

## MINUTES

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

October 4, 2018 @ 10:00 AM – 3:00 PM

Location: UCI Steele Burnand Research Center: 401Tilting 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, Ryan Hall, Jim Wilson

Absent: Jack McGrory

**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  
Rachel Ralston, LeSar Development (via teleconference, Item II.A only)  
Wendy Quinn, Recording Secretary Mason Einbund, County of San Diego

**Public:** Michael Sadler, *Borrego Sun* Linda Haneline  
Stephen Ballas Bill Haneline  
Martha Deichler Kathy Dice  
Marsha Boring Judy Haldeman  
Suzanne Lawrence Maureen Hurley  
Dan Wright Mike Seley  
Esmeralda Lopez Cathy Milkey, Rams Hill

##### D. Review of Meeting Agenda

Meagan Wylie reviewed the meeting ground rules and Agenda.

##### E. Approval of August 30, 2018 AC Meeting Minutes

Member Falk proposed amendments to Item II.A, Baseline Pumping Allocations and Reductions. After discussion, and additional changes by staff and AC, the wording was agreed upon. Upon motion by Member Berkley, seconded by Member Moran and unanimously carried by those present, the Minutes of the August 30, 2018 AC Meeting were approved as amended.

##### F. Updates from the Core Team

a. Transitions in Core Team Membership and AC Representation. Geoff Poole announced that BWD President Hart is retiring from the Board and Core Team, and Dave Duncan will replace her on the Board and Core Team. Gary Haldeman will replace Dave Duncan as the BWD Ratepayer Representative on the AC. Mr. Duncan pointed out that the Core Team has a significant workload in drafting the Groundwater Sustainability Plan (GSP) and preparing for AC meetings. He previously expressed frustration at the slow progress from the perspective of an AC member, but he now understands the amount of time and preparation that is required to support meaningful AC meetings. He suggested including discussion and questions from the previous AC meeting on each AC Agenda. Member Haldeman next provided remarks on his new appointment as AC member, representing the

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ratepayers. He noted that he has lived in Borrego for nearly 20 years and has served on several boards of various organizations. Mr. Haldeman has assisted BWD on the current GSP severely disadvantaged community (SDAC) outreach effort as translator and interpreter for the recent Spanish speaking events. He reiterated Mr. Duncan's opinion that the workload was substantial, and he thanked the Core Team, consultants, and existing AC members on their critical efforts to-date.

b. Brief Report-out on August 31<sup>st</sup> Technical Meeting with Consultants. Trey Driscoll reported that he met with the Agricultural Alliance for Water and Resource Education's (AAWARE's) and T2 Borrego's consultants for the purpose of reviewing the hydrogeologic (water budget and groundwater) model used for GSP development. Ms. Wylie noted that slides referenced at this meeting were on the County SGMA website, and explained that the slides were primarily a compilation of technical material that has been presented at AC meetings over the last six months. The content being presented at this meeting is not new to anyone who has been carefully following the AC process. Member Falk asked whether when estimating pumping volumes via the model, if estimates are usually over or under the actual amount used, and by how much. Mr. Driscoll explained that the model includes variations in estimates based on land use. Estimates may change over time and the model will be updated regularly. Member Seley pointed out that AAWARE and T2 had requested additional meetings as follow up to this meeting, and asked whether they had been scheduled. Mr. Driscoll will work with the Core Team regarding next steps. Member Johnson expressed concern that these meetings should be documented. Mr. Bennett replied that documentation occurs through Core Team updates provided at each AC meeting, and relevant materials shared either via posting to the County SGMA website, or in AC Agenda Packets.

c. Metrics on Responses Received to Draft-Baseline Pumping Allocation Letters sent to Pumpers. Mr. Driscoll reported that the Core Team has received responses to 17 draft Baseline Pumping Allocations (BPA) in response to the 36 letters that were sent out to non-de minimis pumpers in June. These response letters are currently being reviewed by the CT and consultants, and responses will be provided as appropriate. Member Falk asked whether there was a plan to contact those pumpers who did not respond. Mr. Bennett explained that all letters were sent certified mail in order to confirm delivery, and noted that the CT is not assuming that a lack of response means pumpers are either agreeable or non-agreeable with the draft BPAs provided. He further replied that the next step is to revise the BPAs as appropriate and send out the new information to non-de minimis pumpers. In response to a request from Member Berkley, Mr. Bennett agreed to provide the names of who responded. Member Wilson requested the total acreage represented by the pumpers who responded, and Mr. Bennett agreed to compile it, and Member Moran requested total acreage from those who did not respond.

d. Consideration for Formation of Ad Hoc Committee for Emerging Constituents of Concern. Ms. Wylie invited the Committee's attention to a memo from the Core Team to the AC in the Agenda package. Mr. Driscoll reported he had reviewed the request to form an Ad Hoc Committee to study emerging chemicals of concern (ECCs). He explained that in California there is a robust process for regulating potable water quality, but the detection of many ECCs is so recent that potential health effects are unavailable. Since Borrego has little industrial activity, their presence here is unlikely, and potential ECCs in the Subbasin are likely limited to pharmaceuticals and pesticides. He explained nitrate is a widespread contaminant found in groundwater and is a reasonable surrogate to identify areas of the Subbasin that may be impacted by ECCs. He recommended against an Ad Hoc Committee at this time, but will continue to watch for any changes in State regulations. Member Johnson asked Mr. Driscoll to provide links to articles supporting his position, including the use of nitrates as a surrogate rather than studying ECCs.

