

INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

City of Ridgecrest, Indian Wells Valley Water District, Inyo County, Kern County, San Bernardino County

BOARD OF DIRECTORS MEETING MINUTES Thursday, February 20, 2020; 10:00 a.m.

IWVGA Members Present:

Chairman Mick Gleason, Kern County	Don Zdeba, IWVGA General Manager
John Vallejo, Inyo County	Phillip Hall, Legal Counsel
Ron Kicinski, IWVWD	Steve Johnson, Stetson Engineers
Scott Hayman, City of Ridgecrest	Commander Peter Benson, US Navy, DoD Liaison
Thomas Bickauskas, Bureau of Land Management	April Nordenstrom, Clerk of the Board
Bob Page, San Bernardino County	

Attending via teleconference is Bob Page, San Bernardino County.

Meeting recording and public comment letters submitted are made available at:
<https://iwvga.org/iwvga-meetings/>

1. CALL TO ORDER:

The meeting is called to order by Chairman Gleason at 10:00 a.m.

2. OPEN SESSION:

- a. The Pledge of Allegiance is led by Mallory Boyd.
- b. April Nordenstrom calls the following roll call:

Director Vallejo	Present
Director Kicinski	Present
Chairman Gleason	Present
Director Page	Present
Vice Chair Hayman	Present

3. PUBLIC COMMENT:

The Board hears public comment from Elaine Mead.

4. CONSENT AGENDA:

- a. Approve Minutes of Board Meeting January 16, 2020
- b. Approve Expenditures
 - i. \$8,673.02 – RWG Law
 - ii. \$3,591.39 – DRI
 - iii. \$57,003.73 – Stetson Engineers
 - iv. \$498.00 – City of Ridgecrest
 - v. \$1,389.50 – The Daily Independent
 - vi. \$100.00 – California Association of Mutual Water Companies 2020 Membership Dues

Motion made by Ron Kicinski and seconded by Scott Hayman to approve Minutes of Board Meeting January 16, 2020, and the following expenditures in the amount of \$8,673.02 to RWG Law, \$3,591.39 to DRI, \$57,003.73 to Stetson Engineers, \$498.00 to City of Ridgecrest, \$1,389.50 to The Daily Independent, \$100.00 to California Association of Mutual Water Companies.

Motion unanimously carries by the following roll call vote:

Director Vallejo	Aye
Director Kicinski	Aye
Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Aye

5. FIRST READING OF ORDINANCE 01-20 – REQUIRING THE INSTALLATION OF, USE OF, AND REPORTING ON METERING EQUIPMENT FOR GROUNDWATER EXTRACTION FACILITIES IN THE INDIAN WELLS VALLEY GROUNDWATER BASIN:

Phillip Hall provides a brief description and staff report on Ordinance 01-20 (documents made available on the IWVGA website). He clarifies that the Sustainable Groundwater Management Act (SGMA) does allow the IWVGA to enforce metering to ensure we are getting accurate extraction data from the Non de minimis users within the Basin. The cost associated with meter enforcement shall be incurred by the well owner.

Director Vallejo suggests adding the following statement to the end of Article 3, Section 1 after the word meters; “in conformance with the authorities then adopted Groundwater Well Flowmeter Standards”. Hall agrees, and further suggests adding the above statement to any sentence referencing meter accuracy.

Director Kicinski notes the agenda lists the Ordinance as 01-20 but the Ordinance documents in the board packet show the numbers transposed. Hall acknowledges the typographical error and confirms it will be corrected at the second reading.

Director Page questions if any changes made to the current ordinance would require reintroduction of the first reading. Hall explains that only substantive changes require reintroduction, typographical changes do not.

The Board hears public comment from Don Decker, Larry Mead, Renee Westa-Lusk, Elaine Mead, and Stan Rajtora.

Motion made by Ron Kicinski and seconded by John Vallejo to; 1) Make a finding that the proposed Ordinance is exempt from further environmental review pursuant to California Environmental Quality Act Guidelines section 15273 and Public Resources Code section 21080(b)(8) because it is for the establishment of operational rates and charges. Additionally, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15061(b)(3) because it can be seen with a certainty that this action will not have a significant effect on the environment. Moreover, it has been determined that this action is exempt from further environmental review pursuant Guidelines section 15378(b)(5) because it involves administrative activities that will not result in direct or indirect physical changes in the environment, 2) Introduce Ordinance 01-20 by reading aloud its title and set the second reading, which will include the aforementioned revisions, for March 19, 2020 at the Regular IWVGA Board Meeting and 3) Distribute the draft Groundwater Well Flowmeter Standards to both the Policy Advisory Committee (PAC) and the Technical Advisory Committee (TAC) for individual written comments that will be submitted to the Water Resources Manager (WRM) by March 5, 2020.

