

Minutes

County of Inyo Water Commission

January 4, 2012

Water Commissioner Teri Red Owl called the Water Commission meeting to order at 6:01 p.m. at the Big Pine Community Building, Big Pine, 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

Jim Stroh – Independence Residence – Mr. Stroh stated he believed that the Inyo County Water Commission should be informed and have a role to play in getting information to the public regarding the Hidden Hills Solar Electric Generating System Project in the area known as Charleston View. He provided information about the project, documents filed regarding the project by Inyo County, and the fact that Dr. Bob Harrington and Mr. Greg James have both been involved with regard to potential water concerns in Inyo County.

Harry Williams – Mr. Williams stated his concern about the pumping in the Owens Valley by LADWP and the current dry conditions in the valley. He provided his opinion regarding the Blackrock and Laws area. Mr. Williams expressed his displeasure at the public's inability to speak at the Technical Group meetings.

Alan Bacoch – Big Pine Tribe – Mr. Bacoch stated that Big Pine has been hit the hardest by the pumping from LADWP. He invited the Water Commissioners to visit the Big Pine reservation and the Big Pine Environmental Department should they have any questions. The Tribe is concerned they are not being able to utilize the plants as they once were and as a result the culture is not the same as it once was. Commissioner Prather asked if any vegetation comparison for 2010 has been done with baseline vegetation from the 1980's. Mr. Bacoch stated he is aware the County and LADWP have done the vegetation comparison study and the Tribe would like to use the plants they were once able to use and have a stronger voice by sitting on the Standing Committee. Commissioner Prather asked if Mr. Bacoch has visited any of the vegetation monitoring sites in Big Pine to see if they are adequate. Mr. Bacoch stated monitoring sites can be varied and a better solution would be looking at satellite images to see the overall changes.

3. Election of Water Commission Officers

Moved by Commissioner Prather and seconded by Commissioner Symons that the Water Commission Chairman for 2012 be Teri Red Owl. Motion carried unanimously. Moved by Commissioner Symons and seconded by Commissioner Carrington that the Water Commission Vice Chairperson for 2012 be Mike Prather. Motion carried unanimously.

4. Approval of minutes from November 21, 2011 meeting

Moved by Commissioner Prather and seconded by Commissioner Symons to approve the minutes of the November 21, 2011 Water Commission Meeting with corrections. Motion carried with one abstention from Commissioner Dishion.

5. Director's report concerning Water Department activities

Dr. Harrington provided an overview on the mediation/arbitration panel regarding the pumping plan, the process, and the mediator chosen. He provided information on the process and the dates the results should be expected. Commissioner Red Owl requested clarification on the mediation/arbitration process as well as Commissioner Prather. Dr. Harrington provided a detailed explanation.

Public Comment - Mark Bagley – Mr. Bagley asked when the Standing Committee meeting was scheduled for and asked Dr. Harrington if there is an arbitration decision does it have to be unanimous between the three panel members, or if two out of three is sufficient. Dr. Harrington stated two out of three.

Public Comment – Daniel Pritchett – Mr. Pritchett asked if the decision is final regarding the dispute resolution. Dr. Harrington stated yes, but it can be appealed in court.

Dr. Harrington stated Inyo County received a letter December 21, 2011 regarding another disagreement between the County and LADWP concerning the applicability of the LTWA to groundwater development at Owens Lake. He stated the letter initiated the dispute resolution process and explained the issue and process in detail and at great length.

Public Comment – Mark Bagley – Mr. Bagley asked Dr. Harrington if he felt that the way the water agreement is set up that LADWP had no choice but to take this disagreement to the Technical Group so it could go to the Standing Committee. Dr. Harrington stated that view is justified to avoid procedural objections. Mr. Bagley also asked if in the future there would be more LTWA interpretation issues coming up and suggested that County Counsel could review the agreement and get the procedural issues brought up so the Technical Group does not have to argue over the language in the LTWA. Dr. Harrington stated if both parties agree on an alternate process and sign an agreement it can be done this way.

Public Comment – Harry Williams – Mr. Williams said he thinks that Owens Lake should have its own agreement and be separate from the LTWA.

Dr. Harrington stated that Mr. Williams suggestion is worth consideration due to the different hydrology issues and land ownership.

Public Comment – Mark Bagley – Mr. Bagley said that under the LTWA, this would be considered a new well field.

Dr. Harrington stated the mapping of baseline didn't include Owens Lake. He said it could be done under the LTWA as a new well field.

Public Comment – Daris Moxley – Ms. Moxley expressed her displeasure that she hears comments regarding the LORP and nothing regarding the northern part of the Owens Valley.

