

Minutes

County of Inyo Water Commission

September 13, 2012

Water Commissioner Mike Prather called the Water Commission meeting to order at 6:01 p.m. at the Inyo County Water Department conference room, Independence, CA. Water Commissioners in attendance were Mike Prather, Mike Carrington, and Bruce Dishion. Commissioners Red Owl and Symons were absent. 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

Mark Bagley – Mr. Bagley stated he and other MOU parties visited the Ad Hoc projects required by the MOU and in general, most of the projects were doing well with the exception of one issue at the Hines Spring project. He also stated site visits are available through him or the County.

Earl Wilson – Mr. Wilson inquired regarding the location of the potential field trips of the Ad Hoc projects with Commissioner Prather and Dr. Harrington providing general locations.

3. Approval of minutes from July 12, 2012 meeting

Moved by Commissioner Dishion and seconded by Commissioner Carrington to approve the minutes of the July 12, 2012 Water Commission Meeting. Motion carried unanimously with Commissioners Red Owl and Symons absent.

4. Director's report concerning Water Department activities

Dr. Harrington provided information and updates on the following:

- Discussed the upcoming Standing Committee meeting on September 26th with two disputes on the agenda
- wrapping up the summer field season
- Discussed the Technical Group meeting summary he provided to the Commissioners

Public Comment – Sally Manning – Ms. Manning stated her displeasure and concern that the information for the Standing Committee meeting was not available. Dr. Harrington stated the material is not prepared at this time and she would be provided copies when it becomes available.

Public Comment – Earl Wilson – Mr. Wilson stated a staff analysis report was to be made available from the July 12, 2012 minutes on the Hidden Hills Solar Project. Dr. Harrington stated the County submitted 90 pages of comments to the California Energy Commission and Josh Hart of the Planning Department said the comments are available on the California Energy Commissions website. Dr. Harrington explained the project exemptions to Mr. Wilson and the Counties concerns regarding these exemptions.

5. Commissioners' Report

Commissioner Prather stated the Owens Lake Master Plan effort held a meeting of the habitat work group in Bishop recently. He stated it is a good work group and they reviewed the zoning and use of the lake in the future and provided general information regarding that meeting.

6. Crystal Geysers Roxane Cabin Bar Ranch Water Bottling Facility Project

Dr. Harrington provided a notice from the Inyo County Planning Department regarding the draft EIR on this project and said a general plan amendment, zoning reclassification, and conditional use permit is required. Dr. Harrington stated Josh Hart and Tanda Gretz were available from the planning department if the public had any questions and comments are due on the draft EIR on October 1, 2012. The Commissioners discussed the project in detail. Tanda Gretz and Josh Hart provided information on the zoning changes, and the conditional use permit.

Public Comment – Sally Manning – Ms. Manning said a meeting had not been held regarding the draft EIR. Ms. Gretz stated the meeting regarding the draft EIR is September 26 at the Planning Commission.

Public Comment – Mark Bagley – Mr. Bagley asked if an analysis was completed as to what this project might do to water drawn down and has the analysis been done by a consultant or the Water Department. Ms. Gretz stated it was completed by a consultant.

Public Comment – Earl Wilson – Mr. Wilson asked what the conditional use permit allows for draw down. Dr. Harrington stated pumping for the proposed project was reviewed to see how much it would affect the springs as far as decreased flow.

Public Comment – Mark Bagley – Mr. Bagley said Crystal Geysers is allowed to call the bottle water “spring water” because it comes from an artesian well and is not pumped. Dr. Harrington stated they can pump water if they are pumping from the same source as the spring.

7. Possible action: Recommendation to the Board of Supervisors concerning McNally Ponds and Native Pasture E/M Project

Dr. Harrington said this item is before the Water Commission because at the last Technical Group meeting, LADWP indicated they intended to request that the Standing Committee reduce or eliminate the water supply this year to the McNally ponds e/m project. Dr. Harrington said for an e/m project to be modified it requires the approval of the Board of Supervisors. Dr. Harrington provided a presentation and background information on the project to the Commissioners and cited several sections of the Water Agreement pertaining to e/m projects. The Commissioners and Dr. Harrington discussed the McNally Ponds in detail and at length.

