

MINUTES
Borrego Valley Groundwater Basin: Borrego Springs Subasin
Sustainable Groundwater Management Act (SGMA)
Advisory Committee (AC)
September 28, 2017 @ 10:00 AM – 3:00 PM
Borrego Water District, Board Room
806 Palm Canyon Drive, Borrego Springs, CA 92004

I. OPENING PROCEDURES

A. Call to Order

The meeting was called to order at 10:00 a.m. by Meagan Wylie

B. Pledge of Allegiance

Those present stood for the Pledge of Allegiance.

C. Roll Call of Attendees

Committee members: Present: Jim Seley, Jim Wilson, Suzanne Lawrence,
Rebecca Falk, Dave Duncan, Bill Berkley, Gina
Moran

Core Team members:	Beth Hart, BWD	Jim Bennett, County of San Diego
	Geoff Poole, BWD	Leanne Crow, County of San Diego
Staff:	Meagan Wylie, Center for Collaborative Policy	Wendy Quinn, Recording Secretary
	Martha Deichler, BSUSD	Trey Driscoll, Dudek, GSP Consultant

Public:	Michael Sadler, <i>Borrego Sun</i>	Judy Haldeman
	Diane Johnson, Stewardship Council	Ralph Singer, ABF, BWC
	Michael Bozick	Dennis Jensen, Oasis Ranch Management
	Heather Davidson	Betsy Knaak, ABDNHA
	Lyle Stewart	Cathy Milkey
	Bonnie Clapp	Betty Feathers
	Bruce Manildi	Ray Shindler

D. Approval of July 27, 2017 AC Meeting Minutes

Upon motion by Member Falk, seconded by Member Seley and unanimously carried by those present, the Minutes of the July 27, 2017 AC Meeting were approved as written.

E. Review of Meeting Agenda

Ms. Wylie announced that the Agenda package was available on the County website, and participants wishing a hard copy should print their own. The Agenda had been restructured in accordance with several requests. Ms. Wylie reviewed the meeting ground rules, Agenda and Brown Act provisions. Member Lawrence asked whether attendees could submit written comments, and Ms. Wylie replied that they could submit them in advance of the meeting and request that they be distributed. Geoff Poole will investigate the best way to do this.

F. Updates from the Core Team on Organizational Procedures and Tools

Jim Bennett reported that he had been working with the Borrego Water District (BWD) and the Center for Collaborative Policy since the last AC meeting. Several AC members wanted to change the overall structure of the meetings. A six-step process for the AC to provide policy recommendations was developed, which will be used for today's policy issue discussions. BWD President Beth Hart emphasized the importance of the AC members obtaining feedback from their constituent groups as part of this six-step process. Hopefully via this process, the members will be able to formulate a recommendation to the Core Team on a particular issue in a period of approximately up to three months from the issue's

introduction. The timeline will be developed to be in line with the overall timeline for Groundwater Sustainability Plan (GSP) development.

A work sheet was provided to facilitate the constituent group feedback process. Member Lawrence inquired about the use of the worksheets, and President Hart replied that they are for internal use by the AC Members and their constituents. The six steps include introduction and overview, technical presentation, questions, constituent group input, AC discussion of constituent group comments, and development of a policy recommendation. If the AC cannot reach consensus on a recommendation, the Core Team will relieve them of the responsibility and develop a recommendation of their own. The ultimate decision-making authority rests with the BWD Board of Directors and the County of San Diego (County) Board of Supervisors.

Mr. Poole pointed out that for today's policy issues, Steps 1 and 2 have already been completed. Mr. Bennett stressed the value of the collaborative process and the importance of reaching consensus, so the whole community can come together and avoid confrontation.

II. ITEMS FOR DISCUSSION AND POSSIBLE RECOMMENDATION

A. AC POLICY ISSUE #1: Metering Requirements for Non-de Minimis Wells

Mr. Poole explained that once the GSP is adopted, the Groundwater Sustainability Agency (GSA) has the authority to make well metering mandatory. The policy issue before the AC was to decide whether or not to include this requirement in the GSP. If the GSP is to include mandatory metering, then a monitoring option must be recommended: by the GSA, or by a neutral third-party. Mr. Bennett pointed out that with mandatory metering, the cost of the meter and installation would be borne by the pumper. BWD sent letters to all well owners asking whether they would be interested in voluntary metering, in which case grant funding may be available to cover the cost. Of the 17 responses, 10 were interested and 7 were not. Mr. Poole agreed to send a copy of the letter to the AC members. Mr. Bennett went on to explain that the metering data would be used to monitor the amount of water being pumped out of the basin, and the information would be available to the public. Wells pumping less than two acre-feet per year are exempt.

