

Indian Wells Valley Groundwater Basin

GSA-Eligible Agencies Group

Meeting Summary Notes | March 3, 2016 | 10:00AM-12:20 PM (Via Telecom)

MEETING ACTION ITEMS

Name	Task	Timeframe
GSA Eligible Agencies	Review and approve JPA as legal agreement for GSA	Ongoing
GSA Eligible Agencies	Review February 19 Meeting Summary and provide any comments	March 10
GSA Eligible Agencies	Review JPA language and Policy Question Worksheet	March 18
GSA Eligible Agencies	Come to next telecom prepared to discuss voting in detail	March 18
GSA Eligible Agencies	Review Questions for GSA-Eligible Agencies for GSA Formation	March 18
Kern County	Continue revising JPA and working with GSA eligible agency attorneys	March 18
Kern County	Continue revising and refining preliminary costs-budget estimate	March 18

ATTENDEES

GSA-Eligible Agency Representative Participants:

- *Bureau of Land Management*
 - Robert Pawalek, Supervising Hydrologist
- *City of Ridgecrest*
 - Peggy Breeden, Mayor
 - Dennis Speers, City Manager
 - Wayne LeMieux, Outside Counsel
- *Indian Wells Valley Water District (IWWVD)*
 - Peter Brown, Board member
 - Chuck Griffin, Board Member
 - Jim Worth, Counsel
 - Don Zdeba, General Manager
- *Inyo County*
 - Marshall Rudolf, Counsel
 - Bob Harrington, Water Resources Director
- *Inyokern Community Services District*
 - Ron Harris, Board Member
- *Naval Weapons Air Station*
 - Mike Stoner,
 - Tim Fox, Community Plans & Liaison Officer
 - Katherine Ostapak, Counsel

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- Marykay Faryan, Counsel
- *Kern County*
 - Leigh Ann Cook, Chief of Staff
 - Mick Gleason, County Supervisor
 - Teri Goldner, Chief Counsel
 - Phil Hall, County Counsel
 - Tony Rossmann, Outside Counsel
 - Roger Moore, Outside Counsel
 - Craig Murphy, Planning Department
- *San Bernardino County*
 - Bob Page, Principal Management Analyst

Supporting Staff:

- Dale Schafer, DWR Facilitator
- Alan Christensen, Kern County
- Tim Parker, Technical Consultant

MEETING INTRODUCTIONS

- The meeting began with an overview of the meeting agenda and ground rules by Dale Schafer
- GSA eligible agency meeting representatives introduced themselves

REVIEW OF MEETING SUMMARY NOTES

- February 11th summary meeting notes approved
- February 19th meeting summary notes
 - Leroy Corlett, Board Member, Indian Wells Valley Water District was in attendance and needs to be added
 - Review and provide any further comments by March 10th

SGMA UPDATE

Statewide Hydrologic Conditions

- El Nino still at work, but not as strong as hoped for so far with a dry February
- Snowpack just measured by State and at 83% of normal
- Drought is not over and there are still many reservoirs with less than normal volumes
- Need a Miracle March

Basin Boundary Modifications

Basins Boundary updates – 15 Modification requests to date

Groundwater sustainability Plan (GSP) Draft Emergency Regulations

- DWR released the draft emergency regulations for GSPs February 18th
- Public comments are due on March 25th - ACWA is asking for extension on comment period, and California State Association of Counties (CSAC) asking for concurrence which Inyo supports
- The draft regs are posted on the DWR SGMA website

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- Kern County has developed draft comments on the draft regulations which are under internal review

Water Available for Groundwater Replenishment

- Initial draft report online – has to be finalized by end of year
- Will be used to assess whether water is available for replenishment in basins

Critically Overdraft Basins List Updated

- New list finalized, includes 21 basins and IWV is one of them

Legislation

About 60 bills involving some aspect of water and groundwater

Senate Bill 1317 (Wolk) – probably of most interest to this group

- Any City or County overlying high or medium priority basin would have to have a conditional use permit process in place for all new wells by July 2017 – conditional use permit process requires a public process/meeting - de minimis users exempt
- In critically overdrafted basins, would have to demonstrate that new well would not contribute to an undesirable result
- Counties already have this existing authority, but this would require action to put something further in place
- CEQA not addressed in the bill
- Kern County Planning Department
 - Allowed to have house, where you have electricity and water
 - Could be considered a “takings” if you cannot put in a well due to a conditional use permit process
 - Ministerial well permits in general
- San Bernardino County
 - Ministerial for most part
 - Ordinance in place in High Desert where not overlying Mojave Water Agency area. The well production minimums for triggering the ordinance are different for different types of uses.
 - Looking at how you add something to existing process under CEQA
 - Concern about not having resources and staff to do reviews – would have to charge fees
- Navy
 - Bill was introduced the same day as oversight hearing in SGMA
 - What sort of imminent immediate needs to locals have to respond and preserve groundwater resources
 - So need to look for amendments through process
- City
 - Is there a distinction between City permitting process and what the bill requires?
 - City requires permits for any wells drilled in City with exception by IWVWD

