

RESOLUTION NO.2022-08
OF THE BOARD OF DIRECTORS OF THE GREATER KAWEAH GSA

IMPOSITION OF GROUNDWATER EXTRACTION PENALTIES

WHEREAS, the Greater Kaweah Groundwater Sustainability Agency Joint Powers Authority (“GKGSA” has adopted and submitted to the Department of Water Resources a Groundwater Sustainability Plan (“GSP”) and 2022 Amended GSP pursuant to the Sustainable Groundwater Management Act of 2014 (“SGMA”) which outlines various plans and management actions to reach sustainability by 2040;

WHEREAS, Water Code Section 10726.4(a)(2) provides that a GSA is authorized to control groundwater extractions by limiting or regulating groundwater extractions;

WHEREAS, Section 7.3.9 of the 2022 Amended GSP contemplates the imposition of penalties for excessive groundwater extraction as a disincentive for pumping;

WHEREAS, the GKGSA has determined that the consumptive use of groundwater by water users within its boundaries in excess of the Sustainable Yield Allocation as described in the GKGSA Rules and Regulations, without mitigation, may impede GKGSA’s ability to achieve sustainability;

WHEREAS, in order to achieve the decrease in groundwater extraction necessary to achieve sustainability under the GSP, the GKGSA desires to (1) limit extraction and consumptive use of groundwater to the Sustainability Yield Allocation, and (2) disincentive pumping in excess of the Sustainable Yield Allocation by imposing penalties for such extractions;

WHEREAS, Section 5.01 of the GKGSA Rules and Regulations provides that three categories of penalties shall be imposed for groundwater extraction and consumptive use in excess of the Sustainable Yield Allocation Tier 1 and Tier 2 Penalty Allocation and Tier 3;

WHEREAS, Section 5.01(a) of the GKGSA Rules and Regulations further requires the GKGSA’s Board of Directors to establish a Tier 1, Tier 2 Penalty Allocation and Tier 3 penalty for the Greater Kaweah Management Area on an annual basis;

WHEREAS, the penalties imposed herein shall be imposed only to those irrigated parcels located within the Greater Kaweah Agricultural Management Area;

WHEREAS, any penalties collected by the GKGSA shall be utilized to fund a well mitigation program, land fallowing program, and other such activities as the GKGSA deems necessary to achieve sustainability by 2040;

WHEREAS, on September 27, 2022, the Board of Directors took action to impose certain penalty rates for Tier 1, Tier 2 and Tier 3. Thereafter, numerous members of the public submitted complaints to staff and at subsequent board meetings that there were unable to attend the meeting via teleconference due to technical issues. On November 1, 2022, the Board of Directors took action to rescind Resolution 2022-05, voiding the prior action on September 27,

2022. The Board now wishes to reconsider the Penalty Rates as described herein;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE GREATER KAWEAH GROUNDWATER SUSTAINABILITY AGENCY DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. The following penalties for excessive groundwater extraction and consumptive use within the boundaries of the Greater Kaweah Management Area are as follows:
 1. \$60.00 per acre foot for Tier 1 Penalty Allocation;
 2. \$120.00 per acre foot for Tier 2 Penalty Allocation
 3. \$500 per acre foot for Tier 3.

BE IT FURTHER RESOLVED that the General Manager shall provide notice of the above-described penalty rates as required by Section 5.04.

PASSED AND ADOPTED this 14th day of November, 2022 by the following vote:

AYES: Directors Taylor, Cardoza, Boyer, Johnson, Mills, Watta, Shannon, Alt. Larsen

NOES: None

ABSTAIN: None

ABSENT: Tantau, Vander Poel

APPROVED:



Don Mills, Board Chair

I hereby certify that the foregoing is a full, true and correct copy of the Resolution adopted by the Board of Directors of the GKGSA at its meeting held on November 14, 2022.

ATTEST:



Mark Larsen, Interim Secretary