

Minutes

County of Inyo Water Commission

February 16, 2012

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

1. Pledge of Allegiance

Commissioner Red Owl led the Pledge of Allegiance

2. Public Comment

The Chairperson announced the public comment period and there was no one from the public wishing to address the Commission.

3. Approval of minutes from January 4, 2012 meeting

Moved by Commissioner Symons and seconded by Commissioner Prather to approve the minutes of the January 4, 2012 Water Commission Meeting. Motion carried unanimously.

4. Director's report concerning Water Department activities

Dr. Harrington provided a report on the Eastern Sierra current precipitation conditions, printed from LADWP aqueduct conditions web page and explained the graphs. He stated the conditions with our current snowpack are very dire and we are unlikely to reach normal levels even in the event that the next few months start a normal winter. Dr. Harrington stated the LORP habitat flow is indexed off of forecast of the percentage of normal runoff and at this rate we may not have a seasonal habitat flow because it will not be 50% above base flow. He provided information in detail on the results of the dispute resolution currently between LADWP and Inyo County and that the arbitration panel had concurred with LADWP.

Commissioner Red Owl and Commissioner Prather provided their concerns that issues with the annual pumping plan would not be handled expeditiously by LADWP in view of past experiences.

Dr. Harrington provided information on the recent Owens Lake Master Plan meeting he attended with stakeholders to review comments on their draft master plan. He stated one of the things the Water Department was working on in relation to that was with LADWP over how to conduct groundwater management at Owens Lake and there was a disagreement on how to implement mitigation there. Dr. Harrington stated one of the elements of the master plan is that within the dust abatement project on Owens Lake will be a baseline of habitat value that's been developed over the course of putting the water on the lake; LADWP would like to use less water on the project and other parties would like to see the habitat maintained. He stated LADWP would like to use less water on the project so there will be a baseline on habitat development but LADWP can implement more efficient dust abatement strategies as long as the habitat is

maintained. Dr. Harrington stated the Water Department and LADWP staff came up with modified language concerning groundwater pumping that was provided to the master plan group for review.

Commissioner Prather voiced his concern over the protection of the wetlands surrounding the Owens Lake and Commissioner Carrington asked who will define significant change and that needs to be defined in the Owens Lake agreement.

Dr. Harrington provided the date of the upcoming Standing Committee meeting and a draft agenda; he stated the Standing Committee agenda will be on the following weeks Board agenda, provided detail on the statewide groundwater elevation monitoring requirements. Dr. Harrington provided information on the planning grant the IRWMP submitted for funding a number of planning efforts, and the Deep Rose exploratory geothermal drilling was heard by the Planning Commission on January 25, 2012 and approved. He provided information regarding potential impacts from the Hidden Hills project, the private property involved, and concerns with involving County services. Dr. Harrington stated the LORP Draft Recreational Use Plan was available, and the Water Department Staff and LADWP staff are in the process of finalizing the LORP work plan for next year.

5. Report on Laws Revegetation projects

Dr. Harrington stated the Commissioners request at the previous Water Commission meeting was to provide a report on the Laws Revegetation Project and he has asked Mr. Freilich to expand that scope to cover other vegetation projects as well. Mr. Freilich presented a PowerPoint presentation and provided information in detail and in great length regarding the status of revegetation projects impacted by groundwater pumping, abandoned agricultural lands, and lands removed from irrigation.

Public Comment – Daris Moxley – Ms. Moxley asked when a mitigation project is complete, the fences come down and it goes back to what it was before 1991? Mr. Freilich stated he was unsure about fences coming down; Dr. Harrington stated he was not sure what the mitigation plan states regarding taking the fences down.

Commissioner Red Owl asked if the mitigation projects reach a specific level and that's it, Mr. Freilich stated yes, and Dr. Harrington stated there is a period where the vegetation is monitored after the goal is attained.

Public Comment – Nancy Masters – Ms. Masters asked if the vegetation monitoring is provided for in the CEQA documents, is there an ongoing monitoring effort to insure the goals are met? Dr. Harrington stated that is a general requirement.

Public Comment – Sally Manning – former Inyo County Water Department employee – Ms. Manning stated Ms. Irene Yamashita's position with the Inyo County Water Department has not been replaced and she thinks it might be a priority because nobody is paying attention to what LADWP is doing out at Laws. She said Ms. Yamashita was able to revegetate the area back in the early 1990's.

Public Comment - Sylvia Colton – Ms. Colton said she is interested in protecting the 80 acres on Rudolph Road. She stated if LADWP were to plant vegetation out in the Laws area, the cows would destroy it because there is no solid fencing to keep them out. She expressed her displeasure in the dust problems in the Laws area.

Public Comment - Ted Schade – Great Basin Air Pollution Control Officer for GPAPCD – Mr. Schade stated this project has taken far too long and in nine years LADWP should have been able to control the dust issue. He stated GPAPCD has asked LADWP to send water trucks and it has not been sufficient to control the dust problems. Mr. Schade said GPAPCD will begin issuing tickets every time Bishop becomes affected by the dust from the Laws area. He stated the site will not revegetate with LADWP's current approach.

Commissioner Symons and Commissioner Prather expressed their displeasure at the dust issues from the Laws area.

