

MID-KAWEAH GROUNDWATER SUSTAINABILITY AGENCY BOARD

SUMMARY MINUTES

August 11, 2020 – 3:00 p.m.

Conducted via Teleconference
Per Executive Order N-29-20

MEMBERS PRESENT: Dennis Mederos, Dave Martin, Steve Nelsen, David Bixler, G. Collins, Howard Stroman^{3:23 p.m.}

STAFF PRESENT: Aaron Fukuda, Valerie Kincaid, Kathy Artis, Rob Hunt, Trisha Whitfield, Randy Groom, Leslie Caviglia, Andrew Munn, Roxanne Yoder

OTHERS PRESENT: Blake Wilbur (MKGSA Advisory Comm. Chair), Tim Leo, Derrik Williams, Richard Garcia, Stacie Ann Silva, Gene Kilgore, Kel Mitchel, Blanca Escobedo, Geoff Vander Heuvel, Matt Klinchuch, Susan Simon, Tim Mendonca, Blake Wilbur, Ben Curti

1. CALL TO ORDER

Chair Mederos opened the meeting at 3:03 p.m.

- 2. PUBLIC COMMENT** – The public may comment on any subject within the jurisdiction of the Board, including items on the agenda. Speakers will be allowed three minutes unless otherwise extended by the Board Chair. The Board cannot legally discuss or take official action on items presented under 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 June 9, 2020

It was moved by Director Nelsen, seconded by Director Bixler, and unanimously carried to approve the minutes as presented.

- b. Financial Reports*

- i. Financial Statements – Year-to-Date

K. Artis provided the report for the Board's review and consideration. She pointed out highlights in the balance sheet, profit and loss statement, and list of recent transactions. Following the report, it was moved by Director Nelson, seconded by Vice Chair Martin, and carried 5 to 0 (Director Stroman absent) to accept the report as presented.

- ii. MKGSA Audit – Cutton & Mastro
 - K. Artis provided a report for the Board’s review and consideration. Following the report, it was moved by Director Collins, seconded by Director Nelson, and carried 5 to 0 (Director Stroman absent) to accept the report as presented.
- c. Legal Counsel Report
 - V. Kincaid advised that she had no update.
- d. MKGSA Advisory Committee Membership Update
 - A. Fukuda provided an update to the Board advising that eight comment letters have been received and provided an overview of the proposed review process. Comments by Blake Wilbur regarding the seating of new members. No action required.
- e. MKGSA GSP Review Status
 - i. Public Comments on GSP
 - A. Fukuda introduced Tim Leo and Derrick Williams of Montgomery & Associates who provided a PowerPoint presentation on comments related the GSP and addressed questions and comments posed by the Board and V. Kincaid.
- f. MKGSA Consultant
 - i. Provost & Pritchard Master Consulting Services Agreement for Technical Support*
 - A. Fukuda provided a report for the Board’s review and consideration. Following discussion, it was moved by Director Bixler, seconded by Director Stroman and unanimously carried to approve the agreement as amended, with changing the County from Fresno to Tulare in the Dispute Resolution section of the agreement.
- g. Kaweah Subbasin Coordination
 - i. Kaweah Subbasin Managers Report
 - A. Fukuda provide a report for the Board’s review and consideration.
 - 1. Kaweah Delta Water Conservation District Consultant Services Cost-Sharing Agreement*
 - A. Fukuda provided a report for the Board’s review and consideration. Following the report, it was moved by Vice Chair Martin, seconded by Director Nelson and unanimously carried to approve the agreement as presented.
 - ii. Prop 68 Grant
 - A. Fukuda provided a report for the Board’s review and consideration.

- iii. RCIS Program
 - A. Fukuda provided a report for the Board's review and consideration.
- iv. Water Marketing Strategy Grant
 - A. Fukuda provided a report for the Board's review and consideration.
- v. Stanford SkyTEM
 - A. Fukuda provided a report for the Board's review and consideration. He noted that Jim Cannia who presented previously to the Board passed away due to a tragic auto accident.

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

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

6. CLOSED SESSION

Chair Mederos advised that closed session was not necessary.

