

MINUTES

Owens Valley Groundwater Authority

Board Members:

SIERRA HIGHLANDS
EASTERN SIERRA CSD
INDIAN CREEK-WESTRIDGE CSD
WHEELER CREST CSD
TRI VALLEY GWMD

John Camphouse
Ron Stone
Luis Elias
Glenn Inouye
Dave Doonan

COUNTY OF MONO
CITY OF BISHOP
COUNTY OF INYO
BIG PINE CSD
KEELER CSD

Fred Stump
Chris Costello
Dan Tothoroh
BryAnna Vaughan

April 18, 2019

The Owens Valley Groundwater Authority meeting was called to order at 2:02 p.m. at the Bishop Fire Training Center, Bishop, CA.

1. Pledge of allegiance

The Chairperson led the pledge of allegiance.

2. Public Comment

The Chairperson opened the public comment period and there was no one wishing to address the Board.

3. Introductions

The Board introduced themselves with one alternate present, Ted Williams of Indian Creek-Westridge CSD and one absence, Keeler CSD.

4. Approval of minutes from the March 14, 2019 OVGA Board meeting

The Chairperson requested a motion to approve the minutes of the March 14, 2019 meeting. Philip Anaya stated he would like his comment in item 11 revised. Motion to approve revised minutes by Dave Doonan, second by Chris Costello. Motion passed 9 yes (38 votes) 0 abstentions, 1 absent (2 votes).

5. Board Member Reports

The Chairperson opened this item and there were no Board Members' reports.

6. Financial Report

Laura Piper presented the financial reports and stated the OVGA's cash balance is \$164,306.11. She stated there was one transaction in the amount of \$417.00 for liability insurance for May-June 2019.

7. Status of Proposition 1 Grant Advance Payment Request

Dr. Steinwand stated the Proposition 1 grant advance payment request has been tentatively approved and pending the approval letter and check. He stated the withholding is 10% and not 5% as previously anticipated.

8. Approve 2019-2020 OVGA budget

Dr. Steinwand stated this budget was the same presented in detail at the last OVGA meeting with the exception of the Inyo County Counsel staff contract which was reduced \$5,000. Motion to approve 2019-20 budget by Dan Totheroh, seconded by Chris Costello. Motion passed 9 yes (38 votes) 0 abstentions, 1 absent (2 votes).

9. Approval of Agreement with Golden State Risk Management Authority and Authorize Insurance Purchase

Dr. Steinwand stated acceptance of this insurance also authorizes the joining of the Golden State Risk Management Authority JPA. Motion to approve and authorize purchase by John Camphouse, seconded by Ted Williams. Motion passed 9 yes (38 votes) 0 abstentions, 1 absent (2 votes)

10. Approve Resolution Adopting a Reserve Policy of the OVGA

Dr. Steinwand stated this item was discussed at the previous meeting and is brought before the Board for approval. The Board and staff discussed funding of the reserve fund. John Camphouse stated he believed something other than a 4/5 vote was agreed upon, possibly 2/3. John Vallejo stated this was set up as a contingency fund which requires a 4/5 vote by most agencies which is standard. John Camphouse moved to make it a 2/3 vote instead of 4/5, there was no second. Motion by Chris Costello to approve the Resolution and Reserve Policy as stated, seconded by Dave Doonan. Motion passed 9 yes (38 votes) 0 abstentions, 1 absent (2 votes).

11. Approve Staff Services Contracts for Inyo County, Mono County, and City of Bishop

Deb Murphy asked if there was a maximum on the contracts and Dr. Steinwand stated they all have a not to exceed amount. The Chairperson requested a motion to approve the contract with City of Bishop, first by Dave Doonan, seconded by Dan Totheroh. Motion passed 9 yes (38 votes) 0 abstentions 1 absent (2 votes); motion to approve the Executive Manager contract with Inyo County by John Camphouse, seconded by Glenn Inouye. Motion passed 9 yes (38 votes) 0 abstentions 1 absent (2 votes); motion to approve legal services with Inyo County by Chris Costello, seconded by John Camphouse. Motion passed 9 yes (38 votes) 0 abstentions 1 absent (2 votes); motion to approve the contract with Mono County for staff services by Dave Doonan, seconded by Ron Stone. Motion passed 9 yes (38 votes) 0 abstentions 1 absent (2 votes).

12. Approve contract with Dr. Robert Harrington for Hydrologic Consulting Services

Dr. Steinwand provided information regarding the inclusion of insurance on Dr. Harrington's contract. The Chairperson requested a motion, first by Glenn Inouye, seconded by Ted Williams. Motion passed 9 yes (38 votes) 0 abstentions 1 absent (2 votes);

13. Determination of Board Seats for Associate and Interested Parties

The Chairperson provided a brief overview of how they arrived at the Decision Points and how the discussion and votes today would provide further detail for staff to bring back to the May meeting for a confirmation and final appointment, if any, to add additional seats to the OVGA Board. Dr. Steinwand stated this will not be an official vote or decision today, and is only providing direction to staff for recommendations to bring back at the May meeting. Mr. Vallejo provided information on the new vote share numbers with Starlite CSD's removal from the Board. April Zrelak provided a statement regarding Lone Pine Tribes wish to be included on the JPA, and the need for an MOU for inclusion terms for the tribe and stated there is flexibility as stated in Article 5 of the JPA. The Chairperson asked what is the Lone Pine Tribes preference. April Zrelak stated item 3 and 4 are not appropriate. They are not opposed to option 2 but option 1 is preferable with conditions agreed upon by the Tribe and the OVGA Board. The Board and staff decided to make a 1A – as is with the JPA requirements and 1B will be an Associate seat coming back to the Board with a flexible agreement with the tribe.

Native American Tribes: options 3, 4 were not acceptable to Lone Pine Tribe

- 1A 5 members 19.7 – offer one seat to Lone Pine Tribe understanding they will be subject to the JPA
- 1B 4 members 18.3 - offer one seat to Lone Pine Tribe with conditions to be contained in an additional agreement

There were no representatives available to speak on behalf of the Mutual Water Companies.

Other Potential Associates – Mutual Water Companies

- 1 1 members 6.24 – offer both seats to companies
- 2 6 members 21.70 – offer a seat filled by one representative for both companies
- 3 0 members 0.0 – offer only one company a seat

- 4 1 members 6.24 – invite to sit on a future advisory committee
- 5 1 members 3.82 – determine participation in stakeholder process is sufficient

There were no representatives available to speak on behalf of the State Lands Commission. Mr. Phil Kiddoo of the GBAPCD provided a statement in that regardless of a Board seat appointment, the GBPPCD would remain an interested party. The Board, staff, and Phil Kiddoo discussed Owens Lake and the Master Plan. The Board and staff discussed this in detail.

Interested Parties – State Agency/Special District

- 1 1 members 3.82 – offer both agencies seats
- 2 4 members 14.06 – offer only one agency a seat
- 3 3 members 16.30 – both agencies invited to sit on a future advisory committee
- 4 1 members 3.82 – determine participation in stakeholder process is sufficient

The Chairperson called a break at 3:30 pm and reconvened the meeting at 3:39 pm.

Malcolm Clark stated the Sierra Club Range of Light would like to withdraw its Statement of Interest. He stated they feel an environmental group as well as a tribal entity on the Board is important and they support the Owens Valley Committee as well as a tribal seat. Mary Roper stated the OVC has been involved with land management plans for years and have an extensive history in being involved in water issues in this county. She urged the Board to provide the environmental group a seat on the Board and that they are not interested in being on an advisory committee. Philip Anaya stated he supports the OVC having a seat on the OVGA Board.

Interested Parties: Environmental Interests (Sierra Club withdrew, options 1 and 2 no longer applicable)

- 3 5 members 17.88 – offer one seat for OVC as an Interested Party
- 4 3 members 16.30 – invite to sit on a future advisory committee
- 5 1 members 3.82 – determine participation in stakeholder process is sufficient

There were no representatives available to speak on behalf of Rio Tinto. The Chairperson noted their Statement of Interest was incomplete. Staff contacted them with no response. Ryan Smith stated that CG Roxane is unique in the stakeholder process but rely solely on groundwater for their business and would like to see the Board move forward with option 1. They would like to have representation on the Board with the ability to vote; are capable of providing financial assistance; willing to implement anything the GSP recommends; and he is a registered hydrogeologist. April Zrelak stated if a private party that pumps groundwater becomes an Interested Party are they exempt from the requirement of implementing the GSP because as an Interested Party they are but as a groundwater user in the basin they would have to implement the GSP. John Vallejo stated their status on the Board does not affect whether they are or are not subject to the GSP, unless they become an Associate.

Interested Parties: Private Business Interests (Rio Tinto did not respond)

- 1 2 members 10.06 – offer one seat for CG Roxane as an Interested Party
- 2 5 members 22.12 – invite CG Roxane to sit on a future advisory committee
- 3 2 members 5.82 – determine participation in stakeholder process is sufficient

Reports from OVGA members' staff

John Vallejo stated Indian Wells Valley Groundwater Authority seeking water import from the Owens Valley and how that is a big concern to Inyo County. Dr. Steinwand stated an invoice was received from Daniel B Stephens and Associates which has been paid and the letter to Mr. Cutshall requested by the Board to terminate Starlite's CSD's participation on the OVGA Board has been sent.

14. Discussion regarding future agenda items

The Chairperson requested a standing agenda item with brief updates on Indian Wells Valley and water transfers. Dr. Steinwand stated he had requested the GSP consultant attend the May OVGA meeting to provide either the public engagement plan if complete or a status on data acquisition and provide a status on the conceptual module. Dr. Steinwand recommended a future workshop regarding a Brown Act refresher, how Board requests staff time, etc.

16. Set next meeting

The next OVGA meeting was tentatively scheduled for May 23, 2019.

17. Adjourn

The Chairperson adjourned the meeting at 4:28 pm.

DRAFT

COUNTY OF INYO
UNDESIGNATED FUND BALANCES

AS OF 06/10/2019

	Claim on Cash	Accounts Receivable	Loans Receivable	Prepaid Expenses	Accounts Payable	Loans Payable	Deferred Revenue	Computed Fund Balance	Fund Balance	
									Encumbrances	Undesignated
WDIR - WATER										
6272 OVGA-OWENS VALLEY	141,656							192,351		192,351
WDIR Totals	141,656		50,695			2140	2200	192,351		192,351
Grand Totals	141,656		50,695					192,351		192,351

COUNTY OF INYO
Budget to Actuals with Encumbrances by Key/Obj

Ledger: GL

As Of 6/10/2019

Object	Description	Budget	Actual	Encumbrance	Balance	%
Key: 621601 - OVGA-OWENS VALLEY GROUNDWATER						
Revenue						
4301	INTEREST FROM TREASURY	4,000.00	2,470.35	0.00	1,529.65	61.75
4599	OTHER AGENCIES	747,585.00	0.00	0.00	747,585.00	0.00
Revenue Total:		751,585.00	2,470.35	0.00	749,114.65	0.32
Expenditure						
5121	INTERNAL CHARGES	42,745.00	0.00	0.00	42,745.00	0.00
5129	INTERNAL COPY CHARGES (NON-IS)	521.00	538.52	0.00	(17.52)	103.36
5263	ADVERTISING	2,000.00	0.00	0.00	2,000.00	0.00
5291	OFFICE, SPACE & SITE RENTAL	2,479.00	0.00	0.00	2,479.00	0.00
5311	GENERAL OPERATING EXPENSE	500.00	417.00	0.00	83.00	83.40
5539	OTHER AGENCY CONTRIBUTIONS	50,000.00	44,357.66	0.00	5,642.34	88.71
Expenditure Total:		98,245.00	45,313.18	0.00	52,931.82	46.12
621601	Key Total:	653,340.00	(42,842.83)	0.00	696,182.83	

