





## South of Kern River Executive Committee Regular Meeting

Thursday, April 13, 2023 10:00 a.m.to 11:30 a.m. Meeting Information Posted:

www.sokrgsp.com

http://www.aewsd.org \* http://www.wrmwsd.com
http://www.tejoncastacwd.com \* https://www.arvincsd.com

In Person: Arvin-Edison Water Storage District Headquarters 20401 E. Bear Mountain Blvd. Arvin, CA 93203

Via Remote (Microsoft Teams): https://www.microsoft.com/microsoft-teams/join-a-meeting

Click here to join the meeting

Meeting Number: <u>289 619 843 830</u> Meeting Password: <u>ko5K35</u> Phone: <u>1.213.437.9052</u>

Phone Meeting Number (access code): 276 512 496#

**NOTICE:** Members of the public interested in participating by teleconference may do so using the call-in information above or by following this link. Please note that this teleconference option is provided as a courtesy and at the participant's own risk. The Committee cannot guarantee that there will be no loss of connectivity or other technological obstacle to full participation through teleconferencing. By participating in this way, participants confirm that they understand this risk and that the Committee is not obliged to delay any portion of the meeting due to such technological obstacles and thus that teleconference participants may be unable to participate.

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. PLEDGE OF ALLEGIENCE
- 4. APPROVAL OF MARCH 9, 2023 MEETING MINUTES
- 5. PUBLIC COMMENT
- 6. NEW BUSINESS
  - A. Coordination Committee update (Muhar)
    - Water Year 2022 Annual Report
    - b. Update re Plan Manager appointment process
    - c. Technical Working Group's establishment to assist in responding to Inadequate Determination.
  - B. Finance (Nicholas)
  - C. California Aqueduct Subsidence Program (CASP) update (*Muhar*)
  - D. SOKR Management Area updates (Muhar, Nicholas, Martin, Barraza)

- E. SGMA Monitoring Network performance and Sustainable Management Criteria compliance *(EKI)*
- F. State Water Resources Control Board (SWRCB) Intervention Process (EKI, Gantenbein)
- G. SOKR Minimum Threshold Methodology Comparison to Adjacent Groundwater Sustainability Plans (GSPs) (*EKI*)
- H. Correspondence
  - a. DWR letter to SWRCB "Kern County Subbasin Groundwater Sustainability Plan Inadequate Determination" dated March 28, 2023, excluding Enclosure: Kern County Subbasin March 2, 2023 Determination Package, (see March 9, 2023 SOKR Executive Committee Meeting Packet for Enclosure)

#### 7. CLOSED SESSION

- a. Potential Litigation (Government Code §54956.9(d)(2), (e)(1); 1 item).
- 8. ADJOURNMENT

# MINUTES OF THE MEETING OF THE SOUTH OF KERN RIVER EXECUTIVE COMMITTEE March 9, 2023

Director Yurosek called to order the quarterly meeting at 10:02 a.m., with a quorum and in-person and remote attendance by:

#### **Executive Committee Directors**

Derek Yurosek – Arvin-Edison Water Storage District (AEWSD) (in person)

Mark Valpredo – Tejon-Castac Water District (TCWD) (in person)

Michael Blaine – Wheeler Ridge-Mariposa Water Storage District (WRMWSD) (in person)

#### District Staff

Raul Barraza – Arvin Community Services District (ACSD) (in person)

Jeevan Muhar – AEWSD (in person)

Angelica Martin – TCWD (remote)

Sheridan Nicholas – WRMWSD (in person)

There was one Director absent:

Rafael Gallardo – ACSD

Participants recited the Pledge of Allegiance.

#### **APPROVAL OF DECEMBER 15, 2022 MEETING MINUTES**

Director Blaine made a motion to approve the December 15, 2022 South of Kern River (SOKR) Executive Committee meeting minutes. Director Valpredo seconded.

There was a roll call vote (Yurosek – Aye, Blaine – Aye, Valpredo – Aye, Gallardo - Absent). The motion passed.

#### **PUBLIC COMMENT**

There were no public comments.

#### **NEW BUSINESS**

#### **Review Brown Act's Teleconference Rules**

Legal Counsel reviewed current requirements under the Brown Act for Directors' remote participation in meetings. The teleconferencing rules under AB 361 ended February 28, 2023, and the rules under the traditional Brown Act and AB 2449 are more restrictive. The Executive Committee will need to ensure a Director's remote participation in any meeting complies with these more restrictive rules. The Executive Committee reiterated their preference for in-person participation by Directors with hybrid remote option for the public, staff, and consultants in 2023.

#### **Coordination Committee Update**

#### Basin Study

Mr. Muhar reported that work on the Basin Study is ongoing. Additional updates will be provided in the next Subbasin Coordination Committee meeting, scheduled for March 15<sup>th</sup>, 2023.

