

# Glenn Groundwater Authority

## Groundwater Sustainability Agency

225 N. Tehama Street, Willows, CA 95988 | 530.934.6540

### Meeting Minutes

#### Glenn Groundwater Authority Board of Directors

June 13, 2023 | 1:30 p.m.

LOCATION: 225 North Tehama Street, Willows, CA 95988

Public participation was also offered via teleconference; accessible via telephone, computer, smartphone or tablet.

Director Members Present:	Alternate/2 <sup>nd</sup> Alternate Directors	Agency Representing:
X Grant Carmon	Tom Arnold	County of Glenn
X Bruce Roundy	Pete Carr	City of Orland
	Ed Vonasek (2 <sup>nd</sup> )	City of Orland
X Gary Hansen (Vice Chair)	Evan Markey	City of Willows
X Matt Deadmond	Michael Alves	Glide Water District
X John Amaro (Chair)	R Thad Bettner (2:51)	Glenn-Colusa Irrigation District
X Charles Schonauer	X Emil Cavagnolo	Orland-Artois Water District
X Randy Hansen	Wade Danley	Kanawha Water District
X Mark Lohse	Seth Fiack	Monroeville Water District
Gary Enos	Lance Boyd	Princeton-Codora-Glenn Irrigation District/ Provident Irrigation District

Directors attending remotely are designated with "R" and are not counted toward a quorum, do not vote, and are considered members of the public.

#### Others in attendance:

Lisa Hunter (GGA/Glenn County), Valerie Kincaid (GGA Counsel), Kaitlyn Murray (GGA/Glenn County), Jacques DeBra (Luhdorff & Scalmanini), Jenny Scheer (Water and Land Solutions), Ryan Fulton (Larry Walker Associates), Jaime Lely, Gina Nicholls (Nossaman), Holly Reimers, Del Reimers, Juleah Cordi, Denise Carter, Clay Borel

#### 1. CALL TO ORDER

- Chair John Amaro called the meeting to order at 1:30 p.m. and Director Roundy led the pledge of allegiance.

#### 2. ROLL CALL

- Roll call was taken as indicated above.

#### 3. APPROVAL OF MINUTES

- \*Approval of the meeting minutes from May 8, 2023.

- The May 8, 2023 meeting minutes were not available and Item 3.a was tabled until the next GGA Board meeting.

#### 4. PERIOD OF PUBLIC COMMENT

- Chair Amaro invited public comments; whereby, Mr. Clay Borel stated he is part of the westside group commented on the high taxes on his properties noting the water tax is about \$12,000. He mentioned he does not mind a small fee; however, high fees are very impactful. Mr. Borel encouraged the GGA to consider working with farmers and ranchers on retention ponds.

## 5. STAFF UPDATES

- Ms. Hunter stated between May 8, 2023 and June 13, 2023, there have been zero Well Permit Acknowledgement forms received.
- Ms. Hunter stated the Resource Conservation District (RCD) submitted the Glenn County Groundwater Recharge Development Plan Grant Application through Congressman Doug La Malfa's office in April 2022. The RCD was contacted for some follow up information, and she plans to meet with RCD staff in the next week to discuss this opportunity further.

## 6. FINANCIAL REPORT

- a. \*Review and accept Monthly Activities Report.
- b. \*Review and consider approval of claims

- No discussion was heard on Item 6.a.

**On motion by Director Schonauer, seconded by Director Roundy, it was unanimously ordered to approve the Monthly Activities Report.**

- No discussion was heard on Item 6.b.

**On motion by Director Roundy, seconded by Director Gary Hansen, it was unanimously ordered to approve the claims.**

## 7. COLUSA SUBBASIN GROUNDWATER SUSTAINABILITY PLAN IMPLEMENTATION

- Ms. Hunter provided updates on the status of grant applications stating the Colusa Subbasin was not recommended for funding through the SGM Round 2 Grant Program. She further stated 82 applications had been received requesting over \$795 million in grant funds and \$187 million are allocated in the draft funding awards to 31 applicants. A comment period was opened for 15 days ending June 9. Ms. Hunter coordinated with the Chairman to submit a comment letter, which is very similar to the letter sent by the Colusa Groundwater Authority. Discussion ensued.
- Ms. Hunter continued stating the GGA was not selected for funding through the Urban Communities Drought Relief Grant Program and referenced the Press Release handout.

