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MINUTES**

**MONO COUNTY TRI-VALLEY GROUNDWATER
MANAGEMENT DISTRICT
Regular Meeting of
August 23, 2023 6:30 P.M.
Chalfant Community Center**

Chairperson Mitchell called the meeting to order at 6:31 P.M. on August 23, 2023. The meeting was held in person.

Roll Call:

Directors Present: Mitchell, Puhvel, Allen, Parkinson, Duggan, and Bassett.

Directors Absent: West (excused due to family health)

Advisory Board present: Betsy McDonald, Dennis Murphy, Amy Saladin, and Janet Barth.

Mono County (M.C.) Personnel in attendance: Assistant County Counsel (A.C.C.) Chris Beck and Jeff Hughes

1. Advisory Board

A. Advisory Board Comment

A.B. Murphy reported and commented:

We have not had meetings since the last regular board meeting. But I just wanted to thank everyone for all the folks that showed up tonight, the community as well as our speakers. I think it could be, probably is going to be the most informative meeting we've ever had. Critical understanding, information, to help us understand the infrastructure that's in place to help us manage sustainability in this valley. I'm glad so many folks are here. There's a couple of things; low priority keeps coming up, we're a low priority. And I just wanted to address that. I think it's a misunderstood term as I think of it. We might be a low priority, but only relative to other, bigger valleys in deeper trouble than we are. It's a high priority to us and it's a high priority to this community. So I don't think we should put up with the "Oh, it's a low priority, don't worry, we don't have to do anything". That's a misunderstanding, misuse of the term, as I see it, it's a relative term. It's still a priority. So I think that's it; just, those are my comments.

A.B. McDonald reported and commented:

So, thank you, and again, thank you Board for allowing our members to report to you. We do have an Advisory Board meeting, scheduled for Thursday, September 14th at 5:30 here at the Community Center. We'll be developing an agenda and making sure that that gets out to you. We already do have a reservation for the room, so that's first step. So I just wanted to again, thank the Board for moving forward with an election, thank Mono County for making the election happen. It's coming up for the 7th seat on the Board, for those of you who aren't familiar. And I just wanted to stress to all the importance of voting, especially in our small, local districts, because just a few votes can make a big difference. So, the last day to register to vote is October 23rd. Ballots will be sent out from Mono County elections on October 9th, and ballots are due in on November 7th and again thank you to all who have come tonight and all our presenters. And just a reminder that we have a lot of acronyms in groundwater work, so I'm really just making sure that that the people in

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the audience and it always helps me to remember as well what those acronyms really stand for. So, thank you very much.

B. Possible Approval of a letter to Mono County regarding approval process of new agricultural wells within the TVGMD boundaries.

A.B. McDonald mentioned that the Board had directed her to simplify the letter and make it to be notified of all wells, not just Ag wells. So that's hopefully what you've got.

Action on this item was addressed in agenda item #4.

2. Public Comment

Public comments were:

Rick Naploes – My name is Rick Napoles, I'm a resident of the Bishop Paiute Reservation. I've been reading some stuff about the water table, the water level in Fish Slough and it's tied very much to the pumping of water in Hammil and Chalfant Valleys and information is just starting to get read and started to be examined and stuff like that. I'm personally very concerned with the area. I've been in the area quite a bit. The area has a lot of prehistorical significance it was certainly a Winter homeland for the Paiute people that were here then and the people go to now. There's Pupfish, plants, there's petroglyphs; there's all kinds of stuff there. And I, as much as we can or as much as you can to try to hold off on pumping more water out of there until we have a really good understanding of the aquifer, underground river, whatever you want to call it. But Fish Slough is tied to these valleys here where you're pumping water from. I don't have all the answers, but I'll tell you that I'm concerned and I'm pretty sure that the Bishop Tribal Council's concerned and other tribes are getting concerned about it. Because we've lost a lot of areas that were of value. That's a special place. My background is I retired from the Forest Service as a Division Chief on the Inyo National Forest; 36 years of wildland fire. And we did burning in Fish Slough for habitat for BLM. So that's another side that since and I just know about.

Frank Brown - Yeah. My name is Frank Brown, we have a property. I have a property on White Mountain Drive. It's only been there since, probably built in the 80s or something like that. But we've been there for about 13 years and we had to replace our well. We had to go quite a bit deeper. It was quite a major expense. But there's a property that we've got over on Locust. And that's been there since the 50's. And that well had to be replaced. So we've had to replace both of our wells since we've been here. Besides the aggressive driving in the short little distance that I have to drive to there I think water rights is something that might get my blood boiling. So, I'll try to keep calm and sit down. You can try this. Thank you.

