



Cory Vanderham, Chair
Carlo Wilcox, Vice Chair
Michael Nordstrom, Director
Wade Magden, Director
Myron Schotanus, Director

Deanna Jackson, Executive Director

AGENDA

BOARD OF DIRECTORS

SPECIAL MEETING

August 21, 2023
1:00 p.m.
944 Whitley Avenue
Corcoran, CA 93212

This Tri-County Water Authority Board of Directors meeting will be accessible via Zoom and dial-in at:

Join Zoom Meeting

<https://us02web.zoom.us/j/86495987234?pwd=cjUydDdoN2Z5RjI5czc0SitYVVF4dz09>

Meeting ID: 864 9598 7234

Passcode: 565410

Dial-in: +1 669 900 9128

The public may participate in the meeting as otherwise permitted under the Brown Act by calling the telephone number above. Any member of the public may address the Tri-County Water Authority concerning any item on the agenda before or during its consideration of that matter, as appropriate.

CALL TO ORDER 1:00 p.m.

ROLL CALL Cory VanderHam, Chair
 Carlo Wilcox, Vice Chair
 Michael Nordstrom
 Wade Magden
 Myron Schotanus

PUBLIC COMMENT

The Board of Directors welcomes participation in Board meetings. The public may address matters under the jurisdiction of the Board that have not been posted in the Agenda. However, California Law prohibits the Board from taking action on any matter that is not on the posted Agenda unless the Board determines that it is an emergency or one of the other situations specified in Government Code section 54954.2. The public will be given the opportunity to address the Board on any item on the Agenda at this time or before the Board's consideration of that item. If members of the public desire to address the Board relative to a particular Agenda item at the time it is to be considered, they should so notify the Chair of the Board at this time. The Chair may limit the total amount of time allocated for public testimony on particular issues for each individual speaker.

POTENTIAL CONFLICTS OF INTERESTS

(Any Board member who has a potential conflict of interest may now identify the item and recuse himself from discussing and voting on the matter.) [FPPC § 87105.]

1. Review and consider action to approve the letter of engagement for special counsel with David Cameron of HansonBridgett
 - a. Review and Introduction by Executive Director
 - b. Discussion
 - c. Public comments/questions
 - d. If desired, motion to approve the letter of engagement with David Cameron

CLOSED SESSION

2. **CLOSED SESSION**
 - a. Conference with legal counsel regarding potential litigation
Anticipated Litigation [Govt. Code Section 54956.9(d)(4)] (2 potential cases)
3. **RETURN TO OPEN SESSION** – Report of action taken in Closed Session and/or action on matter discussed in Closed Session.

ACTION AGENDA

4. Review and consider ratification of 90-day Notices of GSP Amendment to the County and Cities pursuant to Water Code Section 10728.4
 - a. Review by Executive Director
 - b. Discussion
 - c. Public comments/questions
 - d. If desired, motion to ratify 90-day Notices of GSP Amendment mailed on July 31, 2023
5. Review and consider setting special Board meeting dates to review GSP revisions prior to Probationary Hearing
 - a. Review by Executive Director
 - b. Discussion
 - c. Public comments/questions
 - d. If desired, motion to schedule special Board meeting dates on October 5 and December 7, 2023
6. Review and consider action to participate in the Land Fallowing and Cover Cropping Pilot Program sponsored by the Tule Basin Land & Water Conservation Trust and The Nature Conservancy
 - a. Presentation by Susan Long
 - b. Discussion
 - c. Public comments/questions
 - d. If desired, motion to support and participate in the program
7. Update for Tule and Tulare Lake Subbasins Inadequate determinations by DWR
 - a. Review by Executive Director
 - b. Discussion
 - c. Public comments/questions



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ADJOURNMENT

8. Adjourn to the next Regular Board Meeting, scheduled on September 7, 2023, at 1:00 p.m., in the Authority Office Boardroom or as otherwise directed by the Board.

