

# NORTHERN DELTA GROUNDWATER SUSTAINABILITY AGENCY

**Minutes of Tuesday May 18, 2021**

## **Northern Delta Groundwater Sustainability Agency Meeting**

Remote Teleconference at (669) 900-9128, Meeting ID 999-2674-8212

<https://zoom.us/j/91626748212>

*In accordance with the Governor's Executive Orders N-25-20 and N-29-20, the NDGSA's meeting was conducted remotely. There was no public access location, but the public was welcome to attend remotely by calling the number above, going to the webcast link, or both.*

### **1. Call to Order**

The meeting was called to order at 9:05 a.m. by Chair Van Loben Sels.

### **2. Roll Call**

#### NDGSA Members Representatives:

RD 744 – Russell Van Loben Sels, Chair

RD 501 – Craig Nakahara, Vice-Chair

RD 349 – Matt Hemly

RD 813 – Tom Herzog

RD 1002 – Jeff McCormack,

Secretary/Treasurer

RD 2110 – Dawit Zeleke

FDD – Craig Ledbetter

Osha Meserve, General Counsel

Soluri-Meserve

Erik Ringelberg, California Director

The Freshwater Trust

Chris Thomas, Policy Specialist

The Freshwater Trust

Anna Swenson, Outreach Coordinator

The Freshwater Trust

#### Associate Member Representatives:

RD 38 – Emily Wells

Quorum established with Seven Members (eleven total votes) present throughout the meeting.

### **3. Public Comment**

No public comment.

### **4. Review & Approve 12/07/20 Board Meeting Minutes**

*Action – Motion to approve the 12/07/20 Minutes by Member Ledbetter, seconded by Chair Van Loben Sels. Motion passed unanimously.*

## **5. Chair, Vice-Chair, and Treasurer/Secretary Reports**

No other reports from Chair, Vice-Chair or Secretary/Treasurer.

*Action – None.*

## **6. Associate Member Activities**

### **GSA-RD 551 & South American Subbasin Participation**

Discussion – In August 2020, GSA-RD 551 entered into an Associate Member agreement with the NDGSA. In exchange for assistance and representation in the South American Subbasin’s sustainability efforts, GSA-RD 551 pay the same per-acre fee as the NDGSA Member Agencies. The NDGSA received the first installment in April and the second payment is anticipated in the coming months. The status of groundwater planning efforts in the South American Subbasin are discussed later in this Report.

*Action – None.*

### **Staten Island in Eastern San Joaquin Subbasin Planning**

Discussion – RD 38 - Staten Island (owned by Conservation Farms and Ranches) is an Associate Member of the NDGSA per NDGSA Resolution 2018-005. As such, NDGSA staff monitor the status of planning efforts in the Eastern San Joaquin Subbasin. Currently, while DWR reviews the GSP adopted in January 2020, the GSAs in the Subbasin are beginning GSP implementation and forming a financing approach. Unlike other basins, the episodic nature of this process does not require regular attention by NDGSA Staff.

For the 2019-20 fiscal year, Staten Island voluntarily paid \$2.66 per-acre for the NDGSA’s support. NDGSA Staff separately invoice the time and resources expended in support of Staten Island. At this time, about \$3,000 of the initial funds remain, which appears adequate to continue providing services through the end of the current fiscal year. Once the funds are exhausted Staff recommend shifting to a fee-for-service model whereby Staten Island pays NDGSA invoices as they accrue rather than providing payment in advance. The Board supports continuing to assist Staten Island on same general terms but with a fee-for-service approach once the initial funds are depleted.

*Action – None.*

## **7. Subbasin Planning Processes Update**

NDGSA Staff continue to participate in the South American and Solano Subbasin planning efforts to represent the interests of the Agency’s constituents. To maintain groundwater resources to meet the long-term needs of the Northern Delta, Staff have successfully advocated for protection of 2 acre-feet of groundwater per acre for domestic uses in the draft Groundwater Sustainability Plans (GSPs) for both Subbasins. Staff have also repeatedly corrected inaccurate assumptions about Delta land and groundwater use in both planning processes that, if not addresses, likely would have led to policies detrimental to Delta landowners and reduced flexibility for farming operations.

## **South American Subbasin Planning**

In accordance with the South American Subbasin (SASb) MOU, NDGSA Staff continue to engage in the GSP development process. Consultants have prepared the first three GSP sections and NDGSA Staff are preparing other GSP sections to satisfy the Agency's contribution obligations. Specifically, the NDGSA's consultant, The Freshwater Trust, has used its expertise to prepare a Groundwater Dependent Ecosystem (GDE) analysis for the GSP. The SASb GSP process remains on track to have a final GSP by January 2022.

The Working Group recently began negotiating a future MOU to guide implementation of the final GSP and provide funding for that effort. In anticipation of the final GSP, the Sacramento Central Groundwater Authority is considering a Proposition 218 process to impose property fees. This fee would likely apply to County managed (non-NDGSA) lands within the SASb and may consider factors such as acreage and groundwater use.