Kim Milliron - Hi. My name is Kim Milliron. And as I stated in our previous meeting, I've lived here for over 20 years. And my husband Curtis, for 34 years. And I guess I feel deep concern, to be quite honest, a lot of angst and honestly, I'm experiencing some sleepless nights over the possible fate of this community. If change does not happen NOW. Now. I very much care about this community, including our nearby sensitive desert wetlands, like Fish Slough, which are also impacted by the overdraft of groundwater occurring in the Tri-Valley area. There are undeniable indications that Tri-Valley's shared groundwater is in overdraft, meaning more water is being pumped out than is coming in. All the while, deeper and newly approved wells with over 100 gallons per minute extraction capabilities are being drilled and appear to be pumping 24/7. All wells are dropping at a steady rate throughout the Tri-Valley, according to data from the OVGA (the Owens Valley Groundwater Authority) GSP

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(Groundwater Sustainability Plan). The cost to drill a new residential well could be \$25,000 to \$40,000 or higher, depending on the depth required. That is an exorbitant cost, a cost that is unaffordable for many of this community. A groundwater management plan is essential to protect all interests here in the Tri-Valley. Again, I'd like to express my gratitude toward the Board members and the volunteers who are maintaining the intent of SGMA. That acronym stands for Sustainable Groundwater Management Act, which we'll be hearing more about this evening and again thank you for that. My biggest hope is that we all can work together for all interests. If we are to have a future here in this Tri-Valley, it must include long term sustainability of our shared precious groundwater resource. Thank you. (see attach. item #2)

Walt Hoffman - My name is Walt Hoffman. I guess you always say how long you've been living here. Just did the math, I've been here 49 years and I live in Benton. Our groundwater in Benton, and actually I, you know, it seems to be, where I'm at, seems to be pretty stable. But, what I've read, Rick, Mr. Napoles in the dark about his Fish Slough and I also am concerned about that because what I've read from the scientific reports it looks pretty likely that water source in Fish Slough is coming from Hammil, Chalfant. It's being drafted excessively. I do have some sympathy for the farmers that have been here for a long time. You know that have been harvesting hay and providing a living and doing things, but I think I'd like to leave everybody with this one thought is that, like air, like fresh air that we breathe, groundwater and water is one of those essential things. It's not in excess. What we need, and we need sustainability and again I'd leave you with that thought. It's right. Just thank you.

3. **Approval of minutes: July 26, 2023 meeting. (attach. Item # 3)**

Comments about the July 26, 2023 minutes were:

Director Parkinson - I don't believe all the minutes are there.

Director Mitchell - They're not there?

Director Parkinson- You know, we talked about shortening stuff up. We agreed not to shorten it up. Now, yeah, now all of a sudden it's shortened up. It just doesn't make a whole lot of sense to me.

Director Mitchell - The minutes?

Director Parkinson - Yes, there's a whole lot that was said that was left out.

Director Mitchell - OK.

Director Bassett - OK, we can redo them.

Director Mitchell - Any other Board members have any comments on the minutes?

Director Allen - Yeah, I think we should come up to some kind of. We had discussed shortening the minutes, not putting as much verbiage in it, but then we had basically determined that it was better to leave more information in the minutes. So I think we need to determine which way we're going to go with it. This definitely is shortened from what we have in the past, so I think we just need to make a determination of how we're going to do that.

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Director Mitchell – Well, we really don't have that on our agenda tonight.

Director Parkinson - I'll make a motion for it next week or table it for next time.

Director Mitchell - Till September 27th, if there's a second.

Director Allen – I'll second it.

Director Bassett - So the motion was made; you're making the motion to table it?

Director Parkinson – yeah, he seconded it.

Director Mitchell - Is there any further discussion?

Director Bassett - So that's until our September 27th meeting.

Director Mitchell - OK, all in favor.

Director Bassett - I'll do roll call.

Director Mitchell – If you, do you want to? We'll just table them.

Director Bassett - If we're going to do roll call, we need to do a roll call on pretty much everything

Director Allen – yeah.

Director Bassett - Except maybe adjournment. I don't think anyone's going to say no, but the rest of it, I think we should do a roll call on everything.

Director Mitchell - OK. So Ed made a motion and Greg seconded. All in favor?

Director Allen - You're going to do roll call.

A motion to table the approval of the minutes from July 26, 2023 was made by Director Parkinson and seconded by Director Allen.

Vote - ayes – Directors Mitchell, Bassett, Puhvel, Allen, and Parkinson.

Nay – none.

Absent – Director West.

Director Mitchell – so the approval of the July 26, 2023 minutes is tabled until our meeting on September 27, 2023.

4. Board of Directors action on item #1A described above.

See attachment items # 4-1 and 4-2.

