

# Minutes

## County of Inyo Water Commission

### July 12, 2012

Water Commissioner Mike Prather called the Water Commission meeting to order at 6:00 p.m. at the Jill Kinmont Boothe School, George Lozito Conference Room, Bishop, CA. Water Commissioners in attendance were Mike Prather, Mike Carrington, and Bruce Dishion. Present from the Water Department were Bob Harrington and Laura Piper.

#### **1. Pledge of Allegiance**

Commissioner Prather led the Pledge of Allegiance

#### **2. Public Comment**

Commissioner Prather opened the public comment period and there was no one wishing to address the Commission.

#### **3. Approval of minutes from April 23, 2012 meeting**

Moved by Commissioner Carrington and seconded by Commissioner Dishion to approve the minutes of the April 23, 2012 Water Commission Meeting. Motion carried unanimously.

#### **4. Director's report concerning Water Department activities**

Dr. Harrington provided information and updates on the following:

- Technical Group activities
- Consideration of the Blackrock 94 vegetation conditions pending dispute
- A dispute raised by LADWP regarding water supply enhancement mitigation projects
- Approval of the LORP annual work plan
- Green Book revisions
- LORP Recreation Use Plan Phase II
- Preparation for the LORP rapid assessment survey and summer vegetation monitoring
- Work with DWR on plans to get County in compliance with California groundwater elevation monitoring program
- Current work on OLMP (Owens Lake Master Plan) with LADWP and other entities
- Hiring of the Salt Cedar seasonals
- Hidden Hills solar energy generating system preliminary staff assessment from the California Energy Commission

Dr. Harrington provided detail on the work for the Hidden Hills project. He stated County departments are involved in determining the impacts from this project and providing a staff assessment hoping to take these comments to Board next week. Dr. Harrington informed the Commission that Meredith Jabis had terminated her employment with Inyo County to return to graduate school and the Water Department will be advertising to fill that position. Dr. Harrington stated the August 10 Standing Committee meeting in Inyo County will be rescheduled to the following week due to scheduling conflicts. Dr. Harrington responded to questions from the Commissioners regarding the enhancement mitigation projects.

Public Comment – Mark Bagley – Mr. Bagley expressed his concern with regard to the pumping plan. His concern was some of the well fields had a very large range of pumping. If the County doesn't act he stated, precedence will be set for future pumping plans. Dr. Harrington said it is not being challenged at this time. Mr. Bagley asked about the water that will be pumped for the Hidden Hills Solar Project and stated there is groundwater vegetation nearby and asked if the County is looking at the staff analysis? Dr. Harrington stated yes and said that staff analysis was being brought to the Board in the coming weeks, comments are due July 26, and the Board would need to approve the comments.

Public Comment – Sally Manning – Ms. Manning would like to know how much is planned to be pumped with the pumping plan. Dr. Harrington stated he believes 88,000 acre-feet. Ms. Manning stated the maximum number is not correct in the pumping plan when you add up the numbers. Dr. Harrington said he inquired about that at the Technical Group meeting in which LADWP stated they do not plan to pump in excess of 88,000 acre-feet but will not pump any more than what is indicated for each well field.

Public Comment – Daniel Pritchett – Mr. Pritchett stated the Water Commission should make the recommendation that exemption be taken off the table as a possible solution, it is an unsound concept. Exemption by definition allows them to pump off status wells. Mr. Pritchett gave his opinion on the Blackrock dispute and the data presented.

Public Comment – Sally Manning – Ms. Manning said at the Standing Committee meeting and June Technical Group meeting, LADWP and Inyo County said they would develop positions on the two or three disputes that are on the table. She asked if those positions will become available as stated at the meeting by the end of the month. Dr. Harrington stated it was unknown at this time.

Public Comment – Mark Bagley – Mr. Bagley asked if the Inyo County Water Department has reason to delay the information regarding the disputes. Mr. Bagley asked if the delay in the meeting is to form a better response? Dr. Harrington stated the Water Department is on track. Mr. Bagley suggested the Standing Committee should have a few weeks to review the information prior to the meeting.

## **5. Commissioners' Report**

Commissioner Carrington asked Dr. Harrington the status on the Big Pine lawsuit. Dr. Harrington stated the County is not a party to that lawsuit. Mr. Bagley provided an update on the current lawsuit and the timeline involved.

Commissioner Dishion inquired as to the Water Commission's recommendation to the Board regarding the pumping plan that Dr. Harrington provided verbally to the Board due to the 10 day comment period on the pumping plan. Dr. Harrington stated that the Commission asked the County to look at the plan to see if it is compliant with the Water Agreement and staff said it would need to be resolved through a dispute resolution. Dr. Harrington stated the Board could move forward if they choose with dispute resolution but they haven't at this time.

