



EAST KAWEAH
GROUNDWATER SUSTAINABILITY AGENCY

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NOTICE

SPECIAL MEETING OF THE BOARD OF DIRECTORS

Monday, June 27, 2022 at 3:00 p.m.

Exeter Museum (upstairs)
125 S. B Street, Exeter, CA 93221

COVID-19 Protocol – Via Remote Login is available at
Go to: www.Zoom.com and click “Join a Meeting” (top right)
Enter Meeting ID: 810 8088 3907 and then passcode: 783538
Or call: 1-669-900-6833, then enter the Meeting ID and Passcode when prompted
If you have challenges getting on the remote meeting, text your name to 559-303-4150.

AGENDA

1. **Roll Call by Secretary**
2. **Approve the Agenda**
3. **Pledge of Allegiance**
4. **Public Comment**
5. **Minutes:** The Board will review and consider adopting the minutes provided by the Secretary from the May 23, 2022, Special Board meeting.
6. **Consider Appointments:** Advisory Committee – (Ferrara) Add Tien Tran as DAC representative and move Erick Orellana as alternate DAC representative.
7. **Rules and Regulations – Review changes and consider adoption**
8. **Groundwater Sustainability Plan Implementation:**
 - a. GSP Incomplete Determination modification effort – Mitigation for well depletion
9. **Closed Session**

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION: [Government Code Section 54956.9 (d)(2)] - Number of Potential Cases: One
10. **Schedule Next meeting** – Next regularly scheduled meeting is July 25, 2022.
11. **Adjournment**

**EAST KAWEAH GROUNDWATER SUSTAINABILITY AGENCY
BOARD OF DIRECTORS**

MINUTES FOR THE EMERGENCY MEETING ON MAY 12, 2022

The East Kaweah Groundwater Sustainability Agency (“EKGSA”) Board of Directors duly met for a, Emergency meeting on Thursday, May 12, 2022.

OPEN SESSION: Convened at 3:25 p.m. with a quorum.

- 1. DIRECTORS PRESENT:** Caudillo, Ferrara, George, Hornung, Milanesio E., Milanesio S., Peltzer, Roberts, Vander Poel, Watson.

DIRECTORS ABSENT: Buldo

OTHERS PRESENT: Michael Hagman, Executive Director; Chris Hunter, Program Manager; John Komar, Legal Counsel; Matt Klinchuch, Consulting Engineer; Trilby Barton, Provost & Pritchard; Kathy Bennett, Senior Analyst; and various members of the committees and public.

- 2. APPROVE THE AGENDA:** Motion to approve the agenda was made by Director Peltzer, seconded by Director Hornung, and carried by the following vote:

AYES: Caudillo, Ferrara, George, Hornung, Milanesio E., Milanesio S., Peltzer, Roberts, Vander Poel, Watson

NOES: None

ABSTAIN: None

ABSENT: Buldo

- 3. PUBLIC COMMENT:** No public comments

- 4. CLOSED SESSION:** Board went into closed session at 3:24 p.m. and after discussion, came out of closed session at 3:50 p.m. There was no reportable action.

- 5. CONSIDER ADOPTION OF WELL PERMIT FORM:** Legal counsel reviewed form and the two options available on the form – the Board needs to decide which option to use in order to use the form for permitting. After discussion, a motion to chose option 1 was made by Director George, seconded by Director Hornung, and carried by the following vote:

AYES: Caudillo, Ferrara, George, Hornung, Milanesio E., Milanesio S., Peltzer, Roberts, Vander Poel, Watson

NOES: None

ABSTAIN: None

ABSENT: Buldo

6. ADJOURNMENT:

The meeting was adjourned at 3:54 p.m.

Michael D. Hagman
Secretary, East Kaweah GSA

MITIGATION ACTION FRAMEWORK GRAPHIC

Trigger	Conditions	Investigation/ Qualifications	Mitigation	GW Management
Green	Groundwater conditions are stable at or above MO. No Issues are anticipated	None expected	None expected	Continue GSP Planning at objective management
Yellow	Groundwater conditions between MO and MT and trending downward. Likely dry hydrology causing less inflow and spurring additional pumping	Monitoring indicating some areas need further investigation. Beneficial users calling GSA relaying impacts (lower levels, subsidence, quality), initiating investigation and vetting	Following vetting - GSA implementing applicable mitigation method (see separate list) for the specific issue	GSA to evaluate cutting back allocation in next allocation period (not move off 1-yr allocation schedule)
Red	Groundwater levels (other SMC) at or below MTs - Wells potentially not mitigable (i.e. near bedrock)	Monitoring indicating many areas need further investigation. More Beneficial users calling GSA relaying impacts (lower levels, subsidence, quality), initiating investigation and vetting	Following vetting - GSA implementing applicable mitigation method for the specific issue. Looking into larger, long-term solutions to address significant impacts	Pumping cut backs WILL happen at this stage. Native Allocation still allocated held but amount able to be pumped within a certain area reduced to manage impacts

Vetting Questions

- Eligibility? Those overdrafting ineligible
- What is the well's use? Age, depth, etc.?
- Is/Was the well being actively used?

