

Santa Monica Basin Groundwater Sustainability Agency Board Meeting

OCTOBER 16, 2024

Santa Monica Basin Groundwater Sustainability Agency Agenda – October 16, 2024

**Board of Directors
Santa Monica Basin Groundwater Sustainability Agency
Agenda for October 16, 2024 at 8:00 AM**

Board of Directors			
Attending	Agency	Board Member	Alternate
	City of Beverly Hills	Robert Welch	Vince Damasse
	City of Culver City	Sean Singletary	
	City of Los Angeles Department of Water and Power	Jesus Gonzalez	John Huynh
	County of Los Angeles	Gina Natoli, Chair	
	City of Santa Monica	Sunny Wang, Vice Chair	

In addition to attending meetings in person, meetings may be viewed via Zoom. Please note that virtual attendance via Zoom is offered as a courtesy and that technical difficulties shall not require that a meeting be postponed. Instructions for attending meetings in person and virtually are provided below.

IN-PERSON PARTICIPATION

Santa Monica City Hall East, Room 219
1685 Main St., Santa Monica, CA 90401

Parking Instructions

Please note that the entrance to City Hall East is located on Olympic Boulevard next to (west from) the Public Safety Building at 333 Olympic Drive, Santa Monica, CA, 90401. Parking for City Hall East is located at Civic Center Parking Structure located at 333 Civic Center Drive, Santa Monica, CA 90401, across Olympic Blvd from City Hall East. Information and parking rates can be found online at:

<https://www.santamonica.gov/places/parking-lots/civic-center-parking-structure>

Instructions for In-Person Public Participation

If a member of the public is interested in speaking during the public comment portion of the Board meeting, please submit a speaking request via email to Lisette.Gold@santamonica.gov by 5:00 PM the day before the meeting and specify “in-person participation”. Your name, the agenda item number, agenda item title, and comment summary must be included in the email or the comment will not be added to the speaker list. At the start of each agenda item, the Secretary of the Board will read the names of those who have requested to speak in advance on an agenda item. All public comment outside of the Public Forum must be germane to the specific agenda item you have indicated.

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If you wish to comment on an item and have not submitted a public comment request prior to today's meeting, please do so now by filling out a public comment card request. Comment requests cards are available at the back of the room. On the request form, please include your name, comment summary and the agenda item number and title or the comment will not be added to the speaker list. Once you have filled out the request, you may submit it to the Secretary of the Board before the item is called. Public comment cards submitted after the start of the public comment period for the identified agenda item will not be added to the speaker list. At the start of each agenda item, the Secretary of the Board will read the names of those who have requested to speak on an agenda item.

VIRTUAL PARTICIPATION

Register in advance for this meeting by either clicking the link below or scanning the QR code:

<https://bit.ly/4bPYBnN>

Instructions for Virtual Public Participation

As a courtesy, the public is invited to attend the meeting virtually via Zoom. In order to have the opportunity to speak during the public comment portion of the Board meeting, please submit a speaking request via email to Lisette.Gold@santamonica.gov by 5:00 PM the day before the meeting and specify "virtual participation".

Your name, the agenda item number, agenda item title, and comment summary must be included in the email, or the comment will not be added to the speaker list. At the start of each agenda item, the Secretary of the Board will read the names of those who have requested to speak on an agenda item. All public comment outside of the Public Forum must be germane to the specific agenda item you have indicated.

Instructions for using ZOOM to Speak

After joining the meeting, please make sure you have audio and microphone capabilities enabled on your device. You may follow the prompts on the video version of ZOOM to test your speaker and microphone.

When your name has been called in the meeting, you will be invited to unmute, and you will unmute yourself and be able to speak for up to 3 minutes. When the time allotted to you has expired, you will be muted again.

WRITTEN PUBLIC COMMENT

To submit a written public comment on agenda items, please email Lisette.Gold@santamonica.gov with your comment and specify "written public comment only." Please include your name, the agenda item number and agenda item title in the email. Your comment will be placed into the record and distributed appropriately.

BASIC GSA MEETING RULES

Public Comment

Members of the public have up to 3 minutes to speak on each item. In the interest of allowing enough time to cover the business on the agenda, please be advised that the Chair of the Board has the discretion to reduce the time limits for each speaker or the public comment period for each agenda item. When speaking, please state your name clearly for the record before beginning your remarks.

Materials handed in during the meeting will be uploaded to the website in a timely fashion after the meeting.

Rules of Conduct

The Board will only entertain comments that are civil. Anyone who makes derogatory comments or targets individuals, will be asked to sit down and given a warning by the Chair of the Board. The individual will be asked to leave by the Chair of the Board if they continue with disruptive conduct per SB 1100. No warning is required if the individual is using force or threatening to use force against someone.

