

MID-KAWEAH GROUNDWATER SUSTAINABILITY AGENCY BOARD

SUMMARY MINUTES

October 8, 2019 – 3:00 p.m.

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

MEMBERS PRESENT: Dennis Mederos, David Martin, Randy Groom^(Alt.), David Bixler,
Howard Stroman, Greg Collins

MEMBERS ABSENT: Steve Nelsen

ALTERNATES PRESENT: Randy Groom

STAFF PRESENT: Paul Hendrix, Valerie Kincaid, Aaron Fukuda, Rob Hunt, Trisha Whitfield,
Andrew Bettencourt, Roxanne Yoder

OTHERS PRESENT: Craig Moyle (Stantec), Blake Wilbur (Chair, Advisory Committee)

1. CALL TO ORDER REGULAR SESSION:

Chair Mederos opened the meeting at 3:01 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 September 10, 2019
It was moved by Vice Chair Martin, seconded by Director Stroman, and unanimously carried to approve the minutes of the September 10, 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. It was then moved by Director Bixler, seconded by Alt. Director Groom, and unanimously carried to approve the report as submitted.
- c. GSP – Status
 - i. Public Comments Received To-Date – Summary
P. Hendrix introduced the item and C. Moyle provided a PowerPoint Presentation for the Board's review and consideration related to the public comment process concerning the GSP. He summarized the comments with noting that 12 comment letters were received totaling 180 pages in length.

Highlights included the following issues: Interconnected surface waters, declining water levels, water quality and consideration of small-system and domestic users. A copy of the presentation is to be distributed to the Board.

ii. GSA Member Comments – Overview

Director Collins presented a comment statement, entitled “Tragedy of the Aquifer” for the Board’s review and consideration. A. Fukuda then provided information regarding the Tulare ID’s use of a hydrogeologist to conduct a peer review of the GSP.

iii. Process Leading to Final GSP

This item was covered via the PowerPoint presented by C. Moyle. He discussed regulatory requirements for consideration of public comments, comment segregation into three priorities, upcoming recommendations by the Advisory Committee, legal counsel input, and board approval of changes to the GSP.

iv. Grant Funds

P. Hendrix provided an informational update on the Prop 1 grant reimbursement request and the Subbasin’s intended application for a Prop 68 grant for past GSP preparatory costs.

d. Kaweah Subbasin Coordination

i. Coordination Agreement – Status

P. Hendrix provided a status update on the Coordination Agreement, noting that the local GSA managers have recently met to discuss the process leading to finalization of the Agreement.

ii. Assessment of Neighboring GSPs

P. Hendrix and A. Fukuda provided an assessment overview for the Board’s review and consideration. Reviews are underway for both Kaweah Subbasin GSPs and adjacent subbasin GSPs.

e. Advisory Committee – Report by Committee Chair

i. GSP Comment Review – B. Wilbur provided a report for the Board’s review and consideration, summarizing the special meetings of the Committee in October to conduct a thorough assessment of key public comments submitted on the draft GSP.

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

None provided.

5. CLOSED SESSION

Chair Mederos adjourned to closed-session discussions at 3:44 p.m. as noted by V. Kincaid

a. Gov’t Code §54956.9 – Anticipated Litigation

6. **RECONVENE FROM CLOSED SESSION**

Chair Mederos reconvened from closed session at 4:47 p.m. V. Kincaid advised there were no actions taken in closed session.

7. **ADJOURNMENT** Next Regular Meeting – November 12, 2019

Chair Mederos adjourned the meeting at 4:47 p.m.

Groundwater Sustainability Agency
Board Chair

Attest:

Groundwater Sustainability Agency
Board Secretary

Mid-Kaweah GSA
Agenda Item Report

November 12, 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 October 31, 2019

Profit & Loss Statement for period July 1, 2019 through October 31, 2019

Transaction Detail by Account for checking and money market accounts for period October 1, 2019 through October 31, 2019

Mid-Kaweah Groundwater Sustainability Agency
Balance Sheet
As of October 31, 2019

