held before, consider</li> <li>- Specific topics for the workshop should be tailored to the specific needs and interests of stakeholders in the 4 County Area.</li> <li>- Like the suggested “water law” course, ideally, such a workshop would be held under the auspices of an educational institution;</li> <li>- Care would have to be given to the selection of instructors, to ensure overall academic credibility and, to the extent ever possible, “objectivity” or “neutrality,” while still obtain an appropriate range of perspectives on the relevant topics</li> <li>- Along with the water law course and other possible workshops (e.g., the Delta Vision workshop described below; perhaps a workshop on Impacts of Climate Change on water planning and management in the 4 County Area) such a workshop could be ideal first efforts to inform stakeholders, stimulate constructive, facilitated dialogue among them, and start building long term understandings and relationships</li> </ul>

**4. History**

Findings	Recommendations
<p>Widespread Disagreement over the Lessons Learned from 1994</p>	<ul style="list-style-type: none"> <li>- 4CMOU/MPMOU staff and electeds need to recognize that there are still open wounds that erupt in live controversies regarding the 1994 export oriented water pumping in Butte County</li> <li>- The disconnect between the different perspectives is so profound and so emotionally charged that unless some way is found to bring some sort of closure, even if it is ultimately only a better-informed agreement to disagree, then the wounds will continue to fester and will poison any effort for constructive dialogue, much less collaboration</li> <li>- 4CMOU/MPMOU staff and electeds, in collaboration with affected stakeholders, could consider hosting a workshop in</li> </ul>

## Four County Water Planning and Management Assessment

Findings	Recommendations
	<p>2009, the 15<sup>th</sup> anniversary of the pumping in question, to identify and address the lessons learned. Any such workshop would need to be designed, prepared for, and facilitated very carefully, to ensure that all perspectives are honestly and civilly heard.</p> <ul style="list-style-type: none"> <li>- Either in preparation for such a workshop, or as an alternative activity, 4CMOU/MPMOU staff and electeds, in collaboration with affected stakeholders, should consider “commissioning” or otherwise inspiring the development of a history of the relevant events. The goal would be to come up with an agreed upon narrative, or at least a single source for memorializing the different understandings. The author of the study would ideally survey the existing literature, review original materials, rigorously interview stakeholders with first hand experiences of the events in question, and be willing to have stakeholders comment on one or more drafts.</li> <li>- Great care would need to be taken in the selection of an author for the history.</li> <li>- As an alternative to a “commissioned” report by a professional or academic historian, 4CMOU/MPMOU staff and electeds might work with graduate school programs to find a graduate student willing to do such a study as a master’s or PhD dissertation.</li> </ul>

### C. Role of MOU Entities

#### 1. Current Activities

Findings	Recommendations
<p>Concerns that 4CMOU/MPMOU meetings are not announced or open</p>	<p>In an effort to promote openness and transparency, and address residual skepticism and distrust, 4CMOU/MPMOU staff and electeds should consider the advantages and disadvantages of:</p> <ul style="list-style-type: none"> <li>- developing a standing time and place for 4CMOU/MPMOU meetings</li> <li>- posting, publishing, or otherwise providing agendas of matters that will be discussed</li> <li>- opening at least some meetings to the interested public, or parts of at least some meetings</li> <li>- publishing or posting or otherwise providing summaries of what is going to be and</li> <li>- finding different opportunities to collectively engage the interested public about what the 4CMOU/MPMOU</li> </ul>

## Four County Water Planning and Management Assessment

Findings	Recommendations
	participants are doing (under the MOUs) or discussing doing (under the MOUs).