AGENDA

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call and Determination of a Quorum**
- 4. Disclosure of ex parte communications for board members**
- 5. Consent Items**
 - A. Approval of Minutes from the July 17, 2024 Meeting

6. Public Forum

*This portion of the agenda may be utilized by any member of the public to address and ask questions of the Board of Directors on any matter **not on the agenda** within the jurisdiction of the Santa Monica Basin Groundwater Sustainability Agency. Depending upon the subject matter, the Board of Directors may be unable to respond at this time, or until the specific item is placed on the agenda at a future Board meeting in accordance with the Ralph M. Brown Act.*

7. Informational Items

- A. Governor’s Executive Order N-3-24
- B. GSA Monitoring Wells

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- C. Discuss the recharge area for the Santa Monica Subbasin
- D. Cost Sharing Discussion (continued from July 17, 2024 SMBGSA Board Meeting)
 - i. Legal Costs
 - ii. Implementation Costs
 - iii. Administrative Costs
- 8. Action Items**
 - A. Review Groundwater Extraction Ordinance (continued from July 17, 2024 SMBGSA Board Meeting)
- 9. Solicitation of Items to be Discussed at the Next Regular Board Meeting**
- 10. Adjournment**

5A

Approval of Minutes
from the July 17, 2024
Meeting

**Board of Directors
Santa Monica Basin Groundwater Sustainability Agency
Draft Minutes for July 17, 2024**

Board of Directors			
Attending	Agency	Board Member	Alternate
	City of Beverly Hills	Robert Welch	Vince Damasse
	City of Culver City	Sean Singletary	
	City of Los Angeles Department of Water and Power	Jesus Gonzalez	John Huynh
	County of Los Angeles	Gina Natoli, Chair	
	City of Santa Monica	Sunny Wang	

MEETING MINUTES

1. Call to Order

The meeting was called to order at 8:02am.

2. Pledge of Allegiance

Dudek led the Pledge of Allegiance

3. Roll Call and Determination of a Quorum

Robert Welch, City of Beverly Hills
Sean Singletary, City of Culver City
Sunny Wang, City of Santa Monica
Gina Natoli, County of Los Angeles (Chair)

Jesus Gonzalez, City of Los Angeles Department of Water and Power, was not present at roll call but arrived at 8:24am.

4. Disclosure of ex parte communications for board members

There were no ex-parte communications to disclose.

5. Consent Items

A. Approval of Minutes from the April 17, 2024 Meeting

Chair Natoli requested edits to the first and third paragraphs of Agenda Item 8A. Director Welch requested that the minutes for Agenda Item 9A reflect that the City of Beverly Hills indicated support for the land-based cost share option for administration, legal, and implementation costs.

Motion by Director Wang, seconded by Director Welch to approve the meeting minutes as amended. A roll call vote was conducted, and the motion carried unanimously.

6. Public Forum

The following members of the public provided comment: Patricia McPherson

7. Informational Items

A. Ballona Creek Wetlands Final Environmental Impact Report (FEIR): Information Used in GSP

Dr. Jill Weinberger (Dudek, GSA consultant) presented GSP references to the Ballona Creek Wetlands FEIR.

The following members of the public provided comment: John Davis and Patricia McPherson.

B. Review Draft Groundwater Metering Ordinance

Dr. Weinberger presented an example draft groundwater ordinance for Board consideration. Director Wang asked if/how monitoring should be considered in the ordinance, or a different ordinance, and the Board discussed. Director Gonzalez asked clarifying questions regarding fees, and Susan Cola (Counsel, City of Santa Monica) stated that legal counsel would need to consider various options. Director Wang requested that the word “extraction” be added to the title of the ordinance for clarification. Director Wang also recommended changing the effective date on the ordinance to December 31, 2025, to which Chair Natoli recommended changing a specific date to a specific time interval (three months, etc.). Susan Cola recommended using one uniform, effective date which would be decided upon in light of the progress made by the GSA, and the GSA would approve or disapprove the specific date. Chair Natoli requested that the definition and reference to “de minimus” be clarified in the ordinance (ex. “de minimus, as defined in SGMA”, for example). Director Natoli also requested more specificity surrounding the phrase “any device or method”. Susan Cola stated that the attorneys should explore the adoption of GSA guidelines, which the ordinance could make reference to. These guidelines could include more specific in language, as discussed. Director Natoli suggested that GPS coordinates be included as information required under the ordinance. Chair Natoli also asked if member agencies will need to meter their new facilities. Chair Natoli also requested an extra space be removed in the ordinance title in the name “Santa Monica”.

The following members of the public provided comment: John Davis and Patricia McPherson.

8. Action Items

A. **Approve Cost Sharing Plan between GSA Member Agencies (continued from April 17, 2024 SMBGSA Board Meeting)**

Chair Natoli expressed concern that the title of this agenda item does not fully represent the nature of what is being discussed. Chair Natoli suggested that the Board only review the administrative cost sharing proposal and discuss other cost sharing proposals at the next meeting. Susan Cola suggested that the group draft an MOU based on the amounts listed for Option 3, so that each of the member agencies could bring the MOU to their respective boards for approval.