#### 2022 GSP Annual Report

Mr. Muhar reported that the SOKR GSAs have finished submitting the data requested for the 2022 Annual Report. The 2022 Annual Report is currently being drafted and will be submitted to DWR by April 1, 2023.

#### Plan Manager Appointment Process

Mr. Muhar reported on the proposed appointment process for the Plan Manager. Consistent with the Basin Coordination Agreement, the Coordination Committee members will appoint the Plan Manager annually, and the Plan Manager can be removed at any time through unanimous agreement of all coordination committee parties.

Director Blaine made a motion to allow the SOKR Executive Committee's designated Director representative to the Basin Committee to represent the SOKR GSAs' position related to appointment of the Plan Manager. Director Valpredo seconded. There was a roll call vote (Yurosek – Aye, Blaine – Aye, Valpredo – Aye, Gallardo - Absent). The motion passed.

There were no comments or questions.

#### **Finance**

Mr. Nicholas presented the summary of expenses for SOKR GSP development and implementation through December 31, 2022. Per the Memorandum of Agreement (MOA), the SOKR GSAs will split expenses evenly. WRMWSD serves as the fiscal agent and will separately bill AEWSD and TCWD for their share of the expenses. WRMWSD will consider a future cash call if expenses increase.

#### California Aqueduct Subsidence Program (CASP) update

Mr. Muhar and Mr. Nicholas reported on the January 12, 2023 meeting with CASP to discuss the draft SOKR response to CASP's comments on the SOKR GSP. CASP is currently reviewing SOKR's proposed revisions to the land subsidence sustainable management criteria (SMC). Mr. Muhar sent a follow up email to Allie Lopez, program manager at CASP, to schedule another meeting and is awaiting a response.

There were no comments or questions.

#### **SOKR Management Area Updates**

Mr. Muhar provided an update on SOKR GSP implementation within the Arvin GSA, including that AEWSD recently secured a \$25 million bond to support pipeline projects that will convey surface water into the groundwater service area. AEWSD aims to begin construction of these projects later this year.

Mr. Nicholas provided an update on SOKR GSP implementation within the Wheeler Ridge-Maricopa GSA, including the establishment of a new groundwater benefit charge and conversion of about 5,000 acres of irrigated agricultural land to solar production that aim to decrease groundwater demand in the Basin.

Ms. Martin stated that the TCWD GSA is considering a project to capture excess surface flows in an abandoned granite pit for recharge to the Basin.

Mr. Barraza stated that ACSD is working to identify potential recharge properties in conjunction with AEWSD.

### SGMA Monitoring Network Performance and Sustainable Management Criteria Compliance

EKI shared the status of January and February groundwater levels in comparison to SMCs and Fall 2022 groundwater levels. In Fall 2022, two wells located in Wheeler Ridge-Maricopa GSA and four wells located in Arvin GSA exceeded their minimum thresholds (MTs). By January 2023, two wells in the Arvin GSA had rebounded and were currently above their MTs. By February 2023, the other two wells in the Arvin GSA and one well in the Wheeler Ridge-Maricopa GSA had rebounded and were above their MTs. Therefore, as of February 2023, there was one MT exceedance (exceeding by 5 feet) within the Wheeler Ridge-Maricopa GSA. Per the SOKR GSP and Basin definitions, undesirable results are not yet occurring. Director Yurosek requested hydrographs for the next meeting.

There were no public comments or questions.

### Consider Endorsement of and Recommend Funding for EKI Task Order for GSP Implementation Support through June 2023

EKI presented a Task Order for GSP Implementation Support through June 2023. This Task Order includes support in drafting SOKR's response to DWR's Inadequate Determination and continued attendance and preparation for meetings.

Director Valpredo made a motion to approve the EKI Task Order, Director Blaine seconded. There was a roll call vote (Yurosek – Aye, Blaine – Aye, Valpredo – Aye, Gallardo - Absent). The motion passed.

#### Correspondence

- State Water Resources Control Board (SWRCB) comment letter "Groundwater Quality Considerations for high and Medium Priority Groundwater Basins", dated 22 November 2022.
- DWR letter "Inadequate Determination of the Revised 2020 Groundwater Sustainability Plans Submitted for the San Joaquin Valley – Kern County Subbasin", dated 2 March 2023.
  - EKI provided a summary of the main deficiencies included in DWR's letter designating the Kern County Subbasin as Inadequate, SWRCB's intervention process, and potential paths forward.
  - Executive Committee will increase meeting frequency to monthly given the Inadequate Determination.

