



EASTERN TULE
GROUNDWATER
SUSTAINABILITY
AGENCY
JOINT POWERS
AUTHORITY

**MINUTES OF THE SPECIAL MEETING
OF THE EXECUTIVE COMMITTEE
HELD APRIL 2, 2019**

At approximately, 2:00 p.m. on April 2, 2019, at the City of Porterville Transit Main Purpose Conference Room, Chairman Eric Borba, called to order a meeting of the Stakeholder Committee of the Eastern Tule Groundwater Sustainability Agency Joint Powers Authority (“ETGSA”).

Members Present:

Eric Borba	Sean Geivet
Steve Dalke	John Michael Domondon
Mike Reed	Steve Etchegary
Eric Limas	Denise England

Members Absent:

Others Present:

Bryce McAteer	Kathy Briano
Don Castle	Bill Bennett
Bill Samarin	Stacie Ann Silva
Mike Knight	Bill Wallace
Bill Morgan	Jenny Liu

PUBLIC COMMENT

Chairman Borba announced the public comment period. No public comment was received.

MINUTES

Approval of February 21, 2019 Joint Meeting of the Executive and Stakeholder Committees Minutes

*Member Reed left at this time

Member Geivet moved for approval of the February 21, 2019 Joint Meeting of the Executive and Stakeholder Committee Minutes. The motion was seconded by Member Domondon. The Committee unanimously approve motion, and the motion carried.

STAKEHOLDER OUTREACH & COMMUNITY ENGAGEMENT

Report on ongoing outreach efforts and upcoming events

Executive Director McAteer referred the committee to Agenda Item #4.a, attached hereto and incorporated by reference, a copy of his report on ongoing outreach efforts and upcoming events. Included in his report were Exhibits A-D, copies of various fliers for upcoming and recently held outreach events.

Public comment was received from Bill Samarin and Kathy Briano.

Discussion ensued amongst the committee regarding attendance at the recent outreach events.

ETGSA MEETINGS REVIEW

Report on ETGSA Board Meeting of March 7, 2019

Executive Director McAteer provided a report on the ETGSA board meeting of March 7, 2019. Attached hereto and incorporated by reference as Agenda Item #5.a is a copy of his report.

Report on ETGSA Stakeholder Committee Meetings of March 14, 2019 and March 28, 2019

Executive Director McAteer provided a report on the ETGSA stakeholder committee meetings of March 14, 2019 and March 28, 2019. Attached hereto and incorporated by reference as Agenda Item #5.b is a copy of his report.

*Member Reed returned at this time.

TULE SUBBASIN COORDINATION

Report on updated draft Historical Tule Subbasin Water Budget and updated draft Estimated Sustainable Yield

Executive Director McAteer provided a report on the updated draft Historical Tule Subbasin Water Budget and updated draft estimated Sustainable Yield. Attached hereto and incorporated by reference as Agenda Item #6.a is a copy of his report. Additionally, the Executive Director provided a brief presentation, attached hereto and incorporated by reference as Agenda Item #6.a Exhibit A, describing this information and the draft estimated reduction in applied groundwater necessary to achieve sustainable pumping rates.

Discussion ensued amongst the committee regarding the new estimates, the general overdraft within the Subbasin and incurred within the ETGSA, and when discussions regarding various rampdown periods for groundwater pumping might begin.

Public comment was received from Stacie Ann Silva.

*Member England arrived at this time.

Report on draft framework for defining Tule Subbasin Sustainability Goal and Undesirable Results; may make a recommendation

Executive Director McAteer provided a report on the draft framework currently under consideration for defining the Tule Subbasin's Sustainability Goal and Undesirable Results. Attached hereto and incorporated by reference as Agenda Item #6.b is a copy of his report. Included in his report were Exhibit A, a copy of the working Discussion Draft, Exhibit B, a presentation describing the draft methodology proposed for developing undesirable results, and Exhibit C, a presentation describing how representative monitoring sites and minimum thresholds might be considered in the Tule Subbasin.

Discussion ensued amongst the committee regarding the various percentages that might constitute an undesirable result, the process of crafting the quantitative components of the undesirable result criteria, and what the process might be to change an undesirable result in the future.

Public comment was received from Stacie Ann Silva and Don Castle

Discussion ensued amongst the committee regarding setting minimum thresholds, and the various alternative criteria provided in the discussion draft.

Member Reed moved to approve the framework presented for defining the Tule Subbasin Sustainability Goal and Undesirable Results. Member Geivet seconded the motion. The Committee unanimously approved the motion, and the motion carried.

Report on Tule Subbasin Coordination and TH&Co Task Items.

Executive Director McAteer provided a report on ongoing coordination activities. Attached hereto and incorporated by reference as Agenda Item #6.c is a copy of his report. Included in his report was Exhibit A, a presentation describing the current timeline for Subbasin Coordination and TH&Co deliverables.

Discussion ensued amongst the committee regarding the future projection scenario runs and the schedule to receive various results from TH&Co.

