

**MINUTES**  
**Borrego Valley Groundwater Basin: Borrego Springs Subbasin**  
**Sustainable Groundwater Management Act (SGMA)**  
**Advisory Committee (AC)**  
**March 29, 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

**Staff:**                     Geoff Poole, BWD                     Lyle Brecht, BWD  
                                   Meagan Wylie, Center                     Wendy Quinn, Recording

Secretary

for Collaborative Policy     Trey Driscoll, Dudek, GSP

Consultant

Julia Chase, County of SD     Hugh McManus, Dudek, Consultant

**Public:**

Michael Sadler,     *Borrego Sun*     Linda Haneline  
                                   Cathy Milkey, Rams Hill                     Bill

Haneline

Stephen Ballas                     Ray Shindler, Independent

Ratepayers

Martha Deichler                     Ray Burnand  
                                   Jan Krasowski                     Dennis Jensen, Oasis Ranch Mgmt  
                                   Bob Krasowski                     Jim Engelke

**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 Duncan, seconded by Member Falk and unanimously carried, the Minutes of the January 25, 2018 AC Meeting were approved as written.

**F. Updates from the Core Team**

**a. \$1M Proposition 1 Funding**

Geoff Poole referred to the Proposition 1 GSP implementation grant application filed by the County of San Diego (County) and BWD. Of the total \$1 million requested, the

County would use its half for GSP-related environmental studies, and BWD would use its half for Severely Disadvantaged Community (SDAC) economic studies and modeling, meter installation, and a well siting study. The application has been initially approved, public review completed, and a final decision is expected shortly. Meanwhile, BWD is proceeding with its projects and has entered into contracts for community outreach, modeling and the first phase of the well siting study. The County and BWD are working on a cost reimbursement agreement.

President Hart reported that the March 28, 2018 BWD Town Hall Meeting was well attended. The agenda and slide presentations will be on the BWD website. BWD Director Brecht reported that Trey Driscoll, Dudek, made a presentation on water quality, similar to the one he presented to the AC. There was also a presentation on the impact of SGMA on water rates, and two attorneys spoke about water rights and water transfers.

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

Director Brecht reported that he was still awaiting certification by the Secretary of State on the ballot initiative for water supply and water quality, but the proponents believe there are more than enough. Following certification, fundraising for marketing begins.

c. Other

Julia Chase invited the Committee's attention to the GSP development schedule in the Agenda Package. In June, there will be a preliminary outline draft of the GSP, followed by the draft GSP going out for public review in December 2018. The Core Team will respond to public comments following public review, plan to adopt the GSP in the summer of 2019, and then will work on community planning and environmental review.

Member Johnson reported that she and Member Falk were working with Rachel Ralston, the SDAC consultant, who predicts meetings with the community will take approximately 12 months. She questioned whether that input could still be used after June, and Ms. Chase assured her that it could. Jim Bennett envisioned the AC meeting every other month for the rest of this year, with community meetings on the alternate months. Mr. Bennett added that the revised schedule would be distributed at the next meeting. Metering will also be discussed then.

Member Falk requested an update on sector reductions and allocations, and asked if the AC could be informed of any negotiations by the Core Team and given a chance to comment. Member Duncan pointed out that the AC did not reach consensus on the baseline pumping allocation at the last meeting. Ms. Wylie explained that the issue has been deferred to the Core Team, and Mr. Driscoll will discuss this further during his presentation. Mr. Poole noted that the Core Team has not made a formal decision on this topic, but will inform the AC when they do.

#### **G. Updates from Advisory Committee Members**

Member Johnson reported that the Stewardship Council's main goal is to create a sustainable tourism economy in Borrego Springs. Tourists need water, and she was concerned that basing the Human Right to Water on sewer use was not taking them into consideration. Mr. Poole replied that Mr. Driscoll would address this issue in his respective presentation.

Member Duncan reported that another ratepayer meeting was held Monday March 26, and many constituents have also visited his store to discuss issues. Two issues seem to be rising to the surface. The ratepayers are increasingly concerned about the equity in a proportional sharing of the reduction. Many recognize proportional sharing as being asked to share a cost that should not be theirs to share, particularly when they see that cost imposed on an economically

disadvantaged community. There is a growing consensus that there needs to be a community set aside which is not subject to reduction. The second issue is the time frame to achieve sustainability. Water quality and storage capacity are very important to ratepayers. Most want to err on the side of conservation and feel that the short-term economic disruption to pumpers is far outweighed by the economic cost of treatment shifted to the ratepayers.

Member Falk reported that most members of the public present at a recent Sponsor Group meeting expressed the opinion that there should be no development in Borrego Springs until there is more information available on how much water we have.

Member Seley reported that the farmers were continuing to discuss issues, gather information and assess the information from Dudek.

