

Item 1. Call to Order - Voting members Ed Imsand, David Janiec, Renee Westa-Lusk, Nick Panzer, West Katzenstein, Judie Decker, and Camille Anderson were present. Non-voting member Don Zdeba was present. Not present were voting members Tim Carrol and Lyle Fisher, and non-voting members Tom Bickauskas, John Kersey, and Lorelei Oviatt.

Item 2. Pledge of Allegiance

Item 3. Open Public Comment (Not Related to Other Agenda Items)

Joshua Nugent of Mojave Pistachios stated that they were excited and supportive of the facilitation process and that they have responded positively to DWR. He asked whether the PAC was going to have a role in the process.

Item 4. Approve PAC Minutes of the September PAC Meeting

Don Zdeba submitted typographical error corrections and West Katzenstein submitted a correction to a sentence summarizing his comments on item 5. Nick Panzer moved to approve the minutes as amended, seconded by Judie Decker. The motion was approved 7-0.

Item 5. Selection of PAC Vice Chair

Renee Westa-Lusk nominated Judie Decker, seconded by Nick Panzer. Judie Decker was confirmed as PAC Vice-Chair by a 6-0-1 vote with Ed Imsand abstaining.

Item 6. Communication and Engagement (C&E) Plan Review and Recommendations

- a. Sub-Committee Report Recommendations** - West Katzenstein provided a draft written report from the subcommittee. The draft report covered recommended activities for the GA to undertake to increase the effectiveness of the C&E Plan, and whether the C&E Plan be revised or not. The report recommended five action areas for focus: 1. Overview Documents and *CONCEPTUAL* examples of individual handouts, 2. Q&A Handout, 3. A schedule/POA&M tracking projects tied to finances, 4. GA Website Upgrade, 5. More informal dialogue opportunities. The entire sub-committee agreed on recommendations 3 and 4, and that the Fact Sheet Summary subset of item 1 was needed. As a member of the sub-committee, Judie Decker submitted a minority report contained within the committee report.

There was great concern expressed over some of the overview documents and which agency is responsible for ensuring the integrity and source of the facts and numbers. This was most critical in discussing the individual impact sheet for the Water District customers. Is it the GA or the Water District (WD)? Additionally, there was great concern with the PAC providing any *CONCEPTUAL* example containing numbers which may be subject to implementation variables and sources, and if provided to the public in draft form, could easily be mis-interpreted and raise false expectations.

Member Comments - Members Don Zdeba, Ed Imsand, Judie Decker, Camille Anderson, and Renee Westa-Lusk questioned the WD customers example document with regard to the responsible agency question (WD or GA), and the propriety of the PAC providing the example itself. Nick Panzer noted that the ratepayers deserve an answer to the question "what is the cost to me?" and that the GA has responsibility for major factors in that calculation. He also focused on the need for concise summary information limited to a single page. David Janiec suggested that since both the GA and WD have authority and responsibility for the impact to WD customer fees, that the PAC should recommend that the GA board members provide such an impact statement for each of the user

pumper/groups in the basin, and agree jointly among themselves with regard to the exact information it would contain.

Public Comment – Don Decker suggested that the PAC was dealing with a complex and interlocked set of data and we should focus on non-numerical summaries at the highest level to start with. He pointed to the sub-committee Fact Sheet as a potential example to follow.

PAC Action - The PAC generally supported the recommended five action areas of the sub-committee and agreed to task the subcommittee to reconvene and review each recommendation based on feedback during this meeting. Specifically, with respect to the overview documents, they are to approach recommendation number 1 to identify any significant gaps in information that the GA public communication should fill. Within each gap, the subcommittee should also identify the specific subtopics of information needed, rather than providing an example document. The PAC agreed that the Fact Sheet may be a good example of a document that could be provided to fill a gap, but that some other gaps should not have an example. The sub-committee should focus on the identifying the major gap and subtopics themselves. In the case of the stakeholder group impact documents, the sub-committee should expand the gap identification to include one for each individual user/pumper stakeholder group. Individual PAC members are to provide to the chair any gaps from the group they represent. The sub-committee will document the areas of full agreement as well as disagreement, summarizing the arguments on each side.

b. Review Individual C&E Plan Recommendations

The sub-committee recommended that the C&E Plan does not need revision and the PAC generally agreed. Discussion by the full PAC noted there are some required updates due to some outdated contact information, as well as consideration of the example “Essential Communication Strategy Topics” that was provided in the updated Owens Valley Basin C&E Plan. For example, the identification of individual gap areas may be considered as such.

