

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

July 25, 2019 @ 10:00 AM – 2:30 PM

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

**Remote Access:** <https://csus.zoom.us/j/574881134> **Dial In:** +16699006833 **Meeting ID:** 574881134#

- I. OPENING PROCEDURES [10:00 am – 10:45 am]**
  - A. Call to Order
  - B. Pledge of Allegiance
  - C. Roll Call of Attendees
  - D. Review of Meeting Agenda
  - E. Approval of January 31, 2019 AC Meeting Minutes
  - F. Updates from Advisory Committee Members
  
- II. POTENTIAL NEGOTIATED AGREEMENT REGARDING GROUNDWATER MANAGEMENT AMONG PUMPERS [10:45 am – 11:30 am]**
  - A. Discussion of possible impacts of Negotiated Settlement (Stipulation) on Ground Water Sustainability Plan and the Remaining Process
  
- III. PUBLIC COMMENTS TO DRAFT GROUNDWATER SUSTAINABILITY PLAN [11:30 am 2:00 pm with lunch approximately 12:00 – 12:30 pm]**
  - A. Review and Discuss Responses to Public Comments and any Associated Proposed Revisions to draft Groundwater Sustainability Plan
  
- IV. CLOSING PROCEDURES [2:00 – 2:30 pm]**
  - A. General Public Comments (comments may be limited to 3 minutes)
  - B. Next Steps and Timeline
  - C. Next AC Meeting: September 2019

The next regular meeting of the Advisory Committee has not yet been scheduled. It is anticipated to be held in **September 2019**, location TBD.

Please be advised that times associated with agenda are approximations only. Public comment periods will be accommodated at the end of each item listed for discussion and possible action. The duration of each comment period will be at the discretion of the meeting Facilitator. Any public record provided to the A/C less than 72 hours prior to the meeting, regarding any item on the open session portion of this agenda, is available for public inspection during normal business hours at the Office of the Borrego Water District, located at 806 Palm Canyon Drive, Borrego Springs CA 92004.

The Borrego Springs Water District complies with the Americans with Disabilities Act. Persons with special needs should call Geoff Poole at 760-767-5806 at least 48 hours in advance of the start of this meeting, in order to enable the District to make reasonable arrangements to ensure accessibility. Borrego SGMA Website: <http://www.sandiegocounty.gov/content/sdc/pds/SGMA/borrego-valley.html>

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

**January 31, 2019 @ 10:00 AM – 3:00 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 10:00 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: Rebecca Falk, Gary Haldeman, Bill Berkley,  
Gina Moran, Diane Johnson, Jim Wilson, Jack McGrory,  
Ryan Hall

Absent: Jim Seley

**Core Team members:** Leanne Crow, County of San Diego Jim Bennett, County of San Diego  
Geoff Poole, BWD

Dave Duncan, BWD

**Staff/Consultants:** Meagan Wylie, Center for Collaborative Policy Trey Driscoll, Dudek, GSP Consultant  
Wendy Quinn, Recording Secretary

**Public:** Linda Haneline Stephen Ballas

Bill Haneline Tim Ross, CA DWR

Martha Deichler Susan Percival

Saul Miller Cathy Milkey, Rams Hill

Laara Maxwell Jeffrey Gates

Dan Jellis Steve Rone

Hans Hofer Kathy Dice, BWD

**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 Haldeman, seconded by Member Johnson and unanimously carried by those present, the Minutes of the November 29, 2018 AC Meeting were approved as amended (add to Item IV.B, "Member Haldeman asked if any of the farmers were currently considering following their property voluntarily. Member McGrory responded to the inquiry that he is not currently considering this.").

**F. Updates from the Core Team**

Leanne Crow reported that the Severely Disadvantaged Community (SDAC) grant had been received from the Department of Water Resources (DWR). A grant agreement has been circulated, signed by the County of San Diego (County) and returned to DWR. The draft agreement was provided to Borrego Water District (BWD). The funds will be transferred through the County to BWD. Geoff Poole announced that more related information would be on the BWD Board Agenda for February 12, 2019. BWD is working to replace wells and install meters, as well as continuing SDAC work with consultants Rachel Ralston and Dr. Jay Jones. He invited the AC's attention to Dr. Jones' reports in the last two BWD Agenda packages.

Mr. Poole reported that a parcel had been identified for the second replacement well, and negotiations for installation are underway between BWD and the property owner. Member Falk asked whether a water quality management agreement was included in the Proposition 1-funded agricultural metering program. Mr. Poole replied that the well locations have been identified and estimates developed, but the agreements were not yet in place.