Director Mitchell explained that she should have taken “agricultural” out of the agenda item description because the letter does not specifically say that, but all the agendas are done a

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week ahead of time. She apologized for that error. She went on to read the letter, which is written to Louis Molina and then asked if the Board had any discussion on the item.

Director Parkinson – No, it's perfect I thought, better.

Director Puhvel - It suits what we discussed last time it. Seems like it's been edited down to what everyone agreed on.

Director Mitchell - OK. So is there a motion?

Director Allen – I'll make a motion.

Director Parkinson – I'll second it.

Peter Stickells – Public Comment? Can I make a comment? I would just suggest we put Louis Molina's title on there.

Director Mitchell - OK, we can do that.

Peter Stickells - Instead of just personal, say, County Department of, I think it's Public Health, instead of just to Louis Molina personally.

Director Duggan - Environmental health.

Peter Stickells - I think it should be titled. And the other quick thing about the letter is that on your agenda you have approval for 1A. And this is actually 1B.

Director Mitchell – It's 1B. Yes.

Director Allen - So I'll amend that motion to correct the title of Louis Molina.

Director Mitchell - To add his title.

Director Allen - Title, which would be a good thing and then to correct the agenda.

Director Mitchell – On that item on it? Yeah, I wrote it on there, but it's really too late. It's already been posted. So OK, so we have a motion and a second to approve the item, which is a letter to Louis Molina requesting information on new wells within our boundaries. Is there any further discussion before I call with the question? OK. Geri, would you take a roll call, please?

Director Bassett – Ed, did you 2nd that?

Director Parkinson – Yeah.

A motion to approve the letter to Louis Molina, with the addition of his title, was made by Director Allen and seconded by Director Parkinson.

Vote - ayes – Directors Mitchell, Bassett, Puhvel, Allen, and Parkinson.

Nay – none. Absent – Director West.

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5. Workshop on the Sustainable Groundwater Management Act (SGMA) and the District as a Groundwater Sustainability Agency (GSA):

a. TVGMD history of SGMA – Carol Ann Mitchell, Director, TVGMD

Director Mitchell read the brief history and District summary. See attached item #5a.

b. Legal analysis of SGMA - Mono County Assistant Counsel Chris Beck

Also see attachment item #5b

A.C.C. Beck - I'm going to go through an overview of what SGMA is, the Sustainable Groundwater Management Act, Carol Ann hit on it. We're going to dive in a little deeper. The fun stuff is probably going to come from the Department of Water Resources. So I'll make mine as quick as I can, but there's a lot to go through. As Carol Ann had mentioned, the Sustainable Groundwater Management Act 2014 was three different bills. 1739 from assembly member Dickinson. And then 1319 and 1168 from state Senator Fran Padley. I wasn't sure how to abbreviate that. That does look like she's a boat, but that is state senator. But, historically in California groundwater was, it wasn't unregulated, but it was under regulated. Prior to 2014, there really was no comprehensive regulation of groundwater in California. We had a good amount of regulation of surface water. But as it related to groundwater, we're really dealing with common law terms of law. You had a right to groundwater. If you live next to it or you had a right to groundwater if you had used it for beneficial purpose first some time. And as a result of this, we were depleting a finite resource. We had land subsidence, the drought between 2012 and 2016 and the one that followed that as well, didn't do us much good. But with SGMA being passed in 2014 and after 2015 it gave us something. And really, what that was was California finally regulating our groundwater. So SGMA really there is a goal. The goal is to achieve sustainable groundwater management in California. Sustainable groundwater management means we're going to use the water in a manner that can be maintained during the planning and implementation horizon without causing an undesirable result or undesirable results listed here are really what you'd expect. Are water levels constantly lowering, unreasonable reductions in groundwater. One we don't have to worry about as much here, seawater intrusion. But land subsidence, the degradation of the water quality. We want to be good stewards of water and this law really required it. So our purpose with the law, with the Sustainable Groundwater Management Act was to sustainably manage our waters, but to ensure that we had local control and ideally to increase water, groundwater storage, remove barriers to recharge and avoid, or at least minimize to the extent we can land subsidence. But with that, though we wanted to be able to improve data collection so that we have some sort of baseline of members so we know what our groundwater levels are. The state in passing SGMA, they now provide technical and financial assistance so that we can sustainably manage groundwater and then include things like the grant that Carol Ann had mentioned, the Tri-Valley Groundwater Management District received. But we didn't want to affect existing surface water or groundwater rights and I think there's an asterisk there because there are some impacts as would be necessary and understandable and becoming statutorily required better stewards of groundwater. So our main regulatory requirements, and this, was it Betsy brought it up, about the acronyms. We can beat some of those apart here, but it was, the main requirement is that we form these groundwater sustainability agencies, that we prepare groundwater sustainability plans and how we're going to be good stewards of the water and that we maintain and manage our high and medium priority groundwater basins within 20 years of the groundwater sustainability plan adoption and importantly, it created an opportunity and a mechanism for the state to intervene if people are not sustainably managing their groundwater. So

