

MINUTES

County of Inyo WATER COMMISSION

March 17, 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 Laura Piper.

1. Pledge of Allegiance

Commissioner Prather led the pledge of allegiance.

2. Public Comment

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

3. Approval of minutes from the January 27, 2016 meeting

Moved by Commissioner Patton and seconded by Commissioner Dishion to approve the minutes of the January 27, 2016 meeting. Motion carried.

4. Commissioners Report

Commissioner Prather provided information and details regarding the upcoming Owens Lake Bird Festival.

5. Water Director's Report

Dr. Harrington provided information and updates on the LORP Water Trail Grant and upcoming site visit; The Technical Group agreed to the LORP Work Plan and the approval process for Inyo and LADWP; Bishop Cone audit almost completed; preparation to submit groundwater basin boundary adjustment request to Ca Department of Water Resources; the formation of a Joint Powers Authority in south county to be the groundwater sustainability agency for that basin (Kern County, Inyo County, San Bernardino County, City of Ridgecrest, Navy (non-voting member) and the Indian Wells Valley Water District.); and an update on the Tecopa Vending Machine Project.

Public Comment – Sally Manning – Ms. Manning stated Dr. Harrington mentioned the Bishop Cone Audit would be available at the next Technical Group meeting and when would that be. Dr. Harrington stated a date has not been set yet. She also inquired about a possible April 1st deadline that Inyo and LADWP have to submit data to DWR showing that we are treated as an adjudicated basin under the SGMA. Dr. Harrington stated because we are treated as adjudicated under SGMA we are required to submit data to the DWR. Ms. Manning asked if Inyo or LADWP will be submitting the information. Dr. Harrington stated LADWP is taking the lead on this. Ms. Manning stated the Tribe submitted a letter to Inyo County requesting to be consulted on SGMA as part of the law requires incorporating all entities that might be interested as a stakeholder in the process.

Commissioner Prather asked for an update on the current dispute resolution. Dr. Harrington stated the OVC and Sierra Club initiated a dispute through the MOU dispute resolution process inquiring whether LADWP was compliant with the MOU's requirement that all the necessary mitigation plans have been prepared and if they were compliant, were they compliant with the plans themselves, specifically to the Five Bridges mitigation area and operation of W385 and W386. Dr. Harrington stated a settlement meeting was held and the attorney's stated the discussion at the meeting is confidential so he cannot provide any information regarding the meeting.

Public Comment – Philip Anaya – Mr. Anaya stated maybe while LADWP might say that the wells are supposed to be permanently off, their actual usage of those wells was to turn them off and keep them off. He stated that's maybe a constructive notice that could be utilized.

6. Evaluation of new wells

Dr. Harrington stated there was a lengthy discussion and presentation regarding the evaluation of the new wells at the previous Water Commission meeting so he will just be providing updates since that time. He stated there was a letter in their packet and provided to the public received from LADWP yesterday responding to the Inyo County Water Departments comment letter on the preconstruction evaluation for the two wells on the Bishop Cone Wells B5 and B2 and their response was that LADWP felt the CEQA analysis done in the 1991 EIR of these wells was complete and satisfactory. The Commissioner's and Dr. Harrington discussed this item in detail and at length.

Public Comment – Philip Anaya – Mr. Anaya stated the cause of the wells going dry in west Bishop is drought, and LADWP's management of the surface flows. He stated the following year knowing the damage they had caused, they did it again with the surface flow management.

Public Comment – Sally Manning – Ms. Manning stated she was at yesterday's Technical Group meeting and during the agenda item when the Technical Group was listing what should be on the Standing Committee agenda, Mr. Anaya asked that the CEQA for the new wells be on the agenda and she stated the County didn't want to go there. She stated if the County doesn't stand firm on standing up to LADWP about these new wells, its' not standing up for its citizens or the future of Inyo County.

Public Comment – Earl Wilson – Mr. Wilson stated he has a problem with the maps, Bishop Cone is not shown on them and he has no idea where the drawdown would be.

Public Comment – Philip Anaya – Mr. Anaya stated in the preconstruction evaluation on the last page, LADWP made an assertion that the new wells are going to benefit the shallow water aquifer. He said he doesn't understand that. He stated that it states in the letter that they are actually going to put more water into Bishop Creek. He stated if more water goes into Bishop Creek, it's going around the Bishop Creek Water Association and into the Canal or into the Owens River and down the aqueduct.

Public Comment – Nancy Masters – Ms. Masters stated LADWP should be doing geophysical studies and geotechnical studies to look at the aquifer and see where the clay layers are. She stated she would like to see that in any evaluation that is done for their new wells.

Commissioner Red Owl stated she would like to see an updated CEQA happen for these new wells LADWP is proposing to install.

Public Comment – Alan Bacock – Mr. Bacock stated the Big Pine Tribe has also sent a letter regarding Bell Canyon well and the evaluation being done there. In the Tribes letter they are asking for reevaluation.

Moved by Commissioner Dishion and seconded by Commissioner Carrington that the Chairperson and Commissioner Patton will bring the request to the Board to put Wells B2 and B5 on the Standing Committee agenda and inform the Standing Committee that a subsequent CEQA document needs to be prepared due to the consecutive years of drought, new scientific techniques, and other community service wells in the area.

Public Comment – Philip Anaya – Mr. Anaya stated he was told to attend the Board meeting and request the information he provided in his letter be presented to the Board for inclusion in the Standing Committee agenda and now he's disappointed that it is so late he can't get it on the agenda. He asked if there was any way to get the agenda amended. Dr. Harrington stated he discussed this with the Board on Tuesday and they identified a number of items they wanted on the agenda.