Mitigation Methods

Short-term

- Deepen pumps
- Bottled/tank water
- Modify Pump Equipment
- Deliver surface water?
- NGO partnership
- KWF partnership (Water Quality)

Long-term

- New Well
- Consolidation
- New water conveyance facility

DRAFT WELL MITIGATION PROGRAM
COORDINATION AGREEMENT AMENDMENT
Groundwater Levels and Land Subsidence

The Subbasin GSAs agree to each individually implement a Well Mitigation Program (Program) subject to the following minimum requirements and subject to the schedule provided herein. Numerous wells have been identified as being impacted prior to groundwater levels reaching the identified Minimum Thresholds for Groundwater Levels. Wells may also be impacted from land subsidence prior to land elevations reaching identified Minimums Thresholds. The purpose of the Program is to mitigate for continued overdraft pumping for groundwater levels and land subsidence. As a result, impacts to wells that may occur prior to reaching Minimum Thresholds are found to not be significant and unreasonable.

Program Description 354.44(a)

The Subbasin has been in overdraft for many years resulting in a significant lowering of the regional and local groundwater levels. As required by SGMA, the Subbasin GSPs plan to reach sustainability by 2040. However, until then, some level of groundwater levels will continue to decline and some level of land subsidence will continue to occur while the GSAs are in the process of implementing projects and management actions to achieve sustainability by 2040. The purpose of the Program is to mitigate those wells that are adversely affected by declining groundwater levels and land subsidence while the GSAs reach sustainability.

Process

Identification of Need for Mitigation

The Program must begin with a plan to establish the process for identification of wells in need for mitigation. The process may include: 1) an application process by the landowner or well user, or 2) data collection by the GSA and outreach to the affected user. The GSPs in the Subbasin set Measurable Objectives and Minimum Thresholds based on 2015 groundwater levels and land elevation. Impacts from that point further will be evaluated as potentially affected due to the allowance of some level of continued overdraft.

Investigation

Once a potential well has been identified as possibly impacted, an investigation will occur by the GSA to determine whether the well has been adversely impacted by declining groundwater levels or by land subsidence which have been identified as occurring because of allowable continued overdraft conditions.

Qualifications

GSAs may qualify mitigation based on a user's compliance with the GSA's GSP, Rules & Regulations, and other laws or regulations. For example, a user who has caused or contributed to overdraft may not qualify for the Program.

Commented [MK1]: Question to Board:
Application for ALL wells or just drinking water wells?

Recommendation from Ad Hoc: Name Domestic, build across all wells?

Commented [MK2]: What data is needed in the application? Or for verification?
- Age, depth, pump setting

Mitigation

Once a well has been identified as adversely impacted due to declining groundwater levels or land subsidence, the proper mitigation to alleviate impacts must be determined. This could be any of the following:

- 1) Deepening the well;
- 2) Constructing a new well;
- 3) Modifying pump equipment;
- 4) Provide temporary or permanent replacement water;
- 5) Coordinate consolidation with existing water systems; or
- 6) With the consent of the affected user, providing other acceptable means of mitigation.

Various factors may reflect the proper mitigation methods for the specific well at issue. For example, age, location, financial impact to the beneficial user as a result of mitigation, and the beneficial user of the well may reflect which mitigation measures are optimal.

Outreach

Public outreach and education will be performed during development of the mitigation program and prior to implementation by each GSA.

Prior to implementation, extensive outreach will be needed to notify landowners of the Program requirements and how they can apply for assistance. Outreach may need to be performed in multiple languages as appropriate for the GSA. Outreach methods could include workshops, mailings, flyers, website postings, Board meeting announcements, etc.

Measurable Objectives Addressed 354.44(b)(1)

The program will directly address the impacts of the chronic lowering of groundwater levels and reduction in groundwater storage by providing funding for replacement wells or well modifications to eligible landowners.

Circumstances and Criteria for Implementation 354.44(b)(1)(A)

This is a high priority program that is necessary to mitigate the impacts of declining water levels and land subsidence and provide water supply to meet basic health and safety needs. The GSAs are committed to implementing this Program. Funding is available for the Program through GSAs implementation of assessments, fees, charges, and penalties. In addition, the GSAs will explore grant funding.

