

Santa Rosa Plain Groundwater Sustainability Agency Board Meeting

Regular Meeting Minutes

Date: December 12, 2019

Time: 4:00 p.m.

Location: Finley Community Center
2060 W. College Avenue, Santa Rosa
www.santarosaplaingroundwater.org

Note: Due to the City of Santa Rosa activating the Emergency Operations Center located at 35 Stony Point Road, Santa Rosa, this GSA Board meeting was held at the Finley Community Center in the auditorium. These notes summarize the subjects discussed and the actions taken. Though the meeting was recorded, the poor auditorium acoustics rendered the recording inaudible in many places, so detailed notes were not able to be provided in these summary meeting minutes.

1. Call to Order and Roll Call

Chairwoman Lynda Hopkins called the meeting to order at 1:08 p.m. Andy Rodgers took roll call. **Chairwoman Hopkins, Director Nagle, Director Dutton, Director Jacobs, Director Harvey, Director Schwedhelm, Director Carnacchi, Director Fudge, and Director Stafford** (Alternate for Director Belforte) were present. **Director Zane** arrived 2:30 p.m. Others present included Andy Rodgers, Administrator; Jay Jasperse, Plan Manager, Sonoma Water; Marcus Trotta, Technical Staff, Sonoma Water; Simone Peters, minute-taker, West Yost.

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 August 8, 2019 Board Meeting
- b. Approve GSA Board Meeting Calendar
- c. Approve Year-to-Date Financial Report

No public comment.

Director Jacobs moved to approve the consent calendar as presented, **Director Schwedhelm** seconded. Motion passed unanimously, 9-0-0 (**Director Zane** absent).

4. Directors/Subcommittee Report

Director Harvey commented on the all-GSA Recharge Workshop saying it was well attended and there were good questions.

Director Schwedhelm thanked all the people who put the Re-charge workshop together.

Director Nagle appreciated the technical aspect of the GSA workshop, he found it to be very valuable information.

Director Hopkins thanked the staff from all three GSAs for their work and attendance at the workshop.

Andy Rodgers added the meeting was video-taped and would be available on the www.sonomacountygroundwater.org website in the next few weeks. He also thanked staff for putting the meeting together.

5. Advisory Committee Report

Rue Furch gave an update of the last Advisory Committee meeting. She mentioned there are currently 200 cannabis operations in the county, on a total of approximately 100 acres, so it would seem the County isn't being as inundated with cannabis operations as many had originally feared.

6. Information items

a. Advisory Committee Appointment Process

Andy Rodgers mentioned that Sebastian Bertsch is moving from California so there will be an open Environmental seat on the Advisory Committee in 2020. The Board-appointed Advisory Committee members are comprised of two Environmental representatives, two Rural Residential representatives, two Agricultural representatives, and one Business representative. Rodgers has reviewed the applications received in 2017 and advertised the position during November 2019. To-date, four applications have been received and Rodgers would like to bring to the next Board meeting for review and appointment.

Director Hopkins mentioned the idea of an ad hoc committee for discussing in a less formal setting before presenting to the Board. **Director Jacobs** said it was the process used for appointing the original appointments so it would make sense to do it that way again.

Directors Hopkins, Harvey and Schwedhelm agreed to be ad hoc members of the committee along with Advisory Chairman, Bob Anderson and Vice-Chairwoman, Rue Furch.

Director Hopkins asked Rodgers to schedule a meeting for the ad hoc.

Public Comment

Rue Furch asked that the ad hoc committee account for the applicants' letters of support, so the community feels part of the process.

b. Groundwater Sustainability Plan Update

Jay Jasperse, Plan Manager, gave a brief status update of the Plan. To review, the GSP has four components: 1) basin setting; 2) defining sustainability in the basin and how to measure it; 3) describing the scope of projects; and 4) adopting the Plan. This year was focused on the basin setting. They are currently in the process of concluding the step of describing the basin setting and starting work on the second and third components now. Work on assessing the need for and scoping potential projects and actions will occur later in 2020 and in 2021. Some basins in other areas of the State in critical overdraft are submitting plans now that will be a great resource for the basins in Sonoma County.

Board Questions/Comments

Director Nagle – Is there a need to designate 3.4 Management Areas?

Response Jasperse – It is an option for us if it is deemed appropriate in the Plan.

Director Nagle – Would it be the Advisory Committee considering this going forward?

