

MINUTES OF THE BOARD OF DIRECTORS

Date: Thursday, August 1, 2019
Time: 1:00 P.M.
Location: Kern County Water Agency, 3200 Rio Mirada Dr., Bakersfield, CA 93308
661-589-6045

DIRECTORS AND ALTERNATES PRESENT

Jeevan Muhar, Arvin-Edison WSD
Charlie Riddle, Henry Miller WD
Bruce Kelsey and Skye Grass, Kern-Tulare WD
Dick Diamond, North Kern WSD
Ben Wilson & Dana Munn, Shafter-Wasco ID
Michael Blaine and Robert Kunde, Wheeler Ridge-Maricopa WSD

DIRECTORS AND ALTERNATES ABSENT

Dennis Johnston and David Nixon, Arvin-Edison WSD
Don Collins, Pete Kaiser and Mark Mulkay, Kern Delta WD
Kimberly Brown, North Kern WSD
Jeff Siemens and Jim Nickel, Olcese WD
Eric Averett, Dan Bartel and Zach Smith, Rosedale-Rio Bravo WSD
Jason Gianquinto and Dan Waterhouse, Semitropic WSD

ASSOCIATE MEMBERS PRESENT

Tim Ashlock, Buena Vista Coalition
Dave Hampton, Cawelo Water District
Kris Lawrence, Westside Water Quality Coalition

OTHERS PRESENT

Nicole Bell, KRWCA Manager
Steve Torigiani, Young Wooldridge, LLP
Ryan Dodd, Provost & Pritchard
Sarah Rutherford, Provost & Pritchard
Morgan Campbell, Provost & Pritchard
Roy Pierucci, Rosedale-Rio Bravo WSD
Christine Gutierrez, GEI Consultants
Kevin Gobler, Wonderful Citrus
Patty Poire, KGA
Steve Teglia, Kern Delta WD

1. CALL TO ORDER

Acting Chairman Robert Kunde called the meeting to order at 1:15 P.M.

2. ANNOUNCEMENT OF QUORUM

Acting Chairman Kunde announced a quorum.

3. INTRODUCTIONS

None.



4. **PUBLIC COMMENT**

None.

5. **APPROVAL OF 6/6/2019 Board Meeting Minutes***

Director Skye Grass moved to approve the regular Board Meeting Minutes of June 6, 2019. Upon a second by Director Charlie Riddle, a vote was taken with no abstentions and was unanimously carried.

6. **TREASURERS REPORT**

a. 2019 Accounts Payable/Receivable Ratification and Approval*

Treasurer Robert Kunde reviewed his August 1, 2019 memorandum to the Board entitled "Treasurer's Report" including the Accounts Payable, with the Authority Board. A motion was made by Director Ben Wilson to (a) authorize payment of the Open Accounts Payable in the amount of \$149,999.73, (b) ratify payment of the June 14, Closed Accounts Payable and the July 4, Closed Accounts Payable in the amounts of \$1,577.93 and \$93,358.08 respectively, and (c) ratify payment of the amounts shown in the "Accounts Payable – Paid from Wells Fargo Account" dated August 1, 2019. Upon a second by Director Skye Grass, a vote was taken with no abstentions and was unanimously carried.

7. **CONTRACTING UPDATE**

a. MLJ Environmental Contract and Scope of Work (SOW)*

Manager Bell reviewed the new MLJ Environmental Professional Services Agreement (PSA/Contract) Contract. A motion was made by Director Jeevan Muhar to approve the Contract as submitted. Upon a second by Director Charlie Riddle a vote was taken with no abstentions and was unanimously carried.

Please note that Director Blaine arrived at 1:30 P.M., therefore Robert Kunde no longer has voting authority and abstained for the vote.

8. **KRWCA MANAGER REPORT/ILRP PROGRAM UPDATE**

Manager Bell reported on the following:

- a. General Update: Update will be provided during specific agenda items.
- b. State Water Board:
 - i. Ag Land Fees Proposal Update: It is expected that the fees will increase by 11.7%. The State Water Board will determine Fees at the September 17, SWB Hearing.

