

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 Pecs
INDIAN CREEK-WESTRIDGE CSD	Luis Elias	COUNTY OF INYO	Dan Totheroh
WHEELER CREST CSD	Glenn Inouye	BIG PINE CSD	Bryanna Vaughan
TRI VALLEY GWMD	Dave Doonan	KEELER CSD	John Dukes
		STARLITE CSD	Daniel Cutshall

April 12, 2018

The Owens Valley Groundwater Authority meeting was called to order at 2:01 p.m. at the Bishop Fire Training Center, Bishop, CA.

John Carl Vallejo led the pledge of allegiance.

1. Public Comment

Holly Alpert – IMRWMP – Mr. Alpert introduced herself and Mr. Rick Kattelman, provided information about the group and its work with disadvantaged communities regarding water issues, and discussed outreach collaboration opportunities for both the IMRWMP and the OVGA regarding SGMA issues.

Harry Williams – Mr. Williams stated he was concerned about the progress of the GSA formation; making sure the LTWA is followed and continues to be implemented.

Greg Loveland – LADWP – Mr. Loveland stated he wanted to make the Board aware that the City of Los Angeles lands under the SGMA are adjudicated. He stated the map provided covers LADWP lands included in the GSA basin boundaries which are not subject to the GSA's requirements because of the adjudication.

2. Introductions

The Board introduced themselves with one alternate in attendance, Ron Stone – Eastern Sierra CSD, and Sierra Highlands absent.

3. Approval of minutes for March 8, 2018 meeting.

Mr. Elias stated Item 8 needs to expand on Ms. Manning's comment to make his comment clear. The Chairperson called for a motion to approve the March 8, 2018 minutes as corrected, first by Joe Pecs, with a second by Dave Doonan, roll call vote 10 yes, 0 no, one absent. Motion passed.

4. Staff reports.

Dr. Harrington stated Water Department staff was on a conference call for a web demonstration with a representative regarding a water/data management software product which other GSA's around the state are looking into. He stated it is a requirement of the Groundwater Sustainability Plan that there be a data management system. Mr. Vallejo stated the relationship between this Board and the Inyo County Treasurer/Inyo County Auditor will require depositor agreements/investment policies. Mr. Grah stated he appreciates both resources the Counties have involved in the OVGA and the staff and would especially like to recognize Inyo County for the weight they are carrying, and recognize that each of the 11 agencies may have some staff that potentially could attend these meetings and make reports.

5. Direction to staff concerning filing to become the GSA for the Owens Valley Groundwater Basin, and setting a date for the required public hearing.

Mr. Vallejo briefly described the update and process with regard to this Board becoming a GSA and the withdrawal of the current GSA (Inyo, Mono, City of Bishop, Tri-Valley). He stated the process to transfer a GSA is not spelled out in clear detail, however, DWR has contemplated this issue and Inyo County has discussed the current GSA's intent to move this forward. He stated a draft

resolution will be drafted for each of the four entities to withdraw their GSA status contingent on the current JPA becoming the GSA.

Jason Cangar – Mr. Cangar reiterated Mr. Vallejo’s statement about the uncertainty of withdrawing and transferring GSA status through DWR. He stated in discussion with Mr. Vallejo, the process to withdraw as provided in SGMA does not require that much formality.

Greg Loveland – LADWP – Mr. Loveland referred again to the map and stated the LADWP lands should be excluded from the map of the basin being presented to DWR; it would be inaccurate to include their lands.

Philip Anaya – Mr. Anaya stated he understands the adjudicated part of the basin does have to file an annual report with DWR, so LADWP is clearly not out of the issue of SGMA.

Dr. Harrington stated there are many lands that are not subject to SGMA such as tribal, federal, and state lands. SGMA requires even though those lands are adjudicated or not subject to SGMA, it still requires that GSA’s cover the entire basin.

Ms. Vaughan stated this would be a good time to send out stakeholder letters and let people know the GSA is reforming.

The Chairperson moved to set the public hearing. Mr. Cutshall stated a May 10, 2018 public hearing date was approved at the last scheduled OVGA meeting.

6. Discussion regarding procurement of consultant to prepare Groundwater Sustainability Plan

Dr. Harrington stated the final recommendations were made on the grant in the amount of \$713,155; a draft RFQ was completed and presented to your Board; because Inyo was the applicant for the grant, the RFQ is written such that the contract will be made with Inyo County but may be transferred to the GSA in the future; a grant contract with the state has to be entered into by a GSA.

The Chairperson called a break at 2:45 p.m.

The Chairperson reconvened the meeting at 2:53 p.m.

Ms. Vaughan asked if the Board could provide comments on the RFQ via email before the next meeting since there was not sufficient time for review. The Board discussed various items in the RFQ in detail and provided suggested changes such as milestones; objectives, selection criteria; specificity of data; public review and input; and the deadline for the plan of 2021; and quarterly reports to the Board.