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breaking it apart, SGMA requires that all basins designated by the California Department of Water Resources as high and Medium priority be managed sustainably and all high and medium priority basins must be managed by groundwater sustainability plans. These plans had to be prepared and adopted, approved by January 31st, 2022, and then your implementation horizons, then 20 years after that and then once adopted, the GSA is the groundwater sustainability agencies. They're responsible, they're duty-bound to implement their groundwater sustainability plan. And to ensure that the Sustainable Groundwater Management Act, sustainability goals and sustainability plans are sustained and that their objectives are managed and achieved. So breaking apart the applicability, it's really recital of the aforementioned, but there's a priority rating. If you're a high or medium priority basin, this the SGMA regulatory requirements apply, they had to adopt a groundwater sustainability plan by January 31st, 2022. For low and extremely low priority basins, which I'm not sure, are there any extremely low in California left?

Jack Tung - The term is very low, but there are very low.

Chris Beck - There are still. OK, now you can say there's one. But it encourages basin management pursuant to the Groundwater Sustainability Plan. I note this, and I don't believe this has changed because I couldn't find anything, but it didn't apply to the Inyo County LA DWP long term water agreement because there was an adjudication exception and that water had been previously adjudicated. Here's a map that I hope you can see. There's a color code on here, but the orange is showing us basins that are high and medium priority and you'll notice the largest area being here in the Central Valley. Here's Mono Lake here. Here's us sliding through this area. You don't know the figures of land subsidence in the Central Valley do you?

Jack Tung - I actually have a figure that shows some land subsidence data that covers a part of this.

Chris Beck - OK, so there's two major responsibilities. The first being preparing that groundwater sustainability plan for the portion of the basins within the groundwater sustainability agencies boundaries, which complies with the sustainable requirements of SGMA. But then after you do that, the big requirement is long term compliance with the Sustainable Groundwater Management Act. So it's ensuring that groundwater use and activities of users within the boundaries of the groundwater stability agency and within the basin comply with SGMA requirements and the provisions of their adopted groundwater sustainability plan. This is kind of unique, so you know we have these local agencies that were created to be these groundwater sustainability agencies and they have powers vested in them through the Sustainable Groundwater Management Act. Firstly, they can adopt rules, regulations. They can pass ordinances and resolutions that could be creating additional law, but they have the authority to conduct investigations, to require measurement devices and reporting of extraction and use; they can acquire and dispose of land and water rights, and they can adopt and impose regulatory fees. Finally, and very powerful, is perform any other act necessary and proper to achieve sustainable groundwater management act goals.

Geri Bassett – Now is that for all GSA's or just medium and high priority?

Chris Beck – Every GSA is vested with this ability; opportunities to implement it are different. If you have a plan, you can enforce your plan, so for low and very low I guess it would be less applicable.

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So as it relates to the actual plan, what's required by the law, the components, you have to identify the physical setting and characteristics of the basin, where it's located, whether it's in a desert climate or Mediterranean climate and identifying measurable objectives and interim milestones to achieve the sustainability of 20 years. It's to include provisions regarding monitoring and management of the groundwater levels and quality, the relationship between surface water flow and quality and groundwater extraction, subsidence, overdraft and mitigation efforts, as well as a detailed schedule of recharge replenishment efforts. And that's to include planning implementation horizon to achieve sustainability goals and it's supposed to be produced in a manner that at least considers the county and municipality's general plans and water resources related to their programs. So the process and cost of producing the groundwater sustainability plan, I won't put a dollar figure on it because it's different for every district. But part one of preparing the GSP is research, study, education, and outreach. So it's recommended that there's a review of literature if it exists, technical documents, hydrologic data if it exists, environmental planning documents regarding the basin. A canvas of wells to determine groundwater levels, condition and use, developing groundwater flow models for evaluation and management activities, and really the public education states, local community and stakeholder presentations, education and outreach.

Then you get to the preparation of the plan where you develop first a draft of the GSP components identified above, including the basin sustainability goals and the management objectives, staff review and comment on the draft GSP components. This could be staff from both the County or consultants for this particular district. Then there's a preparation of the final draft of the GSP and this will be reviewed and adopted by the Groundwater Sustainability Agency.

So the actual implementation, monitoring and reporting to ensure compliance with the plan as it was created, the requirements and limitations on groundwater use, reviewing extraction and use reports from extractors and enforcing the groundwater sustainability plans requirements, which is where we get back to Geri's question about the enforcement mechanisms being different.

