

MINUTES

(Note: these meeting minutes were not approved by the Advisory Committee since this was the final meeting and no subsequent meeting will be held)

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

October 4, 2019 @ 10:00 AM – 12:30 PM

**Location: Borrego Springs Library, Community Room, 2580 Country Club Rd., Borrego Springs, CA
92004**

I. OPENING PROCEDURES

A. Call to Order

The meeting was called to order at 10:05 a.m. by Borrego Water District (BWD) General Manager Geoff Poole.

B. Pledge of Allegiance

Those present stood for the Pledge of Allegiance.

C. Roll Call of Attendees

Committee members: Present: Rebecca Falk, Bill Berkley, Gina Moran, Suzanne Lawrence (reappointed to the AC after the roll call), Jim Wilson, Jack McGrory, Jim Seley, Gary Haldeman
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 Wendy Quinn, Recording Secretary

Public: Anita Regmi, Department of Water Resources Tim Ross, Department of Water Resources
Michael Sadler, *Borrego Sun* Bill Carpenter, Air Ranch
Mike Himmerich, Air Ranch/ Rick Alexander, TRAC
Borrego Ministers Assn. Bob Krasowski
Martha Deichler, BSUSD Kathy Dice, BWD
Diane Johnson, BWD Beth Hart

D. Review of Meeting Agenda

Meagan Wylie reviewed the meeting Agenda.

E. Re-appointment of Suzanne Lawrence as Borrego Stewardship Council Representative

Mr. Poole announced that Suzanne Lawrence had been appointed to replace Diane Johnson, due to Ms. Johnson's appointment to the BWD Board.

F. Approval of July 25, 2019 AC Meeting Minutes

Upon motion by Member Berkley, seconded by Member Seley and unanimously carried by those present, the Minutes of the July 25, 2019 AC Meeting were approved as written.

G. Updates from Core Team

BWD Director Brecht outlined two options for reaching groundwater sustainability by 2040, both included in SGMA. First is the Groundwater Sustainability Agency (GSA)/Groundwater Sustainability Plan (GSP) option, which the Core Team and AC have been working on. The second option is the WaterMaster/Physical Solution process. The Borrego Valley pumpers would enter into a contractual agreement or Stipulation, and the GSP would become an attachment termed the Physical Solution. A negotiating team has been working on the Stipulation, and it should be available for public viewing sometime in October. BWD will hold public hearings, and once approved by the Board it would be submitted to the Department of Water Resources (DWR), which will also solicit public input. All Borrego landowners would be procedurally "sued" by BWD, and the Stipulation would need to be approved by a

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court before submission to DWR. A court-appointed WaterMaster Board would manage the Basin under the Stipulation, and the court would enforce its terms. Reports would be required every five years. The Stipulation will contain more detail than the GSP.

Member Falk inquired about the assumption that the WaterMaster would not be subject to the California Environmental Quality Act (CEQA) when implementing the Physical Solution. Director Brecht confirmed that is the case. The WaterMaster is not subject to CEQA, but a public agency may or may not be. Member Wilson asked how the court would enforce the Stipulation, and Director Brecht replied that one way would be a lien on property. Member Lawrence asked how the public comments would be incorporated into the Stipulation. Mr. Poole explained that negotiations have reached the point where the parties are comfortable with the terms, but it can be changed after public input. He will review the comments with Directors Brecht and Duncan, then the full BWD Board, then the parties to the Stipulation to decide whether to include them in the final Stipulation.

Tim Ross of DWR noted that the Borrego Springs Subbasin would be the first basin to do a Stipulation. Once signed by the parties, the Stipulation goes to the court and the court sends it to DWR as an alternative to the GSP.

Jim Bennett presented an update on County of San Diego (County) activities relative to GSP planning. Borrego Springs has many people invested in the future and facing difficult issues. BWD and the County worked together to prepare the draft final GSP, which was completed on August 30, 2019. BWD is currently working to correct any inconsistencies between the GSP and the proposed Stipulation. Mr. Bennett indicated County staff believes the Stipulation is the best solution. It includes a determination of water rights, avoids potential litigation, includes community participation on the WaterMaster Board and accelerates water use reduction. The Stipulation also includes a technical advisory committee and an environmental work group. With the Stipulation potentially being submitted to court as early as November or December, the County has scheduled a Board of Supervisors hearing for October 16, and staff plans to recommend that the County withdraw from the GSA and not adopt the GSP. The Stipulation proposes County representation on the WaterMaster Board. County staff could also participate via the proposed Technical Advisory Committee. A subsequent Board of Supervisors hearing after the stipulation works its way through court would be held to decide on how the County will participate.

H. Updates from Advisory Committee Members

Member Lawrence reported on the Stewardship Council's recent activities, including a number of workshops. She highlighted the "Resort Town Reimagined" workshop on April 8, which was attended by 60 people. It focused on integrated land use planning and integrated water management planning. The Local Government Commission has been assisting. Member Lawrence presented a list of workshop leaders and committee members. The event brought together land use, sustainable water management and economic development.

The Stewardship Council is currently working on a plan to reach a broader audience, designed to work concurrently with the Physical Solution. The Federal Government and the Bureau of Reclamation have advanced protocols for bringing land use and water management together. The Council is working on a grant application for \$100,000 to create and support a Watershed Alliance over two years. The grant would help to transition the ad hoc efforts of the Council into something more formal, i.e. the Anza-Borrego Desert Watershed Alliance.