9. **REPORT OF PROVOST & PRITCHARD CONSULTING GROUP**

Manager Bell, Sarah Rutherford, Morgan Campbell and Ryan Dodd reported on the following:

- a. Surface Water Monitoring Update, Sarah Rutherford:
 - i. Conditional Approval of the SW Monitoring Plan received by the CVRWQCB
KRWCA received a conditional approval of Revision 2 on July 3, 2019. The conditional approval requires follow up on two items:
 - 1. Relocating Chanac Creek monitoring site: July 12, 2019 correspondence with Regional Board clarified the misunderstood request to move the Chanac Creek monitoring site.
 - 2. Request to add a monitoring site on the South Fork of the Kern River above



Lake Isabella: The Upper South Fork of the Kern River is not proposed to be monitored directly or representatively. The enrolled parcels are predominately irrigated pasture. Next steps include meetings with the Regional Board to discuss an alternative regulatory framework for irrigated pasture as well as requesting an extension to formally respond.

- ii. Surface Water Sampling Update:
The Moore Twining field crews will begin sample collection and dry site documentation at the 2 existing monitoring sites as well as the three recently approved new surface water monitoring sites in August.
- iii. Pesticide Evaluation Protocol (PEP) Update:
As part of the conditional approval the PEP for 2020 will include the three newly approved surface water monitoring sites. The deadline for the PEP submittal has been extended beyond September 1, 2019, due to a delayed release of CalPIP data from Department of Pesticide Regulation. The P&P team is currently processing the CalPIP data and will present the PEP for 2020 monitoring to the Board at the September meeting.
- b. GW Trend Monitoring (GTM) Update, Moran Campbell:
 - i. 2018 Sample Results:
 1. Results from 2018 presented in tabular format in the Annual Monitoring Report (AMR) groundwater section,
 2. Results are not representative of on-farm practices, only meant to be a regional trend monitoring program, and
 3. 1 year of data – not enough to develop any meaningful trends.
 - ii. Status Update of Spring/Summer (May-August) Sampling of GW Monitoring Well Network:
 1. 70% completed for 2019 year.
 - iii. Demand Charge Reimbursement Policy/Process*:
This item was postponed allowing input from Directors. The Policy will be presented for approval at the September meeting.
- c. Proximity to Surface Waters Update, Nicole Bell:
 - i. Received CVRWQCB Approval of the list of Parcels needing a Sediment Erosion and Control Plan (SECP), July 5, 2019.
 - ii. Members who need a SECP will be notified.
 - iii. SECP Self-Certification Training will be held in September.
- d. Annual Monitoring Report, Morgan Campbell:
The Board received a copy of the AMR prior to the Board Meeting. Staff provided an overview and presented a summary of what was included in the AMR. The Ground Water Section is new this year.
- e. CGQMP Annual Report Review and Approval*, Ryan Dodd,:
 - i. Groundwater Quality Management Plans (GQMPs) are critical documents for the Regional Board to track progress and compliance with the General Order. In the SSJV, our Comprehensive GQMPs are closely integrated with the MPEP to achieve the desired results.
 - ii. By August 31 annually, a Management Plan Status Report that “summarizes the progress in implementing management plans” is required. KRWCA’s report will primarily consist of an MPEP update of progress the past three years. Otherwise, the report will include information on coalition outreach, the emphasis of three priority practices, grower feedback (e.g. NARs), nitrogen statistics.



- iii. This new report will be developed in the coming weeks and will be presented for review and KRWCA Board approval at the August 2019 meeting.

Upon review of the CGQMP Report the Board approved the report without objection.

f. MPEP Update, Ryan Dodd

i. SWAT Modeling

- 1. Modeling is complete. Currently analyzing and simplifying data. Developing a web-based Management Practices Performance Assessment tool using the model results that will allow growers to evaluate the relative changes in performance of different management practices.
- 2. Working to write-up and package SWAT modeling inputs.
- 3. Had a significant SWAP workshop with key Regional Board staff on 7/23. Feedback was very positive, but it is a challenge to communicate the complex project activities.

ii. Funding

- 1. Current 3-year \$2M CIG grant concludes 9/30/2019. Work has mostly stopped as the project concludes, and final write-ups are being prepared. We met and exceeded all match requirements. Needed \$2M, generated over \$5M.
- 2. Submitted two new CIG proposals:
 - a. On-Farm (\$5M): Grower incentives, training, basic field monitoring on select sites. Submitted 7/15/2019. Awards anticipated in October; project start in December.
 - b. Classic (\$2M): Focused on developing target A and R ranges for 25 crops, develop site-specific grower tools, outreach, demonstrate N leaching performance with SWAT. Submitted 7/30/2019. Awards anticipated in November; project start in January.
- 3. Supporting other grants through collaborators. May pursue other grants

iii. MPEP Annual Report

- 1. Project-to-date annual report is available. It is included in KRWCA's CGQMP Annual Status Report for review.