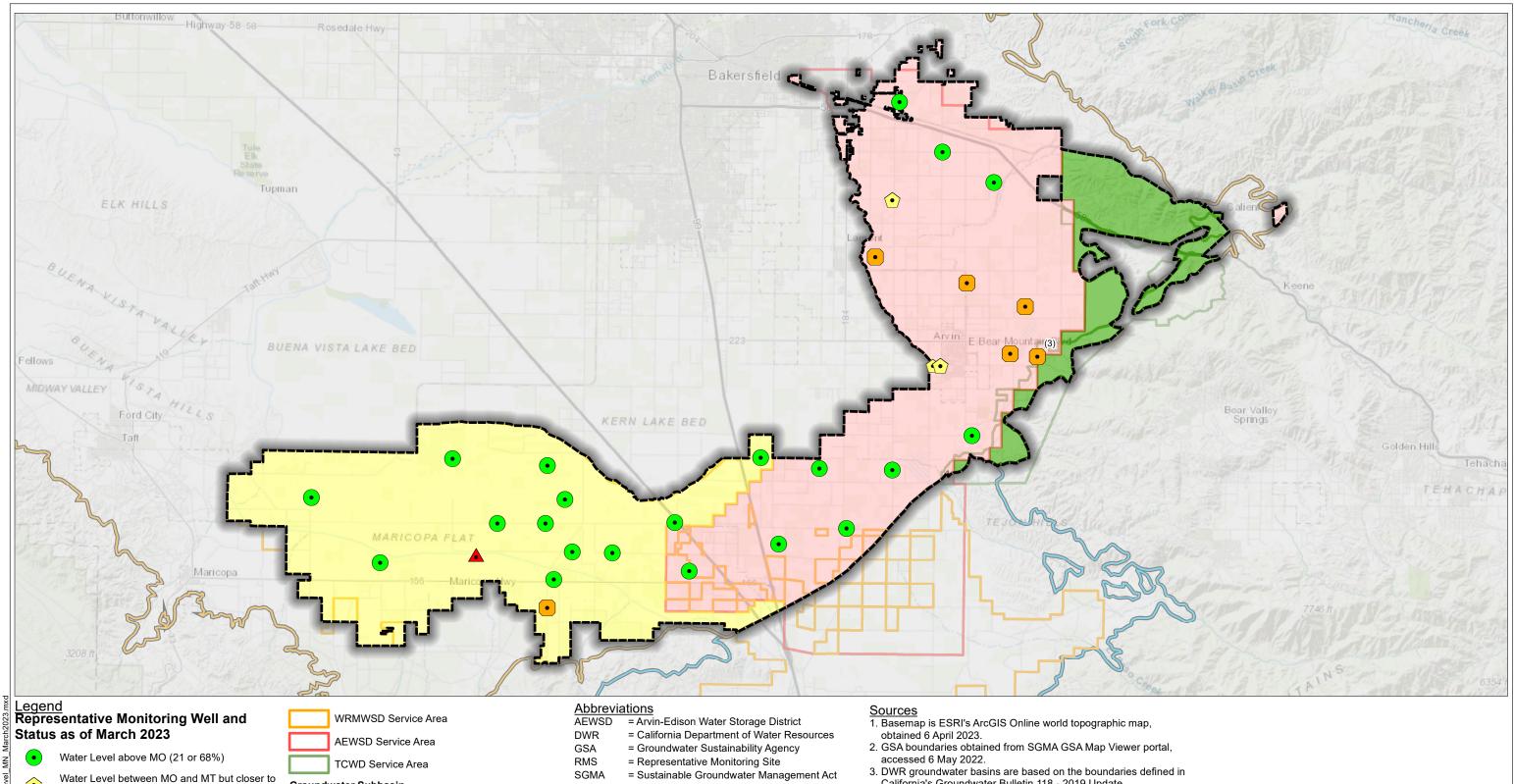
#### CLOSED SESSION

Conference with Legal Counsel pursuant to Government Code §54956.9(d)(2) (potential litigation; 1 item). Legal Counsel had nothing to report out of closed session.

#### **ADJOURNMENT**

The South of Kern River Executive Committee meeting was adjourned at 11:52 a.m. The next Executive Committee meeting is scheduled for April 13, 2023.

Mark Valpredo, South of Kern River Executive Committee Secretary





MO (3 or 10%)



Water Level between MO and MT but closer to MT (6 or 19%)



Water Level Below MT (1 or 3%)



South of Kern River Plan Area



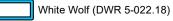
Arvin GSA



Wheeler Ridge-Maricopa GSA Tejon-Castac Water District GSA

#### **Groundwater Subbasin**

Kern County (DWR 5-022.14)



= Sustainable Management Criteria

= Tejon-Castac Water District

WRMWSD = Wheeler Ridge-Maricopa Water Storage District

California's Groundwater Bulletin 118 - 2019 Update.



#### March 2023 Water Levels **Relative to SMCs**

South of Kern River GSP Kern County, CA April 2023 C20055.00 Figure - 1

#### Notes

1. All locations are approximate.

2. Undesirable Results are deemed to occur if groundwater levels in 40% or more RMWs are below their respective MT for four consecutive bi-annual measurements (Spring and Fall) in any management area.

