

TULARE COUNTY WATER COMMISSION
3:00 p.m. on Monday, February 13, 2017
MEETING MINUTES

Members Present:

Pete Vander Poel, Board Representative and Chairman
Mark Larsen, District 3 Appointee
Kayode Kadara, At-Large Appointee
Richard L. Schafer, District 5 Appointee
Kuyler Crocker, Board Alternate Representative

Members Absent:

Dale Brogan, District 2 Appointee
Susana De Anda, At-Large Appointee
Paul Boyer, District 1 Appointee
Larry Peltzer, At-Large Appointee
Rudy Mendoza, TCAG Representative

Staff Present:

Carrie Crane, Tulare County Board of Supervisors
Denise England, Water Resources Program Manager
Marit Erickson, County Counsel

Members of the Public Present:

Chad Wegley
Aaron Fukuda
Ken Bowers
Nilsa Gonzalez
Janie Sustaita
Shane Smith
Bob Irvine
Dale Sally
Carole Combs
Richard Garcia
Tricia Blattler
Denise Kadara
Others present

1. Call to Order

The meeting was called to order at 3:01pm.

2. Public Comment Period

None at this time.

3. Approval of the November 14, 2016 minutes

Tabled for next meeting due to lack of quorum.

4. Presentation and Discussion on the Status of the Drought

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Deputy CAO Denise England gave a drought update for Tulare County on the current drought status in the County and in other areas of the state. Over the last two months the National Weather Service along with statewide partners have started to downgrade California's drought status. At the end of January 2017, Tulare County went from the stage of extreme drought to severe drought status.

As of today, we have 1,585 domestic well failures of those 258 are active; 610 have interim solutions – predominantly the household tank program, but this number also represents residents who are also interconnected with their neighbors. 717 cases have been resolved. The geographic distribution of failed wells includes the area of Porterville with the majority of failed wells (779 total, 135 active), Visalia (261 total, 25 active), Tulare (117 total, 15 active), Cutler-Orosi (81 total, 22 active), Dinuba (90 total, 13 active).

Currently the County is receiving California Disaster Act Assistance for the household tank program, in speaking with the Governor's Office, they believe the funds for that program will continue until those cases are all addressed. Staff is looking into phasing out the Countywide Emergency Bottled Water Delivery program, funded through the Cleanup and Abatement account from the State Water Board, looking at how to reduce the amount of water delivered in the program and finding permanent solutions for participants.

The Governor's Budget did include some drought assistance, however not to the levels we have seen due to drought status changes.

Commissioner Larson asked in terms of the drought status, how often those numbers are updated. England explain the status numbers are updated on a weekly basis.

Supervisor Crocker commented to encourage staff to reemphasize that although areas in the northern portion of the state are measuring non-drought precipitation numbers, it is not the case for Tulare County, and we are still feeling huge impacts from the drought and the County should try to maintain drought assistance funding from the Governor's Budget.

Supervisor Vander Poel commented in regards to the tree mortality crisis, a lot of those drought dollars could be used towards that problem that will still need to be addressed after the drought.

Commissioner Larson asked what the state is using in terms of metrics in measuring the levels of drought. England explained measurements are based on a percentage of comparatives – three week; a calendar year, a water year, and a one year prior. Through these comparatives the stage of drought is determined.

5. Discussion and action regarding recommending a position on H.R. 23, Guiding Responsibility on Water Act, to the Board of Supervisors

Supervisor Vander Poel informed Commissioners that this item was on the agenda to give a recommendation to the Board of Supervisor, however due to the time sensitivity of the issue, a position was requested sooner than when the Water Commission meeting was held. The Board of Supervisors took action with a unanimous vote to support the legislation with a general letter of support to H.R. 23.

Deputy CAO Denise England provided the Commissioners with information on the two letters received on H. R. 23. Much of the language is similar to provisions in previous forms of legislation addressing the San Joaquin River Restoration settlement as well as exempting the Central Valley Project (CVP) from various components of the federal Endangered Species Act.

Commissioner Schafer commented that the bill would restore the water that was taken from the CVP in the 1992 Central Valley Improvement Act, and believes the Board of Supervisor took the right action in generally supporting the provisions of the bill, and is in favor of the Water Commission supporting the measure. According to staff in Congressman's McCarthy's office, the bill will likely pass the House of Representatives with a few amendments, but unsure of the outcome in the U.S. Senate. If the measure

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passes the Senate, there is confidence that the current President would sign the bill.

Supervisor Crocker encourage local water districts to provide full support of this legislation for the reasons of water reliability to implement the Sustainable Groundwater Management Act and to help address water quality issues in our local Disadvantaged Communities.

Commissioner Larson shared that last Tuesday the Kaweah Delta Water Conservation District voted to support the legislation on the similar platform of general provisions like the County of Tulare, the district is in the process of drafting a letter of support. KDWCD is encouraged that H.R. 23 would repeal the San Joaquin River Restoration Settlement.

Supervisor Vander Poel suggested in the next Water Commission meeting the inclusion of H.R. 23 on the agenda as an action item to endorse the decision made by the Board of Supervisors.

6. State Legislation Update

Deputy CAO Denise England gave an update on the first group of bills introduced in the State Legislature.

AB 313 (Assemblyman Grey) – this measure introduced on February 6, appears to re-work the water rights program under the State Water Resources Control Board.

