

MINUTES

**Borrego Valley Groundwater Basin: Borrego Springs Subbasin
Sustainable Groundwater Management Act (SGMA)
Advisory Committee (AC)**

July 26, 2018 @ 10:00 AM – 3:00 PM

Location: Borrego Springs Resort / 1112 Tilting T Drive, Borrego Springs, CA 92004

I. OPENING PROCEDURES

A. Call to Order

The meeting was called to order at 10:00 a.m. by Borrego Water District (BWD) President Beth Hart.

B. Pledge of Allegiance

Those present stood for the Pledge of Allegiance.

C. Roll Call of Attendees

Committee members: Present: Jim Seley, Jim Wilson, Rebecca Falk, Dave Duncan, Bill Berkley, Gina Moran, Diane Johnson, Jack McGrory

Core Team members: Beth Hart, BWD Jim Bennett, County of San Diego
Geoff Poole, BWD Leanne Crow, County of San Diego
Lyle Brecht, BWD

Staff/Consultants: Meagan Wylie, Center Wendy Quinn, Recording Secretary
for Collaborative Policy Rachel Ralston, LeSar
Mason Einbund, County of San Diego Trey Driscoll, Dudek, GSP Consultant

Public: Michael Sadler, *Borrego Sun* Linda Haneline
Cathy Milkey, Rams Hill Bill Haneline
Martha Deichler Mike Seley, Seley Ranch
Jackie Larsen

D. Review of Meeting Agenda

Meagan Wylie reviewed the meeting ground rules and Agenda. The presentations will be available on the County of San Diego SGMA website in a few days.

E. Approval of May 31, 2018 AC Meeting Minutes

Upon motion by Member Seley, seconded by Member Duncan and unanimously carried, the Minutes of the May 31, 2018 AC Meeting were approved as amended (add to Item I.F.d, "(SGMA) provides expansive powers to the Groundwater Sustainability Agency (GSA) that are codified in the California Water Code sections in Division 6, Part 2.74. In general, SGMA provides that a GSA may adopt rules, regulations, ordinances, resolutions, may conduct investigations, require registration of groundwater extraction facilities, or otherwise manage and control polluted water (Water Code §§ 10725.2.(b), 10725.4.(a)(b)(c)), 10725.6. 10726.2.(e).) The local agency may conduct an inspection pursuant to this section upon obtaining any necessary consent or obtaining an inspection warrant pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. (Water Code § 10725.4.(a)(b)(c).) *Please be aware that Mr. Driscoll is not an attorney and is not providing legal interpretation of SGMA when responding to questions at the AC meetings;" change Item III.A in part to read, "A GDE is a plant and animal community that requires groundwater to meet some or all water needs (TNC 2018). GDEs are defined under the Sustainable Groundwater Management Act (SGMA) as 'ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface' (23 CCR § 351.(m)). GDEs encompass a wide range of natural communities, such as seeps and springs, wetlands and lakes, terrestrial vegetation and, rivers, streams and estuaries GDEs are plants that require groundwater.")

AC Minutes: July 26, 2018

F. Updates from the Core Team

a. Grant Activities related to Proposition 1 Funding

Geoff Poole reported on the status of activities related to the \$1 million grant awarded to the County of San Diego (County) and BWD by the State under Proposition 1 for GSP related activities. The Core Team is awaiting receipt of detailed documents.

b. Water Supply and Water Quality Act of 2018 with \$35M Line Item for Borrego

Mr. Poole reported that the Water Supply and Water Quality Act of 2018, with a \$35 million line item for Borrego Springs, will be Proposition 3 on the November ballot. The bond writers are seeking donations to cover marketing costs.

c. Other

None

G. Updates from Advisory Committee Members

Member Duncan reported he was continuing to meet with ratepayers, and had a meeting on Monday, July 23rd. There is continuing concern about potential costs to the ratepayers related to future GSP implementation measures, particularly in view of a recent estimate of water use savings projected be nearer to 75 percent reduction from current pumping levels, than the previously provided estimate of 70 percent reduction.