Motion by Director Gonzalez, seconded by Director Wang to draft an MOU which lists administrative cost sharing responsibilities, as outlined in Option 3, for circulation to respective member agency Boards. Litigation and implementation cost sharing options will be reviewed at the next Board meeting. A roll call vote was conducted, and the motion carried unanimously.

The following members of the public provided comment: John Davis

B. **Elect New Vice Chair (continued from April 17, 2024 SMBGSA Board Meeting)**

In light of Director Singletary and Director Gonzalez declining the role of Vice Chair, Director Wang agreed to his nomination of Vice Chair.

Motion by Director Gonzalez, seconded by Director Welch to approve Director Wang as the new Vice Chair. A roll call vote was conducted, and the motion carried unanimously.

C. **Adopt Meeting Schedule for 2025, 2026, and 2027.**

Dr. Weinberger presented a proposed GSA board meeting schedule for 2025, 2026, and 2027.

Motion by Director Wang, seconded by Director Gonzalez to approve the proposed meeting schedule. A roll call vote was conducted, and the motion carried unanimously.

The following members of the public provided comment: John Davis.

9. Solicitation of Items to be Discussed at the Next Regular Board Meeting

Director Wang requested that a discussion of monitoring wells be agendaized; specifically, recommended locations for monitoring wells. The Board will also review cost sharing proposals for legal and implementation costs. The Board will also review the amended draft of the groundwater ordinance, per the comments and edits issued during this meeting.

10. Adjournment

The meeting adjourned at 9:52am.

DRAFT

6

Public Comment

7A

Governor's Executive Order N-3-24

7A

Governor's Executive Order N-3-24

- 3 executive orders related to drought since 2022
 - EO N-7-22 (Paragraph 9 a and b)
 - Required coordination between the well permitting agency and the GSA to determine consistency of new wells with the GSP during the permitting process
 - EO N-3-23 (Paragraph 4 a and b)
 - Replaced Paragraph 9 of EO N-7-22 and added new language
 - EO N-3-24,
 - Terminates Paragraph 4 of EO N-3-23, except to the extent that it terminated paragraph 9 of EO N-7-22

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-3-24

5. The following provisions of Executive Order N-7-22 are terminated:
 - a. Paragraph 4;
 - b. Paragraphs 7-8; and
 - c. Paragraph 10.
6. The following provisions of Executive Order N-3-23 are terminated:
 - a. Paragraph 2; and
 - b. Paragraphs 4-5, except to the extent that Paragraph 4 withdraws Paragraph 9 of Executive Order N-7-22.

7A

Governor's Executive Order N-3-24

- The County of Los Angeles is no longer required to wait for a consistency evaluation before issuing a permit to construct a new well
- GSA will still coordinate with the County of Los Angeles to receive notification of new well applications

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-3-24

5. The following provisions of Executive Order N-7-22 are terminated:
 - a. Paragraph 4;
 - b. Paragraphs 7-8; and
 - c. Paragraph 10.
6. The following provisions of Executive Order N-3-23 are terminated:
 - a. Paragraph 2; and
 - b. Paragraphs 4-5, except to the extent that Paragraph 4 withdraws Paragraph 9 of Executive Order N-7-22.

