

**MID-KINGS RIVER GROUNDWATER SUSTAINABILITY AGENCY  
JOINT POWERS AUTHORITY  
REGULAR MEETING MINUTES  
TUESDAY, OCTOBER 8, 2019**

Chair McCutcheon called the regular meeting to order at approximately 1:00 p.m.

**DIRECTORS PRESENT:** Art Brieno; Barry McCutcheon, Chair; Michael Murray, Vice-Chair

**DIRECTORS ABSENT:** Steven P. Dias

**OTHERS PRESENT:** Dennis Mills, GM and Board Secretary  
Ray Carlson, Legal Counsel     John Doyel, Hanford  
Johnny Gailey, Delta View WA     Bill Toss  
Jim Maciel, Armona CSD     Mary Silveira  
Mike LaSalle     Shawn Corley, Lakeside IWD  
Bill Giacomazzi

**ESTABLISH QUORUM**

It was determined that a quorum was present at the meeting.

**CONFLICT OF INTEREST**

None.

**EMERGENCY ADDITION TO AGENDA**

Manager Mills informed the Board that after developing the agenda he was made aware that the Board would need to consider a resolution to submit a grant application to DWR on behalf of the Tulare Lake Subbasin. He requested that the Board consider adding this new item to the end of the GSP Development section of the agenda. Vice-Chair Murray made a motion to add the emergency item to consider the grant application resolution to the end of the GSP Development section of the agenda. Director Brieno seconded that motion and Chair McCutcheon called for a vote. The vote for all of the Directors was as follows:

AYES: Art Brieno, Barry McCutcheon, Michael Murray

NOES: None

ABSTAINED: None

ABSENT: Steven P. Dias

**PUBLIC COMMENT PERIOD**

None.

**APPROVAL OF MINUTES OF SEPTEMBER 10, 2019 MEETING**

Chair McCutcheon asked if there was a motion regarding the draft minutes. Director Brieno made a motion to approve the draft September 10, 2019 meeting minutes. Vice-Chair

Murray seconded the motion and the Board unanimously approved the meeting minutes of September 10, 2019. The vote for all of the Directors was as follows:

AYES: Art Brieno, Barry McCutcheon, Michael Murray

NOES: None

ABSTAINED:None

ABSENT: Steven P. Dias

### **COMMUNICATIONS**

None

### **GSP DEVELOPMENT**

#### **GSP Development Budget Update**

Manager Mills relayed that the current balance of Tulare Lake Subbasin GSP Development funds in MKR GSA accounts was roughly \$12,000. The August Wood invoice was \$108,059 and Manager Mills asked the Directors to sign that check with the understanding that it would be held until Reimbursement Request #4 from DWR was received. That reimbursement request was accepted at the local office on August 29 and is expected to be received around October 13.

#### **Draft Tulare Lake Subbasin GSP**

Manager Mills reported that the South Fork Kings GSA (SFK GSA), the Southwest Kings GSA (SWK GSA), the Tri-County Water Authority (TCWA) and the El Rico GSA (ER GSA) had all submitted comments on the draft Executive Summary that had been developed just prior to the Draft GSP being released for review. He also conveyed that the GSAs had received a set of comments from Ken Schmidt on behalf of TCWA.

Related to comments from MKR GSA staff, Manager Mills relayed that although the Executive Summary reflected how the GSP was structured, it was not what he had envisioned as a layman's summary. However, in order to significantly alter the draft Executive Summary all five GSAs would have to agree to the restructuring, and that seemed unnecessarily difficult. So Manager Mills had developed a draft "general summary" for the MKR GSA. The document is not meant to be a part of the GSP, but could be used with interested parties to provide a brief summary of key information.

Manager Mills relayed that the draft GSP apparently lacked a key section on Sustainable Yield. The consultants had been made aware of the glaring omission and were working to address it. The other related issue that Manager Mills brought up was the apparent inconsistency in the Water Balance / Water Budget. Initial staff review had indicated that several components of the water balance seemed to be different than previously understood.

Manager Mills reported that he had been working for some time on MKR GSA comments that would be relayed to the consultants and the other GSAs very soon.

### Kings County Request for GSP Consultation

Manager Mills reported that on September 30, Kings County sent the MKR GSA a letter requesting consultation. One confusing sentence in this request in part read "...consult with the County regarding how the GSP complements or conflicts with the County's legal authority over groundwater." Manager Mills relayed that after discussions with Attorney Carlson, the County didn't appear to have a legal authority over groundwater and definitely hadn't been involved in groundwater management in the last 70 years. Manager Mills reported that the County had developed a review committee that had just met for the first time and that there were some discussion about scheduling a meeting with the County on the topic.