Lg BUDGET UNIT	Primary Ref	Transaction Description	SS Ref Date	Job No	Debit	Credit	NET
GL 621601-1000	YEAREND	3. Balance forward 2017/2018	JE 07/01/18	02379237	199,708.69	0.00	199,708.69
GL 621601-1000	TTLCR	AutoID: CR18709A Job: 2277089	CR 07/09/18	02277089	35,239.77	0.00	234,948.46
GL 621601-1000	JE32179	AutoID: JA18809J Job: 2285810	JE 08/10/18	02285810	245.10	0.00	235,193.56
GL 621601-1000	INTEREST	AutoID: JA18A24A Job: 2306513	JE 10/24/18	02306513	958.25	0.00	236,151.81
GL 621601-1000	IS0918	AutoID: IS18C31B Job: 2311614	JE 11/01/18	02311614	0.00	69.06	236,082.75
GL 621601-1000	JE32887	AutoID: JT18N30I Job: 2329197	JE 11/30/18	02329197	0.00	16,572.98	219,509.77
GL 621601-1000	TTLOH	AutoID: WD18N27A Job:2331549	OH 12/05/18	02331549	0.00	16,693.88	202,815.89
GL 621601-1000	TTLOH	AutoID: WD18N27B Job:2333015	OH 12/06/18	02333015	0.00	1,582.56	201,233.33
GL 621601-1000	IS1218	AutoID: IS19J07F Job: 2354487	JE 01/10/19	02354487	0.00	451.46	200,781.87
GL 621601-1000	JE33285	AutoID: JI19118C Job: 2362061	JE 01/18/19	02362061	0.00	9,508.24	191,273.63
GL 621601-1000	INTEREST	AutoID: JA18207C Job: 2372571	JE 02/07/19	02372571	774.15	0.00	192,047.78
GL 621601-1000	JE33696	AutoID: JI19314A Job: 2394365	JE 03/14/19	02394365	0.00	22,370.77	169,677.01
GL 621601-1000	JE33743	AutoID: JT19326A Job: 2400926	JE 03/26/19	02400926	0.00	4,953.90	164,723.11
GL 621601-1000	TTLOH	AutoID: WD18409B Job:2415725	OH 04/15/19	02415725	0.00	417.00	164,306.11
GL 621601-1000	JE33970	AutoID: JH19424A Job: 2422829	JE 04/24/19	02422829	0.00	16,370.11	147,936.00
GL 621601-1000	IS0319	AutoID: IS190429 Job: 2426375	JE 04/30/19	02426375	0.00	18.00	147,918.00
GL 621601-1000	INTEREST	AutoID: JA18501Z Job: 2428536	JE 05/01/19	02428536	737.95	0.00	148,655.95
GL 621601-1000	JE34166	AutoID: JI19521A Job: 2441853	JE 05/21/19	02441853	0.00	7,000.00	141,655.95
*****Total *OBJT 1000		CLAIM ON CASH		DR	237,663.91	96,007.96	141,655.95
GL 621601-1100	YEAREND	3. Balance forward 2017/2018	JE 07/01/18	02379237	35,239.77	0.00	35,239.77
GL 621601-1100	TTLCR	AutoID: CR18709A Job: 2277089	CR 07/09/18	02277089	0.00	35,239.77	0.00
*****Total *OBJT 1100		ACCOUNTS RECEIVABLE		DR	35,239.77		
GL 621601-1140	JE33696	LOANS-GROUNDWATER SUSTAINABILI	JE 03/14/19	02394365	22,370.77	0.00	22,370.77
GL 621601-1140	JE33743	LOAN DUE:GRNDWTR SUSTAIN	JE 03/26/19	02400926	4,953.90	0.00	27,324.67
GL 621601-1140	JE33970	LOANS:OVGA	JE 04/24/19	02422829	16,370.11	0.00	43,694.78
GL 621601-1140	JE34166	LOANS-GROUNDWATER SUSTAINABILI	JE 05/21/19	02441853	7,000.00	0.00	50,694.78
*****Total *OBJT 1140		DUE FROM OTHER FUNDS		DR	50,694.78	0.00	50,694.78
GL 621601-1160	YEAREND	3. Balance forward 2017/2018	JE 07/01/18	02379237	245.10	0.00	245.10
GL 621601-1160	JE32179	4TH QTR INTEREST	JE 08/10/18	02285810	0.00	245.10	0.00
*****Total *OBJT 1160		INTEREST RECEIVABLE		DR	245.10		
GL 621601-2000	TTLOH	AutoID:WD18N27A Job:2331310	OH 12/04/18	02331310	0.00	16,693.88	16,693.88
GL 621601-2000	TTLOH	AutoID:WD18N27A Job:2331549	OH 12/05/18	02331549	16,693.88	0.00	0.00
GL 621601-2000	TTLOH	AutoID:WD18N27B Job:2332028	OH 12/05/18	02332028	0.00	1,582.56	1,582.56
GL 621601-2000	TTLOH	AutoID:WD18N27B Job:2333015	OH 12/05/18	02333015	1,582.56	0.00	0.00
GL 621601-2000	TTLOH	AutoID:WD18409B Job:2413188	OH 04/10/19	02413188	0.00	417.00	417.00
GL 621601-2000	TTLOH	AutoID:WD18409B Job:2415725	OH 04/15/19	02415725	417.00	0.00	0.00
*****Total *OBJT 2000		ACCOUNTS PAYABLE		CR	18,693.44	18,693.44	0.00
GL 621601-3000	YEAREND	2. Balance forward 2017/2018	JE 07/01/18	02379237	0.00	235,193.56	235,193.56
*****Total *OBJT 3000		FUND BALANCE AVAILABLE		CR	0.00	235,193.56	
GL 621601-4301	INTEREST	1st qtr 18/19 interest	JE 10/24/18	02306513	0.00	958.25	958.25
GL 621601-4301	INTEREST	2ND qtr 18/19 interest	JE 02/07/19	02372571	0.00	774.15	1,732.40
GL 621601-4301	INTEREST	3RD QRT 18/19 interest	JE 05/01/19	02428536	0.00	737.95	2,470.35
*****Total *OBJT 4301		INTEREST FROM TREASURY		CR	0.00	2,470.35	
GL 621601-5129	IS0918	IS PHOTOCOPIES	JE 11/01/18	02311614	69.06	0.00	69.06

SORT ORDER: OBJECT within BUDUNIT

SELECT FUND: 6272

Lg BUDGET UNIT	Primary Ref	Transaction Description	SS Ref	Date	Job No	Debit	Credit	NET
GL 621601-5129	IS1218	IS PHOTOCOPIES	JE 01/10/19	02354487		451.46	0.00	520.52
GL 621601-5129	IS0319	IS PHOTOCOPIES	JE 04/30/19	02426375		18.00	0.00	538.52
*****Total *OBJT 5129		INTERNAL COPY CHARGES (NON-IS)	DR			538.52	0.00	538.52
GL 621601-5311	IL900152	GOLDEN STATE RI ACCT#OWENVAL	OH 04/10/19	02413188		417.00	0.00	417.00
*****Total *OBJT 5311		GENERAL OPERATING EXPENSE	DR			417.00	0.00	417.00
GL 621601-5539	JE32887	I#00002 STAFF SVCS	JE 11/30/18	02329197		16,572.98	0.00	16,572.98
GL 621601-5539	201801	MONO COUNTY 9/17-11/18 OVGA ST OH	12/04/18	02331310		16,693.88	0.00	33,266.86
GL 621601-5539	111418	BISHOP, CITY OF 7/18-9/18 OVGA OH	12/05/18	02332028		1,582.56	0.00	34,849.42
GL 621601-5539	JE33285	I#00003 STAFF SVCS	JE 01/18/19	02362061		9,508.24	0.00	44,357.66
*****Total *OBJT 5539		OTHER AGENCY CONTRIBUTIONS	DR			44,357.66	0.00	44,357.66
*****Total *BUDG 621601		OVGA-OWENS VALLEY GROUNDWATER	DR-CR			387,850.18	387,850.18	0.00

** G R A N D T O T A L ** 387,850.18 387,850.18 0.00

OWENS VALLEY GROUNDWATER AUTHORITY

Big Pine CSD — City of Bishop — County of Inyo — County of Mono — Eastern Sierra CSD — Indian Creek-Westridge CSD — Keeler CSD —
Sierra Highlands CSD — Tri Valley Groundwater Management District — Wheeler Crest CSD

P.O. Box 337
135 Jackson Street
Independence, CA 93526

Phone: (760) 878-0001
Fax: (760) 878-2552
www.inyowater.org

Staff Report

Date: June 13, 2019
Subject: Groundwater Basin Re-Prioritization

Introduction

The Department of Water Resources (“DWR”) released its 2019 SGMA Basin Prioritization Process and Results (“2019 Basin Reprioritization”). As your Board may recall, last summer DWR’s draft proposal was to increase the priority of the Owens Valley Groundwater Basin (“Basin”) from medium to high priority. The OVGA submitted a comment letter and request to re-evaluate that recommendation in light of, among other things, the exemption of LADWP’s Long Term Water Agreement regulated activities. A copy of the staff report accompanying the draft letter sent by the OVGA is attached for your reference.

DWR’s current intended action is to re-prioritize the Basin as “low priority” and is consistent with the OVGA’s request. This change is primarily a result of DWR removing the points from section 8.d.2 relating to LADWP’s out of Basin water transfers. DWR’s intention is to finalize this decision sometime in the “early summer.”

Basin Priority and SGMA

Groundwater basin priority took on new significance with the passage of SGMA. SGMA requires that (Water Code §10727(a)):

A groundwater sustainability plan shall be developed and implemented for each medium- or high-priority basin by a groundwater sustainability agency to meet the sustainability goal established pursuant to [SGMA].

Under SGMA, medium and high priority basins are subject to intervention by the State Water Resources Control Board (SWRCB) in the event that there is not a groundwater sustainability agency formed in a basin, or no groundwater sustainability plan developed and implemented, or a GSP’s sustainability goals are not met. SWRCB intervention in a basin generally entails the SWRCB stepping in and imposing an interim GSP on a basin until local entities in the basin take responsibility for completing and implementing a GSP that meets SGMA goals. In the interim GSP, the State would set sustainability criteria and exercise the powers of a GSA including potentially setting pumping fees.

Although low and very-low priority basins are not required to prepare groundwater sustainability plans (GSPs), SGMA leaves that option (Water Code §10720.7(b)):

The Legislature encourages and authorizes basins designated as low- and very low priority basins by the department to be managed under groundwater sustainability plans pursuant to this part.

Effects of very-low, low, medium, and high priority designation on OVGA and Owens Valley stakeholders.

Very-low and low priority basins are exempt from SGMA's mandate to form GSAs and prepare GSPs, and medium and high priority basins are subject to those mandates. To assess the consequences of basin priority on the mandates, risks, benefits, and costs imposed by SGMA on basin stakeholders, it is useful to compare the effects of very-low and low priority versus effects of medium and high priority. Presently, SGMA's requirements for medium and high priority basins are identical. This may change in the future, but for now, these two categories can be considered the same. Table 1, below, considers the effect of basin priority on a number of factors.

Table 1. Effect of basin priority on various issues of interest to the OVGA and Owens Valley stakeholders.

Issue	Basin Priority	
	Very-low or low	Medium or high
Requirement for formation of a GSA and preparation and implementation of a GSP.	No requirement for a GSA or GSP. GSA formation and GSP implementation is at the discretion of local agencies in very-low and low priority basins.	Entire basin is required to be within a GSA or multiple non-overlapping GSAs. Non-adjudicated (non-Long Term Water Agreement regulated) portions of the basin must be managed under a GSP or multiple coordinated GSPs. A GSA administering a GSP has exercise some control over non-adjudicated groundwater extraction, and is able to exercise a number of authorities provided in the SGMA law.
Potential for state intervention in Owens Valley.	SGMA provides no authority for the state to intervene in very-low and low priority basins.	State intervention occurs in the event that no GSA is in place, no GSP is prepared, the GSP is not implemented, or is not meeting goals..
Financial burden imposed by SGMA.	<p>If no GSP is in place, SGMA would impose no costs on Owens Valley groundwater users (or others).</p> <p>If a GSP was prepared, the OVGA would have to fund the preparation and implementation of the GSP through the fee levying authority provided by SGMA or some other source of funds (e.g., grant funds, property tax assessment, etc.).</p>	A GSP for the non-adjudicated portion of the basin would need to be funded through the fee levying authority provided by SGMA or some other source of funds (e.g., grant funds, property tax assessment, etc.). In the event of state intervention, groundwater users would be subject to state fees (see attachment).

Issue	Basin Priority	
	Very-low or low	Medium or high
Access to state funds for groundwater projects and studies.	Likely to be ineligible or lower priority for future grant funds for SGMA-related activities. DWR has indicated that basins reprioritized from high or medium to low that were approved for a Sustainable Groundwater Planning Grants (Proposition 1) will still be eligible for the grant if they pursue the work plan that was submitted in the grant application.	Likely to be eligible and high priority for access to future grant funds for SGMA-related activities.
Effect on Inyo/LA Water Agreement.	<p>No effect on lands subject to the Water Agreement. Even if a GSP is prepared, the Water Agreement would retain its adjudicated status and thereby be exempt from GSA and GSP authority and state oversight under SGMA.</p> <p>If no GSP is prepared, there would be no SGMA-based process for groundwater management on Owens Lake.</p>	<p>No effect, because Water Agreement is considered adjudicated with respect to SGMA. Adjudications are largely exempt from SGMA's requirements, as long as the adjudication is adhered to. Adjudications have certain reporting requirements under SGMA.</p> <p>Whether LADWP's proposed pumping project to supply water for dust control on Owens Lake would be subject to the Long Term Water Agreement is an unresolved question.</p>
Effect on tribes	Tribes are exempt from SGMA; however, SGMA allows that tribes "may voluntarily agree to participate in the preparation or administration of a groundwater sustainability plan."	Same as very-low or low basins.
Effect on OVGA.	Options: 1) OVGA could withdraw its GSA notice, because a GSA and GSP would not be required; 2) OVGA could remain in place to prepare and adopt a GSP, or 3) remain in place so that there would be a GSA in place should the Owens Valley be again reprioritized as medium or high priority.	OVGA, as GSA for the Owens Valley, must prepare and implement a GSP, or the basin is subject to state intervention.
Effect on private agricultural pumpers or other businesses (e.g., water bottling).	No effect, unless OVGA elects to prepare a GSP, in which case groundwater users could be subject to fee, metering, reporting, and other GSA regulations as determined by GSA and GSP.	Pumping may be regulated by GSP or by state intervention. Users would be subject to fees, metering, reporting, and other GSA regulations as determined by GSA and GSP.
Effect on environmental users of groundwater.	No effect, unless OVGA elects to prepare GSP, in which case groundwater users could be subject to fee, metering, and reporting, and other GSA regulations as determined by GSA and GSP.	Unless otherwise exempt from SGMA, be subject to authority of GSA and GSP.
Effect on public water systems.	No effect, unless OVGA elects to prepare GSP, in which case groundwater users could be subject to fee, metering, and reporting, and other GSA regulations as determined by GSA and GSP.	Extraction is unlikely to be regulated by GSP, but would likely be subject to fees to pay for developing and implementing GSP, metering, and reporting.

Issue	Basin Priority	
	Very-low or low	Medium or high
Disadvantaged communities.	No effect, unless OVGA elects to prepare GSP, in which case groundwater users could be subject to fee, metering, and reporting, and other GSA authorities as determined by GSA and GSP.	Extraction is unlikely to be regulated by GSP, but would likely be subject to fees to pay for developing and implementing GSP, metering, and reporting.
Effect on domestic well owners. SGMA defines "de minimis extractors" as "a person who extracts, for domestic purposes, two acre-feet or less per year."	No effect, unless OVGA elects to prepare GSP and regulates domestic wells, which is unlikely in Owens Valley.	Exempt from GSA's fees unless GSP regulates domestic wells, which is unlikely in Owens Valley. GSA's authority to require metering does not extend to de minimis users. Subject to state fees and water use reporting in the event of state intervention.