II. INFORMATIONAL ITEMS

A. Review of revisions made to draft-final Groundwater Sustainability Plan (GSP) following discussions had at the July 25, 2019 AC meeting

Mr. Bennett summarized changes to the GSP in response to public comments received from March 21 through May 21, 2019. Changes included additional background information on the Severely

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Disadvantaged Community (SDAC), changes to the definition of CEQA guidelines, and minor edits to the Baseline Pumping Allocations (BPAs). Some additional subsidence data was included, as well as more information on Groundwater Dependent Ecosystems (GDEs). The changes are posted on the County website. Diane Johnson asked whether, if the GSP becomes the Physical Solution included in the Stipulation, the SDAC information would be included. Director Brecht replied that the Physical Solution, or the Groundwater Management Plan (GMP) as it is now being called, is broader than the GSP, but it is essentially the same. SDAC issues are included more in the GMP than in the GSP. BWD Director Duncan added that the Stipulation would contain more details than the GSP.

B. Review efforts of the AC and Core Team during the 2 ¾-year process to develop the draft-final GSP

Ms. Wylie thanked all who participated in developing the GSP. The GSA was established in October, 2016 by a Memorandum of Understanding between the County and BWD. The Core Team was established with staff from both parties, and the AC was established to provide input, advice and recommendations from important water users in the Basin. The AC has held 18 meetings totaling 90 hours, plus preparation time, and the Core Team has met many times in between AC meetings. In addition, AC members met with their constituent groups. There were also SDAC community meetings and Town Hall Meetings.

III. ITEMS FOR DISCUSSION AND POSSIBLE RECOMMENDATION

A. Advisory Committee to consider a Consensus Recommendation on the draft-final GSP

Ms. Wylie reminded the AC members of the consensus levels: (1) An unqualified “yes,” (2) the decision is acceptable/best option, (3) I can live with the decision/not enthusiastic, (4) do not fully agree but will not block the decision, (5) do not agree and need to block the decision, and (6) needs more work before consensus can be achieved. Member Wilson asked whether there would be additional changes to the GSP if a Stipulation is selected. Director Brecht replied that there would be no substantial changes. Member McGrory stated that the farmers disagree on recharge; they think the numbers should be higher. Member Moran asked why the AC needs consensus when the County is recommending against adoption of the GSP. Ms. Wylie explained that AC consensus would give the GSP more credibility if it becomes the GMP. Mr. Bennett added that no decision has been made on the Stipulation; the Board of Supervisors and the BWD Board have discretion. Director Duncan pointed out that there is no guarantee that all parties to the Stipulation will ultimately sign. The GSP is its foundation, and it needs to be completed. Member Falk concurred, and had recommended approval to the Sponsor Group for those reasons. Member Berkley noted that a Stipulation would avoid litigation. Director Duncan was optimistic regarding the Stipulation’s success.

Ms. Wylie called for the consensus vote and asked that the Members explain their reasons.

Member Haldeman voted (2). He noted that the three most important issues to the ratepayers are not in the GSP. They want a quick resolution to the water issues and think 20 years is too long to reach sustainability; they think BWD should be allocated a basic, untouchable amount of water; and they are concerned about GDEs.

Member Lawrence voted (2). She reported that the Stewardship Council had written two letters in response to the GSP, and some issues remained unresolved.

Member Seley voted (6). He felt more work was needed, but supported the transformation of the GSP into a GMP to accompany a Stipulation in order to avoid litigation and speed up the basin management program.

Member Falk voted between (2) and (3). She reported that the Sponsor Group voted to approve the GSP on September 12. However, she expressed concern that the GSP concentrated on hydrogeology and lacked issues of concern to the Group. She was disappointed that AC decisions were often postponed, and that negotiations toward a Stipulation were private.

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Member Moran voted (3). She shared some of Member Falk's concerns, and pointed out that the State Park is important to the community.

Member McGrory voted (6). He thought the GSP development had been a good process, and it will be the foundation of the Stipulation, but more work needs to be done.

Member Berkley voted (2). He agreed with Member McGrory as to the GSP being the foundation of the Stipulation. He was in favor of avoiding litigation and speedier implementation of the Projects and Management Actions, but was concerned about the potential loss of jobs.

Member Wilson voted (2). He felt that the GSP was a good basic document, and he was pleased that the Stipulation was on the table. However, he shared Member Falk's concern that decisions were too often delayed in the GSP development.

Member Lawrence questioned whether AC members who are part of the Stipulation negotiations should vote on the GSP consensus. Member McGrory explained that the negotiating team is preserving its right to hold off complete disclosure for now, but they are close to finalizing the Stipulation. Member Haldeman noted that according to the July 9 BWD Minutes, attorney Steve Anderson presented an outline of the proposed Stipulation to the Board.

IV. CLOSING PROCEDURES

A. General Public Comments

Bob Krasowski suggested delaying the consensus vote on the GSP until the entire proposed Stipulation and attached GMP can be made public. Kathy Dice asked those who voted (6) what needs more work. Member Seley felt there was need for more coordination, and work on the GMP to prevent litigation. He noted that the GSP is not as complete as the Stipulation.

B. Closing Remarks

AC and Core Team Members expressed thanks to all who participated in the GSP development process, acknowledging that it had been a difficult process but ultimately will give more certainty to the community. Director Brecht was impressed with the quality of the consultants' work and thanked the County for its contribution.

There being no further business, the meeting was adjourned at 12:30 p.m.