

MID-KAWEAH GROUNDWATER SUSTAINABILITY AGENCY BOARD

SUMMARY MINUTES

September 10, 2019 – 3:00 p.m.

Tulare Public Library & Council Chambers
491 North M Street – Tulare, CA 93274

MEMBERS PRESENT: Dennis Mederos, David Martin, Steve Nelsen, David Bixler, Howard Stroman, Greg Collins^{3:04}

STAFF PRESENT: Paul Hendrix, Valerie Kincaid, Aaron Fukuda, Leslie Caviglia, Rob Hunt, Trisha Whitfield, Melissa Hermann, Blake Wilbur (Chair, Advisory Committee)

1. CALL TO ORDER REGULAR SESSION:

Chair Mederos opened the meeting at 3:02 p.m.

2. PUBLIC COMMENT:

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

3. GENERAL BUSINESS

- a. Approval of Minutes of Regular Meeting on August 13, 2019
It was moved by Director Nelson, seconded by Director Bixler, and unanimously carried to approve the minutes of the August 13, 2019 meeting.
- b. Financial Report
 - i. Financial Statements – Year-to-Date
P. Hendrix provided an overview of the financial statements for the Board's review and consideration. He indicated that the major bills paid since the prior meeting were for legal and consultant costs. It was then moved by Vice Chair Martin, seconded by Director Nelson, and unanimously carried to approve the report as submitted.
- c. GSP – Status
 - i. Public Comments Received To-Date – Summary
P. Hendrix provided a status update on public comments received to-date. He mentioned two inquiries and draft comments from Tulare County's review consultant were in hand. He also indicated that Advisory Committee members were assembling comments as well. A. Fukuda highlighted topics that were discussed at Tulare ID grower meetings, comments from which may be submitted to the GSA. The Board

discussed what their Member entities have done in regard to public outreach and comments received.

d. Kaweah Subbasin Coordination

i. Coordination Agreement – Status

P. Hendrix stated that further work on the Agreement is pending release of all three GSPs for public review. He indicated, however, that efforts are being devoted to the appendices to the Agreement.

ii. GSP Public Drafts – Anticipated Availability

P. Hendrix stated that East Kaweah GSA's public draft GSP is scheduled for release on September 17th, and that Greater Kaweah GSA's GSP is now under administrative review.

e. Advisory Committee – Report by Committee Chair

i. GSP Consent Presentations – B. Wilbur summarized the recent activities of the Committee, noting that presentations are being made in various forums regarding the GSP and its key elements.

f. Friant-Kern Canal Subsidence – Water Management and Financial Implications

A. Fukuda provided a PowerPoint presentation on the Friant-Kern Canal subsidence problems in southeastern Tulare County. He stated that the Canal's carrying capacity has been reduced by 60% within this area, an impact of accelerated groundwater pumping over time in the area adjacent the Canal. He indicated that \$400 million of state money, along with federal and local funds, are being sought to restore lost capacity via construction of a parallel canal adjacent the subsided reach. Mr. Fukuda also called attention to the letter received by this and other GSAs from the Friant WA which asserts that the Canal's damage constitutes an undesirable result as defined by SGMA. He closed with noting that Friant districts and other stakeholders await the release of the Tule Subbasin GSP and its proposed actions to solve the subsidence problems within that subbasin.

4. BOARD/STAFF UPDATES, FUTURE AGENDA ITEMS OR OTHER TOPICS OF INTEREST

T. Whitfield noted that the City of Tulare has included utility bill notices calling attention to the Mid-Kaweah draft GSP and associated public comment period. Board discussion then ensued as to the necessity of holding the regular meeting scheduled for October 8th.

5. CLOSED SESSION

Chair Mederos adjourned to closed session discussions at 3:45 p.m.

a. Gov't Code §54956.9 – Anticipated Litigation

6. RECONVENE FROM CLOSED SESSION

Chair Mederos reconvened from closed session at 5:06 p.m. V. Kincaid advised there was no action taken in closed session.

7. **ADJOURNMENT** Next Regular Meeting – October 8, 2019
Chair Mederos adjourned the meeting at 5:06 p.m.

Groundwater Sustainability Agency
Board Chair

Attest:

Groundwater Sustainability Agency
Board Secretary

Agenda Item Report

October 8, 2019

Agenda Item Wording: Fiscal – Financial Statements Year To Date

Report Author: Kathi Artis – Tulare ID

Background Discussion:

The GSA's financial policies require a financial overview and Profit & Loss Statement through the end of the previous month are to be provided to the Board of Directors at each Board meeting.