Options Moving Forward

Assuming the low priority designation becomes final, there are a range of options available to your Board. Broadly speaking, they range from making no changes and moving forward without regard to the priority designation, to completely disbanding the OVGA. Some specific options are listed below to help guide your Board's discussion, but the list below does not represent all possible options available.

- Option 1: OVGA continues GSP development

Although a GSP is not required for a low-priority basin, your Board could continue to move forward with a GSP and formation of the Board as if no priority change was made.

- Benefit(s):

The most obvious benefit of this option is that the Basin will have an enforceable groundwater sustainability plan. Several steps to fulfill the requirements of SGMA to establish a GSA, acquire the Proposition 1 grant to prepare the GSP, select a consultant and begin GSP development have already been completed or are in progress. The OVGA could complete and implement the GSP to address local concerns of Inyo and Mono residents without the threat of state intervention. This may be beneficial to issues surrounding the Owens Dry Lake as well as water use and long-term availability in specific areas of concern identified through the GSP process and future groundwater development projects. Additionally, if the State were to later change the Basin priority back to medium and/or high, all of the required SGMA implementation steps will already be in place (aside from any required GSP updates).

- Downside(s):

As noted in Table 1, the continuation of the OVGA and implementation of a GSP will subject Basin water users to otherwise non-mandatory fees (directly or indirectly through Member agencies), metering, reporting, and other GSA regulations as determined by GSA and GSP. There is the additional indirect cost of resources required by the Member agencies in continuing in this process.

- Option 2: OVGA discontinues GSP development

Your Board could continue to keep the GSA in a relatively dormant existence in case a GSP is desired and/or required in the future.

- Benefit(s): The most obvious benefits to this approach are that the groundwater users of the Basin will not be subject to the same level of ongoing fees (directly or indirectly through Member agencies), metering, reporting, and other GSA regulations. Maintaining the GSA in existence will also hedge against the potential for the Basin priority to later change back to medium and/or high, since formation of the GSA will already be complete.
- Downside(s): There will be some cost for maintaining the GSA, but those could be limited by significantly reducing the number of regular Board meetings. More substantively, issues surrounding the Owens Dry Lake as well as possible concerns relating to water use and long term availability within the Tri-Valley will not be addressed. Any grant funds received from the state will likely need to be repaid.

- Option 3: OVGA disbands

A low-priority basin is not required to have a Groundwater Sustainability Agency and not required to develop a GSP.

- Benefit(s): The most obvious benefits to this approach are that the groundwater users of the Basin will not be subject to non-mandatory ongoing fees, metering, reporting, and other GSA regulations.
- Downside(s): Issues surrounding the Owens Dry Lake as well as possible concerns relating to water use and long term availability in specific areas of concern identified through the GSP process will not be addressed. If the priority were to change in the future, the process of forming the GSA would need to be restarted. Any grant funds received from the state will likely need to be repaid.

Assuming that the OVGA is not disbanded, some Members may question the utility of continuing to serve on the OVGA given the association between a “low priority” basin and a “sustainable” basin. Should any Members decide that it would be beneficial to their direct constituents to leave the OVGA, that process is spelled out in the JPA and/or subject to an agreement of the OVGA for those Members party to a funding agreement.

Staff Recommendation

DWR expects to finalize the 2019 Basin Reprioritization in “early summer”. If the Owens Valley remains a low priority basin in the final report, staff will request direction from the OVGA how to proceed. In the interim, it may be beneficial for members to discuss or seek direction on this issue with the membership or governing body of their respective organizations.

Owens Valley Groundwater Authority (OVGA)

Groundwater Sustainability Plan Update

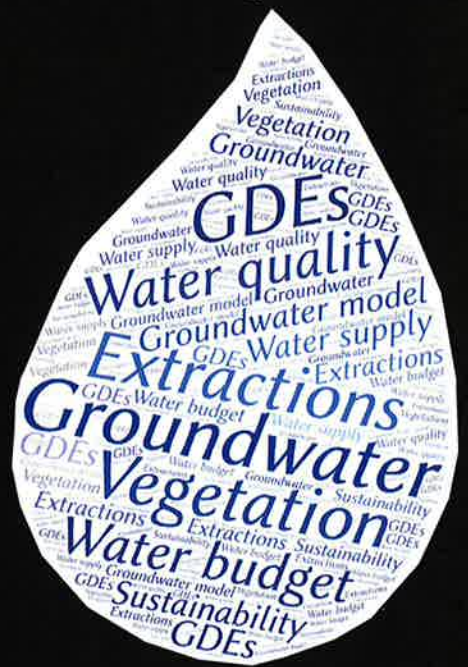
June 13, 2019



DBS&A
Daniel B. Stephens & Associates, Inc.

GSP Overview - Data Compilation / Data Gaps

- WATER LEVELS (TIM MOORE)
- GW EXTRACTIONS (TIM MOORE)
- WATER QUALITY (TIM MOORE)
- VEGETATION / GDEs (TONY MORGAN)
- WATER BUDGET (TONY MORGAN)
- GROUNDWATER MODEL REVIEW (TONY MORGAN)
- **REFERENCE LIBRARY FOR BOARD MEMBERS & STAFF (TONY MORGAN)**



Data Compilation

Example Sources...

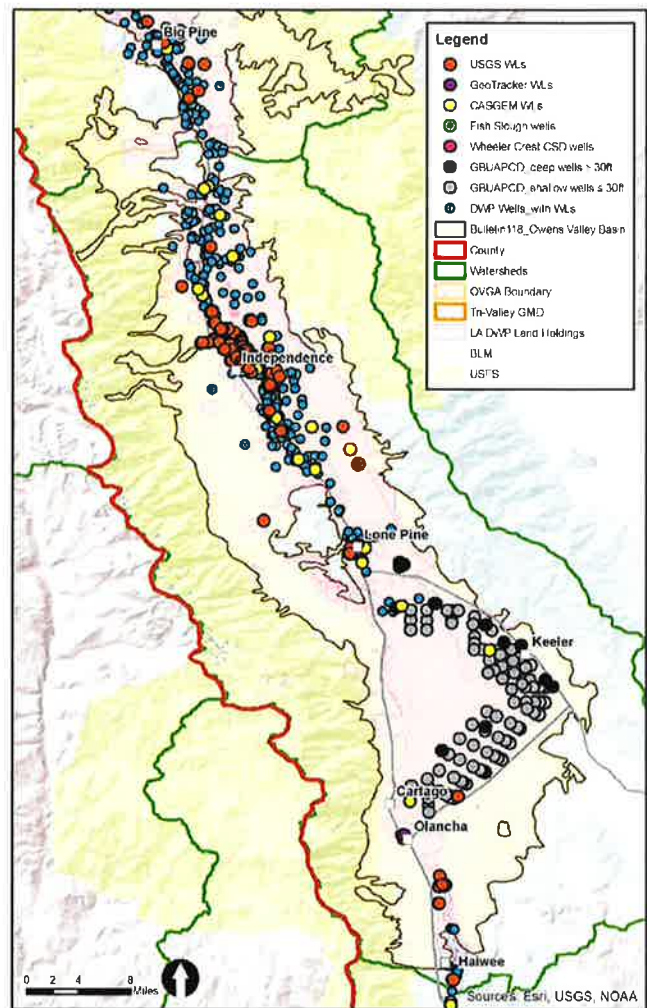
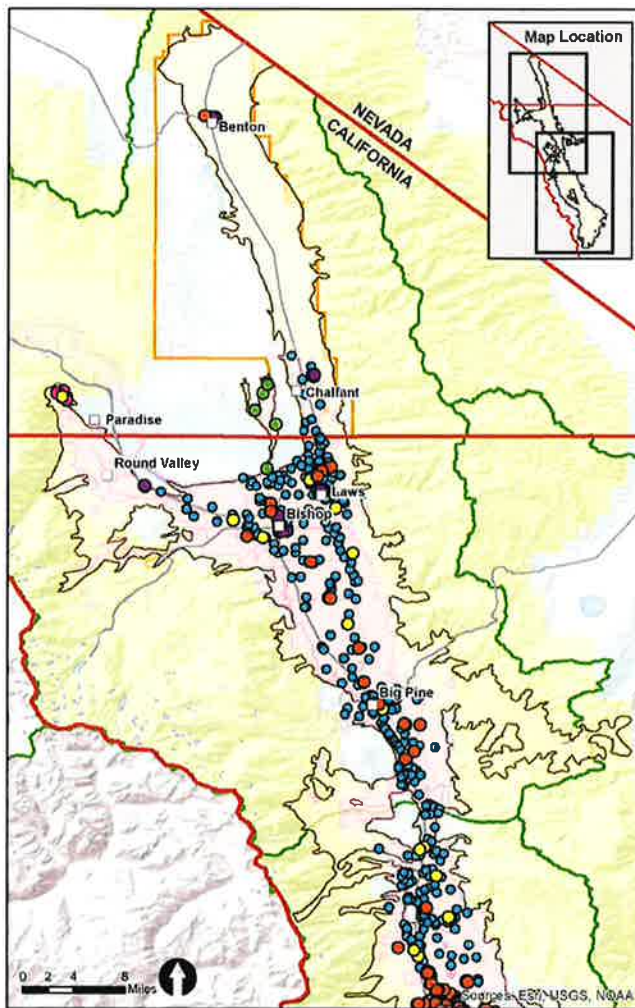
- ✓ Inyo County Water Department
- ✓ Mono County
- ✓ Tribes
- ✓ Federal and State Agencies
- ✓ Local municipalities
- ✓ Community Service Districts / Mutual Water Companies
- ✓ Stakeholder Groups

Data Types - *Examples...*

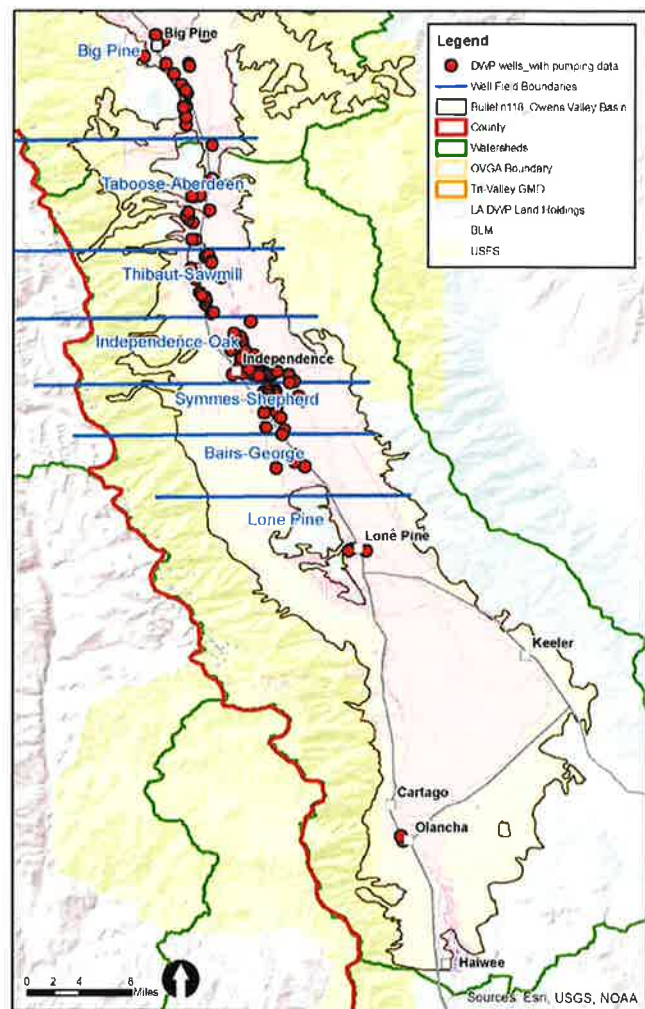
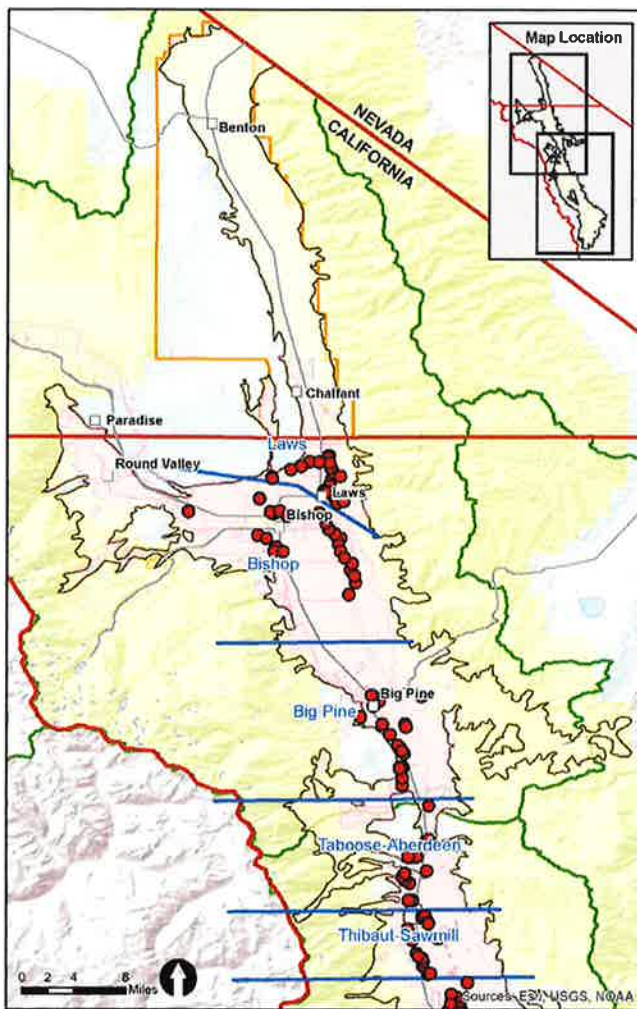
- Water Levels
- Groundwater Extractions (qty, where used)
- Water Quality
- Well Location
- Well Completion Reports
- Borehole Geophysical Logs
- Aquifer/Pumping Tests
- GW Modeling Files
- Waste Water Discharges
- Surface Water Flows / Diversions
- Surface Geology/Faults
- Waterbody/Streams (gaining v. losing reaches)
- Landuse Maps / Crop Maps
- GIS files
- Aerial Photography
- Ecosystem Mapping/Data
- Vegetation Mapping
- Previous Technical Reports



