

Governor's Water Augmentation, Innovation and Conservation Council
Post-2025 AMAs Committee
November 2, 2020 Meeting Summary

Time: 1:00pm – 3:00pm
Online meeting only

All meeting materials can be found on the [meeting webpage](#).

Note: Due to a technical issue, there is no recording of this meeting.

I. Welcome and Overview of Committee's Progress and Objectives

Co-Chair Warren Tenney introduced himself and Co-Chair Tim Thomure. He briefly reviewed the committee's aim to ensure sustainable water management beyond 2025 and the process that the committee has undertaken to identify and describe water management issues in the Active Management Areas (AMAs), summarizing them in issue briefs.

He noted that the focus of the meeting would be to continue discussion of issues related to Central Arizona Groundwater Replenishment District (CAGRDR) and the Assured Water Supply (AWS) Program in an effort to find consensus on an issue statement(s) and how to describe the issue(s) in order to move the issue(s) forward to the Council.

He reminded the committee that this phase of work is simply intended to identify and describe issues, and that the committee will further explore those issues and work to build potential solutions once the Council has reviewed and supports the issues.

Also on the agenda: the AMA management structure.

II. Defining the Issue(s) related to CAGRDR and AWS Program

Review and Discussion of Comments Received on Draft Outline

Co-chair Tenney recapped the last two committee meetings, which focused on discussion of the CAGRDR and the AWS Program. Thirteen committee participants submitted written comments on the draft issue brief outline. He reviewed themes identified by the co-chairs in the meeting discussions and written comments.

Themes fall into three categories:

- Physical availability of groundwater
 - Serves as primary limit to CAGRDR enrollment and primary restriction to AWS groundwater use

- Future availability of renewable supplies
 - Competition between CAGR, members, and other users
 - Cost implications
- Assured Water Supply Program
 - Lack of a “bridge” to reduce reliance on CAGR or incentivize de-enrollment, if desired, by Member Service Areas (MSAs) or Member Lands (MLs)

Three additional topics were also raised:

- Intention of the Groundwater Code and AWS Program
- Requirements of Certificate of Assured Water Supply (AWS) versus Designation of Assured Water Supply (DAWS)
- Replenishment model is working / not working

Co-chair Tenney briefly stated that the co-chairs hoped the themes had been addressed in revisions made to the first proposed issue statement and opened that to discussion.

The following summarizes feedback provided to the themes from the comments, committee discussion of the proposed statements, and additional suggested issue statements.

- Desire for data-rich analysis to identify whether or not there is an issue and from which to build consensus around the issue and possible solutions.
- Concern regarding rapid nature of the process, desire for consensus, how to define consensus. (Co-Chair Tenney noted the meeting is an opportunity to listen, discuss, and work toward consensus.)
- Disagreement that physical availability of groundwater is the primary limit to CAGR enrollment. The Plan of Operation is also a limit – if there is no Plan, there is no ability to grow even if there is physical availability. Ten year review will put the brakes on if there is insufficient availability.
- From the perspective of a resident, we should focus, first and foremost, on consumer protection for those already enrolled, those who pay the costs of CAGR. Homebuyers don’t understand the cost shouldered by the homeowners increase as more homes are added with finite supplies available. [CAGR staff noted the education and outreach efforts to inform homeowners.]
- Until 2007, there were few incentives to use anything but groundwater in the Pinal AMA. In 2020, most of the M&I allocations have been established. To move off of groundwater is a monumental task.

- If growth is replenishing the groundwater used, why focus on that issue as opposed to groundwater use that is unreplenished? Reducing future growth and reliance on groundwater is a problem.
- CAWS versus DAWS keeps resurfacing as an ingrained issue, affecting how we look at the issue. Though different, the two are really the same. They are not relevant. Plan of Operation regulates the capacity.
- The issue is the availability of renewable supplies for new areas. The CAGRDR was intended to allow the use of groundwater supplies temporarily until renewable supplies are available. Desal supplies will be available eventually.
- If you think there is not enough groundwater to sustain the CAGRDR, then say it. If there are not enough renewable water supplies for the CAGRDR to acquire, then say it. These should be two of the direct issues to address. There may be others.

Discussion and Updating of Draft Issue Statement(s)

Co-Chair Tenney presented the updated issue statement in response to comments, as well as two additional issue statements that attempted to capture other comments received, for consideration and discussion by the committee.

