

MINUTES

County of Inyo WATER COMMISSION

July 25, 2023

The Chairperson called the Water Commission meeting to order at 6:06 p.m. at the Jill Kinmont Booth School, George Lozito Conference room, Bishop, Ca. Water Commissioners in attendance were Randy Keller, Nate Gratz, Paul Huette, and Dan Berry. Commissioner Red Owl was absent. Present from the Water Department were Holly Alpert, Laura Piper and Larry Freilich via zoom.

1. Pledge of Allegiance

The Vice Chairperson led the pledge of allegiance.

2. Public Comment

Sally Manning thanked the Board for putting public comment back at the end of the agenda.

3. Approval of minutes from April 24, 2023

Motion to approve the April 24, 2023, minutes by Paul Huette, seconded by Randy Keller. Motion passed, one absence, Commissioner Red Owl.

4. Commissioner's reports

Commissioner Gratz and Commissioner Huette both stated their gratefulness for the abundance of water with the current runoff conditions in the valley. Commissioner Berry stated they were having flooding issues at Tuttle Creek and Lone Pine Creek and even had a chicken coop wash away.

5. Director's report

Dr. Alpert made mention of Dr. Steinwand's retirement; reviewed the new and seasoned Water Department staff, positions, and responsibilities within the department to include the seasonal staff; discussed the south county aerator installations in cooperation with CDFW and LADWP. Commissioner Huette stated worthwhile collaboration with CDFW and LADWP would be beneficial at Fish Springs. Dr. Alpert stated the Water Department was going to get aerial images of the high flows, which is an opportunity this year. Mark Bagley stated LADWP has no desire to slow pumping at Fish Springs and any fish kills will be looked at by CDFW. Ms. Manning stated in Dixie Valley where a geothermal project was moving forward, the project got stopped because of a rare toad and it's sad that these animals beat out concerns of the people.

6. Status of Mitigation Projects

Larry Freilich provided a PowerPoint presentation on the status of the mitigation projects. He stated there were 64 mitigation commitments to include environmental/enhancement mitigation, revegetation, additional mitigation projects and revegetation plans for lands removed from irrigation in the Laws Area. The Board and staff discussed these in detail. Ms. Manning asked, "where's the data" and backup. Mr. Freilich stated the Water Dept. scientists are out taking measurements and will have more data and the annual report is where to find much of the data. Lynn Boulton asked why the yellow billed cuckoo is not on the Table 3.1 list? Mr. Freilich stated it's listed as another obligation. Mark Bagley introduced himself; stated he liked the organization on Mr. Freilich's slides; provided his opinion on the mitigation

projects; he asked who decides, whether it's Standing Committee, he believes these mitigation measures are not part of the Water Agreement or are they. He asked if these be under the auspice of the Standing Committee. Mr. Freilich stated he can't answer definitively but these are projects described in the 1991 EIR plus the MOU that are foundational documents and are discussed at the Technical Group. Mr. Bagley stated it would be a question for the lawyers to decide if the Standing Committee has any jurisdiction to decide anything about the mitigation projects. Edie Trimmer stated she doesn't think there is any habitat management on Seely Springs and basically functions as a pass through for water going into the river then the aqueduct. She inquired why there is no request for a habitat plan there? Mr. Freilich stated the project has habitat goals but are very simple, and there is no mitigation monitoring or reporting for these projects. Nancy Masters stated she was listening to the conversation about "who decides" and would like to change that question to who is responsible which devolves to an understanding of the CEQA process and mitigation and what is required after mitigation as prescribed in an EIR. She stated as far as who is responsible for mitigation from the 1972 to 1990 period, that's Los Angeles and was during the project period. Ms. Masters stated Inyo County became a responsible party in the 1991 EIR and made findings for certain things but not for the projects discussed tonight. She stated it's inequitable that Inyo County is ending up trying to shepherd these things forward when Los Angeles has the responsibility for doing so. She also stated the Water Agreement itself is mitigation in the 1991 EIR. She stated the question is where we go from here for unimplemented mitigation, what is the remedy. Justin Pollack provided a Q & A question regarding the discrepancies between Inyo and Los Angeles. Ms. Manning stated those places ended up that way because of Los Angeles's de-watering of the valley. Lynn Boulton recommended the Water Commission visit the mitigation sites to see them firsthand. Mark Bagley reiterated what Ms. Masters stated regarding responsibility and relayed the responsibility roles that went back and forth regarding mitigation twenty years ago. Mr. Freilich gave Los Angeles credit for their effort of some revegetation projects in planting vegetation to keep the dust down. Mr. Bagley stated it's 20 years later and they are still unsuccessful at meeting the goals for cover.

7. 2023 runoff observations

Dr. Alpert and Larry Freilich provided a PowerPoint slide show with photos of the recent runoff mainly in the Lower Owens River area showing the results of the tremendous amount of runoff this year. The photos taken by Mr. Freilich were aerial photos taken with a drone to give the public a clearer view. Lynn Boulton provided comment on the Hines Spring photo regarding the alkali meadow stating it is really green this year and actually one of the few that have survived. Mr. Bagley inquired about the comparison made between the Aberdeen Ditch and Freeman Creek and stated Freeman Creek is solely dependent on the natural flow of the creek, but the Aberdeen Ditch is supplied by water that Los Angeles controls. When reviewing the Blackrock Ditch photo, Nancy Masters asked if this would give us the opportunity to have the river trail back. Photos of the aerator installation by CDFW, LADWP, and Inyo County were shared as well. Mr. Bagley stated the Sierra Club and OVC sued LADWP because in the LORP EIR they said they weren't going to augment flows, but the LORP plan says it's an option, so they had to modify to say it was an option, but they don't want to do it. Mr. Bagley stated he has been telling them there should be a conveyance to get the water from there (Alabama Gates) to the river. The Board and staff discussed this in detail. Larry Freilich provided thanks and wished to acknowledge Mr. Bagley for his efforts and participation with the LORP, MOU, and mitigation throughout the years.

8. Future meeting schedule

The next Water Commission meeting was scheduled for Thursday, October 19, 2023. A field trip date for mitigation sites was set for October 7, 2023.

9. Public Comment

Nancy Masters inquired regarding the McIver Ditch which is related to the runoff and it's her understanding it has been lengthened and wondered if that would promote noxious weeds and is that on BLM land. She asked if on a future agenda item infrastructure for water banking could be discussed.

10. Adjourn

The Vice Chairperson adjourned the meeting at 8:00 p.m.