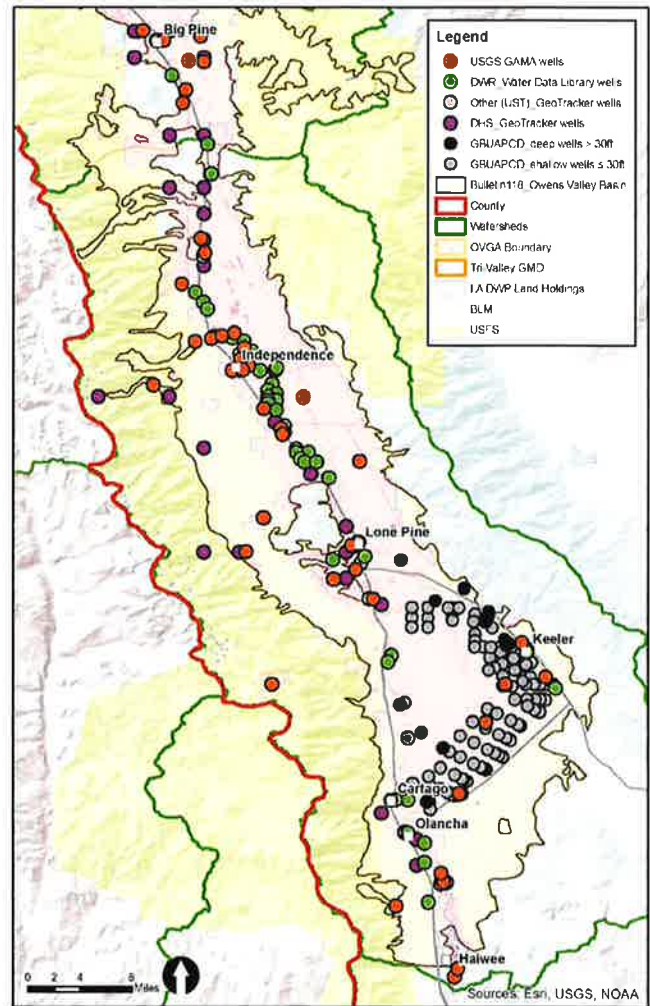
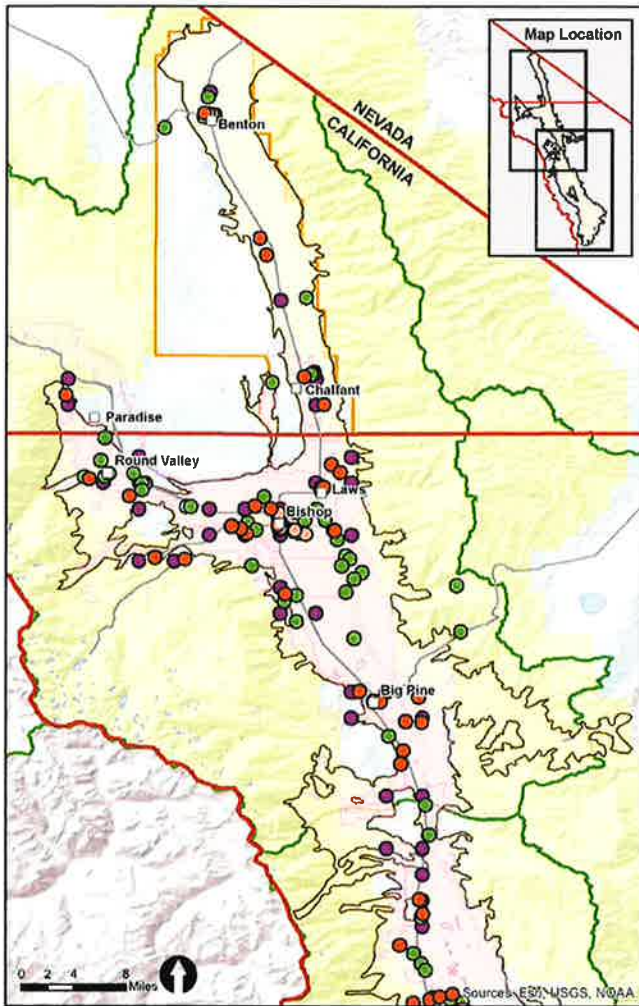
Groundwater Level



Groundwater Extraction



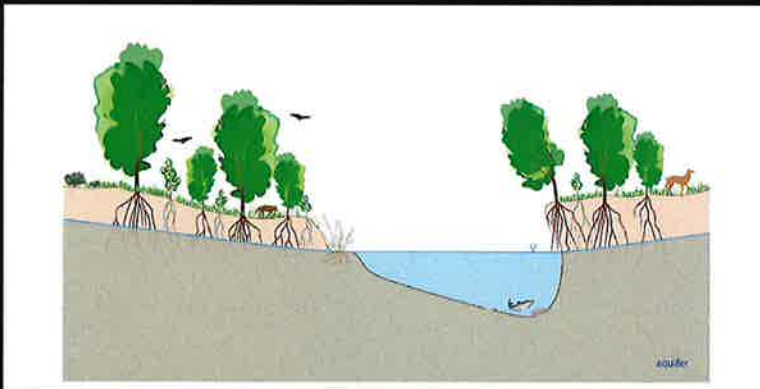
Groundwater Quality



Groundwater Dependent Ecosystems / Vegetation

- ✓ *Vegetation provides a link between many wildlife species and groundwater (through their roots)*
- ✓ *Vegetation mapping and assessment is a key component of GDE assessment*
- ✓ *Also assess sensitive groundwater dependent species.*

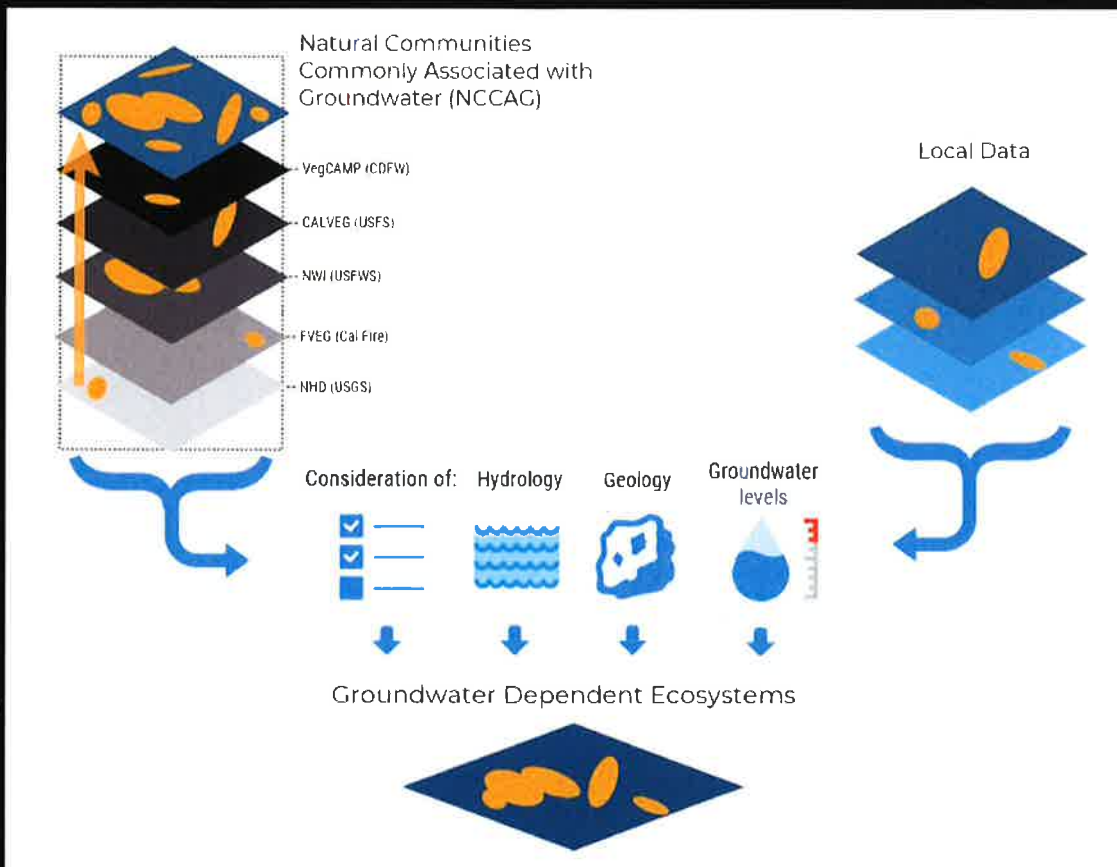
Healthy Riparian Zone



Braudrick et al., 2018 (figure by K. Rodriguez)

DWR defines GDEs as ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface.

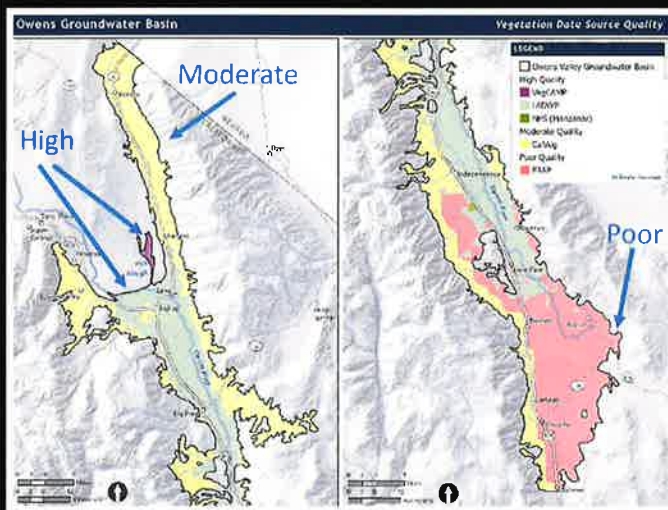
Approach



Vegetation Mapping Summary

Source	MMU (acres)	Classification Type	Non-adjudicated area (acres)	Adjudicated Area (acres)	Total area (acres)	Mapping Date
VegCamp	1 ac/ 0.25 ac Upland/Wetland	MCV (Alliance and Association)	2832	2	2834	2012
LADWP	Unknown	Dominant Species (+)	6,642	205,866	212,508	1984-1987
CalVeg	2.5 ac	Habitat Types (CWHR)	243,364	15,164	258,528	2009
FRAP	From 0.5 ac to 245 ac	Habitat Types (CWHR)	178,531	10,962	189,492	~1990-2015

* NPS is not included (< 1000 acres)



- **High Quality** mapping suitable to estimate rooting depths and association with groundwater in the Adjudicated Area and Fish Slough
- **Moderate Quality** data in the Tri-Valleys and the northern 2/3 of the Owens Valley (north of Independence) outside of the adjudicated area
- **Poor Quality** data outside of the adjudicated area south of independence and across most of the valley south of Lone Pine

Preliminary Sensitive Species Inventory

	Number of species	Potentially Groundwater dependent
Plants	51	In Progress
Native Fish	4	4
Birds	33	23
Mammals	17	10
Amphibians	5	4
Total	110	40+plants

Data Gaps

- The spatial distribution of some species may be difficult to assess (i.e., the degree to which the species is inside or outside the adjudicated area)
- Ground-truthing species habitat utilization and dependency on GDE habitats in Owens Valley



GDE next steps

1. Obtain any other data on vegetation and sensitive species.
2. Assign maximum rooting depths to potentially groundwater dependent vegetation.
3. Link groundwater observations and models to rooting depths to assess the degree to which ecosystems are dependent on groundwater.
4. Refine data gap analysis. Potentially use mapping elsewhere in the basin to assess species composition in areas with poor vegetation map quality (i.e., CalVeg, FRAP).
5. Develop sustainability that consider GDEs and associated monitoring program.