### 2. Role of Counties

Findings	Recommendations
Range of Opinions over Role of County Governments in 4 County Area water planning and management	<p>4CMOU/MPMOU staff and electeds should:</p> <ul style="list-style-type: none"> <li>- Confirm the appropriateness of the County governments assuming the roles identified in the assessment for which a consensus appeared</li> <li>- Address the other suggested County government roles, both with other 4CMOU/MPMOU staff and electeds, and with other stakeholders</li> <li>- Where 4CMOU/MPMOU staff and electeds and other stakeholders do not agree on a suggested County role, have all discuss and seek agreement as to: a) whether the task or role is appropriate for any MPMOU participant or other stakeholder to do; and b) if so, then who, other than a County, should be doing the task</li> </ul>

### 3. Governance Structure

Findings	Recommendations
Few Thoughts Given to Appropriate Governance Structure for Activities under Either MPMOU	<p>4CMOU/MPMOU staff and electeds should:</p> <ul style="list-style-type: none"> <li>- Recognize that discussions about “governance structure” contain at least two aspects—1) participant roles and 2) decision making. Make sure that in any discussions of “governance structure,” it’s clear which aspect is being discussed at any given moment</li> <li>- As to participant roles, develop greater clarity on the tasks that will be undertaken under the auspices of either MOU</li> <li>- Especially in initial activities, recognize that it might be better to have an “ad hoc” approach to role assignment, until participants get more familiar and comfortable with each other</li> <li>- Recognize that even where roles are pre-assigned by prior agreement, different kinds of tasks may call for different types of task organization; resource commitment; source of resources; the extent, if any, of stakeholder collaboration; and the types of decisions that will need to be made</li> <li>- As to the “decision making” aspects of “governance structure,” recognize that consensus is the default decision</li> </ul>

## Four County Water Planning and Management Assessment

Findings	Recommendations
	<p style="text-align: center;">making approach under the 4CMOU &amp; MPMOU</p> <ul style="list-style-type: none"> <li>- Make sure that all decision makers, whether at the staff or the elected level, understand the advantages and disadvantages of consensus, as well as tools that may be employed to overcome a given impasse (e.g., engagement of a mediator)</li> <li>- Identify task by task areas where disagreements may come up, either internally, or with external stakeholders.</li> <li>- For each of these areas, anticipate whether the costs of impasse (i.e., an inability to go forward under the default decision making rules, currently “consensus”) at any point outweigh the costs of proceeding</li> <li>- When appropriate, county government staff and electeds should consider frankly the advantages and disadvantages of decision making alternatives other than just “one entity, one vote,” as an way of overcoming impasse if consensus cannot be achieved. For example, decisions that need to be made by counties might be made by a supermajority (i.e., 3 out of 4), <i>with additional criteria developed to identify characteristics that ensure that the 3 reflect relevant interests across the 4 County Area and do not systematically exclude key interests</i></li> <li>- A similar frank, interest-based discussion about decision making should be had among the non-County government “Water Partners” under the MPMOU</li> <li>- Until 4CMOU/MPMOU staff and electeds decide what kind of processes to engage in collaboratively with stakeholders, it is premature to discuss the governance structure of any such collaborative. Nevertheless, to the extent that the 4CMOU/MPMOU staff and electeds decide to engage in specific collaborative integrated regional water planning, participants should familiarize themselves with the approaches taken by other planning collaboratives</li> </ul>

### D. Relationship to Other Planning Processes

#### 1. Delta Vision

Findings	Recommendations
Inadequate awareness of the potential impacts of Delta Vision on the 4 County	As decisions out of Sacramento dictate, 4CMOU/MPMOU staff and electeds should consider repeating the one-day workshop held May 30, 2008, and invite Delta Vision participants and process leaders to present and be available for more questions greater discussion than was possible during the May 30 program

## Four County Water Planning and Management Assessment

Findings	Recommendations
Area	
Widespread agreement that 4 County Area is under represented in water planning and management discussions in Sacramento	<ul style="list-style-type: none"> <li>- For matters where there is a unified position taken by 4CMOU/MPMOU staff and electeds under either MOU, and consistent with any applicable rules or policies on legislative or executive advocacy, stakeholders should brainstorm opportunities to get the appropriate 4 County Area message out to key Sacramento decision makers. Specific positions and specific messages may well bring to bear different opportunities</li> <li>- For matters where there is a unified position taken by 4CMOU/MPMOU staff and electeds under either MOU, representatives of those organizations should inventory ongoing Sacramento-based processes affecting their water planning and management interests and confirm via appropriate briefings or other updates that these interests are being fully advanced</li> </ul>