	<u>Oct 31, 19</u>
ASSETS	
Current Assets	
Checking/Savings	
Checking	4,561.45
Money Market	4,371.49
Total Checking/Savings	<u>8,932.94</u>
Total Current Assets	<u>8,932.94</u>
TOTAL ASSETS	<u><u>8,932.94</u></u>
LIABILITIES & EQUITY	
Equity	
Retained Earnings	60,101.58
Net Income	-51,168.64
Total Equity	<u>8,932.94</u>
TOTAL LIABILITIES & EQUITY	<u><u>8,932.94</u></u>

Mid-Kaweah Groundwater Sustainability Agency

Profit & Loss

July 1, 2019 through October 31, 2019

	July 1, 2019 - October 31, 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	462,254.82	575,800	(113,545)
Total GEI Fees - MKGSA - 02.2017	538,433.36	763,200	(224,767)
Total Consulting Fees	538,433.36	763,200	(224,767)
Flight Lines	0.00	-	-
Insurance	876.70	2,250	(1,373)
Legal	32,950.00	50,000	(17,050)
Membership Dues	4,140.00		4,140
Office Expense	1,164.22	2,600	(1,436)
Payroll, Benefits and Travel Expenses	94,209.80	246,000	(151,790)
Rent	1,500.00	3,000	(1,500)
Total Expense	673,274.08	1,070,950	(397,676)
Net Ordinary Loss	-51,460.24	(463,350)	411,890
Other Income/Expense			
Other Income			
Interest Income	291.60	200	92
Total Other Income	291.60	200	92
Net Other Income	291.60	200	92
Net Loss	-51,168.64	(463,150)	411,981

Mid-Kaweah Groundwater Sustainability Agency
Transactions by Account
October 1 - October 31, 2019

Type	Date	Num	Name	Description	Account	Receipts	Disbursements
Checking							
Transfer	10/07/2019			Funds Transfer	Money Market	65,000.00	
Check	10/08/2019	1144	Tulare Irrigation District	July-September Payroll costs	Payroll Expense		(56,353.62)
				Quickbooks	Office Expense		(74.95)
Check	10/08/2019	1145	AT&T Mobility	Cellphone	Office Expense		(45.12)
Check	10/08/2019	1146	ACWA JPIA	Auto and General Liability Insurance	Insurance		(876.70)
Check	10/08/2019	1147	ACWA	2020 Agency Dues	Membership Dues		(4,140.00)
Check	10/22/2019	1148	Capital One	Adobe AcroPro and Office Software Host	Office Expense		(59.94)
Check	10/22/2019	1149	Aliamo Properties	November and December 2019 rent	Rent		(500.00)
Check	10/24/2019			Service Charge	Office Expense		(15.98)
Check	10/24/2019	1150	VOID				
Check	10/29/2019	1151	O'Laughlin & Paris LLP	Legal fees September 2019	Legal		(4,585.00)
Transfer	10/29/2019			Funds Transfer	Money Market	200,000.00	
Transfer	10/30/2019			Funds Transfer	Money Market	155,000.00	
Check	10/30/2019	1152	GEI Consultants	Consulting Fees-Kaweah Sub-Basin SGMA Support	Accounts Payable		(349,977.66)
Total Checking						<u>420,000.00</u>	<u>(416,628.97)</u>
Money Market							
Transfer	10/07/2019			Funds Transfer	Checking		(65,000.00)
Transfer	10/29/2019			Funds Transfer	Checking		(200,000.00)
Transfer	10/30/2019			Funds Transfer	Checking		(155,000.00)
Deposit	10/31/2019			Interest	Interest Income	57.94	
Total Money Market						<u>57.94</u>	<u>(420,000.00)</u>
Total						<u>420,057.94</u>	<u>(836,628.97)</u>
Net Cash							<u>(416,571.03)</u>

Mid-Kaweah GSA
Agenda Item Report

November 7, 2019

Agenda Item 4.d.i: Responses to Comments on Draft GSP

Report Author: Paul Hendrix

Staff Recommendation:

It is recommended that the Board accept the draft GSP comment responses as put forth by the Advisory Committee.

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. The Advisory Committee has met four times since the comment period closed to review and discuss the comments received. The GSA's consultants and legal counsel were in attendance at these meetings and engaged in the review process.