Water Budget

- **Water In**

- Precipitation
- Stream infiltration
- Irrigation return flows
- Surface water deliveries
- Imported water
- Subsurface inflows between basins
- Subsurface inflows between aquifers
- Artificial recharge
- Seawater intrusion

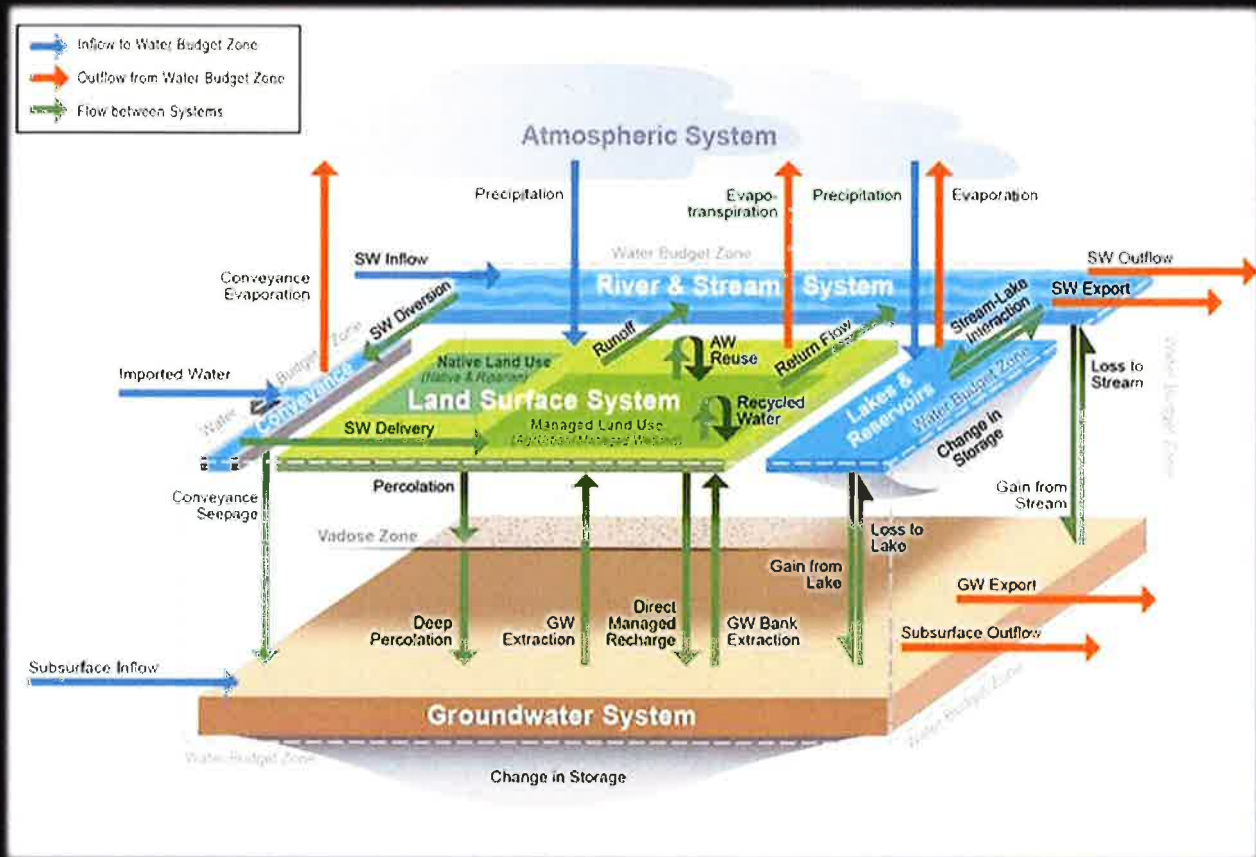
- ▶ **Water Out**

- GW pumping
- Evapotranspiration
- Surface water outflow
- Subsurface outflows between basins
- Subsurface outflows between aquifers

Water In & Water out



Water Budget



Water Budget

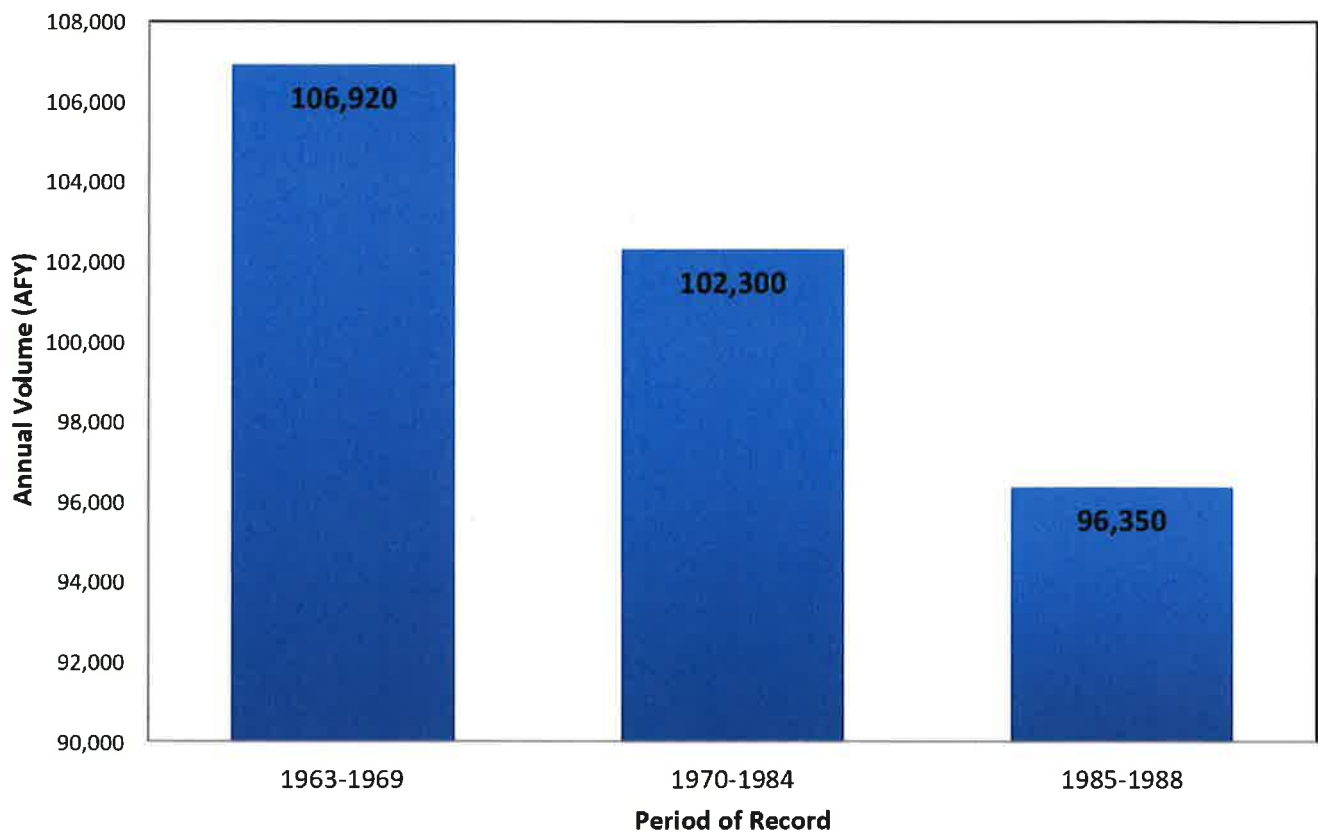
- Many previous studies
- Variable periods of record (date ranges)
- Variable geographic areas (basin boundaries)
- Variable classifications (lumping/splitting)

Source ID	Report Short name
1	Harrington 2016
2	Danskin 1998
3	Harrington 2007
4	MWH 2013
5	MWH 2011
6	MWH 2010
7	Jackson 1993
8	MHA et al. 2001
9	TEAM 2006
10	Danskin 1988
11	Lee 1912
12	Lee 1906

Just getting started!

Water Budget - Temporal Variability

Recharge from Tributary Streams (Danskin, 1998)



Harrington, 2016

Table 5. Owens Valley Groundwater Basin water budget, based on water budgets for the Tri Valley region, Owens Valley, and Owens Lake area (Tables 1-4).

	Recharge	Discharge	
		Pumping	ET, springs and seeps, baseflow to water courses
Tri Valley region	17,000 - 43,000	16,200 - 19,600	5,000 ¹
Owens Valley	183,800	98,000 ²	84,000
Owens Lake	29,500 - 55,000	2300 ³	51,400
Subtotal	230,800 - 281,900	116,500 - 119,900	141,400
Total	220,200 - 271,300⁴	251,900 - 260,300	

¹ 4,400 AFY groundwater discharge at Fish Slough plus 600 AFY discharge in Chalfant Valley.

² 78,000 AFY pumping by LADWP plus 10,000 AFY by non-LADWP pumpers, plus 10,000 AFY from flowing wells.

³ Includes 2,000 AFY for irrigation and 300 AFY for water bottling plant.

⁴ 10,600 AFY was subtracted to account for overlap Owens Valley (Danskin, 1998) and Owens Lake (MWH, 2011) study areas.

Groundwater Model

What would we like a model to predict?

Sustainability Indicator	Needed for Owens Valley GSP?
Lowering of Groundwater Levels	Yes
Reduction of Groundwater Storage	Yes
Seawater Intrusion	No
Degraded Water Quality	No
Land Subsidence	No
Depletion of Interconnected Surface Water	Yes

Undesirable Results

Significant and Unreasonable



Lowering
GW Levels



Reduction
of Storage



Seawater
Intrusion



Degraded
Quality



Land
Subsidence



Surface Water
Depletion

Existing Groundwater Models

Model	Area Covered	Documentation Available?	Electronic Files Available?
USGS model (Danskin, 1998)	Owens Valley excluding Owens Lake and Tri-Valley area	Yes	Yes - reviewed
Updated USGS Model (Harrington and Steinwand, 2003)	Same as USGS model	Yes	Yes - review in process
TEAM Tri-Valley Model (MHA Environmental Consulting, 2001 and TEAM, 2006)	Tri-Valley (Benton, Hammil, Chalfont)	Yes	Unknown
Bishop-Laws Area (Harrington, 2007)	Bishop-Laws region of northern Owens Valley	Yes	Yes
University of Arizona (Radell, 1989)	Northern Owens Valley	Yes	Unlikely

Note: Smaller-scale models that do not cover a significant portion of Owens Valley are not included



Daniel B. Stephens & Associates, Inc.

Existing Groundwater Models

Model	Area Covered	Documentation Available?	Electronic Files Available?
LADWP Northern Models (Big Pine and Taboose-Thibaut) (MWH, 2010)	From between Bishop and Big Pine to north of Independence (2 models with common boundary at Poverty Hills)	Yes - under review	Unknown
LADWP Southern Model (MWH, 2010)-draft	North of Independence to Owens Lake	Yes - under review	Unknown
Owens Lake Groundwater Evaluation Project (OLGEP) (MWH, 2012)	Owens Lake (dry) and immediately adjacent regions	Yes	Unknown
LADWP Bishop Model (GSI and Stantec, 2018)	Bishop-Laws area, including extension for Fish Slough	Limited - PowerPoint only	Unknown

Note: Smaller-scale models that do not cover a significant portion of Owens Valley are not included



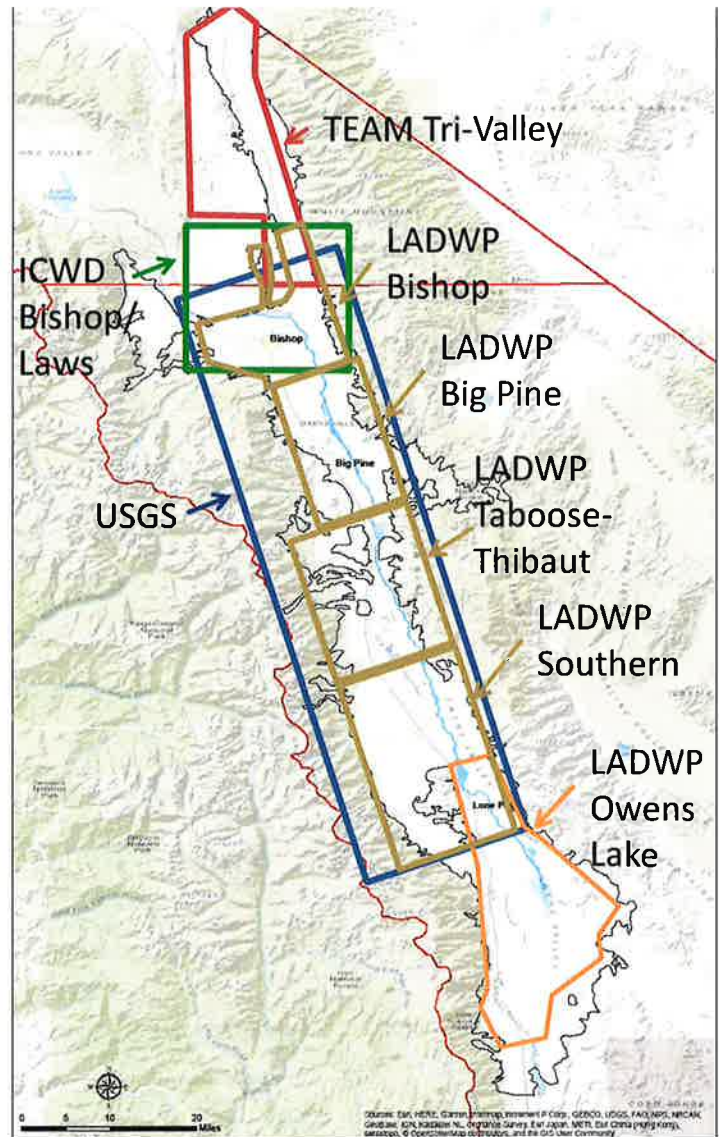
Daniel B. Stephens & Associates, Inc.

Existing Groundwater Models

- ✓ Areal coverage / Domain
- ✓ Differing time intervals
- ✓ Grid size
- ✓ Time step
- ✓ Calibration



Daniel B. Stephens & Associates, Inc.



Reference Library

FLASH DRIVES CONTAIN KEY REFERENCE DOCUMENTS (BEST MANAGEMENT PRACTICES, GUIDANCE DOCUMENTS, ETC.)

DWR SGMA Guidance Documents

- Climate Change Guidance - SGMA.pdf
- GSP Annotated Outline.pdf
- Guidance Document for Groundwater Sustainability Plan - Stakeholder Communication and Engagement.pdf
- Guidance Document for Sustainable Management of Groundwater - Engagement with Tribal Governments.pdf
- Preparation Checklist for GSP Submittal.pdf

DWR SGMA Best Management Practices

- BMP 1 Monitoring Protocols Standards and Sites.pdf
- BMP 2 Monitoring Networks and Identification of Data Gaps.pdf
- BMP 3 Hydrogeologic Conceptual Model.pdf
- BMP 4 Water Budget.pdf
- BMP 5 Modeling.pdf
- BMP 6 Sustainable Management Criteria DRAFT.pdf
- BMP Framework.pdf

SGMA DWR Informational Brochures

- Domestic Well Users Brochure - English Version.pdf
- SGMA Interagency Brochure - English Version.pdf

GSA-GSP Suggested Practice by Others

- Getting_Involved_in_Groundwater_Toolkit.pdf
- GSA Governance_2016-03-08.pdf
- Guide to Water Quality Requirements SGMA.pdf
- GW Pumping Allocations SGMA Env Def Fund.pdf

Groundwater Background References

- Basic GW Hydrology USGS WSP2220.pdf
- Ground Water Manual USBR.pdf
- GW SW Single Source USGS Circ1139.pdf
- What is GW USGS OFR93-643.pdf

SGMA Legislation

- 2014 Sustainable Groundwater Management Legislation with 2015 amends 1-15-2016.pdf





Questions?

