

# Petaluma Valley Groundwater Sustainability Agency Board Meeting | Minutes October 27, 2022

<http://sonomavalleygroundwater.org/>

## 1. Call to Order and Roll Call

**Chair Rabbitt** called the meeting to order at 4:01 p.m. and asked Sandi Potter, Administrator, to conduct roll call. **Directors Rabbitt, Abelli-Amen, Gorin, and Healy** were present. **Director Wasem** arrived at 4:15 p.m.

Sandi Potter welcomed the Board and Advisory Committee members, and members of public.

## 2. Consider Emergency Resolution 010-2022

**Director Rabbitt** explained that Governor Newsom's Executive Order for Emergency Meetings expired on September 30, 2021. Since then, if the Board meets virtually, it needs to declare an emergency and pass a resolution which lasts for 30 days. The Board needs to pass Resolution 010-2022 to allow this meeting to take place remotely, as well as all meetings of Agency legislative bodies for the following 30 days.

No public comment.

**Director Gorin** moved to approve Emergency Resolution 010-2022 which would allow today's meeting to occur remotely, as well as all meetings of Agency legislative bodies for the following 30 days as presented, **Director Abelli-Amen** seconded. Motion passed **4-0-1**. **Director Wasem** was absent.

### *Roll call Vote:*

**Director Abelli-Amen** – aye

**Director Gorin** – aye

**Director Healy** – aye

**Director Rabbitt** – aye

**Director Wasem** – absent

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

Gary@jdpumpwell – Regarding the well ordinance about no well drilling until April, there are some things that aren't part of the well drilling ordinance such as how much water people can use on their property and the amount of lawn they can have on their property. The intent of the 25B well ordinance was for the drillers on how they drill and construct wells. I think the GSA and others have convoluted the original intent of the ordinance. Will this be re-addressed in the timeframe?

**Director Rabbitt** – Everything is being re-addressed, that is why we took the time out.

Gary@jdympumpwell – I know that Matt Peterson will be on the Technical Advisory Committee. Will any other drillers be allowed on the committee?

**Director Rabbitt** – I believe so, you can contact me through the county email, I will be happy to get the information to you.

Gary@jdympumpwell – Well drillers had their groundwater meeting last night. There are a total of five parties that are interested, at least two to three participants would be better than one. We formed a subcommittee that will work from our end with your people going forward.

**Director Rabbitt** – It is great you have a subcommittee and can speak with one voice. As we emerge, hopefully, we will have a better process in place.

#### 4. Consent Calendar

- a. **Approve Minutes of July 28, 2022**
- b. **Approve Year-to-Date Financial Report**

##### *Board Questions/Comments*

**Director Healy** – Regarding Item 4B on pages 21-22, there is reference to sewer/water usage. I am curious about the word ‘sewer’.

Indigo Bannister – It is how the county categorizes what a fee would fall into. It is the closest category available for the groundwater fee.

**Director Healy** – So, there is no charge for sewer?

Bannister – Correct, there is no charge for sewer.

No public comment.

**Director Healy** moved to approve the Consent Calendar as presented, **Director Gorin** seconded. Motion passed **4-0-1**. **Director Wasem** was absent.

##### *Roll call Vote:*

**Director Abelli-Amen** – aye

**Director Gorin** – aye

**Director Healy** – aye

**Director Rabbitt** – aye

**Director Wasem** – absent

#### 5. Directors/Subcommittee Report

No report, no public comment.

#### 6. Advisory Committee Report

Sandi Potter said the Advisory Committee met on September 14 and thanked **Director Abelli-Amen** for attending that meeting. The AC received an update on the county well ordinance, GUIDE, and fee implementation. The heart of the meeting was to discuss Round 2 of Prop 68 grant funding. A majority of AC felt it was important to pursue grants with focus on data gaps identified in the GSP. Other areas of focus should include water conservation strategies, recycled water expansion planning, and groundwater banking and aquifer storage and recovery. No public comment.

#### 7. Information Items

### a. County Well Ordinance Update

Robert Pennington, Permit Sonoma, introduced himself and then gave an update on the status/revision of the draft county well ordinance amendment.

The County is in the process of developing proposed updates to its well ordinance to include consideration of impacts to Public Trust Resources when issuing certain well permits. The proposed update will include well metering requirements and other technical corrections.

