



# SHANDON-SAN JUAN WATER DISTRICT SHANDON-SAN JUAN GSA

## UNAPPROVED MEETING MINUTES March 15, 2023

The Board of Directors of the Shandon-San Juan Water District (SSJWD) and Shandon-San Juan Groundwater Sustainability Agency (SSJGSA) held a virtual special meeting on Wednesday, March 15, 2023, at 9:30am. The agenda and all supporting documents were posted at <https://www.ssjwd.org/agendas-minutes>. Virtual options were made available for public participation.

### **I. Call to Order**

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President Cunha called the meeting to order at 9:31am on Wednesday, March 15, 2023, and Secretary Stephanie Bertoux recorded the minutes.

### **II. Roll Call**

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|--------------------|-----------------|-----------------|
| Directors Present: | Willy Cunha     | Steve Sinton    |
|                    | Marshall Miller | Matt Turrentine |
|                    | Ray Shady       |                 |

Directors Absent:                      None

### **III. Consider AB 361**

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The Board discussed the current conditions related to remote teleconference meeting under AB 361 and made the following findings: 1) On March 1, 2023, Governor Newsom proclaimed a State of Emergency to exist in San Luis Obispo County due to severe winter storms and risk of flood emergency; 2) The SSJGSA/SSJWD Board of Directors special meeting on March 15, 2023, is being held during an active gubernatorial State of Emergency; and 3) Requiring in-person attendance at the SSJGSA/SSJWD Board of Directors meeting would pose imminent risk to the safety of those in attendance. The following motion was made by Director Turrentine, seconded by Director Cunha, and carried 5-0 with a roll call vote.

**MOTION – Authorize the use of remote teleconference under the provisions of AB 361 for the March 15, 2023, special board meeting.**

### **IV. Public Comment**

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No public comment received.

### **V. Executive Order N-4-23**

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The Board discussed Governor Newsom’s Executive Order N-4-23 signed on March 10, 2023. The Executive Order suspends the applications and permits required for water rights for diversion of flood flows that occur between March 10, 2023, and June 1, 2023, or whenever the risk of downstream flooding abates, for flood management and associated groundwater recharge. No new permanent infrastructure or permanent construction is allowed under Executive Order N-4-23. Flood flows may be diverted using temporary pumps with simple screens installed to minimize impact on aquatic life. Executive Order N-4-23 explicitly states that water diverted shall not create new water rights or modify existing water rights.

In addition, per Executive Order N-4-23, water may not be diverted to: 1) dairy land application areas; 2) any agricultural field where pesticide or fertilizer application has occurred in the prior 30 days; 3) any area that could cause damage to critical levees, infrastructure, wastewater and drinking water systems, drinking water wells or drinking water supplies, or exacerbate the threat of flood and other health and safety concerns; or 4) any area that has not been in active irrigated agricultural cultivation within the past three years, including grazing lands, annual grasslands, and natural habitats. This limitation does not apply to facilities already constructed for the purpose of groundwater recharge or managed wetlands.

The Board discussed landowner participation and strongly encouraged landowners to avail themselves of the opportunity afforded by Executive Order N-4-23. The SSJGSA believes that efforts undertaken now can accelerate groundwater recharge, reduce the risks of local and regional catastrophic flooding, and benefit the entire Basin.

The Board recognized the small window of time to act and discussed committing \$20,000 - \$50,000 in funds to be used to reimburse District landowners for some or all of the actual reasonable costs incurred – rental of temporary pumps, screens, and fuel costs – for diverting flood flows over the next few months. Labor costs are not eligible for reimbursement. Sufficient documentation would be required for reimbursement and approval would be subject to available funds based on the timing of the request to the SSJGSA. SSJGSA/SSJWD Board members who are also landowners or represent landowners within the District may not be eligible to seek reimbursement.

The Board discussed the State's reporting requirements and would like to offer assistance in preparing the reports at no cost to the landowner. The State's reporting requirements include: 1) Identify the person or entity utilizing the suspensions created by Paragraph 2 in Executive Order N-4-23; 2) Identify the triggering condition from subparagraph b in Executive Order N-4-23; 3) Provide the GPS coordinates for the point of diversion, a map identifying the approximate area inundated by the flood flows, and the corresponding assessor parcel number(s); 4) Identify the time when diversions of flood flows to groundwater recharge commenced, and for final reports, when diversions ceased; and 5) Provide an estimate, as of the report's date, of the amount of flood flows diverted utilizing the suspensions created by Paragraph 2 of Executive Order N-4-23.

The following motion was made by Director Turrentine, seconded by Director Sinton, and carried 5-0 with a roll call vote.

**MOTION – The SSJGSA/SSJWD Board of Directors will encourage landowners to avail themselves of the opportunity afforded by Executive Order N-4-23 for diverting flood flow for the benefit of the Basin; authorize a total of \$20,000 in funds to be used to reimburse District landowners for some of all of the actual reasonable costs incurred - including rental of temporary pumps, screens, and fuel costs – with sufficient documentation; and offer assistance in preparing the reports required by the State at no additional cost to the landowner.**

The Board directed Secretary Stephanie Bertoux to draft an urgent notice to landowners to be reviewed by Director Sinton and SSJGSA legal counsel prior to the target release date of March 16, 2023.

## **VII. Next Meeting**

The SSJWD/SSJGSA Board of Directors will hold a regularly scheduled meeting on Wednesday, March 22, 2023. Weather and road conditions permitting, the meeting will take place at the Illy Lodge at Illy Sunnyslope Farms located at 3385 Truesdale Rd., Shandon, CA 93461. The Board would like to move the start time for this meeting up by one hour from 9am to 8am. The following motion was made by Director Sinton, seconded by Director Turrentine, and passed 5-0 with a roll call vote.

**MOTION – Change the start time of the March 22, 2023, Board of Directors meeting from 9am to 8am.**

## **VI. Adjourn**

President Cunha adjourned the meeting at 10:07am.

**Accepted:**

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Stephanie Bertoux, Secretary  
March 22, 2023