### Recent Kings Co. Counsel Interactions

Manager Mills reported that he attended a recent Kings County Board of Supervisors meeting on Tuesday, September 24 to listen to a staff presentation on GSP development. All seemed normal through the presentation, but at the end, the new Kings County Counsel, Lee Burdick, made some extremely odd comments. Manager Mills read these for the Board's understanding:

"..., I'm going to rain on the GSA parade here for a minute. County Counsel's office is highly skeptical of the outcomes that may come out of the Tulare basin GSAs. If the GSP Draft that has been circulated is the work that they propose to take to the State, we think the Board should be prepared, after that internal committee reviews it, to potentially take an aggressive position on it. Because once this water is gone, it's gone, we don't get it back. Consequently one of the things we are going to be coming back with over the next couple of weeks is an exploration of this Board's powers in light of SGMA. We are not convinced that you are preempted from acting until the State Water Board decides whether the GSP is acceptable or not. So there's a period here where you may be able to take on projects and be able to stakeout regulatory ground that will preserve Kings County water for Kings County citizens. And we're going to be coming back with some options for you to consider on how to take an aggressive action despite the fact that SGMA goes on. For all the reasons that Mr. Gatzka said, the uncertainty is too great for this Board not to consider potentially acting independent of SGMA, from our view."

"If I could make one last point that I forgot to make earlier. There is a sound reason that County Counsel's office is skeptical about this process and it is that there is significant evidence coming out of this process that it's being driven largely by commercial interests that do not have the public interest in mind. You recall when Julianne put up the map for our Tulare subbasin she pointed out the little purple segments down at the bottom that were not contiguous and she mentioned that there was one particular land owner who took control of drawing that particular GSA map in order to benefit his own interests. That's one way that the SGMA process, I believe, is warping in a skewed manner against the public interest and in favor of commercial interest. Another way is that there are a number of landowners in our particular Subbasin and to the southwest of us that have bought up enough land to buy up enough of the irrigation district interest ...and then those irrigation districts sit on the GSA Boards. So consequently the GSAs themselves seem to have a potential interest in skewing the outcome of that in favor of

commercial interests. This Board, while it is important to protect business interests, also has to protect small businesses versus big commercial interests and the public's availability of good clean high quality water for the citizens of the County. So that's one reason we think this Board should give full consideration to the full scope of your authority to act over water, even in light of SGMA."

"I'm talking about setting up a regulatory structure whereby you can do a number of things, and I don't want to get out ahead of the review committee... You remember Julianne put up there, that irrespective of SGMA, this Board has extensive land use authority and police powers. That means you get to set the law in this County using those powers, if used appropriately. You obviously also have the right to lobby the legislature. We think before you go there, the better bet would be to participate in GSP review process. You can do it initially by submitting comments and coordinating with the GSAs. If we don't get satisfactory outcomes from that process, we have the right to participate at the State level, by commenting directly if we do not believe that the GSP that is submitted is adequate to protect our County's interests. And in the meantime during that two year process while DWR chews on whether they are going to approve the GSP and maintain local control over those resources. Because that's what will happen if they approve the GSP, they'll say OK we think you've got this locally. But if they don't, they're going to take over State control over these very scarce resources and we already know what that looks like. We believe that the Board should act aggressively in many different ways in order to ensure that we have done everything we can to protect this scarce public resource in our County."

At this Board of Supervisors meeting, Manager Mills was asked by Supervisors Pederson to address many of the things that were said and attempted to politely relay he viewed the GSAs were collectively working on behalf of local interests to develop a joint GSP that attempted to achieve sustainability by 2040, but minimize the impacts of the changes that would need to be made over the period.

Manager Mills reported that he followed up with Ms. Burdick the next day by email, relaying that he disagreed with many of her statements and her response was: "I think you took what I said before the Board yesterday perhaps too personally. My comments were directed at the SGMA process and the County's roll both in that process and beyond it, not at the Tulare Lake Basin GSAs specifically. I am, however, encouraging the Board to take a critical view of the processes of all of the GSAs which Kings County overlays and the GSPs that are being developed as part of those processes." Manager Mills requested a meeting, which occurred the next day.