Jasperse – Absolutely. The Advisory Committee will provide a recommendation on this for the Board to ultimately consider.

Director Carnacchi – 5.0 Proposed Monitoring Program – are the new shallow monitoring wells installed to understand the interaction between surface and groundwater?

Response Jasperse – Yes.

Director Carnacchi – Sebastopol jurisdiction – expressed concerns, small area of SRP, I am wondering if we will be able to monitor the surface water?

Jasperse – If data already exists, we will use it. GSA specifies to assess SGMA compliance in the basin as it exists today. We will need to do some additional monitoring in the basin for SGMA compliance.

Director Carnacchi – What is the process?

Jasperse – There are a couple of ways. We will be using computer models for where we have data gaps and for areas where we don't have significant impacts.

Director Carnacchi – The well closest to SRP15, is that well already in place?

Jasperse – Yes, this is through DWR's Technical Support Services (TSS) program. There are 22 wells total, 12 of which are in this basin.

Director Carnacchi – That well is of interest to Sebastopol. Will it tell us how much flood water in this area is going into groundwater?

Jasperse – For this program we are mostly interested in looking at lower flow, not flood flow. We are working with USGS to look at the flood flows through a separate study and the City of Santa Rosa is participating with some funding.

Director Carnacchi - Sonoma Water's production wells, it would be nice to see the relation between our wells and Sonoma wells. Is there pumping data?

Jasperse – Yes, we have historical data.

Public Questions/Comments

Comment by Mary Grace Pawson – The primary purpose of the SRP GSP is to comply with SGMA within the Santa Rosa Plain and we should not focus our limited resources on areas outside the jurisdiction of the GSA.

Comment: I support all the questions that **Director Carnacchi** raised.

Comment – It is obvious that creeks are impacted by pumping.

Comment – I would also recommend monitoring deeper wells, they would give better data.

Jasperse – Deeper wells are part of the Plan, they are quite a bit more expensive. DWR funded the shallow wells. We are trying to get more money to secure deeper wells and get Prop 68 funding.

c. Groundwater User Registration Program Update

Andy Rodgers provided an update. They have formed an active work group to develop and implement a web page and interactive map. People can look at information about their parcel and it allows an opportunity to confirm and provide information. The team is currently customizing the data base from Raftelis' fee study. They are also developing a significant outreach effort to inform as many people as possible and currently working on draft No. 6 of the mailer which is still going through iterations. It is difficult to capture everything in a small mailer. The Board meeting being canceled in October, threw off the schedule. As such, the program is delayed from January to spring 2020. The latest edition of the mailer is in the staff report. Provide any input to Andy Rodgers.

Board Questions/Comments

Director Fudge – When I read the postcard, it mentions fees twice. I try to put myself into the shoes of a rural well owner. The section of the card that mentions “Important to inform you...”, I suggest adding a sentence mentioning that accurate data received from the customer will be used to help the well owner in the future.

Director Hopkins – I would love to see a visual to get a sense of the layout. It is interesting to see text but a visual is important too. I suggest you print out the mailer for our next meeting.

d. Turf/Toilet rebate Program Update

Andy Rodgers provided a brief update – The program was off to a good start but

with the fire, the program is not getting the activity we would want to see. Would like to refresh everyone that we will be pushing this out through our channels.

Board Questions/Comments

Director Harvey – Based on suggestion of previous item, would like to see a visual, it gets peoples’ attention.

Comment – 0.08 flush is an improvement over past programs. Can you get the rebate with a 1.6 flush?

Rodgers – Yes.

Belmont Terrace Water Company would love to have a rebate available for a 1.6 flush.

Director Jacobs – I just emailed staff to send me the details of the program so that I can re-circulate it again.

7. Action Items

a. **Proposed updates and clarifications to Ordinance 19-01, second reading.**

Staff recommends revisions to Ordinance 19-01 and adoption as Ordinance 19-02, “Ordinance Requiring Registration of Groundwater Use Facilities, Water User Reporting and Authorizing the Adoption of Groundwater Sustainability Fee.

Andy Rodgers, at August Board meeting we brought forward a modified Ordinance that had been approved in June. Concluded clarifications/modifications, particularly the appeals process that Board approved before the October meeting. There was also one request in August from Director Schwedhelm for clarification. He asked that the word “calendar” be added to “days” count. Rodgers checked with Legal Counsel, as it isn’t a substantive update, we don’t have to do an additional reading. This second reading includes the requested change.