PAC Action- The PAC will revisit this after completion of the sub-committee effort. The PAC again requests the GA board to provide an assessment and input they may have on improving the C&E Plan based on the experience with the GSP development.

Item 7. First Draft GA Schedule Review and Comment

Member Comment – Judie Decker expressed concern regarding Stetson Engineers expending time and effort on GSP implementation before it has been approved by DWR. David Janiec noted that under SGMA, authority to execute the plan is authorized upon submission of the plan. Renee Westa-Lusk commented that more detail is needed, including identification of TAC and PAC required engagement tasks as were defined in the GSP POA&M, and targeting a monthly integrated schedule. Judie Decker noted that the topics are very general and should be broken down to lower levels and that the list doesn’t include tasking to generate the 2021 annual report. West Katzenstein and Judie noted it should include sources and funds allocated and expended against a task to date, as well as identifying where critical path tasks are inter-linked. In response to questions about the new accounting software, Carol Thomas-Keefer stated that it would provide more clarity and linkages to funding sources, allocations, and expenditures to tasks, but that a lot of manual work would still be required to fully link to the schedule. Camille Anderson noted that the ongoing repetitive tasks are not as important as the financials against tasks to inform and judge financial performance.

PAC Action-Due to the short time provided for the schedule review, members were tasked with submitting individual recommended requirements for the integrated GA schedule by November 10th, keeping in mind the costs in time and money required by staff to do so. They will be forwarded to staff and reviewed at the next PAC meeting. General Manager Carol Thomas-Keefer also requested recommended priority for tasks included in the draft schedule, including identifying those unnecessary to the schedule.

Item 8. Future Agenda Items

- a. Continued C&E Plan review and recommendations
- b. Review individual member submissions on schedule requirements and priorities

Item 9. Confirm Next Regular Meeting for November and December

The November meeting will be set depending on the availability of City Council chambers, either November 29 or 30. The meeting date for December will be determined at the November meeting.

Item 10. Member Comments

Judie Decker noted that the EKCRCD submitted a letter to DWR asking to participate in the facilitation process. West Katzenstein stated that we are right in the middle of all the critical issues for communication issues and getting them on the table – right where the PAC should be. Renee Westa-Lusk, Don Zdeba and David Janiec each complemented the sub-committee for their time and effort in developing their recommendations on tough topics.

Item 11. Meeting Adjourned.

Submitted by: David Janiec, IWVGA PAC Chair, 29 November 2021

Review of Communications and Engagement (C&E) Plan

Prepared By
Ad Hoc C&E Subcommittee
25 October 2021

BACKGROUND:

At the Policy Advisory Committee (PAC) September meeting, an ad hoc C&E Subcommittee was established to examine effectiveness of C&E activities by the Indian Wells Valley Groundwater Authority (GA). All PAC members who offered written or verbal comments regarding C&E at the PAC meeting were invited to join the C&E Subcommittee.

The ad hoc C&E Subcommittee has the following members:

Judie Decker (representing East Kern County Resource Conservation District)
Lyle Fisher (representing Domestic Well Owners)
Nick Panzer (representing Residential)
West Katzenstein – chairman (representing Domestic Well Owners)

This document addresses the two tasks assigned to the ad hoc C&E Subcommittee by the Policy Advisory Committee (PAC) regarding the C&E Plan. These tasks are:

- A. Should the C&E Plan be revised?
- B. What specific activities should the Groundwater Authority (GA) undertake to increase the effectiveness of C&E?

RECOMMENDATIONS OF THE C&E SUBCOMMITTEE:

A. Should the C&E Plan be revised?

There is no need to revise the C&E Plan, unless the GA identifies in writing specific areas needing improvement.