Report on Inter-Basin & Regional Coordination

Executive Director McAteer provided a report on various inter-basin and regional coordination efforts. Attached hereto and incorporated by reference as Agenda Item #6.d is a copy of his report.

Discussion ensued amongst the committee regarding the San Joaquin Valley Blueprint and the intent of the initiative.

GSP DRAFTING

Report on ETGSA GSP Drafting; may make a recommendation.

Executive Director McAteer provided a report on the ETGSA's GSP drafting. Attached hereto and incorporated by reference as Agenda Item #7a is a copy of his report. Included in his report was Exhibit A, a copy of the draft outline for ETGSA's GSP Section 5.

Discussion ensued amongst the committee regarding the draft outline for projects and management actions (i.e. GSP Section 5), and asked if Legal Counsel had reviewed the outline. The Executive Director reported that he intended to have Legal Counsel undertake a thorough review once the section had been drafted with descriptions of various projects and management actions.

Member Geivet moved to recommend approval of the draft framework for ETGSA's GSP Section 5. Member Etchegary seconded the motion. The committee unanimously approved the motion, and the motion carried.

Discuss and Consider New GSP Policy Matters; May Make a Recommendation

Executive Director McAteer provided a presentation on new GSP policy matters. Attached hereto and incorporated by reference as Agenda Item #7.b is a copy of his report on the new policy matters and, as Agenda Item #7.b Exhibit A, a copy of his PowerPoint presentation reviewing ETGSA's New Policy Matters.

Sustainable Management Criteria

Executive Director McAteer provided an overview of various considerations when developing sustainable management criteria and the data that the Committees could expect to receive to inform their future discussions on the subject.

Discussion ensued amongst the committee regarding groundwater quality in the vicinity of KTWD.

Management Areas

Executive Director McAteer provided an overview of how management areas are defined in the GSP Regulations and provided the Committee with staff's recommendation on management areas. The Executive Director proposed that there be four initial management area types: a Greater Tule Management Area for the generally agricultural and rural lands, a Community Management Area or series of Community Management Areas for ETGSA's various community areas, an Inter-Basin Agency Management Area encompassing KTWD, and a Subsidence Management Area to be delineated and determined at a future date.

Discussion ensued amongst the committee regarding KTWD's "islands" and whether they should be included in the proposed KTWD management area. Additional discussion ensued regarding the impact of management areas and allocations. The Executive Director noted that management areas are primarily intended to guide different minimum thresholds and the types of projects that might be appropriate to addresses those thresholds, such as projects that address subsidence or municipal water needs.

Public comment was received from Bill Samarin.

Discussion ensued regarding the proposed concepts and how the final draft delineations of the proposed management areas might change. The Executive Director noted that the current draft concepts for the Community Management Areas generally used the Urban Development Boundaries of each community within ETGSA, but that this would likely be adjusted. TBID's WQIP boundary was mentioned as a possible additional boundary to consider for the Terra Bella community.

The Executive Director noted that, in the future, management areas could likely be dissolved or added as necessary.

Member Etchegary moved to accept staff's recommendation for four initial management area types, as presented. Member Geivet seconded the motion. The committee unanimously approved the motion, and the motion carried.

Additional discussion ensued amongst the committee regarding the urban development boundary and Urban Area Boundary of the City and how the boundary is updated. It was discussed that such boundaries are generally a part of General Plan and its update,

*Member Dalke left at this time.

*Member Dalke returned at this time.

Public comment was received from Don Castle.

Discussion ensued amongst the committee regarding the urban development boundary of the City of Porterville.

Public comment was received from Bill Samarin.

Discussion ensued regarding the growth of the City of Porterville and the policies found within its General Plan that guide the build-out and public services approach of the city.

Results of TH&Co Task Items (and implications)

This item was briefly reviewed by the committee.

Mechanisms & Functioning of a Sharing System

Discussion ensued amongst the committee regarding the staff's proposed recommendations on the five key questions presented. Additional discussion ensued amongst the committee regarding different types of allocations and recharge credits, the rate of deterioration or exhaustion of those credits, reporting prices and the confidentiality of transfers.

Public comment was received from Don Castle.

Additional discussion ensued regarding surface water banking and how surface water rights and other policies not administered by the ETGSA would need to be considered.

Public comment was received from Bill Samarin.

Additional discussion ensued amongst the committee regarding transparency in market transactions, and whether reporting prices paid as a result of transfer for hamper or improve the operation of a market. Confidentiality and anonymity of transferors and transferees was also discussed. Additional discussion ensued regarding other water markets and whether prices paid as a result of transfer was reported or required to be reported.

Public comment was received from Bill Bennett.

Discussion amongst the committee continued regarding the reporting of prices paid.

Public comment was received from Bill Bennet.

Member Domondon moved to recommended that groundwater accounts be debited and credited on a monthly basis. Member Reed seconded the motion. The committee unanimously approved the motion, and the motion carried.

Member Etchegary moved to recommended that the ETGSA should allow for prices paid for transfers to be reported. Member Domondon seconded the motion.

