

# Santa Rosa Plain Groundwater Sustainability Agency Board Meeting Minutes

March 30, 2023

Location: Laguna de Santa Rosa Foundation, Heron Hall  
900 Sanford Rd., Santa Rosa, CA 95401

[www.santarosaplaingroundwater.org](http://www.santarosaplaingroundwater.org)

## 1. Call to Order and Roll Call

**Chair Harvey** called the meeting to order at 1:07 p.m. **Directors Coursey, Dutton, Harvey, Hinton, Hopkins, Sanborn, and Spielman (Alternate for Director Jacobs)** were present. **Director Stapp** arrived at 1:15 pm and **Directors Nagle and Salmon** were absent. Also, in attendance at the meeting, were Andy Rodgers, Administrator, Marcus Trotta, Plan Manager; Indigo Bannister, GSA staff; and Simone Peters, GSA staff (*recording meeting minutes*); Robert Pennington and Nathan Quarles, of Permit Sonoma; Bob Anderson, Rue Furch (arrived 1:30 pm), Peter Martin, Arthur Deicke, Justin Brandt, Elizabeth Cargay, and Mary Grace Pawson, all SRP Advisory Committee members; Brittany Jensen, Gold Ridge RCD (departed 1:45 pm); Anne Morkill, Laguna de Santa Rosa host; Jennifer Klein (departed 2:00 pm) and Shirley Johnson, both members of public, along with another two members of public.

Anne Morkill, Executive Director, Laguna de Santa Rosa Foundation hosting the group at Heron Hall, welcomed the participants to start off the meeting.

## 2. Public comment on matters not listed on the agenda but within the subject matter jurisdiction of the Board

None.

## 3. Consent Calendar

- a. **Approve Minutes of October 13, 2022 Board Meeting**
- b. **Approve Year-to-Date Financial Report**
- c. **Approve FY 2023-24 Meeting Calendar**
- d. **Approve SCI Contract Extension and Budget Increase**
- e. **Approve Private Bank Account Resolution**

Andy Rodgers confirmed there will be a meeting on June 8, 2023; the calendar included in the packet is for fiscal year 2023-24 and doesn't include the June 2023 date.

No public comment.

**Director Coursey** approved the Consent Calendar as presented; **Director Spielman** seconded. Motion passed **7-0-3**. **Directors Nagle, Salmon, and Stapp** were absent.

*Vote Roll Call*

**Director Coursey** – aye, **Director Dutton** – aye, **Director Harvey** – aye, **Director Hinton** – aye, **Director Hopkins** – aye, **Director Spielman** – aye, **Director Nagle** – absent  
**Director Salmon** – absent, **Director Sanborn** – aye, **Director Stapp** – absent

**4. Directors/Subcommittee Report**

None.

**5. Advisory Committee Report**

A report is in the packet. No public comment.

**6. Information items**

**a. County Well Ordinance Update**

Nathan Quarles and Robert Pennington with Permit Sonoma provided an update on the county well ordinance.

In 2022 the County began the present legislative effort to update Chapter 25B, to ensure clarity regarding how the County will implement its public trust duty. On October 4, 2022, the Board of Supervisors considered amendments to Chapter 25B, and after conducting a public hearing, the Board ordered the director to convene a technical advisory committee and return to the Board within six months – April 2023 - with a revised ordinance. The Board of Supervisors also imposed a six-month moratorium on the processing or approval of water supply well permits unless the application is for an emergency well.

Tennis Wick, Permit Sonoma Director convened a Technical Working Group and a Policy Working Group to advise the department on best available science and policies for development of a well ordinance including a framework for consideration of public trust resources. The two groups each had six independent meetings and three joint meetings, with an initial joint meeting on November 17, 2022, and a final joint meeting on March 1, 2023. The revised ordinance, that will be heard on April 4, was developed in conjunction with recommendations from the technical and policy working groups.

