

**NORTHERN DELTA  
GROUNDWATER  
SUSTAINABILITY AGENCY**

**Minutes of Thursday December 7, 2020  
Northern Delta Groundwater Sustainability Agency Meeting**

Remote Teleconference at (669) 900-9128, Meeting ID 999-6400-6190  
<https://zoom.us/j/99964006190>

*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 9:07 a.m. by Vice-Chairman Nakahara.

**2. Roll Call**

NDGSA Members Representatives:

RD 501 – Craig Nakahara, Vice-Chair

RD 744 – Russell Van Loben Sels, Chair

RD 1002 – Jeff McCormack,  
Secretary/Treasurer

RD 813 – Norm Peters

RD 755, RD 349 & FDD – Richard Elliott

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 five Members (eleven total votes) present throughout the meeting.

**3. Public Comment**

No public comment.

**4. Review & Approve 06/18/19 Board Meeting Minutes**

*Action – Motion to approve the 05/14/20 Minutes by Secretary/Treasurer McCormack, seconded by Member Elliott. Motion passed with ten votes in favor, Member Van Loben Sels abstained.*

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

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

*Action – None.*

## **6. Associate Member Activities**

### **NDGSA support of RD 551 & South American Subbasin Participation**

Discussion – Reclamation District 551 is an Associate Member of the NDGSA. In exchange for this status and representation by NDGSA staff in the sustainability planning process, RD 551 contributes the same per-acre fee as the NDGSA members for the 2020-21 Fiscal Year. This uses the same process as the NDGSA so funds will be received on the same schedule. In the future RD 551 may reconsider this arrangement as the County’s groundwater sustainability planning strategy and financing approach is introduced.

*Action – None.*

### **Update on Staten Island in Eastern San Joaquin Subbasin Planning Efforts**

Discussion – The Eastern San Joaquin Subbasin adopted a Groundwater Sustainability Plan (GSP), which is currently undergoing review by the Department of Water Resources (DWR). A legal challenge to the GSP has been tabled pending DWR’s decision about the adequacy of that plan. Staff continue to track that process on behalf of Associate Member RD 38 – Staten Island and those efforts continue to be funded from Staten Island’s prior payments; the need for additional funding to continue these efforts should be revisited at the next meeting.

*Action – None.*

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

In both the South American and Solano Subbasins, GSA coordination agreements are in place and the recent discussions have focused on investigating basin conditions and drafting the GSPs. The NDGSA has actively informed these processes to make sure the GSPs accurately reflect and protect the unique nature of the Northern Delta and its agricultural economy. When finished and ready for implementation, the GSPs will likely raise new issues regarding the proper allocation of reporting and implementation costs among landowners and groundwater users within the subbasins

### **South American Subbasin Planning**

The South American Subbasin (SASb) Memorandum of Understanding (MOU) has been executed. The NDGSA is working with Sacramento Central Groundwater Agency (SCGA) to facilitate the NDGSA’s in-kind contributions per the MOU. The SASb GSP process is on track to be done by January 2022 and draft sections will be available for review in the coming months. Staff have worked with the consultants to ensure careful consideration for domestic wells and for agricultural groundwater use. SASb has a range of water allocated for planning purposes to assess how much water is being used currently. Staff identified that 2.0 acre-feet/acre is appropriate to protect rural domestic water uses—a lower amount might not be protective for all the domestic uses, whereas a higher amount would exceed SGMA’s threshold for the de minimis use exemption.

To fund GSP implementation, SCGA is considering a multi-tiered fee structure. SCGA is likely to complete the study for a Proposition 218 fee process in early 2021. It is unclear what will factor into the final fees, but SCGA may consider factors such as acreage and groundwater use.

### **Solano Subbasin Planning**

In the Solano Subbasin, GSP efforts are well underway. NDGSA Staff have worked to establish an initial allocation of 2.0 acre-feet/acre for domestic uses for GSP planning purposes. Staff are also working to correct mischaracterization of increasing urban growth in the Delta. If not resolved, this error would 'reserve' less groundwater use in the model for the North Delta, which would be detrimental to NDGSA members. Staff have also advocated for meetings in the Delta that focus on SGMA topics of local concern.

*Action – None.*

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

### **GSP Review by DWR & GSP Litigation**

GSPs submitted in January 2020 have faced a variety of different challenges. For instance, the Eastern San Joaquin Subbasin GSP was challenged in March 2020 for not sufficiently evaluating potential impacts on surface waters from groundwater pumping. This lawsuit has been stayed pending DWR evaluation of the Plan. Other challenges have argued that GSPs lack the required certainty because management actions have not undergone CEQA review and groundwater monitoring is not required by all groundwater users. Staff continue to monitor the litigation as it pertains to the NDGSA.

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

SASB Consultants have asked the NDGSA Staff to help identify landowners and secure access agreements to several wells in the NDGSA to a long-term GSP groundwater monitoring network. Staff will continue to discuss this potential with the consultants and bring it to the Board for consideration when the details of such an arrangement are better defined. Staff may invite consultants to the next NDGSA meeting to discuss this potential.

*Action – None.*

## **9. Financial Update**

### **2019-2020 FY Budget & Audit Update**

The NDGSA has received all invoices for the 2019-20. The actual expenses exceeded the adopted budget by \$1,197, an overage resulting from more coordination across the subbasins than anticipated. The audit of this fiscal year is currently underway and Staff

have provided all documentation requested by the accounting firm. The results of that audit should be complete in early 2021 and presented at the next Board meeting.

### **Current 2020-21 Fiscal Year**

As with previous years, the Agency's property-based fees were included in the local ad valorem taxes. The first round of payments, including RD 551's funds, should be received by early January. At this time, the Agency is on track to come in under budget as invoices for the first third of the fiscal year represent less than a fifth of the budget.

*Action – None.*

## **10. Consultant Scope of Work**

The Freshwater Trust (TFT) has been the NDGSA's primary consultant since the Master Services Contract and Scope of Work were executed in accordance with Resolution 2018-001. The Master Services Contract lays out the general contract terms and remains in effect through 2022. However, the Scope of Work that identifies the specific tasks has expired, so TFT has proposed a new Scope of Work that will extend until the end of 2022. TFT is not proposing any changes to its fee schedule, the proposed Scope only updates the services and timeline.

*Action – Motion to adopt Resolution 2020-005 Authorizing Second Scope of Work for Consulting Services made by Member McCormack, seconded by Member Van Loben Sels. Motion passed unanimously.*

## **11. Staff Report**

NDGSA staff provided a brief update on the following items:

- Water Use efficiency grants are available at the producer level and do not require funding match. Staff will forward information in future update.
- Members need to update their form 700 for the new year. Staff will send out forms.

*Action – None.*

## **12. Agenda Proposals, Time and Place of Next Board and Steering Meeting, TBD**

The next NDGSA Board of Directors meeting is tentatively scheduled for Tuesday May 18<sup>th</sup> at 9 am on Zoom or at the Walnut Grove Library, depending on applicable Health Department guidelines and other restrictions on gatherings.

## **13. Adjournment**

Meeting adjourned at 9:49 am by Vice-Chair Nakahara.

Respectfully submitted by Anna Swenson.