B. What specific activities should the Groundwater Authority (GA) undertake to increase the effectiveness of C&E?

The GA, the IWV Water District, the Domestic Well Owners Association (DWOA), and local news media have made significant efforts to alert all impacted stakeholders in the IWV to the efforts of the GA to create groundwater sustainability. There is a large amount of misinformation being spread in the community. It should be assumed that all stakeholders are aware that actions are being taken to resolve the groundwater situation.

Furthermore, the actions being taken by the GA and the data supporting these actions are often scattered throughout various GA documents and decisions. There is a need to provide brief

overviews of GA actions that can inform stakeholders and form a basis for seeking more detail in GA documents.

Recommendations that have the goal of ensuring that concise and accurate information is available to all stakeholders who seek such information are listed below:

1. **Overview Documents.** Provide short handouts to be made available at all GA sponsored public forums, other public places, and on the GA website that intend to:

- Explain the role of the GA in adopting and implementing the GSP.
- Depict the overdraft problem at a glance.
- Depict the GSP solution at a glance.
- Disclose the solution's potential impact on specific stakeholders.
- Offer context for fielding questions about the GSP and focus public input on suggestions for improving the GSP.

See attached ***conceptual*** examples of such handouts:

- Indian Wells Valley Groundwater Fact Sheet
- Summary Of Indian Wells Valley Groundwater Sustainability Plan*
- Potential Increase in Water Costs for Water District Customers*

2. **Q&A Handout.** Update bi-monthly a Q & A handout to be made available at all GA sponsored public forums, run in both newspapers, and posted to the GA Website. PAC to generate questions, GA chair to answer questions.

3. **Plan of Action and Milestones (POAM).** Create, update, and publish monthly a POAM or similar means of tracking projects and related finances to inspire public trust in GA financial responsibility.

4. **GA Website Upgrade.** Modify the official GA Website so that it readily appears in online searches related to groundwater in the IWV basin and provides the introductory material needed for a newly interested stakeholder. Provide a concise and complete overview of SGMA and the approach to sustainability undertaken by the IWV GA, a "Frequently Asked Questions (FAQ)" section, and a posting of all PAC, TAC, and public written submissions.

5. **Informal Dialogue.** Provide opportunities for informal dialogue between the GA and the public.

* There was not unanimous agreement that these handouts should be included in this report. The attached statement ('Comments to PAC Regarding C&E Subcommittee Report ') by Judie Decker presents areas of disagreement.

Indian Wells Valley Groundwater Fact Sheet

The Law: The Governor of California signed into law the “Sustainable Groundwater Management Act” (SGMA) in September 2014. The law went into effect in January 2015 and requires all groundwater basins that were removing/pumping more water from their basin than was naturally being recharged to develop a Plan to correct the situation and bring the basin into sustainability. The Plan had to be submitted to the State by January 2020.

The Problem: The State has designated the Indian Wells Valley (I WV) as a “Critically Over-Drafted” basin and the law requires the I WV to correct this over-draft situation and reach sustainability by 2040. “Critically Over-Drafted” is defined as the condition of pumping more groundwater over time than is naturally being recharged. The I WV has been pumping 3 to 4 times more water from the basin than is being recharged, every year for about 50 years. The existing groundwater in storage in the I WV is NOT unlimited, plus not all of the water currently in storage, is of good quality. Investigations of the I WV groundwater have consistently revealed that many areas in the basin contain poor quality water. These poor water occurrences are found at certain depths and even adjacent to areas that are currently being pumped for high quality water. At some point in time, the high quality water being pumped will be contaminated by the nearby poor quality water. This poor water contamination problem will become critical with continued overpumping.

The Solution: All water in the I WV is groundwater that is pumped from local wells. There is no surface water used in the I WV. The chronic lowering of the depth to water in wells throughout the I WV can only be corrected, as required by the law, by pumping less groundwater. To support our future and even our present economy, it will be necessary to supply additional water from sources outside of the I WV and by using our existing groundwater more efficiently by reuse of waste water and implementation of even stronger conservation measures.