The revised ordinance is similar to the October 4, 2022 proposed version. Notable changes include: (1) substantial remapping of the “Public Trust Review Area”, (2) refinement of classes that are exempt from discretionary public trust review, and (3) adjustment to requirements for monitoring and water conservation that have been categorized and tailored for different types of permits to effectively preserve the public trust as much as possible and consistent with the public interest.

Wells located within the Public Trust Review Area, that do not qualify as an exempt well class, will be subject to discretionary public trust review. Staff expect that under the revised ordinance most well permits would be ministerial, and between 5 and 15 well permits each year will be subject to discretionary public trust review and would be referred to the GSA for an opportunity to review.

### *Board Questions/Comments*

**Director Harvey** – When talking about existing use and zero net increase, is there any validation of that? Is there some kind of documentation that must be provided?

Pennington – There needs to be documentation. We have guidelines related to zero net use and other discretionary permits that will provide those types of reports. It's effectively a detailed water budget of the site. If there is any engineering required, then there would be a technical report supporting the estimate of enhanced groundwater recharge.

**Director Harvey** – Will you be doing an educational program to explain what the different groups are doing and different aspects?

Pennington – In terms of education, our website will have explanations of what we are doing.

Quarles – We haven't envisioned doing additional education to the public.

**Director Harvey** – It sounds like it is done on a case-by-case basis.

Quarles – We will be publishing that we are having the hearing, this is the third in the series. There are public noticing requirements, and we are in compliance with those requirements.

**Director Harvey** – We see that folks didn't get involved until after the fact regarding fees.

Quarles – I understand it happens in every genre; most people don't pay attention until they find out the regulations when they apply for permits.

**Director Coursey** – How did you decide that low water use is usage up to two acre-feet per year?

Pennington – There was a lot of discussion in the working groups and there were many recommendations to use 0.5 acre-feet for single family residence. Consistency with SGMA is important and different thresholds could create confusion. More importantly, 0.5 acre-feet threshold would be quite limiting to what people could do with their property. Many ministerial permits would become discretionary. 2.0 acre-feet thresholds allow for some flexibility. With level one conservation efforts, we don't anticipate everyone will be using 2.0 acre-feet a year, water use for many sites, will go down.

**Director Coursey** – The numbers in the box (Public Trust Review Area slide), it looks like 90% of the well permits in the public trust review area will be ministerial.

Pennington – Yes, most residential well permits will be ministerial, but they will have to abide to level one water conservation methods.

Quarles – These regulations don't apply to existing wells.

### *Public comment*

Furch – I was on the Policy Committee, I need to say that in the six months of the well ordinance, there has been much confusion, and questions, etc. I hope the GSAs and county will coordinate on information sharing. There will be many questions because of the information that isn't yet available. Anything you can do to make people better understand, would be helpful.

Bob Anderson – What is the percentage of Santa Rosa Plain GSA is in the public trust area?

Pennington – We estimate about 20%.

Furch – Sonoma Valley has a lot more of their GSA included. There is some overlap in the Petaluma Valley area. The SRP overlap compared to other areas is small.

Rodgers – The administrators for the three GSAs have collaborated on putting together a letter to point out the purpose of the amendment versus what the GSPs are intended to cover. Permit Sonoma helped the GSAs develop the GUIDE program. The other part of our letter is that we

recognize we need to bring policy options to this Board to potentially address some of the confusion. These are things we haven't discussed with Permit Sonoma yet.

Arthur Deicke – The general plan requires hydrogeologic reports for discretionary projects in the class 3 and class 4 areas. What if it overlaps with one of the stream corridors? How will this ordinance change that requirement?

Pennington – That requirement would still be in place. We will be adjusting our guidelines for hydrogeologic reports so that any discretionary project within the public trust review would also be considering impacts to public trust in a consistent methodology.

## **b. Annual Report Overview**

Marcus Trotta gave an update on the Annual Report for water year 2022; they are intended to be a progress report for DWR.

