

Minutes

County of Inyo Water Commission

June 22, 2011

Water Commissioner Teri Red Owl called the Water Commission meeting to order at 6:00 p.m. in the Big Pine Community Building, Big Pine, CA. Water Commissioners in attendance were Teri Red Owl, Mike Prather, Mike Carrington, and Warren Allsup. Absent was Commissioner Sally Symons. Present from the Water Department were Dr. Bob Harrington and Laura Piper.

Pledge of Allegiance

Commissioner Red Owl led the Pledge of Allegiance

Approval of minutes from May 31, 2011 meeting

Moved by Commissioner Prather and seconded by Warren Allsup to approve the minutes of the May 31, 2011 Water Commission meeting. Motion carried unanimously with Commissioner Sally Symons absent.

Director's report concerning Water Department activities

Dr. Bob Harrington provided a brief background and overview on the summer field season; vegetation monitoring for permanent monitoring sites to set on/off status of pumping wells, point frame measurements, soil water measurements, permanent transects, line point vegetation reinventory, and rare plant monitoring. Dr. Harrington touched on the pumping plan received from LADWP and the LORP seasonal habitat flow. He provided information on the LORP annual work plan, the flow modeling proposed by the consultant, tule control, and explained the limits on LADWP pumpback stations with regard to the current court order. Dr. Harrington explained Owens Lake/LADWP's groundwater study, the Coso Hay Ranch Project and appeal, IRWMP and State Department of Water Resources implementation funding recommendation, 2011/12 Water Department budget and annual report.

Public Comment: Daniel Pritchett – Is the County working on their version of on/off? Has the criteria been met to terminate the drought recovery policy? Dr. Bob Harrington explained that the County has worked on revisions to on/off.

Sally Manning – Ms. Manning stated the point frame should be done during summer solstice and the Water Department had completed the point frame to early. She also stated that Water Department staff is not measuring according to the protocols, which will cause an underestimation in vegetation cover.

Inyo County Water Commission Goals for 2011

Commissioner Prather provided input on Dr. Bob Harrington's summary of the previous meetings 2011 goals. Commissioner Red Owl stated she would like the addition of "is the drought recovery policy in effect or not" to item #3 of Dr. Harrington's summary – management of groundwater extraction. Dr. Harrington stated the Commission could present that question as a recommendation to the Board. Commissioner Prather suggested the Commission compose a letter of questions they would like the Water Department staff to relay to the Board of Supervisors looking for clarification and guidance on the drought recovery policy, what comes after the interim management plan, and reevaluating the timeline for the green book.

Moved by Commissioner Prather and seconded by Commissioner Allsup for the Commission to compose a letter they would like Water Department staff to present in agenda form to the Board of Supervisors requesting guidance, direction, and intent, regarding the drought recovery policy, green book revision timelines, and interim management plan. Motion carried unanimously with Commissioner Sally Symons absent.

Public Comment – Daniel Pritchett – Mr. Pritchett recommended adding an item to the Water Commission goals that all well exemptions being considered should be discussed publicly and receive public input prior to any decision.

Harry Williams – Thanked the Water Commission for providing a public forum in which the community can provide input. Mr. Williams provided a brief opinion on the Brown Act and that the Commission should provide information to the public and remain the voice of the public. He touched on baseline water levels and groundwater mining in the Owens Valley.

Gary Bacoach – Mr. Bacoach recommended changing the Water Commission agenda format to allow the public a chance to speak at the beginning of the Water Commission meetings and stated the meetings should be better advertised. Mr. Bacoach discussed the mitigation projects and said sanctions should be made to assure these are completed in a timely manner, gave his displeasure on the annual pumping plan from LADWP, why would any pumping be recommended, and the County should challenge these pumping figures.

Motion made to have any well exceptions including reexamination's discussed at a Water Commission meeting with public input prior to going to the Technical Group. Dr. Bob Harrington stated that has been the process and used the Big Pine Regreening as an example.

Moved by Commissioner Prather and seconded by Commissioner Carrington to add an additional public comment to the Water Commission agenda after the approval of minutes. Motion carried unanimously with Commissioner Sally Symons absent.

