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TO: Mono County Tri-Valley Groundwater Management District Board of Directors

FROM: Jason Canger, Mono County Deputy County Counsel

DATE: October 7, 2020

RE: Discussion of Options for Engaging in the Community Outreach/Engagement and Development of Sustainability Criteria of the Owens Valley Groundwater Authority

The Owens Valley Groundwater Authority (OVGA) continues its preparation of a groundwater sustainability plan (GSP) for the Owens Valley Groundwater Basin (Basin). As part of its preparation of a GSP, the Sustainable Groundwater Management Act (SGMA) requires the OVGA to “encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the groundwater sustainability plan.” (Wat. Code, § 10727.8(a).) Accordingly, the OVGA prepared a community engagement/outreach plan and is currently determining how to implement engagement and outreach activities within the Basin, including within the communities located within the boundaries of the Mono County Tri-Valley Groundwater Management District (District).

The purpose of this staff report is to identify and discuss options regarding the level of engagement and participation by the District, its directors, and its constituents in the OVGA’s engagement and outreach activities.

OPTION NO. 1: No Engagement/Participation

Although it was previously a member of the OVGA, the District decided to withdraw from the OVGA in February 2020 determining that withdrawal was in the best interest of the District’s constituents and residents of the Tri-Valley region. Consistent with the District’s decision to withdraw, the District may decide not to engage or participate in the OVGA’s engagement and outreach process and activities.

PROS:

- No administrative burden or dedication of District resources (Director and staff time) related to engaging/participating in the OVGA’s planning efforts (e.g., attending and engaging in OVGA meetings or activities of any GSP development

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and implementation in the Basin and allowing OVGA staff to make presentations and conduct community engagement and outreach efforts.

CONS:

- District interests and concerns related to the development and implementation of the OVGA GSP will not be considered or included; accordingly, the GSP may not accurately include or reflect of the relationship between the OVGA and the District, the scope and applicability of the District’s regulatory authority, the interests that the District represents, etc.
- Sustainability criteria to be included in the OVGA GSP and implementation of the GSP will be informed only by the comments of other stakeholders and interested persons (i.e., California Department of Fish and Wildlife) and thus may not accurately reflect the scope of interests and concerns of residents and other interested parties/persons of the Tri-Valley region.
- Loss of opportunity to become familiar with the processes of preparing a groundwater sustainability plan (generally); perform stakeholder education, outreach, and engagement required by SGMA, developing sustainability criteria for inclusion in a groundwater sustainability plan, etc.

OPTION NO. 2: Monitor, Provide Direction/Comments, and Reassess

As a “middle ground” option, the District could monitor and selectively engage/participate in the OVGA’s community/stakeholder engagement and outreach processes and activities (including any advisory committees), the development of sustainability criteria for the Tri-Valley portion of the Basin, and the preparation and implementation of the OVGA GSP. More specifically, the District could (i) send directors OVGA or advisory committee meetings; (ii) direct staff to attend OVGA or advisory committee meetings and receive reports on OVGA activities and GSP progress; and/or (iii) provide direction and comments to the Mono County representative on the OVGA board of directors.

PROS:

- No hard commitment may allow District members and staff to decide which meetings to attend based on subject matter, potential impact to the Tri-Valley region, or director/staff availability.
- Signals that Tri-Valley communities, stakeholders, and interested persons are interested in the OVGA’s preparation of a GSP and the development of sustainability criteria that may affect the Tri-Valley portion of the Basin, and thus keeps OVGA accountable to prepare a GSP that is (at least) mindful of the interests and concerns of the District as well as Tri-Valley communities and residents.

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- Would allow District directors and staff to represent the interests and concerns of the District and Tri-Valley communities, business, and residents.
- Less commitment of District directors and staff resources than full participation/engagement.
- Allows District directors and staff to witness and become familiar with GSP preparation and development of sustainability criteria (at least to a lesser degree than full participation/engagement).

CONS:

- Regular monitoring of OVGA (and advisory committee) meetings agendas will result in small increase to District director and staff time/resources.
- Selective attendance of OVGA (and advisory committee) meetings and selective participation/engagement of OVGA processes and activities (i.e., OVGA community engagement and outreach effects) will result in some District director and staff time/resources.

OPTION NO. 3: Full Engagement/Participation

Notwithstanding its previous withdrawal from the OVGA, the District could decide to actively engage in all of the OVGA's community engagement and outreach processes and activities to the extent that it relates (or possibly relates) to the District and the Tri-Valley region.

PROS:

- District interests and concerns related to the development of sustainability criteria and implementation of the OVGA GSP will be consider; accordingly, the GSP should include the interests and concerns that the District represents (i.e., agricultural interests within the region).
- OVGA GSP sustainability criteria and implementation of the GSP will be informed by District comments and interests (i.e., protection of agricultural waer use and heritage) and influenced by other stakeholders and interested persons (i.e., California Department of Fish and Wildlife, Center for Biological Diversity, and other parties/persons interested only in managing water for the benefit of Fish Slough).
- Participation in the OVGA's community outreach and engagement plan will allow the District and its members to witness and become familiar with the SGMA requirements of community/stakeholder engagement and outreach, the development of sustainability criteria, and (at least) one aspect of a groundwater sustainability plan should the District choose or be required, in the future, to

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prepare its own groundwater sustainability plan for the Tri-Valley part of the Basin (i.e., free lessons learned from the OVGA and its consultant).

CONS:

- Regular monitoring of OVGA (and advisory committee) meetings agendas will result in small increase to District director and staff time/resources
- Regular attendance of OVGA (and advisory committee) meetings and full participation/engagement in OVGA processes and activities (i.e., OVGA community engagement and outreach effects) will result in increased District director and staff time/resources

Staff Recommendation

Staff recommends the District pursue in some version of Option No. 2. Deciding to selectively participate and engage in OVGA meetings, processes, and activities can be accomplished without the commitment of significant District director and staff resources. Moreover, although regular participation may result in some increase of District director and staff resources, there is not reason to think that some level of selective participation and engagement would preclude or limit the District's ability to timely carry out its other priorities – such as taking the steps necessary to reclaim its groundwater sustainability agency status for the Tri-Valley portion of the Basin; collecting information and data on the Tri-Valley portion of the Basin and better planning for groundwater management or eventual preparation of a groundwater sustainability plan by the District; recruiting interested Tri-Valley residents to join the District's board of directors; etc. Accordingly, staff recommends participating and engaging, at least to some degree, with the OVGA (and/or any advisory committee) as it continues with its preparation of an OVGA GSP, which will necessarily include the development of sustainability criteria for the Tri-Valley portion of the Basin. If the District chooses not to provide any input or engage at all, the OVGA will prepare a GSP that includes provisions addressing groundwater management and sustainability for the Tri-Valley region because of its obligations under the Department of Water Resources grant agreement to prepare a GSP for the entire Basin. Therefore, OVGA GSP, which will necessarily include provisions covering the Tri-Valley region and its use of groundwater, will be written by those who choose to participate, including most likely federal and state land management and wildlife agencies most interested in water resources and endangered species at Fish Slough (i.e., U.S. Fish and Wildlife Service, U.S. Bureau of Land Management, California Department of Fish and Wildlife, Los Angeles Department of Water and Power). Some amount or degree of engagement and participation pursuant to Option No. 2 will not prevent the District from simultaneously beginning to identify and proceeding to develop strategies for sustainably managing the Tri-Valley region's water resources for its residents and constituents.