- a. Gov't Code §54956.9 – Anticipated Litigation: One Case

7. ADJOURNMENT Next Regular Meeting – September 8, 2020
Chair Mederos adjourned the meeting at 4:06 p.m.

Groundwater Sustainability Agency
Board Chair

Attest:

Groundwater Sustainability Agency
Board Secretary

Mid-Kaweah GSA
Agenda Item Report

September 8, 2020

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 August 31, 2020

Profit & Loss Statement for period July 1, 2020 through August 31, 2020

Transaction Detail by Account for checking and money market accounts for period August 1, 2020 through August 31, 2020

Mid-Kaweah Groundwater Sustainability Agency

Balance Sheet

09/02/20

As of August 31, 2020

Accrual Basis

	Aug 31, 20
ASSETS	
Current Assets	
Checking/Savings	
Checking	689.01
Money Market	124,269.28
Total Checking/Savings	124,958.29
Accounts Receivable	
Accounts Receivable	14,237.12
Total Accounts Receivable	14,237.12
Total Current Assets	139,195.41
TOTAL ASSETS	139,195.41
LIABILITIES & EQUITY	
Equity	
Retained Earnings	147,584.58
Net Income	-8,389.17
Total Equity	139,195.41
TOTAL LIABILITIES & EQUITY	139,195.41

Mid-Kaweah Groundwater Sustainability Agency

Profit & Loss

July 1, 2020 through August 31, 2020

	July 1, 2020 - August 31, 2020	2020-2021 Budget	Variance
Ordinary Income/Expense			
Income			
Call For Funds	-	338,594.00	(338,594.00)
Prop 1 GSP Grant	-	150,000.00	(150,000.00)
Reimbursed Expenses			
Kaweah Sub Basin Expenses	14,237.12		14,237.12
Total Reimbursed Expenses	14,237.12	150,000.00	(135,762.88)
Total Income	-	488,594.00	(488,594.00)
Expense			
Net Reimbursements To/From Other GSAs	-	279,000.00	(279,000.00)
Audit Expense	-	4,100.00	(4,100.00)
Consulting Fees			
Montgomery & Associates	6,370.00	200,000.00	(193,630.00)
Consulting Fees-GEI-Sub-Basin Coordination	11,043.29	-	11,043.29
Total Consulting Fees	17,413.29	200,000.00	(182,586.71)
Flight Lines	-	-	-
Insurance	-	5,000.00	(5,000.00)
Legal	840.00	50,000.00	(49,160.00)
Office Expense	16.18	2,700.00	(2,683.82)
Payroll, Benefits and Travel Expenses	4,380.04	165,000.00	(160,619.96)
Total Expense	22,649.51	705,800.00	(683,150.49)
Net Ordinary Income/(Loss)	(8,412.39)	(217,206.00)	194,556.49
Other Income/Expense			
Other Income			
Interest Income	23.22	300.00	(276.78)
Total Other Income	23.22	300.00	(276.78)
Net Other Income	23.22	300.00	(276.78)
Net Income/(Loss)	(8,389.17)	(216,906.00)	194,279.71

Mid-Kaweah Groundwater Sustainability Agency

Transactions by Account

As of August 31, 2020

Type	Date	Num	Name	Description	Account	Receipts	Disbursements
Checking							
Check	08/25/2020	1192	GEI Consultants	March 2020 Consulting Fees	Consulting Fees-KSB		(308.17)
			GEI Consultants	August 2020 Consulting Fees	Consulting Fees-KSB		(11,043.29)
Check	08/25/2020	1193	Tulare Irrigation District	July 2020 Payroll expenses	Accounts Payable		(4,380.04)
Check	08/25/2020	1194	Montgomery & Associates	June 2020 Consulting Fees	Consulting Fees		(5,720.00)
			Montgomery & Associates	July 2020 Consulting Fees	Consulting Fees		(6,370.00)
Check	08/25/2020	1195	O'Laughlin & Paris LLP	July Legal Fees	Legal		(840.00)
Check	08/25/2020	1196	East Kaweah Groundwater Sustainability Ag	April 2020 Annual Monitoring Report	Annual Monitoring		(6,961.53)
Transfer	08/25/2020			Funds Transfer	Money Market	35,000.00	
Total Checking						35,000.00	(35,623.03)
Money Market							
Transfer	08/25/2020			Funds Transfer	Checking		(35,000.00)
Total Money Market						-	(35,000.00)
						35,000.00	(70,623.03)
						Net cash	<u>(35,623.03)</u>

Mid-Kaweah GSA
Agenda Item Report

September 2, 2020

Agenda Item 3.d.: MKGSA Advisory Committee Membership Update

Staff Recommendation:

No Action

Background:

The MKGSA Advisory Committee is currently seeking to fill three (3) open seats on the Committee. Due to a combination of resignations and ongoing empty seats the MKGSA Management Committee has developed a Press Release and Application that is now being circulated, both of which are attached for your review. Also attached is a chart of current Advisory Committee Members and their terms.

The application process will close on September 30th at 5:00 PM. The Management Committee will review the applications and be prepared to make a recommendation to the MKGSA Board at the October board meeting.