Attachments:

Balance Sheet as of September 30, 2019

Profit & Loss Statement for period July 1, 2019 through September 30, 2019

Transaction Detail by Account for checking and money market accounts for period September 1, 2019 through September 30, 2019

Mid-Kaweah Groundwater Sustainability Agency
Balance Sheet
As of September 30, 2019

	<u>Sep 30, 19</u>
ASSETS	
Current Assets	
Checking/Savings	
Checking	1,190.42
Money Market	424,313.55
Total Checking/Savings	<u>425,503.97</u>
Total Current Assets	<u>425,503.97</u>
TOTAL ASSETS	<u><u>425,503.97</u></u>
LIABILITIES & EQUITY	
Equity	
Retained Earnings	60,101.58
Net Income	365,402.39
Total Equity	<u>425,503.97</u>
TOTAL LIABILITIES & EQUITY	<u><u>425,503.97</u></u>

Mid-Kaweah Groundwater Sustainability Agency

Profit & Loss

July 1, 2019 through September 30, 2019

	July 1, 2019 - September 30, 2019	2019-2020 Budget	Variance
Ordinary Income/Expense			
Income			
Call For Funds			
Administration	0.00	TBD	
GEI Planning	0.00		-
Total Call For Funds	0.00	-	-
Prop 1 GSP Grant	839,231.84	607,600	231,632
Prop 1 GSP Grant Disbursements	-217,418.00		(217,418)
Reimbursed Expenses			
Aqua Geo Frameworks - SkyTEM	0.00		-
Kaweah Sub Basin Expenses	0.00		-
DWR Tech Services Application	0.00		-
Total Reimbursed Expenses	621,813.84	607,600.00	14,213.84
Total Income	621,813.84	607,600	14,214
Expense			
Audit Expense	0.00	3,900	(3,900)
Conference & Meetings	0.00		-
Consulting Fees			
Consulting Fees-GEI	0.00		-
GEI Fees - Grant Applic 01-201	0.00		-
GEI Fees - MKGSA - 02.2017			
GSP	76,178.54	187,400	(111,221)
Sub-Basin Coordination	112,277.16	575,800	(463,523)
Total GEI Fees - MKGSA - 02.2017	188,455.70	763,200	(574,744)
Total Consulting Fees	188,455.70	763,200	(574,744)
Flight Lines	0.00	-	-
Insurance	0.00	2,250	(2,250)
Legal	28,365.00	50,000	(21,635)
Membership Dues	0.00		-
Office Expense	968.23	2,600	(1,632)
Payroll, Benefits and Travel Expenses	37,856.18	246,000	(208,144)
Rent	1,000.00	3,000	(2,000)
Total Expense	256,645.11	1,070,950	(814,305)
Net Ordinary Loss	365,168.73	(463,350)	828,519
Other Income/Expense			
Other Income			
Interest Income	233.66	200	34
Total Other Income	233.66	200	34
Net Other Income	233.66	200	34
Net Loss	365,402.39	(463,150)	828,552

Mid-Kaweah Groundwater Sustainability Agency
Transactions by Account

As of September 30, 2019

Type	Date	Num	Name	Description	Split	Paid Amount
Checking						
Check	09/04/2019	1139	AT&T	Landline	Office Expense	(88.32)
Check	09/05/2019	1140	AT&T Mobility	Cellphone	Office Expense	(45.12)
Check	09/25/2019	1141	O'Laughlin & Paris LLP	Legal fees	Legal	(6,055.00)
Check	09/25/2019	1142	Capital One	Office supplies, AdobePro	Office Expense	(83.35)
Check	09/25/2019	1143	AT&T	Landline	Office Expense	(88.21)
Transfer	09/25/2019			Funds Transfer	Money Market	5,000.00
Total Checking						<u>(1,360.00)</u>
Money Market						
Transfer	09/25/2019			Funds Transfer	Checking	(5,000.00)
Deposit	09/30/2019			Interest	Interest Income	72.75
Total Money Market						<u>(4,927.25)</u>
						<u>(6,287.25)</u>

Mid-Kaweah GSA

Agenda Item Report

October 3, 2019

Agenda Item 3.c.i: Public Comments – Draft Groundwater Sustainability Plan

Report Author: Paul Hendrix

Background:

The Public comment period for the GSA's draft GSP (or Plan) closed on Sept. 16th. While the number of commenters was not large, some commented extensively and at length on issues important to them and/or their constituencies. A brief summary of the comments follows. A more detailed overview will be provided by our outreach consultant at the board meeting.