Dr. Harrington gave a brief overview on the new Wildlife Conservation Grant and the matching funds that will be received from LADWP. Commissioner Prather provided information on how the matching funds from LADWP came about. Dr. Harrington stated the Water Department is currently working on the LORP work plan for the upcoming year, he attended a CEC meeting regarding the Hidden Hills Solar Project in Pahrump Valley, an overview of the potential effects of the Hidden Hills Solar Project that the Water Dept are reviewing, and explained the CEC is the entire permitting authority over this project. He said the transmission corridor from the center of Pahrump to this region is administered by BLM and the County has commented on the EIS for the transmission corridor.

Public Comment – Mark Bagley – Mr. Bagley inquired if the County Groundwater Ordinance will come into play and Dr. Harrington stated no, it's not an interbasin transfer.

Dr. Harrington stated the Inyo County Water Dept has completed working on the response to LADWP's last correspondence regarding Blackrock 94.

Public Comment – Mark Bagley – Mr. Bagley inquired as to the last correspondence with LADWP regarding Blackrock. He reiterated that LADWP stated there was not measurable change but that was not a final position by LADWP. Dr. Harrington stated he had not received a final statement from LADWP concerning measurability of vegetation change.

Public Comment – Daniel Pritchett – Mr. Pritchett asked if the September 6, 2011 letter from LADWP could be posted to the website and Dr. Harrington stated we are currently reworking the website.

6. Discussion/Action on recommendation to Planning Department regarding Conditional Use Permit No. 2008-02/Deep Rose LLC (Deep Rose Geothermal Project)

Dr. Harrington provided an in depth overview on the Deep Rose discussion from the previous Water Commission meeting and updates to the staff report.

Public Comment – Mark Bagley – Mr. Bagley inquired if the aquifer is responding as predicted from the Coso project on the pumping and Dr. Harrington states yes. Mr. Bagley stated he believed the County allocated all the available groundwater resources to Coso during the permit period. Mr. Bagley stated another geothermal plant could not rely on Rose Valley groundwater resources while Coso is pumping, Dr. Harrington agreed.

Public Comment – Harry Williams – Mr. Williams stated he had taken a tour of the Coso plant and provided information.

Public Comment – Sally Manning – Big Pine Tribe Environmental Director – Ms. Manning provided her views on the report for the Deep Rose Project and stated the drawdown on the wells in the Rose Valley area are plummeting.

Moved by Commissioner Prather and seconded by Commissioner Symons to approve the findings and recommendations provided by the Water Department staff regarding Conditional Use Permit No. 2008-02/Deep Rose LLC (Deep Rose Geothermal Project) and forward the recommendations to the Planning Commission. Motion carried, with Commissioners Red Owl, Prather and Symons in favor, Commissioner Carrington opposed and Commissioner Dishion abstaining.

7. Response to Water Commission letter to Board of Supervisors

Dr. Harrington provided an overview on the discussion with the Inyo County Board of Supervisors concerning the Water Commissions letter to the Board and also provided a letter summarizing their response. Commissioner Prather had attended the Board meeting and provided input. Dr. Harrington stated one thing that developed since the last Water Commission meeting, the Standing Committee asked that staff come back with a schedule for Green Book tasks, prioritization of tasks, have staff find a facilitator to aid in the Green Book revision process, and when staff and the Technical Group run into issues, they should quickly elevate to the Standing Committee. If this schedule is not met, the Standing Committee would get an explanation as to why.

Public Comment – Harry Williams – Mr. Williams commented it took 3 months to write the Green Book and 3 years to straighten it out. He stated the Green Book lag is unacceptable.

Public Comment – Sally Manning – Expressed her displeasure in the Supervisors turning their back on the Drought Recovery Policy. She gave her view on previous versus current pumping and the Drought Recovery Policy.

Public Comment – Mark Bagley – Mr. Bagley said the LTWA is capable of pumping lower than it had been. Mr. Bagley asked Dr. Harrington about the Green Book schedule and how this process will work. Dr. Harrington provided input and information regarding the process that will be followed.

Public Comment – Daniel Pritchett – Mr. Pritchett provided his concern and the need for the Drought Recovery Policy. He stated the Drought Recovery Policy should be taken seriously by the Board of Supervisors. He believes the process of the Green Book is guaranteed to fail and needs to be revised. Mr. Pritchett also stated he believes County leadership is remiss.

Commissioner Prather and Dr. Harrington provided input on the Green Book revision and stated if there are roadblocks at the Technical Group level they will get elevated to the Standing Committee for quick resolution

Public Comment – Mark Bagley –Mr. Bagley asked if we recognize there is a policy issue rather than a scientific issue that's a roadblock would that quickly move to the policy people.

Dr. Harrington stated whether policy or a technical disagreement, the Standing Committee wants to be aware so they may get the issue resolved quickly.

Public Comment - Alan Bacoeh – Mr. Bacoeh provided his view on the importance of the Drought Recovery Policy.