Board Comments/Questions

Question **Director Carnacchi** – Section 2 under Penalties, what is the enforcement mechanism for the \$500/month? It could be costly to do that.

Rodgers – One of the things the Board decided was not to bring Counsel to these meetings. So, to answer your question, generally, the language gives us the option to leverage these mechanisms, but it would be up to us to act on it if we feel it is necessary. I can ask legal counsel that specific question to get a more accurate answer.

Director Carnacchi – How are fees charged?

Rodgers – If/when fees are charged in 2022, they are likely to be charged on a property tax bill by parcel.

Public Comments/Questions

Comment – At the last meeting in August there was still a residential user fee planned. It has since been removed. I want to object to the amount of water that is still suggested to be used by a residential user, 465 gallons/day estimate is very high. A lot has been done to save water in rural residential areas. So, I ask you to reevaluate the usage again. Maybe you could put a question on the mailer. “Do you have a meter? How much do you use daily?” This could give us extra feedback and be very useful.

Director Hopkins – Thank you for your feedback.

Rodgers – One of the points of the registration is to make our data better. We hope, before 2022, we will have better numbers based on the registration program input.

Comment on Ordinance – My closest neighbor to the west is a rural property smaller than ¼ acre with no outdoor irrigation. Other properties are in excess of three acres and do substantial irrigation, there is tremendous variation in water usage. You failed to restrict use or actively counsel use. You failed to meet legal standard for regulation of de minimis users.

Comment – The objective of the Ordinance is to get registration. In the Prop 68 Proposal there is an element of trying to improve this and get voluntary collaboration. The big missing element is asking people what their groundwater level is. Many people have data that could be used to establish a trend.

Rodgers – The registration program is built around the factors that make up the fee but there will be input possibilities.

Board Comments/Questions

Director Harvey – Interesting approach – actual data vs subjective data. While I concur generally, and subjective data can be compared, many small rural residential well owners don’t meter wells.

Director Harvey moved to approve revisions to Ordinance 19-01 and adopt as Ordinance 19-02, “Ordinance Requiring Registration of Groundwater Use Facilities, Water User Reporting and Authorizing the Adoption of Groundwater Sustainability Fee, **Director Stafford** seconded. Motion passed unanimously, 9-0-0 (**Director Zane** absent).

- b. **Proposed policy for decisions between Board meetings.** Staff recommends the Board consider policy for decisions between Board meetings.

Andy Rodgers developed a suggested policy for when there are matters to be addressed between Board meetings. The proposed policy was originally based on the one used by Sonoma Clean Power but modified to apply to the GSA. A copy is in the package. This policy does not apply to expenditure of funds in excess of Rodgers’ authority of \$10,000.

Public Comments/Questions

Comment – I would like to ask that the public be emailed about any urgent matter.

Director Jacobs moved to approve this policy with the amendment that the policy is reviewed by the Board prior to December 31, 2021, **Director Schwedhelm** seconded. Motion passed unanimously, 9-0-0 (Zane absent).

- c. **Joint Exercise of Powers Agreement revisions to Exhibit B.** Staff recommends the Board amend Exhibit B to add the City of Sebastopol to the Member Agency list and to remove the City of Sebastopol as an eligible entity that elected not to participate on the Agency Board.

Andy Rodgers, now that the City of Sebastopol has joined the Board, a few changes/updates are required in the JPA. Rodgers mentioned the necessary changes and recommended the Board approve as suggested.

No public comment.

Director Hopkins thanked Sebastopol for joining.

Director Fudge moved to approve amending Exhibit B to add the City of Sebastopol to the Member Agency list, **Director Harvey** seconded. Motion passed unanimously, 8-0-2. (**Director Carnacchi** abstained, **Director Zane** absent)

- d. **Fiscal Year 2019-20 Revised Budget.** Staff recommends the Board approve Fiscal Year 2019-2020 Budget Adjustment.

Andy Rodgers mentioned that many things had happened in the basin to get to where we are today. The registration program is now under development and we need to allocate resources for the program. Rodgers pointed out changes in the budget including additional funding from the City of Sebastopol, the County, Sonoma Water, and capital grants, and a reduction in expenses for the fee study, legal, facilitation and accounting services. By moving things around, there is \$45,000 to support/manage the registration program leaving the FY 19/20 budget with a net income of \$5,226.