3. Water level measurement from Fall 2022.

# Table 1: Minimum Thresholds Using South of Kern River GSP and Kern River GSA GSP Methodologies, and Comparison to Fall 2022 Water Levels

Monitoring Site ID	Representative Monitoring Site ID	Fall 2022 Water Level (ft msl)	SOKR SMC Algorithm MT Value (ft msl)	Sustainability Criteria Zone	SOKR Zonal MT (ft msl)	MT using "KRGSA Method" (ft msl) <sup>a</sup>	Difference Between MT using "KRGSA Method" and SOKR Zonal MT (ft)	Fall 2022 Water Level at or Below SOKR Zonal MT? (Y/N)	Fall 2022 Water Level at or Below "KRGSA" MT? (Y/N)
Arvin-Edison Managemen	nt Area								
29S29E33N001M	RMW-001	301.38	87.38	North Canal	50	243.4	193.4	N	N
30S29E29A001M	RMW-004	92.07	77.23	North Canal	50	47.1	-2.9	N	N
31S29E05E001M	RMW-005	48.40	46.94	North Canal	50	48.4	-1.6	Υ	Υ
31S29E12M001M	RMW-006	35.31	57.31	North Canal	50	12.3	-37.7	Υ	N
31S30E17K001M	RMW-007	50.23	51.23	North Canal	50	1.2	-48.8	N	N
31S30E30J001M	RMW-009	38.13	46.13	North Canal	50	61.1	11.1	Υ	Υ
30S29E11N001M	RMW-002	360.63	268.63	Edison	250	307.6	57.6	N	N
30S30E19E001M	RMW-003	580.04	472.79	Edison	250	518.0	268.0	N	N
31S29E34A001M	RMW-008	4.68	-68.04	ACSD	-70	25.7	95.7	N	Υ
ACSD Well No. 14	RMW-010	-10.00	INSUFFICIENT DATA	ACSD	-70	INSUF	INSUFFICIENT DATA		INSUFFICIENT DATA
11N20W05J001S	RMW-016	104.24	-61.50	South Canal	0	25.2	25.2	N	N
12N20W36G001S	RMW-015	86.40	43.40	South Canal	0	-6.6	-6.6	N	N
32S28E23H001M	RMW-013	-9.47	53.03	South Canal	0	69.5	69.5	Υ	Υ
32S29E12P001M	RMW-011	55.93	19.93	South Canal	0	-30.1	-30.1	N	N
32S29E20H001M	RMW-012	100.55	3.30	South Canal	0	39.3	39.3	N	N
32S29E31N001M	RMW-014	38.77	10.77	South Canal	0	29.8	29.8	N	N
Wheeler Ridge-Maricopa	Management Area	1							
11N22W06H001S	RMW-233	263.21	INSUFFICIENT DATA	Western	100	165.3	65.3	N	N
32S25E29Q001M	RMW-239	242.21	INSUFFICIENT DATA	Western	100	176.5	76.5	N	N
32S26E20G001M	RMW-094	75.57	-47.9	Northeastern	-50	10.0	60.0	N	N
32S26E24K001M	RMW-231	30.35	INSUFFICIENT DATA	Northeastern	-50	5.0	55.0	N	N
32S27E30N001M	RMW-095	220.59	137.3	Northeastern	-50	177.8	227.8	N	N
32S27E35R001M	RMW-097	110.31	86.9	Northeastern	-50	66.3	116.3	N	N
32S26E34P001M	RMW-237	185.65	INSUFFICIENT DATA	Northeastern	-50	82.9	132.9	N	N
32S26E36P002M	RMW-238	119.43	INSUFFICIENT DATA	Northeastern	-50	35.4	85.4	N	N
32S28E16P001M	RMW-240	122.43	INSUFFICIENT DATA	Northeastern	-50	36.6	86.6	N	N
11N22W01D001S	RMW-232	-33.65	INSUFFICIENT DATA	Southeastern	0	52.0	52.0	Υ	Υ
11N21W16E001S	RMW-234	-9.65	INSUFFICIENT DATA	Southeastern	0	-86.6	-86.6	Υ	N
12N21W35Q001S	RMW-258	90.45	INSUFFICIENT DATA	Southeastern	0	45	44.9	N	N
12N21W34N001S	RMW-245	44.66	INSUFFICIENT DATA	Southeastern	0	INSUFFICIENT DATA		N	INSUFFICIENT DATA

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11N21W09C001S	RMW-236	102.26	INSUFFICIENT DATA	Southeastern	0	-39.2	-39.2	N	N		
Tejon-Castac Management Area											
RMS-1	Caratan Well	53.52	INSUFFICIENT DATA	N/A	50	INSUFFICIENT DATA		N	INSUFFICIENT DATA		