- Tulare County – Largely a product of the County's consultant, Tully & Young, the County sought more detail concerning the GSP's description of the County General Plan. They also raised questions concerning water rights as they relate to groundwater recharge and banking projects.
- Self-Help Enterprises, Community Water Center, et al. – These non-governmental organizations (NGOs), representing disadvantaged communities and domestic well owners, provided detailed comments on the GSP and expressed concern that it was insufficient as to protection of these interests during GSP implementation.
- Calif Dept. of Fish and Wildlife – This state agency provided extensive comments questioning the Plan's justification of a lack of connection between groundwater and surface water bodies within the GSA region, along with the Plan's conclusion that it need not deal with interconnected surface waters as a SGMA-defined undesirable result.
- The Nature Conservancy – This NGO submitted comments similar to the Dept. of Fish and Wildlife, concluding that the Plan is inadequate and thus should not be approved by DWR.
- Audubon, Nature Conservancy, Community Water Center, et al. – These entities focused both on disadvantaged communities and groundwater-dependent ecosystems and, in their view, the associated shortcomings of the GSP in addressing these beneficial uses.
- Self-Help Enterprises – This NGO, representing primarily disadvantaged communities, focused on various sections of the Plan that in their view did not provide adequate detail on how these communities would be protected during the Plan's implementation phase. Concerns were expressed in regards to the stated sustainability goal, declining groundwater levels, groundwater quality and the proposed mitigation program for small-system and domestic well owners. Self-Help also partnered with the Leadership Council for Justice & Accountability in preparation of a focused technical review of the Plan.
- Leadership Council for Justice & Accountability – This NGO provided extensive comments on sections of the GSP where they determined a lack of analyses of or input from disadvantaged communities and domestic well owners, and the disparate impacts the GSP

will impose on these stakeholders. They further raised conflict issues with the public trust doctrine and the state's codified human right to water for domestic purposes. They also echoed the focused technical review in partnership with Self-Help Enterprises and offered suggested improvements to the GSP.

- Kings County Water District – This water district offered a listing of sections of the Plan that were deemed to not be adequately addressed, including historic declining water levels, groundwater flows across GSA boundaries, recent drought impacts and lack of surface water, and an executive summary that lacks sufficient and detailed information.
- Calif. Water Service Company – Cal Water provided a short letter requesting to be directly involved as this and other Kaweah Subbasin GSAs proceed to the project and management implementation phase.
- Westchester Group – This corporate farm company commented on the proposed on-farm recharge program and the rules to be associated with it and beneficiaries thereof.
- Advisory Committee Members – Two committee members provided comments concerning the Plan. Ed Henry offered extensive comments of a technical nature re the Plan content and its handling of the technical and graphical information therein. Richard Garcia commented on the need for the Plan to stress the protection of natural waterways within the Subbasin given their significant and historic role in providing groundwater recharge.

For those board members who wish to scan the individual comment documents, a PDF link is provided at the Mid-Kaweah GSA website midkaweah.org.



Mid-Kaweah GSA

Board of Directors Meeting

10.8.19





Agenda

1. Regulatory Setting
2. Approach to Comment Management

Regulatory Requirements

§ 355.4. Criteria for Plan Evaluation (b)

- Does the Plan satisfy the requirements of Subsection (a) to determine whether the Plan, either individually or in coordination with other Plans, complies with the Act and substantially complies with the requirements of this Subchapter.
- Substantial compliance means:
 - *Supporting information is sufficiently detailed and the analyses sufficiently thorough and reasonable*
 - *The Department determines that any discrepancy would not materially affect the ability of the Agency to achieve the sustainability goal for the basin, or the ability of the Department to evaluate the likelihood of the Plan to attain that goal.*

Regulatory Requirements

§ 355.4.(b)(10)

Whether the Agency has adequately responded to comments that raise credible technical or policy issues with the Plan.