Commissioner Red Owl recessed the meeting at 7:42 p.m. for a break and reconvened the meeting at 7:50 p.m.

8. Settlement between Owens Valley Committee and California Department of Fish and Game concerning operation of Fish Springs and Blackrock Fish Hatcheries

Dr. Harrington provided an overview and document of the settlement between Owens Valley Committee and the CA Dept of Fish and Game for the Blackrock Fish Hatchery and Fish Springs Hatchery.

Public Comment – Mark Bagley – Owens Valley Committee – Mr. Bagley stated Ca Dept of Fish and Game agrees in this settlement to support a change to the exemption of its supply wells. He said currently they are exempted from on/off provisions of the LTWA and would support a proposal to limit the exception to no more than 8,000 acre feet.

Dr. Harrington clarified that was the settlement for the Blackrock Fish Hatchery. Dr. Harrington provided information with regard to the Fish Springs Hatchery in the agreement. Commissioner Prather stated he suggested that this item be agendaized so the public could ask questions with regard to the Blackrock 94 area.

Public Comment - Mark Bagley – Mr. Bagley wanted to bring to the attention of the Commissioners that this settlement agreement was agreed to in October 2011 and the proposal regarding Blackrock was presented from Ca Dept of Fish and Game to LADWP this week.

Public Comment - Sally Manning – Ms. Manning wanted to acknowledge to the Owens Valley Committee that this is a good accomplishment but they are ignoring the fact if reducing the pumping to 8,000 acre feet will recover the vegetation in that area. She said he County could use this to get some recovery in the meadow. Dr. Harrington stated he is not sure that reducing the pumping to 8,000 acre feet is sufficient to mitigate the effects to Blackrock 94.

Public Comment – Mark Bagley – Mr. Bagley stated Dr. Harrington was referring to a report completed by the Inyo County Water Department on Blackrock 94 that did conclude that the impact in the area was significant. He stated many areas that had been burned may not recover from the water table rising and maybe other types of mitigation to reestablish plants that will take advantage of the recovered water table should be considered.

9. Report on December 9, 2011 Standing Committee meeting

Dr. Harrington provided the Standing Committee agenda and touched on agenda item #5 regarding the Standing Committee wanting a policy regarding public comments and how they will be addressed. The Water Department is currently working on this project and the ongoing dispute regarding the pumping plan, Blackrock 94. Dr. Harrington said the Technical Group is taking up an evaluation of vegetation monitoring methods that are used to assure methods are meeting the Water Agreements goals for vegetation. He provided information on the Owens Lake Project and whether the LTWA applied to pumping on Owens Lake. Dr. Harrington stated the status of the LTWA land releases will be handled by the CAO that is working on getting an appraiser to move forward with another round of land releases.

Public Comment - Harry Williams – Mr. Williams asked Dr. Harrington about the public comment discussion at the Standing Committee meeting. Dr. Harrington stated they are currently working on how to respond to public comment.

Public Comment - Alan Bacoeh – He reiterated the information above regarding having public comment questions addressed. Commissioner Prather asked Mr. Bacoeh if the Tribes Brown Act questions have been answered in the past. Mr. Bacoeh stated he was just coming back onboard and was unsure.

Public Comment - Ms. Manning stated the County had answered some of the Brown Act questions but not to the Big Pine Tribe's satisfaction.

10. Public Comment

Public Comment - Jim Stroh – Mr. Stroh wanted to comment on the Hidden Hills Solar Project and reiterate that not every day a 2.7 billion dollar project comes to Inyo County. Water issues have become one of the foremost concerns. The consultants have information and the CEC has information on their website. He wants to be sure that this information is provided to the public. He asked if the Water Commission could provide direction to the information resources available to the public.

Public Comment – Sally Manning - Ms. Manning expressed her concern that the Water Commission meeting was scheduled on a night when the Tribal Council Meeting was scheduled, she felt she didn't have sufficient notice for the Technical Group Meeting, she stated there was unprofessional behavior at the meetings, and since public comment for the Technical Group Meeting is only at the beginning, if you arrive late, you cannot make public comment. Ms. Manning provided a copy of a paper she stated she had written on how to revise the Green Book when she was previously employed with the Inyo County Water Department.

Public Comment – Harry Williams – He feels the LTWA should be revised and a third party should be involved such as the Tribes. He stated the LTWA is not protecting the valley, and the LTWA is broken and needs to be revised. He believes decisions at the Standing Committee are previously made by Inyo County and LADWP so public comment is irrelevant. He enjoys the Water Commission meetings because this committee listens unlike the other meetings and thanked the Water Commission.

11. Schedule Next Water Commission Meeting

The next Water Commission meeting was scheduled for February 15, 2012 at 6:00 p.m. in Bishop, CA.

12. Adjourn

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