

**NORTH BAY WATER DISTRICT  
22950 BROADWAY, SONOMA, CA 95476**

Board of Directors

Mike Mulas, President and Chair (Sonoma Valley); Craig Jacobsen, Vice-President (Petaluma Valley); Carolyn Wasem, Secretary (Petaluma Valley); Matthew Stornetta, Treasurer (Sonoma Valley); and Mike Sangiacomo (Sonoma Valley)

PVGSA Advisor: Eugene Comozzi    SVGSA Advisor: Jim Bundschu  
SGMA Compliance Advisor: Mike Martini

**MEETING MINUTES**

Date: January 12, 2021

Time: 6:09 PM

Location: 22950 Broadway, Schell-Vista Station #1 (via Teleconference due to Covid-19 Shelter-in-Place Order)

**CALL TO ORDER/ROLL CALL**

Chair, Mike Mulas, called the meeting to order at 6:09 p.m. Board Members Michael Sangiacomo, Matt Stornetta and Craig Jacobsen were present.

Counselor Richard Idell, Advisors Michael Martini, Eugene Comozzi and Jim Bundschu and members of the public were also present.

**1. CLOSED SESSION**

There were no closed session items.

**2. PUBLIC COMMENT**

Public Comment was moved to follow the NBWD PowerPoint Presentation.

**3. NORTHBAY WATER DISTRICT PRESENTATION – Advisor Mike Martini, Board Member, Carolyn Wasem and GinaLisa Tamayo**

The presentation covered the following points:

- The Need for NBWD to represent agriculture in the public policy arena around the following issues (partial list):
  1. Groundwater Management
  2. Frost Protection
  3. Endangered Species

4. Potter Valley
5. Air Quality

The goal is not only to utilize the existing organization, but to discuss landowner assessment and boundary expansion. The administrative duties associated with addressing regulatory compliance needs will be contracted through the Sonoma County Farm Bureau.

The NBWD is in a perfect position to assist farmers with these regulatory needs and serve as a member of most public Boards, representing agriculture's voice. Without NBWD, the agriculture community would need to work with the State Legislator to pass legislation to create a new District.

In addition to needing to assess current agriculture landowners in the District, members of the Board need to consider the value of expanding the footprint of the District so that it eventually reaches Alexander Valley.

Proposed funding of the district is as follows:

Parcels designated agricultural by the Sonoma County General Plan will be assessed at:

- **\$15 per acre for irrigated lands** (5,535 acres at \$15 per acre)
- **\$1 per acre for non-irrigated lands** (20,220 acres at \$1 per acre)

**Public Comments:**

Several landowners within the existing footprint of the District participated in the meeting. One of the landowners made a comment focused on assessments and the model used for assessing.

Advisor Martini shared that he developed the fee structure based upon the San Antonio Groundwater Basin model. The GSA that represents that basin is solely agriculture driven.

Chair Mulas commented that the contribution from landowners is necessary, along with contributions from SAVE and the Farm Bureau. Those organizations and donations from landowners have allowed NBWD to meet the participation costs associated with the Sonoma and Petaluma Valley GSAs.

To facilitate assessments, NBWD will need to conduct an election. The two major questions that will need to be answered in that election:

- 1) Will you support the assessment?
- 2) Will you support the expansion of the District?

Advisor Martini noted that to expand the sphere of the District requires a simple majority. To adopt the assessment required two-thirds majority.

Advisor Bundschu shared that agriculture needs this representation. On the Advisory Boards, there only a few voices that are sympathetic to agriculture. Most people do not understand agriculture in this County.

Director Stornetta suggested that metrics needs to be discussed as part of the groundwater deficit conversations that are ongoing at the GSA Advisory level. Users of groundwater will be the source of funds.

Director Jacobsen shared that assessments to support the NBWD are needed as without NBWD agriculture does not have a voice in groundwater management and other regulatory issues.

Advisor Bundschu asked how many landowners are currently within the footprint of the NBWD?

Advisor Martini did not have an exact number but noted that votes are weighted. The largest number of acres and the most recently sold lands will have an amplified voice.

With no additional comments from the public, the Public Comment Period was closed at 7:07 pm.

#### **4. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Director Sangiacomo made the motion to approve the November 2020 Minutes. Director Jacobsen seconded the motion and the Minutes were unanimously approved.

#### **5. APPROVAL OF FINANCIALS**

Chair Mulas shared that Robobank had a balance of \$47,251.75. NBWD does not have any outstanding GSA participation fees due. Chair Mulas met with the Auditor. The maximum proposed bill for the Audit is \$5,000. Chair Mulas further noted that while we may not see the immediate need for Director Liability Insurance, as NBWD evolves, that may become necessary at some point.

Director Wasem made the motion to approve the Financials. Director Sangiacomo seconded the motion and the Financials were unanimously approved.