On August 9, 2022, Permit Sonoma presented an initial draft to the Board of Supervisors. On October 4th, 2022, Permit Sonoma presented a revised draft amendment to the well ordinance to the Board of Supervisors. The Board heard and discussed the item, approved a six-month moratorium on new well permits until April 4, 2023, and directed staff to establish a Technical Advisory Committee (TAC) and Policy Advisory Committee (PAC) to make recommendations for implementing Public Trust Review requirements. Wells that qualify as an emergency are exempt. Permit Sonoma staff is currently working on developing the TAC and making some of the initial changes to the ordinance in preparation for the upcoming meetings. The TAC will be chaired by Jay Jasperse and the PAC by Mike Martini and Rue Furch. The groups are expected to have their first working meetings in mid-November.

#### *Board Questions/Comments*

**Director Healy** – This applies outside GSA boundaries as well?

Robert Pennington – Yes, it is countywide.

**Director Healy** – The original staff recommendation wouldn't have impacted Petaluma's proposed well, but the Board action does?

Robert Pennington – Yes, that is correct.

**Director Wasem** – I was at the well ordinance meeting, and we talked about having an interface with the GSAs. There should be a discussion or an ad hoc committee to consider this so, the GSAs aren't a stumbling block as people try to get wells drilled. How do we develop something in this GSA to expedite review and approval or rejection of proposals?

**Director Rabbitt** – The Technical and Policy Advisory Committees contain people that work in all GSAs, right?

**Robert Pennington** – Yes, there is lots of representation from the GSAs.

**Director Rabbitt** – Even with the Governor's Executive Order of having the GSAs review the wells, there is a scope change. We will have to continue to adapt as we move forward.

No public comment.

### b. Drought Executive Order Compliance Update

Sandi Potter thanked Robert Pennington who has been working very hard coordinating the GSAs and working on the well ordinance update. She explained that on March 28, 2022 Governor Newsom issued Drought Executive Order N-7-22 that included new well permitting requirements for local agencies to prepare for and lessen the effects of drought conditions. So now, before Sonoma County issues permits for new and reconstructed wells, Permit Sonoma reviews applications for non-exempt wells to confirm the well will not interfere with the production and functioning of

existing nearby wells and will not likely cause subsidence. The GSA reviews applications for non-exempt wells within Petaluma Valley area and verifies that groundwater extraction is not inconsistent with the Groundwater Sustainability Plan and groundwater extraction will not decrease the likelihood of achieving a sustainability goal.

Local well permitting agencies retain existing well permitting authorities, including reviewing and administering well permits. Exempt wells include public water supply wells and small domestic wells for de minimis users.

The requirements will stay in effect for as long as the Governor has a declared drought, or the Executive Order is replaced with a similar requirement.

#### *Board Questions/Comments*

**Director Healy** – The Governor’s Executive Order exempts public supply wells. I wonder what the disconnect is between the Governor’s Order and the County’s action.

**Director Rabbitt** – I think you are under the auspices of Public Trust Doctrine, either way.

Potter – My interpretation is that they are addressing two separate things. The Governor is implementing the Executive Order to deal with the drought and was probably more focused on wells in the Central Valley. The County’s effort is around the Public Trust which has more to do with surface water and groundwater interaction.

Robert Pennington – The Governor’s Order is more focused on impacts of new wells on neighboring wells and groundwater sustainability. The Public Trust Doctrine is focused on the pumping of groundwater’s impact on surface/navigable waters.

No public comment.

#### **c. Groundwater Sustainability Plan Implementation Update**

The Groundwater Sustainability Plan (GSP) was submitted on January 29, 2022, by the Petaluma Valley Groundwater Sustainability Agency (GSA) and initial implementation activities are underway. Since the Executive Order was issued, the Petaluma Valley GSA has been coordinating closely with the local well permitting agency (Permit Sonoma) to develop processes to comply.

Marcus Trotta, Plan Manager provided a high-level overview of activities relating to current and upcoming activities, an update on Prop 68-funded multi-level monitoring well program and geophysical surveys.

Existing work, funded by Prop 68, includes drilling and construction of three deep multi-level monitoring wells from July to September 2022. These wells address monitoring network data gaps related to horizontal and vertical coverage, subbasin boundaries, and surface water and groundwater interaction.

Trotta outlined details of the ground-based geophysical surveys, also funded by Prop 68, that are to gain an understanding of aquifer layering, water quality, and aquifer system characteristics. These surveys complement the airborne geophysics flown by helicopters.

#### *Board Questions/Comments*

**Director Rabbitt** – Will the geophysical surveys establish the baseline conditions?

Trotta – It could be used to establish baseline in one location, but you would need to do a denser grid to establish an interpretation of brackish water distribution. This is more for filling in data gaps.