But it also includes preparing annual reports on groundwater elevation, extraction, recharge, in lieu use, basin storage capacity, total water use, etc. Periodically evaluating the groundwater sustainability plan, to determine whether the actions are meeting the management objectives, whether they need to be changed and the basic sustainability goal, and then amending the GSP if necessary.

There are costs associated with doing this, as you can imagine, staff and/or consultant costs related to the groundwater sustainability plan implementation, which includes monitoring the groundwater extraction and use throughout the basin, reviewing data to determine whether basin and sustainability goals and the plan's management objectives are being met. And then if there are enforcement measures that need to be taken, those of course, have costs, whether they're administrative or civil. That's a continuing obligation, a continuing cost.

And there's a staff and/or consultant data review and report preparation on an annual basis, and then the periodic cost of staff or consultant evaluation of data and groundwater sustainability plan effectiveness. Luckily, from the state of California, it's not an unfunded mandate. There are funding mechanisms made available to districts such as Tri-Valley Groundwater Management District. First, there's groundwater export fees and assessments that can be levied under the Tri-Valley Groundwater Management District Act and groundwater extraction fees under the Sustainable Groundwater Management Act.

So as far as the export fees, and these are available, it doesn't mean that they need to be used. In many places they're not applicable at all. But export fees can be imposed if there are reasonable cost of issuing permits for the export of groundwater. It's not subject to prop 218 procedural

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limitations, which is essentially anybody would be subject to the fee they'd have to vote for it, its essentially a tax.

The amount of the fee cannot be more than the reasonable cost of export permit program and allocation of the fee among exporters must be fair or reasonable in relation to each payer's relative burdens on or benefits from the export program. If something like this were to be contemplated, it would not be a quick ordinance passed by a district, it would be a yearlong process to make determinations as far as the applicability, necessity and ability to pass such a fee.

Assessments are far more common. They're imposed on areas that would benefit from planning or studies or any management program that's different from other areas, particularly within the district. This is subject to prop 218 limitations, meaning that those that were to essentially be taxed with this additional fee would have to vote to tax themselves do it.

It requires an engineer to prepare a report that identifies and calculates the special benefits for the assessed parcels. The assessment will fail if the majority of the assessed property owners protest. They didn't vote for it.

Additionally, groundwater extraction fees. So these are imposed for the reasonable cost of administering the sustainable groundwater program, including permits for extraction. The fee has to be essentially an exact amount of what the exact cost is.

It's arguable whether this is governed by Prop. 218 most likely Prop 26, which says exactly that fees have to be an approximation, or nearly an exact amount of what the actual cost is.

The final funding source available is the Sustainable Groundwater Management Act grant program. This is administered through the Department of Water Resources. But the funds are actually allocated through each year's Budget Acts and they're in varying amounts. I think 2021 was \$110 million. In 2022 it was broken down into different pieces. And then there's a new law that I think it needed to include at least \$10 million. A new proposal. The \$10 million needed to be set aside each year for these grants and I don't believe that's passed. Have you seen if that's passed? I am now passing the heavy questions to DWR over here.

Jack Tung – I am not aware of it.

Chris Beck – I don't believe it has. But, what they're saying is that in each budget year because the numbers fluctuate, we have a surplus, we have a deficit. In surplus years, the state sets aside a great amount of money for these grants so that these smaller districts can operate. And then in deficit years, the state doesn't provide that funding.

And so there's a proposed bill that would make it mandatory in each Budget Act that there's a set aside, I believe it poses \$10 million, so that there's some money available every year for smaller districts.

So that's my piece there. What I'd like to do if it's all right, I have my contact information here. I have copies of the presentation over here. My hope was so that we could let the folks from the Department of Water Resources go, if you have any questions, you're welcome to contact me directly, so that, particularly as it's getting warmer here, I won't belabor you with any more.

The recitals of law are certainly interesting but sometimes not to all. So here's my information. I will leave copies over here that has my contact information.

Jennifer Beaudean (Chalfant) - Did Bishop adopt this program?

Chris Beck - The so they're part of.

Jennifer Beaudean – Inyo County. In SGMA?

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Chris Beck - Well, they're, yeah, right. When did they adopt their plan? Do you know?

Rhonda Duggan - Yes, it was officially at the end of June of 2022 because they were not. They weren't under the same time constraints, but they pretty much put it in at the same time. So at the end and that's when officially Tri-Valley Groundwater Authority withdrew officially, so I think it went in sometime around March to make sure that it was on scheduled time. We, Tri-Valley, decided to stay through that fiscal year so there would not be any challenges of repaying funding, whatever, and Tri-Valley participated in their groundwater sustainability management plan because it still addressed the Tri-Valley. So they would have to implement that. But it also gave a great framework for us to continue and refine it once we had more data because even though it was submitted, there was a lot of data missing at that time, and they acknowledged it. So Tri-Valley was able to contribute and get in the points that were really pertinent at the time. So it's a good framework.