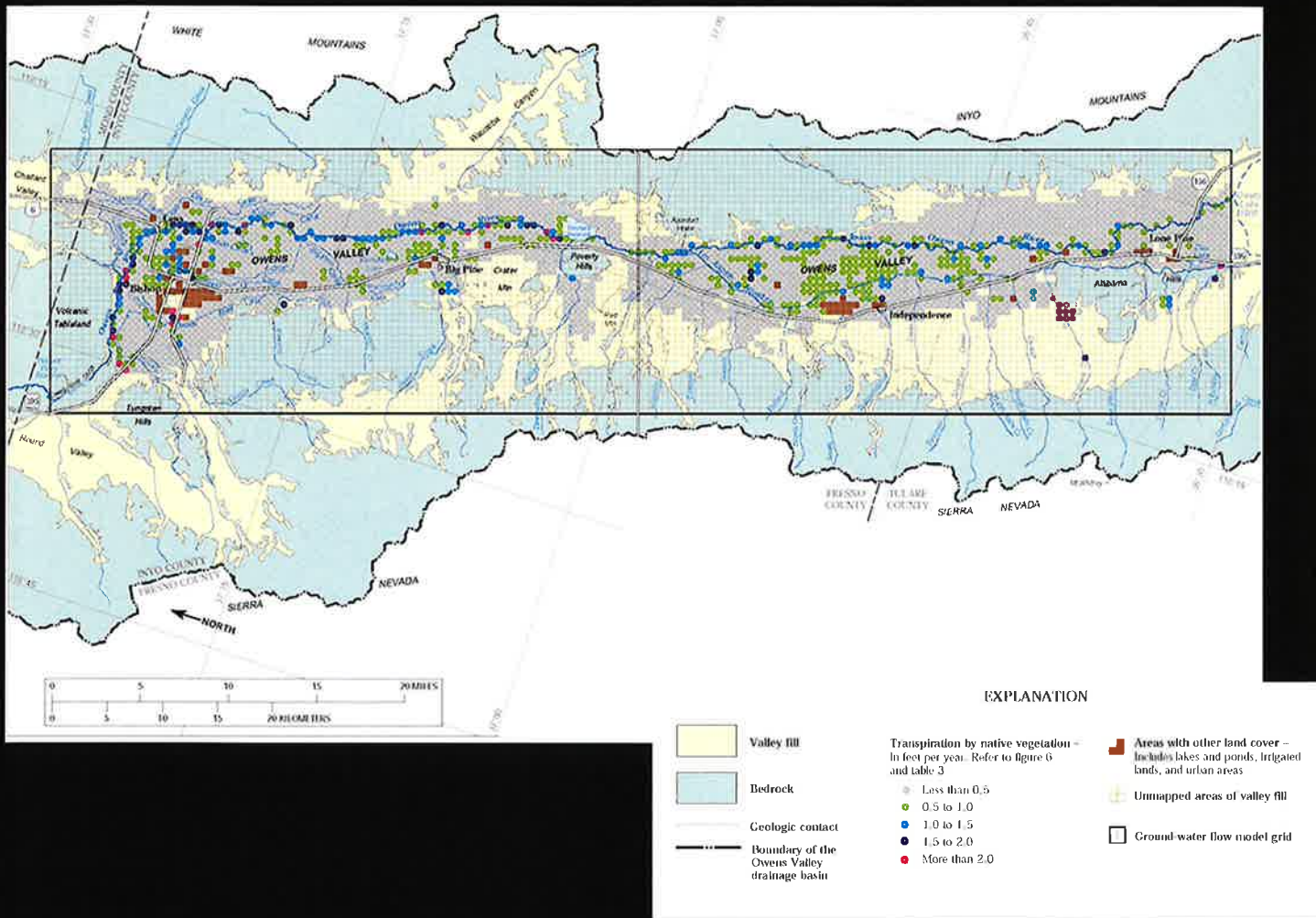
Groundwater Sustainability Plan Update

June 13, 2019

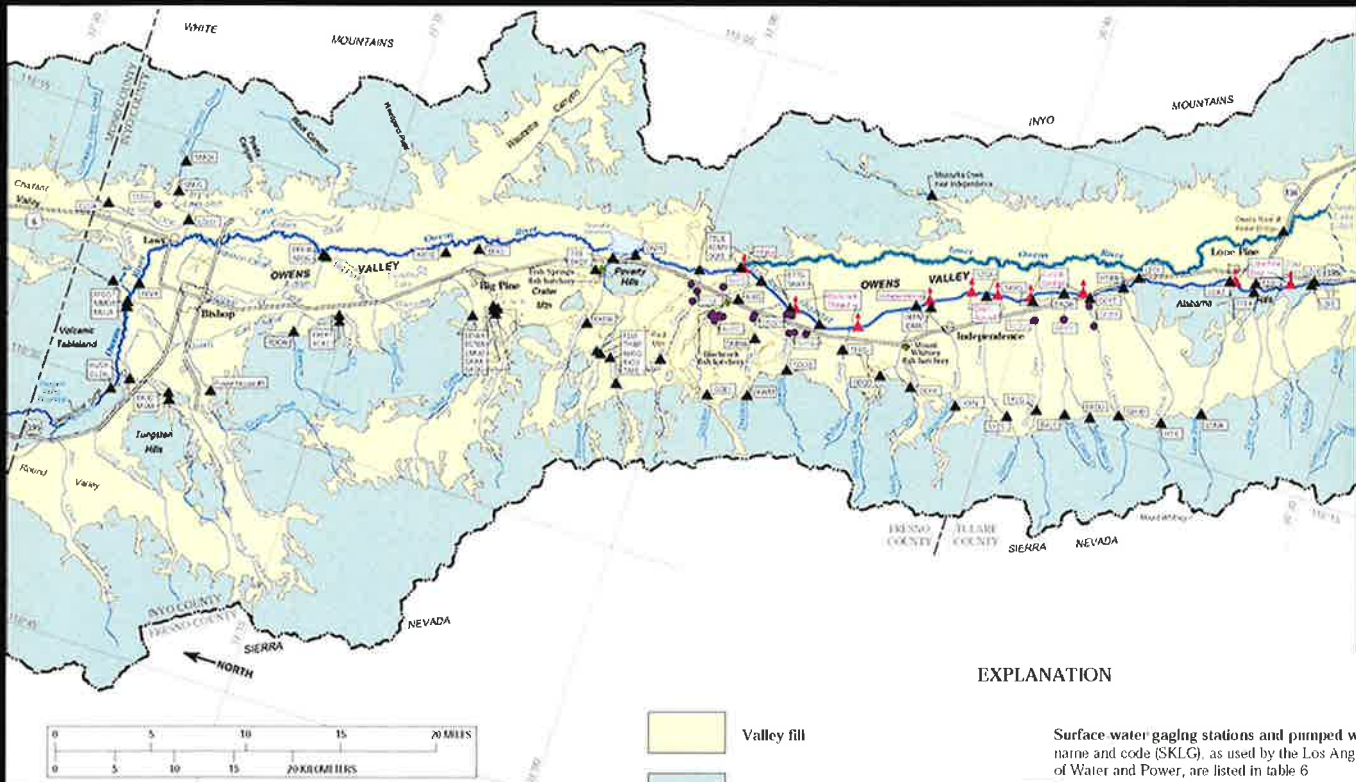


DBS&A
Daniel B. Stephens & Associates, Inc.

USGS Model Grid and Extent



Hydrologic Features

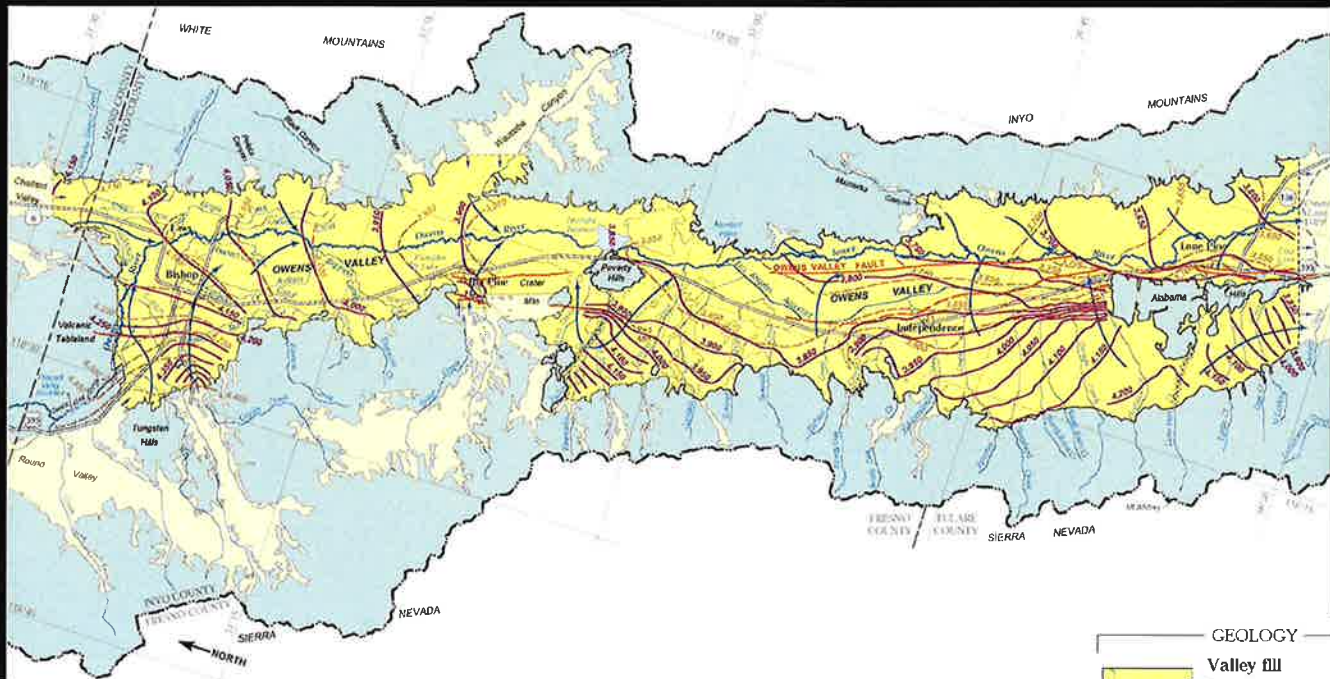


EXPLANATION

- Valley fill
- Bedrock
- Geologic contact
- Boundary of the Owens Valley drainage basin

- Surface water gaging stations and pumped wells - Station name and code (SKLG), as used by the Los Angeles Department of Water and Power, are listed in table 6
- SKLG Stream gage
 - Spillgate
 - Well
 - Owens River-Los Angeles Aqueduct system
 - Lower Owens River
 - Pipeline (water)

USGS Model Calibration



EXPLANATION

HYDROLOGY

— 3,000 — Potentiometric contour - Shows approximate altitude of the water table in hydrogeologic unit 1, represented by the upper layer of the ground-water flow model, spring 1984. Contour interval 50 feet.
 Measured
 — 3,900 —
 Simulated
 Datum is sea level

- Generalized direction of ground-water flow - Combined direction of ground-water flow in hydrogeologic units 1 and 3
- Ground-water divide - Approximately located
- Boundary of the aquifer system - As defined in this report. Arrows indicate the direction of ground-water flow to or from adjacent permeable materials
- Boundary of the Owens Valley drainage basin

GEOLOGY

- Valley fill
 - Area simulated with ground-water flow model
 - Area not simulated
- Bedrock
- Geologic contact
- Fault - Selected faults that affect the path of ground-water flow and the distribution of hydraulic head in unit 1 and unit 3 (from figure 14). Dashed where approximate

The Sustainable Groundwater Management Act

SGMA 101 and Groundwater Sustainability Agency Roles and Responsibilities

June 13, 2019
Owens Valley
Groundwater Authority



Dave Ceppos
Managing Senior Mediator
Sacramento State University
College of Continuing Education
Consensus and Collaboration Program

Presentation Outline

- **Introduction**
- **SGMA 101**
- **Background**
- **Roles and Responsibilities**

SGMA 101

Groundwater Sustainability Agencies (GSAs)

“Any local agency or combination of local agencies overlying a groundwater basin may decide to become a groundwater sustainability agency for that basin.” (Water

Code § 10721)

“Local agency” means a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.” (Water

Code § 10721)

- e.g. - counties, cities, water agencies, irrigation districts, drainage districts, PUDs, CSDs. or similar

SGMA 101

Groundwater Sustainability Agencies (GSAs)

- SB 13 Added - “A water corporation regulated by the Public Utilities Commission or a mutual water company may participate in a groundwater sustainability agency through a memorandum of agreement or other legal agreement. The authority provided by this subdivision does not confer any additional powers to a nongovernmental entity..”
(Water Code § 10723.6 (b))

SGMA 101

Private Pumpers / The Public

- No special authorities are granted. Only references are:
 - 10723.2 - Consideration of interests of all beneficial uses and users of groundwater
 - 10726.5 - In addition to any other authority granted to a GSA by this part or other law, a GSA may enter into written agreements and funding with a private party to assist in, or facilitate the implementation of, a GSP or any elements of the plan.
- De minimis extractor - A person who extracts, for domestic purposes, two acre-feet or less per year. (Water Code § 10721)

SGMA Foundational Items

- **6 foundational / potential undesirable results**
 - Groundwater Elevation
 - Groundwater Storage
 - Seawater Intrusion
 - Degraded Water Quality
 - Land Subsidence
 - Groundwater / Surface Water interconnection
- **Local Control Emphasis**
- **“Few Shalls...Many Mays...”**
 - Shall...Create GSA
 - Shall...Prepare GSP
 - Shall...Do Public Engagement
- **GSAs are Regulatory Agencies**

Background

- Reference Documents:
 - SGMA (Water Code)
 - Groundwater Sustainability Plan (GSP) Regulations
 - *“Designing Effective Groundwater Sustainability Agencies: Criteria for Evaluation of Local Governance Options”* (UC Water/ Berkeley Law)
 - Joint Exercise of Powers Act (CA Code 6500)

GSA Roles and Responsibilities

- Governance
- Outreach/Engagement (Transparency)
- Compliance
- Funding
- Authorities
 - General
 - Information Gathering
 - Groundwater Extraction
 - Property Acquisition and Management
 - Enforcement
- Coordination
- Technical

Governance

- Create an Agency through legal agreement or MOU
- Establish Membership including potential membership levels / roles
- Determine Member durations, replacement procedures, removal procedures, etc.
- Create a decision-making process
- Create a dispute resolution process

Outreach / Engagement (Transparency)

Beneficial Users (Water Code § 10723.2)

- All Groundwater Users
- Holders of Overlying Rights (agriculture and domestic)
- Municipal Well Operators
- Public Water Systems
- Tribes
- Local Land Use Planning Agencies
- Counties
- Local Landowners
- Disadvantaged Communities
- Business
- Federal Government
- Environmental Users
- Surface Water Users (*if connection between surface and ground water*)

Outreach/Engagement (Transparency)

- Consider all interests of all beneficial users and users of groundwater
- Maintain interested persons list
- Document a decision-making process and how stakeholder input and public response will be used.
- Encourage the active involvement of diverse social, cultural, and economic elements of the population within the basin.
- Operate under the Brown Act
- Provide access to information consistent with the California Public Records Act

Compliance

- Comply with local ordinances and similar
 - (e.g. land use ordinance, etc.)
- Comply with all State regulations, laws, and similar
 - (e.g. CEQA, California ESA, Porter-Cologne, etc.)
- Comply with all Federal regulations, laws and similar
 - (e.g. Federal ESA, Clean Water Act, etc.)