Discussion ensued amongst the committee regarding confidentiality and how to enforce that the prices potentially reported be legitimate. There was additional discussion whether maintaining a market board may meet the needs of indicating what prices potential transferors and transferees may be willing to pay. It was discussed that Legal Counsel should review the topic.

Public comment was received from Bill Samarin, Bill Wallace, and Bill Morgan.

Additional discussion ensued amongst the committee regarding whether other GSA considering similar policies intended to require that prices be reported.

Public comment was received from Bill Morgan.

Member Etchegary moved to amend his motion to, "The ETGSA should not allow for prices paid for transfers to be reported. Member Dalke seconded the motion. Members Etchegary, Domondon, Limas, and Dalke moved to approve the motion. Members Geivet, Reed, and England voted no. By a majority vote of the members present, the motion was approved.

Member Etchegeary moved to adopt staff’s recommendation regarding market boards and pre-identified transfers (Staff Recommendation – “The ETGSA should both facilitate the maintenance of a “market board” and provide for groundwater account holders to initiate transfers with pre-identified participants.”). Member England seconded the motion.

Public comment was received from Bill Samarin.

The committee unanimously approved the motion, and the motion carried.

Member Etchegeary moved to adopt staff’s recommendation on debiting preferences (“There should be a default debiting preference for all groundwater accounts, but a groundwater account holder should be able to freely adjust their debiting preferences as they see fit.”). The motion was seconded by Member Geivet.

Public comment was received from Stacie Ann Silva.

Discussion ensued amongst the committee regarding transitional allocations, allowing groundwater users to utilize transitional allocations prior to other allocations, and a discussion of how other GSAs were handling such questions. Discussion around additional cost to use transitional, what other districts are doing.

Public comment was received from Stacie Ann Silva.

The committee moved to approve the motion, except from Members Domondon and Limas. The motion carried.

Member Etchegeary moved to adopt staff’s recommendation on groundwater accounts (Staff Recommendation – “Any verifiable individual and/or entity should be able to maintain a Groundwater Account.”). The motion was seconded by Limas. The committee unanimously approved the motion, and the motion carried.

Criteria for Validating a Recharge Project

The item will be discussed at a future date.

Evaluating Transfer Impacts

Discussion ensued amongst the committee regarding transfer impacts, and managing impacts in future and whether an interim policy might be warranted while data is gathered. Discussion ensued amongst the committee regarding the nominal set aside and nominal fee proposed by staff.

Member Geivet moved to adopt staff’s recommendation on interim transfer policies (Staff Recommendation – “Until future policies are developed, each transfer should be subject to a nominal fee and a nominal volumetric set-aside.”). Member Reed seconded the motion. The committee unanimously approved the motion, and the motion carried.

Member Geivet moved to adopt staff's recommendation on future management of potential transfer impacts (Staff Recommendation – "Should sufficient data at a future date indicate that transfers may cause undesirable impacts, the GSA should utilize the most efficient approach(es) to manage those impacts."). Member Domondon seconded the motion. The committee unanimously approved the motion, and the motion carried.

Member Etchegary moved to adopt staff's recommendation on inter-GSA transfers within the Tule Subbasin (Staff Recommendation – "Yes, ETGSA should coordinate with other Tule Subbasin GSAs who establish similar accounting and allocation policies in order to establish a process to allow for Inter-GSA Transfers."). Member Geivet seconded the motion. The committee unanimously approved the motion, and the motion carried.

Historical Use

Discussion ensued amongst the committee regarding the concept of historical use, its definition, and whether historical use should be given consideration in terms of allocating the sustainable yield and transitional groundwater. It was noted by the Executive Director that a more comprehensive overview of various adjudications and other states' groundwater management systems was given at the Joint February Committee Meeting.

Discussion ensued regarding the various abstract definitions of the term, and how verification of historical use might be more based on an "honor system" due to the variety of records that might be available or not available. It was discussed whether a firm definition had yet been provided on the term.

Public comment was received from Stacie Ann Silva.

Additional discussion amongst the committee ensued regarding the nuances of the term.

Discussion ensued regarding Staff's recommendation in their December 2018 memorandum to the Board and the various pools described therein. The committee also reviewed and discussed the stakeholder committee's recommendation on the topic. It was noted that the stakeholder committee chose to reiterate their motion from their November 2018 meeting.

Public comment was received from Bill Bennet.

The Executive Director reviewed with the committee a series of different conceptual approaches on applying historical use to transitional groundwater allocations. It was discussed that the committee should reconvene on this topic at its next meeting.

NEXT MEETING DATE

Next Meeting (Executive Committee) – Thursday, April 18, 2019 at Transit Multi-Purpose Center (15 E. Thurman Ave., Ste. D, Porterville); may make a recommendation

The next meeting of the ETGSA Executive Committee will be on Thursday, April 18, 2019 at Transit Multi-Purpose Center (15 E. Thurman Ave., Ste. D, Porterville).

ADJOURNMENT

Since there was no further business to come before the Committee, Chairman Borba adjourned the meeting at approximately 4:25 pm.

Respectfully submitted,

Bryce G. McAteer, Secretary to the Board