Member Falk cited John Peterson's concern that water from the North Management Area containing nitrates might flow into other areas of the basin. Mr. Driscoll disagreed, noting that this

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theory of intrabasin water migration in such a direction was not supported by groundwater level data. The agricultural pumping wells capture the flows. Currently the cone of depression is located north of Henderson Canyon Road in the vicinity of the agricultural properties.

e. Consideration of SB 1000 as it Relates to SGMA Process. Ms. Crow explained that Senate Bill (SB) 1000, which was adopted in 2016, added an “environmental justice” general plan element requirement for agencies with a "disadvantaged community." For SB 1000, a disadvantaged community is defined as an "area identified by the California Environmental Protection Agency (CalEPA) as an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation." Although certain areas of the County were identified as a disadvantaged community, as defined by CalEPA, Borrego Springs was not. However, the County will be including an environmental justice element in the amended General Plan and is in the preliminary stages of determining how best to incorporate it.

**G. Updates from Advisory Committee Members**

Member Falk expressed difficulty in seeing small print in select slides at the meeting and would prefer an opportunity to comment on the previous meeting’s technical content at the subsequent meeting. Ms. Wylie noted the standing agenda item that allows for as-need opportunity to clarify technical/information materials presented at the previous AC meeting. She also invited members’ attention to the Work Planning and Timeline Chart in the Agenda package, where in it is indicated that the GSP will be reviewed sequentially by chapter over the next three meetings, with opportunity to revisit any content previously presented on.

**H. As Needed Opportunity to Clarify Technical/Informational Material presented on 08/30/2018**  
None

**II. INFORMATIONAL ITEMS**

**A. Socioeconomic Efforts: Community Engagement Efforts Update**

Rachel Ralston reported on the September 19, 2018 community meetings An English session and a Spanish session were hosted. The purpose was to educate community members on SGMA, solicit feedback and clarify questions. A summary was provided in the Agenda package. Topics included water rates, economic impacts of SGMA, water use allocations, sustainability strategy and GSP development. Future community meetings and communication preferences were discussed. The next steps are possible meetings in November and completion of outreach in February 2019. Fourteen persons attended the English session, and twenty persons attended the Spanish session. Information on proposed pumping fees and penalties may be included in the next community meeting Agenda, if these topics have been reviewed and discussed by the AC previously.

**B. Environmental Impact Report (EIR) and California Environmental Quality Act (CEQA) Process**

Mr. Bennett explained that if a project requires a discretionary action by a hearing body (for example, a general plan amendment), then a CEQA review is required. SGMA provides that CEQA is not applicable to the GSP document development process, but it is applicable to any projects that would implement actions pursuant to the GSP. He went on to outline the EIR process, which includes an initial study, notice of preparation and scoping meeting, draft EIR, public comment period, response to comments, and final EIR and certification hearing. In the case of GSP implementation projects, the County would likely be the lead agency for the EIR, with the Borrego Water District acting as a responsible agency. Mr. Bennett showed a checklist of environmental issues, and described various opportunities for public input. In Borrego, the Sponsor Group would be involved in an EIR process. The process typically takes 18 months to two years.

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Member Falk had submitted questions to the Department of Water Resources regarding CEQA and EIR processes, which Mr. Bennett verbally reviewed and addressed: She asked whether the GSP could be changed based on new findings after submission to DWR, and specifically, the estimated current sustainable pumping rate of 5,700 acre-feet per year and effects on the SDAC. Mr. Bennett replied that changes to the GSP would be considered during the five-year updates. Environmental reviews do not typically include economic issues. Member Falk further inquired whether all aspects of the GSP would go into effect upon BWD and County Board of Supervisors approval, and Mr. Bennett replied that any projects requiring CEQA review cannot be implemented until the process has been completed. More information may be provided at a future AC meeting.

Member Wilson asked whether one EIR would cover all following projects, or would an EIR be required for each one. Mr. Bennett indicated that following would likely be evaluated as one project, but the details have not yet been worked out. Member Wilson asked about mitigation for previous following, and Mr. Bennett replied that the water credit program may be considered and evaluated. Member Moran inquired about a legal review of the GSP. Ms. Crow explained that a court validation process is anticipated following adoption of the GSP.

### III. GROUNDWATER SUSTAINABILITY PLAN: REVIEW OF DRAFT CHAPTERS

#### A. Chapter 1: Introduction to GSP

Mr. Driscoll summarized GSP Chapter 1, which explains that the purpose of the GSP is to manage and use groundwater in a manner that can be sustained without adverse effects. BWD has water supply and management authority, and the County has land use responsibility. The chapter also explains the AC and the Core Team. Member Johnson inquired about the Plan Manager and the legal authority for such Mr. Driscoll replied that Mr. Bennett is the designated Plan Manager, and the legal authority is provided by the California Water Code and Code of Regulations.