Current Progress: The I WV Groundwater Authority (GA) was formed with representatives from Kern, Inyo, and San Bernardino Counties, the City of Ridgecrest, and the I WV Water District. The Plan to correct the over-draft condition was approved by the GA and has been submitted to the State in accordance with the SGMA law. The State must approve the merits of this Plan and its report is due back to the GA in January 2022. The State also reserves the right to come to the I WV and take control of the sustainability effort, if the State does not approve the GA’s planned approach. A number of lawsuits have been filed related to claimed water rights of certain Basin pumpers that await future Court findings.

Additional Information: We encourage you to visit the <https://i wvga.org/> web site and the <https://i wvgsp.com/> companion website. The first website has contact information, meeting notices and other records. The second web site has measured depths to groundwater in representative wells in the Basin and links to existing published reports that you can study on-line. We also encourage you to contact your current representatives for further questions and concerns you may have.

SUMMARY OF INDIAN WELLS VALLEY (IWV) GROUNDWATER SUSTAINABILITY PLAN (GSP)

<u>Pumpers</u>		<u>Natural Recharge Allocation</u>	<u>Current Use</u>	<u>Imports needed to Maintain Current Use</u>
Agriculture		0	16000	N/A
Searles Valley Mineral (SMV)		0	2413	2413
De Minimis Pumpers (about 800)		800	800	0
City and County (373+18)		391	391	0
Navy Federal Reserve Water Right	6459+			
Navy Current Year Use	-1450	1450	1450	0
Carry Over Navy Excess:				
Inyokern, Trona, Small Mutuals	-619	619	619	0
WD	<u>-4390</u>	<u>4390</u>	<u>6507</u>	<u>2117</u>
Column Totals	<u>0</u>	<u>7650</u>	<u>28180</u>	<u>4530</u>

CHART EXPLANATION: This chart overviews the IWV water problem and the adopted plan to solve it. The “current use” column shows recent actual groundwater pumping in acre feet per year. Note that actual pumping is four times the basin’s average annual recharge as shown at the bottom of the column labeled “Natural Recharge Allocation.” Under the Sustainable Groundwater Management Act (SGMA), IWV must eliminate the imbalance between actual use and recharge. The GSP does so by “allocating” natural recharge as reflected in the chart. The GSP makes up some of the difference between current use and natural recharge by importing water. As farming interests cannot afford to import water, “qualified” farmers have been offered a “one-time,” fixed amount of groundwater in storage to ease the transition out of farming. **NOTE:** Rights to water and hydrologic “facts” have always been highly contentious. Thus, no one should be surprised that some pumpers have chosen to contest aspects of the GSP in court. The outcome of these cases could materially alter GSP Natural Recharge Allocation, and, thereby, water costs to various pumpers. The California Department of Water Resources (DWR) has until January 2022 to approve (with or without qualification) or disapprove the GSP. If DWR disapproves our GSP, the State Water Resources Control Board will take over management of IWV groundwater.

POTENTIAL INCREASE IN WATER COSTS FOR WATER DISTRICT (WD) CUSTOMERS

BACKGROUND

To maintain current levels of water use and allow for growth in the face of groundwater use cutbacks mandated by the Sustainable Groundwater Management Act (SGMA), the Groundwater Sustainability Plan (GSP) calls for importing water. Imports will increase water rates for WD customers. This handout means to help WD customers roughly estimate their increase in water costs due to importing based on usage as reflected in their monthly water bills. The calculations below are based on GSP and WD provided data. These calculations assume that fixed import costs, such as infrastructure and water rights purchases, will be debt financed in accord with the GSP (see Note C below for details). The Groundwater Authority (GA) hopes to obtain grant financing to reduce the fixed costs included in the calculations below. Regardless, the numbers are likely to change over time due to such things as law changes, litigation, and changes in the price of water available for import.

HOW TO ESTIMATE YOUR INCREASE IN WATER COSTS

To estimate the increase in **your** water costs due to importing, multiply the “USAGE IN HCF” as reflected in your WD bills by \$3.22 (Note E). For example, let’s take the average residential customer whose average monthly water use is 13.1 HCF (Note A). Add up your monthly HCF for the year to get your annual HCF. In this example, that would be 13.1 HCF times 12 months, or 157.2 HCF for the year. Multiply your annual HCF by \$3.22 (Note B) to get your estimated increase in annual water cost. In this example, that would be 157.2 HCF times \$3.22, or \$506. This \$506 would go up by about 50% if the WD is the only pumper that participates in the water import project.