## **II. TECHNICAL AND POLICY ISSUES FOR DISCUSSION OR INTRODUCTION**

### **A. Recommendation for Considering Human Right to Water Use**

Mr. Poole reported that the State Legislature had taken action regarding the protection of the Human Right to Water for cooking, drinking and sanitation. BWD and the County are considering including these provisions in the baseline pumping allocations for the ratepayers. A certain portion of the allocation would be exempt from reduction. Mr. Poole pointed out, however, that this is new legislation that has not been tested in court. Mr. Driscoll added the Human Right to Water per equivalent dwelling unit would be approximately 380 acre-feet per year, or about 25 percent of the current BWD demand.

### **B. Municipal Allocations**

Mr. Driscoll explained that under SGMA, the GSA can adopt an allocation plan but has no authority to determine water rights. They need to respect water rights while following established State policy. The Legislature has provided that domestic water use has the highest priority. Assembly Bill 685 was enacted in 2012 and codified as Water Code section 106.3(a), memorializing the Human Right to Water for indoor domestic use. The GSA is exploring options to protect this right. In order to calculate the amount for possible exemption from reduction, Mr. Driscoll had analyzed flows at the wastewater treatment plant.

Mr. Driscoll went on to explain that GSP implementation requires continual water quality monitoring and avoidance of contaminants such as arsenic and nitrates. He then presented a slide showing Environmental Protection Agency (EPA) water affordability standards, i.e. 2.5 percent of income. Information on water accessibility was presented, and Mr. Driscoll reported that the SDAC study would identify homes not connected to water and what assistance might be available. The Water Code provides that all sectors should be treated equally under a reduction plan. Mr. Driscoll presented a chart showing possible municipal baseline pumping allocations, including a Human Right to Water exemption. The scenario contemplated a 3.6 percent per year reduction over 20 years. Current BWD pumping was shown as 2,385 acre-feet per year. Mr. Poole asked whether that included Rams Hill, and Mr. Driscoll agreed to find out. He agreed to have data available on which his calculations were based. Suzanne Lawrence requested that seasonal residents and tourists be accounted for in the calculations. A number of others shared her concern. Mr. Driscoll agreed to check into the typical number of EDUs for restaurants and other businesses.

A member of the audience asked whether, if he built a house, his water rates would be higher than existing residents. Mr. Driscoll explained that his rates would be the same as everyone else's, but he would be required to pay development fees and buy water credits.

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

**C. Projects and Management Actions to be Considered**

Mr. Bennett reported that the Core Team and consultant had identified six projects for consideration, and Mr. Driscoll would present the first three today. Ms. Wylie added that a description of all six projects was available on the County website. Mr. Driscoll described the water conservation and efficiency programs, which would apply to all sectors. The preliminary estimate of water saving is 1,337 acre-feet per year. He presented a breakdown of costs over 25 years and comparison to other conservation measures. The benefits would be reduced water use and increased reliability and sustainability. Mr. Driscoll pointed out that BWD has an existing conservation program, including a rate structure, rebates and turf replacement. Both agriculture and BWD would benefit from irrigation audits. Approximately 75 percent of domestic water use is for irrigation, and homeowners' associations' turf reduction could result in a one-third water saving. Indoors, measures could include fixing leaks, aerators, turning off water while brushing teeth or shaving and high efficiency toilets. For recreation, some turf could be converted to desert landscaping. Mr. Driscoll also suggested a dedicated conservation coordinator and implementation of school programs.

Member Duncan asked whether the suggested management actions would be considered as elements of the GSP. He suggested that homeowners' associations be included in the turf removal rebates. Mr. Driscoll replied that the current discussion was what is possible and economically feasible. Ms. Wylie added that ultimately the selected projects would be included in the GSP. Member Berkley was interested to see the percentage water saving for each sector compared to current use, and the savings compared to other areas. Member Moran asked whether the cost of these programs could be taken out of the \$35 million earmark if the Water Supply and Water Quality Act is successful, and Director Brecht replied that it could. Discussion followed, and Director Brecht explained that if the Act passes, eligible projects could be reimbursed three years prior to funding and three years after. However, funding may not occur until two or three years after passage. Mr. Driscoll asked the members to document projects that could be eligible and provide them to the Core Team, and Member Duncan agreed to look into a turf reduction situation at his homeowners' association. Director Brecht asked him to include how much money was invested and how much water is saved. Ms. Wylie offered to work with BWD to put together a reporting form. Mr. Poole and his staff will investigate a prior BWD turf removal rebate program. Member Berkley reported that Rams Hill was considering a \$400,000 conservation project and wondered if it could be funded. Mr. Driscoll asked him to bring it to the GSA.