### 2. SVIRWMP

Findings	Recommendations
Relationship between 4 County Area and SVIRWMP	<ul style="list-style-type: none"> <li>- In consultation with NCWA and with other interested stakeholders, and in light of the wide range of strongly held positions regarding the SVIRWMP, 4CMOU/MPMOU staff and electeds should thoroughly assess the advantages and disadvantages of developing a 4 County Area IRWMP, either as a stand-alone document or as a document that would be nested in a broader, Sacramento Valley planning document</li> <li>- As part of that discussion, 4CMOU/MPMOU staff and electeds should continue to update themselves on both: a) the types of projects, including planning projects, that will be funded by upcoming Prop. 84 funds; b) the criteria by which projects will be funded; and alternative funding sources</li> <li>- As a fallback, 4CMOU/MPMOU staff and electeds should have a focused discussion to develop internal criteria to help them prioritize any potential projects for which Prop. 84 funding might be sought</li> </ul>

### 3. Watershed & Floodplain Efforts

Findings	Recommendations
Widespread Agreement that	<ul style="list-style-type: none"> <li>- 4CMOU/MPMOU staff and electeds should consider holding one or more workshops on various aspects of the subject</li> </ul>

## Four County Water Planning and Management Assessment

Findings	Recommendations
<p>Water Supply, Watershed, Flood Control, and Land Use Planning processes are often disconnected</p>	<ul style="list-style-type: none"> <li>- Specific topics for the workshop should be tailored to the specific needs and interests of stakeholders in the 4 County Area.</li> <li>- As part of such a workshop, participants could offer suggestions for bridging any perceived disconnects</li> <li>- Like the suggested “water law” course, and the other workshops described above, ideally, such workshops would be held under the auspices of an educational institution;</li> <li>- Similarly, these courses and workshops could be ideal first efforts to inform stakeholders, stimulate constructive, facilitated dialogue among them, and start building long term understandings and relationships</li> <li>- Water supply planning and management leaders should ensure that watershed and flood plain planners and managers are fully informed of relevant pending processes and invited to participate as appropriate in any given process</li> </ul>

### **VI. Overall Recommendation**

The DPLA Task Order to CCP asks CCP to determine “whether conditions are well suited to conducting a collaborative process, and, if so, how best to approach the process.”

During the interviews, it appeared that, within the 4 County Area, there were four general classes or levels of water planning and management activities for which some type of collaborative approach might be appropriate. These include:

1. the design and implementation of a series of public education and dialogue courses and workshops;
2. outreach in conjunction with work being done on ongoing projects such as:
  - a. the refinement of the design of the Butte Basin Groundwater model or the Water and Environment Hydrology model;
  - b. the implementation of the Tuscan Aquifer Monitoring, Recharge, and Data Management Project; and
  - c. the implementation of the Lower Tuscan Integrated Regional Water Management Plan (an investigation being conducted by Glenn-Colusa Irrigation District & the Natural Heritage Institute).
3. The development of a shared vision and goal statement for water planning and management in the 4 County Area; and
4. the development of a 4 County Area IRWMP. (This might build from the Butte County IRWP that was developed before it was nested as part of the SVIRWMP.)

## Four County Water Planning and Management Assessment

In this four class or level scheme, the likely challenges and opportunities both increase as one moves from a lower to a higher number.

In reflecting on comments made during the original interviews as well as those made in response to the early July draft, it appears that the best balance between challenge and opportunity would be a collaborative visioning process (i.e., Level Three above.)

As for the Level One programs, between the local Water Awareness Workshops and the Northern Sacramento Valley Water Forum programs, there appears to be a core of such programs already in place. These ad hoc workshops are focused on education and dialogue, not on outcome-seeking “tasks” or “work.” They have been ongoing for quite a while and seem well-established within the 4 County Area as a place for water dialogue.

Conversations with some interviewees have suggested that there are ways to improve some aspects of these presentations. In particular, several interviewees hoped to see both more balance among some of the presenters as well as some format changes to allow greater dialogue both between panelists and audience, and among audience members. And there may well be benefits, at least occasionally, to third party facilitation and enforceable ground rules to ensure civil and constructive discourse, a concern raised by at least one interviewee. These would be most useful during fora on more controversial topics. But they might also be useful in general until a format was developed that allows more constructive interaction, and the participants developed new norms of constructive interactive behavior.