The attached memo from GEI summarizes the recommendations based on Committee discussions at the aforementioned meetings. The 12 major bullet points reflect a segregation of the comment letters into three priorities and by common GSP themes, each of which having received discussion at length by the Committee. Serving as a basis for comment responses, a detailed matrix of all 200 comments was developed which was used by the Committee in formulating responses. All of the comment letters, as well as the comment matrix, may be found on the GSA's website www.midkaweah.org.

For each of the 12 comment themes, the Committee voted unanimously in support of the recommended response. Many of the recommended responses will require GEI and staff to amend the GSP accordingly and some will not. All comments will be referenced and acknowledged in the public outreach section of the GSP.

Recommended Motion:

I move to accept the Advisory Committee's recommendations regarding responses to the draft GSP as summarized in GEI's November 1st memo regarding the same.

Attachment:

GEI Memo re Processing and Resolution of Draft GSP Comments

Memo

To: Paul Hendrix
From: Chris Petersen and Craig Moyle
c: Blake Wilbur – Chair, MKGSA Advisory Committee
Date: November 1, 2019
Re: MKGSA Groundwater Sustainability Plan
 Processing and Resolution of Comments
 GEI Project No. 1704387

The purpose of this Memo is to seek formal agreement by the Mid-Kaweah Groundwater Sustainability Agency (MKGSA) Advisory Committee (Committee) on a set of key changes to the GSP for review and acceptance by the MKGSA Board at their regularly scheduled November 12th meeting. We are seeking Committee approval for the approach, or the approach as modified during the November 5th meeting, for incorporating public comments into the Final MKGSA Groundwater Sustainability Plan (GSP) as agreed upon during special meetings of the Committee held in the month of October 2019.

This Memo summarizes comments received on the Public Review Draft MKGSA GSP, the processing of comments, and resolution as agreed upon at Committee meetings on October 15th and October 22th, 2019. During the public comment period from July 31 to September 16, 2019, comments were received from the following individuals and organizations:

- 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 Co., 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

- Tulare County Resource Management Agency, 9/16/19

In addition to the public comments listed above, Tulare Irrigation District (TID) contracted with Montgomery and Associates to complete a third party “Peer Review” of the document. Summarized below are the key issues raised by the reviewers and how the Committee agreed to proceed with each of these issues in finalizing the MKGSA GSP.

Processing of Comments

Stantec designed the comment management process which was initially administered by TID during the public comment period. TID reviewed each comment letter, entered each comment into a spreadsheet database (database) which totaled 197 individual comments. For each comment, TID staff assigned a database identification number, author, assigned a discipline area, and identified which sections of the GSP the comment pertains to. Following the close of comment period, TID provided the database and comment letters to Paul Hendrix. Paul, working with Chris Petersen (GEI) and Craig Moyle (Stantec), reviewed each comment and categorized them into three priorities as listed below:

- Priority 1 : Comments of an editorial or grammatical nature that can be addressed directly or by clarifying the text. These comments will be implemented by MKGSA staff (staff) and consultants.
- Priority 2: Comments that required GSA Manager and Consultant review and coordination to develop an approach for either addressing in the Final GSP or deferring to future update, said recommendations having been vetted with the Committee.
- Priority 3: Comments of a technical or policy nature that are significant and controversial. Resolution of these comments required Advisory Committee direction to either address in the Final GSP or defer to the five-year GSP assessment.

The database is provided as **Appendix A**. These comments were presented to the Committee in three meetings listed below:

- October 4th: Review of requirement regarding public input and consideration of public comments; overview of approach to comment management.
- October 15th: Review and discuss recommendations for addressing Priority 3 comments.
- October 22nd: Review and discuss recommendations for addressing Priority 2 comments.

TID Peer Review

Montgomery & Associates provided comments to TID on September 19, 2019. They concluded that the MKGSA is likely to be found complete and adequate by DWR, but they provided a few recommendations for improvement listed below:

1. Prepare an expanded Executive Summary (ES) that is a separate sub-section at the front of Section 1 that summarizes all key elements and themes in the GSP. The ES should be a clear summary of the rationale, basis, limitations, and proposed plans for achieving sustainability. M&A believes that an effective ES will enhance the likelihood that DWR will declare the GSP as complete and adequate.