Member Seley introduced a written statement regarding the proposed Baseline Pumping Allocations (BPAs), discussion of which was tabled until that respective agenda item later in the meeting.

H. Review of GSP Development Progress Over Last Year (Including Updated Groundwater Sustainability Plan (GSP) Schedule and California Environmental Quality Act (CEQA) Process as it Applies to SGMA and GSP Implementation)

Trey Driscoll reported that completion of the internal draft of the GSP is progressing on schedule. Components of the draft Plan are under careful review by the Core Team and subject to internal revision. Following completion of the draft GSP, there will be a 45-day public review period, followed by GSA development of responses to public comments, preparation of the final GSP, adoption of the GSP by BWD and County Board of Supervisors, and subsequent submission to DWR. Thereafter, GSP implementation will begin. As a critically overdrafted subbasin, Borrego Springs needs to achieve groundwater sustainability by 2040. Progress reports to DWR on reaching sustainability goals will be submitted every five years. To date, there have been 12 AC meetings and one socioeconomic workshop that have supported the gathering of input to aid in the development of the planning and policy recommendations contained in the GSP. The proposed 45-day public review period may be extended to 60 days upon the request of several AC members. At upcoming AC meetings, discussions will focus on particular components of the GSP, including financing, projects and management actions, and implementation.

Mr. Driscoll explained that the GSP includes five chapters: Introduction, Plan Area and Basin Setting, Sustainability Management Criteria, Projects and Management Actions, and Plan Implementation. He outlined the contents of each. Plan Area and Basin Setting includes technical and research data, management areas, groundwater conditions, the hydrogeologic model and the water budget. The Sustainability Management Criteria set forth the undesirable results, such as chronic lowering of groundwater levels, reduction of groundwater storage and declining water quality. There will also be an ongoing review of Groundwater Dependent Ecosystems (GDEs). The proposed reduction in water use over 20 years is approximately 74 percent, to reach an estimated sustainable yield of 5,700 acre-feet per year. Mr. Driscoll showed slides depicting wells used to measure production, water quality and groundwater elevation. The Projects and Management Actions include the water conservation and efficiency program, modifications to land use designation, agricultural fallowing and

the water quality mitigation program. The Plan Implementation phase addresses the reporting requirements every five years, and cost factors.

Member Falk inquired about the use of Borrego's line item funds should Proposition 3 pass. Member Falk was concerned about following mitigation and bioremediation, and Director Brecht explained that that would be addressed during the California Environmental Quality Act (CEQA) process applied to implementation of applicable projects and management actions. Mr. Driscoll explained that there is passive restoration and active restoration of fallowed lands, which is expensive, and recommendations on fallowing will be presented to the GSA in the future. Member Seley recommended taking tamarisk groves into consideration.

Member Johnson suggested adding a management action addressing governance after adoption of the GSP. Ms. Wylie clarified that governance does not qualify as a management action, and so would not be addressed under that particular chapter in the GSP. However, the Core Team recognizes the necessity of ongoing governance, and the topic will be discussed more in the future.

Member Moran asked what GSP implementation costs may include, and how the CEQA process is connected. Mr. Driscoll explained there are required costs for GSP implementation such as administration, fallowing, and various projects, but the requirements are not too detailed within the GSP. Mr. Bennett noted that the GSP development phase is exempt from CEQA, but GSP implementation is not. Upon adoption of the GSP, the CEQA process should begin as soon as possible. Ms. Wylie proposed an overview presentation on CEQA and Environmental Impact Reports (EIR) processes at the next AC meeting.

The Committee broke for lunch at 12:05 p.m. and reconvened at 12:40 p.m.