Trotta noted that Sections 1 (Introduction/Background) and 2 (Overview of Plan Area and Hydrogeologic Setting) of the Annual Report will generally be the same every year but Sections 3 (WY 2022 Basin Conditions and SMC Status) and 4 (GSP Implementation Progress) will incorporate changes every year.

Water year 2022 (Oct 21-Sept 22) was the third consecutive year of below-average rainfall. There were approximately 27.35 inches of rain compared with the long-term average of 30.72. Based on the Groundwater Sustainability Plan classification methodology, it is classified as a dry water year, and not as a drought condition.

The Annual Report tracks estimated water use each year. The total annual groundwater extraction for the 2022 water year is within the estimated sustainable yield for the subbasin. Estimated water use is 18,638 acre-feet of groundwater pumping, imported and local surface water use is 21,022 acre-feet. Recycled water accounts for 5,945 acre-feet, totaling 45,605 acre-feet usage in water year 2022.

### *Board Questions/Comments*

**Director Coursey** – On the total water use in basin, the 18,638 is an estimate. How much of an estimate is it?

Trotta – It is hard to put a percentage on it. The ag number assumes certain amounts per crop and rural residential well use of .05 acre-feet per household, there is lots of estimating. It is Identified as one of our bigger data gaps areas. Should the well ordinance go through and well metering be implemented, the GSA could use some more ground truthing.

**Director Hopkins** – Interesting to see the numbers for the deep and shallow aquifers. What triggered the big problem in 1990s?

Trotta – It is related to specific areas in Rohnert Park. There was lots of groundwater pumping in the area, and less recycled water use. Starting in 2000, recycled water was more utilized which in turn reduced use of groundwater. The City of Rohnert Park started pumping less and imported more water from Sonoma Water.

**Director Harvey** – When did Rohnert Park put in meters?

Pawson – The 1990s.

Anderson – On the total water use chart, how does the turf number compare to the GSP and the prior year?

Trotta – The turf estimates originally used in the Guide program were from 2012, the number has changed a fair amount.

No public comment.

### **c. Groundwater Sustainability Plan (GSP) Implementation & SGMA Grant Application Update**

Marcus Trotta gave an overview of the GSP determination, scope of work in SGMA grant application, and GSP implementation updates.

Great news! DWR approved all the Groundwater Sustainability Plans for the basins in Sonoma County. Out of 51 GSPs reviewed by DWR to-date, 12 were approved including the three in Sonoma County and the one in Napa Valley. The other 39 were found inadequate or incomplete.

Having an approved GSP allows the GSA to solely focus on the significant work needed to implement the GSP, rather than expending time and resources in addressing deficiencies.

DWR recommended corrective actions regarding the water budget, chronic lowering of groundwater levels and depletion of interconnected surface water SMCs, as well as the monitoring network. Some of those actions were already flagged. A response to the recommended actions is expected in the five-year update.

A summary of the grant application is in the meeting packet. \$230 million grant funds are available. Santa Rosa Plain has requested \$5,383,730 million. SGMA anticipates having the draft award list available in June 2023 and the final award list in fall 2023.

- Component 1: Grant Administration
- Component 2: Aquifer System and Beneficial User Impact Assessments
- Component 3: Planning for Demand Management Programs
- Component 4: Planning for Projects
- Component 5: Urban Recycled Water Expansion

#### *Board Questions/Comments*

**Director Harvey** – Does the fact that our GSP was accepted put us in a better condition to receive grant funding?

Trotta – Hopefully, yes!

#### *Public comment*

Justin Brandt – Rhetorical question: Do we see a scenario in the future of getting water curtailments from Sonoma Water? And using more groundwater again? Growth hasn't declined.

