

INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

BOARD OF DIRECTORS

MINUTES

**Ridgecrest City Hall
100 W California Ave
Ridgecrest, CA 93555
760-499-5000**

Thursday September 15, 2016, 10:00 a.m.

CALL TO ORDER:

The meeting was called to order by Chairperson Gleason at 10:00am.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Ron Kicinski

PUBLIC COMMENTS:

Bill Manofsky, a local resident, referenced the Water Education Foundation document "The 2014 Sustainable Groundwater Management Act: A Handbook to Understanding and Implementing the Law.". Mr. Manofsky asked that the board clarify what "most circumstances" meant in the line "De minimis users cannot be assessed fees under most circumstances".

Kern County Legal Counsel Phill Hall answered that he is unsure at this time if de minimis users will be assessed a fee.

Judie Decker, a local domestic well owner, states there is already a problem with regards to the future casino and lack of discussion on the overdraft water issue.

Renee Westa-Lusk, a local resident, announced that she is in the process of having a member of Congress, on the House Armed Services Committee, visit Ridgecrest and China Lake, before the November election. Ms. Westa-Lusk asked if any IWVGA members are willing to meet with the member of Congress.

Chairperson Gleason asked that the member's information be forwarded to the Board in order to follow up.

Ron Kicinski, a local resident, noted that the JPA Board is not elected specifically but appointed from other Boards, and the JPA Board members discuss the issues with their individual elected Board members. Kicinski thinks that the process will work this way.

Harold Manos, private well owner, asked for clarification of what the board's plans were with regards to controlling water in the valley. Chairperson Gleason answered that to his understanding, SGMA does not apply to de minimis users defined as using less than 2 acre feet per year. Phill Hall added that water use has to be used towards residential and not agricultural application. Manos also noted that domestic well owners use less water than agriculture. His well is going down one foot per year due to overpumping by agriculture.

Chuck Griffin stated that if the basin is regulated then de minimis users could be charged fees. Phill Hall noted that de minimis users will not be charged fees, before the GSP is adopted, four years from now. However, there is a possibility of post-GSP fees.

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Carol Wilson, private well owner, wanted clarification about rates for de minimis users.

Phill Hall noted again that determination had not been made.

Chairman Gleason said that de minimis users are not impacted by SGMA.

Columbia Nelson, a private well user who shares a well with three other parcels, asked for clarification with regards to how many acre feet can be used for shared wells. Phill Hall answered that even if you have 5 acres, each user can still only use 2 AFY to be considered a de minimis user.

Tom Wiknich commends the board for answering public comments and questions.

West Katzenstein, de minimis user, asked if the GSA has the power to regulate pumping and assess fees. Chairperson Gleason stated that he cannot offer definitive answers at this time. Phill Hall interjected that the overlying right is that anyone who has property in a basin has a right to the pump groundwater in that basin. Tim Parker asked for patience from the public, and that as soon as the board receives answers with regards to fees the board will pass along the information.

SPECIAL PRESENTATIONS:

a. Jack Connell, China Lake Alliance – Potential Conflicts with GSP Timeline and BRAC Timeline

The Navy generates 80% of the economy in Indian Wells Valley. The navy is not forecasting or predicting a BRAC (Base Closure and Realignment Commission). BRAC should not interfere with the GSA status or work on the GSP. Earliest window for a BRAC would be 2019.

Chairperson Gleason commented that he recently had a conversation with Navy Leadership and they corroborated the information Jack Connell has presented.

Vice-Chair Breeden announced that Jack Connell will have a presentation for City Council in the near future.

Stan Rjatora, suggested more emphasis on increasing recycled water use in the near future. He expressed the concern that 2020 is too late to have a plan.

Bill Manofsky asked if Commander Longbottom could answer several questions with regards to large scale water use on the Base. Chairperson Gleason asked that Mr. Manofsky talk with Commander Longbottom after the meeting to follow up with several questions and Commander Longbottom could bring the answers back to the board.

b. Lorelei Oviatt, Kern County Director of Planning and Natural Resources – Potential Commercial Scale Solar Opportunities presentation

Chairperson Gleason asked that Ms. Oviatt further explain solar overlay, the difference between IWV and the central valley, and how the focus will remain on water reduction and not consuming other acres.

Bill Manofsky asked if state tax incentives could be applied to this valley to install solar panels on houses.

West Katzenstein addressed a potential corollary problem in the valley with agriculture. If the current crops were cleared for a solar project, it could create a sand and dust problem.

Oviatt replied that the way the solar project are implemented, they help stabilize the land and no dust comes off.

Sophia Merk, local resident, asked for a copy of the presentation. No copies were available. Ms. Merk also asked if recycled water was possible, as well as distributed solar.

CONSENT CALENDAR:

Motion made by Peter Brown and seconded by Bob Harrington to approve the Minutes of the August 25, 2016 regular IWVGA Board of Directors Meeting. Motion approved.

