



MID-KAWEAH GROUNDWATER SUSTAINABILITY AGENCY

Board of Directors Meeting Minutes

April 19, 2022 @ 3:00 PM

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

MEMBERS PRESENT: Dave Martin, David Bixler, Steve Nelsen, Greg Collins, Dennis Mederos

MEMBERS ABSENT: Howard Stroman

GSA MEMBER STAFF PRESENT: Aaron Fukuda, Kathi Artis, Valerie Kincaid, James Fisher

PUBLIC ATTENDEES: Johnny Gailey, Chris Hunter, Marlene Ferreira, Leslie Caviglia, Blake Wilbur, Dave Van Groningen, Rhett Anderson, Tim Leo, Derrik Williams, Diana Zegarra, Bryant Platt, Geoff Vanden Heuvel, Lisa Walsh, Mark Larsen, Maryse Suppiger, Paul Grenseman, Peter Petrelis, Rhett Anderson, Matt Klinchuch, Eric

1. CALL TO ORDER

Chair Martin called the meeting to order at 3:00 p.m. Chair Martin advanced to Agenda No. 4 Consideration of Resolution No. 2022-04 – Resolution to Implement Teleconference Requirement During a Proclaimed State of Emergency. By a motion of Director Mederos seconded by Ms. Whitfield approved 2022-04 Resolution, the motion was carried, allowing the board meeting to proceed remotely.

2. PUBLIC COMMENT – Chair Martin called for public comments. No public comments were forthcoming.

3. GENERAL BUSINESS

- a. Approval of Minutes of Regular Meeting on March 8, 2022 - By a motion of Director Mederos, seconded by Director Collins and carried by all directors present the March 8, 2022 meeting minutes were approved.
- b. Financial Reports
 - i. Financial Statements – Year-to-Date – K. Artis presented the

financial statements. By a motion of Director Nelsen, seconded by Director Mederos, and carried by all directors present, the financial statement were approved as presented.

- c. Legal Counsel Report – Ms. Kincaid said her report will be covered in the Governor’s Executive Order N-7-22.
- d. MKGSA Advisory Committee Update – Mr. Fukuda provided the update. MKGSA Advisory Committee met in late March. The discussion focused on Executive Order N-7-22 which will involve GSAs in the well permitting process. Montgomery & Associates provided a report on GSP Modification process. There was a discussion on groundwater being needed for health and safety and focus on GSA mitigation. The Committee is in concurrence that the process (180 days) does not allow for much interactive exchange with the technical consultants. The Committee requested they stay informed on the GSP modification workflow and process.
- e. MKGSA GSP Review Status
 - i. Department of Water Resources – Kaweah Subbasin Final Determination and Assessment – Mr. Fukuda provided the update. The GSAs meet weekly on Fridays. The Committee receives updates on technical work from the previous week. There will be a meeting with DWR on April 21, 2022 to share the current status of the MKGSA’s GSP modification approach.

Derrick Williams of Montgomery & Associates provided the update on the technical work. All 3 GSAs have general concurrence on the process and methodology to reestablish Sustainable Management Criteria (SMCs). DWR wants us to determine the beneficial users impacted, what defines a “significant and unreasonable” impact, and establish SMCs accordingly. So far, the GSAs split the subbasin into 50 zones (34 in upper aquifer, 16 in lower aquifer) to manage SMCs in areas of similar hydrology and geology. “Significant and unreasonable” is aimed at protecting to the bottom of the well, and the 90th percentile of all wells (Ag, domestic, and industrial) that have been installed since 2002. These SMCs are unique to each hydrologic zone. M&A is developing a procedure to map contoured MTs based on the results, and address the few known outliers. As for land subsidence, the GSA’s have defined loss of canal capacity and well collapse as the undesirable results. M&A is leveraging much of the work done by Stanford University to establish a process to predict future subsidence rates at given locations.

- f. MKGSA GSP Implementation Workplan
 - i. Mr. Fukuda provided the update on the Emergency Ordinance (EO). Emergency Ordinance to establish an extraction limitation for the Mid Kaweah groundwater sustainability agency service area. The EO is proposed to be implemented on May 1, 2022, with an invoice being mailed to all eligible growers on July 1st to pre-pay for tier 1 and tier 2 water (allocation is assumed, growers must take action to opt-out), and an end of the year invoice will be mailed in November on the final water year numbers and “true up costs”, if necessary. Chair Martin initiated a roll call vote. All board members unanimously approved the motion for the Emergency Ordinance on groundwater extractions, effective May 1st.

- g. Kaweah Subbasin Coordination
 - i. Kaweah Subbasin Management Committee – Setting up management committee meeting to focus on GSP modification coordination.
 - ii. Prop 68 Planning Grant – Working with the EKGSA to revise the scope of work. The requested funding for pressure transducers and water quality pumps in dedicated monitoring wells.
 - iii. Prop 68 Implementation Grant – Okieville is now in Escrow. A report will be coming out soon on this project on the Weather Channel.
 - iv. SGM 2022 Grant – Spending Plan – The spending plan was submitted to DWR. DWR staff was reviewed and found no significant issues. A grant contract is anticipated in May 2022.
 - v. Water Marketing Strategy Grant – The WMS committee met and approved of the guiding principles for the water marketing strategy. Next steps will be to receive a new written chapter on existing water markets.
 - vi. Kaweah Water Foundation (CVSALTS) – No update.
 - vii. Kaweah Interbasin Coordination – No update.

4. STAFF UPDATE, DISCUSSION AND RECEIVE DIRECTION, IF NECESSARY, REGARDING COVID-19

- a. Consideration of Resolution No. 2022-04 – Resolution to Implement Teleconference Requirement During a Proclaimed State of Emergency* Chair Martin advanced to Agenda No. 4 Resolution 2022-03 to motion to continue meeting remotely during a proclaimed state of emergency. By a motion of Director Mederos, seconded by Ms Whitfield, the motion was carried, allowing the board meeting to proceed remotely.

5. STAFF REPORT ON GOVERNOR’S EXECUTIVE ORDER N-7-22*

The Executive Order was approved on March 28th, 2022. The State Water Resources Control Board will develop emergency regulation pertaining to this EO by May 25th, 2022.

Items 9a and 9b in this ordinance affect GSAs because new well permits shall not be issued without confirming with a local GSA that (1) it is not likely to interfere with the production of function of a nearby well and (2) not likely to cause subsidence or interfere with nearby infrastructure and (3) must be consistent with the local GSP in achieving groundwater sustainability.

In response, counties are pushing for an attestation or determination form for new well permits. Tulare County met with GSA managers to discuss options. Used the Fresno County form as a starting point.

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

Fukuda presented at the International Symposium of Managed Aquifer Recharge presented “Managing sustainably in a time of uncertainty”. Fukuda said he and James Fisher will be presenting on another Groundwater Resource Association (GRA) conference in June.

7. CLOSED SESSION

a. Gov’t Code 54956.9 – Anticipated Litigation: One Case
No action was taken in closed session.

8. ADJOURNMENT: Next Regular Meeting – May 10, 2022