Board Comments/Questions

Director Harvey – I support this and am glad to see changes to the registration budget. The registration program is key.

No public comment.

Director Harvey moved to approve the Fiscal Year 2019-2020 Budget adjustment as presented, **Director Stafford** seconded. Motion passed unanimously, 10-0-0.

- e. **Contract with Kronick, Moskowitz, Tiedemann and Girard, LLC.** Staff recommends the Board consider amended contract for legal services from November 1, 2018 through June 30, 2020.

Andy Rodgers recommended to approve the amended existing contract by adding \$55,000 and extending the contract through June 30, 2020. The total for Fiscal Years 2017-2018, 2018-2019 and 2019-2020 would be a not-to-exceed amount of \$175,000. Staff and counsel expect monthly spending for legal services will be modest moving forward. No Board questions or comments.

No public comment.

Director Harvey moved to approve the amended contract with Kronick, Moskowitz, Tiedemann and Girard, LLL for legal services from November 1, 2018 through June 30, 2020 for a not-to-exceed amount of \$55,000, **Director Stafford** seconded. Motion passed unanimously, 9-0-1 (**Director Jacobs** absent).

- f. **Contract with West Yost Associates.** Staff recommends the Board consider the amended contract for professional services from November 1, 2019 through June 30, 2020, by adding a not-to-exceed amount of \$45,000 to support development and implementation of the Groundwater User Registration Program.

Andy Rodgers provided a short overview of the proposal.

Board Comments/Questions

Director Nagle – Is the contract amendment already built into the GSA budget?

Rodgers – Yes, it is the Registration Program line item.

No public comment.

Director Harvey moved to approve the amended contract with West Yost Associates for professional services from November 1, 2019 through June 2020 by adding a not-to-exceed amount of \$45,000 to support development and implementation of the Groundwater User Registration Program, **Director Stafford** seconded. Motion passed unanimously, 10-0-0.

- g. **Consider Prop 68 Grant Application Support.** Staff recommends the Board support the Santa Rosa Plain Groundwater Sustainability Agency Sustainable Groundwater Planning Round 3 Project and approve a resolution directing that application be made to obtain a grant under the 2019 Sustainable Groundwater Management Grant Program Planning – Round 3.

Marcus Trotta, Sonoma Water, Tech Support gave an update on the recent SGMA Round 3 grant opportunity through Proposition 68. The GSA did apply and was awarded a \$1 million SGMA Round 2 GSP grant in July 2017 to fund majority of costs related to the GSP. Now there is a new grant opportunity. We engaged the Advisory Committee in initial ideas, and prepared and submitted an application, on the due date of November 15, 2019. A summary of the grant package is included in the packet. First task is focused on outreach; the second, on developing working groups to work through the process of developing management sustainable criteria; the third is a working group assembling experts on surface water and habitat from resource agencies and organizations to develop SMCs for surface water depletion; the fourth task is focused on Permit Sonoma, allowing them to

better organize their data and set up protocols and structure to better share their data, which has been recognized as a need that will support the GURP and other GSA initiatives; the fifth task budgeted for – largest component for proposed construction of four deep monitoring wells in the basin to help fill recognized data gaps and improve our monitoring network. Map in package shows the proposed locations. The sixth task of Seepage Runs measures surface water/groundwater interaction throughout basin and helps site areas where recharge projects can be done near streams and where groundwater helps support stream flows. The resolution would authorize Sonoma Water to enter into an agreement on behalf of the GSA should we be awarded funds.

Board Comments/Questions

Director Nagle – Are there any matching requirements?

Trotta – Yes, 25% match required. We identified a \$333,000 match, which is 25%. The total project is \$1.3 million. The maximum amount we could get awarded is \$1million. About \$125,000 of that are costs the GSA has already incurred. Permit Sonoma identified about \$30,000, and City of Santa Rosa, about \$130,000, which has also already been incurred.

Director Nagle – Nothing additional?

Trotta – The only additional match for the GSA would be for administration for the grant itself, about \$50,000 over the course of two years that would come out of the GSA budget.

Director Fudge – Will Permit Sonoma help with that? Will that be accomplished through GIS?

Trotta – We have a data management system developed for groundwater related data, they have their own GIS data management system, it would allow part of the scope work to better connect the two systems, so a fair amount of GIS work would be part of that.