#### d. Fee Implementation Update

Andy Rodgers introduced the item and Indigo Bannister, GSA staff, provided an update on fee implementation. Notification letters were sent to 7,864 groundwater users in Santa Rosa Plain with GUIDE information and the annual fee amount. 218 manual invoices were mailed to tax-exempt groundwater users and public water systems. Staff has responded to over 181 public inquiries received through the GSA hotline.

GUIDE covers the entire county and was updated in August 2022 to include all three basins. GUIDE includes information for all parcels and users can log in to access information for their parcel as well as respond and update information. Very successful to-date. Bannister listed common Guide survey responses; biggest complaints across the basins are regarding recycled water use offsetting groundwater pumping, and turf.

The fiscal impact of fee corrections so far is \$50,662 (budgeted appeal allowance was \$25,453), staff time and other expenses including consultant time, issuing of refunds, corrections with Assessor's office, etc. is over \$50,000. We hope we can absorb the costs with cutting/spending less in other areas.

No questions or comments.

#### 7. Action Items

##### a) Election of GSA Officer: Vice-Chair. (Covered after 7B at the meeting.)

The Joint Exercise of Powers Agreement (JPA) for the Santa Rosa Plain Groundwater Sustainability Agency (at 6.04) requires the Board of Directors (Board) elect officers annually for a term of two years commencing July 1.

"Officers of the Agency's Board shall consist of a Chairperson and Vice-Chairperson. The Chairperson shall preside at all meetings of the Board, while the Vice-Chairperson shall perform the duties of the Chairperson in the absence or disability of the Chairperson. The Chairperson and Vice-Chairperson shall exercise and perform such other powers and duties as may be assigned by the Board." (JPA, at 6.03)

At the June 9, 2022 Board meeting, the Board elected **Director Susan Harvey** as Santa Rosa Plain GSA Chairperson and **Director Pam Stafford** as Vice-Chairperson for a term beginning July 1, 2022 to June 30, 2024. **Director Stafford** was replaced on the GSA Board as the representative for the City of Rohnert Park in January.

The GSA needs to elect a Vice-Chairperson to finish the term from March 30, 2023 to June 30, 2024. Staff recommends the Board of Directors accepts nominations and elects a Vice Chair of the Santa Rosa Plain Groundwater Sustainability Agency Board to serve from March 30, 2023 to June 30, 2024.

No public comment.

**Director Hinton** moved to appoint **Director John Nagle** as Vice-Chair, **Director Stapp** seconded. Motion passed **8-0-2**. **Directors Nagle** and **Salmon** were absent.

*Vote Roll Call*

**Director Coursey** – aye, **Director Dutton** – aye, Director Harvey – aye, **Director Hinton** – aye, **Director Hopkins** – aye, **Director Spielman** – aye, **Director Nagle** – absent, **Director Salmon** – absent, **Director Sanborn** – aye, **Director Stapp** – aye,

- b) GSA Board appointed interest-based seats.** Five of the 10 Advisory Committee members are appointed by the Board. Currently there is one vacant seat. Staff recommends applicant be appointed. *(Covered after Item 7D at the meeting.)*

The Sustainable Groundwater Management Act (SGMA) requires the Agency to consider the interests of basin stakeholders, including agricultural water users, residential well owners, municipal well operators, public water systems, land-use agencies, environmental users of water, surface water users, the federal government, California Native American tribes, and disadvantaged communities. To ensure the ideas and opinions of stakeholders are actively solicited, the Joint Exercise of Powers Agreement requires the agency create an Advisory Committee. The Advisory Committee reviews and/or provides recommendations to the Board on groundwater-related issues.

Of the 18 members of the Advisory Committee, seven interest-based seats are appointed by the Board, in the following categories: rural residential well owner (2), agricultural interest (2), environmental representative (2), and business community representative (1).

In 2017, the Board conducted a robust application and selection process to fill the interest-based seats. Since 2017, there has been some turnover of the Advisory Committee.