2. Include an expanded discussion of the water budget components and assumptions in Section 2 of the GSP instead of simply referring to the Kaweah Subbasin Basin Setting report included as Appendix 2A to the GSP.
3. Improve the overall readability and clarity of Section 5, Sustainable Management Criteria. Also verify that all sustainable management criteria (SMC) regulatory requirements have been addressed in this section or in Section 3 (Sustainability Goal and Undesirable Results).

Staff and GEI agree that these changes would improve the GSP and should be incorporated.

Committee Action: Recommend Approval

Priority 1 Comments

Staff reviewed 102 Priority 1 comments and provided a brief summary on specifically how to address each of these comments in the database. Staff working with the consulting team will incorporate each of these specific comments as noted in the database as the final GSP is being developed.

Committee Action: Recommend Approval

Priority 2 and 3 Comments

Staff and the GEI team reviewed and developed draft comments Responses for 76 Priority 2 and 19 Priority 3 comments (Appendix A). Priority 3 comments had more complex technical and political overtones. During the Committee meetings on October 15th and 22nd, we had discussed the key themes in these comments and agreed on a path forward as detailed below.

1. **Incomplete evaluation of surface and groundwater interaction and the related observation that we had in incomplete assessment of groundwater dependent ecosystems.** Most comments on this theme were provided by the California Department of Fish and Wildlife, The Nature Conservancy, and Various Non-Profits.

Resolution

- Add more detail in Section 2 (Basin Setting) showing the depth to groundwater during spring 2017 and describing the disconnected nature of surface water from the shallowest principal aquifer and then stressing that management of groundwater in the shallow principal aquifer will not induce flows to surface water channels (i.e., recreate gaining reaches of these channels) in the MKGSA, nor will it impact the plant communities at the ground surface. We will review the rooting depth of identified natural plant communities at the groundwater surface to first verify that these communities are not tapping groundwater at the depths shown on our depth to groundwater map.
- In Project and Management Actions, Section 7, explain that we value diverse plant and animal communities and that the GSA will advocate for the develop of projects that are multi-benefit by providing both improved supply reliability and benefits to the environment. Consistent with MKGSA's objectives as stated in Section 3.1 of the GSP, recharge projects as described in Section 7 will emphasize the importance of the natural and man-made channel

system in the Subbasin and its integral role in sustaining the underlying groundwater resource.

- 2. Incomplete Water Budget and Clarification on the Difference Between Water Budget and Water Accounting Framework** throughout the GSP. Comments on this theme were provided by Self-Help Enterprises, Leadership Council on Justice and Accountability, Various Non-Profits, and others.

Resolution

- Address this issue in an expanded ES to information the reader/reviewer at the beginning of the document
 - Expand Section 2 (Basin Setting) to include a brief description of each water budget component as defined in Appendix 2A and the assumptions made when calculating or estimating each component.
 - Search document to verify correct usage of terms “water budget” vs. “water accounting” within the context of each reference.
- 3. Unacceptable Groundwater Level Impacts to Small-System and Domestic Well Owners based on Measurable Objective Levels set in Groundwater Level Representative Monitoring Wells; assistance/mitigation alternatives in Section 7.4 are too vague.** Comments on this theme were provided by Self Help Enterprises, Leadership Council on Justice and Accountability, Various Non-Profits, and others. Self-Help and Leadership Counsel supported their findings by including a “Focused Technical Report that showed a much larger number of wells impacted than the consulting team had estimated.

Resolution

- Work with Self-Help and Community Water Center to better understand the source data in the focused report and approach used for their Well Vulnerability Tool. It is our understanding that this tool and supporting documentation will be made public either in late 2019 or early 2020. Once the data set and approach are understood, MKGSA may update their well impact analysis based on these new data. Findings will be reported out in MKGSA’s annual reports and, if changes to the Plan (including adjustments to SMC) are needed, these will be reflected no less frequently than at each five-year GSP assessment.
- Improve the domestic/small system assistance program described in Section 7.4 and also reflect assistance strategies in the ES. The following will be added to strengthen mitigation which could be potentially provided to address impacts to such well owners:
 - Complete a well identification and characterization study within the early years of implementation. This study will locate active wells, determine total well depth and depth to groundwater and should be given a high priority for completion.
 - Implement a well registration program and only owners of registered wells would be eligible for assistance. Registration would allow staff to access well to verify well depth and depth to groundwater.
 - Mitigation could include financial assistance in providing short-term water supply.

