

Indian Wells Valley Groundwater Basin
GSA-Eligible Agencies Group

Meeting Summary Notes | April 15, 2016 | 5:00PM-7:00PM
In-Person at City of Ridgecrest Council Chambers

MEETING ACTION ITEMS

Name	Task	Timeframe
GSA Eligible Agencies	April 7 th Meeting Summary Notes finalized	Completed
Kern County	Remove “draft” and post April 7 th summary meeting notes on website	April 30
Kern County	Post State Agency presentations on website	April 30
Kern County	Follow up/interface with Meadowbrook Dairy	April 22

GUEST SPEAKERS

- California Department of Water Resources (DWR)
David Guterrez, Executive Program Manager, SGMA
- California State Water Resources Control Board (SWRCB)
Erik Ekdahl, Director Research, Planning and Performance
Sam Boland-Brian, SGMA Program Acting Manager

GSA-ELIGIBLE AGENCIES REPRESENTATIVES

- City of Ridgecrest - Peggy Breeden, Mayor
- County of Inyo - Matt Kingsley, Supervisor
- County of Kern - Mick Gleason, Supervisor
- County of San Bernardino Robert Lovingood, Supervisor
- Indian Wells Valley Water District Peter Brown, Board Member
- U.S. Bureau of Land Management Robert Pawalek, Chief of Resources
- U.S. Navy - Commander Jared Markley, Environmental Counsel

SUPPORTING STAFF

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

OVERVIEW OF SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA)
REGULATORY AND TECHNICAL ASSISTANCE ACTIVITIES

Presentation by David Gutierrez, DWR

- Why was SGMA enacted? Due to adverse impacts across the state including:
 - Seawater intrusion
 - Subsidence-land dropped +30 feet in some places and in other areas of the state, land is dropping 1 foot a year
 - Impacts on rivers – there are places where water levels have dropped to the point that rivers are drying up

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- SGMA is a major component of the California Water Action Plan
 - It all comes down to the water balance. If supply does not equal demand then the basin is out of balance
- SGMA framework
 - Form GSA by June 30, 2017 - local agency leads the way - up to the locals to figure out how to form GSA
 - Develop GSP by January 2020
 - Sustainability within 20 years of plan adoption, but there's a 50 year planning horizon
 - Basin Boundaries - distinction between (1) basin and (2) subbasin basin boundaries can be modified on either a scientific or jurisdictional basis.
 - There are 515 basins and subbasins in the state, and 127 are designated as high or medium priority and required to meet the mandates in SGMA
 - For very low and low priority basins it's up to the locals what they may want to do
 - The bottom line is if groundwater is important to community, then it is a higher or medium priority basin, and that won't change
 - Groundwater Sustainability Plans (GSPs) will be developed in a way to avoid undesirable results
- SGMA key principles
 - local management
 - state intervention
- DWR sustainable groundwater management program - two key regulation developed: (1) Basin Boundary modifications – in place, and (2) groundwater sustainability plan regulations – in draft form
- The backstop to SGMA is the SWRCB which will be discussed later in the program

Status of Indian Wells Valley Groundwater Basin

- Hydrology of the basin – DWR reviewed over 20 reports and found groundwater levels have been dropping for decades across the basin.
- What's it mean to be a critically over drafted basin? The main thing is you have two less years to establish a groundwater sustainability plan due in 2020 instead of 2022.
- But you also get additional funds through the stress counties grant solicitation.

DWR implementation of SGMA

- All are encouraged to review (1) the draft strategic plan for the groundwater sustainability program and (2) the DWR's SGMA website which has a lot of good information
- Critically Overdrafted Basins – completed January 2016 – no reason to revisit

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- Basin boundary modification regulations – basin boundaries were developed as part of DWR and USGS studies during the 50s, 60s and 70s. Locals may have better information as to what the boundaries should look like.
- Rules have been set up for locals to change basin boundaries based on scientific and jurisdictional information.
- SGMA basin prioritization will be updated, however, based on adverse impacts on local streamflow and habitat (due at the end of this year) we expect that there will be a few basins added to the medium and high priority categories but it's unlikely that any basins will be removed from the SGMA list.