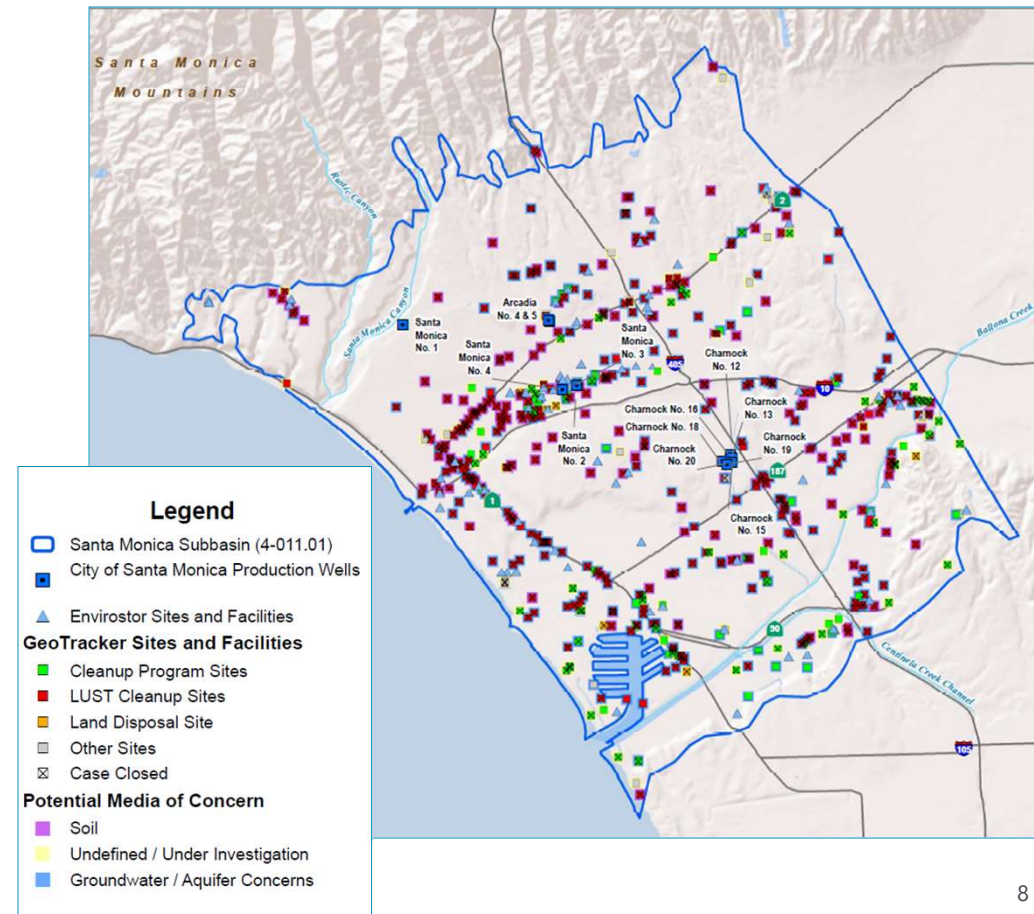
7B

GSA Monitoring Wells

7B

Monitoring Wells in the Subbasin

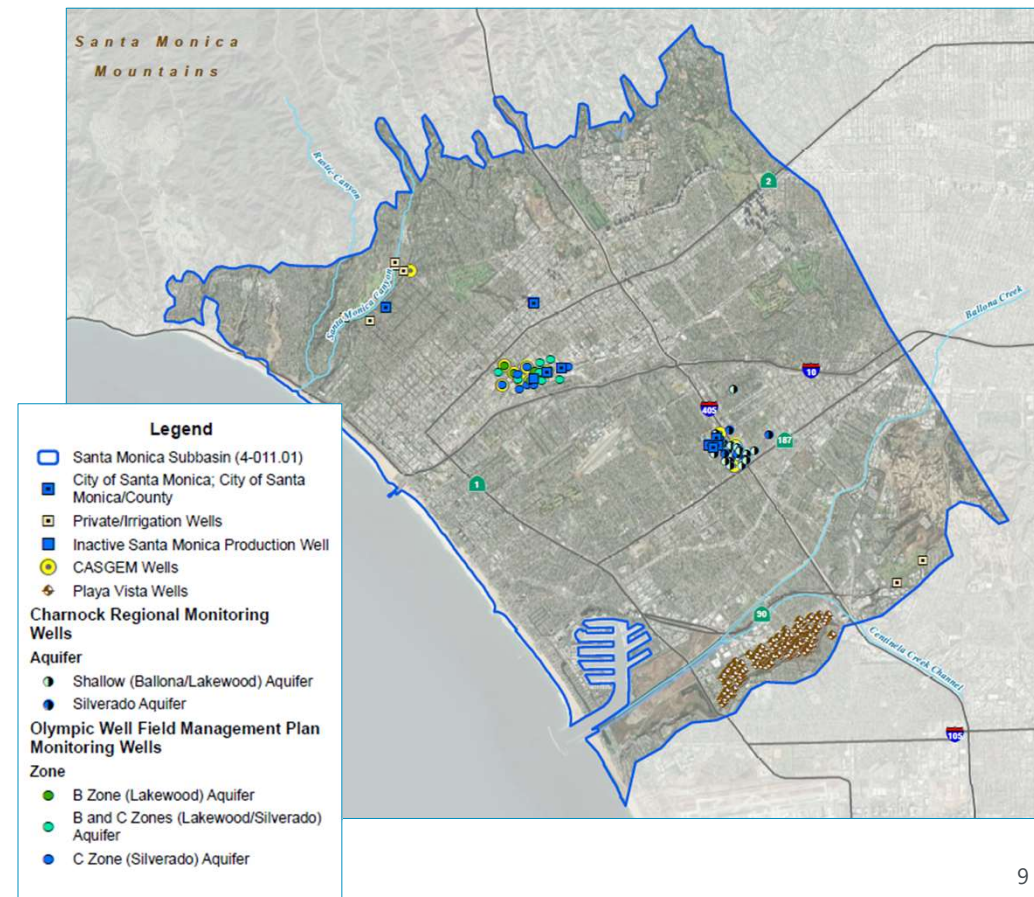
- There are approximately 1,470 monitoring wells in the Subbasin
 - The majority of these are screened shallower than 50 feet below land surface