Public Comment - Sally Manning – former Inyo County Water Department employee – Ms. Manning said she appreciated Officer Shade commenting on the project. She stated the soils are different on the other side of the river in

Laws and you need to flush the salts out to grow anything in that area. Ms. Manning stated the County should be aware of these things, the County did agree to the mitigation plan at Laws, and staff tried to tell them not to do this because it wouldn't work. She stated before any fines are given or plans are revised, Inyo County should be fined as well for being part of this agreement. Ms. Manning said there is hardly any vegetation cover in this area for all the work that has been done.

Commissioner Prather stated Inyo County would have a better chance in dispute after GPAPCD has fined LADWP for the Laws dust issued.

Commissioner Carrington asked Mr. Schade if LADWP was aware that he was going to begin issuing fines in the Laws area and Mr. Schade stated no.

Public Comment – Nancy Masters – Ms. Masters said there are a couple parcels in Independence by Shepards Creek (across the highway and another east of the Smith's Ranch pasture lands) and was there some mention of reviewing those for revegetation projects and how much water is being applied to the swapped lands out at Laws. She believes that in the mitigated negative declaration it should be five acre feet per acre to three acre feet per acre. If three acre feet are not sufficient it should be changed back to five acre feet.

Public Comment – Sally Manning – Ms. Manning stated when "used water" is discussed that refers to pumped water in the Laws area.

Commissioner Red Owl recessed the meeting at 7:45 p.m. for a break and reconvened the meeting at 8:56 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.

7. Public Comment

Daris Moxley – Ms. Moxley asked if the Commission had heard anything from CEQA regarding the new wells being placed in Big Pine.

Dr. Harrington stated there are not any new wells planned, the project contemplated using an existing well, LADWP did a negative declaration on the project, and the CEQA process is completed.

Sally Manning – Big Pine Paiute Tribe Environmental Director- Ms. Manning wanted to discuss the Big Pine Northeast Regreening Mitigation Project – She stated last August 2011 LADWP released an initial study negative declaration on this project, the Standing Committee approved the revision to the scope of the project which did include pumping well W375 to provide makeup water for this revegetation project. She said comments were received from many people on the negative declaration stating vegetation concerns, and LADWP responded and released a revised negative declaration in November 2011. Ms. Manning stated she received a letter from LADWP stating that no one raised any comments of substance so they will move forward with the report to their Board of Water & Power Commissioners in March 2012. She believes locals should attend this meeting in Los Angeles. Ms. Manning said Los Angeles is deciding what to do with our environment, our two Water Commissioners agreed to this makeup water as Standing Committee members and she would like them to reconsider.

Commissioner Prather asked Ms. Manning what the predictions were for the well level, and stated well W375 would be pumped up to 150 acre feet per year. Commissioner Prather stated he recalls the water table would drop an inch or two. Ms. Manning said the the well is 2 miles south of the reservation; she said it will immediately reduce the deep aquifer which is linked to a permanent monitoring site in "off" status. She said the effects of the pumping will radiate out and in every direction until it hits the reservation and the water table under the reservation. Commissioner Prather asked if the main regreening source was to come from the ditches, would the difference be made up from pumping well W375 if necessary. Dr. Harrington stated the scoping document from the 1980's state the project would be supplied from W375 and tail water from the big pine ditch system.

Commissioner Carrington stated the tail water agreed to by LADWP was 6 cfs. Commissioner Prather stated regardless, 150 acre feet will be pumped from well W375 annually. Dr. Harrington stated yes, if that much water is used on the pumping project.

Public Comment – Harry Williams – Mr. Williams said when it is stated the groundwater table will only drop four inches, the fact it has already dropped is not taken into consideration.

Alan Bacock – Big Pine Paiute Tribe – Mr. Bacock said the tribe was very adamant about using replacement water on that project, especially a well that is already in an area that has been impacted. He said from the Tribes perspective it doesn't make sense to have a mitigation project that is causing the same issues.

Harry Williams – Mr. Williams stated he thought tonight was a very informative meeting. He said any pumping in the Owens Lake is going to kill all the springs and he believes the Commissioners goals should be to avoid impacts. Mr. Williams said Inyo County has been greatly impacted all over, and LADWP has sucked the life out of the Owens Valley. He said he is glad Mr. Schade is standing up to do something about impacts in the valley. Mr. Williams believes Big Pine is pumped the most in this valley and he believes Inyo County will just become a dustbowl if we don't start avoiding future impacts. He believes the Commissioners are the only ones that care in this valley.

Sally Manning – Ms. Manning stated that during the Director's report the dispute resolution was discussed and why did Inyo Counties own arbitrator side with LADWP. She said the arbitrator's couldn't figure out the difference between avoidance and mitigation which is critical.

Daris Moxley – Ms. Moxley stated Supervisor Arcularious said at a Board Meeting that during the CEQA process, the public would be able to submit their comments and have their say. Ms. Moxley said their comments and opinions were irrelevant and didn't do any good at all. Commissioner Red Owl suggested they write to their Supervisors.

Alan Bacock – Big Pine Paiute Tribe – Mr. Bacock said the comments that Commissioner Prather is making are frustrating to him as a Native American; Commissioner Prather apologized if he said anything to offend him. Mr. Bacock stated the decision from the arbitration goes back to the Big Pine Paiute Tribe advocating for the Drought Recovery Policy. He stated the County should really look at the drought recovery policy and make it a priority.

8. Schedule next Water Commission Meeting

The next Water Commission meeting was scheduled for March 29, 2012 at 6:00 p.m. in Independence, CA.

9. Adjourn

The Chairperson adjourned the meeting at 8:33 p.m.