Groundwater Sustainability Plan Regulations

- There is a detailed process for locals to develop plans
- DWR is still working on a way to grade the plans but also has to be flexible enough to meet local needs
- DWR received about 200 comment letters and ended up with around 2000 comments to review
- Mid-May final regulations will be presented at the California Water Commission

Groundwater Sustainability Agency (GSA) formation-

- A number have been submitted but are overlapping and will not be acceptable if there is no governance structure and coordination
- There have been 134 total GSA notifications to date

DWR Facilitation Support

- The goal is for locals to manage the formation of the GSA and the drafting of the GSP without state intervention.
- DWR shifted some funding to make more facilitators available to get locals together to the table to discuss GSA formation and work through the governance structure

Best Management Practices (BMPs)

- DWR is working on developing BMPs now and will hopefully complete them by the end of the year.

Report on water available for Replenishment

- What water is available for recharge now?
 - Although there are various sources, it can be misleading because you need infrastructure to capture the total water available.
 - Framework for data management - DWR is putting together the program to help provide data to locals – a brief white paper on the framework for data management should be available in the next couple weeks

Success Factors

- GSA Formation – have to complete by June 2017
- Data Gaps – analysis and filling
- Fact and Fiction - comments and outreach
- Support & Assistance – technical and resources

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- Supply versus Demand – tough choices to make

OVERVIEW OF SGMA ENFORCEMENT

Presentation by Erik Ekdahl and Sam Bolan-Brien, SWRCB

- SWRCB recognizes that groundwater is best managed at local level, but also that local efforts may not always be successful, whether due to a lack of cooperation or not enough resources.
- SWRCB is the enforcement agency with nine new positions focused on SGMA implementation.

The State Backstop

- Data manager to make sure you have the data you need - all water use will be reported to the SWRCB.
- If necessary, SWRCB can develop an interim plan which will spell out how to manage the groundwater resources of the basin.
- SWRCB will intervene temporarily, until locals can again resume management of the basin.
- Intervention will be coordinated with DWR.

Intervention basics

- Intervention can't happen unilaterally--only when there is a failure at the local level.
- There are numerous ways for locals to avoid intervention – SGMA is structured to make sure locals can work out their problems where possible.

Intervention Process

- Trigger - a basin is declared a Probationary Basin
- SWRCB - Interim Plan Preparation/Implementation

SGMA Triggers

- June 30 2017 – unmanaged areas in basin
- Jan 31, 2020 – critically overdrafted basin without GSP adopted
- Jan 31, 2022 – high and medium priority basin without a GSP or basin in overdraft and GSP inadequate
- 2025 – significant depletion of surface water
- DWR has to determine that there is a problem locally

Role as Data Manager

- Place and location of all wells
- Type of use of groundwater and point of use
- Require pumpage amount and metering of all wells including de minimis
- Developing a data management system to support enforceability
- Reporting requirement on unmanaged areas and probationary basins
- Fees will be charged by SWRCB on pumpers to cover all state costs including facilitation, technical work, field work, data collection and management, and public hearing and any court and legal fees
- Probationary status – have 180 days for locals to fix problems
- Interim Plan prepared by state to lay out corrective action to address overdraft and will be pumping restrictions and not projects

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- SWRCB Intervention is Temporary – but locals have to petition Board to be removed from probationary and have a plan to remedy

Note on Adjudications

- SGMA prevents a rush to the pumphouse – water Code Section 10720.5
- Any pumping after SGMA commencement date January 1, 2015 is not counted
- The groundwater adjudication process was reformed in 2015 with SB226 and AB1390 to ensure consistency with SGMA and allows courts to issue a preliminary injunction and pumping restrictions.