Public Comment – Mark Bagley – Mr. Bagley asked if County Counsel reviewed the pumping plan to see if it was compliant. He said that the Board could recommend that County Counsel review the plan for compliance with the Water Agreement. Mr. Bagley asked if there is a statute on raising a dispute regarding the pumping plan.

Dr. Harrington stated that the Water Agreement states either party may bring an issue to the Standing Committee with fourteen days notice to either party so a dispute could be raised at any time.

Public Comment – Daniel Pritchett – Mr. Pritchett agreed with Mr. Bagley that the Water Commission should recommend that County Counsel review the pumping plan and issue an opinion so there is a written record. Dr. Harrington stated if they did so, County Counsel is legal advisor to the Board; County Counsel may issue an opinion and it may be confidential to the Board. Mr. Pritchett stated at least there would be a written opinion somewhere.

Commissioner Dishion stated an important dispute would be the pumping plan and Commissioner Carrington concurred. Dr. Harrington stated there are several disputes on the table at this time.

Public Comment – Mark Bagley – Mr. Bagley stated the Water Agreement requires pumping wellfield by wellfield. He stated maybe Blackrock 94 could be a higher priority dispute but still move forward with a pumping plan dispute. Mr. Bagley believes the Commission feels disputing the pumping plan should be given a place in future disputes.

Public Comment – Harry Williams – Harry Williams stated the tribe should be a third party on the Standing Committee and felt the County should revisit this option and could be a recommendation from the Water Commission.

Public Comment – Sally Manning – Ms. Manning concurred with Commissioner Dishion in that the pumping program is one of the most important things that the County has a say in. Each year LADWP pumps more in the Big Pine wellfields, how long will this go on? The environment is at risk; the Big Pine Tribe doesn't have a lot of financial resources but partnered with Owens Valley Committee and challenged them on the regreening project. Ms. Manning said she thinks it is important for Inyo County to stand up for its resources.

**Commissioner Prather recessed the meeting at 7:20 p.m. for a break and reconvened the meeting at 7:26 p.m.**

## **6. Water Commission goals and work plan for 2012**

The Commissioner's voted unanimously to move this item to the next Water Commission Meeting and remove 2012 from the title.

### **A. Update on AB303 grant for groundwater monitoring wells in southeast Inyo County**

Dr. Harrington provided information on the recent State Department of Water Resources AB303 grant program and the Water Department submitted a proposal for monitoring wells in the southeast part of the County.

### **B. McNally Ponds E/M project water supply**

Dr. Harrington stated this was discussed at the last Technical Group meeting and provided an information package for the Commissioners with project evaluation maps from the 1980's approved by the Standing Committee, language from the Water Agreement, photos, summary of water supply, and a memo that reviews the process for modified or discontinuing E/M projects written by Mr. Greg James from 1999. Dr. Harrington said this is information for the Commissioners to review and provide recommendations to the Board. The Commissioners and Dr. Harrington discussed various enhancement mitigation projects in detail and at length.

## **7. Public Comment**

Mark Bagley – Mr. Bagley stated the McNally Ponds project and some other projects were not thought through very well. He stated many of the enhancement mitigation wells were not exempt and came under the provisions of on/off projects of the Water Agreement. Mr. Bagley said LADWP took all the enhancement mitigation projects and made mitigation measures under the EIR so LADWP has an obligation under CEQA to implement these mitigation measures and he believes they are in violation of CEQA. Mr. Bagley would like to see the County stand up to LADWP and require them to meet their obligation and not change the projects or exempt wells.

Harry Williams – Mr. Williams said he is concerned over this drought year. He said LADWP has never conceded anything. Mr. Williams said tourists coming to the area will not come to a dust bowl and stated the dust is not just from the lake anymore, it is all over the valley. He said Berkeley would like to come and study the area. Commissioner Prather said for Mr. Williams to send them his way.

Sally Manning – Ms. Manning stated she would like to follow up on Mr. Bagley's comment and the County needs to move forward and not become chronologically challenged regarding the enhancement mitigation projects. She stated she would also like the Water Department to put public comment at the end of the Technical Group meeting agendas.

Daris Moxley – Ms. Moxley thought a mitigation project was to take care of vegetation that has been harmed and what do we do, we pump more water to put back on the damaged vegetation and she finds that stupid.

#### **8. Schedule next Water Commission Meeting**

The next Water Commission meeting was scheduled as a workshop with the Inyo County Board Meeting on August 14, 2012 at 9:00 a.m. in Independence, CA.

#### **9. Adjourn**

The Vice Chairperson adjourned the meeting at 8:40 p.m.