Water Commission recommendation concerning Type E vegetation

Dr. Bob Harrington provided an overview on the Water Commission's recommendation concerning Type E vegetation that was brought before the Board on June 7, 2011. He stated County Counsel does not review contracts between lessee's and LADWP. He said whomever enters into contractual agreements has to abide by them and in this context, our agreement (LTWA) is between the County and LADWP, and the lessee's agreement is between them and LADWP for their lease. As long as the contracts don't conflict with one another, all parties have to abide by the contracts. He explained the dispute process with regard to the Long Term Water Agreement.

The Water Commission, Dr. Bob Harrington, Bob Prendergast (LADWP) and various members of the public had a discussion in detail and great length regarding Type E parcels and water usage with regard to the Long Term Water Agreement.

Public Comment: Daris Moxley – Ms. Moxley read a letter from LADWP to lessee's regarding ranch leases stating LADWP's intent for the 2011 water usage and there would be no "extra" water provided to lessee's. There was discussion in great length regarding Type E vegetation changes on the leases. Ms. Moxley invited the Commission to her property to view the vegetation conditions.

Dr. Bob Harrington provided information on the inconsistencies of Type E parcels with regard the Water Agreement and the baseline mapping period. He said there was a report produced in 1999 that recorded transect data of some of the Type E parcels. Bob Prendergast (LADWP) provided input and stated LADWP does not want to be involved with telling ranchers how to manage their leases.

Gary Bacoach – Mr. Bacoach asked what the outcome of the Water Commissions Type E vegetation recommendation to the Board. Dr. Bob Harrington provided the notification given by the Board of Supervisors from June 7, 2011 meeting. Dr.

Harrington explained the Department is reviewing native vegetation as well as Type E with regard to the Water Agreement and reviewing the next steps regarding the change in vegetation.

Sally Manning – former employee of Inyo Co. Water Dept. – Ms. Manning provided an indepth overview in detail and at great length regarding her concern over vegetation conditions in the Owens Valley and the changes caused by LADWP pumping. She stated LADWP is putting the squeeze on lessees and the County is not doing anything about the issue. She believes the lessees should not be limited to the 5 acre feet and that we should go back to 81/82 and use that as a starting point.

Gary Bacocho – Mr. Bacocho stated the Water Commission should make decisions on situations that arise, and that the size of the crowd attending the Water Commission meetings should not dissuade them from addressing issues.

Public Comment: - Gary Bacocho – Mr. Bacocho had procedural questions regarding action items on the agenda. He stated if the Water Commission is going to vote on an action item, it should be listed as such on the agenda so the public is informed.

Sally Manning – Ms. Manning said that any item on the agenda should be an open public forum. Ms Manning stated it was said at the Water Commission meeting of September 2009 that well exemptions were discussed which she stated they were not as she was in attendance at that particular meeting and there was not an approval of well exemptions. She went on to say that wells that are exempt in the Blackrock 94 area are causing significant vegetation impacts. Ms Manning stated that she noticed Mr. Greg James was hired for the Inyo County Water Department and she would like to know if he was hired on a contract. Dr. Bob Harrington explained he is the consulting Attorney for the County of Inyo on Water Agreement issues. Ms Manning stated that the Water Department hasn't had any counsel and could not get questions answered and now Mr. James is being hired to provide leadership to the Water Department.

Commissioner Prather and Dr. Harrington provided Ms Manning with the fact that Mr. James has been on contract with the County since his retirement and the Water Department has not been without counsel. Commissioner Prather stated the leadership of the County is the Board of Supervisors.

Sally Manning – Ms. Manning stated there was a radius of influence report that was prepared by consultants for LADWP that she has reviewed and determined that the analysis shows that every one of the wells affects the water table of the Big Pine Reservation (all 20 of them). She stated the range of drawn down is 12' to 30'. She said seven of the wells are exempt.

Schedule Next Water Commission Meeting

The next Water Commission meeting was scheduled for August 10, 2011 at 6:00 p.m. in Independence, CA.

Adjourn

The Chairperson adjourned the meeting at 8:42 p.m.