Member Falk reported that in a straw poll of the Community Sponsor Group, those present unanimously supported mandatory metering. Member Berkley reported that all local golf courses are currently metered, and he assumed they would be willing to share the data. Member Duncan reported that at both his BWD ratepayer meetings, there was unanimous support for mandatory metering.

Member Seley explained that most of the farmers expect there will be mandatory metering upon GSP adoption and are resigned to it. However, they have an issue with voluntary metering due to concerns about a monitor accessing their property. He suggested the AC consider accepting collated pumping statistics from farmers as a group, including photographs of meter readings. Mr. Bennett pointed out that Trey Driscoll is completing the water budget using evapotranspiration figures for the farm extraction, but if Member Seley and his constituents could provide actual figures within the next 30 days, it would be helpful. Member Seley will work with Mr. Driscoll on this and poll his constituents.

Member Moran reported that the State Park supports metering and monitoring. Discussion followed regarding the options for monitoring. Although she had not yet polled her constituents, Member Falk favored monitoring by the GSA. She pointed out that if evapotranspiration is used in lieu of metering data, the baseline would likely be low, so it would be in the interest of the pumpers to meter. Member Duncan noted that monitoring by the GSA would be more cost effective than using a third party, since BWD had meter readers on staff. Member Lawrence stated that electronic monitoring could benefit the community in other ways by enhancing technology. Member Wilson suggested quarterly monitoring rather than monthly, but Mr. Bennett explained that monthly monitoring allows for proactive management of each well by detecting any leaks or ongoing corrections to erroneous data being collected.

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Bruce Manildi, a retired farmer, stated that the National Resource Conservation Service provides money for wells to be metered. The pumper pays for the installation.

The Committee broke for lunch at 11:30 a.m. and reconvened at 12:05 p.m.

B. AC POLICY ISSUE #2: Baseline Pumping Allocations

Mr. Driscoll presented slides representing the preliminary estimate of groundwater extraction for a ten-year baseline, 2005-2014. It indicated between 66 and 77 percent of the water was used by agriculture. The working draft is using 72 percent for agriculture, 15 for recreation and 13 for municipal. Mr. Bennett explained that the baseline determines how much water individual sectors and pumpers used prior to any reductions that would be part of the GSP. The Core Team suggested a ten-year baseline period. Mr. Driscoll noted that for adjudication or prescriptive rights, a five-year baseline is used, but a ten-year period is acceptable under SGMA. The AC was requested to agree or disagree with this recommendation. Members Duncan and Moran supported the ten-year baseline.

Mr. Driscoll explained that the Core Team is considering the issue of fallowed farmland, and how this would factor into the baseline. Member Falk thought it should be considered. Member Seley pointed out that recent court rulings have considered the highest water use over a five-year period. Mr. Driscoll explained that legal advice would be needed on this issue, and Member Seley urged that it be taken into consideration. Member Berkley pointed out that the Rams Hill Golf Course was closed during 2011, 12, 13, and part of 14, so it would be to his benefit to use the highest use. He predicted the Borrego Springs Resort would agree, since they removed nine of their twenty-seven holes. He also pointed out that Rams Hill uses non-potable water for irrigation. Member Wilson suggested allowing exceptions to the ten-year average, and Mr. Poole noted that the missing years (for golf course closure or fallowing) might be filled in with an average usage figure. Member Berkley asked what happens after the baseline is determined. Mr. Driscoll explained that pumpers would be assigned a percentage of their baseline on which their allowable future extraction would be calculated. Member Duncan requested some examples of different baseline levels and their associated reduction levels at the next meeting, and Mr. Driscoll agreed to provide them.

III. INFORMATIONAL ITEMS

A. State of California SGMA/GSP Informational Document

Ms. Wylie announced that a draft, annotated GSP outline is available on the Department of Water Resources (DWR) website and is a good resource for GSP development.

B. Sustainability Indicators, Measurable Objectives, and Minimum Thresholds

Mr. Driscoll reminded the AC that the GSP must meet the goal of SGMA without causing undesirable results. The potential undesirable results are grouped into six categories: chronic lowering of groundwater levels, reduction in groundwater storage, degraded water quality, seawater intrusion, land subsidence and depletion of interconnected surface water. The last three are likely not applicable to Borrego, although the depletion of interconnected surface water is being studied further. Measurable objectives and threshold values need to be identified for each indicator. Mr. Driscoll presented graphs depicting water extraction and recharge from 1992 through 2004. Leanne Crow will put the slides on the County website.