II. TECHNICAL AND POLICY ISSUES FOR DISCUSSION OR INTRODUCTION

A. Baseline Pumping Allocation Update

Mr. Driscoll presented presented baseline pumping allocations (BPAs) developed for 2010-2015, first by metered data and second by using evapotranspiration estimates for specific crops. The data included 31 farms, six golf courses, four other non-de minimis users, and BWD. The estimated total pumping is approximately 22,044 acre-feet per year. Agriculture accounts for 64.6 percent, plus 7.3 percent for water credits (71.9 percent total). Municipal is 11 percent, golf 16.8 percent, and additional users 3 percent. There are 52 active de minimis users (less than two acre-feet per year) in the subbasin.

Member Seley reported that the agricultural community has been working with a hydrologist and would like him to conduct an independent review of Mr. Driscoll's calculations. He was concerned that the average readings from the California Irrigation Management Information System (CIMIS) were used, rather than the highest annual reading, yielding a 12 percent difference in BPA calculations. He also questioned why the estimated water use reduction level had changed from 70 percent to 74 percent, particularly in view of a previous United States Geological Survey (USGS) estimate of 40 to 50 percent. Member Wilson asked whether the approximately 1,000 buildable vacant lots had been considered. Mr. Driscoll explained that the BPAs are based on highest water use during 2010-2015. Existing water credits can be used for future development. Member McGrory pointed out that the farmers could dispute the initial BPA proposals by pumper. Mr. Bennett reported that he had recently received a letter on the subject from an attorney for the Agricultural Alliance for Water and Resource Education (AAWARE), and would e-mail it to the AC and include it in the next Agenda Package.

Member Berkley asked whether agricultural salt flushing was taken into consideration in the BPA calculation, and Mr. Driscoll replied that it was. However, golf course salt flushing was not. Member Berkley believed that it should be. Mr. Driscoll explained that it depends on the specific type of grass, and invited Member Berkley to submit specific information.

AC Minutes: July 26, 2018

Cathy Milkey of Rams Hill inquired about an eventual stipulated judgment. Director Brecht explained that a court validation of the GSP is anticipated. The question of a stipulated judgment is up to the attorneys. Ms. Milkey suggested obtaining a legal opinion.

III. INFORMATIONAL ITEMS

A. Groundwater Monitoring Network Spring 2018 Results

Mr. Driscoll reported that 30 wells were included in the groundwater monitoring network, six in the North Management Area, nine in the Central and fifteen in the South. Groundwater was tested for arsenic, fluoride, nitrate, sulfate and total dissolved solids (TDS). In the South Management Area there were some wells screened in the lower aquifer with elevated arsenic and nitrate. One well in the North Management Area and one in the South (near the wastewater treatment plant) showed elevated TDS.

The groundwater elevation monitoring included 46 wells. Mr. Driscoll showed charts summarizing the detailed analysis. Elevations are declining by about two feet per year. The groundwater monitoring network is being continually refined. Member McGrory inquired about surface water monitoring in Coyote Canyon. Mr. Driscoll replied that some stream flow measurements were taken last spring and will be done semiannually.

B. Socioeconomic Efforts: Proposition 1 Grant Tasks Updates

Mr. Poole reported that BWD had been working with LeSar Development Consultants on a Proposition 1 funded project on potential socioeconomic impacts of GSP implementation. Members Falk, Johnson and Duncan have been assisting, along with Martha Deichler, Suzanne Lawrence and Mike Seley (the ad hoc committee). Rachel Ralston of LeSar reported that since the March 5, 2018 community meeting, she has been working with the ad hoc committee on the Severely Disadvantaged Community (SDAC) engagement process. Additional community meetings are tentatively planned for September 19 and 20 (one in English and one in Spanish). Ms. Ralston invited the Committee's attention to material in the Agenda Package, including a SGMA/GSP informational power point presentation, a door-to-door GSP education and feedback tool, a brochure, a flyer, and frequently asked questions. Information will be available on the BWD website and the Borrego Springs 92004 Facebook page, and a new Facebook page is being created.

