

MINUTES

County of Inyo WATER COMMISSION

January 27, 2016

The Chairperson called the Water Commission meeting to order at 6:00 p.m. at the Inyo County Water Department, Independence, CA. Commissioners in attendance were Chairperson Mike Prather, Teri Red Owl, Bruce Dishion, Craig Patten, and Mike Carrington. Present from the Water Department were Bob Harrington and Keith Rainville.

1. Pledge of Allegiance

Commissioner Dishion led the pledge of allegiance.

2. Public Comment

Earl Wilson – Mr. Wilson stated it has come to his attention that there are property negotiations going on between private land owners and Indian Wells Water District and five properties that are either being sold or in negotiations. He asked whether they want the water for recharge in Indian Wells Valley, for solar, or to sell the lands to DWP?

3. Election of Water Commission Chairperson and Vice-Chairperson

Moved by Commissioner Dishion and seconded by Commissioner Patten to elect Mike Prather as Chairperson, and Teri Red Owl as Vice-Chairperson. Motion carried.

4. Approval of minutes from the September 23, 2015 meeting

Moved by Commissioner Patton and seconded by Commissioner Carrington to approve the minutes of the September 23, 2015 meeting. Motion carried.

5. Commissioners report

Commissioner Patton provided information on the meeting he attended for the Bishop Creek Water Association. Commissioner Carrington stated he attended the recent Board of Supervisors meeting and he appreciates the response of the people regarding Big Pine/Bishop wells. Commissioner Red Owl shared a flyer for the Paya Water Story of the Paiute and announced there is a private screening at the Bishop Twin Theatre this coming Sunday.

6. Water Director's report

The Water Director stated most of his reporting has been captured in the next agenda items but he did want to touch on the precipitation conditions from LADWP's web page. He stated because we have been hearing a lot about El Niño conditions, he wanted to alert the Commissioners to the snow pack at Mammoth Pass is a little below normal for this time but corresponds to the El Niño of 1998. There is a lot of variability from watershed to watershed, Rock Creek is 142% of normal for this date but South Lake is quite a bit below normal as is Big Pine Creek. This year is looking better than last year but still not out of the woods yet.

7. Action: Mitigation project priorities

Commissioner Prather stated his two priorities would be Five Bridges and the McNally Ponds and Pasture Project. He stated of the 24 years of the McNally Project, 16 received no water at all and this was created to provide waterfowl habitat in the winter and irrigated native pasture from April through September. He stated that the Laws revegetation project that began in 2003 has been a failure. Commissioner Dishion stated he would like to add that the Farmers Pond has a large group of people ice-skating on it. Dr. Harrington stated the question of considering the water supply to the project based on the runoff conditions comes up every year. Dr. Harrington stated LADWP had a right under the Water Agreement to ask to reduce the water supply consecutive years of drought, and that the County has agreed to reduce water supply to projects when conditions merited. Commissioner Red Owl asked if in years that they are not going to supply water does DWP ask the Standing Committee for agreement on that. Commissioner Red Owl stated LADWP is putting effort into exporting water but not updating the Green Book or working on these mitigation projects that are behind. Commissioner Prather stated water needs to start going to the pastures in April; these projects have been going on for 25 years with lack of cooperation. Commissioner Patten stated we have many battles to fight and we have to pick and choose and if this merits that level we should prioritize and expend the effort to do that. Commissioner Prather stated that we should ask LADWP for compensation for the years that the water to this project was reduced.

Public Comment – Nancy Masters – Ms. Masters thanked the Commission for agendaizing the mitigation because it is dear to her heart since 1997 when the court of appeals approved the 1991 EIR and associated documents and she stated these mitigation measures arose out of CEQA and they are part and parcel of the 1991 EIR and those are to mitigate for damage that has been done in the 1970 onward period. Unless these are actually infeasible they need to be put in place. She stated the reality is that they choose not to do some of these measures because it means use of water and McNally Canals is a case in point. She stated the Commission needs to say all these things haven't been done and they are not infeasible, they are just not doing them. She stated there isn't a will on the part of LADWP, how do you make LADWP have the will to do these things, one is the court of public opinion and the second is the legal system.

