

MINUTES
Borrego Valley Groundwater Basin: Borrego Springs Subbasin
Sustainable Groundwater Management Act (SGMA)
Advisory Committee (AC)
May 31, 2018 @ 10:00 AM – 3:00 PM
Location: University of California, Irvine
Steele/Burnand Anza-Borrego Desert Research Center
401 Tilting T Drive, Borrego Springs, CA 92004-2098

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, Ryan Hall, Diane Johnson

Core Team members: Beth Hart, BWD Jim Bennett, County of San Diego
Geoff Poole, BWD Trey Driscoll, Dudek, GSP Consultant

Staff: Meagan Wylie, Center Wendy Quinn, Recording Secretary
for Collaborative Policy Asha Bleier, Dudek, Consulting Team
Mason Einbund, County of San Diego

Public: Michael Sadler, *Borrego Sun* Linda Haneline
Cathy Milkey, Rams Hill Bill Haneline
Martha Deichler Mark Jorgensen
Susan Percival, Club Circle Mike Seley, Seley Ranch
East HOA Emily Brooks
Patrick Meehan John Doljanin, West Coast Trees

D. Review of Meeting Agenda

Meagan Wylie reviewed the meeting ground rules, Agenda and Brown Act provisions.

E. Approval of January 25, 2018 AC Meeting Minutes

Upon motion by Member Berkley, seconded by Member Falk and unanimously carried, the Minutes of the March 29, 2018 AC Meeting were approved as amended (Item I.G, next to the last paragraph, revise to read in part, “. . . most members of the public ~~of those~~ present at a recent Sponsor Group meeting expressed the opinion that ~~agreed~~ there should be no development . . .”).

F. Updates from the Core Team

a. \$1M Proposition 1 Funding

Geoff Poole announced that the Proposition 1 grant application had been approved and recommended for funding. The County has returned the letter to the State confirming desired receipt of funds. In the next few weeks, the County expects to receive additional information on grant management and expenditure of grant funds. A cost reimbursement agreement is being developed between the County and BWD for reimbursement of grant expenditures. Work on some of the grant-funded projects has already begun.

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b. Water Supply and Water Quality Act of 2018 with \$35M Line Item for Borrego
Mr. Poole explained that BWD is prohibited by law from spending money or time on a pending bill once it has been submitted. The measure should be on the November 2018 ballot, including Borrego's line item.

c. Socioeconomic Efforts: Proposition 1 Grant Tasks and Updates
Mr. Poole explained that part of the Proposition 1 grant funding will be used for outreach to the Severely Disadvantaged Community (SDAC). Staff has been working with Rachel Ralston of LeSar Development Consultants, one of the outcomes being the community informational meeting held on March 5, 2018. Ms. Ralston has been reviewing data from that meeting, and has further developed and distributed surveys to the community to gather additional, more detailed information. The information will be used in a model being developed to assess the impact of SGMA on the SDAC. Another community meeting is in development, and Members Falk and Johnson are assembling written materials for public dissemination. Mr. Poole reported that Ms. Ralston will attend the next AC meeting to provide more detailed updates.

d. AAWARE Meeting with Core Team members and GSP Consultant
Mr. Poole reported that he met with Jim Bennett, Trey Driscoll and members of the Agricultural Alliance for Water and Resource Education (AAWARE). Topics included return flow and baseline pumping allocations (BPAs), and was productive. Mr. Bennett explained that the Core Team will have to proceed with the BPAs for agriculture using Dudek's estimates based on aerial photos and evapotranspiration unless the farmers provide additional information on their pumping. The metered water use data will be reviewed by the GSA to determine whether the data is valid for use as a BPA. The Core Team also hopes to get additional access from agriculture regarding the water quality monitoring program, as additional wells are needed in the North Management Area. Mr. Bennett reported that at the next AC meeting, the consultants will present a draft BPA plan. Member Falk asked whether water quality monitoring of private wells can be mandated once the GSP has been adopted. Mr. Driscoll replied* that it could be. **07/26/18 Amendment:** *(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.*

e. Updated Groundwater Sustainability Plan (GSP) Schedule
Mr. Bennett reported that the last bi-monthly AC meeting will be in July. The AC will review financing plans (fees and penalties) and BPAs. Another community meeting is also contemplated for August. In September the SDAC components will be incorporated into the GSP, and monthly meetings will continue throughout 2018. In December the draft GSP will be released for a 45-day public review and comment period. Thereafter, a final consensus recommendation will be requested from the AC before submitting the GSP to the County Board of Supervisors and BWD Board in the summer of 2019. Member Moran noted that it would be helpful to get written material to be considered by the AC in advance of the meetings. Ms. Wylie offered to arrange a webinar upon request. Discussion followed regarding the potential meeting in late August, and Ms. Wylie asked the AC and Core Team members to e-mail her their vacation plans. Suzanne Lawrence brought up the issue of governance following GSP adoption. Mr. Bennett cited the Memorandum of Understanding between the County and BWD and recognized the need for changes to the governance structure in the form of new agreements.

