



**MID-KAWEAH GROUNDWATER SUSTAINABILITY AGENCY
MEETING MINUTES**

September 12, 2023 @ 3:00 PM

Tulare Irrigation District

6826 Ave 240
Tulare, CA 93274

MEMBERS PRESENT: Steve Nelsen, Dennis Mederos, David Bixler, Emmanuel Soto, Blake Wilbur, and Dave Martin

GSA MEMBER STAFF PRESENT: Aaron Fukuda, Kathi Artis, Valerie Kincaid, James Fisher, Diana Zegarra, Leslie Caviglia, Rhett Anderson, Derrik William, Georgina King, and Trisha Whitfield

PUBLIC ATTENDEES: Amanda Piersch-Derby, Allison Tristao, Nicole Bona, Doug Jackson, and Melisa Herman

- 1) **CALL TO ORDER** - Chair Nelsen called the meeting to order at 3:00 p.m.
- 2) **PUBLIC COMMENT** – Chair Nelsen called for public comments. None were forthcoming.
- 3) **GENERAL BUSINESS**
 - a) **Approval of Minutes of Regular Meeting on August 08, 2023.** By a motion of Director Martin, seconded by Director Bixler and carried by all directors present, the August 8th 2023 meeting minutes were approved.
 - b) **Financial Reports**
 - i) *Financial Statements* – Ms. Artis presented the financial statements. By a motion of Director Wilbur, seconded by Director Bixler and unanimously carried by all Directors present, the Financial Statements were approved.
 - c) **Legal Counsel Report** – No Report
 - d) **MKGSA Advisory Committee Update** – Mr. Fukuda gave an update on Advisory Committee activities. The Advisory Committee had a meeting on August 22, 2023. The Advisory Committee heard a detailed update on the Well Mitigation Plan. M&A gave a report and update on the Dry Well Susceptibility Analysis. Several policies were reviewed, including a Cash Reserve Policy and an Unpaid Invoice Policy. The next meeting will be September 19, 2023.

e) MKGSA Groundwater Sustainability Plan Update

- i) *Department of Water Resources Inadequate Determination of the Revised 2020 Groundwater Sustainability Plan Submitted for the San Joaquin Valley – Kaweah Subbasin Update* – Mr. Fukuda gave the update. The Kaweah Subbasin Technical team is still meeting multiple times per week to address DWR comments in the GSP. The team is currently a few weeks behind schedule, but the SWRCB probationary hearing is anticipated to occur later than originally thought. Georgina King gave a report on Dry Well Susceptibility results and recommended using 30 feet from the bottom of the as protective threshold instead of 20% from the bottom of the well. The Technical Team is now evaluating groundwater level MTs for the subbasin between Fall 2022 levels and 2022 MTs.
- ii) *Kaweah Subbasin Mitigation Program* – Mr. Fukuda gave the update. The Kaweah Subbasin Technical Team is discussing and making revisions to the Program. EKGSA/LSID requested the inclusion of “All” wells (municipal, ag, industrial, domestic etc.) in the mitigation Plans. The Mitigation Program Framework will include “All” wells, but only mandate domestic wells be mitigated.
- iii) *Mid-Kaweah GSA Well Mitigation Plan* – Mr. Fukuda gave the update. Public Comment Period was extended to September 15, 2023. The MKGSA hosted a public workshop on August 31, 2023 at Waukena School District. MKGSA Staff collected all comments and created a comment matrix and how each comment will be addressed in the revised MKGSA well mitigation plan.