Public Comment – Daris Moxley – Ms. Moxley stated we have this thing called the LTWA that says they will do mitigation projects, we've proven that there are years they have not, and so have the County go with the LTWA.

Public Comment – Earl Wilson – Mr. Wilson stated LADWP has a general outlook on the whole thing. We have a well in that area that's in off condition and he remembers when there wasn't devastation but it's a disaster area out there now. He agrees with Ms. Masters in that politically this is the when current Supervisors are up for reelection.

Public Comment – Larry Freilich – Mr. Freilich commented that Ms. Masters did a wonderful job outlining the obligations of the mitigation projects. He stated he spends all his time working with LADWP and from his feeling the public reaction to the lack of fulfilling these obligations is very helpful. He stated he is frequently frustrated that he has nothing higher to grab to insure they do what they are required to do so anything the Commission can do to shine a light on these projects is appreciated.

Public Comment – Sally Manning – Ms. Manning stated we are coming into another runoff year where they are probably not going to supply water to the project because they no longer want to run the McNally canals and the wells are in off status. She stated one way to define the project is to look forward and ask for them to bring water to the project but also look back in time for all the years they haven't implemented them. Would this go to dispute or be challenged as a violation of CEQA, either way the County needs to come up with a plan. What would they ask for as a remedy for the years of not implementing the mitigation?

Moved by Commissioner Red Owl and seconded by Commissioner Dishion to recommend to the Board as follows, motion carried unanimously:

The Water Commission recommends that your Board make McNally Ponds and Pasture enhancement mitigation project a priority because it represents one of a group of unmet obligations of LADWP as a result of CEQA and the LTWA and is based on input of citizens in the County. It is compensation for damages from LADWP's groundwater practices.

8. Action: Consideration of a recommendation to Board of Supervisors concerning new wells

Dr. Harrington provided an in depth overview and PowerPoint presentation that was also provided to the Board of Supervisors regarding these wells. Dr. Harrington and the Water Commission discussed this item in detail and at length. He stated this overview covered the LTWA's provision for new wells and the Technical Groups practices in developing new wells in general, four proposals LADWP put forward for constructing new wells, and discussion of four wells LADWP has modified.

Public Comment – Daris Moxley – Ms. Moxley stated how does water get to the deep aquifer? Dr. Harrington stated it comes down from the mountains as stream flow that infiltrates into the alluvial fans.

Public Comment – Nancy Masters – Ms. Masters stated when they brought this idea about deeper pumping do they provide well logs showing defined clay layers over an area? Are there assumptions being made here. Dr. Harrington stated yes, the principal assumption is that these confined layers actually do prevent pumping at this depth from affecting the shallow aquifers.

Public Comment – Nancy Masters – The model does show that ultimately there is an effect on the shallower layers.

The Chairperson called a break in the meeting from 8:30 pm to 8:40 pm.

Commissioner Red Owl stated are there any wellfields that in all areas we are at or above baseline conditions in terms of groundwater levels, vegetation cover, and soil moisture content. She stated that she would recommend that before we install or modify new wells that the Green Book be updated first and approved by all parties. She stated she believes that 1991 CEQA is not ok, the conditions have changed from 15 years ago, and there needs to be an update.

Commissioner Carrington asked why couldn't there be conditions on the well permit.

Commissioner Red Owl asked if it was the Standing Committee's decision whether LADWP is allowed to move forward with new or replacement wells. Dr. Harrington stated the Water Agreement allows LADWP to build new wells and replacement wells but is constrained by the Technical Groups analysis to meet the Water Agreements environmental and well-protection goals. Commissioner Red Owl asked how they can do an analysis if there is no guidance on what that analysis would be. Dr. Harrington stated the criteria are set out in the Green Book.

Commissioner Prather stated that's three things here, the conditions, the Green Book, and CEQA for recommendation.