Public Comment Organization

- 12 comment letters, totaling 181 pages, received between the July 31 and Sept. 16 public comment period:

- Bill Huott, 8/10/19
- Kevin Layne, 8/13/19
- Edward Henry, 9/3/19
- The Nature Conservancy, 9/9/19
- California Department of Fish and Wildlife, 9/12/19
- Westchester Group, 9/13/19
- California Water Service, 9/16/19
- Richard Garcia, 9/16/19
- Kings County Water District, 9/16/19
- Leadership Counsel for Justice and Accountability, 9/16/19
- Self-Help Enterprises, 9/16/19
- Various Non-Profit Organizations, 9/16/19

(TNC, Community Water Center, Audubon Society, Local Government Commission, Union of Concerned Scientists, Clean Water Action)

Public Comment Summary

- Summary of Public Comments to included as an appendix to the GSP.
- Appendix will include:
 - Overview of public comment period and methods to comment
 - Overview of the comment categories and the process to respond to comments.
 - Comment matrix including each individual comment, the response to comment, and the location where – if applicable – the GSP was amended.
 - Copies of each comment submitted during the public comment period.

Public Comment Database

- Applied detailed comment/response process similar to studies developed consistent with the California Environmental Quality Act and the National Environmental Policy Act
 - Categorization of individual comment
 - Match comment to appropriate GSP section(s)
 - Record response to comment
- Initial categorization completed by Tulare Irrigation District
 - Currently 197 individual comments

Comment Database

Microsoft Excel interface showing a spreadsheet with columns: DN, Author, Sub-Category, CN, MCR, Description, Code/Regulator, Comment, Response, and Response Location. The spreadsheet contains data for three rows (001, 002, 003) with authors Bill Huott, Kevin Layne, and Edward Henry. A filter menu is open over the Author column, showing a list of authors and organizations with checkboxes. The Comment column contains text regarding water reservoirs and recharge basins. The Response column contains dates and details of responses.

DN	Author	Sub-Category	CN	MCR	Description	Code/Regulator	Comment	Response	Response Location
001	Bill Huott						valley was constructed and discovered. A Tulare lake size reservoir, all this water should never flush to the ocean! Never did, it filled Tulare Lake! Come on. We has a good year but now we could have seven years drought! No cushion, no backup, no	August 13, 2019. In response to your inquiry I have attached a GSP Takeaway flyer that has been developed for distribution. This flyer has some of the key information located in the Mid-Kaweah GSA. I also would like to invite you to one of our Landowner Roundtable Meetings. These meetings are specifically for growers within the Tulare ID and are small meetings to discuss the GSP and receive questions or concerns. We still have several dates and times available. Please feel free to take a look at the Landowner Roundtable meeting notice at: www.tularaid.org . Please feel free to contact me if you have any further questions or concerns.	
002	Kevin Layne						I just reviewed your recently released GPS. Has anyone put together an abridged version with the highlights that I could easily share with my customers and coworkers? I'd love to see something that explained how many acres of recharge basins were going to be added and how many acre feet they would drink, how much pumping is going to have to decrease and how fast, and how many acres are expected to come out of production and the timeline for that.		
003	Edward Henry					CS	sq miles". Simple calculation: 700 sq miles x 640 acre/sq mile = 448,000 acres within the KSB. Current accepted KSB acreage is 441,000 acres. So which figure is the most accurate? If the 441,000 acres is correct, then the "occupying some 700 sq miles" needs to be changed to "689 sq miles" to be more accurate (Page 3-2). Top of the page should add in "possible degraded individual septic systems as the result of age, poor maintenance, and/or lack of routine service." See attachment from Washington State Department of Health, How Nitrogen from Septic Systems Can Harm Water Quality. https://www.doh.wa.gov/Default/1/Document/6650/337_1-0		

Database Categorization

20 Categories, including

- Disadvantaged Communities
- General, Document Organization
- Groundwater Dependent Ecosystems
- Groundwater Levels and storage
- Hydrogeologic Modeling
- Water Quality
- Interconnected Surface Water
- Management Areas
- Municipal Land and Water Use
- Pumping Allocations
- Public Outreach
- Water Allocation
- Water Budget

Next Steps

- MKGSA Advisory Committee – Special Meetings
 - Review and Assess Comment Categories
 - Provide advice to Board of Directors on substantive technical and policy issues.
- Time and Date:
 - 3-5 p.m., Oct. 15, 2019
 - 3-5 p.m., Oct. 29, 2019
- Location:
 - Visalia Wastewater Treatment Plant, 7579 Avenue 288, Visalia.