## 8. GGA GROUNDWATER RECHARGE SERVICES

- a. Receive an update on groundwater recharge services and pilot project implementation activities.
- b. \*Review and consider approval of agreements with Rick Martin and City of Orland for pilot project implementation.

- Director Cavagnolo provided an update on the Orland-Artois Water District (OAWD) pilot project stated the Section 215 water turned off on June 12 and 1,741 acre-feet (af) of water had been applied for a total cost of about \$32,000. This included three permanent connections. One landowner is continuing to apply water at their own cost. OAWD is pleased with the outcomes and is hoping for more participation next year.
- Ms. Jenny Scheer with Water and Land Solutions emphasized the great partnership between the GGA and OAWD to get this project off the ground. The other portion of Phase 1 implementation is within the Orland Unit Water Users Association (OUWUA) area to particularly address dry wells in the area. The team is working the City of Orland at Lely Park and Rick Martin at a private gravel pit to implement Phase 1 pilot project for a

total of approximately 2,600 af over the course of a winter (OAWD) and irrigation season (OUWUA). This has been a successful pilot project with a variety of complementary options to test. A transducer was installed at one of the OAWD sites for about 7 to 10 days before the Section 215 water delivery concluded, and the infiltration results will be included in the final reports.

- Ms. Scheer continued with an update on the Phase 2 long-term planning stating interviews with individuals and agencies has concluded and the team is cataloging the ideas that came from these meetings. This includes structural and location information as well as non-structural “other” alternatives. Once cataloging has concluded, the information will be shared with the ad hoc committee and then the GGA Board to help prioritize the projects. Existing basins/sites are likely to be preferred over newly constructed basins in the near-term. The diffuse approach, as we have seen in the Phase 1 implementation, seems to work well, and may be a preferred approach.
- Ms. Kincaid reviewed the draft agreement with the two landowners within the OUWUA, the City of Orland and Rick Martin, for two different projects, but have the same general idea. They are both shareholders with OUWUA and the landowner obligations are to order the water and manage the site. This is intended to be a partnership. The draft agreements currently do not have a “not to exceed” amount which may be helpful to include. The agreements will go through October. Ms. Scheer discussed the operations related to determining the potential not to exceed amount and the desire to be flexible to make the best use of the available funding for water. Different options were discussed to capture this concept. It was clarified that the agreements, if approved would be presented to the landowners for their consideration. If substantive changes are requested, the agreements would be brought back to the GGA. Director Roundy commented that the City of Orland is also interested in the aesthetics of Lely Park and discussion ensued on operations related to the pond, and the potential for the City to pay for additional water. Director Gary Hansen mentioned Mr. Martin is eagerly awaiting contact from staff for an update; whereby, Ms. Scheer stated she spoke with him that morning. Director Gary Hansen continued he will provide three minor typos in the agreements to Ms. Hunter.
- Ms. Reimers commented on the water going down Stony Creek and that there is a way to get it into Hambricht Creek and settling ponds. Ms. Scheer replied that project would be considered in the long-term planning. Discussion ensued on the benefits of water in Stony Creek and the recent communications with the Bureau of Reclamation staff, who are interested in partnering in these types of projects. Ms. Scheer discussed the Black Butte operations and stated the Army Corps is updating the Reservoir Management Plan. Discussion ensued on operations and potential opportunities.
- Ms. Hunter reviewed suggested changes included in the meeting packet regarding data collection.

