

MINUTES

County of Inyo WATER COMMISSION

February 28, 2018

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, Vice Chairperson Teri Red Owl, Mike Carrington, Randy Keller, and Nathaniel Gratz. Present from the Water Department were Bob Harrington, Aaron Steinwand, Laura Piper, and Keith Rainville.

1. Pledge of Allegiance

Commissioner Prather led the pledge of allegiance.

The Chairperson introduced the two new Water Commissioners, Mr. Randy Keller, and Mr. Nathaniel Gratz.

2. Public Comment

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

3. Election of Water Commission Chairperson and Vice-Chairperson

Moved by Commissioner Gratz and seconded by Commissioner Carrington to re-elect Mike Prather as Chairperson, and Teri Red Owl as Vice-Chairperson. Motion carried.

4. Approval of minutes from the December 6, 2017 meeting

Moved by Commissioner Red Owl and seconded by Commissioner Prather to approve the minutes of the December 6, 2017 meeting. Motion passed 3 Yes, 2 abstentions.

5. Commissioners' reports

The Chairperson opened the report period and there were no Commissioners with reports at this time.

6. Report on Well W385 testing and Five Bridges Mitigation Project

Dr. Harrington stated at the 12-6-18 Water Commission meeting a presentation was made on LADWP's proposal to do a pump test on W385, a DWP production well at the gravel plant at Five Bridges Road. He stated the issue is that well is implicated in significant effects on groundwater dependent vegetation in the area. He stated when LADWP circulated a negative declaration CEQA document last fall; there was considerable comment from the County and other entities raising issues with that negative declaration:

- December 21, 2018, Owens Valley Committee filed a challenge based on the need for LADWP to prepare an EIR on this pump test, proceeding in the manner LADWP was proposing violated existing CEQA mitigation measures from the 1991 EIR and also a breach of the 1997 MOU
- January 5, 2018 Inyo County filed a challenge with the court based on the allegations that LADWP was violating CEQA by unilaterally changing a mitigation measure.

Dr. Harrington stated that LADWP requested a change of venue for Inyo County's case to change to Orange County; the Sierra Club joined OVC's lawsuit; LADWP filed a demurrer with respect to the OVC/Sierra Club case; there was an MOU party meeting to discuss the allegations that there was a breach of the MOU; and mandatory settlement conferences.

Dr. Harrington stated concurrently, LA has initiated two disputes through the Water Agreements dispute resolution process; one concerning whether or not the monitoring plan for conducting a pump test was prepared jointly by the Technical Group according to the Water Agreements procedures for new wells; LADWP states it was and the County contends it was not. LADWP also initiated the dispute resolution process over whether or not the mitigation measures at Five Bridges impact area have met the goals of the mitigation plan and are thereby completed. He stated LADWP has produced a draft document that the mitigation project has met its goals; the Water Department is still looking at that analysis. Also, the site burned on February 18th.

Dr. Harrington went on to share a presentation of the mitigation site burned areas.

Commissioner Red Owl asked if there was a decision on the change of venue request. Dr. Harrington stated it was pushed to March 23, 2018.

Sally Manning – Ms. Manning asked if there is water running down the C-drain into the Five Bridges area. Mr. Rainville stated the C-drain is boarded up at the Bishop Creek canal. He stated the water in the C-drain is either leaking from the canal, or shallow groundwater is discharging. He stated there is not deliberate divergence of surface water into the C-drain at the site.

Commissioner Red Owl asked where we are with the disputes. Dr. Harrington stated a Technical Group Meeting was scheduled for March 8, 2018. Dr. Harrington reviewed the steps of a dispute for the new Commissioners. The Chairperson asked Dr. Harrington if he would send dispute notices to the Commission.

Earl Wilson – Mr. Wilson stated there is a conflict with the Technical Group meeting date as the Owens Valley Groundwater Authority meeting is the same day.

Sally Manning – Ms. Manning stated with regard to the dispute, at the January 23 meeting LADWP gave a presentation that vegetation was recovered and goals have been met at Five Bridges. She stated at that meeting, the Inyo County Water Department stated they would be responding to that report, and asked if there had been a response or did LADWP go to dispute without a response. Dr. Harrington stated the Water Department is still analyzing conditions to make an independent assessment as to what the conditions are and will provide a response.

7. Presentation on groundwater management under the Inyo/LA Long-Term Water Agreement

Dr. Harrington stated since we have two new Water Commissioners, staff wanted to present an overview of groundwater management under the LTWA. He stated Mr. Steinwand put together a presentation on the process for the pumping and annual operations plan and how the well management on/off provisions of the Water Agreement work. Mr. Steinwand presented a detailed presentation on the above items. He stated since the Water Agreement was signed in 1990, pumping has been on average consistently less than allowed by on/off rules, and has been between 50,000 – 90,000 acre feet.

Daris Moxley – Ms. Moxley stated vegetation was mentioned quite a few times in this presentation. She stated the LTWA states the vegetation shall be maintained in the valley as it was in 1981/82 but this report (page 9) says the vegetation is all below base line. She asked how come that is not ever addressed. Dr. Steinwand stated it was above baseline in the 90's, 2005, 2006, 2011, etc. He stated he is talking mostly about native phreatophytic vegetation's Types B, C, and D. The 1981/82 requirement only applies to irrigated land, Type E vegetation.

Commissioner Red Owl asked how many pumping wells LADWP has. Dr. Steinwand stated approximately 59 wells linked to monitoring sites, approximately are 33 exempt on/off well management. She stated out of all the wells (approximately 90) the ones that affect groundwater dependent vegetation are linked to vegetation monitoring sites. Mr. Steinwand stated yes, with certain exceptions. He stated those unlinked or exempt wells are not exempt from the Water Agreements goals. Commissioner Red Owl stated that is difficult with the challenge of balancing between the two, maintaining the goals of the agreement yet making sure the needs of the hatchery are met.

Earl Wilson – Mr. Wilson stated there was talk about Fish & Game not needing that much water, is that going anywhere. Commissioner Prather stated that is what occurred at Black Rock Fish Hatchery.

Commissioner Prather stated before he moved on to public comment he wanted to announce the recent loss of a former Commissioner, Bruce Dishion. He was active in the community, Chief of the Bishop Police Department, and a Water Commissioner. He stated his passing is a great loss to us all.

8. Public comment

Earl Wilson – Mr. Wilson asked why there is no monitoring going on in Lone Pine. Mr. Steinwand stated we do monitor vegetation parcels in Lone Pine, we do monitor depth to water, and we do not have any on/off monitoring sites because the wells in Lone Pine are exempt except W416, they are for the town water supply and the Van Norman field east of town and pumping is low.

The Commissioners and Dr. Harrington discussed the timelines of the upcoming pumping plan.

9. Schedule next Water Commission meeting

The next Water Commission meeting will be tentatively scheduled for a day in the week of May 21-26, 2018.

10. Adjourn

The Chairperson adjourned the meeting at 8:16 p.m.