- a) *More than two decades after their development and successful implementation, the Assured Water Supply Program and the CAGRDR may not provide sufficient requirements, inducements, or options for certain communities and water providers in the AMAs to seek to reduce their reliance on groundwater and transition to a long-term reliance on renewable supplies.*
- b) *Under the current regulatory structure, new groundwater withdrawals will continue to be utilized to meet the demands of new growth. Physical availability of groundwater is a principal criterion to issuing determinations of AWS but may not be an effective guardrail for protecting the health of the aquifer as competition increases for the remaining amount.*
- a) *The CAGRDR's indefinite need to acquire water supplies to continually satisfy the replenishment obligation of its growing membership may be unsustainable.*
- We are making this too complicated. The Council must address the ongoing use of groundwater use to meet an AWS. The issue statement can be framed so it is a statement and not a judgement:
 - "Should the state continue to allow AWS determinations solely on groundwater? What are the consequences of a yes and a no answer?"*

The submitted comments could be used to inform this discussion and those questions.

- The issue paper could just list the risks associated with the CAGR and avoid making judgements about whether using groundwater with replenishment is acceptable. The risks:
 - location of pumping vs. replenishment
 - lack of available supplies in the future
 - rising cost for members

Open enrollment was also mentioned as a risk.

Also noted was the fact that the complexity of the CAGR makes it difficult to reduce to simple statements.

- Suggested alternate issue statement:
 - *After 40 years under the Groundwater Code, there are still areas in the CAP AMAs dependent on groundwater. What can we do to facilitate the responsible use of groundwater and renewable supplies (both short-term and long-term supplies) in areas with developable vacant lands?*

A concern was raised that this statement may be too broad—more on the success of the Groundwater Management Act rather than AWS—and solely on finding additional renewable supplies. This could make it difficult to develop potential groundwater management solutions.

The second sentence focuses on new growth, and so should be expanded to accommodate existing development and those already enrolled in CAGR who may seek alternatives, like Town of Queen Creek stated in its comments. The following edit to the second sentence was proposed:

“...in municipal areas that are currently dependent on groundwater and in areas with developable vacant lands.”

- In regard to the third proposed issue statement, the CAGR does not have an “indefinite” timeframe. There is a 10-year outlook based on the Plan of Operation. ADWR’s AWS Model Run only reflects the current Plan of Operation. Twice, legislation has been passed to strengthen ADWR’s ability to call the Plan of Operation into question.
- Sufficiency of groundwater/renewable supplies gets to the heart of the issue. AWS is just one piece of this puzzle; shouldn’t put the entire burden of these problems on one sector or one program (AWS/CAGR).
- CAGR isn’t the sole issue; physical availability of groundwater is a predominant issue.
- Caution that we don’t make the statement that we need additional renewable supplies in a vacuum. If this is the sole focus, physical availability could bite us sooner than later.

While we are trying to acquire that next bucket, we could be exhausting the groundwater supply we have.

Many areas don't have access to renewable supplies. There are two issues:

- whether the supplies are available, and
 - whether pumping groundwater to extinction is sustainable
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- We shouldn't pump ourselves into oblivion, but how much pumping is reasonable? We need data to explore how far we can pump. Fill in the gaps with short-term CAGR supply. It's a matter of how we manage the supply we have. Eventually, there will be another supply.
 - We are beyond an AWS based solely on groundwater. Current model is groundwater with replenishment. Can we acquire sufficient renewable supplies over time?
 - Groundwater use is unsustainable. Are there enough renewable supplies for all the growth we want? No one will get a free lunch; you're going to pay one way or another. It is expensive and will become more so. If we didn't have the CAGR doing everything they can to obtain supplies in a cost-effective manner, we might have a large private entity with capital buying up all the supplies and driving up the cost. As we face these larger intertwined issues, how do we balance the aquifer over time?
 - We need to make clear that this issue is just one element of a bigger picture/issue. It's not the only cause or issue related to long-term groundwater sustainability.
 - We still seem to conflate groundwater use with replenishment with groundwater mining without replenishment. Seems that the use of groundwater use as a buffer is problematic for some. A reformulated statement should probably reflect the current regional approach vs. long-term sustainability of groundwater.

III. Discuss Draft AMAs Management Structure Issue Brief

Co-Chair Tenney reviewed the draft issue statement related to the future of AMA management.

A draft issue brief was sent to the committee on 10/28.

Comments are due by November 17.

IV. Next Steps

The next meeting will be in December. Date to be determined.