

BOARD OF DIRECTORS MEETING MINUTES

Date: Thursday, August 6, 2020
Time: 1:00 P.M.
Location: Remotely via Microsoft Teams

DUE TO COVID-19 RESTRICTIONS THIS MEETING IS ONLY HELD REMOTELY

NOTICE: Pursuant to Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and guidance by the California Department of Public Health dated March 16, 2020, this meeting will be conducted by teleconference. The public may attend the meeting and offer public comments by phone or online, using the Microsoft Teams information or call-in number above.



Join Microsoft Teams Meeting

[+1 559-512-2821](tel:+15595122821) United States, Fresno (Toll)
Conference ID: 168 040 056#

DIRECTORS AND ALTERNATES PRESENT

Eric Averett and Roy Pierucci, Rosedale-Rio Bravo WSD
Dennis Johnston & Jeevan Muhar, Arvin-Edison WSD
Charlie Riddle, Henry Miller WD
Steve Teglia, Don Collins, Pete Kaiser and Mark Mulkay, Kern Delta WD
Skye Grass and Bruce Kelsey, Kern-Tulare WD
Ben Wilson and Dana Munn, Shafter-Wasco ID
Tom Toretta and Jason Gianquinto, Semitropic WSD
Michael Blaine, Wheeler Ridge-Maricopa WSD

DIRECTORS AND ALTERNATES ABSENT

David Nixon, Arvin-Edison WSD
Dick Diamond and Kimberly Brown, North Kern WSD
Jeff Siemens and Jim Nickel, Olcese WD
Dan Bartel, Rosedale-Rio Bravo WSD
Lefty Delis, Wheeler Ridge-Maricopa WSD

ASSOCIATE MEMBERS PRESENT

Tim Ashlock, Buena Vista Coalition
Dave Hampton, Cawelo Water District Coalition

ASSOCIATE MEMBERS ABSENT

Kris Lawrence, Westside Water Quality Coalition

OTHERS PRESENT

Nicole Bell, KRWCA Manager
Steve Torigiani, General Counsel, Young Wooldridge, LLP
Ryan Dodd, Provost & Pritchard
Sarah Rutherford, Provost & Pritchard
Morgan Campbell, Provost & Pritchard



Mary Beth Bourne, Provost & Pritchard
Kevin Gobler, Wonderful Citrus
Christine Gutierrez, GEI
Molly Thurman, John Hancock

1. **CALL TO ORDER**

Chairman Averett called the meeting to order at 1:01P.M.

2. **ANNOUNCEMENT OF QUORUM**

Chairman Averett announced a quorum.

3. **INTRODUCTIONS**

Semitropic WD Director Tom Toretta introduced himself as this is the first meeting he has attended.

4. **PUBLIC COMMENT**

None.

5. **APPROVAL OF 05/07/2020 Board Meeting Minutes***

Director Dennis Johnston moved to approve the regular Board Meeting Minutes of May 7, 2020. Upon a second by Director Ben Wilson, a vote was taken with no abstentions and was unanimously carried.

6. **TREASURERS REPORT**

a. **June 2020, July 2020, and August 2020 Accounts Payable/Receivable Ratification and Approval***

Manager Bell reviewed the Financial Reports with the Authority Board. Treasurer Johnston reported that he has reviewed all financial reports and recommends approval. Director Michael Blaine moved to approve and ratify the financial reports as submitted. Upon a second by Director Ben Wilson a vote was taken with no abstentions and was unanimously carried. Director Skye Grass verified that the financial reports match Kern Co Fund Balance.

7. **CONTRACTING & SCOPE OF WORK**

a. **Nitrogen Management Plan and Irrigation & Nitrogen Management Plan Self Certification Program Agreement with CURES, Ratification*** This item was approved through the approval of the Accounts Payable.