Motion unanimously carries by the following roll call vote:

Director Vallejo	Aye
Director Kicinski	Aye
Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Aye

6. CAPITOL CORE GROUP (CCG) CONTACT EXTENSION:

Don Zdeba summarizes the staff report for the CCG Contract Extension (documents made available on

the IWVGA website). He states at the January 16 IWVGA Board Meeting, CCG brought forth the Groundwater Sustainability Report, which was to be provided to the Assistant Secretary of the Navy to justify the need for funding an infrastructure project through the Defense Community Infrastructure Program (DCIP). CCG further requested that funding within the original proposal be moved from Task 2 (Negotiation and Agreements for Water Transfers) to Task 3 (Identify and Secure Potential Funding Sources) to accomplish the process of taking this request through the various channels required for approval. Transfer of funds will result in no change to the original contracted amount.

The Board hears public comment from Renee Westa-Lusk

Motion made by Scott Hayman and seconded by Ron Kicinski to approve CCG Contract Extension as well as the internal transfer of funds from Task 2 to Task 3.

Motion unanimously carries by the following roll call vote:

Director Vallejo	Aye
Director Kicinski	Aye
Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Aye

7. CONSIDERATION OF ACTION OPPOSING THE HAIWEE GEOTHERMAL LEASING AREA PROJECT FINAL ENVIRONMENTAL ANALYSIS, FERC NO. 14991-000:

Don Zdeba provides a staff report and general information regarding the Haiwee Geothermal Project (documents made available on the IWVGA website). The project involves the proposed leasing of 22,800 acres of Bureau of Land Management (BLM) -managed lands in Rose Valley, within the watershed of the Indian Wells Valley, for exploration and possible development of geothermal resources. Groundwater modeling of Rose Valley developed by Brown and Caldwell in 2006 on behalf of Coso Operating Company indicated annual inflow to the Indian Wells Valley Basin (IWVB) from Rose Valley may be as much as 2,000 acre-feet of that total. Should a project be approved, the additional groundwater pumping may have adverse impacts on the natural recharge into the IWVB. Staff recommends the Board direct staff to submit a letter of protest requesting a study/modeling be conducted to determine the impact of new geothermal development on the natural recharge within the Indian Wells Valley watershed.

Thomas Bickauskas states the project has been going on for quite some time and is still under consideration for rezoning. Environmental Impact Studies will be done after a project has been identified. Bickauskas assures to bring any new developments to the Board.

Director Kicinski voices concerns for the impact this could have on the IWVB and further expresses his support for submitting a letter of opposition from the IWVGA. Kicinski further questions how this project started. Bickauskas answers this planning amendment was in response to three project applications.

Chairman Gleason shares his concern for the potential impact this project could have on the natural recharge flowing into the IWVB. He acknowledges the public process of both Inyo County and BLM but feels as members of the IWVGA Board they had a due diligence to make others aware of this development. Gleason emphasizes the need for transparency between the agencies.

Director Vallejo states Inyo County was aware of the Haiwee project and the issue has been presented to their Board. Inyo will not disagree with the Board's decision to oppose as they recognize concern for the effect this may have on the natural recharge into the IWVB. Vallejo states that BLM had presented this project as a Programmatic Environmental Impact Report (EIR) allowing for the potential of specific projects to be proposed and applied for, at which point in time any specific application would have to go through its own environmental analysis. Vallejo states that Inyo County is waiting on a project proposal before they take any position going forward and will update the Board as needed.

Vice Chair Hayman states that Inyo considering a project that may take water from our basin worries him, due to their apprehension of moving forward with potential imported water supplies. Hayman says this project should cease and desist before it ever gets started.

Director Page appreciates the commitment to transparency from both Inyo County and BLM. Page questions whether the Groundwater Sustainability Agency (GSA) has the authority to regulate water on BLM land. Phillip Hall states Rose Valley is outside of the IWVB and GSA has no authority over BLM, as it is a federal entity.

The Board hears public comment from Judie Decker, Lorry Wagner, Sophia Merk, Sarah Ziegers, and West Katzenstein.

Motion is made by Ron Kicinski and seconded by Scott Hayman to submit a letter of protest requesting a study/modeling be conducted to determine the impact of new geothermal development on the natural recharge within the Indian Wells Valley watershed.