Nevertheless, while refinements to these workshops do seem possible, or at least worth experimenting with, it seems as if the 4CMOU/MPMOU staff and electeds would be selling themselves short if they aimed only to improve the programs at this Level. Education and dialogue-only programs like these Level One fora are most-useful when groups have little familiarity with the issues or with each other. They are also useful if groups are so at odds with each other, or so unable to interact constructively, that new norms of acceptable dialogue need to be developed and adopted. While there are some genuine strains in the water planning and management dialogue within the 4 County Area, the overall level of familiarity among the stakeholders with each other and with the issues appears quite high. With clear groundrules agreed to by all participants, and outside facilitation to ensure a balanced, interest-based approach, conditions seem appropriate for 4CMOU/MPMOU staff and electeds to consider moving forward on at least one of the three task-oriented levels of collaborations.

For seemingly opposite but ultimately similar reasons, activities under Levels Two and Four both seem less appropriate at this time for the 4 County Area. While a few stakeholders have expressed a willingness, even a strong desire, to move right to the collaborative development of a 4 County Area integrated regional water management plan (i.e., Level Four), the challenges in launching and implementing such a process suggest that such an approach is still premature. Such a project is likely to be the most technically complicated; the longest to start and complete; the most staff and financial resource intensive; and raise the most controversial issues. To be successfully adopted and implemented, it will require the most stakeholder input, education, and, ultimately, buy-in. It will also require dialogue and decision much sooner rather than later on potentially controversial governance issues. All of these challenges are likely to stall

## Four County Water Planning and Management Assessment

indefinitely any real progress in further developing a collaborative culture for water planning and management in the 4 County Area.

In contrast, the Level Two activities listed above offer the possibility of less-sweeping but still very task-oriented collaborations. The three projects described above are in various stages of preparation, development, or implementation. The public agency staff members responsible for these programs are working already with stakeholders. The projects appear to have some issues in common and may well involve many of the same stakeholders. To varying degrees, they might each benefit from third-party process design or facilitation suggestions. But, as currently developed, none of the three offer 4 County Area stakeholders (both public and private sector) the opportunity to ask an overarching, threshold question critical to the ultimate development of a collaborative culture or coherent regional water management plans: What vision or goals do stakeholders share for water resources in their Area? Until some commonality among visions or goals is developed among stakeholders, each of the separate collaborative processes that each of the individual counties, water districts, or regulated public utilities attempt, will likely suffer from a substantial level of incoherence and be plagued by seemingly endless recreations, rehearsals and repetitions of basic differences of opinion.

Thus, it is this Report's overall conclusion that the 4 County Area could benefit from some sort of Area-wide water "visioning" activity. While there are different approaches to visioning that might be appropriate to this kind of public policy dialogue, there is much overlap among the approaches in terms of both desired outcomes and key framework.

As for outcomes, visioning activities seek to develop a shared vision, or identify shared aspects of multiple visions, over an agreed upon planning horizon. In addition, they identify areas of difference. Along the way, participants develop a better understanding of: how they got to the status quo; what drivers are impacting the status quo; where they are heading if the status quo continues; and what each others' issues and underlying interests are. Tools of constructive dialogue can be developed and practiced, and constructive working relationships advanced. Visioning activities can also nicely lead to subsequent planning efforts, where participants try to develop ways to achieve the shared aspects of the vision. Thus, they could be a very useful first step in developing, over the longer term, a 4 County Area integrated water resources plan. But even if such a next step is not taken, the results of the visioning activities can inform other planning efforts, such as the ones described above that are currently underway.

As for visioning frameworks, typically stakeholders from all relevant interest groups participate in a one or two day facilitated session. During the session, participants first describe, an appropriate level of detail, the context for the visioning activities. This generally involves a description of current conditions relevant to water resources in the 4 County Area (from their individual perspectives); key history that lead to the current conditions; and key drivers affecting the current conditions. Participants then identify aspects of the current conditions that they wish to see continue, and aspects that they would like to leave behind. At each step along the way, areas of apparent agreement and disagreement are noted and, as time permits, "tested" by the facilitation team with probing questions.