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

a. **Administration**

i. **JPA First Amendment Approval***

Director Michael Blaine moved to adopt the Amended KRWCA JPA. Upon a second by Director Dennis Johnston a vote was taken with no abstentions and was unanimously carried.

b. **Regional Water Board**

i. 2020 New Requirements for On-Farm Drinking Water Wells, RB Mailed Letters 11/1/19, Wells required to be tested by December 31, 2020. REMINDER



9. REPORT OF PROVOST & PRITCHARD CONSULTING GROUP

- a. **Surface Water Monitoring:** Sarah Rutherford reported the following:
 - i. **Surface Water Expert Panel Meeting Update**
Second of three meetings scheduled for August 24-26. Advisory group meeting held to finalize agenda and presenters. Presentations will be provided to advisory committee in advance of August meeting.
 - ii. **Surface Water Monitoring Plan – Upper Kern**
 - 1. **Update:** Working with Dr. Tate at UC Extension to finalize additional survey questions for growers to illustrate management practices
 - 2. **Request for Extension:** Necessary for field visits and due to COVID restrictions.
 - iii. **Monitoring Results Update**
June 2020 second copper exceedance at Chanc Creek, resulted in an additional constituent added to the Management Plan. Additional review is underway to determine possible sources.
 - iv. **Pesticide Evaluation Protocol Update**
Normally scheduled to be submitted on August 1st annually. Due to COVID the Department of Pesticide Regulation's annual release of new data has been delayed. Extension request approved by Regional Board to allow for submittal 45 days after data release.
- b. **Ground Water Trend Monitoring Program Update:** Morgan Campbell reported the following:
 - i. **Sampling status for Summer 2020:**
 - 1. 24 wells successfully sampled
 - 2. 1 well confirmed out for the year due repairs needed
 - 3. Other wells are on track for successful sampling
 - 4. Demand charges seem to be less of an issue this year
- c. **CVGMC Update:** Morgan Campbell reported the following:
 - i. **MRP Revisions**
 - 1. On February 28, 2020 the Executive Officer amended the MRP language to align key deadlines for the Central Valley Groundwater Monitoring Collaborative (CVGMC):
 - a. Accepted the CVGMC request to submit a combined 5-year assessment report in lieu of individual third-party Groundwater Assessment Report (GAR) updates and groundwater quality trend evaluations.
 - i. First GAR update is due November 30, 2021 and every five years thereafter,
 - ii. Annual Groundwater Quality Trend Monitoring Report due May 1,
 - iii. By November 30, 2021 and every 5th year thereafter, include GTM data in the 5-year assessment report.
 - iv. CVGMC is currently working on developing the template and data analysis for completing the 5-year update due in Nov 2021.
 - ii. **Data Management System**
 - 1. To accurately gather groundwater data (including critical QAQC components) to achieve the CVGMC commissioned MLJ Environmental to develop an electronic data management system that all participating coalitions will submit the required data into annually.



2. The DMS has successfully had the 2018 and 2019 GTM KRWCA data entered.
 3. Updating the 2019 and 2020 comprehensive quality assurance plans. This includes information from the laboratories and field crews on standard operating procedures, field sheets, and laboratory reporting limits – all assuring high-quality data is entered into the CVMGC database and in compliance with the requirements of the General Order.
- d. **Management Practice Information Report (MPIR), submitted July 15:** Ryan Dodd reported the following:
- i. **MPIR:** The groundwater (GW) MPIR is a new grower reporting form required by the General Order. It is due to coalitions by March 1, 2021. The main purpose of the GW MPIR is to support CGQMP implementation, and coalitions have flexibility to design and determine reporting frequencies. Seven SSJV coalitions collaborated on development of the GW MPIR, and efforts were led by KRWCA. The primary objectives of the SSJV GW MPIR approach are: 1) Meet General Order requirements, 2) Focus on the three priority practices, 3) Supplement Farm Evaluation and INMP Summary Report, 4) Minimize AR outliers, and 5) Support Groundwater Protection process and MPEP activities. The SSJV developed a two-phased approach: 1) Priority Practice GW MPIR and 2) Irrigation and Nitrogen GW MPIR. Phase 1 was submitted to the Regional Board on July 15, 2020 and is currently out for public comment. Phase 2 will be developed in 2021 or 2022.
- e. **MPEP Update:**
- i. Grant funding updates were provided. The SSJV MPEP Committee was conditionally awarded \$225,000 by CDFA FREP for Phase 2 or crop nitrogen removal studies. The Committee also submitted another USDA NRCS CIG grant for \$2M on July 1, 2020.
- f. **Annual Monitoring Report Update, due August 31:**
- i. An overview of the 2019 Crop Harvest Year Nitrogen Management Plan (NMP) Summary Report submitted via the Annual Monitoring Report was provided. This is the 4th year of provided NMP Summary Report Evaluations. Approximately 92% of required KRWCA members submitted NMP Summary Reports, and very few fields were flagged as “error.” This is the first year KRWCA has evaluated multi-year A/R and A-R metrics. The report includes summary statistics, histograms, box and whisker plots, and identifies high A-R statistical outliers for multi-year averages, where possible. Otherwise, single year values are used. Results indicated that growers were overwhelmingly efficient with nitrogen applications and there were very few statistical outliers for the predominant crops in the KRWCA. An overview of graphical and tabular summaries from the AMR was provided.
- g. **Comprehensive Groundwater Quality Management Plan (CGQMP) Report Update, due August 31:**
- i. The calendar year 2019 CGQMP Annual Status Report (ASR) covers “Year 2” of CGQMP implementation for the KRWCA. The 2019 report was like the 2018 report because there was no new Farm Evaluation data submitted in 2019. The CGQMP ASR now includes analysis of nitrogen data, and it is the same information provided in the 2019 Crop Harvest Year NMP Summary Report Evaluation submitted via the AMR. KRWCA’s CGQMP approach relies on the SSJV MPEP to achieve many objectives. Another primary objective of KRWCA’s CGQMP is to reach 100% implementation rates of the three priority practices. KRWCA’s CGQMP will likely be updated in 2021, which will change objectives and future AMRs. Updates will likely focus on the Groundwater Protection process described in the General Order. An overview of the summaries provided in the ASR was provided.