#### B. Chapter 2: Plan Area and Basin Setting

Mr. Driscoll explained the plan area, monitoring and management program, land use and additional components. Sixty-seven percent of the land in the basin is privately owned, twenty-seven percent by the State, five percent by non-profits and one percent each by the County and special districts. Borrego Springs is surrounded by the State Park. There are 118 wells in the basin, 52 de minimis, 40 agricultural, 13 golf course, 8 municipal and five small water systems. Water resources monitoring and management programs include the water credits program, the County groundwater ordinance, the groundwater mitigation program, AB 3030, ESA, California water well standards, California State Groundwater Elevation Monitoring (CASGEM), Integrated Regional Water Management Program (IRWMP) and the Clean Water Act.

The chapter also addresses the County General Plan, the Borrego Springs Community Plan, land use and zoning. Beneficial uses and users include agriculture, municipal, industrial, recreation, water credits, domestic users (non-diminimis), diminimis and groundwater dependent ecosystems. Member Wilson requested the percentage used by each user, and Mr. Driscoll agreed to provide them.

#### **The Committee broke for lunch at 12:10 p.m. and reconvened at 12:45 p.m.**

Mr. Driscoll went on to explain the hydrogeologic computer model, history, budget and Management Areas. Rainfall, temperature and evapotranspiration were considered. Maps depicted geologic structures and topography, as well as the San Andreas, San Jacinto and Elsinore faults. Groundwater monitoring is included, and Mr. Driscoll noted that five more monitoring wells will be added. He explained that two-thirds of the basin's recharge comes from Coyote Creek.

Member Falk reported she had spoken with Tim Ross of the Department of Water Resources about water quality sampling, and he said sampling should theoretically be available at metered sites.

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Mr. Driscoll explained that conducting water sampling involves a policy decision. SGMA requires that the GSA adopt a non-quantitative sustainability goal setting a framework to determine what is significant and unreasonable for each sustainability indicator (critical lowering of groundwater levels, land subsidence, depletion of surface water, and beneficial use such as groundwater dependent ecosystems). The sustainability goal is to maintain a viable water supply for current and future beneficial use and users of groundwater within the plan area.

Member Seley pointed out that a prior report showed that the model indicates less water than may actually be in the basin. He asked what is being done to balance this discrepancy. Mr. Driscoll explained that SGMA requires the use of the best available information at the time, and that has been done. The model is running without complete meter data, so estimates had to be used for agriculture pumping use. More pumping data will be collected throughout the plan life, and the GSP will be updated throughout implementation. Significant and unreasonable undesirable effects must be avoided. Member Haldeman asked for the definition of “significant and unreasonable,” and Mr. Driscoll replied that that is up to the stakeholders; SGMA does not define it.

Member Johnson asked whether the slides could be enlarged on the website, and Ms. Wylie agreed to work on this issue with Ms. Crow.

### C. Chapter 3: Sustainability Management Criteria

Mr. Driscoll explained that sustainability management criteria included avoidance of lowering groundwater levels and reduction of groundwater storage. Member Haldeman pointed out that this could define “significant and unreasonable” undesirable effects. Director Brecht asked whether “significant and unreasonable” could be framed in economic terms, and Mr. Driscoll replied that it could. Another sustainable management criterion to avoid is degraded water quality. The GSP will establish minimum thresholds, a quantitative measure of undesirable results. The limit for recoverable groundwater in storage is 152,000-acre feet.

Mr. Duncan asked whether the GSA has a responsibility to protect de minimis pumpers from their wells running dry. Mr. Driscoll explained that analysis of de minimis wells has not been completed. He will look at whether it is viable to connect them to the water system. SGMA requires that all beneficial users be considered. Moving water around the basin (intrabasin water transfer) is also being studied. Member Johnson asked for the definition of “recoverable” groundwater in storage, as referenced in one of Mr. Driscoll’s slides. Mr. Driscoll explained that is the amount that could be removed in case of an extended drought. Member Haldeman suggested using the term “useable” instead of “recoverable.” Member Johnson suggested some links in the slides to a glossary explaining the terms, and a graphic of what a well looks like.

Mr. Driscoll noted that monitoring sites are required to measure objectives and thresholds. The GSP will need to define initial sustainability indicators, thresholds and negative results. They can be adjusted as the GSP progresses. Member Hall asked whether, if sustainability is reached in ten years, the GSP would continue. Mr. Driscoll explained that yes, the basin would still have to be managed, and reports submitted to DWR to show groundwater use continues to be sustainable.

## IV. CLOSING PROCEDURES

### A. Correspondence

None

### B. General Public Comments

None

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

Steps

Ms. Wylie announced that the Core Team will require postponement of the tentatively scheduled October 25 meeting in order to continue preparations of technical material. She will draft the action

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items, work on meeting dates for October and November, and work with the County to post this meeting's slides on the County website. She asked the AC to be prepared with questions on the slides presented today at the next AC meeting.

The next AC meeting was tentatively scheduled for November 29, 2018.

There being no further business, the meeting was adjourned at 2:40 p.m.