

TULARE COUNTY WATER COMMISSION
MEETING MINUTES
September 8, 2014

Members Present:

Allen Ishida, Board Representative and Chairman
Mark Larsen, District 3 Appointee
Richard L. Schafer, District 5 Appointee
Dale Brogan, District 2 Appointee
Paul Boyer, District 1 Appointee
Rudy Mendoza, TCAG Representative

Members Absent:

Mike Ennis, Board Alternate Representative
Susana De Anda, At-Large Appointee
Chris Kapheim, District 4 Appointee
Roger Everett, At-Large Appointee

Staff Present:

Melissa Withnell, Tulare County Board of Supervisors
Denise England, County Administrative Office
Will Jackson, County Counsel

Members of the Public Present:

Michael Tharp
Mike Hickey
Richard Garcia
Carole Clum
Carole Combs
Cynthia Echavaria
Nilsa Gonzalez
Ken Bowers
Dale Sally

1. Call to Order

The meeting was called to order at 3:11 pm.

2. Public Comment Period

Carol Clum of Three Rivers provided the Commissioners with a handout. See attachment for comments.

Nilsa Gonzalez, Tulare County Environmental Health Manager, explained that due to a mix up with staff the previously scheduled presentation on the County's Well Ordinance was not placed on today's agenda. She stated that Environmental Health staff would present at the October meeting.

3. Discussion on the CA Water Bond

Commissioner Schafer summarized the monetary breakdown of the Bond in the attached spreadsheet. He reported that many projects the Bond may fund will require a 50% non-State match. He conveyed that increasing flood control capacity in an existing reservoir appeared to be incentivized in the Bond language

for storage projects. He further emphasized that the Success Reservoir project would fit the criteria.

Chairman Ishida stated that the Bond money appeared to come with a lot of strings attached such as the non-state match provision. He also reported that the Bond included \$25 million for the Sierra Nevada Conservancy for watershed restoration projects.

Commissioner Boyer asked if the Commission should recommend a position on the Bond to the Board of Supervisors. It was clarified that the item is discussion only, but an action item would be included on the October agenda.

4. Discussion Regarding Legislation- AB 1739, SB 1168, SB1319

Ms. England reported that a supplementary third bill was passed in addition to the two bills that were previously discussed by the Commission.

Commissioner Larsen noted that it is only a matter of when, not if, the Governor will sign the bill package into law.

Commissioner Schafer reported that ACWA was very active in the development of the bills. He expressed his opinion that all three bills must be executed by the Governor because they are dependent upon each other.

Commissioner Schafer described the three bills, noting their key elements. AB 1739 lays out the authorities for Groundwater Sustainability Agencies (GSA) and their ability to create and implement groundwater sustainability plans. SB 1168 provides tools to attain sustainability and also notes high priority basins. SB 1316 makes provisions for probationary basins, cleans up language in the other two bills, as well as defining counties roles as default agencies in the absence of a GSA.

Commissioner Larsen notified the Commission of several challenges that still exist for local implementation. He indicated that while the legislation allows the collection of fees Proposition 218 will hinder the local effort to do so, defining groundwater recharge as a beneficial use has not been included and so the new regulations will change the way we deal with groundwater today. He closed by stating that the Kaweah Delta Water Conservation District would have to think long and hard about the potential of becoming a GSA.

Chairman Ishida asked Commissioner Schafer about the Tule landowner outreach meetings that had been facilitated by Dan Vink. Commissioner Schafer responded that it is too early to predict, but it may be a separate public district as the GSA or a joining with surrounding districts to form one large GSA. He went on to say that it will take a lot of work to get landowners involved and garner buy-in for metering wells, reporting usage, and fees. He sees no alternative than letting the State be the GSA.

Commissioner Larsen echoed these sentiments and added that it is interesting that the legislation allows GSAs to “voluntarily” adopt measures that would require metering, but it seems that is the only way to determine usage and limit pumping where it is exceeding supply.

Commissioner Brogan contended that even with a surface water shortage the region was still expected to fill grocery store shelves and not impact groundwater supplies. This is particularly true along the eastside of the County.

Commissioner Mendoza commented that the face of production agriculture is changing. He recounted all the acreage that has been laid fallow and orchards that are being leveled due to the lack of water. He indicated that the Water Bond is a good start, but a Federal fix is essential and there is a push on the

Senate for that fix.

Commissioner Schafer asked for the status of the conference regarding the bill introduced by our representatives. Commissioner Mendoza responded that the conference for HR 1837 is still in process and deals are being worked.

Commissioner Boyer questioned how metering would work.

Commissioner Larsen indicated that emerging technology such as satellite imagery may be used instead of meters. He specified that Kaweah Delta had used the technology for cropping patterns and that it had been quite effective to determine demand, even capturing double and triple cropping.

Chairman Ishida relayed that the Sierra Nevada Conservancy took three years to finalize a goals and a mission statement. He stated that this effort is much more complex and wondered when the effort will start.

Commissioner Larsen described several agency models were available such as a large group, individual watersheds, and individual property owners participating on an even smaller scale.

Chairman Ishida pointed out that the effort is too complex for the County to take on.

Commissioner Schafer made a comparison to the ILRP and that the third party entities were moving forward and they have been amazed at the landowner participation.

Michael Tharp communicated the importance of sharing and collecting data. He emphasized its importance to forecast potential problems such as using well failures to determine where wells will go dry next. He stressed forming lines of communication to align folks with well responsibilities, including cities.

Richard Garcia commented that a public awareness campaign would be useful to gather data.

Chairman Ishida closed by affirming the issue is bigger than the valley floor and that the watershed is an equally important area that needs attention.

5. Update on Tulare Lake Basin Disadvantage Community Water Study

Chairman Ishida referred to the final report as the bible for community water needs. He thanked everyone involved in the study and said that the State definitely got their \$2 million worth of information. He further stated that the report puts Tulare County in the front of the line for Water Bond funding opportunities.

Ms. England will send the Executive Summary out to the Commissioners.

6. Subcommittee Reports

None at this time.

7. Staff Reports

Ms. England informed the Commission of the 400 plus private wells that have failed in the County. Commissioner Boyer affirmed that Tulare County leads the State in private well failure. He stated that Self Help Enterprises (SHE) has a small loan program that may fund 10-11 well rehabilitation, but that is only a small portion of the need and will not fund complete replacement. He also reported that SHE received \$50,000 from Bank of the Sierra and the money will be used to provide interim water to residents impacted by the drought.

Ms. England provided information on EPA's interest in Waters of the US and an action item will be included for October's meeting. Commissioner Schafer indicated that comments are being prepared for the Kaweah and Tule Rivers stakeholders by Alex Peltzer and they should be available sometime this month.

8. Commissioners Comments

None at this time.

9. Next meeting – Monday, October 13, 2014, 3:00 p.m. – Board of Supervisors Chambers

10. Adjourn

Meeting adjourned at 4:55 pm.