7B

Monitoring Wells Screened in the Primary Aquifers

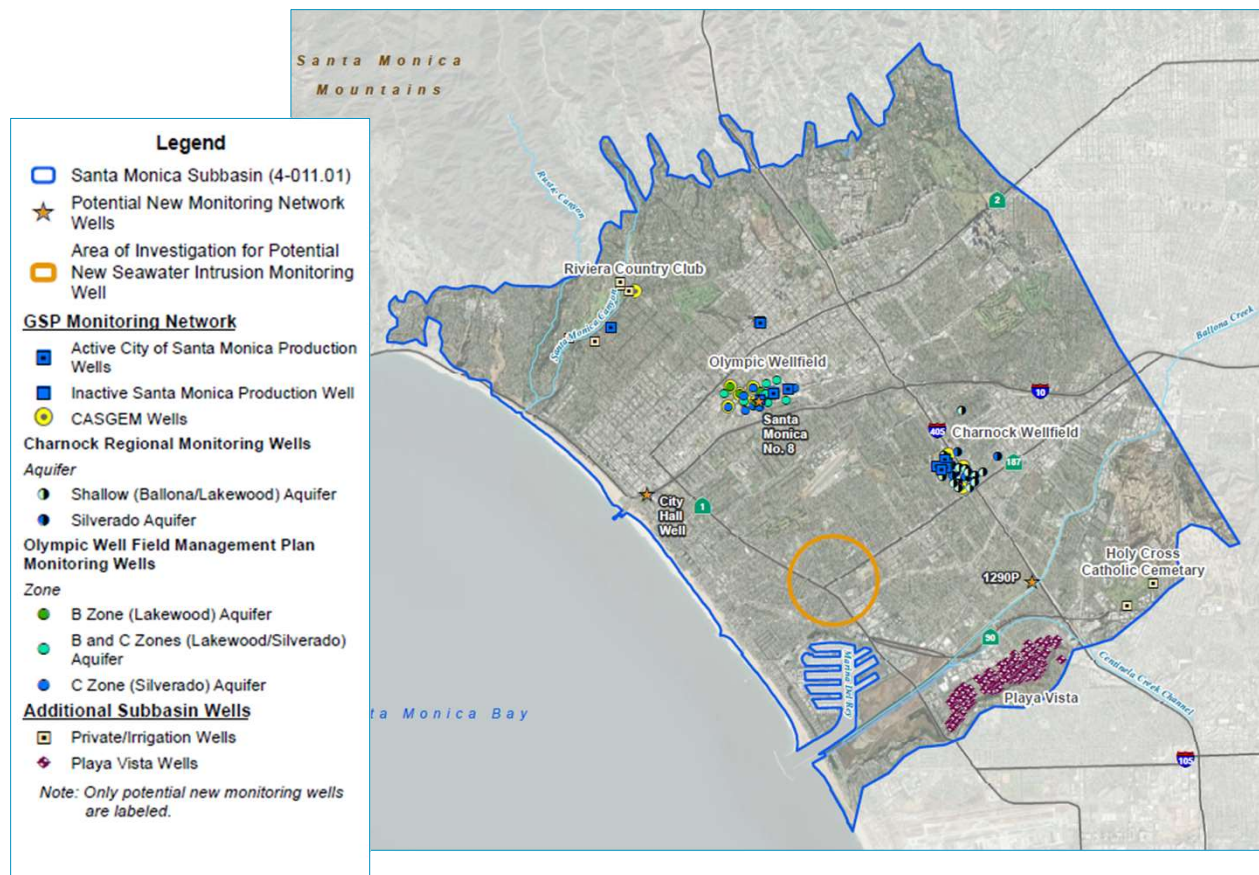
- There are approximately 201 monitoring wells screened in the Ballona and Silverado aquifers
 - 83 wells are monitored by the City of Santa Monica
 - 10 wells are City of Santa Monica production wells
 - 108 wells are associated with the investigation and remediation of the Playa Vista site



7B

Recommended Improvements to the Monitoring Network

- New dedicated monitoring wells in areas that currently lack monitoring wells including:
 - Adjacent to Marina del Rey
 - Within or adjacent to the Ballona Wetlands Ecological Reserve
 - The western Subbasin
 - The eastern Subbasin
- Groundwater extraction metering
- Groundwater elevation monitoring in a 2-week window in the spring and fall