Ms. Ralston went on to explain the community characteristics report, which will help with Dr. Jay Jones' socioeconomic modelling efforts. Surveys were distributed to BWD ratepayers and businesses, and efforts are continuing to gather more responses from the Hispanic community. With an 11.6 percent response from the ratepayers, 57 percent are willing to pay a \$25 or less monthly water bill increase, 83 percent are homeowners, 70 percent are retired, and 28 percent volunteer. The average time spent by survey respondents in Borrego Springs each year is nine months. Concerns included those on fixed incomes, equality of regulations among residents, agriculture and golf, and water quality. Most support water conservation.

The next steps in the study will be to compile data and develop specific metrics for the SDAC. Member Johnson suggested asking a community member to review the survey responses from businesses, and Ms. Ralston agreed to discuss it with the ad hoc committee. Member Berkley suggested that Ms. Ralston review Dr. Roger Mann's report, and Mr. Poole agreed to provide a copy. Member McGrory requested a copy also. Member McGrory noted that some farmers were concerned about privacy issues in responding to the survey, and perhaps personal contact would be better; also for La Casa Del Zorro. Mr. Poole agreed to follow up. Ms. Deichler suggested segregating the responses by English and Spanish.

C. Groundwater Dependent Ecosystems

Mr. Driscoll presented slides outlining data from the Department of Fish and Wildlife regarding groundwater dependent ecosystems (GDEs). A map of critical habitats included peninsular big horn sheep and least bells vireos. Impacts to biological resources will be analyzed during the CEQA review.

AC Minutes: July 26, 2018

Other mammals, birds, reptiles and amphibians were also identified. The next steps will be to continue to evaluate potential GDEs and communicate with local, State and federal agencies and stakeholders to monitor them.

Member Wilson inquired about the impact on GDEs of the changes in water level between now and 2040. Mr. Driscoll explained that the model will assist in predicting this, but he did not believe the State Park would be damaged. Investigation is continuing. Member Johnson asked about potential impacts in Coyote Canyon. Mr. Driscoll replied that based on available data, he did not believe there was a substantial nexus between pumping in the basin and Coyote Canyon. Member Moran felt adjustments in BPAs should be made for environmental water. Mr. Driscoll suggested that perhaps a percentage of water traded could be allocated to environmental use. Environmental agencies could also buy water rights, or developers could be required to provide water for environmental use.

IV. CLOSING PROCEDURES

A. Correspondence

Ms. Wylie announced that the correspondence was included in the Agenda Package. Member Duncan asked how the County would respond to the June 15 letter from AAWARE's attorney regarding a 2017 agricultural water use survey and report. Mr. Bennett explained that the Core Team is moving toward the GSP public review process, and time for back and forth letter writing is limited.

B. General Public Comments

A question was asked re de minimis pumpers. When identifying them, is it less than two acre-feet per year per parcel, per home, or per well? Mr. Driscoll explained that he used County well permits and Department of Water Resources well logs to make determinations on a per parcel basis, considering aerial photos and outdoor water use.

Jackie Larsen inquired about restrictions on development, noting Borrego Springs had only one inch of rain last year. Member Moran pointed out that the bypass road in Coyote Canyon washed out last year due to rains in higher elevations.

Member Duncan asked what the GSA's responsibility would be beyond 2040, and Ms. Wylie agreed to include that discussion as a future Agenda item under governance.

Member Seley asked the AC for opinions on his suggestion that members arrange for an independent review of BPA data. Leanne Crow explained that Dudek's consultant contract was set up so that Dudek works with two other contractors who conduct independent reviews. Director Brecht asked Member Seley to put his concerns and proposal in writing to the Core Team.

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

The next AC meeting was tentatively scheduled for August 30. The next community meetings will tentatively be September 19 and 20. Ms. Wylie asked the AC members to review the draft SDAC material in the Agenda Package and submit comments to her, or Members Johnson and Falk, to then be transmitted to Ms. Ralston. She recommended that the members review the slides from the previous meeting prior to each AC meeting.

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