

**MID-KAWEAH GROUNDWATER SUSTAINABILITY AGENCY
ADVISORY COMMITTEE MEETING**

MINUTES

April 5, 2022 – 3:00 p.m.

This Committee Meeting was held remotely with no physical location due to the COVID-19 Pandemic and the Governors Executive Order N-29-20.

MEMBERS PRESENT: Geoff Vanden Heuvel, Richard Garcia, Jessi Snyder, Soapy Mulholland, Lee Johnson, Eric Correia, Max Storms

MEMBERS ABSENT: Mike Lane, Blake Wilbur

GSA MEMBER STAFF PRESENT: Aaron Fukuda (Interim General Manager), James Fisher, Trisha Whitfield

PUBLIC ATTENDEES: Andrew Hart, Chris Hunter, Derrik Williams, Gregory Liebau, Logan Robertson, Maryse Suppiger, Mikayla Tran, Nick Martin, Paul Grenseman, Peter Petrelis, Rhett Anderson, Staci Wilkins, Tim Leo

1. CALL TO REGULAR ORDER

The meeting was opened by Vice-Chair Mulholland at 3:00 p.m. Mulholland led the committee in Chair Wilbur's absence.

2. PUBLIC COMMENT

Vice Chair Mulholland called for comments from any members of the public present at the meeting. None were forthcoming.

3. APPROVAL OF MINUTES

Approval of the January, February, and March 2022 minutes were motioned to approved by Committee Member Vanden Heuvel and seconded by Committee Member Correia. The motion was carried.

4. EXECUTIVE ORDER N-7-22

Fukuda provided the update. Governor Newsom issued an executive order (N-7-22) on March 28th, 2022. It expands the Emergency Order from July 8th, 2022, asking Californians to reduce water use by 15%. The State Water Resource Control Board will consider adopting emergency regulations to urban suppliers to submit supply and demand assessments and implement 20% water reductions. The EO will also put a ban on "non-functional" turf irrigation in commercial, industrial, and institutional lands, and a temporary suspension of environmental review on projects that address facets of the drought. Permitting for fish and wildlife diversions permits have been streamlined, drinking water haling limitations/ordinances are suspended. And the SWRCB will expand the inspection and enforcement of illegal diversions, and determine whom, and how to, enforce this executive order by May 25th.

For GSA's, the Executive order will affect them as follows (9a and 9b).

- Receiving concurrence from a GSA that a newly drilled well is consistent with GSA and GSP.
- The GSA must confirm if the well (1) interferes with nearby wells and (2) is not likely to cause subsidence that interferes with local infrastructure.

Fukuda explained the imprecision of language of the EO makes it difficult to interpret. For instance, “nearby well” does not have a distance threshold and how “likely” subsidence interferes with local infrastructure – and whether subsidence needs to be mitigated for all infrastructure or just critical infrastructure. Moreover, the precise definition for a “new well” is not present, so it is unclear whether proactively replacing an existing well facing an imminent failure as groundwater levels drop would be defined as a “new well”.

Derrick Williams discussed how Salinas Valley and Monterey County Water Resource Agency already have tools that are effective and easily implementable for well interference. Williams is unaware of another water agency or district that has addressed whether a well is likely to cause land subsidence. Williams also discussed how item 9 on the EO excludes wells that draw less than 2 acre-feet per year or public water supply systems. But this leaves a hole, public water supply systems are defined by 15 or more water users. So the EO is unclear how to treat systems that are de minimis and in public water supply systems of less than 15 water users.

The Executive order also called for the following

- Streamlined high-flow recharge permits
- Suspension of Environmental review for recharge projects funded by DWR under the SGMA grant funds
- DWR shall develop a multi-year transfer program
- State Agencies shall submit to DWR funding requests for ways to address ongoing drought.

5. MKGSA GSP

a. **GSP Review – Update**

i. DWR Determination and Evaluation and Kaweah Subbasin GSO Technical Work – Update

Williams provided the update. Williams identified beneficial users as: Agriculture, Municipal, Disadvantaged Communities, Surface Water Users, Industrial, and Environmental.

Significant and unreasonable means “the inability of the groundwater aquifer to recover in periods of average/above average precipitation following multi-year droughts”. While this is the ideal definition, there is not an ample amount of time to analyze this to the level of sophistication needed in the 180-day window DWR provided for the GSP response. The sub-committee is currently analyzing how to set the significant and unreasonable benchmarks. For instance, Ag vs domestic, vs all wells, and different cut offs (75, 85, 90%).

Committee Member Vanden Heuvel inquired about whether the health and safety metrics for water quantity standards were defined. Vanden Heuvel said this term is important to be defined, because the delta serves water first to health and safety, second to cool water for fish habitat, and third priority is senior water right holders for Ag. Fukuda responded that

the Central Valley Project has defined that term and he will include it in future presentations.

Williams presented on the most recent well analysis update. Williams first discussed the maximum age of a well that the Sustainable Management Criteria (SMCs) should be based on. Wells drilled since 2015 are much deeper on average than those drilled since 2002. The sub-committee will decide which dataset to select for analysis this Friday. Next, the Kaweah Subbasin was divided into 34 hydrologic zones. First, the Corcoran Clay boundary divided zones into single aquifer systems and double aquifer systems. Therefore, wells in the two-aquifer systems will have metrics for both the upper and lower aquifer. Currently our GSP does not establish different metrics for the upper and lower aquifer, so this is a significant change. The sub-committee already defined the impacted wells as the bottom of a well because those metadata are documented consistently (top of perforation is frequently missing metadata). Additionally, the bottom of the well is the best indicator of when the well goes dry and is no longer functional.

b. MKGSA Groundwater Allocation and Pumping Cap Proposal – Emergency Order Review Update

Fukuda provided the update. Only one public comment was received for the Emergency Ordinance (EO), and the final draft of the EO is near completion and will be posted this week. None of the substance or regulations have been changed in the updated draft, just the nomenclature and errata within the document.

The Emergency Ordinance is anticipated to be implemented on May 1st, and the flexibility being provided in the first year are as follows.

- 100% of unused native and relief pumping rolls over to the next year, and one year of water the basin can support will be allocated under a shorter time period, just 5 months.
- Ability to transfer water to other parcels within like-management as farm units are registered in one farm unit.
- Kaweah subbasin water market is underway and may be ready by 2023.
- The water dashboard will be ready on the launch to assist growers register on the Water Dashboard

6. COMMITTEE MEMBER REPORTS, UPDATES, OR OTHER ITEMS OF INTEREST

Mulholland asked if any members of the public or committee members had any other items of interest. Johnny Gailey asked to what extent all 3 GSAs are working together with M&A on this updated GSP. Fukuda responded they are all on the same page, but the specifics such as establishing hydrologic zones, the undesirable results to manage to, and site-specific goals of each GSA.

7. ADJOURN

Mulholland adjourned the meeting at 4:50 p.m. The next meeting date is April 27th at 3pm.

Attest: _____
GSA Board Secretary

Advisory Committee Chair