

South Fork Kings Groundwater Sustainability Agency

Policy 2024-02

Mitigation Plan

1. Mitigation Plan Overview

The Mitigation Plan starts with a comprehensive outreach program to communities and well owners at risk of having impacts to their wells from chronically declining groundwater levels. To notify the South Fork Kings GSA (“SFk GSA” or “GSA”) of an impacted well, the asset owner (claimant) will complete and file a claim application (Appendix X). SFk GSA will review the claim application to perform an initial evaluation to ensure 1) the claimant has provided enough information to proceed to the qualification and investigation phases and 2) interim drinking water supplies can be arranged in a timely manner, if requested. The GSA will determine if the claimant qualifies for mitigation and then investigate whether the impact can be mitigated and if the impact was induced by the subbasin’s allowable overdraft. In the event a claim qualifies for mitigation, SFk GSA will determine the most suitable mitigation solution. If a claimant disagrees with the proposed mitigation, SFk GSA may invite a third party to mediate. Once both the claimant and SFk agree to a mitigation measure, both must sign the Mitigation and Indemnification Form included in Appendix X prior to awarding the agreed mitigation.

2. Mitigation Plan Outreach

The SFk GSA will conduct an outreach campaign to promote the Mitigation Plan to individuals and communities. The outreach program will include the following actions:

1. Mailing flyers flyer to all landowners within the SFk GSA notifying of the Board Meeting to consider release of the draft mitigation plan for public comment.
2. Flyers will be delivered in Spanish to all locations recommended by Kings County to ensure Severely/Disadvantaged Communities are reached in the most effective manner.
3. A notice will be sent to identified interested parties that includes information on the Mitigation Plan development and upcoming public comment period.
4. The Mitigation Plan will be posted prominently on the SFk GSA website

Phase 2 outreach will disseminate information on the final Mitigation Plan including when and how to submit a claim and will encourage registration of all wells, including domestic supply wells. During this outreach phase, a minimum of two (2) public workshops will be held in the GSA. In addition to the workshops, the SFk GSA will have a dedicated page on the website that outlines the SFk GSA Mitigation Program and provides detailed information, accessible in both English and Spanish. The webpage may be used to register water wells or to file a claim. For those who don’t have access to the internet, forms and assistance filling out the forms will be provided by the GSA.

3. Well Registration

The Tulare Lake Subbasin Groundwater Sustainability Agencies have committed to develop a well registration program by December 1, 2024. The purpose of registering wells is to create a baseline record for each well in the event of a future claim. This can be particularly beneficial for drinking water wells, as many of these wells' construction, maintenance, and exact location are considered a data gap. The Sustainable Groundwater Management Act (SGMA) noted wells that extract less than two (2) acre-ft per year were deemed de minimis, and not required to participate in the GSP process. Existing domestic well records through the Department of Water Resources include inactive and abandoned wells and documentation errors. The exact locations of most domestic wells are not well understood. The registration will require the well owner to provide information on well location, construction, water quality, and well maintenance history. A well must be registered with the GSA to be eligible for the mitigation program. Additionally, if a well is registered it may be possible to apply for mitigation before the well goes dry.

4. Well Claims Process

The claim process for wells within the SFK GSA boundary is summarized below:

1. Owner of impacted well (Claimant) files a Mitigation Claim application (Attachment XX). The application requires the Claimant to provide information on the well or critical infrastructure's construction and current conditions, including water quality and groundwater levels for wells. In the event the landowner cannot provide this information, the SFK GSA shall provide assistance in obtaining this information through tools and information within the capacity of the GSA.
2. Based on verification of the claim, SFK GSA will pre-qualify the claim, with full qualification pending a full investigation of the claim. The function of the pre-qualification phase is to 1) ensure sufficient information is provided to further investigate the claim and 2) prioritize arrangement of interim drinking water supplies within five (5) business days. If there is insufficient data provided by the Claimant to evaluate the claim, SFK GSA may collect supplemental data provided the Claimant agrees to allow SFK GSA or its contractor access to the well. This may include pulling the pump to measure the pump intake depth, depth to the bottom of the well, and static groundwater level, as necessary; modify the wellhead to install the sounding port to measure static and pumping groundwater levels; modify the wellhead to install a flow meter; or conduct a downhole video survey of the well. In the event the Claimant does not provide sufficient base information and does not agree to allow SFK GSA or its contractor access the well, then the Mitigation Claim will be disqualified from mitigation.
3. The investigation of the claim will be conducted by the GSA or technical contractor(s) to determine whether the well impact is attributed to continued overdraft conditions and declining groundwater levels, land subsidence, and/or degraded groundwater quality induced by lowering of groundwater levels. The investigation may extend beyond the subject well to determine current groundwater conditions in the area and anticipated future conditions. This process will inform whether to provide full or partial well mitigation based

on a user's compliance with the GSA's GSP, Rules & Regulations, and other laws or regulations. Mitigation will be awarded on a "first-come, first-served" basis.