Jennifer Beaudean - And also to go with that you guys did a test of metering people's wells and measuring. And how does that play out in these technical

Chris Beck - I don't know that Tri-Valley did wells there. So, I couldn't speak to that.

Jennifer Beaudean - It was like a test run or something. They were going to try it on somebody's well to test the meter and see how much their pumping.

Chris Beck/Rhonda Duggan – BLM did something on that. I don't think that Tri-Valley did that.

Jennifer Beaudean - And if that's something else and SGMA would not be involved in that?

Chris Beck – SGMA applies there, it's a state law. And so it's depending on what their groundwater management district did, sorry about that.

Mike Godbe – Do you know off hand with the exemption of DWP land is the Owens Valley Basin high or medium priority?

Chris Beck - I don't know. Do you have an update on that?

Mike Godbe – So the DWP lands are exempt from SGMA as they're with the County. In terms of the plan that they have to create, is their basin high or medium priority without DWP?

Jack Tung – I don't know that answer. I know the point for the point system total is 12.5 for Owens Valley as a whole, and well, I say as a whole, that's points assigned to Owens Valley. Once the points reach 15, it enters medium priority status, but I don't know how that factors in or out to the DWP lands. So I don't and it would be based on the data that was available to us. But to answer your question, I'm not sure, I don't know how DWP owned lands work, if they're included or excluded from that calculation.

Aaron Johnson – I was just going to add, Aaron Johnson from Fish and Wildlife, to clarify that point, Tri-Valley and the Owens Valley are all one basin presently. And that one basin is ranked low priority. It was previously ranked medium priority and it went to low priority.

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So, but there's not a different ranking for the Owen's Basin. Just to clarify.

Public – But they're not metered or regulated; all the water that they take out of the valley. We're talking about saving our water, but they would get that water and pump and drilling wells and all that.

Aron Johnson – You're speaking about the City of LA?

Public – Yes.

Aaron Johnson – They're highly regulated by Inyo County. I think that's a different discussion.

Rhonda Duggan - And then the reason it just wasn't going, the reason that they went ahead and did, even though Owens Valley Groundwater Authority, which was this whole area, completed the study even though they weren't required, it's because they had a grant to do it. They'd already started on it, and they felt it would be prudent to go ahead and complete this anyway. Because the fact that right now they're low priority would eventually change one way or another and it's going to change and now you have the opportunity to gather information. You have a point in time when you can have all of this information and continue to gather it, and let's complete the study. If we don't have to use it, don't have to implement it, it'll be ready to go when we do.

Edie Trimmer – I know that it's all one big basin, Owens Valley Basin, but can a sub-basin be categorized differently than the big basin?

Jack Tung – The answer is yes, every basin or sub-basin gets its own designation for status, for whether they need to comply with SGMA or not. How many?

Lynn Bolton – So, how many points for the Tri-Valley sub-basin?

Jack Tung – There, for the DWR Basin identification system, as Aaron pointed out, the Tri-Valley portion of Owens Valley is the same sub-basin as the Inyo County portion.

Lynn Bolton - Right. But didn't you just say they can be separated as far as priority.

Jack Tung - Yes, if the if a sub-basin is formed.

Lynn Bolton - So it hasn't been done but

Jack Tung - Correct.

Lynn Bolton - So, there's no number.

Jack Tung – Correct. So if DWR accepted the creation. DWR no longer creates new basins. There are basin boundary modification processes and it's collaborative and we receive input from the public and locals, but they must happen at certain times and if during those opportunities if a sub-basin is created such as Tri-Valley then subsequent to that after that there would be a legal requirement to redo the priority for that basin or sub-basin that was effected. But as of now, the

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Owens Valley sub-basin is one sub-basin according to Department of Water Resources for both the Tri-Mono County portion and the Inyo County portion.