No public comment.

#### **d. Fee Implementation Update**

In June 2019 the GSA Board approved a Groundwater Sustainability Fee as authorized by Water Code section 10730 and pursuant to Agency Ordinance No. 19-01. The adopted fee methodology was a regulatory fee based on groundwater usage, as described in the 2019 adopted Rate and Fee Study.

The associated fees based on the approved rate of \$19.90 per acre-foot per year (AFY) were collected by the GSA from municipalities only for fiscal years 2019/2020, 2020/2021 and 2021/2022. During this time, the County of Sonoma and the Sonoma Water covered fees for all other private pumpers.

A Rate and Fee Study update was initiated in 2021 and developed through GSA Board and Advisory Committee meetings and community workshops. At the July 28, 2022, meeting, the GSA Board approved the updated Rate and Fee Study, adopted Agency Ordinance No. 22-01, and adopted a Groundwater Sustainability Fee of \$40 per acre feet per year as authorized by Water Code section 10730. Since approval of the fee, the GSA has actively reached out to groundwater users and the broader community about the updated fees.

The GSA has contracted with the Sonoma County Assessor's Office to collect the majority of Groundwater Sustainability Fees on customers property tax bills.

Sandi Potter summarized ongoing work and confirmed that GUIDE was updated in two significant ways in August 2022; it was updated to include all three basins through the same interface; and the new fee structure was added for the Santa Rosa Plain. Potter highlighted traffic on the website, outreach on implementation of GUIDE and the fee, and summarized common GUIDE survey responses.

#### *Board Questions/Comments*

**Director Abelli-Amen** – I heard anecdotally that people using reclaimed water weren't credited for that; they were charged by acre-foot/usage. Does the county have access to the recycled water use customers and their volumes? Was there an attempt to apply that before bills were sent out?

Potter – Yes, we have been working closely with our sanitation districts. I believe it has been quite accurately applied in Petaluma Valley and people will see credits on GUIDE. There were some miscalculations throughout the county; they are being updated to reflect the correct use.

**Director Abelli-Amen** – Has the work of the initial rollout been captured for next year so that it is smoother, and people don't get bills that aren't correct? I am concerned that we are creating something that the water user needs to fix.

Potter – We are working in good faith together with everyone who contacts the agency, to solve the issues.

**Director Abelli-Amen** – I appreciate the work. Has anyone disputed their charge by offering well meter results?

Potter – We haven't seen people come in with meter data. Most typically, it is a different opinion or updated information.

Indigo Bannister – I have seen a handful of people who have meter data that differ from our

estimates. It is a very small amount of the overall corrections that we have received.

**Director Healy** – I guess most people are saying they use less water than what we assume. In aggregate, might this impact our budget?

**Potter** – We budgeted for \$15,000 differential in corrections; currently we are within that amount. As we continue and work through the first property tax payments, we will have a better sense of it. It will be a topic for mid-year discussions with the Board.

No public comment.

## 8. Action Items

- a. **Sonoma RCD Contract Amendment No. 3.** Consider authorizing the administrator of the Petaluma Valley GSA to extend the well monitoring agreement with Sonoma Resource Conservation District through December 31, 2024 and add up to \$30,000 in funding.

As the monitoring entity for the basin under the California Statewide Groundwater Elevation Monitoring (CASGEM) program, the City of Petaluma monitors its five former public supply wells that are located within the City's boundaries. To complete the monitoring network, the GSA contracts with Sonoma Resource Conservation District (Sonoma RCD) to conduct the monitoring of private wells within the CASGEM network.

The RCD conducts outreach for new participants, coordinates timing of visits, and monitors all wells on private property twice annually, in the spring and fall. The original 2018 contract between Sonoma RCD and the GSA was for one year and \$25,000. Amendment No. 1 extended the contract through October 31, 2019. Amendment No. 2 extended the contract through June 30, 2022 and added up to \$10,000 in additional funding. The funds requested in Amendment No. 3 of the contract (\$30,000) were included in the Board adopted budget for fiscal year 2022-23.

Sandi Potter provided a background and said staff recommends that the Administrator execute a contract amendment with Sonoma RCD for private well monitoring to extend the contract through December 31, 2024 and to add \$30,000 to the contract.

No public comment.