Final Thoughts

- Intervention will only occur where locals fail
- Many opportunities in SGMA for locals to fix issues that caused intervention – public process will be in place for comments on intervention actions.
- SWRCB will enforce when necessary and appropriate in coordination with DWR

PRESENTATIONS - QUESTIONS AND ANSWERS

- There are wells with water levels in the Valley that are not going down, but in fact coming up – can you please update the groundwater level information with additional wells in the future?

DWR – yes – DWR will always look at updating the well information in the basin – have to look at the big picture – Also requires that GSPs update well info when preparing or modifying the GSP

- SB226 and AB1390 – what do these bills actually do in a nutshell?

State Board – these two bills mainly streamline the adjudication process and align adjudications with the new SGMA law – adjudication does not get you out of SGMA

- SGMA appears to give strong encouragement to local agencies to run GSAs under an MOA or JPA – but IWV has disparate representation by local agencies – a large of amount of groundwater pumping and use is by local private pumpers or corporations – these interests are not represented on the proposed GSA – is there another way to have private pumpers represented by electing representation on the GSA?

DWR – SGMA created to provide as much assistance as possible. DWR will have to makes tough decisions in the future to meet sustainability authority for specific public agencies to form GSA(s) – want public agencies to be in charge – then up to GSA to set up decision-making framework to allow public participation – Example: Paso Robles where locals trying to have a new Special Act District with an elected board where after two years of effort, voters denied the district formation and fees at 78% vote against.

- Undesirable Results – how do you define the terms “significant and unreasonable” lowering of groundwater levels?

DWR – Left vague – as an example, it could be where there is a 50 foot drop in groundwater levels in that is not considered significant, because no wells

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dry up or there is no subsidence-locals are to define significant and unreasonable and then DWR will review and approve or not accept - the public can comment on the groundwater sustainability plan in terms of how the plan defines significant and unreasonable undesirable results.

- What does enforcement mean? How are you going to do that? People will lock up their gates and doors and not allow meters on their wells.
SWRCB - The state board has had plenty of experience in dealing with curtailments and other enforcement activities. The state can issue a cease-and-desist order, and then levy financial penalties of up to \$1000 per day and also can issue a charge by volume of groundwater pumped plus severe penalties for deceiving or lying to investigators. The GSA is basically protection from state intervention if successful.
- Kern County is confident we can succeed as the group has been working on GSA formation activity for almost a year. We have disagreements but we all want to succeed. There is a wide range of opinions of what SGMA means. Some people say we are going to run out of groundwater, others say we have plenty and unlimited groundwater. No one has had a complete picture. September 18, 2014 the legislature passed SGMA. At the same time SGMA was making its way through the legislature, Kern County was working on land use changes, totally different from this process and difficult. Are you as confident as I am that we can succeed?
DWR - it's not difficult to define the problem from a technical standpoint-obviously I think you can succeed-DWR will provide as much assistance as possible, but you will have to make tough decisions in the future to reach sustainability.
- What role did Kern County have in Indian Wells basin designation?
DWR - the answer is that technical folks at DWR, Tim Ross in DWR southern office, did the analysis to make the determination about Indian Wells Valley being on the critically overdrafted list - Really there's no question about the designation-DWR provided the opportunity for public comment by anybody to try to change DWR's mind on this matter, but we received no information to change our minds. Really the only difference about being on the COD list is that you have two years less to complete your plan; otherwise it's the same.

Noted that DWR and State Board presentations will be made available on the Kern County website at <http://www.co.kern.ca.us/WaterResources.aspx#>.

IWV GSA-ELIGIBLE AGENCIES MEETING

- Summary Meeting Notes for April 7th – no additions or corrections, notes approved as final.
- Fifth District Inyo County – Inyo County has a very small piece of the IWV basin, but uphill from agriculture, so Inyo is in a critical position. The new site is an adjudicated basin and water is supplied to Los Angeles. Inyo is trying to be engaged and participatory in the GSA in Indian Wells Valley. Inyo has issues concerning potential export from Inyo.