Curtis Milliron – This is a great conversation because I think this is exactly where the future needs to go that this sub-basin, this Tri-Valley area, which has already had its own status and water and groundwater management district from way back 35 years ago. So it's clearly a unit that has recognition. But more importantly, within the groundwater management plan that Owens Valley completed because they had the grant to do so, although they weren't required because again, they went from a high priority to a medium, then to a low because of the Inyo-LA agreement was already taking care of groundwater management. And you know, there's a lot of controversy around all that, but they got the green book, they go out every year, they do a lot of surveys. They manage. Now they're way ahead of most everybody else in California for their time. But, we're not. Tri-Valley is kind of out there on its own and in the management plan that they did for the Owens Valley and the Tri-Valley area, they said that the Owens Valley is covered, but the Tri-Valley area was identified and all the action items in that management plan, which was finalized but not approved, I think that's the status. All the action items are for the Tri-Valley and right in the management plan it says it recognizes the Tri-Valley area as a high priority. Not having the status of DWR designation, but clearly meeting the criteria. Within that management plan document, I encourage you all to get online. It's really easy to find and you can peruse through there. Just search out the Tri-Valley areas because most of it is Owens Valley and it's very enlightening as to our situation. So I think that's the discussion yet to come eventually is to break off and reprioritize because I think we would meet the criteria for a much higher status and therefore funding and more recognition.

Peter Stickells - There's a quite a bit of history to the Tri-Valley trying to become its own sub-basin. We have an expert that's sitting here, Bob Harrington. He spent, I don't know was it a year to two years process from and Carol Ann knows this extremely well too. So the Tri-Valley did try to become its own sub-basin and it was quite surprising because it was supported by all entities, except I believe one of the tribes. And it failed. DWR turned it down. So a lot of it went in and it was very surprising that it didn't happen. This was back, I'm going to say, 16, 17 (2016 or 2017), are we correct?

Bob Harrington - It was before the passage of SGMA or maybe was immediately during the implementation of SGMA.

Peter Stickells - So, right around 2016. So a lot of effort went into trying to separate Tri-Valley off and it failed. DWR passed on it. So just so you have that history.

Mike Godbe – Just about these different designations, just to verify, am I correct that the designation of a medium or high priority basin doesn't do anything to affect the jurisdiction of a groundwater sustainability agency to implement any of the things. It only if you're medium or high priority, the law mandates that certain things happen. Right?

Chris Beck – Right.

Mike Godbe - OK. So, if we were to shift it you know that would bring in more requirements that need to happen but it wouldn't change anything that this Board could already do.

DRAFT

Chris Beck - Yeah, I'm curious. I wonder if it would trigger more funding being available from the DWR.

Jennifer Wong - No problem, but they're just looking at me because I work with grant management and I work with some folks in this room on grant management in this valley. So yes, the priority with the grants from DWR are given more to medium and high priority and critically over-drafted basins. That's where most of the money is going to right now. Unfortunately, we don't have the funding for the low priority but that doesn't mean they couldn't change in the future. But you know it's unpredictable, but the priority right now is for the high and medium priority basins to receive funding.

Becky Manross (Chalfant) - One of the things it says is you get the money from sending water out if we had access that you could get money for that. We don't want water to leave the valley.

Chris Beck - And that's why I was bringing it up, although it's available under the Sustainable Groundwater Management Act, it's not likely. Many of those basins are in overdraft.

Becky Manross - Ok. So the water would always stay here, even if we had excess.

Chris Beck - I hope, we have to have that conversation.

Director Mitchell – The Board would have to approve that, and that's not likely. Because our original groundwater management statute prohibited export.

Director Puhvel - And I'm curious from the DWR, you've seen SGMA, these plans have been submitted over the past two or three years and slowly some of some of them are getting approved. What are you seeing as the progress statewide in terms of when will a lower priority basin be reconsidered for redesignation, or perhaps you'll be done with plans for the upper priority medium and higher priority, and then can just address lower priority.

Jack Tung - OK, so here's a 2 part question. So the first part about when we might consider reprioritizing basins. If I understood correctly, there is no anticipated schedule for the moment that I'm aware of. And I know that if a basin boundary modification process were to open up, as I described earlier, that would trigger a need for reprioritization after that. And so there also is no timeline that I'm aware of for basin boundary modification requests, a window. So for now I think, in the near future I think that opportunity will not come up. But, I think squeaky wheel gets the grease and I think if enough communities throughout the state keep voicing to their representatives, and it makes its way up to legislature and perhaps the governor, and then to our agency, that there is a need and desire for two parts, either to modify basin boundaries or to reprioritize because the points that, the conditions that the points were assigned based on have changed, so there might be a different designation. So if enough concern and voicing of this makes its way through government. Then I think that will increase the chance that an opportunity comes up. So that was the first part. Your second part of the question I forgot, sorry.

Director Puhvel - I believe it was do you see a progress in the implementation of the other GSP's so that there will actually be time and resources to address the lower ones without redesignation?