Legislative Hearings

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February 23, 2016 - 9:30 a.m. Joint Hearing Senate Natural Resources and Water, and Assembly Water, Parks, and Wildlife - Oversight Hearing on State Implementation of the Sustainable Groundwater Management Act

March 8, 2016 - 9:30 a.m. Natural Resources And Water - Assessing California's Chronically Under Funded Water Needs: Options for Moving Forward

<http://awpw.assembly.ca.gov/hearings>

<http://sntr.senate.ca.gov/content/2016-informationaloversight-hearings>

JOINT POWERS AGREEMENT (JPA) UPDATE

Status of Formal Support for Each Agency

- BLM
 - Working with solicitor to make sure language is appropriate with Department of Interior
 - On same page with Navy and working with Navy counsel to be Associate/Ex-officio membership
- Navy
 - Confirming working with solicitor that standards appropriate – as an Associate member in ex officio capacity -
- Inyokern CSD
 - Next Thursday March 10 Board Members will vote to join GSA under JPA
 - No opposition has been expressed to date
- San Bernardino
 - Still working on decision-making
 - Met with Supervisor Lovingood
 - Searles has requested meeting with Supervisor and CEO on March 10th, after which will have a game plan
 - Need to know more about how Searles water system works
 - San Bernardino County will meet with Supervisor Gleason after March 10th
 - Next San Bernardino County Board meetings March 22, April 5 and April 19
- Kern County
 - County approved GSA under JPA under resolution
 - All Kern County GSA members are to be electeds
- City of Ridgecrest
 - Has not taken any action - waiting for attorney to make recommendations
 - City is ok with either elected or non-elected representatives. – but if not required that members are elected, allows more flexibility
 - Once JPA language is approved City attorney will bring to Council for approval
- Indian Wells Valley Water District
 - Grand Jury Report on JPAs – question about the concerns raised in the report regarding transparency and enforcement of rules - answer is that the report is only recommendation

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- Elected Board member can be on GSA board, but will have District General Manager attend GSA Board meetings with him –IWVWD will take up resolution for JPA at next Board meeting March 14th
- Do not think there is any opposition

JPA Additions and Changes

- Kern County
 - Added the Groundwater Sustainability Plan Development Committee paragraph in JPA last meeting
 - What's changed is some wordsmithing Navy wanted on Associate member/ex- officio in Section 7.4
 - There will be an attorney's discussion today at 3PM with Mojave Pistachio and Meadowbrook Dairy Mutual Water Companies
 - It is optimistic to hope that MWCs will agree to be on a Development Committee that is not actually developing the GSP
 - So far have 13 attorneys – Searles has two and each of the others have 3

GSP Development Committee Concept Update

- What do you see the role of GSP Development Committee
 - MWCs desire to be able to draft or help draft the GSP
 - Goal of GSP Development Committee - scope as flexible as possible
 - Scope and role to perform all tasks assigned by GSA
- IWVWD agrees
- City agrees and open
- Navy open to that
- Inyo County fine with that - flexibility key at this point
- San Bernardino County – flexibility key
- Kern County
 - MWC – wants to be the one charged with developing the plan -
 - Vision is that GSA staff will prepare a draft GSP
 - GSP Development Committee will be asked to participate in process
 - GSP Development Committee will be able to present their opinions in more than 3 minutes segments
 - Formulation will lie with the staff and not Development committee
 - “Staff” – general manager – paid position – to corral people lead and develop all aspects of the GSP
 - There will be ample opportunity to express opinions
 - GSP Development Committee would also have a direct relationship with Board
 - GSP Development Committee is really Citizen's Advisory Committee
- Question
 - How are GSP Development Committees defined?
 - Members do not include members of board but could be
- Kern County
 - Who all do you want to be represented on the GSP Development Committee?
 - Would have to be of right size to make timely decisions and stay on focus

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- Constituent groups of people that use water
- All have to have capability to sit on board
- GSA selects members with fair representation and pool of knowledge and ability to make decisions
- City
 - In course of adjudication – always a settlement effort with a committee – often the committee grows huge and has 100s of attorneys – if someone has a lot of time should let them stay
- IWVWD
 - Broad strokes and keep it open – sounds fine –
- Inyo County
 - No opinion – go with majority on this
- IWVWD
 - Note that we are backing away from GSP Development Committee in terms of what MWCs thought it was
 - MWCs see themselves as active participant in development of the GSP
- Question
 - This GSP Development Committee is mentioned in the JPA but not well described
 - Where does the written narrative describing in more detail the GSP Development Committee get finalized by GSA Board?
 - Answer to be determined
 - MWCs want details about GSP Development Committee enshrined in JPA and in GSA By Laws
- Navy – maintain flexibility early on in process really important
- BLM with Navy – maintain flexibility
- San Bernardino County
 - If in the JPA, keep flexibility
 - What gets put into GSA By Laws is a negotiation
 - Suggests changing language to show interest of good of whole basin and whole region
- Kern County
 - The existing JPA language was taken from the DWR website, but San Bernardino County's suggested change is a good one and Kern County will make that change
 - No mention about directors of GSA-eligible agencies needing to be elected
- Inyo County
 - GSP Development Committee can be one of several committees – don't mention specific members - participants should not be at the exclusion of others
- City
 - Looks like we are backing away from listening and honoring what MWCs are requesting - in terms of membership –
 - Are we hamstringing the attorneys ? –