iv. Collaboration with Northern MPEP

- 1. Continuing. Will share SWAT modeling results soon, which is the basis of the coordination agreements. Representatives attend each other's committee meetings.
- 2. Starting to have more frequent recurring meetings with all Central Valley Water Quality Coalitions to better coordinate on all items.

v. Development of Acceptable A/R and A-R Ranges

- 1. The new General Order requires the MPEP to develop "acceptable ranges" for multi-year A/R ratios by crop as a top priority. This is significant and could become an important regulatory metric. Coalitions are starting to brainstorm how to achieve this objective in the best possible way. We are seeking input and collaboration with commodity groups so that they have a voice in this process.



10. **CV-SALTS** <http://www.cvsalinity.org>

Manager Bell and Land IQ represent KRWCA at the Monthly CV-SALTS Meetings. Links to the monthly Meeting Package and Summary Report as well as information related to the State Water Board Public Workshop are also provided on our website.

- a. [Land IQ Summary Report of Public Workshop, July 2, 2019, Sacramento](#)
- b. [CV-SALTS Meeting Package, June 20, 2019](#)
- c. [Land IQ Summary Report for June 20, 2019 Meeting](#)
- d. [CV-SALTS Brochure](#)
- e. [CV-SALTS Brochure: New Water Quality Regulations Provide Options for Flexibility](#)
- f. [Prioritization and Optimization Study \(P&O\) Overview](#)

11. **OLD OR NEW BUSINESS**

- a. *AB1755 Pilot Project, no report.

12. **ATTORNEYS REPORT**

Steve Torigiani provided an update on the Drinking Water Bills, AB200 and AB217.

13. **CLOSED SESSION**

The Authority went into closed session 2:55 P.M. to discuss the items listed below, and upon the conclusion of closed Session 3:34 P.M. the Chairman reconvened to open session to announce that no reportable action was taken.

- a. Conference with Legal Counsel - Pending Litigation - Government Code Section 54956.9(d)(1)
 - i. Petitions filed by the Kern River Watershed Coalition Authority, et al. with the State Water Resources Control Board (SWRCB) regarding the Tulare Lake Basin General Order.
 - ii. [Environmental Law Foundation v. SWRCB, et al., Sac. County Sup. Ct., Case No. Case No. 34-2018-80002851](#)
 - iii. [Protectores Del Aqua Subterranea v. SWRCB, et al., Sac. County Sup. Ct., Case No. 34-2018-80002852](#)
 - iv. [Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Sac. County Sup. Ct., Case No. 34-2018-80002853](#)
 - v. [Petition for Review by Protectores Del Aqua Subterranea with the SWRCB in Re CVRWQCB Order R5-2019-001 Amending General Orders for Grower Members of a Third-Party Group: Tulare Lake Basin Area R5-2013-0120-06, etc.](#)
- b. Conference with Legal Counsel – Anticipated Litigation/Significant exposure to litigation – Government Code Section 54956.9(d)(2). One potential case.
- c. Public Employment - Government Code Section 54957:
 - i. Positions: Manager and Membership Coordinator

14. **KRWCA MEETING ATTENDANCE HIGHLIGHTS – INFORMATION ITEM**

- a. 6/10, Discussion with SWB Ag Land Fees Staff, Call
- b. 6/11, SWB Ag Land Fees Meeting
- c. 6/13, CVGMC Meeting, Fresno
- d. 6/17, Agricultural Committee Meeting on SW Expert Panel Review Process
- e. 6/18, PEOC Call
- f. 6/19, SW Advisory Committee Meeting
- g. 6/20, CVSALTS and CVSC Meetings
- h. 6/21, SWB Ag Land Fees Meeting



- i. 6/26, Ag Cost of Compliance Working Group Meeting
- j. 7/2, SWB CVSALTS Workshop, Sacramento
- k. 7/8, ILRP Farm Kick-Off Meeting with United Tracking
- l. 7/10, ILRP Stakeholder Meeting, Merced
- m. 7/10, ILRP Coalition Meeting, Merced
- n. 7/26, Cost of Compliance Working Group Meeting

15. NEXT MEETING

September 5, 2019 at 1:00 P.M., Kern County Water Agency.

16. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 3:34 P.M.

“*” Notates and action item (Approval/Ratification)