Wendy Sugimura – Ms. Sugimura stated Mono County’s RFP’s consultants are asked to put together a “public participation plan”.

Philip Anaya – Mr. Anaya stated he would like to see the criteria of item D weighted heavily (familiarity with the OV groundwater basin and the LTWA).

Earl Wilson – Mr. Wilson stated this process was done in the Indian Wells Valley and the word that is missing is public outreach.

Ryan Smith – Crystal Geysers – Mr. Smith stated one thing not described in the RFQ is the cost and management of the costs. What type of contract is this, time and materials, lump sum, etc. Dr. Harrington stated that would be negotiated subsequent to getting statements back from respondents from the RFQ.

Keith Rainville – Mr. Rainville stated to be aware of budgetary realities as far as public meetings and a consultant making multiple trips to the area with charge.

David Grah – City of Bishop – Mr. Grah stated we would want to find a consultant that could effectively engage with the unique circumstances of this basin. Not necessarily familiar but have the skills to engage. Mr. Rainville stated the majority of consultants will potentially come through work done with LADWP.

Harry Williams - Mr. Williams stated that is a reality but a concern.

Philip Anaya – Mr. Anaya stated he would like to see most of the \$713,000 remain in this economy, so no per diems from people coming from Idaho, Colorado, or some other place. He stated he would like someone with local knowledge that understands the LTWA and the challenges and history with the ability to navigate. This will be vital to the success of this GSP.

Ted Williams – Mr. Williams stated he understands the feelings regarding item D but doesn’t believe it should be given more weight than 15%, he stated the experience and qualifications of the consultant is important.

Lyn Greer – Ms. Greer stated with regard to the public hearing, many people can't make a 2pm meeting, many are working. She suggested a 6pm meeting so more of the public had the ability to attend.

Mr. Elias made a motion to either accept the evaluation criteria as it is or to modify, seconded by Dan Totheroh. Roll call vote – 1 abstention, 1 neutral, 3 leave as is, 5 for modification, 1 absent.

Motion made by Joe Peci and seconded by Dave Doonan to change evaluation criteria by moving E into the body of the document and weight A-D equally at 25%. Motion passed 10 yes, 1 absent.

The Chairperson stated he would like to go back to a proposal for an engagement plan. Dr. Harrington stated he recommended taking item 7 of the RFQ and changing it to "Development of a Public Engagement Plan", see what the respondents come back with, then at that time revisit to see if they want another entity such as DWR for facilitation services or have it as part of the contract. The Chairperson asked if the changes can be incorporated and then resent to the Board for review.

7. Discussion regarding OVGA participation by Associates and Interested Parties

Dr. Harrington stated Article V of the JPA provides for other entities participating in the OVGA either as associates or interested parties. He stated at the last OVGA meeting it was requested that the Board would like to see a draft application for associates/interested parties. He presented a draft of each application for the Boards review. The Board and staff discussed the application with a few minor changes which Inyo staff was directed to make.

April Zrelak – Ms. Zrelak inquired if the acceptance or denial of the application is based on the entity or an individual. Mr. Vallejo stated the applications are trying to capture all the possibilities of different groups that could potentially join the Board. Mr. Vallejo stated that would be a policy decision by the Board, usually an entity will select an individual to represent them. He stated it is up to the Board to decide how many of these seats they want to fill.

Philip Anaya – Mr. Anaya stated it is his understanding the tribes do not have their own water rights so why would the Board ask them to agree to subject their lands to SGMA. Ms. Vaughan stated that's why they are allowed to come in as either an associate or interested party. He stated he wants all the tribes represented with two votes.

Harry Williams – Mr. Williams stated their allotted lands came with water rights that were never exchanged so that is a contention with the tribe.

April Zrelak – Ms. Zrelak stated with regard to item 6, the JPA should be revised with regard to the section that references LADWP. She stated this change should be made prior to accepting applications for associates and interested parties. Mr. Stump stated the Board would have to vote for a language change and it is not agendized today.

Nick Buckmaster – Ca Dept. of Fish & Wildlife – Mr. Buckmaster stated he would like to state something for clarification which is direction from Sacramento legal group which coordinated with the DWR; we are subject to the fees imposed by the Board but not necessarily subject to the restrictions. He stated coordination means you tell us how much you're pumping and you send us a bill if you deem it's too much; and that is how that coordination is envisioned at the upper level of the government.

Earl Wilson – Mr. Wilson stated the interested parties could rotate as groups on the Board.

Ryan Smith – Crystal Geyser – Mr. Smith stated a consideration for both applications is to include are you willing to donate/provide funding to the OVGA. Mr. Vallejo stated the JPA calls out for funding without specifying the number which would be relevant.