Normally, all Advisory Committee members serve two-year terms. According to the GSA Advisory Committee Charter, Board-Appointees are not term-limited; however, members must apply for each additional two-year term. A solicitation to the Board-appointed Advisory Committee Members was sent in August 2022 asking if they were interested in continuing service on the Advisory Committee and requesting a submittal of applications. At the time, Beth Lamb indicated that she was not interested in renewing her application for the Environmental interest seat.

In the meantime, the GSA received an application for the Environmental seat from Shirley Johnson. The GSA also reached out to local community interest groups representing the environmental community, along with the Board and Advisory Committee, advertising the available seat. The Board directed staff to review the application from Shirley Johnson and any other applications that are received and bring a recommendation to the March Board meeting.

Other applications have not been received. Shirley Johnson's application was reviewed by staff and determined to be eligible, and an interview with the applicant was conducted by the Administrator. Staff recommends the Board appoint Shirley Johnson to the GSA Advisory Committee, for a two-year term beginning January 1, 2023, and ending December 31, 2024:

Director Harvey welcomed Shirley Johnson to the Advisory Committee.

**Director Hopkins** moved to approve the appointment of Shirley Johnson as presented, **Director Hinton** seconded. Motion passed **8-02**. **Directors Nagle** and **Salmon** were absent.

*Vote Roll Call*

**Director Coursey** – aye, **Director Dutton** – aye, Director Harvey – aye, **Director Hinton** – aye, **Director Hopkins** – aye, **Director Spielman** – aye, **Director Nagle** – absent, **Director Salmon** – absent, **Director Sanborn** – aye, **Director Stapp** – aye,

- c) **Fiscal Year 2021-22 Auditor Report.** Receive report from auditor and consider adoption of audit. *(Covered before Item 7D at the meeting)*

The Joint Exercise of Powers Agreement for the Petaluma Valley Groundwater Sustainability Agency requires an annual financial audit.

Brett Bradford, auditor said the audit, which covers 12 months ending June 30, is essentially complete. He reported an unmodified opinion, which means that the financial statements are materially accurate. No significant deficiencies in internal controls are identified and no adjustments to the financial statements are proposed.

No comments or questions.

**Director Hopkins** moved to approve the audit as presented, **Director Hinton** seconded. Motion passed **8-0-2**. **Directors Nagle** and **Salmon** were absent.

*Vote Roll Call*

**Director Coursey** – aye, **Director Dutton** – aye, Director Harvey – aye, **Director Hinton** – aye, **Director Hopkins** – aye, **Director Spielman** – aye, **Director Nagle** – absent, **Director Salmon** – absent, **Director Sanborn** – aye, **Director Stapp** – aye

- d) **Fiscal Year 2023-24 Budget Preliminary Adoption.** Consider Fiscal Year 2023-2024 Budget for preliminary adoption. *(Covered after Item 6D at the meeting.)*

Andy Rodgers covered the preliminary budget.

The JPA for the Agency (at 10.06) requires that the Board adopt an annual budget for the agency. The purpose of this item is to review and approve the proposed FY 2023-24 budget. “The Board shall adopt a budget for the Agency for the ensuing Fiscal Year not later than April 1st of each year. The Board may authorize mid-year budget adjustments, as needed.”

Revenues: to support the continued operations and activities of the Agency, the proposed FY 2023-24 budget anticipates revenues derived from the groundwater sustainability fee, incorporating updates and corrections made during FY 2022-23. Since grant funding has not yet been secured (draft awards for the application submitted in December 2022 are anticipated in June 2023), grant funding revenue is not included in the preliminary budget. Revenue expected this year is lower than last year - \$743,300 this year.



Expenses: The proposed budget expenses anticipate administering the GSA, including groundwater sustainability fee assessment, supporting implementation of the Groundwater Sustainability Plan (GSP), preparing an annual report, holding Board and Advisory Committee public meetings, conducting stakeholder and public outreach, applying for additional grant funds, and managing on-going operations.

