Agenda Language – Consideration and Approval of the Kern County Subbasin Well Mitigation Program Version 3.0

Proposed Version 3.0 of the Kern County Subbasin Mitigation Program (Well Mitigation Program) includes the following revisions:

- **Implementation and terminology.** Updates the text to reflect current implementation and revises references to well types for consistency with the Health and Safety Code.
- **State Small Water Systems.** Adds a Dry Well Financial Assistance Track for State Small Water Systems and removes these systems from the Technical Assistance Track. Review steps mirror the domestic Dry Well Mitigation Track. Assistance includes up to $100,000 per system, one time, for technical assistance, capital improvements, or other appropriate assistance. Interim assistance is limited to Emergency Drinking Water Supplies, excluding hauled water and other interim supplies. The GSA and Self-Help Enterprises (SHE) may determine the funding transaction entities, such as a technical assistance provider or reimbursement to SHE.
- **Dry well and degraded water quality claim deadlines.** Claims alleging impacts occurring between January 1, 2015, and January 1, 2025, must be submitted no later than January 1, 2027. Claims alleging impacts occurring after January 1, 2025, must be submitted no later than one year after the date of impact.
- **State Small Water System claim deadlines.** Financial assistance claims alleging impacts occurring between January 1, 2015, and January 1, 2026, must be submitted no later than January 1, 2028. Claims alleging impacts occurring after January 1, 2026, must be submitted no later than one year after the date of impact.
- **Application review and GSA action.** Identifies the Kern Subbasin Project Manager (MLJ) as the coordinator among SHE, the Qualified Professional, the Kern Mitigation Evaluation Committee (KMEC), and the applicable GSA. Clarifies the action the GSA is to consider after receiving a KMEC recommendation through the Project Manager. These revisions apply to the Dry Well Mitigation, Degraded Water Quality Mitigation, and State Small Water System Financial Assistance Tracks.
- **Degraded Water Quality Track.** Identifies SHE as the primary contact for applications and initial evaluation. Clarifies the distinction between nitrate and non-nitrate exceedances and coordination with the Kern Water Collaborative, including SHE and the Collaborative working together for wells that exceed only the nitrate water quality objective.
- **SHE qualifications.** Acknowledges that SHE maintains independent qualifications for administering its programs and may apply additional qualifications for a dry well to qualify for mitigation.
- **Subsidence language.** Removes language stating that subsidence is not expected to result in well failures and referring to minimum threshold protocols. Subsidence remains addressed in the Exceedance Policy and associated Action Plan.

Recommendations:

Staff recommends approving Version 3.0 of the Kern County Subbasin Mitigation Program.