Public Comments/Questions

Comment – I was hoping we could have more collaborative processes with the data collection and general plan updates. Great opportunity for collaboration, if we ask staff to participate.

Director Hopkins – It is a two-way communication to be fostered between the City of Santa Rosa and the GSA.

Comment – I want to put a plug in for Sonoma County Environmental Health, when we are applying for grant monies, especially Prop 68, to account for human health and look for things like contamination in well water. We should do encompassing monitoring and embrace the environmental health as **Director Carnacchi** alluded to earlier. There are flood waters, etc. that carry a lot with them, but it isn't always only well water. I would like some of the money to be set aside for environmental health. A better system for gaging where the risks are in the well system. This isn't being done. Fees have increased fees over the last years but there are less and less services.

Director Hopkins – I appreciate the feedback. Great conversation to have moving into next year.

Comment – I couldn't participate in the last Advisory Committee meeting. One overall concern is the State will give the money to reimburse previous money spent by the GSA and member agencies. I ask that some of the reimbursed money be used to spend money on items that aren't included in this grant application. Monitor what is happening in Wilson Grove, east and west of basin, coordinate as Rue Furch said, with Fish and Wildlife. Another thing, there is an enormous amount of historical data; from rural residential well owners and agricultural data. We aren't seeing any collaboration of data of wells, particularly the groundwater levels. There should be emphasis on using the reimbursed money to gather data that already exists.

Board Comments/Questions

Director Harvey – I appreciate the comment on bringing in our scope and quality of water issues, but we need to be mindful of our SGMA responsibilities.

Director Hopkins – I appreciate **Director Harvey's** comment.

Director Jacobs – All of us here who are working in public water systems are responsible for collecting thousands of water quality samples and looking for contaminants. At the State policy level, it is a challenge for small systems because it goes beyond the issues of SGMA and water quality issues. The environmental water quality issue is under SGMA and probably outside the scope of the GSA.

Jasperse – I would like to clarify the comment on reimbursement – there is no reimbursement associated with grant funds for previously completed work. The new money that would come from DWR through the grant would not reimburse the GSA or member agencies for previous costs. Those previous costs are being offered by the GSA and member agencies as the required match for the grant opportunity.

Director Carnacchi – Two thoughts 1) human health concern, sounds like an incentive if we could establish well testing, and 2) gives mechanism for action.

Director Hopkins – looks like money spent on good things.

Director Harvey moved to approve supporting the Santa Rosa Plain Groundwater Sustainability Agency Sustainable Groundwater Planning Round 3 Project and approving a resolution, **Director Stafford** seconded. Motion passed unanimously, 10-0-0.

8. Administrator, Plan Manager and Legal Counsel Report

Rodgers – The Administrator report is essentially the staff reports in the meeting packet. Next year will be very busy, putting into effect, things that were started this year. Looking forward to it. We need all hands on-deck!

Jasperse, Plan Manager report – Napa county took the option at the outset of SGMA plan (no GSA), they put together an alternative plan (no GSA/no GSP). DWR reviewed all the plans (Orange County and some other alternative plans passed). The Napa County plan didn't pass. They appealed and DWR recently made their final determination that Napa must comply with SGMA.

Director Hopkins – Do they follow the same timeline?

Director Jacobs/Director Nagle – Yes, they are on a short timeline now, and need to do a GSA and GSP by the same deadline we have (January 2022).

Jasperse participated in an ACWA (Association of CA Water Agencies) meeting last week. DWR is in the process of receiving GSPs to check for compliance; if not in compliance, State Board would come in. DWR are holding workshops to review criteria in January, focused on critically over-drafted basins. DWR has 2 years to review. Once a plan is submitted, even if not reviewed, the GSAs need to start implementing their plan. They are also increasing their support under Technical Support Services, there are seven programs under that. Last year we received the 2014 land use data. They support GSAs by giving us annual land use mapping which will be a great help, and annual air-borne geomagnetic surveys, etc. For the SGMA Round 3 GSP grants there is \$50 million available, DWR received 54 applications for \$53 million requests, so good news overall. The State Water Resources Control Board has developed a streamlined permitting process for the recharge projects so you can store your water, it seems like a good project– going in the right direction, it will facilitate recharge projects, it is innovative.

No Legal Counsel report.

9. Adjournment

The meeting adjourned at 3:20 pm. The next meeting will take place on February 13, 2020 at 1:00pm.