Funding

- Establish / obtain one or more of the following:
 - Regulatory fees
 - Property-related fees or assessments
 - Local taxes
 - Local general obligation bonds
 - Contributions from member agencies
 - Grants from other State and federal agencies

Authorities

General

- Do anything “necessary and proper” to carry out SGMA's purposes
- Adopt rules, regulations, ordinances, and resolutions
- Use any other authority allowed to the GSA to apply and enforce SGMA requirements

Authorities

Information Gathering

- Require registration of groundwater extraction facilities
- Require measurement and annual reporting of groundwater extractions*
- Defer all costs associated with the purchase and installation of the water-measuring device to the owner operator of said groundwater extraction facility*
- Require that the owner or operator of a groundwater extraction facility to file an annual statement describing annual water use*

*Does not apply to de minimis extractors

Authorities

Information Gathering

- Conduct investigations of surface or ground water rights and related rights
- Monitor the diversion of surface water to underground storage
- Inspect property and facilities to determine compliance, upon obtaining any necessary consent or obtaining an inspection warrant

Authorities

Groundwater Extraction

- Minimize well interference by imposing well-spacing requirements on new wells and reasonable operating regulations on existing wells including requiring extractors to operate on a rotation basis.
- Control groundwater extractions by regulating, limiting, or suspending extractions from individual groundwater wells or extractions from groundwater wells in the aggregate, construction of new groundwater wells, enlargement of existing groundwater wells, or reactivation of abandoned groundwater wells, or otherwise establishing groundwater extraction allocations

Authorities

Groundwater Extraction (cont.)

- Establish groundwater extraction allocations
- Authorize within-GSA transfers of groundwater extraction allocations
- Impose regulatory fees on groundwater extraction or other regulated activity or property-related fees on groundwater extraction

Authorities

Property Acquisition and Management

- Acquire property, including groundwater and surface water rights
- Make physical improvements to real property
- Acquire, transfer, or exchange groundwater water and surface water

Authorities

Property Acquisition and Management (cont.)

- Manage wastewater, stormwater, and seawater for subsequent use
- Transport, reclaim, purify, desalinate, treat, or otherwise manage and control polluted water, wastewater, or other waters for subsequent use
- Provide for a program of voluntary fallowing of agricultural lands or validate an existing program

Authorities

Property Acquisition and Management (cont.)

- Import surface water or groundwater into the Agency, and conserve and store water within or outside the Agency including, but not limited to, the spreading, storing, retaining, or percolating into the soil
- Purchase, transfer, deliver, or exchange water or water rights to provide surface water in exchange for a groundwater extractor's agreement to reduce or cease extractions.

Authorities

Enforcement

- Sue to collect delinquent fees, interest, or penalties or order extraction stopped until delinquent fees are paid
- Pursue civil penalties for extraction exceedances
- Pursue civil penalties for violations of SGMA-related rules, regulations, ordinances, or resolutions*
- *Does not apply to de minimis extractors

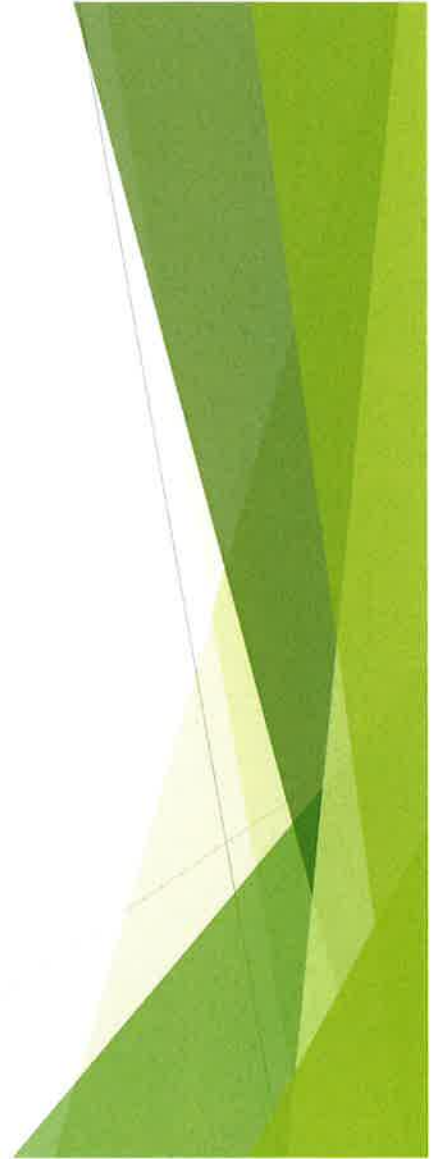
Coordination

- Coordination with adjacent subbasins (Santa Paula, Santa Clara East)
- Coordination between Management Areas (if applicable)

Technical

- Access appropriate technical expertise, either in-house, through consultants, or via technical assistance from other agencies.
- Conduct and/or oversee monitoring, data collection, and reporting
- Develop a water budget and identify sustainable yield.
- Assess basin history and potential paths to sustainable management
- Remediate / oversee remediation of polluted groundwater

Discussion / Q&A

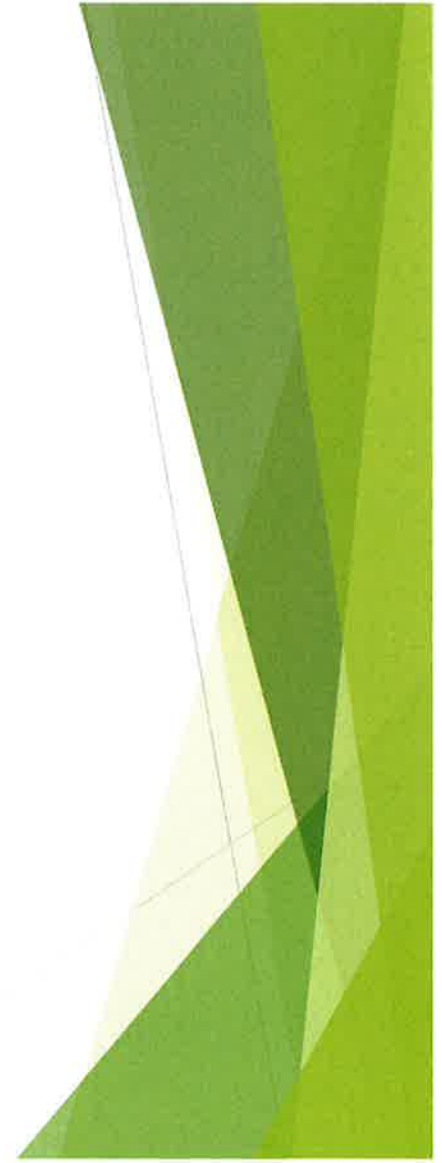


THANK YOU

Dave Ceppos
Sacramento State University
College of Continuing Education
Consensus and Collaboration Program

916-539-0350

dceppos@csus.edu



SGMA Requirements for Stakeholder Engagement

Applying Regulation into Practice

June 13, 2019
Owens Valley
Groundwater Authority



Dave Ceppos
Managing Senior Mediator
Sacramento State University
College of Continuing Education
Consensus and Collaboration Program

Presentation Outline

- **Regulatory Context**
- **Framing Questions about Regulations**
- **Practical Responses**
- **Practical Applications**

Regulatory Context



Regulatory Requirements

*CALIFORNIA CODE OF REGULATIONS, TITLE 23. DIVISION 2. CHAPTER 1.5. SUBCHAPTER 2.
GROUNDWATER SUSTAINABILITY PLANS*

§ 354.10. Notice and Communication

Each Plan shall include a summary of information relating to notification and communication by the Agency with other agencies and interested parties including the following:

- (a) A description of the beneficial uses and users of groundwater in the basin, including the land uses and property **interests potentially affected by the use of groundwater** in the basin, the **types of parties representing those interests**, and the **nature of consultation with those parties**.
- (b) A list of public meetings at which the Plan was discussed or considered by the Agency.
- (c) Comments regarding the Plan received by the Agency and a summary of any responses by the Agency.

Regulatory Requirements

§ 354.10. Notice and Communication (continued)

(d) A communication section of the Plan that includes the following:

- (1) An explanation of the Agency's decision-making process.
- (2) Identification of opportunities for public engagement and a discussion of how public input and response will be used.
- (3) A description of how the Agency encourages the active involvement of diverse social, cultural, and economic elements of the population within the basin.
- (4) The method the Agency shall follow to inform the public about progress implementing the Plan, including the status of projects and actions.

Regulatory Requirements

- What are you doing to pass the higher bar?
- This is:
 - Not NEPA/CEQA
 - Complicated (but doesn't have to be hard)
 - New
 - Serious
 - Mutually Beneficial
 - GSA benefits from you doing this
 - Stakeholders benefit from you doing this

Regulatory Questions

- How will you describe “interests”
- Do you know what that means and what DWR is looking for?
- Do you know who represents those interests?
 - Are you sure?
- Do you know what “the nature of consultation” means and how to describe it?
- How will you describe your decision-making process?

Regulatory Questions

- How will public input and response be used?
 - What happens if the public input is poorly informed? How do you use it?
 - What happens if responses are inconsistent with GSA member interests?
- What is your plan to “encourage the active involvement of diverse elements in the basin”?

Beneficial Users / Uses

- Holders of Overlying Rights (agriculture and domestic)
- Municipal Well Operators
- Public Water Systems
- Tribes
- Local Land Use Planning Agencies
- Disadvantaged Communities
- Federal Government
- Environmental Users
- Surface Water Users

Practical Responses

*How will you describe “interests”
What does that means and what is DWR looking for?
Do you know who represents those interests?*

- Interests = Needs / Motivators
 - Hierarchy of Needs
 - Needs ≠ Wants
 - I NEED water for my family.
 - I WANT to use as much water as I feel like.

Practical Responses

*How will you describe “interests”
What does that mean and what is DWR looking for?
Do you know who represents those interests?*

- Representation
 - Do your due diligence / “Walk the Beat”
 - Convene stakeholders to ground truth things
 - Understand the difference between defining representatives and defining interests
 - Prepare a Communications and Engagement Plan

Practical Responses

Do you know who represents the interests?

What is your “nature of consultation”?

What are your decision-making protocols?

- Representation (cont.)
 - Advisory Committees and Seated Board Members
 - Define “rules of engagement”
 - Define Shared Expectations - **VERY IMPORTANT**
 - Document expectations and rules
 - Repeatedly restate expectations and rules in public

Practical Responses

*What are your decision-making protocols?
How will public input be used?*

- Decision-Making
 - Charters, By-Laws, or similar
 - Transparency
 - Authenticity
 - Consistency

Practical Questions

What are your decision-making protocols?
How will public input be used?
Consistency with GSA interests?

- Decision-Making and Public Input
 - Memorialize Guiding Principles / Interests
 - Keep you Eyes on the Prize
 - SUSTAINABILITY Not Special Interest
 - Define Goals and Objectives
 - Qualitatively (principles / interests)
 - Quantitatively (Undesirable Results)

Practical Responses

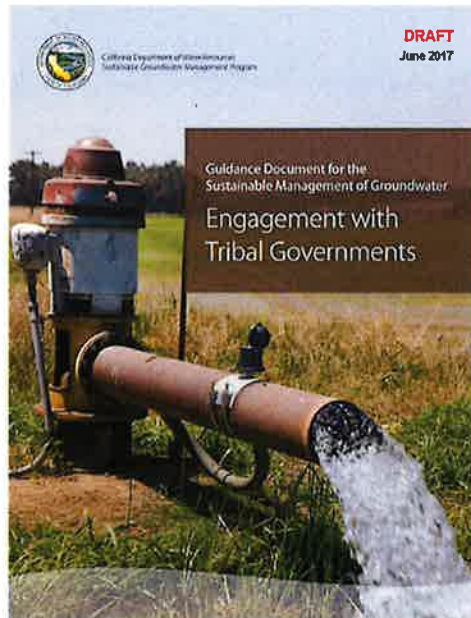
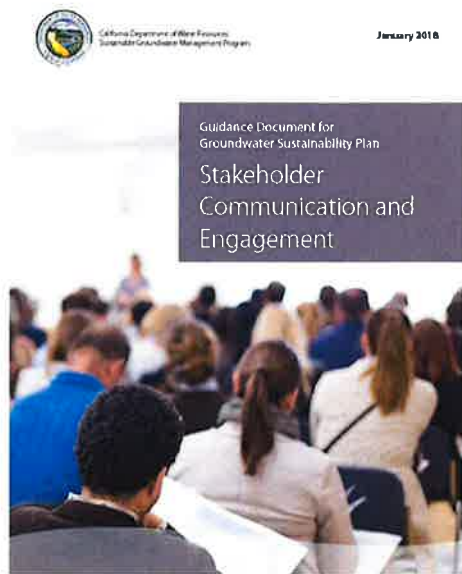
What are your decision-making protocols?