#### **Abbreviations:**

ACSD = Arvin Community Services District

AEWSD = Arvin-Edison Water Storage District

CWD = Community Water District

ft msl = feet above mean sea level

GSA = Groundwater Sustainability Agency

GSP = Groundwater Sustainability Plan

KRGSA = Kern River Groundwater Sustainability Agency

MA = Management Area

RMS = Representative Monitoring Site

SMC = Sustainable Management Criteria

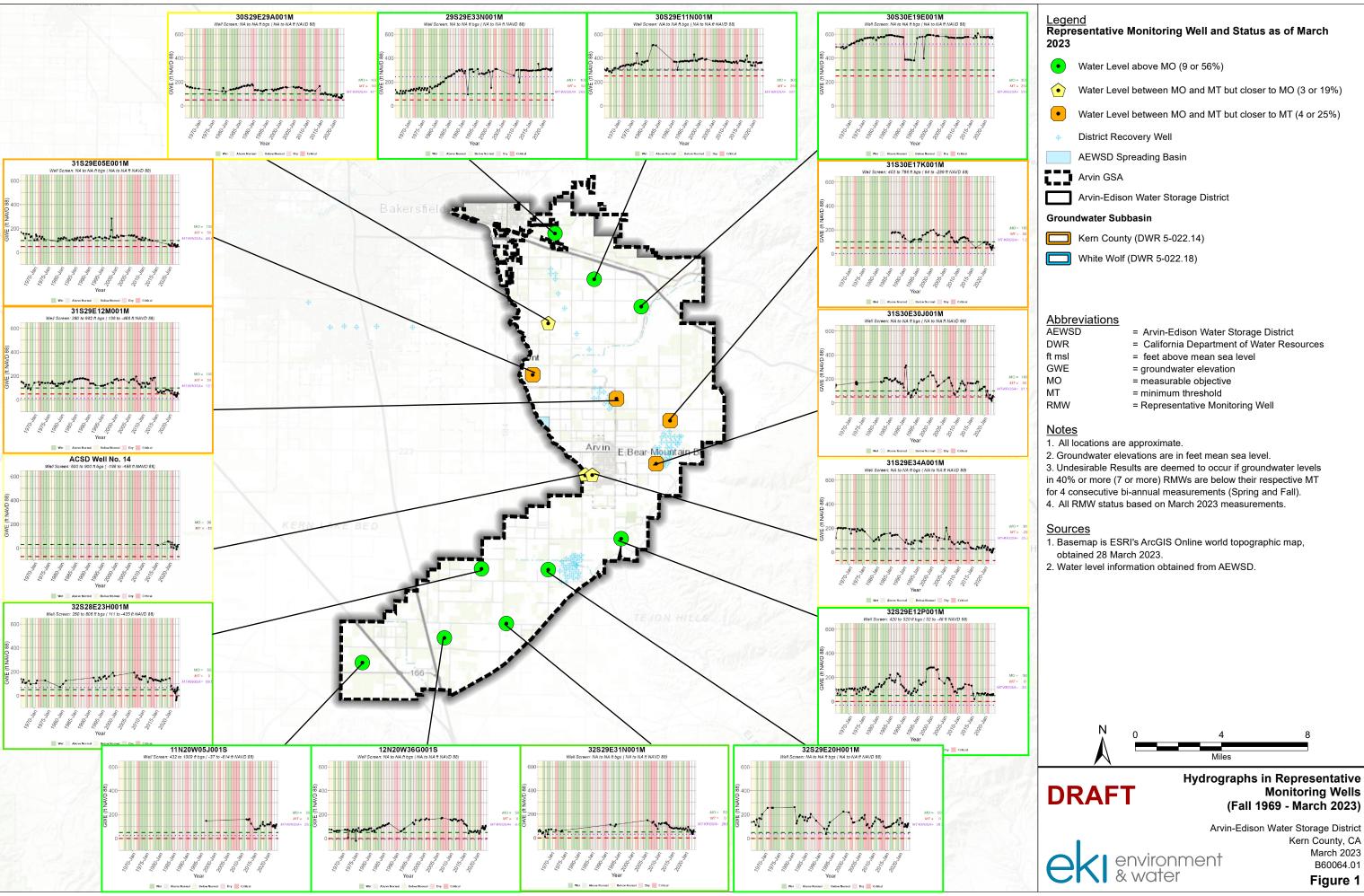
SOKR = South of Kern River

TCWD = Tejon-Castac Water District

WRMWSD = Wheeler Ridge-Maricopa Water Storage District

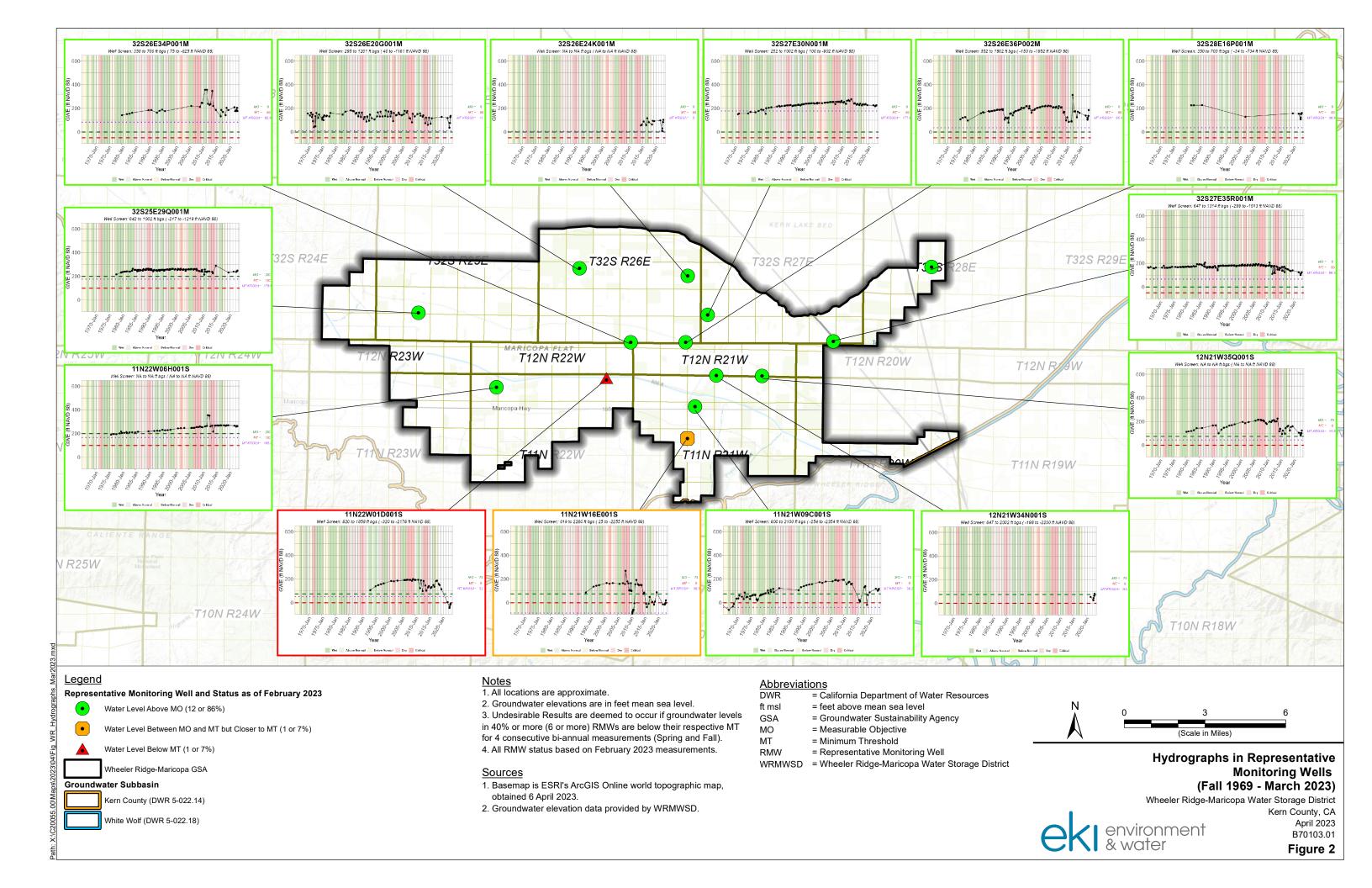
#### Notes:

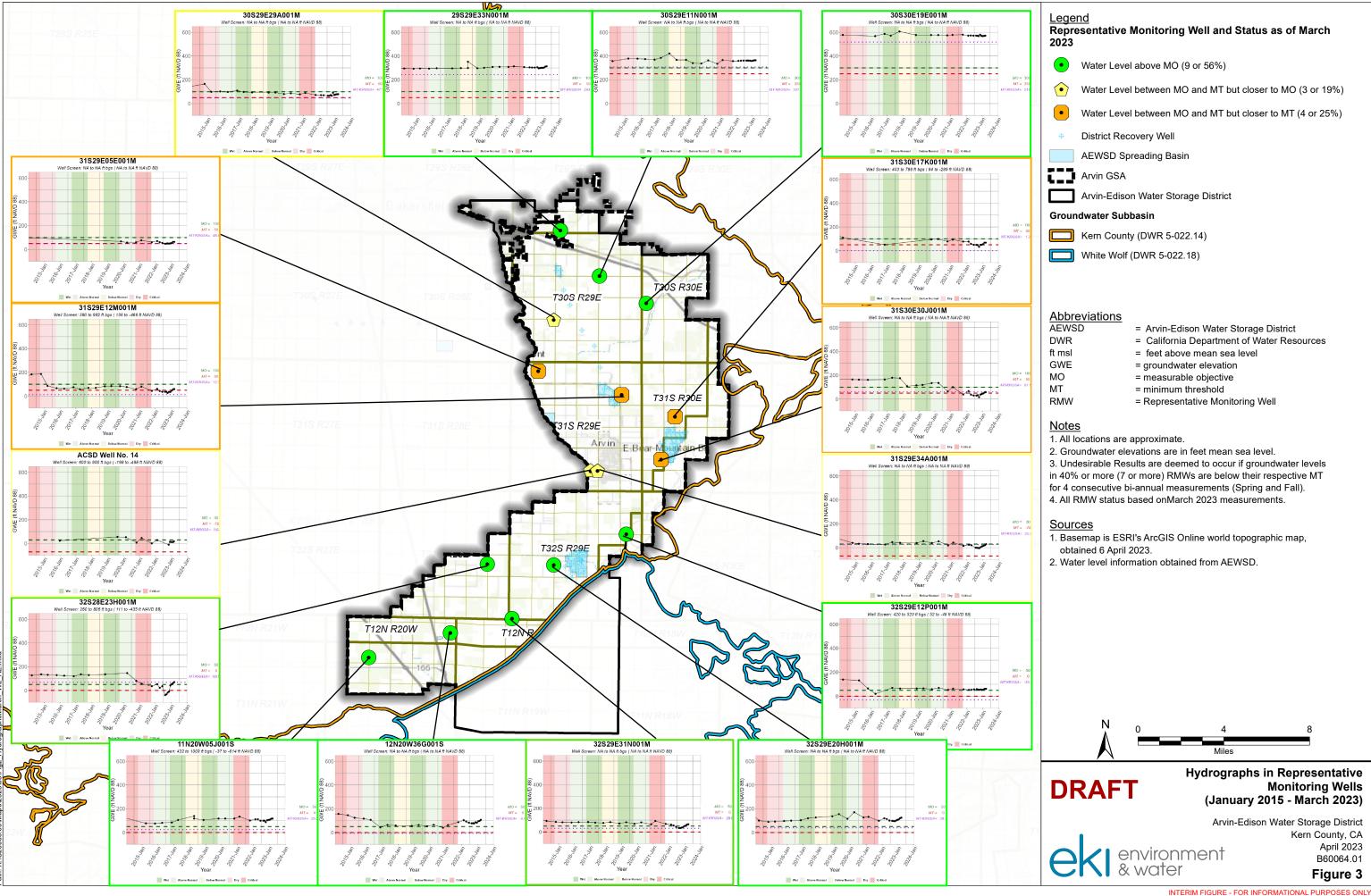
- (a) KRGSA sets groundwater levels MTs based on well types, as follows:
  - For agricultural wells, 50 feet below the historic low water level recorded from 2013-2016 (used for AEWSD North Canal, South Canal, and Edison sustainability criteria zones and all WRMWSD and TCWD RMS).
  - For urban wells, the historic low water level recorded from 2013-2016 (used for ACSD sustainability criteria zone)