Commissioner Patten stated he believes that the County's position should be that Los Angeles can't have it both ways. He stated the Water Agreement and 1991 EIR allow and provide for these new wells and they are invoking that in some of this objection to our asking for analysis, yet at the same time they are failing to meet their mitigation requirements. He stated how can we allow new wells until they meet mitigation requirements, it's only going to cause more damage.

Public Comment – Nancy Masters – Ms. Masters stated the issue is so vast. There are many aspects to the EIR and LTWA that the County in good faith and its voters entered into. She stated what has been seen is a failure on the part of the City of Los Angeles to complete their end of the bargain. She stated our Board needs to make a decision whether they are going to nickel and dime this issue or if they are going to say failure. She concurs with Commissioner Patton and Commissioner Red Owl in stating no new wells at this point until LADWP's obligations are met.

Public Comment – Earl Wilson - Mr. Wilson stated he agreed that we need to get something done about the Green Book and process for new wells.

Dr. Harrington stated the Ecological Society has been engaged to assist Inyo and Los Angeles in revising vegetation monitoring methods in the Green Book and will provide us with a report of their recommendations in a few weeks and the Technical Group will discuss what to do with those recommendations.

Moved by Commissioner Patton and seconded by Commissioner Red Owl to recommend to the Board as follows, motion carried unanimously:

Inyo County Water Commission recommends that your Board not permit any new LADWP wells until existing obligations of LADWP have been met. The Inyo County Board of Supervisors should find defense of this

position in the Inyo County/LTWA, which is not meeting its goals. Los Angeles receives reliable water, but Inyo County receives incomplete or inadequate mitigation for past damages. Baseline conditions in many areas of the Owens Valley continue to decline.

9. Action: Consideration of a recommendation to Board of Supervisors concerning revisions to the boundary of the Owens Valley Groundwater Basin

Dr. Harrington described and discussed the Owens Valley Groundwater Basin boundary adjustment request. He stated the County's boundary adjustment is scientifically based.

Public Comment – Sally Manning – Ms. Manning stated she did attend the December meeting in which this was presented in great detail and stated she is a scientist and has studied the groundwater basin for a long time and she stated she is not aware of any good scientific evidence to cut the groundwater basin off where it is being proposed at the County line. She stated it is not defensible scientifically.

Public Comment – Mary Roper – Ms. Roper stated Sally answered her question which was why it is the scientific reason instead of jurisdictional; she said jurisdictional made sense, not scientific.

Public Comment – Nancy Masters – Ms. Masters asked if there are any wells across that boundary into Chalfant Valley that have been affected by wells pumping at Laws. Dr. Harrington stated the evidence between the separation of Laws and Chalfant is geophysical evidence that there is shallow bedrock at that northern divide between Laws and Chalfant and that shunts the water towards where Fish Slough discharges.

Moved by Commissioner Carrington and seconded by Commissioner Patton to recommend to the Board as follows, motion carried with Commissioner Red Owl abstaining:

The Water Commission recommends that your Board approve revisions to the boundary of the Owens Valley Groundwater Basin for the Sustainable Groundwater Management Act as recommended by staff.

10. Public Comment

Earl Wilson – Mr. Wilson stated he read the minutes and found a correction, in public comment made by him, the statement being “aquifers as high as 1500 feet” should be changed to “aquifers as deep as 1500 feet”. Mr. Wilson presented a map and documentation to the Commission regarding hydrologic characterizations for Indian Wells Valley.

Moved by Commissioner Red Owl and seconded by Commissioner Patton to correct the September 23, 2015 minutes as requested above.

Sally Manning – Ms. Manning stated she had been asking for the backup items for tonight's meeting and did get two PowerPoint presentations but didn't receive anything on the mitigation projects. Ms. Manning also asked when the field trip had been scheduled. Commissioner Prather said it was a few meetings ago and would be in the minutes.

11. Schedule next Water Commission meeting

The next Water Commission meeting has been scheduled tentatively for March.

12. Adjourn

The Chairperson adjourned the meeting at 9:50 pm.

