

MINUTES

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

November 29, 2018 @ 10:00 AM – 3:00 PM

Location: UCI Steele Burnand Research Center: 401 Tilting T, Borrego Springs, CA 92004

I. OPENING PROCEDURES

A. Call to Order

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

B. Pledge of Allegiance

Those present stood for the Pledge of Allegiance.

C. Roll Call of Attendees

Committee members: Present: Jim Seley, Rebecca Falk, Gary Haldeman, Bill Berkley, Gina Moran, Diane Johnson, Jim Wilson, Jack McGrory (via teleconference)

Absent: Ryan Hall

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

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

Public: Michael Sadler, *Borrego Sun* Linda Haneline
Stephen Ballas Bill Haneline
Martha Deichler Casey Brown
Marsha Boring Susan Percival
Mike Seley, Seley Ranch Cathy Milkey, Rams Hill
Suzanne Lawrence

D. Review of Meeting Agenda

Meagan Wylie reviewed the meeting ground rules and Agenda.

E. Approval of October 4, 2018 AC Meeting Minutes

Upon motion by Member Moran, seconded by Member Falk and unanimously carried by those present, the Minutes of the October 4, 2018 AC Meeting were approved as amended (Item I.F.d, second paragraph, second sentence, change “interbasin” to “intrabasin”; last sentence, replace “properties” with “pumping wells”; Item II.B, first sentence, after “discretionary action by a hearing body,” add “for example, a General Plan Amendment”).

F. Updates from the Core Team

Geoff Poole reported on the November 15 community meeting, addressing LeSar Development’s socioeconomic study and focusing on Borrego’s Severely Disadvantaged Community (SDAC) status. The study will be funded by a State grant under Proposition 1. The meeting was conducted in English with Spanish translation, and over 100 people attended. It was an opportunity for the community members to share concerns regarding Groundwater Sustainability Plan (GSP) implementation. Many expressed concerns about the future of Borrego Springs. Members Falk and Wilson mentioned news articles they had read on the subject that add to this public concern.

Jim Bennett reported on an Agricultural Alliance for Water and Resource Education (AAWARE) meeting held November 16 which he attended along with Mr. Poole and Trey Driscoll. They discussed the

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proposed Baseline Pumping Allocations (BPAs), and some revisions to draft BPAs that have been made in response to comments and additional information. Mr. Driscoll invited the Committee's attention to information in the Agenda package relative to the changes, and answered questions from the Members. Mr. Bennett noted that the methodology to calculate the BPAs was developed based on maximum water use for the years 2010 through 2014. Users from all sectors again expressed concerns that they had already conserved water since that time, and will be required to conserve more going forward. Mr. Driscoll pointed out that water demands can fluctuate significantly due to seasonal residents and tourists, which is part of the rationale for using the highest annual water consumption during this five-year period as the BPA value.

Member Falk requested the number of water credits currently owned by BWD and the number of retired credits, and Mr. Driscoll agreed to provide them. Member Falk asked whether those would be subject to reduction, and Mr. Driscoll replied that had not been finalized. Discussion followed regarding whether BWD water supplied to Rams Hill was included in the BPA calculations, and Mr. Driscoll said that it was. Subsequently, Rams Hill drilled its own wells and is no longer using BWD supplied water.

BWD Director Lyle Brecht discussed the recent defeat of the Proposition 3 water bond measure, a public initiative. There is a possibility it could be resurrected in 2020 as a legislative initiative. In this case, BWD could provide funds for lobbying, but could not participate in marketing efforts in support of a legislative initiative. Since the 2018 defeat was by a close margin, he predicted more funding would be necessary in 2020 if the proposition is included on the ballot.

Member Berkley referred to a recent editorial suggesting that the County assist Borrego Springs financially. Mr. Bennett replied that the County remains committed to looking at all options for the future. Member McGrory suggested approaching the County regarding the possible designation of part of Borrego's Transient Occupancy Tax and Property Tax funds to the GSP implementation.

Ms. Wylie noted that some AC Members had requested information on possible intervention actions by the State Water Resources Control Board (SWRCB) in the event sustainability is not reached by 2040. She agreed to check with SWRCB about posting some slides they have available on the subject on the County website and discuss them at a future AC meeting. Member Falk reported that she and Member Johnson had spoken with SWRCB representatives, and they offered to attend an AC meeting.

G. Updates from Advisory Committee Members

Member Haldeman reported that during the GSP non-mandatory public review period, anticipated after the January 2019 AC meeting, he planned to have weekly ratepayer meetings, perhaps at an open house at a restaurant. He hoped to discuss with others how to recruit attendees and urge people to bring friends to the meetings. He planned to write a letter to the *Borrego Sun* editor on the subject. Ms. Wylie reminded him that Mr. Poole remains available to attend these meetings to help share information, clarify technical content, etc.