f) MKGSA GSP Implementation Workplan

- i) *Emergency Ordinance to Establish an Extraction Limitation for the Mid-Kaweah Groundwater Sustainability Agency Service Area – Update*
 - 1. *2022 Emergency Ordinance Invoicing Update* – Mr. Fukuda provided the update. The 2022 invoicing, 69% of the invoices are still unpaid which was due July 31st, 60% of invoice revenue received. The invoicing for 2023 will be going out shortly.
 - 2. *Discussion and Consideration for Unpaid Invoice Policy* – Mr. Fukuda gave the update. Currently there are no late fees in place, resulting in 31% of WY2022 invoices late and delinquent. The proposed policy establishes that the grower must respond within 30 days to either (1) pay or (2) plan to resolve fees. After 30 days there will be a one-time 10% late fee and an additional 1% monthly fee on the principal. Chair Nelsen motioned for a roll call. All Board Members voted in favor of the unpaid invoice policy.
 - 3. *WY 2023 Carry Over Credit* – Mr. Fukuda gave the update. The average grower rolled over 10 inches in 2022, when a year of water was allocated over a 5-month window. In 2023, the average grower rolled over an additional 2.6 AF/acre (indicating most growers did not use their allocation, and met 100% of their demand with precipitation and surface water). The carry over credits of WY2022 and WY2023 combined is approximately 3.5 AF/acre. Fukuda stated his intention to slowly meter those water credits out, to keep the water levels stable through the next dry period.
- ii) *Discussion and Consideration of SGMA Implementation Grant Participation Agreement with the Greater Kaweah GSA* – Mr. Fukuda gave the review. The Kaweah Subbasin received a Sustainable Groundwater Management Grant from

DWR. The Kaweah Subbasin GSAs agreed the SGM Grant would be administered by the GKGSA. The GKGSA has requested that the MKGSA sign a Participation Agreement to recognize that the MKGSA is not a party to the SGM Grant Agreement and the GKGSA wishes to establish an agreement with performance requirements to ensure compliance with the SGM Grant Agreement. By a motion from Director Martin, seconded by Director Wilbur, and carried by all Directors present the Participation Agreement with the Greater Kaweah GSA the motion carries.

g) Kaweah Subbasin Coordination

- i) *Kaweah Subbasin Management Committee* – Next meeting on September 27, 2023
- ii) *Prop 68 Implementation Grant* – Okieville Recharge Basin construction has begun. The project is anticipated to be complete by January 2023.
- iii) *SGM Implementation Grant Round 1* – GKGSA, the grant awardee, now has staffing levels back up and taken back administration of the grant.
- iv) *Department of Conservation Multibenefit Land Repurposing Program Grant* – Pre-RFP is complete and has been distributed. The full RFP is expected by the end of September.
- v) *Water Marketing Strategy Grant* – Draft report complete with committee feedback. Stantec working collaboratively with UTS to enable access / functionality within the Water Dashboard.
- vi) *Kaweah Water Foundation (CVSALTS)* - No update.
- vii) *Kaweah Inter-basin Coordination* – No update.

4) INTERIM GENERAL MANAGER'S REPORT – Mr. Fukuda reported on Metropolitan Water District Board and Membership tour (September 10th) at Harris Ranch Presentation on SGMA and Tulare Lake, and Fukuda presented at a PPIC Panel on farmland transitions. Fukuda will also present at Sustainable Conservation's Recharge workshop October 17th and at the Environmental Law Conference panel discussing recharge and the legal issues surrounding the practice, and Fukuda will be a keynote speaker at the AgMAR Forum.

- 5) CALIFORNIA GROUNDWATER COALITION – Mr. Fukuda reported from the August 15th meeting. Paul Gosselin was the guest speaker. Madera and MKGSA asked to give a presentation on SGMA process with SWRCB. Legislation is ongoing, AB 560-Bennett adjudication bill opposed by CC was moved to suspense file and SB 737 – Hurtado bill to mandate recharge was moved to a study bill.
- 6) LEGISLATION – No update
- 7) BOARD/STAFF UPDATES, FUTURE AGENDA ITEMS OR OTHER TOPICS OF INTEREST – No update.
- 8) CLOSED SESSION
 - a) Gov't Code §54956.9 – Anticipated Litigation: One Case
Upon returning from Closed Session, Ms. Kincaid reported that there was no action taken in Closed Session.
- 9) ADJOURNMENT - Chair Nelsen adjourned the meeting. The next scheduled meeting is October 10, 2023.