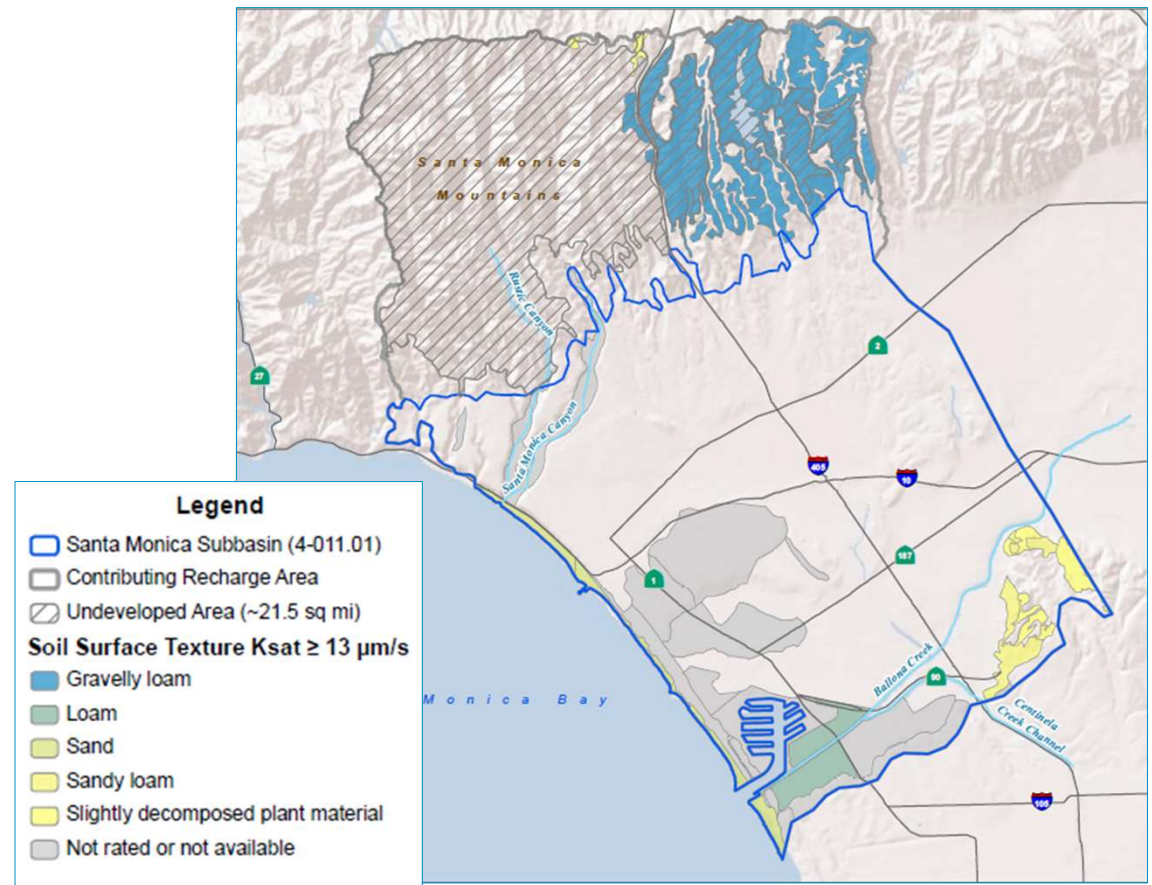


7C

Discuss the Recharge
Area for the Santa
Monica Subbasin

7C Recharge Area

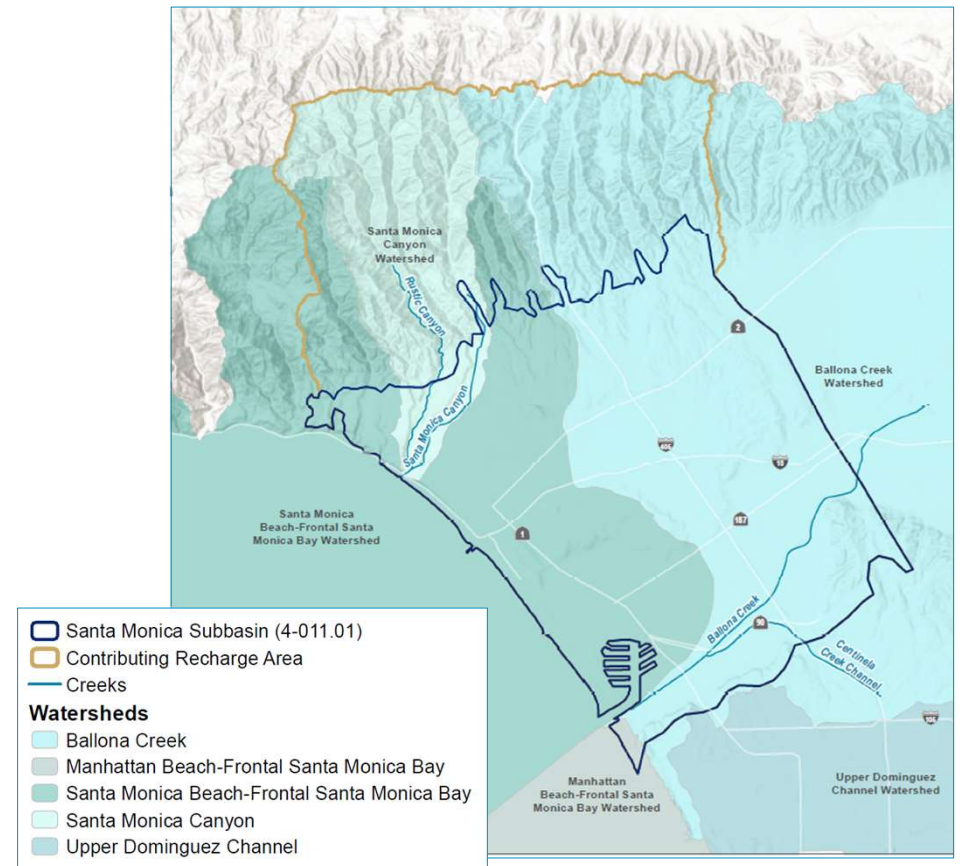
- The Subbasin is highly urbanized
 - Little direct recharge from precipitation occurs within the Subbasin boundaries
- Recharge to the Subbasin occurs as subsurface flow along the northern boundary with the Santa Monica Mountains
- The GSP shows the contributing recharge area and soil types favorable to infiltration of surface recharge