DRAFT

Jack Tung - Right, OK. So we currently have seven plans, 7 GSP's submitted for low priority basins or very low priority basins. And that's considered batch 6 of the plans that we're reviewing; we're currently reviewing batch #5. So I'm not saying that it will happen immediately because again, right now we're so focused on making sure we meet our legislative deadline to complete reviewing all of the 120 plus groundwater sustainability plans we've received and we have two years to do it. So our deadline is January of 2024 coming up. And so after that, we might focus some attention towards evaluating those low priority basin GSP'S. But I haven't heard that that is the exact sequence we're going to go and we'll dive right into that. But it seems like that might be.

Lynn Bolton – Before you leave, Chris, I thought SGMA had a five year review of prioritizations. I thought I read that in the in the actual text of the law.

Chris Beck - I haven't encountered that. I'd have to look at it.

Lynn Bolton – They're supposed to review it automatically every five years, all of the priorities.

Chris Beck - I haven't encountered it. I have to research it. I'm not entirely sure.

Lynn Bolton - So if it were redesignated or, let's say, Tri-Valley separates from Owens Valley and it would be required to have a GSP if it's not a low priority. Right?

Chris Beck - If it's not a low priority.

Lynn Bolton - Then it's likely it would be higher. So, then there's a funding issue. A lack of, you know, getting a grant.

Chris Beck – But, again, if it does become a medium priority basin, there's more of an opportunity for grants than as a low priority basins.

Mike Godbe – One more question for you. Say, you know, absent the grant and other opportunities to the GSA or other revenue generating options and say they were to get sued would County Counsel's office, could County Counsel office defend the GSA? Is that precluded in any way or or how possible likely it that?

Chris Beck – It's that it's, I have to see. So the way it works, County Counsel represents the County, but there's some obligation and with direction from the Board of Supervisors to represent agencies within the district. There's different levels of representation. Some is very merely advice and advisory only. Others is partial legal activity, meaning I can draft a resolution to the ordinances but not provide direct representation for things like litigation. I'm not sure at the point when Tri-Valley was formed what the direction was. It's probably well before your time as well from the Board to provide

Rhonda Duggan – Oh, yeah.

Director Mitchell - We have something on it.

DRAFT

Chris Beck – Ok, but so I'm not sure what it was when they did it back then, whether it was hey you're gonna provide full representation. Or just purposes like this representation to the Board, just at general meetings.

Mike Godbe – I'll just ask Carol Ann or Chris if we can get an answer from somebody about that question.

Director Mitchell - Yeah, sure. We'll look for it. Yeah, we can do that.

Chris Beck - And I'll do whatever until. Alright, thank you everybody. I appreciate your time.

c. The California Department of Water Resources (DWR) and local Groundwater Sustainability Agencies – Jack Tung, Supervising Engineering Geologist and Jennifer Wong, Engineer, Water Resources, of the DWR Southern Region.

Also see attachment item #5c.

Jack Tung - So quick agenda, here's the major categories of what I'll be talking about. I'll revisit these, but just kind of a road map of where we're going. So the roll of the Department Water Resources in SGMA implementation. Our current status of the GSP's. GSP is Groundwater Sustainability Plans, that we have received and that we are reviewing.

Benefits of developing GSP. Assistance that the Department can provide. Data collection efforts on DWR's behalf and then support. So real quickly, some of this might be review, but I thought I'd try to insert at a high level for those who might not be familiar with information. So groundwater basins have been prioritized in 2015 and then again in 2019. And those basins that have been ranked as high or medium priority are required to comply with SGMA, develop GSP and cover those areas and so there are 515 groundwater basins that were assessed. Everyone was assessed and received a ranking.

Now the role of DWR in SGMA implementation, DWR assesses each GSP that we received to determine if that GSP has a reasonable path towards achieving sustainability. What's sustainability? There is no state definition. Sustainability is defined locally. So every community, every agency, every stakeholder in an area, they're the ones that determine what is sustainability, what are undesirable results for that community. So the government recognizes there is widely differing geology, land use patterns, population densities and so mobile groundwater management is the method of achieving that goal. And so there are other things that the Department will look for in groundwater sustainability plans and at a high level there needs to be a sustainability goal. The undesirable results; on the right there are some figures of sustainability indicators. There are things like groundwater levels, land subsidence, groundwater quality, I'll just name them all for people in the back might not be able to see. Reduction of groundwater, bridge interconnected, surface water depletion, and sea water intrusion, which doesn't apply to here.

And then there's some other things that we'll review as basic components of groundwater sustainability plans. So state intervention scenarios as some of you might be aware, if a groundwater sustainability plan is deemed to be inadequate during DWR's, Department of Water Resources, assessment, then the state will intervene and step in to manage those basins with inadequate plans. But that is not the Department of Water resources. It's a different agency. It's the State Water Resources Control Board. And they can come in and manage how they see fit, impose the fees that they think that are appropriate to cover their fees to manage basins in the