APPROVAL OF REGULAR MEETING SCHEDULE FOR 2016 AND 2017:

The staff recommended that the Board meet the- third Thursday of each month at 10:00am. Vice-chair Breeden made motion to accept this schedule, contingent on reviewing the schedule again at the end of 2016. Peter Brown seconded motion. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

DISCUSSION OF ROTATION SYSTEM FOR IWVGA CHAIR AND VICE-CHAIR:

Staff recommended that the chair and vice-chair rotate between the three Kern County agencies: Kern County, City of Ridgecrest, and Indian Wells Valley Water District. The rest of 2016 & 2017 Kern County would serve as chair, City of Ridgecrest as vice chair. For year 2018 City of Ridgecrest would chair, Indian Wells Valley Water District would serve as vice chair. For year 2019 Water District would Chair, Kern County would serve as vice chair. No public comment. Peter Brown moved to adopt the schedule of rotation of chair & vice chair, and Bob Harrington seconded the motion. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

DISCUSSION OF REQUEST BY EASTERN KERN COUNTY RESOURCE CONSERVATION DISTRICT TO SERVE AS ASSOCIATE MEMBER OF THE IWVGA:

Staff recommended that EKCRCRD not be a JPA associate member, but instead a member on the GSP committee.

Don Joe Mckiernan, representing EKCRCRD, stated that in his opinion, the EKCRCRD would be more beneficial as an associate member on the JPA, than -a GSP committee participant.

Donna Thomas, board member of EKCRCRD, reported that SWRCB did a legal review. Ms. Thomas also asked for clarification on whether it was a “development” or “advisory” committee.

Patricia Farris shared that she felt the board should embrace rather than exclude public that bring meaningful information to the group. Farris said that the EDCRCRD would be a great asset to the board.

Judie Decker commented that the EKCRCRD is a public agency and available to the public at any time.

Renee Westa-Lusk asked if the public would hear both sides behind the decisions, why EKCRCRD felt they would be a better asset as an associate member, and why the board felt they would be a better asset as an Advisory Committee participant.

Phill Hall stated that there are federal regulations and policies that do not allow BLM or the Navy to be a voting member of the JPA. Thus the associate member titles were specifically created for the Navy and BLM. Mr. Hall clarified it is an “advisory” committee.

Don Joe Mckiernan stated that the EKCRCRD would be willing to be an activate participant of the Advisory Committee, however would prefer being an associate member of the JPA.

Motion made by Peter Brown to appoint EKCRCRD to the Advisory Committee, Bob Harrington seconded motion. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

APPROVAL OF GSP ADVISORY COMMITTEE STRUCTURE:

Tim Parker made a presentation of possible committee options – a Policy Advisory Committee (PAC), a Technical Advisory Committee (TAC), and an Outreach Committee. Possible membership in the PAC to include:

5 GSA members appoint one representative

2 GSA associate members appoint one representative (non-voting)

2 Agriculture

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2 Domestic Well Owners (1 single dwelling and 1 neighborhood MWC)
1 Searles Valley Minerals-Domestic Water Company
1 Inyokern CSD
1 Eastern Kern County RCD (environmental)
1 Business

Peter Brown stated that he likes the composition and asked what would constitute a business.

Vice-chair Breeden indicated that she must present any/all important matters to her council prior to making any choices.

Ron Kicinski asked how the Indian Wells Valley Cooperative Groundwater Management Group would be incorporated with this new GSA.

Tim Parker states that the intention is to integrate the IWVCGMG into the Advisory Committees.

Donna Hocker, Realtor with the Ridgecrest area Association of Realtors, has been asked by her Board to request that two realtors be able to serve on one of the committees, one as a member and the other as an alternate.

Joshua Nugent, Mojave Pistachio and Nugent Farms, requested two seats for the major AG users and on additional seat for small AG, for a total of three seats.

Derek Hoffman, legal counsel for Meadowbrook Dairy, noted that although this structure was not as discussed it showed promise. He agreed there should be a TAC as well with a 3rd party consultant whose selection should include input by the Policy Advisory Committee. Mr. Hoffman noted that Meadowbrook thinks that two seats for AG is underrepresentation. Hoffman requested that Meadowbrook be listed by name as a participant of the Advisory Committee..

Judie Decker stated that the domestic well owner is underrepresented. Ms. Decker commented that if AG receives increased representation to three then domestic well owner representation also needs to be increased to three.

Joshua Nugent agreed that major pumpers should be named on the advisory committee.

Phill Hall explained that Searles Valley Minerals was named due to its subsidiary's status as a PUC regulated water company.

Lorelei Oviatt said that she has spent her entire career working with committees and supported naming the groups represented. Committee representatives should receive input from their constituents and work to build consensus.

West Katzenstein would like to see a variety of plans on how to proceed.