Member Falk asked whether the Core Team votes by consensus or some other method, and who makes the final decision on their issues. Ms. Wylie explained that the Core Team does not function by voting on issues. The work of the Core Team to develop the draft GSP is conducted via a collaborative process. The County Board of Supervisors and the BWD Board make the final decision to adopt the GSP. Director Brecht added that the Department of Water Resources' regulations drive the process, and Mr. Bennett added that it is also driven by the SGMA regulations. The County and BWD discuss the development of a legally and scientifically defensible GSP, and the respective legal teams are involved. The Core Team members go back to their respective Boards with recommendations, and the County and BWD are equal partners. Member Falk noted that if the AC doesn't reach consensus, the Core Team makes the decision. Ms. Wylie explained that the Core Team would make a recommendation to their Boards regarding the GSP and its contents. Mr. Bennett noted that if the Board of Supervisors and the BWD Board disagreed and ultimately did not adopt the GSP, the SWRCB would intervene.

Member Falk also inquired about Groundwater Dependent Ecosystems (GDEs) and the declining water level in the Borrego Sink. She wondered whether the condition of mesquite in the area had impacted

decisions as to how GDEs will be addressed in the GSP. Mr. Driscoll replied that mesquite roots can go as deep as 100 feet, but average around 15 feet in Borrego Springs. The GSP will include plans to mitigate declining groundwater.

Member Falk asked whether de minimis pumpers had been informed of the GSP development. Mr. Driscoll replied that the data regarding de minimis pumpers was mainly from aerial photographs, and they are exempt from the GSP. They have not been contacted individually unless they were assigned a BPA. Mr. Bennett reported there are 52 identified de minimis pumpers, and he thought it would be a good idea to send them letters to make them aware of SGMA and the GSP. They could become non-de minimis users in the future, and the Core Team agreed to look into contacting them.

Member Wilson reported that new growers are installing more sprinklers. He wondered how BPAs would be established for them since they have no water use history. Mr. Driscoll said if that parcel of land was not being pumped during 2010-2014, they would not have been assigned a BPA. Mr. Poole pointed out that the new herb farm was once a palm grove, and Mr. Driscoll noted that they may have been assigned a BPA based on that. Member Haldeman agreed to supply the relevant parcel numbers for the agricultural operations near Di Giorgio Road. Member McGrory suggested considering a moratorium on new farms.

The Committee broke for lunch at 12:00 p.m. and reconvened at 12:35 p.m.

II. GROUNDWATER SUSTAINABILITY PLAN: REVIEW OF DRAFT CHAPTERS

A. Review of Chapters 2 & 3: Key Concept Slides from Oct. 4th AC Meeting and Opportunity to Clarify Technical/Informational Material presented on 10-04-2018

Mr. Bennett referred to Mr. Driscoll's review of draft GSP Chapters 1 through 3 at the last AC meeting. Some AC Members requested a simpler version to take back to their constituents. He planned to do the same for Chapters 4 and 5 in the future. Mr. Bennett's slide presentation will be included on the County website. He explained that Chapter 1, the introduction, explained the purpose of the GSA, the AC, and the SGMA legal authority. Chapter 2 describes the plan area (the Borrego Sub Basin and the contributing watershed), the basin setting and the hydrogeologic conceptual models associated with groundwater levels and quality. It also addresses the Management Areas. Chapter 3 outlines the goal of the GSP, to maintain a viable water supply for current and future beneficial uses and users of groundwater within the plan area while avoiding undesirable results. Minimum thresholds are established as well as measurable objectives.

Member Duncan asked whether GDEs were considered in calculating the 5,700 acre-feet per year sustainable yield. Mr. Driscoll explained that SGMA requires considering all beneficial uses of groundwater, including GDEs and it will be addressed through projects and management actions.

Member Seley asked how the recharge from Coyote Creek was being monitored. Mr. Driscoll replied that from 1945 to 2016, the USGS developed a model to estimate recharge. The GSA took manual measurements twice a year and calibrated that model.

Member Falk inquired about two wells on the map slide that showed high nitrate levels. Mr. Driscoll replied that one is a monitoring well in the vicinity of the wastewater treatment plant, and the other is on private property. Member Falk asked Mr. Poole to obtain more information on the private well.

Member Moran noted that at the community meeting, concern was expressed that people were scared about the future of the Valley. She asked whether Mr. Bennett's slide presentation would be used in future meetings. Mr. Bennett explained that the presentation was intended for people reviewing the GSP.

Michael Sadler inquired about the water quality monitoring program. Mr. Driscoll reported that BWD has added five more wells, and there is historical data from the North Management Area. The wells are sampled semiannually. He anticipated presenting an update at a later time.

