

MINUTES

Owens Valley Groundwater Authority

Board Members:

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

August 15, 2018

The Owens Valley Groundwater Authority meeting was called to order at 2:00 p.m. at the Bishop Fire Training Center, Bishop, CA.

1. Pledge of allegiance

Luis Elias led the pledge of allegiance.

2. Public Comment

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

3. Introductions

The Board introduced themselves with one alternate in attendance, Bill Dunlap – Wheeler Crest CSD, and no representative from Tri Valley GWMD present. The Chairperson asked staff to introduce themselves; Inyo County, Bob Harrington, Water Director, Laura Piper, Administrative Analyst, Keith Rainville, Hydrologist, John Vallejo, Assistant County Counsel, Amy Shepherd, Auditor-Controller; City of Bishop, Chris Costello, City Council Member; Mono County, Jason Cangar, Deputy County Counsel, Michael Draper, Planning Analyst.

4. Approval of minutes from the July 12, 2018 OVGA Board meeting

The Chairperson asked that a correction be made to change “The Chairperson made a motion” to “The Chairperson requested a motion” in item 4, second and third paragraph. The Chairperson requested a motion to approve the minutes as corrected, motioned by Mr. Totheroh, seconded by Mr. Elias. Motion passed 10 yes, 1 absent.

5. Board Member Reports

Mr. Luis Elias stated Indian Creek/Westridge CSD held a public hearing to approve a rate increase to fund SGMA costs which was approved. Mr. Stump stated the Mono County Board approved to withdraw their GSA status.

6. Financial Report

Ms. Shepherd, Inyo County Auditor-Controller provided a brief overview of the financial reports. The Board and Ms. Shepherd briefly discussed the report.

7. Consideration of letter drafted by Daniel Cutshall to LADWP concerning effects of LADWP water management on OVGA members’ jurisdictions

Dr. Harrington provided a brief introduction regarding this letter. Mr. Elias suggested removing some of the exclamation marks in the letter. The Board discussed this item briefly.

Earl Wilson – Mr. Wilson stated his letter was well written and praised Mr. Cutshall.

The Chairperson called for a motion to approve the letter as modified; removing the exclamation point after the first paragraph and substitute a period; remove the exclamation point after the last paragraph and substitute a period; First by John Camphouse and second by John Dukes. Motion passed (10 yes, 1 absent)

8. Proposed reprioritization of Owens Valley Groundwater Basin. Discussion and direction to staff concerning submission of comments to DWR from OVG, and requests to OVG members to submit comments

Dr. Harrington presented the Board with a detailed overview on the process that the Department of Water Resources used to reprioritize the groundwater basins in the State. He stated the process of modifying basin boundaries a few years ago triggered the need to reprioritize some basins based on the new boundaries. He stated DWR produced draft priorities for all the basins and for the Owens Valley Groundwater basin, DWR proposed reprioritizing this basin from medium to high priority. He stated med/high priority basins are treated one way, low/very low are treated another way as far as what state mandates are imposed on the basins. He stated there are no different requirements being changed from medium to high but that could change in the future. Dr. Harrington stated there are many basins in the state that are partially adjudicated like our own. He stated if pumping in the adjudicated area is greater than 9500 ac-ft., then DWR goes through additional criteria to rate the basin. The Board, Dr. Harrington, and staff discussed this item in detail and great length.

April Zrelak – Ms. Zrelak stated she would like to bring up item #6 “agricultural & environmental”. She stated environmental is court mandated. She stated there is a contradiction in the letter going to LADWP vs DWR. She stated the letter going to LADWP should also be sent to DWR.

Earl Wilson – Mr. Wilson stated it would be nice to have DWR stand behind Owens Lake also. He stated what will happen if we aren't at least medium priority to that funding. He recommends a medium priority.

Sally Manning – Ms. Manning stated DWR said our basin is different, and they are looking out for us in this SGMA process. She stated they are throwing the citizens of Inyo and Mono a lifeline to get locals invested in our water future.

Paul Huette – Mr. Huette stated he thinks we should be medium or high priority. He asked the Board to really think about the impacts to the valley and do the right thing.

Mary Roper – Ms. Roper provided a brief introduction on the formation of the Owens Valley Committee. She stated many remember what the valley looked like before the second aqueduct. She stated the OVC was “friends of the court” in the long standing case between the County of Inyo vs Los Angeles Dept. of Water & Power. She stated they have had a role in continued oversight of land and water health in the Owens Valley. She stated as Ms. Manning said, DWR is trying to throw us a lifeline. She stated the OVC is concerned to see this item on the agenda to take away a powerful tool, the designation of Owens Valley as a high priority basin.

David German – Mr. German stated he wanted to thank the Board for being here. He stated the key item in this document is being a medium or high priority basin which gives us a tool to help manage our water, and the ability to obtain funding.

Harry Williams – Mr. Williams stated he is against this letter. He stated we should be at the higher priority.