## **Solano Subbasin Planning**

Staff continue to participate in the Solano Subbasin Collaborative and consistently provide input on the draft chapters of the GSP. The Solano Collaborative has expanded its outreach efforts and NDGSA Staff have advocated for meetings in the Delta that focus on the aspects of the GSP process that are of local concern. Generally, the GSP development process for the Solano Subbasin continues to make progress and a final GSP is anticipated by January 2022.

*Action – None.*

## **8. Update on SGMA Legal & Regulatory Developments**

### **2021 Drought Declaration**

In April, Governor Newsom declared a state of emergency for certain counties due to the ongoing drought conditions. This proclamation was expanded to include the Delta on May 10, 2021. This issue highlights the importance of groundwater sustainability for local communities and industries. Notably, this declaration directed state agencies to bolster drought resiliency, encouraging the "movement of water from areas of relative plenty to areas of relative scarcity in the Sacramento-San Joaquin Delta." Currently, multiple water transfers involving groundwater substitution are proposed. Such transfers can strain local groundwater supplies and affect sustainability under SGMA. Discussions are underway concerning how to address such transfers in the draft GSPs, including the potential for mechanisms to ensure proper accounting of groundwater. Staff will monitor these discussions and report developments to the Board.

### **Well Data and Access Requests**

In late 2020, consultants for the SASb requested the NDGSA's assistance securing access to wells within the Delta to establish a groundwater monitoring network. The consultant asked NDGSA Staff to locate and contact landowner to get information on certain wells. Staff expect that land access agreements may be requested in the future. To help inform the long-term approach to well data, NDGSA Staff request authority to assist with such efforts as they arise in the future.

*Action – Motion to adopt the Resolution 2021-001 Groundwater Well Monitoring Effort made by Member Herzog, seconded by Member Zeleke. Motion passed unanimously.*

## **9. Previous 2019-20 Fiscal Year - Financial Audit Findings**

### **Previous Fiscal Year Budget**

As discussed at the prior Board meeting, the NDGSA has received all invoices for the 2019-20 Fiscal Year and has reconciled the invoices against the adopted budget. The actual 2019-20 fiscal year expenses exceeded the adopted budget by \$1,197, a modest overage that occurred due to more Subbasin coordination than anticipated.

### **Status of 2019-2020 FY Audit**

Boden Klein & Sneesby, the accounting firm that completed the NDGSA's previous audit, was retained to audit the NDGSA's 2019-20 fiscal year financials. The audit found that the NDGSA's financials do not show any indication of material misstatement.

*Action – None.*

## **10. Current 2020 – 2021 Fiscal Year Budget Update**

### **Grant Updates**

NDGSA Staff continue to monitor for potential grant opportunities. During the past year no such opportunities arose but with the recent California drought declaration and state and federal announcements of new water infrastructure appropriations, there may be new opportunities in the upcoming year. NDGSA Staff will continue investigating potential grant opportunities in accordance with NDGSA Resolution 2020-001.

### **Status of Agency's Current Financial Budget**

As of the end of April 2021, Staff have invoiced the NDGSA for approximately \$47,000.00 for the 2020-21 FY. The NDGSA remains on budget and may close out the year under budget. At this time, the NDGSA has a bank account balance just over \$31,000, including about \$3,000 remaining from Associate Member Staten Island.

### **Status of Fee Collection**

NDGSA's property-based fees were again included in the Solano and Sacramento County ad valorem taxes. The Solano County payments were received in mid-December 2020 and April 2021, a small final payment is expected in June or July 2021. The first Sacramento County payment was received in February 2021 and the second payment should be received in July. The NDGSA has also received the first of two payments from Associate Member GSA-RD 551.

*Action –None.*

## **11. Upcoming 2021 – 2022 Fiscal Year – Budget & Associated Fee Adoption**

### **Review Proposed Budget and Adopt 2021-22 Fiscal Year Budget**

The NDGSA Staff have prepared a proposed budget similar to the budget adopted for the 2020-21 FY. The proposed budget is \$87,447, which includes a 10% reserve for uncertainty and fee collection. The proposed budget does not account for any Associate Member contributions.

*Action – Motion to adopt Resolution 2021-002 Budget for 2021-22 FY made by Member Herzog and seconded by Member Ledbetter. Motion passed unanimously.*

### **Adopt Per-Acre Fee for the 2021-2022 Fiscal Year**

Based on the adopted 2021-22 Fiscal Year Budget, a property-based per-acre fee will need to be levied to fund the NDGSA's ongoing activities. In accordance with the budget and the Prop 218 election, the 2021-22 fiscal year fee amounts to \$2.56 per-acre. This represents a slight decrease from the previous year that continues the downward trajectory of the NDGSA's fees.

*Action – Motion to adopt Resolution 2021-003 Property Fees made by Member Herzog and seconded by Ledbetter. Motion passed unanimously.*

### **12. Staff Report**

No further reports at this time.

### **13. Agenda Proposals, Time and Place of Next Board Meeting, TBD Fall 2021**

Proposed meeting for November 2021 instead of December.

### **14. Adjournment**

Meeting adjourned at 9:55 am by Chair Van Loben Sels.

*Respectfully submitted by Anna Swenson.*