- ❖ Only in the event TCWA Internet is not accessible during the meeting (e.g. failure of Internet), a conference line will be made available for participants:
 - **Conference Phone Number:** 800-240-3895
 - **Conference Code:** 8517519
- ❖ Items on the Agenda may be taken in any order.
- ❖ Action may be taken on any item listed on the agenda.
- ❖ Writings relating to open session Agenda items that are distributed to members of the Board of Directors will be available for inspection at the Authority office, excluding writings that are not public records or are exempt from disclosure under the California Public Records Act.

Americans with Disabilities Act of 1990: Under this act, a qualifying person may request that the Authority provide a disability-related modification or accommodation in order to participate in any public meeting of the Authority. Such assistance includes alternative formats for the agendas and agenda packets used for any public meetings of the Authority. Requests for assistance shall be made in person, via telephone, or in written form to the Tri-County Water Authority Office at 944 Whitley Avenue, Suite E, Corcoran, CA 93212 (559) 762-7240. Requests must be received at least 48 hours prior to a scheduled public meeting.

944 Whitley Avenue, Suite E
Corcoran, CA 93212
559-762-7240
www.tcwater.org

Deanna Jackson, Executive Director
djackson@tcwater.org



DIRECTORS

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July 31, 2023

VIA FIRST CLASS MAIL

Allensworth Community Services District
3336 Road 84
Allensworth, CA 93219

Re: Notice of Proposed Amendment of Groundwater Sustainability Plan (Water Code § 10728.4)

Dear Allensworth Community Services District:

Pursuant to Water Code Section 10728.4, please take notice that Tri-County Water Authority ("TCWA") is currently under consultation with the State Water Resources Control Board (SWRCB) regarding its submitted Groundwater Sustainability Plan ("GSP"). Based on this consultation, TCWA expects it will present for board approval an amended GSP.

The amended GSP will be presented to TCWA's Board of Directors during the regular Board meeting to be held on November 7, 2023, at 1:00 pm.

Thank you for your attention to this matter.

Sincerely,



Deanna Jackson
Executive Director

944 Whitley Avenue, Suite E
Corcoran, CA 93212
559-762-7240
www.tcwater.org



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djackson@tcwater.org

July 31, 2023

VIA FIRST CLASS MAIL

Tulare County Board of Supervisors
Attn: Clerk to the Board of Supervisors
2800 W. Burrel Avenue
Visalia, CA 93291

Re: Notice of Proposed Amendment of Groundwater Sustainability Plan (Water Code § 10728.4)

Dear Tulare County Board of Supervisors:

Pursuant to Water Code Section 10728.4, please take notice that Tri-County Water Authority ("TCWA") is currently under consultation with the State Water Resources Control Board (SWRCB) regarding its submitted Groundwater Sustainability Plan ("GSP"). Based on this consultation, TCWA expects it will present for board approval an amended GSP.

The amended GSP will be presented to TCWA's Board of Directors during the regular Board meeting to be held on November 7, 2023, at 1:00 pm.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Deanna Jackson".

Deanna Jackson
Executive Director

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Corcoran, CA 93212
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Deanna Jackson, Executive Director
djackson@tcwater.org



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July 31, 2023

VIA FIRST CLASS MAIL

Kings County Board of Supervisors
Attn: Clerk to the Board of Supervisors
1400 West Lacey Boulevard
Hanford, CA 93230

Re: Notice of Proposed Amendment of Groundwater Sustainability Plan (Water Code § 10728.4)

Dear Kings County Board of Supervisors:

Pursuant to Water Code Section 10728.4, please take notice that Tri-County Water Authority ("TCWA") is currently under consultation with the State Water Resources Control Board (SWRCB) regarding its submitted Groundwater Sustainability Plan ("GSP"). Based on this consultation, TCWA expects it will present for board approval an amended GSP.

The amended GSP will be presented to TCWA's Board of Directors during the regular Board meeting to be held on November 7, 2023, at 1:00 pm.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Deanna Jackson". The signature is fluid and cursive.