7C

Recharge Area

- The recharge area for the Subbasin covers the majority of the contributing watersheds
- Development within this area could impact recharge to the Subbasin
 - Increased runoff on impermeable surfaces
 - Decreased subsurface recharge on the northern boundary



7D

Cost Sharing

7D

Legal Cost

- Litigation Cost Sharing
 - To be determined by individual agencies after litigation is filed

7D

Implementation Costs

- GSP Implementation Cost Sharing
 - Pumpers impact the basin condition
 - Financial obligation to support sustainable management
 - To be paid for by pumpers in the Subbasin based on the average historical pumping records (base period to be established)
 - To be supported by well ordinance to meter groundwater production
 - City of Santa Monica
 - Private Golf Courses
 - Other private well owners
 - Cost of a few projects identified in the GSP are:
 - Salt and Nutrient Management Plan - \$300,000
 - Monitoring well in Marina Del Rey - \$1,000,000 to \$2,500,000

7D

Administrative Costs

- At the July 17 Meeting, the SMBGSA Board voted to draft an MOU listing the administrative cost sharing responsibilities below:
 - City of Los Angeles pay 20% (\$177,516)
 - County of Los Angeles pay 20% (\$177,516)
 - City of Beverly Hills pay 2% (\$17,520)
 - City of Culver City pay 10% (\$87,629)
 - City of Santa Monica pay remainder 48% (\$427,399)
- Each member pays their own legal costs for administration
- This cost sharing agreement between the 5 agencies is good for the current 5-year GSP implementation period (through February 29, 2028)

8A

Review Groundwater Extraction Ordinance

AN ORDINANCE OF THE [INSERT MEMBER AGENCY NAME], ACTING IN ITS CAPACITY AS A MEMBER OF THE SANTA MONICA BASIN GROUNDWATER SUSTAINABILITY AGENCY, AND REQUIRING THE REGISTRATION, METERING, AND REPORTING OF GROUNDWATER EXTRACTIONS WITHIN THE SANTA MONICA SUBBASIN

WHEREAS, the City of Santa Monica, the Los Angeles Board of Water and Power Commissioners, the City of Beverly Hills, the City of Culver City, and the County of Los Angeles (each a “Party” and, collectively, the “Parties”) formed the Santa Monica Basin Groundwater Sustainability Agency (“GSA”) through a Memorandum of Understanding (“MOU”), effective May 2017 to manage the Santa Monica Groundwater Basin (“Basin”).

WHEREAS, the California Department of Water Resources (“DWR”) recognized the GSA in September 2017. The GSA is governed by the terms of the MOU and bylaws adopted by the GSA.

WHEREAS, the GSA is represented by a five-member board (the “Board”). Each board member is appointed in accordance with Section 4.1 of the MOU. The GSA may only act with unanimous consent of its Board.

WHEREAS, the Board has both decision-making and advisory responsibilities pertaining to groundwater management in Basin, which DWR has designated as a medium priority basin under the Sustainable Groundwater Management Act (“SGMA”) (three statutes enacted by the California legislature in 2014: AB 1739, SB 1168, SB 1319).

(Attorneys to insert any necessary additional regulatory preamble re GSA authority etc.)

SECTION 1 SHORT TITLE

This Ordinance shall be known as the “Groundwater Extraction Metering Ordinance” of the [INSERT MEMBER AGENCY NAME], acting in its capacity as a member of the GSA.

SECTION 2 PURPOSE

The GSA is charged with the legal responsibility of managing groundwater within the non-adjudicated portion of the Basin. Each GSA member is responsible for enforcing GSA regulations in its respective jurisdiction within the Basin. Information concerning the extraction, distribution, and use of groundwater is necessary for the GSA’s fulfillment of its legislative function of managing groundwater resources under SGMA.

SECTION 3 DEFINITIONS

“De minimis” means a person who extracts, for domestic purposes, two (2) acre-feet ~~of or~~ less per year, as de minimis is defined in SGMA.

“GSA” means the Santa Monica Basin Groundwater Sustainability Agency.