How will public input be used?

Consistency with GSA interests?

- GSA is NOT obligated to agree with beneficial users
- GSA IS obligated to make hard and informed decisions
- Robustly Document the Process
 - Avoid arbitrary and capricious decisions
 - Avoid “smoke filled rooms”
 - Be above reproach
 - Create an administrative record (i.e. like CEQA)

Practical Applications



Practical Applications - Toolkit

http://www.water.ca.gov/groundwater/sgm/digital_toolkit.cfm

Stakeholder Survey Template

Date: _____

1. Organization or business name: _____

2. Name of primary contact: _____

3. Individual stakeholder name: _____

4. Information for primary contact or individual stakeholder:

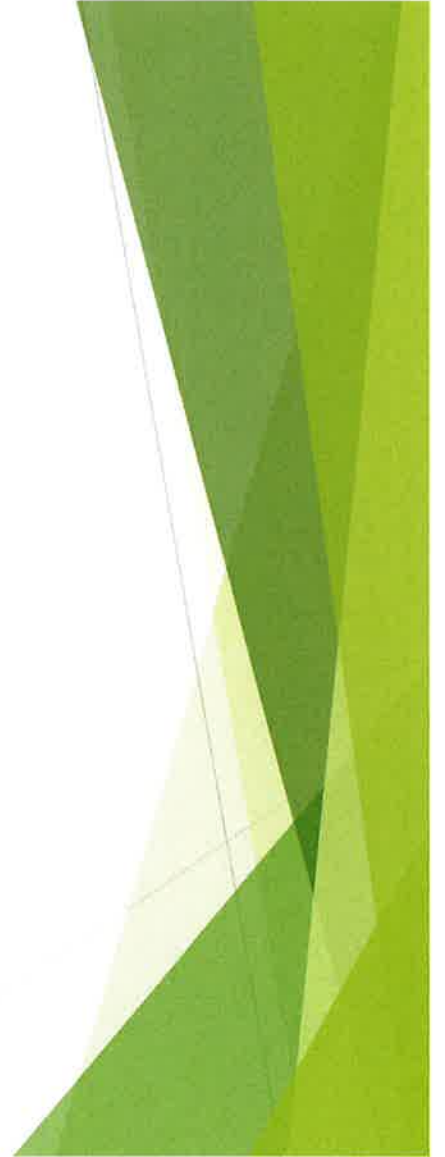
Email: _____	Cell: _____	Facsimile: _____	Website: _____
--------------	-------------	------------------	----------------

Question	Response	Notes
Are you familiar with SGMA regulations?		
Are you currently engaged in activity or discussions regarding groundwater management in this region?		
Do you own or manage operate land in this region?		
Do you manage water resources? If yes, what is your role?		
What is your primary interest in land or water resources management?		
Do you have concerns about groundwater management? If so, what are they?		
Do you have recommendations regarding groundwater management? If so, what are they?		
What else do you want me to know?		
Who else should we listen to?		

Practical Applications - Toolkit

Organization/ Individual <i>(Name of stakeholder organization or individual)</i>	Type of stakeholder <i>(based on water code §10722.2)</i>	Key Interests <i>(stakeholder's key interests related to groundwater)</i>	Key Issues <i>(documented issues (media coverage, statements, reports, etc.) or specific issues such as past events)</i>	GSP <i>(which section(s) of the GSP may this interest be applicable to?)</i>	Rationale <i>(reasons why this is a stakeholder that requires a certain level of engagement)</i>

Discussion / Q&A

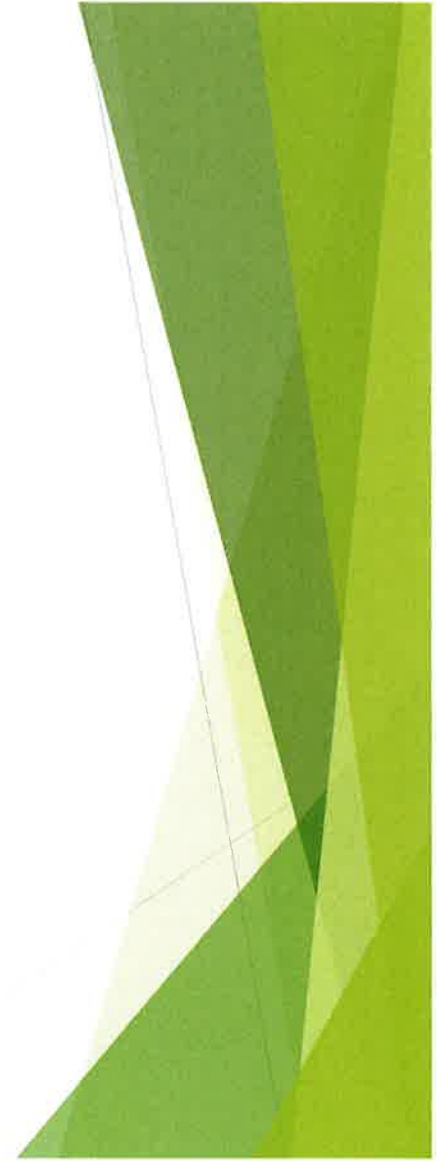


THANK YOU

Dave Ceppos
Sacramento State University
College of Continuing Education
Consensus and Collaboration Program

916-539-0350

dceppos@csus.edu



OWENS VALLEY GROUNDWATER AUTHORITY

Big Pine CSD — City of Bishop — County of Inyo — County of Mono — Eastern Sierra CSD — Indian Creek-Westridge CSD — Keeler CSD —
Sierra Highlands CSD — Tri Valley Groundwater Management District — Wheeler Crest CSD

P.O. Box 337
135 Jackson Street
Independence, CA 93526

Phone: (760) 878-0001
Fax: (760) 878-2552
www.inyowater.org

April 23, 2019

MEMORANDUM

TO: OVGA Board Members

FROM: Aaron Steinwand, OVGA Executive Manager
Laura Piper, OVGA Board Secretary



Subject: April 18, 2019 OVGA Meeting Item#13 – Determination of Board Seats for
Associate and Interested Parties

The above item was agendaized to provide direction to staff on possible options for additional seats on the OVGA Board. Several Board members requested during the meeting that the results of polling the members be provided once tallied. Staff has compiled the results and present the number of members supporting each option as well as the weighted result. Keeler CSD was absent (2 weighted votes). This agenda item was not an action of the Board, but the results will be used to prepare staff recommendations for next OVGA meeting.

Native American Tribes: options 3, 4 were not acceptable to Lone Pine Tribe

- 1A 5 members 19.7 – offer one seat to Lone Pine Tribe understanding they will be subject to the GSP
- 1B 4 members 18.3 – offer one seat to Lone Pine Tribe with conditions to be contained in an additional agreement
- 2 0 members 0.0 – Offer one seat to Lone Pine Tribe as an Interested Party

Other Potential Associates – Mutual Water Companies

- 1 1 members 6.24 – offer both seats to companies
- 2 6 members 21.70 – offer a seat filled by one representative for both companies
- 3 0 members 0.0 – offer only one company a seat
- 4 1 members 6.24 – invite to sit on a future advisory committee
- 5 1 members 3.82 – determine participation in stakeholder process is sufficient

Interested Parties – State Agency/Special District

- 1 1 members 3.82 – offer both agencies seats
- 2 4 members 14.06 – offer only one agency a seat
- 3 3 members 16.30 – both agencies invited to sit on a future advisory committee
- 4 1 members 3.82 – determine participation in stakeholder process is sufficient

Interested Parties: Environmental Interests (Sierra Club withdrew, options 1 and 2 no longer applicable)

- 3 5 members 17.88 – offer one seat for OVC as an Interested Party
- 4 3 members 16.30 – invite to sit on a future advisory committee
- 5 1 members 3.82 – determine participation in stakeholder process is sufficient

Interested Parties: Private Business Interests (Rio Tinto did not respond)

- 1 2 members 10.06 – offer one seat for CG Roxane as an Interested Party
- 2 5 members 22.12 – invite CG Roxane to sit on a future advisory committee
- 3 2 members 5.82 – determine participation in stakeholder process is sufficient

cc: OVGA staff

Potential Associates and Interested Parties

OWENS VALLEY GROUNDWATER AUTHORITY

Big Pine CSD — City of Bishop — County of Inyo — County of Mono — Eastern Sierra CSD — Indian Creek-Westridge CSD — Keeler CSD —
Sierra Highlands CSD —Tri Valley Groundwater Management District — Wheeler Crest CSD

P.O. Box 337
135 Jackson Street
Independence, CA 93526

Phone: (760) 878-0001
Fax: (760) 878-2552
www.inyowater.org

Staff Report

Date: June 13, 2019

Subject: Item 10: Board Seats for Associates and Interested Parties

Introduction

At its April 18, 2019 meeting, the OVGA considered several options for adding seats to the Board for Associates and Interested Parties. The polling at the April meeting was not an action of the Board to add seats but was conducted to provide direction to staff. A summary of the polling results was circulated in a memorandum on April 22 (attached). A brief summary of the April meeting and a staff recommendation on how to proceed is provided in this staff report. The complete record of OVGA consideration of Associate and Interested Party seats was provided in the agenda packet for the April and March meetings. Given the length of record and attachments, materials developed prior to the April meeting are included herein by reference.

The following agencies and organizations expressed interest in serving on the OVGA Board (see March 14, 2019 staff report to review the submitted Statements of Interest, SOI).

Associates:

- Lone Pine Paiute-Shoshone Reservation
- Meadow Creek Mutual Water Company
- Wilson Circle Mutual Water Company, Inc.

Interested Parties:

- California State Lands Commission
- CG Roxane, LLC
- Great Basin Unified Air Pollution Control District (GBAPCD)
- Owens Valley Committee (OVC)
- Range of Light Group (Sierra Club)
- Rio Tinto – US Borax Inc. (Note: this applicant had been notified the SOI is incomplete.)

More organizations requested Interested Party status than the number of available seats requiring the Board to reject some organizations or to request some applicants consolidate their request and occupy a single seat. To assist the Board deliberation, staff prepared series of decision points for additional seats and grouped the applicants into categories (see attached April 18 staff report).

Discussion

Each decision point included several options for the Board to consider. The Board reviewed each decision point sequentially and were polled on which option they could support based on their individual assessment of the merit of including the entities on the Board. This procedure focused the Board direction to staff for how to agendize a final decision on seats for Associates and Interested Parties at a future meeting.

Board discussion and public comment during the April meeting adjusted some of the original options prepared by staff. The Chairperson noted the Statement of Interest submitted by Rio Tinto was incomplete and there was no representative available to speak on behalf of the company. The Sierra Club withdrew its request for a seat, but requested a seat for an environmental group be added to the Board. During the consideration of membership for the Lone Pine Paiute Tribe, April Zrelak noted that Article 5 of the JPA allowed for flexibility in the terms the Tribe would be subject to under the JPA and SGMA if seated on the Board. She requested an MOU or another appropriate agreement be developed to define the terms for the Lone Pine Tribe membership. Based on that discussion, the Board considered two revised options for Lone Pine Tribal membership: 1A) add a seat for the Tribe understanding that they will subject to the JPA requirements or, 1B) add a seat with conditions contained in an additional MOU or suitable agreement with the Tribe. The Board also heard from representatives from CG Roxane LLC, the GBAPCD, the OVC, and members of the public before consideration of the decision points.

Staff compiled the results of the polling and presented the number of members supporting each option as well as the weighted voting results according to the member vote share formula in the JPA. Evaluation of the weighted voting results suggested a plurality or majority of the members favored adding an Associate seat for the Lone Pine Tribe, a single Associate seat for Mutual Water Companies, and an Interested Party seat for the OVC.

The OVGA has not made a formal decision to add or not add Associate or Interested Party seats. The conditions setting out the membership responsibilities and requirements for the Lone Pine Tribe and the joint seat for the mutual water companies have not been developed for consideration by the OVGA. The option to add an Interested Party seat for an environmental group received a plurality of the Board polling suggesting that in a simple yes or no formal vote, the OVC may not necessarily receive a majority and be offered a seat.

To add further complexity, the possibility of the Basin being re-prioritized to a Low status raises uncertainty about the plans of the OVGA and its Board composition under the JPA if current members choose to withdraw.

Given the situation, the Board has several options :

1. Proceed based on the April discussion and add one seat for the Lone Pine Tribe and/or one seat collectively for the Meadow Creek and Wilson Circle Mutual Water companies, and direct staff to enter into negotiations to describe the terms and conditions for

membership to be considered by the OVGA Board at a future meeting. Individual motions should be made to add each seat.

2. Add one Interested Party seat for the OVC.
3. Defer a decision until the proposed Basin Prioritization has been finalized and, if applicable, the OVGA has determined its Board composition under the JPA and how it will proceed.

Staff Recommendation

Given the uncertainty in the basin prioritization and the potential decisions facing the OVGA if the Low Priority status is finalized, the recommendation is to postpone adding additional seats at this time.