Deanna Jackson
Executive Director



Land Fallowing & Cover Cropping Pilot Program

Program objective and overview:

The Land Fallowing & Cover Cropping Pilot Program (Program) is designed to assist Pixley and Lower Tule Irrigation Districts and GSAs in addressing structural long-term water shortages in the region by incentivizing landowners and/or operators to plant a cover crop that will reduce groundwater use, protect soil on fallowed land, reduce dust emissions, and provide temporary habitat for birds and other wildlife. To help alleviate demand for groundwater pumping within GSAs' service area, participants will be asked to forego the use or transfer of any transitional pumping allocations associated with the acreage enrolled in the program. As a benefit to participants, any ET use by the cover crop will be waived by the GSA and not counted against a participant's water supply.

Program structure:

The program will be implemented as a reverse auction, with applicants submitting bids on a per acre basis for the incentive payment they need to be paid for participating in the program. As part of enrolling in the Program, participants will plant a cover crop from a list of approved cover crop varieties. Participants may submit joint applications with neighboring landowners/operators to increase the total number of contiguous acres in an application. The Program will be administered by the Tule Basin Land & Water Conservation Trust, in coordination with the GSAs. The Nature Conservancy and Audubon California will provide technical assistance on program design, implementation, and monitoring of habitat outcomes on participating properties.

Key Program Details:

- Contracts may range from a minimum of 1 year to a maximum of 5 years. Applicants proposing contract greater than one year will score higher.
- Time:
 - RFP Release August 15, 2023
 - Applications Due September 15, 2023
 - Award Announcement October 1, 2023
 - Procurement of Cover Crop Seed November 1, 2023
 - Plant by December 31, 2023
- 20 acres minimum.
- Contracts are ranked on duration, location, total acreage, and price.
- Approved cover crops: see attached list.
- Enrolled acres must have been farmed within the last 3 years.

Ranking and Scoring Process:

All bids will be ranked and scored by the Land Fallowing & Cover Cropping Program Selection Committee, which includes representatives from the Tule Basin Land & Water Conservation Trust, the GSAs, and The Nature Conservancy. The committee will assess bids according to standardized methods.

The following items can result in **higher** scoring bids: a commitment to fallow for longer duration, applications for large, contiguous acreage. The following items can result in **lower** scoring bids: single year applications, lands that have been fallowed in any of the prior 3 years, small acreage.



FAQs

Can I participate if my land is enrolled in PID's following program?

Participants can only participate in one of the two programs. However, the GSA allows lands to opt out of the GSA-based following program and enroll in the Trust Program.

I am a tenant farmer. Am I still eligible for this program?

Yes, provided you provide a copy of the lease demonstrating lessee control of property during the duration of the Program agreement for the enrolled property and a letter from the landowner agreeing to forgo the transitional pumping credits during the same term.

Will I be responsible to irrigate the cover crop if there is not enough rain and the cover crop fails to germinate?

No. The approved cover crops are designed to be drought tolerant. In this pilot program, participants who plant specified cover crops within the time frame required will not be penalized for lack of germination due to inadequate rainfall.

When will I be paid?

- Payment #1 -33% of the contract value will be reimbursed upon verification of planting.
- Payment #2 - 33% of the contract value will be released upon crop termination (no harvest).
- Payment #3 - Final 34% will be paid at the end of the program term. water year November 1st.
- Those enrolling in multiple years will be paid under the same schedule annually.

What are my responsibilities as a grower?

- Coordinating with program staff and partners to allow access to monitor the fields
- Plant and maintain the cover crop as per program agreement for the full term of the agreement.
- Communicate in writing with program staff on any requests for deviation.

Will these payments be considered taxable income?

Yes. These payments are considered taxable income and the Tule Trust will provide a 1099 annually.

Who will enforce the terms of the agreement?

The Tule Basin Land and Water Conservation Trust is responsible to ensure the terms of the agreements are met.

What are the consequences of violating the agreement?

Failure to meet the obligations of the agreement will result in the withholding of any payment not already issued. Harvesting any amount of crop between December and July will require repayment of payment 1 plus 50% of the total crop value harvested regardless of sale. If the crop is not sold, value will be determined on the average price of current market. Weight sheets will be used to determine total harvest. Should weight sheet not be provided tonnage will be based on estimated tons per acre based on current harvest rates.