**On motion by Director Gary Hansen, seconded by Director Carmon, it was unanimously ordered to approve the agreements with Rick Martin and City of Orland for pilot project implementation and to include the discussed amendments regarding a not to exceed amount and data collection.**

#### 9. GSP IMPLEMENTATION FEE PROJECT

- a. Receive an update on the GGA Fee Project and timeline.
- b. Discuss Irrigated/Non-Irrigated Long-Term Fee Policy.
- c. Review draft Glenn Groundwater Authority GSA Groundwater Sustainability Plan Implementation Fee Report.
- d. \*Consider approval of Glenn Groundwater Authority GSA Groundwater Sustainability Plan Implementation Fee Report or set special meeting date to consider approval.

- e. \*Set public hearing date and time to consider the proposed fees.
  - f. \*Authorize LSCE to mail notices to landowners informing them of the proposed fees, public hearing, and instructions for protest.
  - g. Discuss public outreach efforts.
- Jacques DeBra from Luhdorff and Scalmanini Consulting Engineers (LSCE) gave an update on the long-term funding project including an overview of the draft Fee Report and public hearing process. The Fee Report includes a preferred fee option with 3 user classes (non-irrigated, irrigated-surface water, irrigated-groundwater) with maximum recommended annual fees of \$0.52 per acre, \$2.40 per acre, and \$5.59 per acre respectively. It was clarified that urban and rural residential parcels are considered irrigated. Mr. DeBra reviewed the required landowner notices which must be mailed 45 days prior to the public hearing and stated the protest form would be included in the mailing as well as a cover sheet with parcel information. A Spanish version of the notice will be available on the website. He then reviewed the draft irrigated/non-irrigated policy that will define the user classes and provide an appeals process by which information can be updated. Mr. DeBra reviewed public outreach efforts and inquired if the Board was interested in holding an additional public workshop prior to the public hearing.
  - Discussion ensued on various options for user class definitions and the intent of what should be included in each class. There was support for incentivizing surface water use. Mr. Reimers commented that surface water users provide recharge and benefit the basin and should have a lower cost than dryland. Ms. Nicholls commented that regarding the pending tax refund claims, she has three points: (1) she acknowledges the irrigated/non-irrigated structure is an improvement; however, the defects have not been corrected, (2) the GGA approach is not typical of how fees are structured in other areas and she described concerns with the current approach, and (3) if litigation ensues, it would trigger fee shifting of legal fees. It was suggested LSCE meet with the ad hoc committee to further develop the policy prior to the Board meeting.
  - Director Gary Hansen asked if the cities would pay based on acreage within the city boundaries to save costs and reduce the excessive administration for mailings to the small city parcels. He stated the city is currently classified as irrigated-groundwater, and suggested the city be classified as irrigated-surface water to acknowledge the cost savings in the partnership with the city that provides the contributions. Discussion ensued on various options to classify the city parcels, domestic/residential use versus classic definitions of irrigated acreage, and the current arrangement with the cities that pay the fees on behalf of the acreage within their jurisdictions. It was noted the cities have not agreed to continue with the current arrangement and that discussion needs to take place.

**On motion by Director Roundy, seconded by Director Schonauer, it was unanimously ordered to approve the Glenn Groundwater Authority GSA Groundwater Sustainability Plan Implementation Fee Report with minor editorial changes.**

- Regarding Item 9.e, Mr. DeBra suggested holding the public hearing on August 4. Discussion ensued on various dates, times, and locations. Staff suggested holding the public hearing in the evening at the Willows City Council Chambers, which is a larger room. August 7 was generally preferred to August 4, which is the soonest the meeting could be held. The files are due to the County on August 10 if the fee will be included on the tax bill.