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- f. Other
- None

G. Updates from Advisory Committee Members

Member Falk expressed concern regarding the need for water quality data, the length of time it takes to obtain it, and the need for more monitoring wells in the North Management Area. She was also concerned about the costs to the ratepayers. Member Falk echoed Member Moran's request for written material in advance of the AC meetings, as well as a short synopsis of upcoming presentations.

Member Duncan reported that he was continuing to hold ratepayers' meetings, the last one on May 29. One item frequently addressed by his constituents is the recently proposed water shortage emergency declaration. Although the BWD Board did not adopt it, the ratepayers still feel they are being treated unfairly by the consideration to force them to reduce their water use while agricultural flood irrigation continues. Member Hall pointed out that sometimes when wells are cleaned, it looks like flood irrigation.

II. TECHNICAL AND POLICY ISSUES FOR DISCUSSION OR INTRODUCTION

A. Baseline Pumping Allocation Update

Mr. Driscoll explained the methodology being used to calculate BPAs, which allocate water extraction based on the historical rate of pumping over a defined period of time. The baseline period is January 1, 2010 to January 1, 2015, and the BPA is based on the highest annual use during this period. In the absence of validated flow meter data from production wells, extraction is estimated using aerial photography and evapotranspiration data. Evapotranspiration is based on data from the California Irrigation Management Information System (CIMIS) station in Borrego Springs for different types of plants. Salt leaching is considered, i.e. overwatering to flush excessive salts below the roots. Member Hall asked whether overwatering for frost protection was considered. Mr. Driscoll replied that it was not, but agreed to consider it further. Member Berkley asked whether salt leaching and frost protection on golf courses was considered. Mr. Driscoll replied that it was not, but agreed to consider it.

Mr. Driscoll explained that once the BPAs have been calculated, they will be presented to each pumper for review and comment. Discussion followed regarding flood irrigation, and the fact that Mr. Driscoll's estimates were based on the common practices of spray and drip. Mr. Poole pointed out that John Doljanin of West Coast Trees uses flood irrigation, and recent research indicates it may be very efficient. The Core Team agreed to review the topic of flood irrigation and potential efficiencies further as it relates to BPAs. Member Seley pointed out that spray irrigation for citrus is directed at the trees, whereas on a golf course it is sprayed over a wide area. Member Berkley added that there are different types of golf course irrigation, and some new ones are more efficient.

Member Johnson asked how long the AC would remain in existence. Mr. Bennett explained that the Core Team planned through the GSP development process, and would add the question to the Management Actions. Mr. Doljanin reported that studies from the University of New Mexico and the University of California at Davis addressed flood irrigation versus drip. He further stated that the Borrego Subbasin aquifer had dropped since the 1960s when farmers switched from flood to drip. Per the studies, on sand and flat terrain, flood is more efficient. He further stated he thought farmers should get credit for return flows. He indicates that his farm returns a large percentage of irrigation water into the aquifer via flood irrigating, and removes nitrates.

The Committee broke for lunch at 12:25 p.m. and reconvened at 1:00 p.m.

B. Projects and Management Actions to be Considered

- a. Water Trading Program

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Mr. Driscoll explained how the proposed water trading program would facilitate transfer of BPAs and encourage water conservation. The current restrictive easements under the water credit program would be consolidated and reissued. A governing document would be developed, and there would be a publicly accessible registry. Water shares would be issued to replace existing water credits, and shareholders could negotiate the terms of their trade and then submit the deal to the GSA for review. Anticipated components could include water use limitation (must be used in this subbasin), a cap on shares owned by a single entity (to prevent hoarding), an enforcement and penalty structure, and an annual water trading policy review to determine if changes are necessary.

Mr. Bennett noted that the Core Team had not yet reviewed the draft water trading program, but Dudek was presenting their ideas for discussion. President Hart added that a legal analysis had not been done, and the fact that Borrego is not an adjudicated basin may be an issue. Mr. Bennett stated that it is intended that the water trading program will be part of the GSP unless there are legal impediments.

b. Land Use

Asha Bleier of Dudek explained that the County General Plan is the basis for all land use decisions. Besides land use, it includes conservation, housing, the relationship of growth to services, and availability of public infrastructure, including water. The Borrego Springs Community Plan is part of the General Plan and details County policies specific to that area. The Borrego Springs Community Sponsor Group assists the County in developing the Community Plan. Ms. Bleier explained that the Zoning Ordinance is based on land uses established under the General Plan. Agriculture is permitted under the residential designation. Most of the land use designations in Borrego Springs are rural residential or semi-rural residential. Each designation specifies how many dwelling units are permitted per acre.