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 general information related to CVSALTS is also provided on our website.

- a. [CV-SALTS Meeting Package, May 14, 2020 Meeting](#)
- b. [Land IQ Summary Report for May 14, 2020 Meeting](#)
- c. [CV-SALTS Meeting Package, June 18, 2020 Meeting](#)
- d. [Land IQ Summary Report for June 18, 2020 Meeting](#)
- e. [CV-SALTS Brochure](#)
- f. [CV-SALTS Brochure: New Water Quality Regulations Provide Options for Flexibility](#)
- g. [Prioritization and Optimization Study \(P&O\) Overview](#)

11. **OLD OR NEW BUSINESS**

None.

12. **ATTORNEYS REPORT**

None.

13. **CLOSED SESSION**

The Authority went into closed session at 2:04 P.M. to discuss the items listed below. Upon the conclusion of closed Session at 2:40 P.M. the Chairman reconvened to open session. A motion was made by Director Ben Wilson to increase the Managers salary consistent with the Executive Committee recommendation and Board discussion. Upon second by Dennis Johnston, a vote was taken with no abstentions and was unanimously carried.

- 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). Two potential cases.
- c. Public Employee Performance Evaluation Government Code Section 54957*:
 - i. Position: Manager (Due June 1, 2020)

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

- a. 5/12, CVSALTS/Management Zone Support Call
- b. 5/12, CVSALTS PEOC Call
- c. 5/14, CVSALTS/CVSC Meeting
- d. 5/15, MPIR Report Call
- e. 6/3, SSJVWQC/MPEP Committee Conference Call



- f. 6/5, MPIR Report Call
- g. 6/9, State Water Board Fees Meeting
- h. 6/16, CVSALTS/Mgmt Zone Support Call
- i. 6/16, CVSALTS PEOC Call
- j. 6/18, CVSALTS/CVSC Meeting
- k. 6/23, MPIR Report Call
- l. 6/25, MPIR Meeting with Regional Board
- m. 7/1, SSJVWQC/MPEP Committee Call
- n. 7/2, CVSALTS 2 Part Webinar
- o. 7/8, ILRP Stakeholder Meeting
- p. 7/10, CVGMC Meeting
- q. 7/14, CVSALTS/Mgmt Zone Support Call
- r. 7/16, CVSC Board Meeting
- s. 8/5, SSJVWQC/MPEP Committee Call

15. NEXT MEETING

The next KRWCA Board Meeting is scheduled for 1:00 PM on September 3, 2020 via Microsoft Teams.

16. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 2:40 P.M.