- Long-term water supply could include financial and technical support.
- Preference for connecting current domestic well users to a public water system if engineeringly and economically feasible.
- Coordinate with GKGSA and EKGSA to verify that measurable objectives are acceptable and resolve conflicting target objectives if identified.

4. **Unacceptable Groundwater Quality Protections to Disadvantaged Communities (DAC) and Small Community Water Systems.** Comments on this theme were provided by Self Help Enterprises, Leadership Council on Justice and Accountability, Various Non-Profits, and others.

Resolution

- Show the locations of DACs on groundwater quality representative monitoring program figure.
- Work with managers of other GSAs in the Subbasin to modify the sustainability goal statement to more closely match the language the Committee had originally agreed before being modified in consultation with other GSA managers and their attorneys.
- GEI to add small public water system wells to network. GEI had only included wells for which information was available at the time the Basin Setting Report was being developed in late 2018. Since that time, the state has been working to upload more small system data, so another look at this time is appropriate.
- GEI to review constituent list recently release by the SWRCB in the SGMA Water Quality Frequently Asked Questions included as Appendix B. If the constituents in the example list at the bottom of Pg. 4 are publicly available for the wells within our network, MKGSA will expand its list to include these.
- Clarify GSA's role in regard to water quality protections in the ES and in Sections 3, 4, 5, and 7.

Committee Action: Recommend Approval

[CP]



TULARE COUNTY FARM BUREAU

Mission: to promote and enhance the viability of Tulare County agriculture.

October 30, 2019

Mid Kaweah Groundwater Sustainability Agency
144 S. L Street, Suite N
Tulare, CA 93274

Re: GSP Comments

To Whom It May Concern:

Tulare County Farm Bureau represents approximately 1,500 farm and ranch members in the county. We are committed to serving as a resource to our farm community, and work to surface and address problems and identify solutions for our members.

We want to thank your GSA management team for the many years of hard work, planning, and organization that has occurred to bring us to this point. We appreciate the work that has been assumed by many irrigation districts, water agencies, paid and volunteer leaders, which have been thrust into these roles to help our basins collectively solve the undesirable conditions set forth in SGMA law, enacted in 2015.

Our over-arching comments are:

- Groundwater sustainability plans should remain a fluid, living, breathing, adaptive document which provides operational flexibility for the management team to use in maximizing water resources for the farm and rural communities impacted by the GSP implementation
- Water pumped from this sub basin should be applied here, care should be given to avoid impacts to our sustainability and safe yield. We discourage exportation of waters out of the sub-basin where it would negatively impact local landowners.
- Plans should seek to address disparity amongst the landowners, and serve the white area and non-white area lands as equitable as possible. We encourage cautious and investigative due diligence in the development of a water market, or any model which may place certain landowners at a competitive disadvantage.
- We encourage strategies which will protect agriculture land from fallowing, or retirement.
- We encourage incentives that will promote marginal or impaired land being used for recharge and the landowner receiving a financial incentive for making these changes in their cropping strategies.
- We encourage plans to look at broad long-range and short-term ideas that will maximize bringing new non-native water supplies into our hydrologic basin for recharge, and to increase the supply available.
- We support GSPs that seek to study, investigate, and monitor basin conditions before significant disruptive management changes are required of landowners in their jurisdictions.
- We support sustainability goals that help unify each sub-basin and provide additional benefits for the cultivation of crops here in the Tulare Lake basin hydrologic region. We encourage projects to be advanced that promote maintaining agricultural acreage while minimizing the need to idle farmland.
- We support rigorous and relevant education to growers and landowners in the GSA's territory with frequent updates and opportunities for public outreach and feedback.

Sincerely,

A handwritten signature in black ink that reads "Tricia Stever Blattler".

TRICIA STEVER BLATTLER
Executive Director