#### **6. ITEMS FOR CONSIDERATION**

##### **Item 1. Update from Counselor Idell**

Counselor Idell noted that he had nothing specific to report on but would present to the Board at a future meeting a draft Conflict of Interest Policy.

##### **Item 2. Report from Director Sangiacomo**

Director Sangiacomo noted that there was nothing new to report. However, he suggested that all the Directors and Advisors take the time to read through the draft Groundwater Sustainability Plan (GSP) on the Groundwater Sustainability Agency (GSA) website.

##### **Item 3. Report from Director Wasem**

The last Petaluma Valley GSA Meeting was on December 17th.

The budget was discussed anticipates the 20-21 budget to include:

Member Agencies contribution: \$116,050 (which includes in kind services)  
Prop 1 Funds contribution: \$318,750  
Prop 68 Funds contribution: \$533,000

To date member organizations have been invoiced \$ 39,500 (of that \$14,575 has been received). Of the \$5,500 that NBWD owes, \$2,750 has been received. The RCD funds have not been received (\$5,500).

Advisory Meeting update indicated that the staff was intending to finalize comments on Sustainable Management Criteria and to gain feedback on the water model and water budget. Additionally, staff intends to seek recommendations from the Committee re: number of recommended supply wells with exceedances to define minimum thresholds. The second item for recommendations includes the preferred options for determining undesirable effects.

Jay presented an update on the GSP (due January 31, 2022). The first item presented for overview was progress on developing sustainable groundwater management criteria including minimum thresholds and undesirable results for groundwater degradation. In Petaluma Valley, there is substantial information regarding groundwater quality. The quality for the sub-basin is highly variable, with variability based primarily on historic land use activities, deep connate water and natural geology (arsenic). Based upon the information the staff and the Advisory Committee recommend a do not harm policy.

To ensure that the do no harm policy is implemented and changes in groundwater quality are not related to management of the basin (groundwater levels, impact to quality of water supply and recharge) the GSA will establish a regular process for consulting with water quality regulatory agencies to discuss ongoing programs, initiatives and share monitoring data.

To determine water quality a metric of setting minimum thresholds and measurable objectives in this Basin will be based upon affected wells measured at established **representative monitoring points**. This will necessitate the establishment of groundwater quality monitoring networks.

An additional need is to identify beneficial users. Recommendations were made for these categories of users to meet the metric for no harm: drinking water users (municipal supply, small water systems, and domestic wells) and agricultural users (irrigation supply wells).

Finally, a determination must be made about constituents of concern. Levels of MCLs and SMCLs and COC need to be established. The COCs for consideration include: **Arsenic, nitrate, and salts**.

They then shared discussion on the limits of the COCs for each element. It was determined that those should be based upon impacts to drinking water.

The Board agreed to SMCs for groundwater.

Ann Dubai shared a schedule for 2021. That schedule has two additional meetings for the GSA. Those two additional meetings were needed to ensure that we were able to move through and approve the elements of the GSP before the mandated completing date of January 2022.

Below is a table that all should review that discusses actions taking in developing the GSP:

Current Status of Management Criteria	Advisory Committee	Board
Land Subsidence	Discussed and made recommendations at May, June and August meetings	Approved draft SMC on August 27
Seawater Intrusion	Discussed and made recommendations at May, June and August meetings	Approved draft SMC on August 27
Water Quality	Discussed and made recommendations at August, October and December meetings	Board will discuss on December 17
Depletion of Interconnected Surface Water	Received introductory presentation and provided initial feedback at October meeting. Waiting for working group recommendations (January)	Recommendations will likely be brought to Board in January
Chronic Decline of Groundwater Levels	Discussed and made recommendations at March, May meetings. Will revisit in January.	Reviewed at June meeting. Recommendation will likely be brought to Board in February
Reduction of Groundwater Storage	Initial discussion slated for February	Initial discussion slated for February

Below is the Status of the GSP:

Section 1: Introduction	Draft complete
Section 2: Description of Plan Area	Draft complete
Section 3: Basin Setting	Draft partially complete (sub-sections on seawater/freshwater interface; surface water/groundwater connectivity; water budget; and management areas are under development)

Section 4: Sustainable Management Criteria	Draft table of contents for this section is available. Several subsections are under development.
Section 5: Monitoring Networks	It's anticipated that this section will be drafted in early 2021.
Section 6: Projects and Management Actions (including costs and budget)	It's anticipated that this section will be drafted in the late winter/early spring 2021

The staff then discussed the rural community engagement. A survey has been sent to 7,000 +/- landowners to understand support for a Groundwater Sustainability Agency and to prepare the landowners for participation in the program long term, via some fee associated with groundwater use.

Something that we need to pay attention to is the questions around groundwater well permits and whether those permits should have a CEQA review. There needs to be serious consideration and attention paid to whether the County will continue to class well drilling permits as ministerial. This discussion is critical as many of the County's are looking at the outcome of the *Facts of Power vs. Stanislaus County* case. Recommendations to ensure that these permits remain ministerial include the following delineated items. (Prepared by Outside Counsel that works with Stanislaus County.)