Harold Manos asked if the board was aware of the amount of power handed out to private well owners versus AG users. Mr. Manos suggests that the AG users should be proportionately taxed to encourage them to use less water..

Tom Wiknich asked if the board is assuming it would become the GSA. Mr. Wiknich suggested that each individual member of the JPA takes a recommendation from the JPA board back to their own boards.

Chairperson Gleason answered that it is the board's intent to become the GSA for the Indian Wells Valley groundwater basin.

Dell Hledik expressed concern for underrepresentation of private well owners.

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Anthony Brown, representing Mojave Pistachio and Nugent Farms, expressed that taxation needs to accompany representation. Kazinski advised caution when choosing those to represent constituent groups – that they don't have private agendas.

Bob Page asked for clarification that when the committee is set up it would be under the Brown Act and allow public comment and attendance. Alan Christensen stated yes, in fact any member of the public could attend and the meetings will be posted.

Chairperson Gleason commented that this board needs a plan to have a balanced aquifer by 2040. The job of the GSA is to develop strategic objectives and thoughts. The committees develop tasks, ideas and recommend projects.. Chairperson Gleason was not in favor of the GSP Advisory Committee Structure that as presented. He would like to see a mission statement for the organizational structure and then how to populate the various committees. It is recommended that the Committees and the Board have a mission statement and objectives. Bob Harrington noted that the policy committee role is the more immediate role – there is a need to explain how interests will be represented but in the meantime need to move forward with the formation of the GSA.

Peter Brown's suggestion was to just use constituent titles and remove numbers. The Cooperative group should be merged into the proposed committees.

Bob Page supported the drafting of a mission and then adding the structure. The board could decide who could apply and evaluate whether subcommittees could be set up for different constituent groups and have them propose their own representatives for advisory committee membership.

Chairperson Gleason would like a motion to be made for this board to assign two members to an ad hoc committee (suggested Chairperson Gleason and Peter Brown), to work on creating a mission statement and present a proposal by the next board meeting.

Motion made by Bob Page to assign Chairperson Gleason and Peter Brown to develop a mission statement and present a proposal by next board meeting, Vice-chair Breeden seconded motion. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

APPROVAL FOR IWVGA TO FILE NOTICE WITH THE DEPARTMENT OF WATER RESOURCES OF INTENTION TO FORM A GROUNDWATER SUSTAINABILITY AGENCY FOR THE INDIAN WELLS VALLEY BASIN:

Decision made to approve recommendation with modification of postponing hearing to November instead of October. Motion made by Bob Page to allow the filing of notice with the DWR and having the hearing in November, Peter Brown seconded motion. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

APPROVAL OF BUDGET FOR FY 2016:

Anita Imsand asked that this board, when reimbursing agencies, takes into consideration what the money was used for as far as legal battles that they had recently.

Motion made by Peter Brown to approve the stated budget for FY 2016, Bob Page seconded motion. Motion carried unanimously. (Ayes: Breeden, Brown, Gleason, Harrington, Page Nays: None.)

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Donna Thomas announced that the IWVCGMG is cancelled and to her understanding the TAC meeting is cancelled as well. Michelle Anderson stated that the TAC Meeting was not cancelled.

DISCUSSION OF OBTAINING LEGAL COUNSEL FOR THE IWVGA:

The board agreed with recommendation that Phill Hall provide a presentation of representation agreements for final adoption at the October board meeting.

REPORT ON WELL DEPTHS IN INDIAN WELLS VALLEY BY KERN COUNTY WATER AGENCY:

Michelle Anderson presented three hydrographs, and indicated that KCWA measures 189 wells twice a year, in March & October. Her presentation is available at <http://iwvgroundwater.org/hydrographs/>

Vice-chair Breeden asked that a more detailed report be offered on the next presentation, perhaps after the October measurements.

Don Decker, local resident, addressed vice-chair Breeden, stated that the data available is not up-to-date.

Ms. Anderson stated that the data is in fact up to date and will be available through the aforementioned website.

CLOSING COMMENTS:

Phill Hall clarified that the 2 AFY per acre is what's generally consumed and considered a fairly robust amount for domestic use.

Vice-chair Breeden stated that when she sat on the board for IWVWD the general usage was .86 AFY.

Bob Harrington stated that Matt Kingsley will not be able to attend the October meeting but should be able to attend the November meeting and ~~subsequently~~ subsequently scheduled meetings.

Chairperson Gleason stated that to make future meetings more efficient, meeting agendas may need to lessen, and that public comments will need to be shortened.

DATE AND TIME OF NEXT MEETING:

The next IWVGA Meeting will be held on October 20, 2016 10:00am at Ridgecrest City Hall, 100 W California Ave, Ridgecrest CA 93555.

CLOSED SESSION: None.

ADJOURN:

Motion was made by Peter Brown to adjourn meeting at 1:34pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lauren Duffy', written in a cursive style.

Lauren Duffy
IWVWD Recording Secretary