We have also been coordinating with the Soapy Mullholand and the Sequoia Riverlands Trust (SRT) regarding Ms. Mullholand's retirement from SRT. Ms. Mullholand held a seat on the Advisory Committee as the Executive Director of SRT and represented the environmental beneficial users of the MKGSA. In discussions with SRT, they would like to have their new Executive Director, Cam Tredennik assume the seat Ms. Mullholand holds and finish her term on the Advisory Committee. The MKGSA Management Committee recommends that this adjustment be made at the same time that the three (3) new members are appointed in October.

Recommended Motion:

No Action Being Taken

Attachment:

Advisory Committee Term Summary
Advisory Committee Press Release
MKGSA Application for Appointment to a Committee



Mid Kaweah GSA

Advisory Committee Term Summary

Group I
One-Year Term
(12/31/2020)

- Mark Boyes (At Large, Agriculture)
- Richard Garcia (Environmental)
- Jimmy Nichols (Agriculture)

Group II
Two-Year Term
(12/31/2021)

- Blake Wilbur (Agriculture)
- Soapy Mulholland (Environmental)
- Eric Furtado (At Large, Cal. Water Service)
- Jessi Snyder (Disadvantaged Community)

Group III
Three-Year Term
(12/31/2022)

- Ed Henry (At Large, Tulare)
- Lee Johnson (At Large, Visalia)
- Mike Lane (At Large, Visalia)
- Vacant Seat (Disadvantaged Community)



Press Release
Mid-Kaweah GSA
6826 Avenue 240
Tulare, California 93274
Tel: (559) 686-3425

FOR IMMEDIATE RELEASE
August 21, 2020

CITIZEN INPUT SOUGHT FOR GROUNDWATER SUSTAINABILITY ***Local Agencies Seeking Advisory Committee Members***

VISALIA, CA – The Mid-Kaweah Groundwater Sustainability Agency (GSA) is seeking local citizens interested in the preservation of our precious resource, water.

Comprised of the City of Visalia, the City of Tulare, and the Tulare Irrigation District, the Mid-Kaweah GSA values the public's ideas and input, as they address the region's groundwater and management of the precious resource and is seeking new members for the GSA Advisory Committee.

Formed in 2015, the GSA is responsible for developing and implementing a Groundwater Sustainability Plan (GSP) to meet the sustainability goal of the basin to ensure that it is operated within its sustainable yield. The MKGSA Submitted their GSP to the Department of Water Resources (DWR) in January 2020 in accordance with the Sustainable Groundwater Management Act (SGMA)

As the GSA moves forward, the Advisory Committee will continue to be actively engaged in the implementation of the GSP and ongoing updates to the GSP for the Mid-Kaweah region.

Interested parties are encouraged to apply, but they must be residents or associated with a business in the Mid-Kaweah area. Members representing the agricultural community, government agencies, environmental interests, and disadvantaged communities are sought, as well as members at large.

All applications will be reviewed by the GSA Management Committee. Previously submitted applications will also be reviewed, after which time recommendations for appointment will be made to the GSA Board from among all applications.

Applications are available now from the City of Tulare at 411 E Kern Ave. Tulare, CA 93274 or online at www.tulare.ca.gov, from the Tulare Irrigation District at 6826 Avenue 240, Tulare, CA 93274 or online at www.tulareid.org, and from the City of Visalia at 220 N. Santa Fe St. Visalia, CA 93292 or online at www.visalia.city.

Applications are due by Friday, September 30th by 5 p.m. Applications can be mailed to 6826 Avenue, 240, Tulare, California 93274 to the attention of Aaron Fukuda, or emailed to akf@tulareid.org. For questions, contact Aaron Fukuda, Interim General Manager at (559) 686-3425.

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Mid-Kaweah Groundwater Sustainability Agency

APPLICATION FOR APPOINTMENT TO A COMMITTEE



Name of Committee _____

Name _____

Mailing/ _____

Residence _____

Address _____ Residence Phone _____

_____ Zip Code _____ Work Phone _____

Email _____ Cell Phone _____

NOTE: Of the contact information provided, please indicate with an asterisk "*" which is the best way to reach you.



TRAINING, EXPERIENCE and/or EDUCATION:

Additional Pertinent Skills, Experience or Interests:

Community activities in which you are involved:

Current or prior service on a City Board, Committee or Commission:

Employment Information:

Present Occupation: _____

Name of Firm: _____

Address: _____

Phone: _____

1) Describe any qualifications, experience, and education, as well as any technical or professional background you may have relative to the duties of this position.