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- Kern County - The Answer is no
- Is it the consensus of the group that you want one large and one small agricultural representative?
- Kern County
 - There are two separate agricultural groups with different interests and needs:
 - large growers and (2) small growers –
 - Consider one from each of the two groups
- IWVWD
 - Board has not discussed this opinion of one large and one small agricultural representative Still concerned about Searles not being listed and being left out
 - Searles has been part of the Cooperative Groundwater Group for a long time and a significant contributor
 - Agriculture should be listed as Agriculture and not as an MWC
- Inyokern CSD
 - Agree with large and small agricultural representative and not as a MWC
 - Categories – one or more at large private pumpers – this is in the GSP Development Committee Concept paper
- Question regarding MWC
 - Language in concept was from agricultural MWCs so they listed agricultural MWCs
- What about NGOs – environmental organizations are not included?
- Kern County
 - Need to keep the door open – included but not limited to...
- City
 - Need to be very cautious – environmental organizations can be very difficult to work with
- Navy
 - Local environmental groups will be involved
 - Recommend against bringing in big outside environmental groups
- Kern County
 - Not going to raise this issue this afternoon on attorney's telecom

GSA OPEN POLICY QUESTIONS – VOTING & WITHDRAWAL OF MEMNERS

- Kern County
 - 11.04 Withdrawal notice issue – usually tied into budgeting –
 - Taken voting issues and split up
 - Simple majority vote and then weighted voting
 - Powers incorporated into JPA
 - Pure policy questions – try to get some input today
- Inyo County
 - Withdrawal of associate member – why tied to finance?
- Kern County

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- A JPA is typically finance dominated
- A GSA-JPA is different since it also has powers and authorities tied to SGMA
- In this case, if one member pulls out, the JPA will need to have another agreement in place to keep in conformance with SGMA
- IWVWD
 - Suggests need total draft to decide and then can take up –
- Kern County
 - But for voting, then also need to know how many will be on Board
 - Notice provision on withdrawal issue
 - Has seen 30 days which works but a little short
 - 120 days seems too long on the other end – Associate member – side issue
 - Voting – percentage on general powers etc.
 - Distinction between Associate and General member – separate out time at which a financial agreement terminates –
- **HOMEWORK FOR GSA-ELIGIBLE AGENCIES**
 - GSA-eligible agency representatives to come back with recommendations
 - Everyone needs to really think through voting and membership and come back prepared to fully discuss on the next telecom

GSA FUNDING & FINANCE

- In the interest of time, will defer to next telecom
- Preliminary Costs – Budget handout has been updated
- Many questions remain as to when will fee basis be available, members and in-kind contributions
- IWVWD
 - Kern County has been funding the GSA-formation effort and it is costing a lot
 - If a budget estimate is provided and agreed upon, IWVWD can provide funds to help support the effort –
 - Could provide funding to Kern County
 - Kern County to look into

TIMELINE

- Reviewed Meeting Schedule – Topics and Milestones handout
 - Proposed schedule is a working draft and a first shot and seeing how and when we can form GSA, and steps to form GSA
 - Ideal would be to have the Public Hearing to form the GSA on June 17th
 - Not sure we can make this – but let's go with it for now and adjust accordingly as we need to in the future
- Kern County
 - Board and Council resolutions should be in process after April 7th telecom for signing the JPA
 - California Department of Water Resources will be in Ridgecrest on April 8th to talk to the community about what the State role, what work the new GSA

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will have to do, and that the new law sets all these mandates or the State will intervene

- Is April 8th to replace the April 22nd or in addition to April 22nd in person meeting?
 - Could do both meetings?
 - No – only one meeting makes sense from scope and cost perspective
 - Won't have enough time after April 7th meeting to prepare for April 8th in person meeting
 - DWR is available April 8th and 15th
 - Suggestion that we talk to DWR about April 15th

MEETING HANDOUTS

- Meeting summary notes (draft) – February 19, 2016
- JPA current draft
- IWV GSP Development Committee Concept
- Voting Options
- Policy Questions Worksheet
- Preliminary GSA Budget
- Timeline and Milestones for GSA Formation
- Local Agency Role in GSA Formation
- Questionnaire for GSA-Eligible Agencies

Next Meeting via Telecom – March 18, 2016 – 10AM -12:00PM

Next Planned In-Person Meeting – April 2016 – Date to be Determined