Avoid: Ministerial permits that rely on an ordinance that:

1. Allows for variance permits
2. Agency officer may authorize an exception to a provision of ordinance, when in their opinion the application of the provision is unnecessary.
3. Agency officer may prescribe conditions, that in their judgment are necessary to protect the environment

How to tell: The key question is whether the agency can use its subjective judgment to decide whether and how to carry out or approve the project (CCR 15002)

In terms of SGMA and the GSP the following considerations need to be explored:

- Ensure efficient implementation of GSP by reviewing ordinances staff may apply for any permitting decisions, and provide clarity on whether ministerial or discretionary permits are used
- Review incorporation of DWR standards into Sonoma County water-related ordinances
- Review incorporation of other state agency standards into Sonoma County ordinances  
Tribal Considerations, because if CEQA applies, then government to government consultation with Tribes re: potential impacts to Tribal Cultural Resources is required if requested.

#### **Item 4. Report from Advisors Bundschu and Comozzi**

The Advisors noted that most of the items from their meetings were already discussed. Both Advisors suggested that the Directors need to pay attention to the aggressive schedule. There is 1 year and 2.5 weeks to finish the GSP.

The plan as laid out by Staff is to commence public meetings on the GSP in the Fall of 2021, with a presentation to the respective Boards in September. The Boards are going to be presented with a 50-year water budget for:

1. Rural Residential
2. Additional Agriculture Crops

As the GSA Staff goes forward with the 50-year Plan they intend to use as their number for irrigated crops: 8100 acres of crops that consume water.

They are predicting that the grape crop will grow by 18%. The vote was split as to whether that was reasonable.

Director Jacobson noted that as far as grain crops are concerned, they are decreasing. The only way grain is going to increase is if grapes come out.

Director Stornetta commented that GSA Staff presented ranges: 10 to +62%. One frustrating aspect is that they sent out the powerpoint that morning.

Advisor Bundschu shared that GSA Staff noted a deficit of storage over the last ten years in the Sonoma Valley Groundwater Basin is 600 ac. feet a year of water. The environment needs estimate is unknown and yet to be determined.

Advisor Comozzi reported that the last Advisory meeting was held on December 9, 2020. Present at that meeting was staff from the Department of Water Resource (DWR). DWR noted 1,500 of irrigated grain in Petaluma and over a 1,000 of pasture area. When questioned about the acreage totals, Jeff Smith from DWR informed the Advisors that DWR gets their numbers from satellites. Jeff is supposed to get back to me re: what is being irrigated and what is not. GSA staff is using these maps. Agriculture must prove to them we are not using the water they say that we are.

A common complaint about Staff is that the documents that they send out vs. the package they provide for review do not always match.

#### **Item 5. Report from Advisor Martini**

Advisor Martini reported that several agriculture representatives have been in communication with Supervisors Hopkins and Rabbitt re: agriculture's frustration with the GSA. Supervisor Hopkins indicated that she willing to bring forward the concept of a Farm Plan for inclusion in the GSP. Director Sangiacomo asked that I put together a group of agriculture representative – across all GSAs to understand how satisfied they are with the GSA process and current outcomes. All the agriculture participants in that conversation agreed that the process is not

working well. And all expressed concerns around the Supervisor's interest in accepting an Agriculture Farm Plan for incorporation into the GSP.

Chair Mulas noted that NBWD was the best opportunity for long-term input into the current process and the adaptive management process. He asked Advisor Martini for direction in next steps to make sure that NBWD did have input.

Advisor Martini suggested that he would set up a meeting with LAFCO Executive Director Bramfitt and Supervisor Gore to discuss NBWD and its expansion. With this Board's permission, Advisor Martini asked to share with Director Bramfitt and Supervisor Gore the benefits of the budget to demonstrate NBWD's interest.

Counselor Idell stated that he would draft a Resolution with Advisor Martini. To garner more support for the assessment, NBWD should sent out another set of letters. You as a Board cannot do anything more than inform landowners and allow participation.

Guest GinaLisa Tamayo suggested that the NBWD needed a website. That would support the credibility of the District and allow for transparency and sharing information. She asked how the Agenda and Minutes for the meetings were currently shared with the public?

Chair Mulas responded that the Meeting Agenda and the Minutes are posted on at the window of the Fire District.

Director Wasem suggested that the Board discuss the need for a website at the next meeting. That will be put on next month's agenda.

Chair Mulas provided direction for Advisor Martini to move forward with the meeting with LAFCO and report back to the Board.

## **7. ADJOURNMENT**

Seeing no other business, Chair Mulas called asked for a Motion to adjourn the meeting. Director Wasem made the motion. Director Jacobsen seconded the motion. The meeting was adjourned at 8:08 pm.

The next NBWD scheduled meeting is February 9, 2021.