2) Why are you interested in serving on this committee?

3) What are your goals in serving on this committee?

PLEASE NOTE THAT THIS APPLICATION BECOMES PUBLIC INFORMATION.

ON OCCASION, BOARD/COMMITTEE/COMMISSION MEMBERS, CITY STAFF, AND/OR THE PUBLIC MAY HAVE NEED TO COMMUNICATE WITH YOU, PLEASE BE SURE TO NOTE ON YOUR APPLICATION THE BEST WAY TO CONTACT YOU (i.e. mailing address, phone number, or email address.)

I hereby certify that the information contained in this application and any accompanying documents is true and correct to the best of my knowledge.

Signature of Applicant

Date

You are invited to attach additional pages, enclose a copy of your resume or submit supplemental information which you feel may assist in the evaluation of your application.

When completed mail/submit original to:

Mid-Kaweah GSA
c/o Interim General Manager
Attn: Aaron Fukuda
6826 Avenue 240
Tulare, CA 93274

Mid-Kaweah GSA
Agenda Item Report

September 3, 2020

Agenda Item 3.e.ii.: MKGSA Letter – Responses to Comment

Staff Recommendation:

The MKGSA Staff recommends that the Board of Directors adopt the Responses to Comments Letter.

Background:

The California Department of Water Resources (DWR) received nine (9) public comments on the MKGSA GSP. MKGSA Staff, consultants, and legal counsel reviewed the comments and recommended a process for addressing the comments at previous MKGSA Board meetings. Over the last month, Montgomery & Associates (Derrick Williams and Tim Leo) have been working with Mr. Fukuda, Interim General Manager, and Ms. Kinkaid, MKGSA Legal Counsel, to develop responses to the comments. It was agreed that the approach would be to develop the letter such that it addressed common themes throughout the comment letters.

The draft letter was presented to the MKGSA Advisory Committee on September 1, 2020. Several members of the committee shared their thoughts on the letter, which included, but were not limited to:

- The letter does a good job of trying to address the themes in the comments without getting too deep into the details or trying to address every comment;
- The letter should address the comments submitted by the Animal Legal Defense Fund (ALDF), or should reference the comment letter submitted by Dairy Cares;
- It was hoped that the letter would address the historical connection of groundwater with surface water and groundwater dependent ecosystems; and
- The letter clearly establishes that our GSP is a work in progress and planning document.
-

At the conclusion of the Advisory Committee review of the draft letter, it was motioned and unanimously approved to move the draft letter to the MKGSA Board of Directors with the addition of a statement addressing the ALDF comments.

Included with this report is the Draft Responses to Comments Letter as approved by the MKGSA Advisory Committee.

Recommended Motion:

I move to approve authorizing the MKGSA Board Chairman to sign the Responses to Comments letter and deliver to the California Department of Water Resources.

Attachment:

Draft Responses to Comments Letter



Mr. Craig Altare
Supervising Engineering Geologist
California Department of Water Resources
901 P Street, Room 213
Sacramento, CA 94236

Subject: Responses to Comments Received by DWR Regarding the Mid-Kaweah Groundwater Sustainability Plan

Dear Mr. Altare:

The Mid-Kaweah Groundwater Sustainability Agency (MKGSA) reviewed the nine comment letters submitted to the California Department of Water Resources (DWR) on the Mid-Kaweah Groundwater Sustainability Plan (GSP). The letters reflect the important concerns of the commenting organizations, and MKGSA is committed to working with these organizations on their respective concerns. Some comments do not fully evaluate GSP content, misinterpret SGMA regulations, or advocate for actions that are beyond the requirements of SGMA. In response to these comments, MKGSA has prepared this letter to provide DWR supplemental information about the GSP development process and assist DWR in locating portions of the GSP that demonstrate how the GSP is substantially compliant with SGMA.

The MKGSA GSP was developed in an open and public process, where input from a diverse stakeholder group was solicited and considered. The MKGSA established an Advisory Committee that frequently met under the provisions of a publicly noticed Brown Act meeting format to discuss and develop many of the key elements of the GSP. This Advisory Committee represented the beneficial groundwater users of the region including agriculture, urban, disadvantaged communities, and the environment. The Advisory Committee's role in developing the GSP was integral to establishing what was locally important and undesirable to the constituents of the MKGSA.

This process resulted in a GSP that we believe:

- Substantially complies with SGMA regulations,
- Balances the diverse interests of stakeholders that participated in the GSP development process, and
- Reflects the preferred local approach to attaining and maintaining groundwater sustainability.