Hugh McManus of Dudek presented the agricultural land fallowing program, i.e. converting high water use agriculture to open space, public land or development. The subbasin currently has 3,373 acres of active agriculture, and fallowing will be required to achieve sustainability. Up to 2,483 acres have been fallowed already, 560 of which were under the water credit and mitigation program. There is a risk of airborne emissions, and the question of what we want Borrego Springs to look like in the future. Mr. McManus explained that trees could be cut, chipped and spread over the fallowed land (mulching), or a bonded fiber matrix could be used, which is more expensive. Those are short-term solutions. There are challenges in restoration. Active restoration consists of reseeded the land and maintaining it, which is faster but more expensive. Passive restoration primes the areas, maybe add some seeds, and then

leaves it be. Other considerations include pesticides, nitrates, removal of equipment and abandonment of wells. Member Falk suggested that a restoration assessment and cost estimate be included in the fallowing package. Member Seley pointed out that removal of tamarisk trees that surround many citrus groves should be taken into consideration.

Mr. Driscoll explained the next project, intrabasin water transfer. Clark Lake was previously considered as a possible water source, as was Alegretti Farms. They are both in the Ocotillo Wells Groundwater Subbasin. The Clark Lake water was high in salinity and the importation pipeline was cost prohibitive. The same problems existed with Alegretti Farms. The Colorado River is over-allocated, and we would have to have water to trade. Trading imported water for water storage in the Borrego Basin was considered, but found not to be viable. Consequently, intrabasin water transfer is being considered, between the north, central and south management areas. A new well site is being investigated as part of the Proposition 1 grant. Lower quality water could be moved from one management area to another for irrigation use. Member Falk inquired about the impact to the aquifer of introducing lower quality irrigation water. Mr. Driscoll explained that it depends on the use of the water, but typically a very small amount goes into the aquifer. Ms. Lawrence expressed concern about environmental impacts associated with fallowing, and Mr. Poole agreed to provide information to her on restoration proposals. Bob Krasowski asked whether a farmer could fallow a high-water use crop and replace it with a more drought tolerant one. Jan Krasowski expressed concern about the unsightly character of dead trees remaining on some of the fallowed property. Mr. Bennett replied that under the California Environmental Quality Act (CEQA), aesthetics must be taken into consideration.

### **III. INFORMATIONAL ITEMS**

#### **A. Updates from Severely Disadvantaged Community (SDAC) Proposition 1 Grant Pre-Scoping Meeting held March 5, 2018**

Mr. Poole reported that 122 people attended the March 5, 2018 SDAC pre-scoping meeting. The meeting was successful, and the Hispanic community was well represented. Ms. Ralston will be gathering information, organizing it and bringing it back to BWD, the Core Team and the AC. Another community meeting will be scheduled prior to the next AC meeting. Member Falk suggested forming an ad hoc committee to support LeSar on the socioeconomic component of the GSP. She and Member Johnson volunteered to serve on the committee, and she suggested inviting Martha Deichler, Esmeralda Garcia, Dale Jones and Tonya Gadbois. President Hart questioned whether members of the public could serve on an AC committee, and agreed to check with BWD counsel Steve Anderson. Mr. Poole agreed to work with the ad hoc committee, and Ms. Wylie will include a committee report on future AC agendas.

#### **B. Public Outreach Efforts**

Mr. Poole reported that he continued to welcome suggestions about how to improve public outreach. Ms. Krasowski pointed out that many members of the SDAC community, such as farm workers and parents of schoolchildren, did not attend water-related meetings. President Hart and Mr. Poole cited the recent community meeting.

#### **C. Bill Mills Study**

Ms. Wylie invited the AC's attention to Mr. Mills' study, included in the Agenda Package. Mr. Driscoll replied to some of the questions raised. Do return flows alter baseline pumping allocations? No. Do return flows alter pumping allocations under reductions? No. Do

return flows affect the water budget? They are accounted for, as required by SGMA. Do return flows change the reduction amount? No.

#### **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

The next AC meeting was scheduled for May 31, 2018. Ms. Wylie is working with Ms. Ralston to schedule the next socioeconomic meeting in April.

Action items included updating the AC on “third party” meetings such as with the Agricultural Alliance for Water and Resource Education (AAWARE), Mr. Driscoll to prepare a slide breaking down the calculation of the Human Right to Water amount, Mr. Driscoll to work with BWD to further document the water efficiency projects, consulting the BWD attorney about the new ad hoc committee, and including standing action items like posting meeting presentations on the County website. Member Duncan asked how the socioeconomic data gathering and economic impact analysis would fit in with Dr. Jones’ modeling. Mr. Poole replied that the parties were in the final stages of figuring that out, and he would keep Member Duncan informed.

There being no further business, the meeting was adjourned at 2:50 p.m.