Public Comment – Sally Manning – Ms. Manning expressed her concern with LADWP's request to reduce/eliminate water supply to the McNally Ponds e/m project.

Public Comment – Mark Bagley – Mr. Bagley stated the city (LADWP) is in violation of the Water Agreement and the terms of their 1991 EIR for the years they did not put water in the ponds. Mr. Bagley stated exempting wells at this point for this year requires CEQA and he believes at this time it is not an option and he does not believe the County should allow the reduction of the water supply to the McNally Ponds.

Public Comment – Bob Prendergast – Mr. Prendergast stated Dr. Harrington is correct in the 1985 evaluation by the Standing Committee that the two Nick & Nick wells were to supply the project. He said the Water Agreement and 1991 EIR both made mention that e/m projects will be supplied by enhancement mitigation wells, if necessary. Mr. Prendergast said the water agreement also requires that they shall be operated in accordance with past practices and LADWP has only operated the McNally canals when LADWP needed to for operational purposes when the aqueduct wasn't able to carry

the water. He stated the Standing Committee has the option to reduce the water supplied to the McNally Ponds. Mr. Prendergast stated Wells 249, 248 & 249 supply the McNally Ponds and e/m pastures; the Technical Group under Section IV.B of the Water Agreement can turn on wells without exempting them in times that mitigation warrants that alternative; and LADWP exports no water out of the Laws area, and stated it is all for irrigation.

Public Comment – Sally Manning – Ms. Manning stated despite Mr. Prendergast's comments about wells supplying e/m projects, Section X states subject to the provisions of Section VI of the water agreement, enhancement mitigation projects shall continue to be supplied.

Public Comment – Mark Bagley – Mr. Bagley stated Bob Prendergast mentioned that the Water Agreement calls for surface water provisions for the ditches/canals to be run as the city has historically been doing. Mr. Bagley said it is a different issue to say they need to run to supply a mitigation project because that is a separate obligation that the city made in the Water Agreement and in the 1991 EIR when they made this a mitigation measure. He said this mitigation for pumping throughout the valley has dried up every major spring in the valley except rinehackle springs and the city has gotten away with a tremendous amount of impact from their 1970 pumping. Mr. Bagley stated the 1991 EIR and Water Agreement was not intended to heal everything that they impacted and the citizens gave up a lot that was impacted and agreed to promises of the mitigation projects. He stated data shows that LADWP on their own without going through the process to have the Standing Committee agree to reduce flows have kept the ponds dry for many years and he feels that is unacceptable. He stated this is not a consecutive drought year, nor is there a water shortage; therefore water should be supplied to the Ponds.

Commissioner Carrington made a motion with a second from Commissioner Prather to make a recommendation to the Board of Supervisors to “require LADWP to provide water to the McNally Ponds this year by diverting water from the Owens River into the Lower McNally Canal. Additionally, for past years when the Board of Supervisors did not agree to reduce the amount of water supplied to the McNally Ponds, LADWP should compensate the County for the value of the water that it saved by not supplying water to the Ponds”. Motion passed unanimously with Commissioners Red Owl and Symons absent.

8. Possible action: Water Commission goals

The Commissioner's voted unanimously to move this item to the next Water Commission Meeting with Commissioners Red Owl and Symons absent.

9. Public Comment

Sally Manning – Ms. Manning asked what the County will do with the compensation received from the McNally ponds. She stated her concern that the County is allowing LADWP to harm the environment and she is discouraged.

Mark Bagley – Mr. Bagley stated if the County receives monetary compensation from the McNally Ponds that the Board of Supervisors consider it go to something specific that would benefit the environment. Commissioner Prather encouraged Mr. Bagley to express this opinion to the Board of Supervisors.

10. Schedule next Water Commission Meeting

The next Water Commission Meeting will be scheduled for October with a date yet to be determined.

11. Adjourn

The Vice Chairperson adjourned the meeting at 8:03 p.m.