## Four County Water Planning and Management Assessment

Then, and generally while working in smaller groups, participants develop and describe their desired futures for those water resources. The descriptions may be visual, narrative, dramatic, or some combination of those or other approaches; indeed, a wide variety of tools exist to help groups develop and describe visions. Each of the small groups then presents that group's vision to the full group. Again, both commonalities and differences are noted and, as time permits, explored further. Finally, participants discuss what might be appropriate next steps. These steps might include opportunities for trying to develop more commonality among the different visions sketched or ways where the common features might be implemented.

Visioning activities generally share two additional features. First, prior to the visioning "event," the specific content and format of the event is developed by a "design team." Members of the design team are drawn from a diverse and balanced group of stakeholders. They work through the design questions posed by the process facilitator as well as other interested stakeholders. Second, after the event, a report is developed to describe the event and capture the range of agreement—and disagreement—on the various visions sketched by event participants. Each participant gets a chance to review and comment upon the draft; and the final report is often presented to the Boards of the sponsoring or participating organizations, as well as other interested groups.

A visioning process offers some additional advantages over some of the other collaborative efforts that might be pursued within the 4 County Area. In particular, unlike a full regional water planning process, a visioning process generally proceeds on a much shorter schedule (e.g., six months to plan; one to two days to implement; and two to three months to develop and present a report to interested groups and organizations.) Costs are substantially less, as scientific and engineering studies are not required. The principal out-of-pocket costs are for third party assistance in process design, meeting facilitation, and, as desired, report preparation and presentation. Often, participants can volunteer meeting spaces and make other in-kind contributions to help organize and run the event. The amount of preparation time for participants (other than those on the design team) is much lower than for participants in ongoing water planning advisory committees. And perhaps most importantly consensus on elements of a vision, if not a single overarching vision itself, is often easier to obtain than consensus on the ways to implement the shared elements. In particular, visioning offers people an opportunity to move forward, beyond entrenched positions rooted in historical controversies, to collectively conceive a shared future. Participants in such processes often find that it is easier to find common ground on the shared future they would like to see than on their assessment of the current situation or the relevant past. And from a shared understanding of the future, participants may find it easier to solve—collaboratively—the problems they face in implementing that shared vision.

As discussed more fully above in Section IV, there are some genuine strains in some aspects of the water planning and management dialogue within the 4 County Area. A good bit, but not all, of the tension that can be found within the Area arises from the lack of agreement on the appropriateness, if any, of one or more particular water management "tools," e.g., what people within the region often call "conjunctive use." Absent a shared vision for the water resources within the 4 County Area, or at least shared elements of a

## Four County Water Planning and Management Assessment

vision, there is little chance for reaching agreement on the appropriateness, if any, of this or any other water management “tool.”

Before 4CMOU/MPMOU staff and electeds decide to move forward on some visioning activity, they should also consider some of the challenges facing such a process. A convenient framework for such a consideration is the eleven-point rubric CCP uses to decide whether conditions are appropriate to launch a public policy collaborative. These are:

1. Issues Do Not Focus on Constitutional Rights Or Very Basic Societal Values.
2. Potential Areas for Agreement; Multiple Issues for Trade-Offs.
3. Primary Parties are Identifiable and Will Participate.
4. Each Party Has Legitimate Spokesperson.
5. Potential Deal-Breakers are at the Table.
6. No Party has Assurance of a Much Better Deal Elsewhere.
7. Parties Anticipate Future Dealings With Each Other.
8. Relative Balance of Power Among the Parties.
9. External Pressures to Reach Agreement.
10. Realistic Timeline for Completion.
11. Adequate Resources/Funding to Support Negotiations

In addition, CCP considers a second set of eleven factors to evaluate whether there are likely to be sufficient conditions to sustain a collaborative once launched. (See Attachment G.) Many of these factors are most germane to consensus-seeking, interest-based negotiations. As such, they need to be modified to apply to a visioning process.