Motion unanimously carries by the following roll call vote:

Director Vallejo	Aye
Director Kicinski	Aye
Chairman Gleason	Aye
Vice Chair Hayman	Aye
Director Page	Aye

8. WATER RESOURCES MANAGER REPORT:

Steve Johnson provides updates on the following grants/programs; (presentations made available on the IWVGA website)

a. Report on Proposition 1 Grant Status:

Both the re-draft of Invoice #3 and the draft progress report were submitted to Department of Water Resources (DWR) on February 6. Johnson states Invoice #4 is still in the drafting process and will cover July 2019 – September 2019. He states they are a full quarter behind due to most of their efforts being put into submitting the Groundwater Sustainability Plan (GSP).

b. Severely Disadvantaged Communities (SDAC) Program:

Tentatively approved for a one-year extension and consultants may be retained after Grant Agreement is both modified and approved. Johnson states they will update the Board once they hear back from the state.

c. Proposition 68 Grant Status:

IWVGA conditionally awarded \$200,000, which is far less than the \$750,000 requested. Johnson explains they did request higher than DWR originally quoted but provided studies and cost expenditures to support the request. DWR also denied funding for shallow well mitigation and imported water claiming these were financed through Prop. 1. IWVGA submitted a letter explaining that although these projects have been previously funded, the purpose of additional funding is for implementation plans.

d. Groundwater Pumping Verification:

Notice of Groundwater Extraction Reporting for Pumping Verification Questionnaire was sent to the Non de minimis pumpers within the basin. The information collected from this questionnaire, along with prior pumping information, will be used to finalize the verification of pumping reports to be distributed for comment/review on April 30, 2020.

e. Preliminary Groundwater Sustainability Plan (GSP) Implementation Schedule:

Early stages of GSP implementation have begun via the questionnaire, Ordinance 01-20, and discussion of possible post-GSP fees that will be brought to the Board at the March 19 meeting. A draft report for the Allocation of Sustainable Yield will also be presented to the Board in March. Additional tasks

tentatively scheduled are adjustment to the current pump fee, rules and regulations for meter testing standards, along with the Transient Pool and Following Program.

The Board hears public comment from Elaine Mead, Judie Decker, and Camille Anderson.

9. GENERAL MANAGER'S REPORT:

a. Monthly Financial Report

Don Zdeba provides a report on IWVGA finances (made available on the IWVGA website). The current account balance of \$30,753.00 will be used to pay the smaller invoices listed under the Consent Agenda, leaving a balance of \$16,501.09. Stetson's current invoice, along with their previously deferred invoice will be paid at a later time. Zdeba recaps the grant money misunderstanding between the Brackish Water Group and IWVGA, affirming that once payment for Invoice #3 is received, a refund check will be given to the Brackish Water Group in the amount of \$163,784.56. Zdeba states that until Invoice #4 is submitted, cashflow will be limited to pump fees.

b. Update on Alternatives for Funding IWVGA Administrative Structure

Staff has drafted three different administrative structure scenarios that will be presented to the Board. The intent is for staff to bring a recommendation to the Board at the March 19 meeting.

c. Report on IWVGA's Water Marketer (Capitol Core Group)

Zdeba summarizes the project update memorandum provided by CCG (documents made available on the IWVGA website). CCG will continue their efforts in pursuing DCIP funding for an infrastructure project. CCG staff attended the Association of Defense Communities Annual Conference in San Antonio, Texas and will be scheduling a call with Don Zdeba and Steve Johnson to discuss what took place. Zdeba asserts CCG attended this conference at no cost to the IWVGA.

d. Well Registration Update

Non de minimis – 106

De minimis – 113

Director Hayman asks if CCG sent a copy of their reports to Senator Shannon Grove. Zdeba was uncertain but states he will follow up and direct them to do so if not done already.

The Board hears public comment from Renee Westa-Lusk and Judie Decker.

10. CLOSING COMMENTS :

Chairman Gleason shares his experience in Bakersfield for President Trump's speech concerning water challenges in California. President Trump repeatedly declared his support for California communities throughout his speech. Gleason will be attending a conference in Washington, D.C. where he hopes to talk with others to further investigate President Trump's comment. Gleason states he is scheduling a trip to Sacramento to sit with DWR representatives and discuss where the IWVGA is headed. Gleason expresses a need to determine specific dates for GSP implementation tasks.

11. DATE AND TIME OF NEXT MEETING – March 19, 2020; 10:00 a.m.

With no further Board or public comments, Chairman Gleason recessed the meeting at 12:00 p.m.

The meeting was reconvened into Closed Session at 12:06 p.m.

12. CLOSED SESSION:

- CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION (Government Code Section 54956.9(d)(2)(e)(1)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Directors on the advice of legal counsel, based on: Facts and circumstances that might result in litigation against the IWVGA but which are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

- CONFERENCE WITH LEGAL COUNSEL – EMPLOYEE REVIEW: TITLE GENERAL MANAGER (Government Code Section 54957).

The meeting was called back into Open Session at 12:59 p.m.

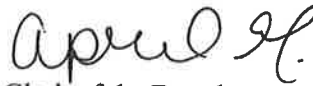
No action was taken which would require disclosure under the Brown Act.

13. ADJOURN:

Chairman Gleason adjourned the meeting at 12:59 p.m.

Respectfully submitted,

April Nordenstrom



Clerk of the Board

Indian Wells Valley Groundwater Authority