However, MKGSA also recognizes that our GSP is a planning document that must adaptively change and continue to improve through the development of data and regulatorily required updates. To that end, we have retained a team of hydrogeologists (Montgomery & Associates), engineers (Provost & Pritchard), communication/outreach specialists (Stantec), and legal counsel (Valerie Kincaid of O’Laughlin & Paris LLP) to help us refine the GSP and adaptively implement the proposed sustainability management actions and projects over the next two to five years. Starting with the comments provided to DWR, MKGSA has already begun prioritizing activities to refine the GSP and developing early implementation efforts.

Rather than respond to comments individually, MKGSA provides responses that address important themes or issues that commonly appear in the comment letters.

Environmental Groundwater Users

Some comments question whether the GSA adequately addressed the needs of environmental groundwater users when developing the sustainability goal, sustainable management criteria (SMC), and monitoring networks. These comments typically focus on groundwater dependent ecosystems (GDEs) and interconnected surface waters (ISWs). We believe these comments advocate for analyses and actions that are not required by SGMA and are not consistent with the prevailing hydrologic conditions in the Subbasin. To ensure that environmental groundwater users were represented in GSP development, the MKGSA Advisory Committee included representation from the environmental community, namely the Sequoia Riverlands Trust, a local non-profit organization committed to preservation of the natural and agricultural legacy of the region, and an active member of the local Sierra Club chapter.

The MKGSA GSP adequately considered environmental groundwater users and properly evaluated GDEs and ISWs within the MKGSA. Specifically, the GSP presents an analysis that demonstrates that groundwater levels in the principal aquifers are most likely hydraulically disconnected from both surface water bodies and potential perched groundwater zones that may support GDEs (Section 2.5 of GSP). GDEs and ISWs may potentially exist within the Subbasin based upon current conditions, but none are within the MKGSA. However, to further assess the needs of environmental beneficial users, over the next two years, MKGSA will refine the analysis of ISWs and GDEs to consider spatial and temporal variability of groundwater levels, which will improve our evaluation of the potential connection between groundwater and surface water that may support GDEs.

Policy Evaluation (Endangered Species Act, Human Right to Water, and Public Trust Doctrine)

Some comments advocate for strict compliance with general legal doctrines that is beyond the requirements of SGMA, including the Endangered Species Act (ESA), Human Right to Water, and the Public Trust Doctrine.

MKGSA is committed to complying with the ESA, the Human Right to Water, and the Public Trust Doctrine. Such compliance is demonstrated in the consideration of groundwater beneficial users, including domestic wells, community water systems, and disadvantaged communities, as well as environmental beneficial uses, for example, in GSP Sections 1.5.2, 1.5.3, 1.5.7, and 3.2.3. These doctrines require evaluation and balancing of beneficial uses, as was done in the GSP. DWR has similarly recognized that the GSP is not the document through which all other related doctrines must be enforced. For example, as noted by DWR Senior Counsel Erick Soderlund at his July 16 presentation at the Law Seminars International SGMA symposium, “SMGA is not all laws ... I don’t think we’re trying to have SGMA bleed into every other law on the books, whether it is endangered species or water quality.”

The GSP was developed to be substantially compliant with SGMA. In accordance with SGMA, the GSP evaluates the impact of sustainable management criteria on all beneficial uses of water, which inherently includes evaluating the Human Right to Water and compliance with other legal doctrines. It is our understanding that DWR is currently developing guidance on how a GSP should consider the Human Right to Water; the MKGSA will evaluate that guidance when it is available. It is through its compliance with SGMA that the MKGSA is also compliant with these other legal doctrines.

Outreach to Disadvantaged Communities (DACs)

Some of the comments suggest that MKGSA’s outreach efforts during GSP development were inadequate, especially for DACs. MKGSA invested in significant outreach, going above and beyond the outreach requirements of SGMA. Throughout the entire GSP development process, MKGSA facilitated robust and thorough outreach and engagement, including direct engagement with representatives from DACs. Outreach efforts are documented in the Communication and Engagement Plan (Appendix 1F of the GSP), and subsequent stakeholder engagement is documented in the responses to comments (Appendix 1G of the GSP).

Examples of DAC outreach conducted by the MKGSA are listed below:

- Numerous public meetings were held to inform landowners, including DAC landowners, about SGMA, the process, and the outcomes.