NOTES

A. News Review, September 11, 2020, Op-Ed by Don Zdeba, WD General Manager, Re average monthly residential use in HCF = 13.1

B. Cost per acre foot (AF) of import water (Note C) = \$4,250

Gallons per AF = 326,000

Gallons per Hundred Cubic Feet (HCF) = 748

HCF per AF $(326,000/748) = 435.83$

Cost of import water per HCF $(\$4,250/435.83) = \$9.75$

Import use as a percent of total use (Note D) = 33%

Cost of import portion of HCF reflected in WD bills $(\$9.75 \times 33\%) = \$3.22$ per HCF

C. GSP, Appendix G-5, Imported Water Technical Memorandum, page 24

D. Import use as a percent of total use $(2117 \text{ acre feet} / 6507 \text{ acre feet}) = 33\%$

(See IWVGA Staff Report to GA dated June 18, 2020, Subject: Basin Replenishment Fee)

E. This number reflects costs after importing is fully implemented years down the road. Current cost increases on your water bill largely relate to raising funds to buy rights to water that IWV might import. For more detail, see Note C above.

Comments to PAC Regarding C&E Subcommittee Report Date: October 25, 2021

From: Judie Decker, EKCRCD representative

The Subcommittee we have volunteered to support was charged with reviewing the C&E Plan and offering suggestions for potential improvement to be passed on to the GA Board to review and for potential adoption. This review and recommendation task is complete.

There are two very important items that the Committee has brought forward that I strongly support. However, I do not agree with the rest of the committee members on several items that are suggested in the full subcommittee report. As a member of this subcommittee, I was unsuccessful in getting other members to understand the importance and implications of some of their proposals which are discussed below.

The Fact Sheet This subcommittee did come up with what it considers a basic information IWV Groundwater Fact Sheet as a supplemental aid to be made available to anyone who wants it. I strongly agree with that effort. The single page Fact Sheet is simple to understand for all Basin citizens and provides a general understanding of the sustainability program underway. **The value of this Fact Sheet is in its accurate simplicity. Such a simple source of critical information has never before been attempted.**

POAM The other item I am in total agreement with is the need for complete transparency regarding the actual project plans, their timelines and associated costs. It needs to be clear where the grants, replenishment and pumping fees are coming from and where those funds are to be applied. There needs to be a detailed annual budget that is based on the detailed plans that allows expenditures to be tracked.

Other Subcommittee Issues I do not agree with several other items proposed by the subcommittee. It is being suggested that a handout be made available by the GA Board to explain the IWVWD GA Fees. **It is the IWVWD's responsibility to elaborate on the GA Charges contained in WD customer monthly bills.** The monthly bill amount labeled "IWVGA fees" combines both pumping and replenishment fees. **Customers need to be encouraged to interact with the Water District directly to clarify these fees as may be necessary. This issue is an internal WD matter.**

The PAC is a committee of the Groundwater Authority. **Neither this Committee nor the GA has authorization as an organization to interfere with the internal affairs of any of the governing agencies who are represented on the Groundwater Authority.** This issue of interference may even be addressed in the GA Bylaws.

Allocation Chart I agree that this chart comes from the GSP. If you recall many items in the GSP were contentious and the allocations are the subject of many of the lawsuits already filed. This chart contains numerous assumptions made at the time including a Federal Reserved Water Right. If the allocation chart is included as a hand out it must clearly state and explain all of these assumptions. Several pages of careful writing would be required for an understandable explanation. This allocation chart is very

likely to be found to be legally unsupportable in many areas. **Bringing it forward now with all of its likely flaws will not bring clarity to the sustainability project but rather the contrary. Until the Court has adjudicated the Basin water rights and DWR has provided its GSP guidance, the sustainability effort is in an uncertain condition.** I do not approve of this chart being a handout to the public at this time.

The subcommittee report has other items included that I don't see as being practical at this time. Items like a FAQ site on a web page would require additional funding for maintenance and regular updates. Everyone needs to think about the doable side of their suggestions. Right now the most important issues for the GA are lack of detailed planning and associated funding.