April Zrelak – Ms. Zrelak stated on the associate application in section 1.4 of the JPA it says the Director shall serve at the pleasure of the Board and may be removed at any time with or without cause. She stated the applicant can be changed at any time should that governing board select another individual, it is at the discretion of that governing body.

Philip Anaya – Mr. Anaya stated a primary and alternate should be stated on the application.

The Chairperson called a break at 4:11 p.m.

The Chairperson reconvened the meeting at 4:23 p.m.

8. Discussion regarding reimbursement process

Philip Anaya – Mr. Anaya inquired if all the Board members have paid their contributions and is there a Treasurer's Report. He

stated a report should be on the agenda when funds become available. Mr. Vallejo stated that would be a discussion for future agenda items and ongoing conversation with Inyo County staff and the Inyo County Treasurer. He stated there are procedures for investment policies and depository agreements between this agency and the Inyo County Treasurer. He stated there will be regular Treasury updates.

Jason Cangar – Mr. Cangar stated there should be some type of reserve policy, maybe included in the bylaws. Mr. Vallejo stated there is a section in the draft bylaws that speak to this general idea; the details are to be determined.

9. Discussion and direction to staff regarding draft bylaws.

Mr. Vallejo reviewed the draft bylaws with the Board. He stated they would be coming back for adoption or further modification per the Boards direction. The Board and Mr. Vallejo discussed the draft bylaws in detail. Mr. Vallejo stated the Inyo County Treasurer/Tax Collector stated she would like the Board to enter into agreements to follow the Treasurer/Tax Collectors standard practices if the Board wishes to use the Inyo County Treasury. The Board asked that the bylaws be emailed to them for review.

Philip Anaya – Mr. Anaya asked if the Board had plans to hire an Executive Director. The Board stated they need to review the bylaws at this time. Mr. Anaya stated this is a requirement of the JPA.

10. Discussion and direction to staff regarding next meeting agenda

During item 5, Mr. Cutshall reminded the Board that a May 10, 2018 public hearing date was set at the March 8, 2018 OVGA meeting.

11. Comments from Members of the Board of Directors

Mr. Cutshall stated he had prepared a statement to read during this item to get the Board to vote in support of Starlite's petition to the state and would like this accepted into the records. The Chairperson and Board approved. The statement is as follows:

Mr. Pecsí and Mr. Inouye stated they would be absent at the next meeting.

12. Set next meeting

The next meeting was previously scheduled for May 10, 2018.

13. Adjourn

The Chairperson adjourned the meeting at 4:59 p.m. The Chairperson asked that there be a moment of silence in memory of Pat Gardner.

Starlite Community Services District

Statement, to be read into the official record and minutes of

The Owens Valley Groundwater Authority

April 12, 2018

This subject, having been brought up and discussed on at least a couple of different prior occasions during the formative meetings of this Board, with representatives of all these collective agencies in attendance, in open public meetings that were well attended, there should be no surprises in the following statement.

Now that the Owens Valley Groundwater Authority is finally officially formed and convened, the Starlite Community Services District wishes to inform and give notice to this Board of our intention to petition the California Department of Water Resources for a modification of the boundary of the Owens Valley Groundwater Basin, based on scientific principles, and the DWR's own definitions, in order to properly recognize that the Starlite Community's aquifer is part and parcel of the granitic bedrock Tungsten Hills, and clearly apart from that of the Owens Valley's alluvial aquifer. If successful, this modification will do no more than recognize the dichotomy of the aquifers as extant, and we will then be properly classified as not being a part of the Greater Owens Valley Groundwater Basin, just as with the wholly analogous situation of the Alabama Hills, which are currently classified as excluded, for exactly the same reasons.

Furthermore, it is the hope of the Starlite CSD that we will be supported in our endeavor, by this Board and the individual agencies of which it is composed, as well as the Inyo County Board of Supervisors, Inyo County Water Department and County Council, the Mono County Board of Supervisors and any Departments in support of their membership on this board, the City of Bishop, and any Organizations, Tribes, or concerned groups that have representatives in attendance, as well as the general public at large. As such we would like for this Authority to consider placing on the Agenda of the next scheduled meeting, a vote of support for Starlite's petition, and a statement calling for letters of support from all willing sources as identified above.

In order to help facilitate the foregoing request for all your support, we offer to provide consultation with any who would wish to better understand the motives, details and justifications for our taking this action, and will do our best to answer any questions that may be raised, individually or collectively, as the case best suits. Because time is so short, this consultation period can only effectively remain open until the next scheduled meeting, though we will still be glad to answer your questions to the best of our ability at any time beyond that point. Please find the necessary contact info appended below.

Daniel Cutshall For the Starlite Community Services District

revdfc@hotmail.com - or - 760-873-3630