- Tulare Irrigation District hosted small-group sessions (12 or less attendees) for all landowners within the District, including DAC landowners. Notices and invitations were sent to all landowners within the District, including those in DACs such as Okieville, Highland-Acres, and Waukena.
- Meeting materials were developed in both English and Spanish.
- Various flyers and informational materials were sent to all landowners within the MKGSA, including DAC landowners, informing them on SGMA.
- Formation of the MKGSA Advisory Committee, which included DAC representatives to ensure their concerns were directly represented. Advisory Committee meetings were held monthly and more frequently when specific input and guidance were needed. DAC representatives on the Advisory Committee and in the audience actively participated in the process by providing input and feedback. All GSP elements that were developed by the Advisory Committee were voted on by the 11-members, and unanimous votes were achieved before moving the elements to the MKGSA Board of Directors.

Future Allowable Declines in Groundwater Levels and Impacts to DACs

Some comments expressed concern that levels set for groundwater elevation measurable objectives and minimum thresholds could have adverse impacts on domestic wells. Some of the comments implied that MKGSA did not consider or understand these potential impacts. However, MKGSA’s approach for setting measurable objectives and minimum thresholds for future groundwater levels was directly informed by local preferences and considered the needs of all groundwater users. These levels were established after extensive data evaluation and consideration of the various competing beneficial uses within the MKGSA service area.

In accordance with SMGA, the GSP specifically identifies the impact on domestic wells. For example, Section 5.3.1 of the GSP states that if water levels drop to minimum thresholds, “between 4 and 32 percent of [the area] where most small-system and domestic wells ... are located may experience reduction or loss of production capacity ...” During GSP development, the MKGSA Board of Directors thoroughly considered the suitability and implication of the groundwater minimum thresholds on all groundwater users. Furthermore, the established measurable objectives and minimum thresholds were thoroughly vetted with the MKGSA Advisory Committee before being presented to the MKGSA Board of Directors.

The Board of Directors adopted the proposed minimum thresholds with the understanding that there may be impacts to a limited number of domestic wells. To address these potential impacts, the MKGSA committed to a mitigation program to assist impacted domestic well owners, as

outlined in Section 7.4.8 of the GSP. While some commenters may not agree with this approach, it reflects the outcome of a thoughtful and open process to determine the preferred future groundwater conditions at sustainability.

Comments from the Leadership Counsel present higher estimates of the potential number of impacted domestic or small system wells than estimated by the MKGSA. During the development and discussion of measurable objectives and minimum thresholds by the Advisory Committee, the Leadership Counsel presented a draft study that showed these higher estimated impacts. MKGSA requested the details of the analysis used for the draft study during the GSP development process, but Leadership Counsel was unable to provide them at that time.

The MKGSA understands the important responsibility of setting locally determined measurable objectives and minimum thresholds that will not result in undesirable results. Given the importance of the information provided by Leadership Counsel, MKGSA will evaluate their analysis to better understand the data used and assumptions made. If their analysis differs from the analysis conducted by the MKGSA, these differences will be shared with the MKGSA Advisory Committee to consider whether a revision to the measurable objectives and minimum thresholds is appropriate.

Subsidence

Some comments expressed concern about the minimum thresholds for subsidence rates. While MKGSA believes that the proposed SMC for subsidence is justified given the unique conditions in the Subbasin, MKGSA has already started a review and extended analysis of the subsidence sustainability indicator and plans to refine the GSP based on results of this work. Among other activities, this work includes a contract with Rosemary Knight at Stanford University to incorporate results from a recent SkyTEM survey into our existing groundwater model, including the added capability of simulating subsidence. The updated model will be used to improve MKGSA's understanding of anticipated subsidence under various future groundwater conditions.

MKGSA has also developed a two-year action plan that includes revisiting the subsidence and related groundwater level SMC. MKGSA will review the basis for these SMC and modify them as appropriate within the first two years of GSP implementation.

Future Water Budget, Future Conditions, and Climate Change

Some comments referenced the methodology and completeness of the future water budget. The future water budget methodology used by MKGSA included DWR climate change factors and resulted in future water budget estimates that are in accordance with SGMA requirements and

DWR guidance. The presentation of the future water budget in the GSP, however, could be improved. As part of our two-year action plan, MKGSA will revisit the future water budget and provide a revised and complete water budget through 2070.

Comments Submitted by Animal Legal Defense Fund

The MKGSA believes that the comment letter submitted to DWR on July 1, 2020 by Dairy Cares appropriately addresses the comments provided by Animal Legal Defense Fund.

Conclusion

MKGSA appreciates the effort by organizations and individuals to provide comments to DWR on our GSP. We hope our responses provide clarity on the GSP process and assist DWR with its review. The MKGSA believes that the public process used to develop the MKGSA GSP successfully balanced the needs of the various groundwater beneficial users of the MKGSA while maintaining the core SGMA principle of local control. Based on our review of the comment letters and the responses included herein, MKGSA is confident that our GSP substantially meets the requirements of SGMA.