With appropriate modifications, an initial examination of these factors, based on the information collected to date, produces the following points.

1. Issues Do Not Focus on Constitutional Rights Or Very Basic Societal Values.
  - As noted throughout this Assessment, issues affecting water resources are taken very seriously and passionately within the 4 County Area
  - There are some issues that trigger discussions of rights that some participants would consider are akin to constitutional rights (e.g., “takings” of private property; public trust rights in water)
  - There are some issues involved that trigger discussions of very basic societal values (e.g., local control of water resources; survival of endangered species; “do no harm”)
  - Most of the issues likely presented in a visioning process do not reach these most fundamental depths

## Four County Water Planning and Management Assessment

- Most importantly, a visioning process does not need to resolve any of these issues. It need simply capture the range of perspectives on these issues as they relate to one or more elements of one or more shared visions
2. Potential Areas for Agreement; Multiple Issues for Trade-Offs.
    - At the most basic level, there is likely to be widespread agreement on broad aspects of a vision. For example, it is unlikely that participants would include, within their preferred visions for the 4 County Area, watercourses that had been converted to open sewers or a level of urbanization that paved over all open spaces and agricultural lands. Many other areas of commonality are likely to emerge.
    - As a visioning process is not a formal negotiation, there are no immediate needs for participants to “trade off” issues
  3. Primary Parties are Identifiable and Will Participate.
    - The interests are easily identified.
    - The list of interviewees for this Assessment (Appendix E) is a good place to start.
    - Interviewees made other suggestions about people who might participate
    - Depending upon the exact process design selected by the design team, somewhere between 40 and 70 people could participate in the actual event
    - Until, however, a date is selected and invitations sent out, it is not possible to determine which of the would-be invitees will be able to participate.
  4. Each Party Has Legitimate Spokesperson.
    - All of the organizations who would be invited to participate have one or more persons who can represent that organization’s perspective
    - Where there are multiple organizations who bring a similar perspective to the process, the design team will need to work with those organizations to help them select the appropriate representative(s) of that perspective
    - For unorganized interests, individuals who are respected in their interest group can likely be found to bring that interest group’s perspective to the process
  5. Potential Deal-Breakers are at the Table.
    - As part of its initial work, the design team should also make sure that at least one representative of each key interest group (not necessarily each organization within each interest group) is willing to participate in the planning and attendance at the event in question.
    - As this is not a negotiation per se, nor a consensus-based approach, “deal-breakers” do not need to be at the Table; there simply is no “deal” to break.

## Four County Water Planning and Management Assessment

- However, to the extent that participants wish others *to take seriously* any shared vision, or shared elements of multiple visions, it will be important to ensure that organizations send representatives of a sufficient stature to command respect for the process' results
6. No Party has Assurance of a Much Better Deal Elsewhere.
    - There is no other water-focused visioning activity now known to be planned within the 4 County Area
    - As this is not a negotiation per se, nor a consensus-based approach, there simply is no better “deal” for people to seek.
  7. Parties Anticipate Future Dealings With Each Other.
    - If history is any guide, the extensive interactions between the interviewees, some of which is documented in this Report, is likely to continue.
  8. Relative Balance of Power Among the Parties.
    - As this is not a negotiation per se, nor a consensus-based approach, deal making “power” is not of primary importance.
    - The most important “powers” for a visioning process are the powers to conceive and articulate a vision, and to find common elements where they exist. Each of the interest groups interviewed for this Report have persons who possess these “powers.”
  9. External Pressures to Reach Agreement.
    - As this is not a negotiation per se, nor a consensus-based approach, “agreement” is not necessary to achieve.
    - To the extent that there are common elements to one or more visions, they will emerge and be identified.
  10. Realistic Timeline for Completion.
    - Once 4CMOU/MPMOU staff and electeds decide to move forward on some visioning activity, six months should be a sufficient time to plan the event; one to two days should be a sufficient time to hold the event; and two to three months should be a sufficient time to put together and begin presentations of a final report from the event
  11. Adequate Resources/Funding to Support the Process
    - A budget will need to be prepared.
    - Funding will need to be identified.