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Regarding the projected drop in groundwater levels, Member Wilson asked at what point would the water no longer meet the quality requirements of Title 22. Mr. Driscoll explained that water quality concerns are site specific in the South Management Area. In the Central Management Area, all BWD supply wells meet quality standards.

Member Johnson inquired about risks to the big horn sheep associated with water reduction, and whether recent DWR updates to climate change data had been reflected in the model. Mr. Driscoll replied that SGMA requires consideration of all GDE plants and animals, and that the model had been updated with the recent climate change data.

Cathy Milkey noted that it would be helpful to show which wells are BWD's and which are private, and which are for domestic use and which for irrigation.

Suzanne Lawrence reported that the Union of Concerned Scientist has information available on how to communicate with the public and how to explain technical concepts. Ms. Wylie asked her to send a link and she will disseminate it.

B. Chapter 4: Projects and Management Actions

Mr. Driscoll outlined draft GSP Chapter 4. He presented a list of six proposed projects and management actions: The water trading program, water conservation, pumping reduction program, voluntary fallowing of agricultural land, water quality optimization, and intra Sub Basin water transfer. Potential negative results would be lowering of groundwater levels and storage, and degradation of water quality and GDEs. He explained that the Valley is totally dependent on groundwater, and water use is primarily for agriculture and recreation. A reduction of approximately 75 percent will be necessary to reach sustainability.

The water trading program would likely replace the existing water credit program and would be administered by the GSA. It would potentially allow long or short-term lease of BPA amounts. Water conservation would include separate components for agriculture, recreation and municipal.

The pumping reduction program would be for non-de minimis pumpers based on their BPAs. Pumping would be reduced incrementally on an annual basis as necessary and updated every five years. Member Seley observed that when the reductions are adjusted, if a pumper's level is better than estimated, he/she should be able to take advantage of that. Member Berkley pointed out that if the area surrounding an active farm is fallowed, the water level would rise. Should the farmer benefit from that? Mr. Bennett explained that SGMA is an adaptive process and will be reviewed every five years to determine if changes are warranted.

Mr. Driscoll went on to explain the voluntary agricultural fallowing program, which would convert farmland into low water use areas such as open space, public land or other development. Intended land and water use after fallowing and potential environmental impacts will be considered. Member Wilson asked who would determine the use of the land after fallowing. Mr. Driscoll replied that a CEQA review would be required for the voluntary fallowing program. Mr. Bennett added that currently if they are not part of the program, the farmer could simply turn off the water; but water trading would not be available, and if they want to subdivide, they would need County approval. Member Falk asked about provisions to avoid water credit hoarding, and provisions for biological mitigation. Mr. Driscoll replied that anti-hoarding is a concern and the GSA may consider options to address that, along with fallowing requirements that will be evaluated during the CEQA process. Member Haldeman asked if any of the farmers present are currently considering fallowing their property voluntarily. Member McGrory responded to the inquiry he is not currently considering this.

Water quality optimization includes investigation, development of work plans and implementation of water quality education projects. It could include direct water treatment or indirect treatment such as blending new wells and pipelines or reallocating pumping from existing wells. Intra Sub Basin transfers would establish a method for conveyance of water from one area to another within the basin. For example,

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water high in nitrates from the North Management Area could be used for irrigation in the Central or South Areas.

Mr. Driscoll outlined the benefits of each project and management action. The water trading program would reallocate the available water supply. The water conservation program, pumping reduction and the voluntary fallowing of agricultural land would reduce water use. The water quality optimization would maintain and improve water quality for beneficial use. The intra Sub Basin transfer program would benefit water quality, level and storage. Mr. Driscoll reviewed the circumstances under which projects and management actions would be implemented, the related CEQA requirements and other permits and regulatory processes, and legal authority.

Member Berkley brought up the potential economic impacts from lost employment in farms and golf courses, and the associated decline in real estate values. Director Brecht explained that there is nothing in SGMA designating economic impacts as an undesirable effect, but it is definitely important. However, if the overdraft itself is not addressed, the resulting economic impacts would be worse. Member Johnson asked whether a project and management action could address economic impacts, and Director Brecht replied that DWR was thinking about changing the SGMA requirements to include economic impacts. Member McGrory suggested meeting with the County to see how they might help.

IV. CLOSING PROCEDURES

A. Correspondence

None

B. General Public Comments

Casey Brown stated he was encouraged; we are not in a disaster. Farmers have reduced their water use, technology is changing rapidly, and there are solutions.

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

Ms. Wylie announced that the December 6 AC meeting had been rescheduled to January 31. The draft GSP is anticipated to be released in February.

The next AC meeting was scheduled for January 31, 2019.

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