4. If the impact occurred before January 2015, the GSA is not responsible for the impact and the claim will be denied. The GSA shall provide educational materials on well stewardship to disqualified claimants, upon request.
5. Identification of suitable mitigation. Following the recommendation of an appropriate mitigation measure by the GSA, the GSA Board and Claimant shall discuss the proposed appropriate mitigation measure. Mitigation measures are anticipated to be developed on a case-by-case basis. Criteria for selecting appropriate mitigation are detailed further in Section 1.5.
6. A Mitigation and Indemnification Agreement (**Attachment X**) will be provided for signature for successful claims that requires the Claimant to indemnify SFK GSA after mitigation has been completed. In the event the Claimant disagrees with the proposed mitigation, a third party may be arranged to mediate and/or independently evaluate the claim in alignment with this Plan, the GSA's rules and regulations, and financial status of SFK GSA.
7. Mitigation Arranged. Following signature of the Mitigation and Indemnification Agreement, SFK GSA shall arrange the agreed upon mitigation. The time in which mitigation can be arranged may vary based on the agreed upon each mitigation measure's unique time constraints.

5. Mitigation Actions

In the event a well qualifies for mitigation assistance through the claims process, the options in which SFK GSA may consider for appropriate mitigation are listed below. Each claim will be unique, and the GSA recognizes the importance of treating each claim on a case-by-case basis. The GSA may identify a mitigation action that is not listed in this Plan.

5.1 Interim Well Mitigation Actions

In the event of drinking water loss, interim measures may be needed until long-term mitigation can be arranged. The pre-qualification process allows for prioritization of identifying this need and coordination with existing programs to ensure the claimant has access to emergency temporary drinking water while their claim undergoes the investigation and qualification phase to identify if the claimant qualifies for long-term mitigation through the Mitigation Plan. Interim mitigation is available through the GSA.

5.2 Long-Term Mitigation Actions

Each claim is expected to be unique, therefore, the GSA reserves the right to identify appropriate mitigation options that may not be listed in this Mitigation Plan. Qualifying drinking water well claims may receive physical assistance and/or technical assistance. All non-drinking water well claims may receive mitigation via technical assistance.

Mitigation measures for impacted drinking water wells could include one or more of the following:

1. Well casing and/or screen repair.

2. Lowering of well pump. If there is adequate separation between the pump intake and the bottom of the well, the pump may be lowered. However, if the groundwater level falls below 20 feet from the bottom of the well, there will not be enough submergence for the pump to operate optimally.
3. Pump repair/replacement. Provided the well pump has been damaged by allowable continued overdraft conditions resulting in declining groundwater levels and/or land subsidence.
4. Drilling a replacement well. Where repair of the casing or screen is not possible, a new replacement well may be drilled and constructed.
5. Deepening a well by redrilling within the impacted well to a deeper depth. Where space for a new well is limited, redrilling a well to a deeper depth within the impacted well may be the only option of accessing groundwater.
6. Complete a permanent connection to a public water system, if that source of supply is available.
7. Provide an equivalent water supply from an alternate source.
8. Grant identification, writing, review, and submittal assistance
9. With the consent of the affected landowner, provide other acceptable mitigation

The mitigation measure considerations for non-drinking water wells include the following:

1. Development or review of new well/critical infrastructure design.
2. Development or review of well modifications (such as but not limited to lowering pump, deepening well, casing replacement).
3. Grant identification, writing, review, and submittal assistance.
4. With the consent of the affected well or critical infrastructure owner, GSA may provide other acceptable mitigation

6. Claims Dispute

In the event a claim is denied by the GSA, the claimant may appeal the decision to the GSA Board. Also, if a claimant disagrees with the mitigation proposed by the GSA, a third party shall be arranged by the GSA to perform their own evaluation.

7. Indemnification

Prior to SFK GSA issuing mitigation, the claimant and GSA must enter a Mitigation and Indemnification Agreement (**Attachment X**). The indemnification aspect of the agreement's duty is to hold the GSA harmless for any adverse impacts to property, injury, income, etc. associated with implementation of the agreed upon mitigation measure.

8. Funding

Funding for the well mitigation program will be generated through groundwater pumping fees to be determined by the SFK GSA Board. A reserve fund of one million five hundred thousand dollars (\$1,500,000.00 or \$1.5M) is expected to be established by the end of 2026. Once the reserve fund has been fully established, any claims will be charged to this amount. If the reserve fund drops below five hundred thousand dollars (\$500,000.00), additional funds will be generated at such time.

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