Once the GSP is implemented, the General Plan will be evaluated and updated as necessary. Ms. Bleier pointed out that a land use designation is not an automatic permission to build. Flood potential, public services, water, fire, health and safety must be considered. There will be public input during the update process, and changes would be considered to transition to land uses that are low water use and compatible with sustainability requirements of SGMA.

Member Falk asked whether water would be available to existing vacant lots. Mr. Bennett replied that currently potential builders would have to contact BWD and satisfy the 4:1 mitigation ratio if they want to build.

c. Long Term Water Potability Program

Ms. Wylie announced that the Long Term Water Potability Program had been renamed the Groundwater Quality Optimization Program. Mr. Driscoll reported that he had identified two potential areas of existing water quality impairment: arsenic and nitrates. Arsenic exceeds the acceptable standard in some wells in the South Management Area, and nitrates historically have exceeded acceptable standards in a portion of the North Management Area. Additional data are needed. The contamination in the South is related to the wastewater treatment plant. The nitrates in the North date back to the 1950s. Efforts are underway to optimize use of impaired water, for example in irrigation, and to mitigate the impairment. Mr. Driscoll emphasized that all BWD wells meet drinking water standards. Impaired water can be treated, blended with higher quality water, or the well can be shut down. Areas for new wells in the basin are being explored.

C. Well Metering Plan

Mr. Driscoll explained that the objective of the Well Metering Plan is to facilitate reliable data reporting for non-de minimis well users. They would be required to register their wells with the GSA and have appropriate meters that can be validated and calibrated. The meters would be read monthly, either by the GSA pursuant to an access agreement or by an approved, independent party. There would be semi-annual reporting, annual verification by a GSA-approved contractor, and the meters would be

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recalibrated every five years. It is anticipated that compliance with the Metering Plan would be required within 45 days of GSP adoption.

III. INFORMATIONAL ITEMS

A. Groundwater Dependent Ecosystems

Mr. Driscoll explained that SGMA requires that all end users of groundwater be considered in the GSP, including Groundwater Dependent Ecosystems (GDEs). 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. Potential GDE areas in Borrego Springs include Coyote Canyon, Borrego Palm Canyon and Mesquite Bosque (commonly known as the Borrego Sink).

Mr. Driscoll presented slides showing characteristics of Coyote Canyon, a watershed of 180 square miles almost entirely within State Park boundaries. Its water comes primarily from precipitation, and it is the primary source of recharge for the Borrego Springs Subbasin. The Coyote Canyon’s GDE is supported by the recharge from the tributary watershed. The Borrego Springs subbasin water levels downstream of the Coyote Canyon has water levels that are too deep to support GDEs. Mr. Driscoll noted that there is an active United States Geological Survey (USGS) station in Borrego Palm Canyon, but he had not yet analyzed the data.

Mr. Driscoll went on to summarize data on Mesquite Bosque, which has been identified in the County General Plan update as a sensitive plant habitat. There are three wells in the area, and the groundwater level has declined by 44.1 feet over 65 years. The water quality is poor. The mesquites in the area are a type of phreatophyte, long-rooted plants that get their water from the aquifer. Information on Mesquite Bosque will be included in the GSP.

Another potential GDE site considered was Tubb Canyon, a contributing watershed to the Basin with some potential plant GDEs. It functions in much the same way as Coyote Canyon; the contributing watershed sustains the plants, not the groundwater within the Borrego Springs subbasin. Glorietta Canyon was also examined, but did not appear to be a GDE site. More field verification will follow.

Mr. Driscoll explained that the water table is now 55 feet below the ground surface beneath the Mesquite Bosque. For a high GDE habitat value, it would need to be within 30 feet. Most of the impact to the GDEs from declining groundwater has already occurred. He predicted that vegetation in the area may gradually change. So far, it appears the only place that groundwater is supporting GDEs is in Mesquite Bosque.

Mark Jorgensen disagreed that Coyote Canyon is independent of Borrego’s groundwater. He pointed out that the streams there used to flow year-round, and urged that GDEs be considered in all discussions and management plans.

IV. CLOSING PROCEDURES

A. Correspondence

Ms. Wyle announced that the correspondence was included in the Agenda Package.

B. General Public Comments

None.

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

Steps

The next AC meeting was scheduled for July 26, 2018.

There being no further business, the meeting was adjourned at 3:05 p.m.