The Commissioners and Dr. Harrington discussed this item in detail and at length. Commissioner Red Owl stated maybe their previous action needs to be reconsidered and rather than requesting that the Board of Supervisors add this to the

Standing Committee agenda, that the Commission attends the Board of Supervisors meeting and let them know the Commission is concerned about LADWP's response stating they don't need another CEQA.

Dr. Harrington stated the CEQA is a legal question and the preconstruction evaluation is a Technical Group action.

Moved by Commissioner Dishion and seconded by Commissioner Carrington to rescind the previous motion.

Public Comment – Nancy Masters – Ms. Masters stated, even though there are confidentiality issues in dispute meetings and closed sessions, she stated what needs to be apparent to LADWP is that people like the environmental groups, the Board of Supervisors, the Water Commission, and citizens of the County are united in this concern.

Public Comment – Sally Manning – Ms. Manning stated she hoped that by stalling, it would stall the well drilling but she stated she doesn't believe that will happen.

7. Green Book Update

Dr. Harrington stated the Ecological Society of America panel had completed their report. He stated Inyo and LADWP are reviewing the report to decide where to move forward with developing a program for vegetation monitoring next summer. Inyo/LADWP will adopt guidelines for one vegetation monitoring plan for both entities.

8. Review of Mitigation projects

Dr. Harrington provided an explanation of the handout provided regarding the status of the mitigation projects compiled by the Water Departments mitigation manager. The Commissioners and Dr. Harrington discussed this in detail.

Public Comment – Nancy Masters – Ms. Masters stated she wanted to thank the Water Department for the report on the status of the mitigation projects and she wanted to call Mr. Freilich, Mitigation Manager regarding the Independence Woodlot. She stated this has been color coded green and said it has deserved that up to this year. She stated this year it has received serious over thinning and every bit of shrubbery has been removed from the understory.

Public Comment - Sally Manning – Ms. Manning stated she looked at the annual report on mitigation project status and she thinks it's misleading. She stated she doesn't think the Inyo County Water Department even visits most of the sites much less collects the data you see in this report. Ms. Manning stated she recommends the Water Commission recommends the Water Department get more help for the mitigation projects.

9. Review 2015 Water Commission goals

The Water Commissioners reviewed the previous year's goals and will continue with the same goals with a focus on new and replacement wells (item 3a).

10. Recap of Five Bridges tour

Commissioner Prather provided an overview on the Five Bridges tour with Commissioner Patton thanking the Water Department staff for the organization of the field trip.

Public Comment – Tom Noland – Mr. Noland stated it was brought up at the Technical Group meeting of how to get the revegetation projects going again, he stated its obvious what's going on isn't working out there. He provided input on how the water could be spread more effectively.

Public Comment – Earl Wilson – Mr. Wilson stated he has dealt with this type of soil such as on the dry lake. Mr. Wilson also provided his input on the soil and water spreading.

11. Recap and presentation of new wells & E/M resolutions to the Board of Supervisors

Commissioner Prather provided a review and stated the Board was very engaged during this discussion and it went very well.

12. Discussion: Fall Field Trip

Commissioner Prather stated he would like to see a combined field trip in possibly September/October encompassing the LORP and Owens Lake. He stated Larry Freilich had suggested the LORP field trip.

13. Public comment

Mary Roper – Ms. Roper – Ms. Roper stated she liked the LORP field trip idea and she also stated she would like see a field trip to the “Bishop Cone”. She stated it would be educational for those interested.

Earl Wilson – Mr. Wilson – Mr. Wilson stated he would suggest including the pump back station.

Sally Manning – Ms. Manning – Ms. Manning stated it was educational to get together with a rancher and see all of the issues they are dealing with because of Type E vegetation not getting the water required. She stated there is a 110 acre parcel that is Type E vegetation that is dead because he hasn’t received the water it should.

Commissioner Prather stated those are leases and they could not tour unless invited by a lessee. He stated those are sensitive issues between LADWP and the lessee.

Tom Nolan – Mr. Nolan stated he wanted to obtain Dr. Harrington and others opinion on the wells at the Bishop Cone, he said the new wells would be good in that they pump and put water to places that haven’t been getting any which would free up creek water for the streams on Shepard and McLaren. However, he said looking at some of the maps if the water table starts dropping by the wells 5-7’ that would be a dramatic change for the vegetation, and then it has to be mitigated and irrigated, then it’s a whole new story.

Philip Anaya – Mr. Anaya stated that the Chandler Decree is on the horizon. He stated in the future it would be wonderful if the Water Commission could submit a letter to the Bishop Creek Water Association and to the LADWP and Edison about the positives that came out of their management of Bishop Creek last year. He stated one way to encourage that again is to send a letter giving them recognition.

Commissioner Patton stated he attends Bishop Creek Water Association meetings and the County is not party to the Chandler Decree. He stated last year the Bishop Creek Water Association sent a letter stating they were concerned about the flows and he stated he doesn’t know what effect it had on Edison but when all was said and done, it worked out. He stated he agreed with Mr. Anaya in that it needs to be monitored.

Nancy Masters – Ms. Masters stated she wanted to make the audience and Water Commission aware of a project going on in our area. Dr. Kimberly Kirner is the lead researcher and it is called the “Coping with Change” research project.

14. Schedule next Water Commission meeting

The next Water Commission meeting was scheduled for April 25, 2016.

15. Adjourn

The Chairperson adjourned the meeting at 8.16 pm.