



MID-KAWEAH GROUNDWATER SUSTAINABILITY AGENCY

Board of Directors Meeting Minutes

March 8, 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, Howard Stroman, Dennis Mederos

MEMBERS ABSENT: None

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

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

1. CALL TO ORDER

Chair Martin called the meeting to order at 3:04 p.m.

2. **PUBLIC COMMENT** – Chair Martin called for public comments. Dave Van Groningen’s public comment addressing the under-representation of groundwater dependent (“white area”) growers in committees and boards within the Kaweah Subbasin. White area growers comprise a substantial fraction of the basin and should be more fairly represented. Further, the groundwater cap to address the 78,000 AF average annual overdraft seems to be restrictive, given this only amounts to a 3-4 inch cut in water to meet that balance. For all the details, please refer to Dave’s full letter on the MKGSA website.

3. GENERAL BUSINESS

- a. Approval of Minutes of Regular Meeting on February 8, 2022 - By a motion of Director Mederos, seconded by Director Nelsen and carried by all directors present the February 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 Bixler, seconded by Director Stroman, and carried by all directors present, the financial statement were approved as presented.

- c. Legal Counsel Report – V. Kincaid gave a brief summary about the Ground Water Demand Management Ligation in Madera. It specifically challenges an adoption of a resolution for Demand Management. The complaint has several causes of action and reasons why or that groundwater pumping limit is unlawful.

CEQA is necessary to evaluate environmental impacts of the Demand Management Program and none of the exemptions for CEQA apply at Medera. So, the first cause of action is CEQA violation, the second is SGMA violation, because the GSP defined sustainability but Medera allocated a number beyond what the GSP defined as sustainable. Interestingly, litigation was motivated because the groundwater restrictions did not appear to be stringent enough.

- d. MKGSA Advisory Committee Update – Mr. Fukuda provided the update. MKGSA Advisory Committee March meeting was cancelled until late-March or early April. Mr. Fukuda provided a membership update indicating that in Group II, Cal. Water had requested that Max Storms (Water Resources Engineer) replace the existing seat of Tom Brassfield. The other three remaining members in Group II requested reappointment: B. Wilbur, S. Mulholland and J. Snyder. Mr. Fukuda requested the Board affirm the 3 reappointments and appointment of the new Member, Max Storms, for an interim period through 12/31/2022 and to create advisory committee membership policy. By a motion of Director Mederos, seconded by Director Bixler, and unanimously carried.

- e. MKGSA GSP Review Status

- i. Department of Water Resources – Kaweah Subbasin Final Determination and Assessment – Mr. Fukuda provided the update. The GSAs met on February 17, 2022 – Coordination Meeting. Mr. Fukuda did a review of the meeting that was held with DWR on February 25, 2022 to clarify how the MKGSA can address deficiencies in the GSP by July 27th, 2022.
- ii. Task Order No. 7 – MKGSA GSP Revisions – The GSA managers have agreed that technical work will be shared with Montgomery & Associates and Provost & Prichard. Consultants and all 3 GSAs will be meeting weekly on how to collaboratively adjust the GSPs. M&A has provided a scope of work and budget to address the MKGSA GSP – Task Order No. 7. Time and materials for consultants to address deficiencies are estimated at \$172,000. Derrick Williams of M&A provided a review of the Proposed Response to DWR Determination Letter. The three deficiencies identified by DWR are (1) Groundwater Level Minimum Thresholds (2) Subsidence Minimum Thresholds and (3) Interconnected Surface Waters. With a

motion from Director Nelsen, second by Director Bixler and unanimously carried by all directors present, Task Order No. 7 was carried.

- iii. Consider 90-day Notice of Intent – Mr. Fukuda gave a review of the Notice of Intent. It was recommended that the Board approve sending a Notice of Intent to modify the re-adopted Groundwater Sustainability Plan (GSP). With a motion from Director Mederos, second by Director Nelsen and unanimously carried by all directors present.

f. MKGSA GSP Implementation Workplan

- i. Mr. Fukuda provided the update on the Emergency Ordinance. A paper newsletter mailed to all of the landowners with APNs with non-de-minimis acreage. The newsletter included information of six workshops and four office hours the public can attend in March.
- ii. Land IQ Presentation – Update – Mr. Fisher gave the update. The MKGSA completed 35 ET data requests to date. ET by crop type within the MKGSA was completed and sent via email and over 1,500 paper mailers (with emergency ordinance). Finally, Fisher is developing water budgeting tools for growers that programmatically determine ET usage by APN. This year, the LandIQ priorities are to compare with volunteered pump records, complete the spring crop survey for 2022, develop a field application to digitize crop surveys in the future.
- iii. DWR TSS Monitoring Wells – Update – Mr. Fisher provided the update. DWR's Technical Support Services (TSS) supports Groundwater Sustainability Agencies (GSAs) as they develop and implement their GSP. TSS is providing full funding for two double nested monitoring wells within the MKGSA. Fisher is working with land owners, DWR, and M&A for optimal locations of those wells.

g. Kaweah Subbasin Coordination

- i. Kaweah Subbasin Management Committee – Mr. Fukuda gave the update. The committee hasn't scheduled a meeting but one is anticipated in April.
- ii. Prop 68 Planning Grant – Mr. Fukuda gave the update. The MKGSA is nearing the end of this grant, Mr. Fisher is coordinating scope revisions to include pressure transducers and water quality samplers.
- iii. Prop 68 Implementation Grant – Mr. Fukuda provided the review. The TID Board held the public hearing on the CEQA documents on the Okieville Recharge Basin. Okieville Recharge Basin will be moving forward with construction this fall.
- iv. SGM 2022 Grant – Spending Plan – Mr. Fukuda provided the update. The spending plan was submitted to the DWR for 14 Projects for a total of \$15M in project needs, \$6.6M of grant funds will go toward projects, \$1M toward planning, and the rest will be the local cost share.

- v. Water Marketing Strategy Grant – Mr. Fukuda gave the review. February meeting was cancelled. The meeting will be March 26, 2022 and we will be going over the Policies and Principles.

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

- a. Consideration of Resolution No. 2022-03 – 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 Nelson, seconded by Director Mederos, the motion was carried, allowing the board meeting to proceed remotely.

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

Fukuda discussed how the NRCS launched a new pilot program for growers that can access surface water that would like to participate in on-farm recharge and/or construction of a recharge trench or basin.

6. CLOSED SESSION

- a. Gov't Code 54956.9 – Anticipated Litigation: One Case
- b. Gov't Code 54957 – Review of MKGSA/TID Agreement for Public Employee

No action was taken in closed session.

7. ADJOURNMENT: Next Regular Meeting – April 19, 2022