**Director Wasem** moved to approve the Administrator executing a contract amendment with Sonoma RCD for private well monitoring to extend the contract through December 31, 2024 and to add \$30,000 to the contract, **Director Gorin** seconded. Motion passed **4-0-1**.

**Director Abelli-Amen** abstained.

### *Roll call Vote:*

**Director Abelli-Amen** – abstain

**Director Gorin** – aye

**Director Healy** – aye

**Director Rabbitt** – aye

**Director Wasem** – aye

- b. GSA Board appointed interest-based seats.** Six of the 12 Advisory Committee members are appointed by the Board. All seat terms are expiring (Environmental (1), Agriculture (1), Rural Residential (1), Business (1), At-Large (2)). Staff recommends applicants be appointed.

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.

Sandi Potter said that of the 10 members of the Advisory Committee, five are appointed by the Board, in the following categories: at-large representative (2), environmental representative (1), rural residential well owner (1), business community representative (1), and agricultural interest (1). Board-Appointees are not term-limited; however, members must apply for each term. The Business seat is vacant, and the Agricultural seat, has indicated that they are not interested in renewal. The GSA has received an application for the Business seat from Sebastian Bertsch, who has previously served on the Santa Rosa Plain GSA Advisory Committee; the application has been reviewed by staff.

Staff recommends the Board re-appoint the following seats: Rebecca Ng for at-large; John Shribbs for environmental; and Clayton Engstrom for rural residential; and appoint Sebastian Bertsch for the business seat for a two-year term beginning January 1, 2023 and ending December 31, 2024:

The GSA is currently pursuing applications for the Agricultural seat and plans to bring a recommendation at the first Board meeting in 2023.

#### *Board Questions/Comments*

**Director Abelli-Amen** – I know Sebastian Bertsch and his work and can vouch that he is technically knowledgeable, easy to work with, and competent. He would be a good addition to the Advisory Committee.

No public comment.

**Director Healy** moved to re-appoint Rebecca Ng (at-large), John Shribbs (environmental), and Clayton Engstrom (rural residential), and newly appoint Sebastian Bertsch (business) for a two-year term beginning January 1, 2023 and ending December 31, 2024, **Director Abelli-Amen** seconded. Motion passed **5-0-0**.

#### *Roll call Vote:*

**Director Abelli-Amen**– aye

**Director Gorin** – aye

**Director Healy**– aye

**Director Rabbitt** – aye

**Director Wasem** – aye

- c. **Consider Sustainable Groundwater Management grant application support.** Staff recommends the Board support the Sonoma Valley Groundwater Sustainability Agency Sustainable Groundwater Management Round 2 Project and approve a resolution.

In 2017, the GSA applied for and was awarded a \$1 million grant from California Department of Water Resources (DWR) with funding from the voter-approved Proposition 1 (the “Water Quality, Supply, and Infrastructure Improvement Act of 2014”). In 2020, the GSA was awarded a \$1 million grant under Proposition 68 for planning and project implementation.

On October 4, 2022, DWR opened solicitations for the SGM Implementation Round 2 grant program. GSA staff are currently reviewing materials and preparing to meet with DWR staff. Grant applications are due by November 30 and the GSA is eligible to apply for funding between \$1 million and \$20 million for project implementation.

The grants staff has reviewed the project solicitation, solicited feedback on Groundwater Sustainability Plan (GSP) project priorities from the Advisory Committee, and is working closely with technical staff and the administrator to develop a proposal that would successfully progress implementation of the GSP.

Sandi Potter covered GSP implementation grant priorities and outlined the grant program schedule and Marcus Trotta gave an overview of projects and activities flagged for the upcoming grant opportunity. Staff is currently ranking and assessing ideas for readiness to implement. Funding is intended for GSAs to fill gaps in their Groundwater Sustainability Plans. The initial total request is for \$4,970,000 of funding and no match is required for this grant.

A resolution is required by the GSA Board in support of the grant application. Because the next GSA Board meeting will take place after the grant application is due, staff is proposing that the Board adopt a broadly worded resolution directing that application be made to obtain a grant under the 2022 SGMA Implementation Round 2; and to enter into an agreement to receive a grant for the *Sonoma Valley Groundwater Sustainability Agency SGMA Implementation Round 2 Project (Project)*; and authorizing the Administrator to file a grant application, and enter into an agreement with the California Department of Water Resources for the Project, and take all actions necessary to implement the grant agreement.

#### *Board Questions/Comments*

**Director Healy** – You mention \$2.4 million for Maria Drive. The city recently completed a Maria Drive loop including repaving. Is this additional to that?

