

MINUTES

Owens Valley Groundwater Authority

Board Members:

SIERRA HIGHLANDS	John Camphouse	COUNTY OF MONO	Fred Stump
EASTERN SIERRA CSD	Walt Pachuki	CITY OF BISHOP	Joe Peci
INDIAN CREEK-WESTRIDGE CSD	Luis Elias	COUNTY OF INYO	Dan Tothoroh
WHEELER CREST CSD	Glenn Inouye	BIG PINE CSD	Bryanna Vaughan
TRI VALLEY GWMD	Dave Doonan	KEELER CSD	John Dukes
		STARLITE CSD	Daniel Cutshall

October 5, 2017

The Owens Valley Groundwater Authority meeting was called to order at 3:04 p.m. at the Bishop Fire Training Center, Bishop, Ca.

1. Public Comment

Greg Loveland – LADWP – Mr. Loveland read a statement for the record.

Larry Primosh – BLM – Mr. Primosh asked what this is going to do. Mr. Vallejo stated it may be a better opportunity to discuss these types of questions after Dr. Harrington provides his presentation of the draft development budget which will explain what functions and issues the JPA is looking at addressing.

2. Introduction

The Board introduced themselves with one alternate Bruce Spry – Keeler CSD and two absent John Camphouse – Sierra Highlands CSD and Walt Pachuki – Eastern Sierra CSD.

3. Election of temporary chair to conduct meetings for those meetings held before OVGA Bylaws are adopted and permanent officers are elected

The Board of Directors elected Mr. Fred Stump as temporary Chairperson.

4. Presentation regarding public meeting and conflict of interest laws (Inyo County)

Mr. Vallejo provided a brief presentation on open meeting and conflict of interest laws.

5. Presentation of Draft GSP Development Budget pursuant to JPA Article II.4.1 (Inyo County)

Dr. Robert Harrington provided a detailed presentation of the initial budget for the Owens Valley Groundwater Authority. Mr. Cutshall asked if there were any other basins that have completed their plan and submitted to DWR. Dr. Harrington stated no.

Sally Manning – Big Pine Tribe – Ms. Manning commented on the size of the budget. She requested the Board ask the Water Department to do a presentation on how much information is already available and to perhaps provide insights as to what might satisfy the state of California in terms of a sustainability plan. The Chairperson stated the Board would consider her request. Mr. Vallejo noted that the JPA does not yet have any staff to direct.

Ryan Smith – Crystal Geyser – Mr. Smith asked how the JPA will obtain the rest of the funding outside of grant money and is there any kind of layout for that. Mr. Vallejo stated state law provides mechanisms by which the JPA can raise revenue.

Nancy Masters - OVC – Ms. Masters stated in reference to table 2 item 4 of the budget, geologic conceptual model; does this budget anticipate bringing in USGS again or a University for further studies geologically of the Owens Valley. Dr. Harrington stated that task in the budget would entail some sort of expertise whether it's a private contractor, University, or USGS.

6. Discussion regarding providing notice to State DWR of the OVGA's intention to become the GSA for the Owens Valley Groundwater Basin (Inyo County)

Dr. Harrington provided a detailed presentation on the process of becoming a GSA and documentation required by DWR. He stated this is another item that needs to be accomplished by the JPA and in order to become the GSA for the basin. Mr. Vallejo discussed the process to accomplish this.

Dave Tanksley – Mr. Tanksley commented on the need for participation by mutual water companies.

Page Beykpour – Crystal Geysler – Mr. Beykpour asked when the Board is making a decision on the seats for the four interested parties, is there a guidance document or criteria for them to make that determination. Mr. Vallejo stated it will be at the discretion of the Board to decide which applications they will accept and which standards they will apply.

Ken Toy – Mr. Toy asked how he can obtain a copy of a list of mutual water companies and stated that contact information was inaccurate. Dr. Harrington stated any corrections provided to the Water Department will be appreciated. The Chairperson indicated he would like to include this as an item for a future agenda.

Cheyenne Stone – Fort Independence Indian Reservation – Ms. Stone stated that a requirement for Tribes to waive their sovereign immunity will likely deter tribal participation. Mr. Vallejo briefly discussed the numerous ways in which Tribes can participate in the process, not all of which require the waiver of any sovereign immunity rights.

The Chairperson called a ten minute break at 3:55 p.m.

The Chairperson called the meeting to order at 4:05 p.m.

7. Discussion regarding Inyo County's application to DWR for funding to prepare a Groundwater Sustainability Plan for the entire Basin (Inyo County)

Dr. Harrington provided a detailed presentation on DWR and the requirements to submit a funding request. He stated on October 3, 2017, the Inyo County Board of Supervisors authorized staff to submit an application on behalf of the entire basin for funds to prepare a groundwater sustainability plan. Dr. Harrington stated grant proposals are due November 13, 2017 and DWR will make decisions regarding the grants in either December or January.

Philip Anaya – Mr. Anaya asked Dr. Harrington to explain his mention of extra projects in the budget. Dr. Harrington stated part of the GSP may be projects that the GSA wants to do to promote sustainability in the basin.

Peter Stickles – Mr. Stickles stated if we are able to get the fund matching waived, how would that affect the contributions of the different entities. Dr. Harrington stated it would reduce costs proportionately. Mr. Vallejo pointed out Article 4 Section 1 which provides “any funding contribution provided through sources other than members shall reduce the contribution of the members prorated to their funding commitment for said budgets.”