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- The City of Ridgecrest has only voted to approve the JPA as the proper agreement to be used to form the GSA. What matters here is that the depth of groundwater is dropping. We need to make changes to live here sustainably in the future. We don't want someone coming in and telling us how to manage our groundwater. The City Council authorized its attorney to be the negotiator in the JPA agreement. The City wants to be as transparent as possible and is trying to put the bare minimum into JPA so public can be involved in further development of the GSA.
- IWWVD agrees with remarks made by Ridgecrest. The need is to have the administrative function to form the GSA and then the GSP. We are possibly one meeting away from forming the JPA. The wells mentioned in an earlier comment that have recovered are from a pumping depression due to pumping being spread out differently than it was previously. IWWVD is interested in doing the right thing and agrees that "we are all in the same boat".
- Kern County has spent more than ½ million dollars so far. That has to stop. The County is ready to move forward and thinks that we are making good progress.
- San Bernardino County will be proactively involved in this effort. We would prefer meetings at 6 AM verses 6 PM. Our principal management analyst has been involved in these meetings to work together to form a JPA.
- Bureau of Land Management (BLM) manages 1.5 million acres of publically owned land. The main issues are grazing and hydrologic concerns. BLM supports the JPA/GSA formation. BLM will be an associate member that won't vote just like the Navy.
- The U.S. Navy has considerable interest in the water basin and agrees that it is good to work cooperatively. The Navy has worked cooperatively with residents of the basin for decades. We need to conserve water and we need a more data and a model. The Navy plans to continue to actively participate in the basin.

PUBLIC COMMENTS AND QUESTIONS

- Update on JPA - the JPA is moving forward. A few policy matters (voting, membership, funding and finance) remain to be decided. In answer to a statement in a letter provided by Meadowbrook Dairy this afternoon, Kern County notes that the GSA eligible agency members are not giving up on the GSP development committee. Members decided to stop talking about the committees until the GSA is formed.
- DWR – check well 36. You need to properly set wells. Shallow wells may have water. Can you consider funding a couple wells to drill down deep to investigate additional groundwater resources?
- The JPA has to be approved by each board and council, correct?
Yes.

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- Meadowbrook Dairy has a number of concerns regarding the JPA process. Our objective is to achieve meaningful participation in the GSA and GSP. It seems that Kern County is strenuously objecting to our participation. Supervisor is ignoring us and trying to stop our involvement. There was discussion of the GSP Development Committee, but now it seems that the committee is not happening. Will you meet to discuss the GSP development committee? Thank you.
Ridgecrest - The JPA does include the GSP Development Committee, but the members of GSA eligible agencies plan not to discuss it further or refine it until after the GSA is formed. Those discussions will be accomplished publicly in a public form under the Brown Act requirements.
Kern County appreciates what you have asked for. We will work to interface next week with you and County counsel.
- GSA Board members should be elected. Re: all members will have to go to their Boards for decisions -is this Board going to change Board membership so it has fair representation?
The expectation is that members will be designated by their agencies.
Kern County noted that in concept if you could elect just people and not an agency, you would have no powers. SGMA relies on the powers of member agencies. Without bringing local powers, the GSA alone doesn't have enough power. Nice idea but not workable.
- 240 years ago we fought a war over equal rights. The SGMA group JPA will have to make very hard decisions. Suppose there is a proposal to reduce pumping by 30% along Brown Road? The only vote tag representative for Brown Road is Kern County where others in the basin have 3 votes - the city, the water district and the county. I see this as a severe problem. How will you solve fair representation on the GSA Board?
Kern County - Your question assumes each agency has one vote. One thing everybody has to consider is the powers they have. Currently we are trying to cope with fair representation. The GSA will be complying with state law.
- Mojave Pistachio wants to be included in GSA and GSP process.