C. Proposition One Grant Application Update

Mr. Poole announced the next round of Proposition 1 grant applications, which include grants for Severely Disadvantaged Communities (SDACs), of which Borrego Springs is one. BWD and the County are coordinating their efforts on the applications, and BWD is seeking public input to define and prioritize projects to be included. BWD Directors Harry Ehrlich and Joe Tatusko are working with

citizens, including some AC Members. Drilling of new wells is not eligible, but feasibility studies are. Reimbursement for installation or improvement of well meters is another possibility, as is assessment of socioeconomic impacts of the GSP. The limit for an SDAC grant is \$1 million. Mr. Bennett reported that the County planned to earmark \$500,000 of the grant application for California Environmental Quality Act compliance and land use (General Plan and zoning) amendments associated with GSP projects.

Betsy Knaak expressed support for including the services of LeSar Development Consultants to study the socioeconomic impacts of the GSP in the grant application. Diane Johnson concurred. Martha Deichler suggested including an educational component and addressing family issues. President Hart reported that BWD has commissioned a financial study to determine what level of water rate increases can be tolerated by the community. Under a proposed change in State law, it may be possible to offer lower rates to low income families. Ms. Johnson suggested retaining a grant consulting for assistance with this complex process.

D. Revisions to SGMA Frequently Asked Questions (FAQ) Document

Ms. Wylie reported that the FAQs, drafted by BWD, had not yet been reviewed by the AC, the County and legal counsel. They are still in draft form. Member Falk had comments and will send them to Mr. Poole. She hoped to discuss her comments with legal counsel should there be differences of opinion. Ray Shindler, representing an independent group of ratepayers, expressed the opinion that the document was fatally flawed.

IV. CLOSING PROCEDURES

A. Correspondence

- a. AC – Bill Berkley, Rebecca Falk, Suzanne Lawrence, Jim Wilson, Agriculture Representatives
- b. Public – Diane Johnson, David Garmon

President Hart acknowledged the correspondence and thanked those who wrote for providing an opportunity to make appropriate changes in the GSP process. Member Lawrence hoped that future correspondence would also be included in the Agenda package. Members Duncan and Berkley concurred. Member Falk commented on the letter from the agricultural representatives, which indicated that per the Borrego Water Coalition (BWC) recommendations, if the farmers are not compensated for their reduced water rights under the GSP they are not bound by it. She hoped BWD would look into this. She also suggested that the legal arguments presented in the letter about water allocations appear to be flawed. Member Seley explained that the purpose of the letter was to emphasize that the BWC wanted all to work together for their common aquifer, and that there is a compensation factor.

B. Updates and Comments from Advisory Committee Members

Member Falk reported that the Community Sponsor Group had received recent requests for extensions of Subdivision Map Act applications. She asked whether BWD was considering refusing future projects. Mr. Poole explained that the BWD Board had discussed the matter in closed session and he could not share it at this time. The two recent requestors had a long history with their projects and had paid fees. New developments must comply with the water credit mitigation policy.

C. General Public Comments

Ms. Johnson asked whether the proportional water use assumed by the BWC (70 percent agriculture, 20 recreation and 10 municipal) would remain the same under the GSP. Ms. Wylie replied that Mr. Driscoll would introduce further detail regarding this issue in the future. Member Wilson agreed that it should be addressed before including it in the GSP. Mr. Shindler asked whether the Anza Borrego Foundation, the State Park and BWD believed they were bound to support the BWC recommendations, which they signed. Member Seley pointed out that the BWC was formed by the DWR in an effort to foster community cooperation and reach a common ground. He believed they did a

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lot of good, and the signatories should support their recommendations. President Hart explained that BWD received the recommendations but did not adopt them. Upon Member Wilson's request, Member Duncan agreed to send him a copy of the recommendations.

D. Review Action Items from previous AC Meetings, Next AC Meeting Date(s), and Next Steps

Ms. Wylie invited the AC's attention to Agenda package page 22, the Work Planning and Timeline Chart. The next meeting is scheduled for October 26, location to be determined. The AC may consider formal adoption of recommendations regarding today's Policy Issues 1 and 2. President Hart asked that the AC and Core Team members think about the meeting schedule for November and December, considering the holidays, and e-mail Ms. Wylie any vacation plans.

Ms. Wylie reported that all action items are complete or ongoing, except the Interests and Issues Tracking spreadsheet, which is in development with the Core Team. President Hart welcomed comments and suggestions on the new Agenda format.

There being no further business, the meeting was adjourned at 3:00 p.m.