Chelsea Thompson, City of Petaluma – There is an existing pipeline on Maria Drive, but the \$2.4 million is for three extensions off the existing pipeline.

**Director Healy** – In terms of additional monitoring wells, how many additional wells do we need? I wonder if the monitoring wells might be a lower priority than some other projects.

Trotta – Petaluma Valley has a lower density of monitoring wells compared with the other basins. There are two or three additional locations in the GSP specified as being necessary.

There were originally four wells included in the Prop 68 grant but, because of increased drilling costs, we were only able to complete three of them. At least two additional monitoring wells are needed to complete this work.



**Director Healy** – I would prioritize projects that provide a physical benefit; Maria Drive would be a higher priority than monitoring wells for me.

**Director Abelli-Amen** – Maria Drive sounds like a city project, I was hoping for a little more information about it. Would we be participating in something that the city is already planning to do?

**Director Healy** – My understanding is that these are pipeline extensions that don't abut Maria Drive.

**Director Abelli-Amen** – If the GSA gets \$2.4 million dollars, would the city be the lead in the project?

**Director Healy** – In the past there have been packages of grant and local money. If the GSA gets the money, it could make the project achievable.

Potter – DWR encourages the application come with partners.

Thompson – The City of Petaluma received some other funding for the Maria Drive project.

**Director Rabbitt** – I am all for extending pipelines for recycled water. Will what we are applying for, cost us money long-term? What is the minimum amount we can receive in order not to expend more money than needed to achieve what we need to achieve? What do we really need?

**Trotta** – If you look at the five-year budget and what we committed to in the GSP, the larger issue is data gaps. The components that work on closing the data gaps are the ones that we worked into the budget.

**Director Wasem** – I thought there was no match requirement, is that correct? So, the data gathering is an information exercise with the dollars?

**Trotta** – For the first three components, yes. The fourth component would go to the water use efficiency program.

**Director Wasem** – If there is no match requirement, I don't think there is a risk of spending more money.

**Director Rabbitt** – To be clear, I want to make sure there isn't any operations and maintenance in future years associated with monies we receive now.

**Director Healy** – There was an article in the San Francisco Chronicle recently that some property owners on Lakeville resorted to self-help and installed their own pipeline going as far as Keller Estates, is this confirmed?

Thompson – Keller Estates worked with Ellis Creek to get recycled water. They did install a temporary pipeline. In terms of evaluating a pipeline down Lakeville, we are embarking on an integrated water master plan and looking at all available water supply sources; Lakeville is one of the key projects.

**Director Rabbitt** – Whatever we do, we should be looking at offsetting groundwater pumping.

No public comment.

**Director Healy** moved to approve a broadly worded resolution directing that application be made to obtain a grant under the 2022 SGMA Implementation Round 2; and to enter into an agreement to receive a grant for the *Petaluma Valley Groundwater Sustainability Agency SGMA Implementation Round 2 Project* (Project); and authorizing the Administrator to file a grant application, and enter into an agreement with the California Department of Water Resources for the Project, and take all actions necessary to implement the grant agreement, **Director Gorin** seconded. Motion passed **5-0-0**.

*Roll call Vote:*

**Director Abelli-Amen** – aye

**Director Gorin** – aye

**Director Healy** – aye

**Director Rabbitt** – aye

**Director Wasem** – aye

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

Sandi Potter said it has been a very busy time for the GSA; she listed activities – a staff report is in the packet. No additional comments from the Plan Manager, no report from Legal Counsel.

*Board Comments/Questions*

**Director Rabbitt** – Thank you for all your work and the outreach on the public side of things. It gets real when people receive bills.

Potter – Thank you, we are committed to getting it right.

No public comment.

## 10. Adjournment

The next Board meeting is *tentatively* planned for January 26, 2023 and *confirmed* for March 23, 2023.

**Director Rabbitt** thanked staff for their work and adjourned the meeting at 1:42 p.m.

## Other Meeting Attendees

Sandi Potter, Sonoma Valley GSA Administrator

Marcus Trotta, Plan Manager

Mitch Buttress, Technical staff

Ann DuBay, Outreach

Indigo Bannister, GSA staff

Robert Pennington, Permit Sonoma

Chelsea Thompson, City of Petaluma

Gary Mickelson – PV Advisory Committee member

Sebastian Bertsch – Newly appointed PV AC Committee member

Brooke Shaw, Member of public

Minutes produced by Simone Peters, GSA staff, from recording.