“Extraction Facility” or “Extraction Facilities” means any device or method for the extraction of groundwater, including a well, from within the Basin.

“Flow meter”, “Metering Equipment”, or “Meter” means a manufactured measuring device which is attached to an Extraction Facility for the purpose of accurately measuring and recording the quantity of groundwater extracted by an Extraction Facility.

“Operator” means an authorized representative of an Owner.

“Owner” means any Person, entity, or Operator that has a legal right to extract groundwater.

“Person” means any individual, group of individuals, entity, partnership, firm, private corporation, state or local governmental agency, or federal agency.

“SGMA” means the Sustainable Groundwater Management Act.

SECTION 4 EXTRACTION FACILITY REGISTRATION ~~AND VERIFICATION PROCEDURES~~

- A) All existing Extraction Facilities shall be registered by the Owner or Operator with the GSA no later than ~~January 31, 2025~~ [Date to be Inserted].
- B) Extraction Facilities ~~shall follow the verification procedures outlined in the New and/or Replacement Production Well Installation Verification Procedures Within the Santa Monica Subbasin adopted by the GSA on April 19, 2023, and~~ shall be registered by the owner or operator with the GSA within sixty (60) days of the completion of such Extraction Facility. The Owner or Operator of an Extraction Facility to be registered shall provide information about the Extraction Facility to the GSA in electronic format that includes, at a minimum, the following:
- I. Name and address of the Operator(s).
 - II. Name and address of the Owner(s) of the land upon which the Extraction Facility is located.
 - III. Location, GPS coordinates, address, parcel number, and State of California well number (if available) of the Extraction Facility.
 - IV. Well completion report, filed with the California Department of Water Resources, pursuant to California Water Code section 13751, or, if not available, construction information about the Extraction Facility, including total depth of well casing, diameter of well casing, and location or depth of perforations.
 - V. Information on the size of the Extraction Facility, including pump size (i.e. horsepower) and pump test information or estimated pumping capacity.
 - VI. Specifications on the type of Flow meter installed on the Extraction Facility (see Section 5).
 - VII. Primary use(s) of groundwater extracted by the Extraction Facility (e.g., agricultural, commercial, domestic, industrial, irrigation, municipal, etc.)

SECTION 5 EXTRACTION FACILITY METERING

Pursuant to authority granted under California Water Code section 10725.8, the GSA shall require all new and existing Extraction Facilities, excluding de minimis users, to be measured by Flow meters, including every separate

well on the subject property. The costs associated with the purchase, installation, operation, and maintenance of Flow meters shall be borne by the Owner or Operator of each Extraction Facility. The following criteria and information for all Extraction Facilities equipped with a Flow meter used to report groundwater extraction shall be provided to the GSA in electronic format (“Extraction Statement”):

- I. Manufacturer and model of Flow meter.
- II. Date Flow meter installed.
- III. Diameter of discharge pipe and size of Flow meter.
- IV. Identification and contact information of who installed Flow meter and calibrated Flow meter per manufacturer specifications.
- V. Color photographs in sufficient quantity to confirm Flow meter identification, installation location, GPS coordinates, and that each Flow meter was installed correctly.

Additionally, the Owner or Operator of the Extraction Facility shall allow GSA staff representative access to physically inspect the Flow meter, upon written request by the GSA staff representative no later than 48 hours prior to such inspection.

SECTION 6 GROUNDWATER EXTRACTION REPORTING

- A) Unless otherwise specified by the GSA Board of Directors, the Owner or Operator of the Extraction Facility shall report daily metered extractions ~~shall volumes be reported~~ electronically to the GSA for the period from October 1 through March 31 and for the period from April 1 through September 30 each water year. The October 1 through March 31 extractions shall be reported to the GSA by April 30 and the extractions from April 1 through September 30 shall be reported to the GSA by October 31.
- B) The form of the Extraction Statement shall be approved by the GSA. For good cause, the GSA may disregard the Extraction Statement and cause an investigation of the actual amount extracted by any Operator in any water year. In the event of a discrepancy between the Extraction Statement filed by the Operator and the findings of the GSA, the findings of the GSA shall control.

~~B)~~

SECTION 7 ENFORCEMENT AND PENALTIES

The [INSERT NAME OF MEMBER AGENCY], acting through its designated GSA representative, may take any actions authorized by law to enforce the terms and provisions of this Ordinance within the [MEMBER AGENCY'S JURISDICTION]. Any Owner, Operator, or other person who violates the terms and provisions of this Ordinance shall be subject to the criminal and civil sanctions set forth in SGMA (including without limitation California Water Code Ssection 10732).

SECTION 8 TERMINATION DATE

This Ordinance will remain in full effect unless modified or until repealed by action of the [LEGISLATIVE BODY OF THE MEMBER AGENCY].

SECTION 9 ORDINANCE EFFECTIVE DATE

This Ordinance was adopted on _____, 2024, and shall be effective thirty (30) days after passage.

DRAFT