DWR grant fund revenues and the expenses associated with preparation of the Groundwater Sustainability Plan are not included as compared to FY 2022-23 as the Propositions 1 and 68 grant-funded projects are complete.

The proposed FY23-24 budget includes \$90,000 for technical services under contract with Sonoma Water to fill data gaps identified in the GSP and to initiate several GSP initiatives noted as priorities by the Advisory Committee and the Board, including a rural water efficiency pilot project, policy options development, etc. \$35,000 appropriated to reserve.

#### *Board Questions/Comments*

**Director Harvey** – If we get grant funding, might we change to meet our reserves?

Rodgers – It probably wouldn't help with our reserves unless it offsets something in the budget.

No public comment.

**Director Hopkins** moved to approve the preliminary budget as presented, **Director Hinton** seconded. Motion passed **8-0-2**. **Directors Nagle** and **Salmon** were absent.

#### *Vote Roll Call*

**Director Coursey** – aye, **Director Dutton** – aye, Director Harvey – aye, **Director Hinton** – aye, **Director Hopkins** – aye, **Director Spielman** – aye, **Director Nagle** – absent, **Director Salmon** – absent, **Director Sanborn** – aye, **Director Stapp** – aye,

**e) Sonoma Water Outreach Services Contract.** Consider authorizing the Administrator to negotiate a contract amendment with Sonoma Water for outreach services. The item would also authorize the Chair to sign the amendment. *(Covered after 7A at the meeting.)*

Andy Rodgers explained that to ensure outreach and community engagement is in compliance with the GSP, a budget increase of \$34,000 and a one-year contract extension with Sonoma Water is proposed that includes three groups of tasks:

1. Ongoing outreach, including issuing a quarterly newsletter to the interested parties list; maintenance of the list (as required by SGMA); updating the website; developing public-facing materials; developing and issuing social media posts; and Board and Advisory Committee updates;
2. Scheduling, coordinating, marketing, and managing one virtual or in-person public meeting; and
3. Reviewing and updating the Community Engagement Plan.

No questions or comments.

**Director Sanborn** moved to approve the Outreach services contract amendment as presented, **Director Spielman** seconded. **Motion passed 7-0-3.** **Directors Nagle** and **Salmon** were absent, and **Director Hopkins** abstained.

#### *Vote Roll Call*

**Director Coursey** – aye, **Director Dutton** – aye, Director Harvey – aye, **Director Hinton** – aye, **Director Hopkins** – abstain, **Director Spielman** – aye, **Director Nagle** – absent, **Director Salmon** – absent, **Director Sanborn** – aye, **Director Stapp** – aye

## 8. Administrator, Plan Manager and Legal Counsel Report

Marcus Trotta said that DWR is working on a drinking water guidance for SGMA implementation. It is a compilation of resources including many recommendations that came out of drought impacts.

The Governor’s recent drought Executive Order from March 10 suspends water rights permit requirements for recharge under certain conditions. The state has done a lot to streamline the water rights aspect of recharge projects.

Andy Rodgers said it has been a busy period. The GSP and fee implementation were a big deal. He acknowledged staff for their hard work – thank you! Although not everyone is happy with fee implementation, we are starting conversations. Given budget constraints, there are fewer meetings – all with huge agendas.

No report from Legal Counsel.

Andy Rodgers thanked Anne Morkill and the Laguna de Santa Rosa Foundation for hosting the meeting at Heron Hall.

#### *Public comment*

Peter Martin – Is the guidance on drinking water about quality or quantity?

Trotta – It is a little of both, the guidance is broad, but water quality is included.

## 9. Adjournment

**Chair Harvey** also thanked Anne Morkill and the Laguna de Santa Rosa Foundation for hosting the group, and mentioned her appreciation for the Board members, Advisory Committee members and staff for their participation. She adjourned the meeting at 3:33 p.m.

The next Board meeting will be June 8 and the next Advisory Committee meeting on May 22.