In summary, with the exception of item 11, for which work remains to be done, the remaining factors do not pose any insurmountable obstacles to the successful launch of a visioning process. The ability and willingness of people to participate cannot be

## Four County Water Planning and Management Assessment

determined at this point. However, their ability to participate will be enhanced by the design team's speedy development of an invitation list and its careful selection of a date for the visioning event itself.

**VII. Attachments\***

**A. Four County MOU**

**B. Addendum to Four County MOU**

**C. Multi-Party MOU**

**D. DPLA-CCP Task Order**

**E. List of Interviewees**

**F. Interview Questions**

**G. Conditions for Sustaining a Policy Collaborative**

\* Attachments are separate .PDF files.

## Interviewees (Alphabetical, by First Name)

Allan Fulton  
Barbara & Bob Hennigan  
Barbara Vlamis  
Beverly Anderson-Abbs  
Bob Niblack  
Bob Williams  
Brad Mattson  
Butch Hodgkins  
Curt Josaissen  
Dan Cummings  
Dan McManus  
Darrell Mullins  
Dennis Heiman  
Eric Larrabee  
Ernie Ohlin  
Fran Borcalli  
Fraser Sime  
Gary Evans  
Gene Harris  
George Barber  
Grant Davids  
Greg Sohnrey  
Jane Dolan  
Jeff Sutton  
Joe Connell

John Amaro  
John Carlon  
Keith Hansen  
Kim Vann  
Les Heringer  
Lester Messina  
Lewis Bair  
Linda Cole  
Lynn Barris  
Mark Black  
Mark Kimmelshue  
Mary Lee Knecht  
Michelle Pingel  
Mike Pembroke  
Paul Gosselin  
Ren Fairbanks  
Steve Hackney  
Sue King  
Susan Strachan  
Ted Trimble  
Thad Bettner  
Todd Manley  
Van Tenney  
Vickie Newlin  
Vicky Dawley

## Interviewees (By Interests)

### I. Individuals

#### A. Private Pumpers

1. Linda Cole
2. Dan Cummings
3. Bob & Barbara Hennigan
4. Mark Kimmelshue
5. Greg Sohnrey

#### B. Corporate Groundwater Pumpers

1. Ren Fairbanks
2. Les Heringer

#### C. Environmental

1. Lynn Barris
2. Barbara Vlamis

## **II. Consultants/Technical Advisors**

- A. Fran Borcalli
- B. John Carlon
- C. Joe Connell
- D. Grant Davids
- E. Allan Fulton

## **III. Tribes**

- A. Michelle Pingel

## **IV. Watershed Groups**

- A. Beverly Anderson-Abbs
- B. Vicky Dawley
- C. Dennis Heiman
- D. Butch Hodgkins
- E. Mary Lee Knecht
- F. Fraser Sime
- G. Susan Strachan

## **V. Counties**

### **A. Butte**

1. Supervisor Jane Dolan
2. Supervisor Curt Josiassen
3. Paul Gosselin
4. Vickie Newlin

### **B. Colusa**

1. Supervisor Gary Evans
2. Supervisor Kim Vann
3. Steve Hackney

## **C. Glenn**

1. Supervisor John Amaro
2. Supervisor Keith Hansen
3. Lester Messina
4. Mark Black

## **D. Tehama**

1. Supervisor Bob Williams
2. Ernie Ohlin

## **VI. M&I Purveyors**

- A. Mike Pembroke
- B. George Barber

## **VII. Water Districts**

### **A. Multiple**

1. Todd Manley

### **B. West Side**

1. Lewis Bair
2. Thad Bettner
3. Sue King
4. Rick Massa
5. Darrell Mullins
6. Jeff Sutton
7. Van Tenney

### **C. East Side**

1. Gene Harris
2. Eric Larrabee
3. Brad Mattson
4. Ted Trimble

## **VIII. State & Fed Agencies**

- A. Dan McManus
- B. Bob Niblack

## Potential Participants

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City of Live Oak	Jim Goodwin, City Manager	(530) 695-2112	
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