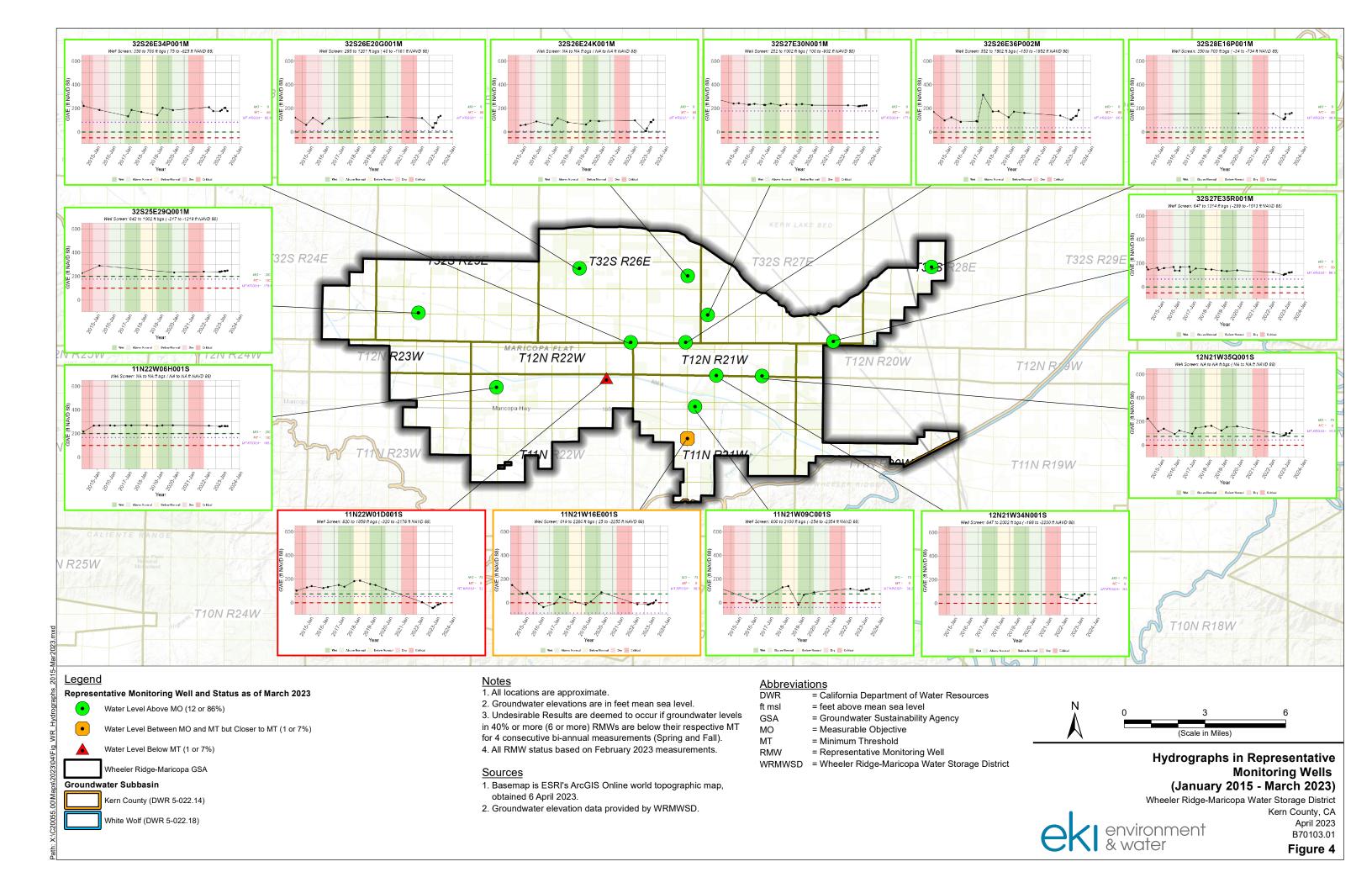


March 2023

B60064.01 Figure 1







March 28, 2023

Natalie Stork, Supervising Engineering Geologist Office of Research, Planning, and Performance State Water Resources Control Board 1001 I Street Sacramento, CA 95814

Re: Kern County Subbasin Groundwater Sustainability Plan Inadequate Determination

#### Dear Natalie:

I am providing official notification to the State Water Resources Control Board (SWRCB) that the Department of Water Resources (Department) has completed its evaluation of the six Groundwater Sustainability Plans (GSPs or Plan) for the Kern County Subbasin (Basin No. 5-022.14) (basin) and has found the Plan to be **Inadequate**.

On March 2, 2023, the Department, after consultation with the SWRCB, determined that the Plan for the basin was inadequate. The Department made this determination consistent with and pursuant to its duties under the Sustainable Groundwater Management Act (SGMA) and the Department's GSP Regulations. The basin point of contact has been notified of the Department's determination.

As you know, this inadequate determination triggers potential state intervention under Chapter 11 of SGMA. Specifically, California Water Code section 10735.2(a)(3) authorizes the SWRCB to designate the basin as a probationary basin after notice and a public hearing. California Water Code section 10735.2(b) states that in making findings associated with such a probationary hearing, the SWRCB may rely on periodic assessments the Department has prepared pursuant to Chapter 10 of SGMA. While the Department did review and discuss its evaluation with SWRCB staff during consultation prior to the final decision, by this letter the Department ensures the SWRCB is provided with the final documents provided to the GSAs upon determining that the basin Plan was inadequate, including the final staff report (i.e. assessment) and findings statement.

The Department has also posted these documents on its <u>SGMA Portal website</u> along with other relevant materials such as the original and amended GSPs, materials referenced in the GSPs, public comments, and annual reports. Please contact <u>GSPSubmittal@water.ca.gov</u> if you require assistance accessing any of these records. Similarly, if you believe the Department may have other records or information that could be helpful to the SWRCB in implementing Chapter 11 with respect to this basin, please contact me.

Finally, section California Water Code section 10735.2(b) states the SWRCB may request additional assessments from the Department to assist in making probationary basin designations. If the SWRCB is contemplating requesting additional assessments from the Department under this section, please contact me to discuss the matter. Any requests for additional assessments pursuant to California Water Code section 10735.2(b) will need to be transmitted to the Department in writing and be sufficiently detailed and specific.

Natalie Stork Page 2 March 28, 2023

As always, I look forward to working with you as our two agencies continue to implement SGMA.

Sincerely,

Paul Gosselin

Paul Gosselin Deputy Director Sustainable Groundwater Management

Enclosure: Kern County Subbasin March 2, 2023 Determination Package

cc: Patty Poire, Kern County Subbasin Point of Contact <a href="mailto:ppoire@kerngwa.com">ppoire@kerngwa.com</a>