**On motion by Director Roundy, seconded by Director Gary Hansen, it was unanimously ordered to set the public hearing for August 7, 2023 at 6:00 p.m. at the Willows City Council Chambers.**

- Chair Amaro introduced Item 9.f and Ms. Kincaid stated that the GGA needs to decide whether to send the notices to parcels within the cities or assume the cities will cover the costs for those parcels. Mr. DeBra suggested sending the notice to the parcels within the cities and decide at a future date whether the cities will cover the costs for those parcels. Discussion ensued on the benefits and costs of including those parcels in the mailings, the deadline to submit the notice to the printer, the process that was used for the current fee, and whether the cities may be willing to pay the costs for the parcels within the city boundaries. Ms. Kincaid clarified that a 218 process would need to be done if the notices are not mailed to the city parcels and subsequently, the cities choose not to cover the cost. Ms. Nicholls commented that there are many layers of complexity that would be additional reasons why the fee would be illegal and suggested the GGA maintain the current fee for another year and take a step back to evaluate the process.

**On motion by Director Lohse, seconded by Director Randy Hansen, it was unanimously ordered to authorize LSCE to mail notices to landowners informing them of the proposed fees, public hearing, and instructions for protest without including the city parcels.**

- Director Schonauer encouraged the parcel classification within the cities also account for surface water irrigated acres when appropriate.
- Regarding Item 9.g, Ms. Hunter inquired if the Board is interested in holding a public workshop prior to the public hearing. Discussion ensued including pros of public workshops, the past outreach events, and information to be presented at the public hearing meeting. It was clarified the workshop is not required. There was consensus not to have an additional workshop. Director Lohse suggested including contact information on the notice to address questions landowners may have; whereby, it was confirmed contact information will be provided.

#### 10. GLENN COUNTY WATER WELL DRILLING STANDARDS

- Receive update on Glenn County Water Well Drilling Standards Ordinance.

- Director Carmon stated the Glenn County Water Well Drilling Standards Ordinance passed and would be effective June 23, 2023. Director Schonauer complimented Director Carmon on his work on the ordinance.

#### 11. \*DISCUSSION ON SENATE BILL 366 AND AUTHORIZE CHAIRMAN TO EXECUTE A LETTER OF SUPPORT

- At the April 10, 2023 meeting, it was suggested to bring an item to consider providing a letter of support for Senate Bill 366. This item was tabled at the May 8, 2023 meeting. It was decided to table this item until the next meeting.

#### 12. COMMITTEE UPDATES

- Executive Committee
  - CGA/GGA Joint Executive Committee
- Fee Study Ad Hoc Committee
- Groundwater Recharge Pilot Project Ad Hoc Committee
- Technical Advisory Committee

- Chair Amaro stated the GGA Executive Committee, Fee Study Ad Hoc Committee, and Groundwater Recharge Pilot Project Ad Hoc Committee had nothing further to report. Ms. Hunter stated the Technical Advisory Committee met in May and focused prioritizing technical tasks. That meeting was before the draft grant funding awards were released which may shift some of the priorities. Discussions will continue in

August. Director Lohse asked what happens when DWR makes comments on the GSP and if the tasks may be put on hold. Ms. Hunter agreed that could happen, and it will be important to remain flexible, but have a general plan in place to keep moving forward. That is a question that should be explored further.

13. CLOSED SESSION

Gov't Code §54956.9 – Conference with Legal Counsel – Anticipated or significant exposure to litigation regarding tax refund claims and challenges to previously adopted property related fees.

14. CLOSED SESSION

Gov't Code 54956.9 – Conference with Legal Counsel – Existing Litigation  
Aqualliance, California Water Impact Network, and California Sportfishing Alliance vs. Colusa Groundwater Authority, Glenn Groundwater Authority  
Colusa County Superior Court – Case Number CV24584

- No public comments were presented or heard for Item 13 or Item 14.
- The Board adjourned to closed session at 3:53 p.m.

15. REPORT OUT FROM CLOSED SESSION

- The Board returned from closed session at 4:04 p.m.
- In regards to Items 13 and 14, the Board received updates from counsel.

16. MEMBER REPORTS AND COMMENTS

- Chair Amaro invited member reports and comments; whereby, none were heard.

17. NEXT MEETING

- The next regular meeting is scheduled for July 10, 2023 at 1:30 p.m.

18. ADJOURN

- The meeting was adjourned at 4:04 p.m.