Nancy Masters – Ms. Masters stated what is the goal of this group designating this basin as low priority. She stated the concern is on page 6, DWR using water transfers to raise the categorization from medium to high. She stated we are not like other groundwater basins; no other region of the state suffers the wholesale pumping and exports to an urban area like we do; no other basin has the extensive ownership by extraterritorial entity, a public entity, that's exerted total and complete control over the County since 1905. She stated Inyo County has struggled to enforce legal agreements that were put forth as the basis for adjudicating this basin. She stated we have been unsuccessful and that's why we have groundwater levels that have not returned to baseline.

Nick Buckmaster – Mr. Buckmaster asked if Owens dry lake pumping for dust control has the jurisdiction of that pumping under the LTWA or SGMA and if it would be governed under SGMA, would it change basin priority in the future. He stated in conversation with DWR, they have one standard tool to do this across the state; they map groundwater basins on the basis of surface geology which is not a particularly accurate tool.

April Zrelak – Ms. Zrelak stated the County and LADWP agree to disagree but SGMA has stated they are to abide by a management plan this group comes up with. She stated leases are coming up on the lake bed with the State Lands Commission (SLC), and with a management plan in process, the SLC could just defer to that.

Nick Buckmaster – Mr. Buckmaster asked if DWR accepts the data from the letter and lowers the basin priority to low, if in a few years LADWP starts pumping the dry lake, would that be sufficient to increase this basins priority back to medium.

Paul Huette – Mr. Huette stated it seems from what staff is saying there is no difference in the priorities, so why is it so important to change ours to low.

Mr. Vallejo discussed how SGMA's express provisions limit the ability of a GSA to regulate LADWP activities managed pursuant to the Long Term Water Agreement. .

Nancy Masters – Ms. Masters stated the law exists to protect the interests of the minority in some cases against the will of the majority and the adjudicated portions include water rights holders, and their interests are being harmed.

April Zrelak – Ms. Zrelak stated her understanding is that adjudicated areas are to report to DWR annually. She stated wouldn't a GSP have some leverage there for DWR's knowledge regarding undesirable results from the LTWA.

Paul Huette – Mr. Huette stated he's hearing we can't do anything to LADWP and he believes that is a false statement. He stated if they are causing effects outside of their property line, he stated he believes that's what SGMA is for.

David German – Mr. German stated the GSP he heard mentioned could possibly have some control on Owens Lake, so lands they do not own, we may have leverage.

The Chairperson called a break at 4:13 p.m.

The Chairperson reconvened the meeting at 4:22 p.m.

The Chairperson stated the agenda item is to consider the red-lined letter for potential approval; or submit a letter requesting to maintain the status as a medium priority basin; or send a letter acknowledging the re-ranking and not objecting to the high rating. Dr. Harrington stated the difference between the very low/low and medium/high rankings are the medium/high are subject to state intervention. The Board and staff discussed this in detail and at length.

The Chairperson stated he would support Mr. Tothoroh's recommendation to change the last portion of the letter to request DWR use their own processes and come up with an appropriate designation. Mr. Tothoroh made a motion that staffs change the letter to have DWR follow their process for our portion of the basin and show us the rating with Mr. Cutshall asking that the process they use be transparent with a second by Daniel Cutshall. Mr. Vallejo stated the change he is hearing is at the end of the first paragraph of the letter and the second to last paragraph of the letter instead of asking expressly for a low priority basin to ask for a score consistent with the comments in the letter and their (DWR) process. Mr. Elias stated he would prefer all reference to the designation of low priority be stricken from the letter. Ms. Vaughan stated we are making the case that we want our decisions to be made here in this valley but yet we are allowing Sacramento to grade us based on their scorecard.

The Chairperson asked for the motion to be restated; Mr. Vallejo stated the motion was to send the letter with the modification to the statements where we request low priority to instead request a recategorization in a manner that is consistent with the comments and suggested improvements to the categorization process presented by this letter and the motion also contains a statement of commitment to continue with the JPA/GSA to accept the grant funding and go through the GSP process; and that DWR be transparent in their logic behind how they scored and why they scored. Motion passed with Sierra Highlands, Eastern Sierra, Wheeler Crest, Mono, Bishop, Inyo, Keeler, and Starlite in favor, Indian Creek-Westridge and Big Pine opposed, and Tri Valley absent (by voting share, 32 yes, 8 no, 4 absent)

9. Discussion regarding assumption of SGWP Grant receipt and management responsibility

The Chairperson deferred this item to the discussion in the special meeting.

10. Reports from OVGA members' staff

The Chairperson deferred this item to the next meeting.

11. Comments from Members of the Board

The Chairperson deferred this item to the next meeting.

12. Set Next Meeting

The next meeting was scheduled for September 13, 2018 in the Bishop Fire Training Center if available.

13. Adjourn

The Chairperson adjourned the meeting at 5:24 p.m.