The MKGSA takes its responsibility to achieve groundwater sustainability seriously and is ready to achieve this goal by adaptively implementing the MKGSA GSP. Please feel free to contact Aaron Fukuda, Interim General Manager at (559) 686-3425 or akf@tulareid.org if you have any questions or concerns.

Sincerely,

Dennis Mederos
Mid-Kaweah GSA, Chairman

Mid-Kaweah GSA
Agenda Item Report

September 2, 2020

Agenda Item 3.f.: MKGSA GSP Implementation Workplan

Staff Recommendation:

The MKGSA Staff recommends that the Board of Directors adopt the MKGSA GSP Implementation Workplan.

Background:

The MKGSA submitted the MKGSA GSP to the California Department of Water Resources (DWR) in January 2020. The MKGSA is now tasked with implementing the GSP. Early in 2020, the MKGSA approved hiring Montgomery & Associates (M&A) to assist with SGMA Compliance, and one of the first tasks, Task Order No. 1, was to develop a workplan for the implementation of the MKGSA GSP.

M&A staff, Derrick Williams and Tim Leo reviewed the MKGSA GSP and had several discussions with the Interim General Manager to discuss the status of the MKGSA and the priorities in implementing the GSP. The two-year Workplan is intended to guide the MKGSA priorities during the implementation of the GSP.

The two-year Workplan consists of seven (7) priority activities meant to be implemented by 2022 and six (6) extended workplan activities that are intended to be initiated during the first five to ten years of GSP Implementation.

If approved, the MKGSA Implementation Workplan provides focused guidance for the MKGSA, staff, and consultants for the next two years.

Recommended Motion:

I move to approve the MKGSA GSP Implementation Workplan as presented.

Attachment:

Technical Memorandum – GSP Implementation Workplan

TECHNICAL MEMORANDUM

DATE: September 2, 2020 **PROJECT #:** 9601.0101

TO: Mr. Aaron Fukuda/Mid-Kaweah GSA

FROM: Derrik Williams, P.G. and Tim Leo, P.G.

PROJECT: MKGSA GSP Review

SUBJECT: GSP Implementation Workplan

Introduction

As outlined in Task Order No. 1 of our consulting agreement with the Mid-Kaweah Groundwater Sustainability Agency (Agency), Montgomery & Associates (M&A) has prepared this conceptual two-year Workplan. This Workplan is intended to guide the Agency's priorities during implementation of the Groundwater Sustainability Plan (GSP). This Workplan primarily identifies high priority activities that M&A recommends the Agency initiate within the next two years. Although not specifically part of the two-year workplan, M&A has also included a list of longer-term implementation activities at the end of this document.

The recommended activities included in this Workplan are based on the following information:

1. Recommendations made in the final GSP
2. An implementation activity list prepared by Paul Hendrix, retired General Manager of the MKGSA
3. The draft GSP review conducted by M&A for Tulare Irrigation District (M&A, 2019)

In addition to the activities identified in this Workplan, it is likely that DWR will identify additional high priority activities during their review that the Agency should address. DWR's schedule for releasing results from its review is unknown, however, if the GSP is found to be incomplete, the Agency will have up to 180 days to clarify, correct, or rectify any issues in the GSP identified by DWR.

Recommended Activities

High Priority Activities for the Next Two-Years

The following activities should be addressed in the next two years. The activities are not listed in any priority, although activity 5 is dependent on completion of activities 3 and 4.

Activity 1: Submit Annual Reports
Estimated Timing: Annually Starting in 2020

Annual reports are due to DWR April 1 of every year. The annual report must be coordinated with the two other GSPs in the Subbasin.

Activity 2: Determine GSA Staffing Needs, Operational/Administrative
Funding Needs, and Member In-Kind Assistance
Estimated Timing: By end of 2020

The Agency should develop a staffing plan in preparation for budgeting and hiring a General Manager. Members should also prepare a budget forecast for administrative needs and GSP Implementation needs. This should provide each member with a sense of funding needs, allowing them to determine the appropriate mechanism to fund the MKGSA budget.

Activity 3: Complete the Future Baseline Water Budget
Estimated Timing: By end of 2022

The future water budget in Section 2.5.2 of the Basin Setting Report (page 766 of PDF; Appendix 2 of GSP) is incomplete. The appendix provides estimates of percent change in components of the water budget for a future baseline condition. However, as specified in Section §354.18 of the SGMA Regulations, the future water budget shall also estimate the future change in storage, and the future sustainable yield under baseline conditions. The MKGSA should use the existing Kaweah Subbasin groundwater model to develop a complete future baseline water budget. The groundwater model may need to be updated and recalibrated to develop future baseline water budgets.