At the meeting with Ms. Burdick Manager Mills learned that:

- The County Counsel has not reviewed much, if any, of the Tulare Lake subbasin GSP;
- The County Counsel sees the Groundwater Modeling Report appendix not being available along with the original draft GSP as a significant issue;
- The County Counsel wants the County to be ready to act if the County's goals are not adequately addressed. However, the Board of Supervisors will make that determination;

- The County Counsel seems to view that conditions in the Kings County area have dramatically changed and something needs to be done. When Manager Mills countered that perspective, the County Counsel was surprised and tried to argue that the average numbers Manager Mills was using must rely too heavily on a historic condition that no longer exists. This seemed out of place given her two months of tenure as County Counsel.
- The County Counsel is going to be out of the Country for three weeks in October, during the County's "committee" review.
- The County Counsel is going to send “demand” letters for coordination letters to each GSA.
- The County Counsel seems bothered by GSA Board being filled representative positions rather than directly elected positions. Manager Mills explained that many of the GSAs were JPAs represented by multiple public agencies.

Manager Mills asked the Board if they wanted the MKR GSA to formally respond to any of this information. The Board discussed the matter and concluded that addressing the matters with Supervisors would likely be more effective than addressing the County Counsel directly.

#### Presentations

Manager Mills reported on the following presentations, some of which had occurred and some of which were planned over the next few weeks:

- Armona Community Service District Board of Directors, Tuesday, Sept 10
- Hanford Rotary, Wednesday, Sept 11
- Kings County Board of Supervisors, Tuesday, Sept 24
- Hanford City Council, Tuesday, Oct 1
- Lakeside Community Church, Wednesday, Oct 9
- Kings County Ag Advisory Committee, Thursday, Oct 10
- Lemoore Civic Auditorium, Tuesday, Oct 15

#### Process to Develop Final

Manager Mills reported the following envisioned process from now through GSP Submittal. The Tulare Lake GSAs are planning to develop their comments on the Draft GSP and get them to Wood by Friday, Oct 18. Wood envisions developing a Partial Final Draft GSP which will be delivered back to the GSAs in mid-November. On Monday, December 2 there will be a Public Hearing at the Kings County Administrative Building. This will be the end of the Public Comment period for the Draft GSP. The GSAs and Wood will develop a document to summarize the written and oral comments received and provide recommendations on any revisions to the GSP that seem warranted. The GSAs will have to evaluate these recommendations and come to agreement on planned edits that would change the Revised Draft GSP to a Final GSP. The Final GSP will be made available by Wood by Monday, January 6. The five subbasin GSA Boards would hopefully then approve the Final GSP the weeks of January 6-17 as part of regular and special Board meetings. The GSP Consultant would then work with the Point of Contact to submit the Final Tulare Lake GSP to DWR along with filling out DWR's information pages on where their regulations are addressed during the weeks of January 20 – 31.

### Other Recent GSP Releases

Manager Mills reported that he was aware of the following draft GSPs that had been made available for public comment in the surrounding area:

- North Fork Kings GSA, released on 07/22/19, comments due on 10/21/19
- Central Kings GSA, released 08/30/19, comments due on 10/29/19
- Greater Kaweah GSA, released 09/16/19, comments due on 12/16/19
- Kings River East GSA, released 10/02/19, comments due 11/14/19

### Prop 218 Services Update

Manager Mills reported this effort is waiting on him to develop a budget for the next several years, and he has struggled to find available time to do that.

### Tulare Lake Subbasin Round 3 SGM Grant Effort

As authorized early on in the meeting, Manager Mills introduced the added item considering an authorizing resolution for the Tulare Lake Subbasin Round 3 Sustainable Groundwater Management (SGM) Grant application effort. He reported on the proposed scope for the grant and then read Resolution 2019-1. He then asked the Directors if they would consider Resolution 2019-1, which would authorize the MKR GSA to apply for the DWR grant on behalf of the Tulare Lake Subbasin. Director Brieno made that motion and Vice-Chair Murray seconded it. Chair McCutcheon called for a vote and the vote for all Directors was as follows:

AYES: Art Brieno, Barry McCutcheon, Michael Murray

NOES: None

ABSTAINED: None

ABSENT: Steven P. Dias

### UPDATE ON ONGOING EFFORTS

None

### SET NEXT MEETING DATE

The regular November Board of Directors meeting was set for November 12, 2019 at 1 p.m.

### ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 3:00 p.m.  
Respectfully submitted,

Dennis Mills  
MKR MIN 191008