8. Discussion of potential request for a groundwater basin boundary modification (Inyo County) and potential action regarding same

Dr. Harrington stated this is on the agenda as informational to let the Board know that DWR has a window of opportunity opening January 1, 2018 – March 31, 2018 for local agencies to submit requests to DWR for groundwater basin boundary modifications and knowing that some are interested, he wanted to provide the information. The Chairperson stated that regardless, Inyo County needs to move forward with the grant for the basin as is and the JPA can consider how to move forward if boundaries change at a later appropriate time.

9. Set temporary meeting schedule through January (Board of Directors)

The Board of Directors scheduled the following meetings from 2-5 p.m. at the Bishop Fire Training Center if available; October 26, 2017, November 9, 2017, and December 14, 2017. Ms. Vaughan asked if phone participation could be made available. Mr. Grah stated he would inquire if this conference room had that ability and Wi-Fi was requested as well.

10. Discussion of Joint Powers Agreement terms (Board of Directors)

Ms. Vaughan stated she felt that there were things that Big Pine CSD wanted that were not put into the JPA so she would like the Board to consider reviewing the terms of the agreement and bring back any modification requests from their respective Boards. The Board discussed this in detail and determined this would be done at a future agenda. Mr. Vallejo noted that the JPA cannot direct other agencies to put anything on their agendas but a future action could include a formal request that the Member Agency Boards do so. Mr. Carunchio stated that until the budget is approved and voting shares are allocated, any action other than approving the budget is premature and can't be done.

Page Beykpour – Crystal Geysler – Mr. Beykpour stated as a potentially Interested Party we believe we should have an opportunity to put forward any changes as well, given the fact this is such a laborious process to go back to the Boards, we would request the Board allow the Associates and Interested Parties to come on Board so they can make comments as well.

Dave Tanksley – Mr. Tanksley expressed concern over the process by which Member agencies adopted the JPA given Ms. Vaughan's representation that Big Pine CSD did not receive the JPA agreement for consideration until late July before approving it by August 1, 2017.

Sally Manning – Ms. Manning expressed concern over the transparency of the process.

Philip Anaya – Mr. Anaya stated if he was on the Board and had a question about the JPA he would call Mr. Vallejo and ask him for an explanation. He stated if Mr. Vallejo could make himself available to assist the Board that would be beneficial.

Earl Wilson – Mr. Wilson stated the discussion has been very good but he thinks they are missing the point. He stated the Board should decide after they get their voting powers to put off changes to that until you get established and review it every six months. He stated this is not double dipping of taxation for the finances for this Board. He stated it's a fee for a service.

11. Comments from Members of the Board of Directors

Mr. Elias stated that his organization has been dealing with this for a few months and their manager is the most knowledgeable and even conducted one of the meetings for this process. He stated he believes this was an orderly and productive meeting and he's looking forward to becoming more knowledgeable with what is required of the Board. He is confident his district will do their part. Mr. Inouye stated he didn't know what to expect from this Board but it will be educational and a learning process. Mr. Totheroh thanked staff for their efforts. Mr. Totheroh pointed out the burden that each member would bear if they undertook this on their own. Mr. Spry stated his Board has reviewed all the documentation, but it doesn't hurt to take another look. Ms. Vaughan stated she enjoys being around people that are protecting the water resources of this valley so she is appreciative of everyone in the room. Mr. Cutshall stated that Starlite wanted to modify the boundaries to exclude Starlite because their aquifer is not connected to the greater Owens Valley alluvial aquifer.

The Chairperson wished to address upcoming agenda items: clarification on updating the mutual water company listing, have the Inyo County Water Dept. continue to act as a temporary support role, reexamine the four existing GSA's if they are going to continue to remain part of the GSA or withdraw, amend the JPA issue, have an alternate from Sierra Highlands be at the meeting, approve the budget, and potential DWR updates and need for action. Mr. Vallejo stated the process of withdrawal should wait until a future meeting, essentially after the budget has been done, the vote shares are set and the JPA is ready to move forward with voting. He stated that the JPA is structured to have the four existing GSAs withdraw their status concurrently with and contingent upon the JPA becoming the exclusive JPA in the basin. Until that happens this JPA can't exercise any regulatory authority under SGMA because it's not a GSA. Mr. Totheroh stated he would take the request back to the Inyo County Board to have Inyo County continue to provide staff service.

Sally Manning – Ms. Manning asked if the public can find the final version of this JPA on an easy to find place on the County website. Mr. Vallejo stated it is posted on the Inyo County's Board Agenda website as part of the Board package for their August 1, 2017 meeting and presumably all of the other websites where Member Agencies post their agendas for the meetings at which they considered and entered into the JPA. Ms. Manning expressed her dissatisfaction with not having the final JPA on the Inyo County Water Department SGMA website and stated it was not transparent.

12. Adjourn

The Chairperson adjourned the meeting at 5:55 p.m.

Statement provided by Greg Loveland

The proposed Groundwater Sustainability Agency for Owens Valley spearheaded by Inyo County is inappropriately including City of Los Angeles owned lands. City of LA lands shall be excluded from the authority of the proposed Groundwater Sustainability Agency for Owens Valley. These Lands are already covered and adjudicated under the Inyo-Los Angeles Water Agreement. There is a statutory exemption, within SGMA, that excludes lands covered under the Inyo-LA Water Agreement from the authority of any GSA. Groundwater pumping within the Owens Valley, on LADWP lands, is governed exclusively by the Inyo-LA Water Agreement.