Activity 4: Reconcile Water Budgets with Historical Data
Estimated Timing: By end of 2022

As noted in the GSP, and reiterated by M&A in its *Review of Groundwater Sustainability Plan, Mid-Kaweah Groundwater Subbasin* (M&A, 2019), the historical water budget's estimated change in groundwater storage does not match historical data. In particular, the estimated historical change in storage does not match the observed changes in groundwater levels.

For example, the GSP reports a water supply surplus over the period 1981 to 2000 of 323,000 acre-feet (GSP Section 2.5.1.4, pg. 758 of PDF). However, groundwater levels, and by inference the associated amount of groundwater in storage, generally declined over this time period in large parts of the Subbasin. This discrepancy is acknowledged in Section 7.4.2.2 of the GSP (pgs. 187-188 of PDF), which states, "...hydrogeologic evaluations will continue to determine the reason(s) for the differences between the water balance surplus and the conditions of decline." These discrepancies are a common problem when using an inventory method for estimating change in storage. The discrepancy could be reconciled by extracting the water budget from the existing groundwater model. The groundwater model may need to be updated and possibly recalibrated to provide a reliable groundwater budget and evaluate any influences that might be impacting the difference between the water balance and groundwater levels.

Activity 5: Confirm Kaweah GSA-level Water Accounting Framework (WAF) allocations

Estimated Timing: By end of 2022

Section 7.4.2 of the GSP discusses implementing a Subbasin-wide groundwater allocation framework. This framework will need to be developed cooperatively between all three GSAs. The framework cannot be developed until a reliable water budget that has been reconciled with historical hydrographs is completed, as discussed in Activities 3 and 4.

Activity 6: Revisit subsidence and storage Minimum Thresholds

Estimated Timing: By end of 2022

The *Review of Groundwater Sustainability Plan, Mid-Kaweah Groundwater Subbasin* (Montgomery & Associates, 2019) stated that, "The minimum threshold for subsidence may be deemed inadequate by DWR." MKGSA should review the justification for the subsidence thresholds and develop new Sustainable Management Criteria that more closely reflect the goal of sustainable groundwater management. This analysis may entail modeling future subsidence.

Similarly, the minimum threshold for change in storage seems to be developed for storage changes before 2040. Minimum thresholds only apply to undesirable results after 2040. The change in storage minimum threshold should be revised to reflect the change in storage that will be maintained after reaching sustainability, not the change in storage expected during the 20 years allotted to reach sustainability.

Activity 7: Revisit Undesirable Results
Estimated Timing: By end of 2022

The *Review of Groundwater Sustainability Plan, Mid-Kaweah Groundwater Subbasin* (Montgomery & Associates, 2019) stated that, "...undesirable results ... may be viewed as unacceptable by DWR. For example, [undesirable] results for subsidence would not occur until one-third of representative monitoring locations exceed their already high annual subsidence rates." MKGSA should modify the undesirable results to more closely reflect the goal of sustainable groundwater management.

Extended Workplan Activities

Although not part of this Workplan, M&A is including a list of activities that the Agency should initiate during the first five to ten years of GSP implementation. Based on perceived importance, the Agency may wish to incorporate some of these activities into the two-year Workplan. Any of these activities could be initiated earlier if funding becomes available.

Activity 8: Expand groundwater monitoring program

Activity 9: Address Subbasin-Wide Funding Mechanisms

Activity 10: Establish extraction measurement program for ag wells

Initial stages of this activity have recently been funded through a Proposition 68 grant. This activity has been initiated in coordination with Fresno State University. The University will identify a meter, communication, and database platform that can be implemented across the subbasin.

Activity 11: Devise MKGSA groundwater marketing program

Initial stages of this activity have recently been funded through a USBR grant. Program development will be overseen by a committee that plans to retain the services of a consultant specializing in water markets

Activity 12: Develop Five-Year GSP update

Activity 13: Engage adjacent subbasins to agree on groundwater flow/boundary conditions

Activity 14: Prioritize Projects/Actions

References

Mid-Kaweah GSA, 2019. Groundwater Sustainability Plan: Mid-Kaweah Groundwater Sustainability Agency. Submitted to the California Department of Water Resources.

Montgomery & Associates, 2019. Review of Groundwater Sustainability Plan, Mid-Kaweah Groundwater Subbasin, Technical Memorandum submitted to Aaron Fukuda, Tulare Irrigation District.