Process to Provide Notice of Implementation 354.44(b)(1)(B)

The public and relevant entities will be given the opportunity and time to comment on the Program prior to adoption by the GSA.

Estimated Annual Program Benefits 354.44(b)(2)

The proposed Program will directly mitigate impacts due to the following:

- Chronic lowering of groundwater levels; and
- Land Subsidence.

Commented [MK3]: Establish "Green, Yellow, Red" trigger system. Action begins at the Yellow trigger.

Actions (in addition to what is listed in text):

1. Reduce pumping if near MTs (across the board or localized areas?)
- 2.

The Program will provide a direct benefit to beneficial users in the GSA who have had their well impacted because of continued overdraft conditions while the GSA implements other project and management actions to achieve sustainability. The metric for measuring program benefits will be the number of wells that are impacted and mitigated under this Program.

Permitting and Regulatory Requirements 354.44(b)(3)

The GSAs will be required to comply with any CEQA requirements prior to approval and implementation of the Program. No other permits or other regulatory requirements are expected to be necessary for the Program at this time.

Program Schedule 354.44(b)(4)

Each GSA shall take appropriate action to implement the Program **no later than December 31, 2022**. Each GSA will modify the Program as needed for their specific conditions and seek to develop a funding mechanism for the Program which is dependent on the specific GSA needs for specific expected impacted wells within each GSA. During program development, the GSAs will refer landowners to these local programs as well as other resources and funding programs from the County, State or non-profit organizations.

Evaluation of Benefits 354.44(b)(5)

The Program will help to ensure that users of wells that are impacted by continued overdraft conditions while the GSAs implement other projects and management actions to achieve sustainability are properly mitigated.

How will the Project be accomplished and what is the water source? 354.44(b)(6)

The project will be implemented by the GSA once fully developed and a funding source identified. This program relies on available groundwater. The GSAs may evaluate alternative sources of supply.

Legal Authority 354.44(b)(7)

California Water Code Section 10725.2 provides the GSA has the powers and authorities “perform any act necessary or proper” to implement SGMA regulations and allows the GSA to adopt rules, regulations, ordinances, and resolutions necessary for SGMA implementation. Because the Department is required to evaluate whether the Plan provides a reasonable means to mitigate for continued overdraft, a mitigation program is an act necessary or proper to implement SGMA. (23 CCR §355.4(b)(6).)

Program Cost 354.44(b)(8)

Following are preliminary estimated costs for implementing the program. These will be refined during project development and finalized prior to efforts to secure funding.

Development of Policies and Procedures. The estimated cost to develop the Program policies and procedures is \$70,000, in consulting and legal costs.

Develop Funding. The Subbasin will collaborate with programs and funding sources that already exist. Each GSA will need to develop long-term funding. This could include preparation of grant applications, a land, or other options. These costs will vary by GSA.

Public Outreach. Public outreach will be performed in each GSA. These costs will vary by GSA and will be estimated during development of the Program.

Project Administration. General administration costs for the program will vary by GSA and will be determined during the development of the Program.

Well Mitigation. Well mitigation costs will vary by GSA and location within each GSA in accordance with groundwater levels and the specific minimum thresholds that have been determined. An estimate of well mitigation costs will be developed by each GSA as part of their Program development and funding plan development. For reference, in 2022, a local well driller quoted \$60 to \$75/lineal foot for a new domestic well, which does not include costs for the pump or other appurtenances. The cost to abandon a well is approximately \$5,000. Assuming an estimated cost per well for mitigation of \$40,000 and estimated 1,000 wells in the basin that might need to be mitigated during the implementation period until water levels stabilize, the total cost of this program could be \$40,000,000. The estimated number of wells to be mitigated and a preliminary estimated cost of the Program is included in each GSA's GSP. A contingency funding plan may need to be developed if the number of impacted wells is found to be significantly higher than estimated.

Funding Source 354.44(b)(8)

Funding is available for the Program through GSAs implementation of assessments, fees, charges, and penalties. In addition, the GSAs will explore grant funding. The State has many existing grant programs for community water systems and well construction funding. County, state and federal assistance will be needed to successfully implement this Program. The GSAs will also work with local NGOs that may be able to provide assistance or seek grant monies to help fund the program.

Management of Groundwater Extractions and Recharge 354.44(b)(9)

The Program will not impact groundwater extractions or recharge. The program is meant to mitigate for impacts to wells caused by continued overdraft pumping until sustainability has been reached.

Level of Uncertainty 354.44(d)

The GSAs are committed to the Program and required through this amendment to the Coordination Agreement to implement the Program by the scheduled defined herein.