Commissioner Schafer commented that the Governor has moved all of the fees to each of the programs that historically were funded by the General Fund. In the case of the Irrigated Lands Regulatory Program – charges are now 0.75 cent per acre, and we understand there is consideration to raise that fee charge to possibly 0.91-0.92 cent per acre because more funds are needed for more staff. The enforcement element is paid proportionally by all of the programs. Efforts to curtail the continuous increase of these fee charges has thus far been unsuccessful. We will know later this month or next month what the fee charge plan will be.

Commissioner Schafer suggested that after more information is released on fee charges later this year, the item is brought back to the Water Commission for a report on exactly what the State Water Resources Control Board is doing in term of fee collection from all water rights users and diverters.

Commissioner Larson noted that this bill also contains language that would create an opportunity to re-do the water rights system in California, and that is certainly a huge threat to the state and here locally. Assemblyman Grey in his legislation does note some accurate concerns about how water is distributed in the state, and yet the method of redoing the water rights system would be a huge issue. AB 313 is a bill to watch very closely.

SB 252 (Senator Wolk) – This bill would require that any application for a new well permit in a critically overdraft basin would require the County to provide public notice and hold a public hearing prior to issuing a new well permit and also provide that all of the information contained in the well permit application to be posted electronically online prior to that public hearing. It would create an onerous burden on the County and may impact the SGMA process.

Supervisor Crocker inquired about the protocol in monitoring state legislation. England explained that historically the Water Commission has taken positions (oppose, watch, or support) and at times referred measures to the Board of Supervisors for further action. Additional information can also be recommended to add to the County's 2017 State Legislative Platform to be vetted during lobbying trips to Sacramento.

Supervisor Vander Poel would like this body to provide recommendations, based on it's expertise, to the Board of Supervisors or provide a letter that outlined concerns that the Board of Supervisors can carry forward to Sacramento to have addressed and result in this body being more active and interactive with the

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Board of Supervisors on positions and advocacy.

Commissioner Schafer shared that the Association of California Water Agencies (ACWA) Legislative Committee reviews and monitors all bills that have an effect on anything to do with water and a good resource to utilize what other water agencies are doing in terms of a position on bills. February 17 is the last day for legislators to submit bills for consideration. After that deadline a lot of evaluation will be taking place on bills.

Supervisor Crocker encouraged Commissioner Schafer in attending any ACWA legislative committee meetings and requested, that he bring significant bills, to inform the Water Commission.

England shared the State Water Board last week held a workshop on affordable water rates and there was a lively discussion on an idea being circulated around Sacramento on a lifeline rate similar to what is provided by other utility companies in the state. Staff will continue to track that discussion in the months ahead.

7. Subcommittee Reports

None

8. Staff Reports

- a. Sustainable Groundwater Management Act
 - i. Implementation in Tulare County

Deputy CAO Denise England reported on continued implementation in Tulare County. Aside from the overlap issue in the Kaweah Subbasin, GSAs throughout the County are forming and continue to meet the required noticing periods for SGMA. The East Tule GSA will have their meeting on February 23 which will serve as their formal public hearing to declare being the GSA in that region of the Tule Subbasin. Thus far, no overlaps have been identified in that GSA.

Commissioner Schafer reported on the Tule Subbasin and it nearing completion of GSAs. The Tule Subbasin will ultimately be comprised of six GSAs. There is an overlap issue between the Tri Counties GSA and the Alpaugh GSA that is still yet to be resolved. Members in the Tule Subbasin are moving into the Groundwater Sustainability Plans and developing a Coordination Agreement to develop methodologies to implement SGMA. A hydrogeologist is currently preparing a preliminary report of groundwater subsurface inflows and outflows for the subbasin and the hydrogeologist will be sharing the results of that report in the next Tule Subbasin Technical Committee meeting on February 22. Members of the Department of Water Resources will also be at that same meeting to give further clarification on their recently released Best Management Practices and Water Available for Replenishment reports issued by the Department.

Commissioner Kadara asked for the areas of overlap, what is the County's plan to address in case they do not get resolved by the deadline. In terms of overlaps, the County has no authority to resolve overlaps. It becomes an issue between the two GSA boards in overlap and the County's hands are tied. That issue is one to be addressed on the Board of Supervisors next visit to Sacramento. The County encourages that all parties in an overlap work diligently to resolve prior to the June 30th deadline. Funding is available to utilize third party facilitator for discussions of overlaps.

Supervisor Crocker reiterated the entire subbasin will move into probationary status, not just the disputing parties, if any and all overlaps are not resolved quickly and in a timely manner.

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Commissioner Larson provided an update on the Greater Kaweah GSA, which met earlier today and seated their Stakeholder Committee of eleven individuals that will be representative of the area, there is an overlap with the East Kaweah GSA and currently facilitated meetings are underway to work through that issue.

9. Commissioners Comments

Supervisor Crocker requested a presentation of the general overview of the roles and responsibilities of the State Water Resources Control Board would be beneficial for a future topic.

Commissioner Larson commented that it has been an interesting time recently, going from drought to now having a number of storms giving large amounts of water. The storm situation challenges agencies on management and storage of the recent amounts of precipitation.

Commissioner Schafer commented that in January 2017 the Tule River watershed received the second largest amount of rainfall in history since measurements began in 1962. This has been a tremendous year thus far, with the month of January being outstanding.

Supervisor Vander Poel announced the next meeting – Monday, March 13, 2017, 3:00 p.m. – Board of Supervisors Chambers

10. Adjourn

Meeting adjourned at 3:50pm.

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