Jim Bennett presented a time line of Groundwater Sustainability Plan (GSP) activities since the last AC meeting and plans for 2019. The Core Team is working with Dudek to finalize the draft GSP, and the final chapter (Chapter 5) of the draft GSP will be reviewed today. The 60-day non-mandatory public review period will begin in March. Thereafter, the Core Team will review and respond to the comments and include them in an appendix to the GSP. During the summer, there will be an AC meeting(s) to discuss proposed changes to the draft GSP made in response to comments, and ask for a consensus recommendation from the AC in support of adoption of the GSP. Mr. Bennett noted that Member Falk had requested additional meetings to discuss the public comments and responses in more detail. The Core Team suggested one AC meeting solely devoted to the comments and responses, after which the Members reconvene and discuss with their constituent groups before the final consensus request. Mr. Bennett and Mr. Poole plan to attend a Sponsor Group meeting during the review period to discuss the GSP. Mr. Poole reported that Rachel Ralston of LeSar Development, socioeconomic consultant, also plans a meeting during the review period. Member Falk asked about a working group meeting for those wishing to go through the draft GSP in detail. Mr. Poole replied that BWD had approved the concept, and he will work with Member Falk on the timing and topics. Member Wilson asked how the public would be notified of the review period and where to access the draft GSP. Mr. Poole replied that there would be newspaper articles, and Ms. Wylie added that the draft GSP would be made available on the County website, and an email notification of its availability circulated via the County list serve. AC Members will inform their constituents. Member Haldeman expressed concern about scheduling AC meetings in the summer, when many constituents are gone, particularly the ratepayers.

GSP adoption by the BWD Board and the County Board of Supervisors is contemplated in the fall. After submission of the GSP to DWR, there will be a final opportunity for the public to review and comment during DWR's review process.

Mr. Poole reported that DWR's grant contract for Ms. Wylie's services as facilitator had reached its expiration date, so BWD is providing the funds.

Ms. Wylie responded to questions from Member Falk asked during review of the last Minutes. Ms. Wylie had asked permission from the State Water Resources Control Board (SWRCB) to post slides they have available regarding possible intervention in the event groundwater sustainability is not reached by 2040, and would continue to follow up. Mr. Poole had answered Member Falk's question about the number of water credits currently owned by BWD and the number of retired water credits, and will share the information with the other AC Members. Mr. Bennett will ensure that de minimis pumpers are notified of the GSP development prior to the public review period. Mr. Poole located the new herb farm, which had previously been a palm tree farm. The Baseline Pumping Allocation (BPA) was calculated for this farm based on evapotranspiration for the highest use between 2010 and 2015, and eventually they will have to install a meter. In response to Cathy Milkey's suggestion that the map of wells indicate which are private, domestic and irrigation, Dudek will include that in the final slides. Tim Ross of DWR was not aware of any plans to require economic considerations in the GSP. Ms. Crow noted that Proposition 68 funding may be available to address economic impacts.

**G. Updates from Advisory Committee Members**

Member Haldeman reported that he had had three ratepayers' gatherings since the last AC meeting, and plans to continue them weekly. They are developing a statement of concerns and beliefs to submit during the GSP comment period. He felt the ratepayers should be allowed to use 1,700 acre-feet of water per year. They have expressed concern about water quality and Groundwater Dependent Ecosystems (GDEs). The gatherings are posted on Facebook at Borrego Springs 92004, Borrego Events.com and the BWD website. Those that attend and provide their e-mail addresses are also notified by e-mail.

**II. GROUNDWATER SUSTAINABILITY PLAN: REVIEW OF DRAFT CHAPTERS**

**A. Chapter 5: GSP Implementation**

Trey Driscoll outlined SGMA requirements, including a GSP implementation cost estimate and schedule, annual reporting to DWR and five-year comprehensive evaluations. The budget includes monitoring of groundwater levels, water quality and streams, pump metering, subsidence review, operations and maintenance, data management, groundwater model updates, annual DWR reporting, project management and

communications. There are also administrative costs such as rent, utilities, engineering, audits, legal services, insurance, public outreach, office repairs and maintenance, supplies and equipment, permits and fees. Some expenses associated with projects and management actions may be grant funded.

Mr. Driscoll presented an estimate of the cost per acre-foot of groundwater in 2020, approximately \$40. Funding sources could include administrative pumping fees, assessment/parcel taxes, grants and/or low interest loans. Member Falk felt a parcel tax would be a burden on the ratepayers, and preferred pumping fees. Mr. Driscoll explained that the financing is complex; attorneys and financial consultants are still considering the details.

The implementation schedule begins in 2020 with submission of the GSP to DWR. For some projects and management actions, a California Environmental Quality Act (CEQA) review will follow during the next two years. Although the GSP itself is exempt from CEQA, the projects and management actions are not. Member Moran brought up governance during implementation and the Groundwater Sustainability Agency's (GSA's) potential involvement in enforcement. Mr. Driscoll explained that one full-time equivalent staff member is contemplated. He/she will work with the GSA and coordinate consultants. Member Moran suggested providing an estimate of water cost when sustainability is attained, and Mr. Driscoll replied that Raftelis had included it in the model.

Member Wilson asked whether there were specific allocation targets for each five-year reporting period, and Mr. Driscoll replied that there were: four percent per year until 2040. Member McGrory inquired about the water credit program, and whether it would be suspended pending CEQA review. Mr. Poole explained that BWD was reviewing its fallowing procedures, but anticipated that the water credit program would continue.

**The Committee broke for lunch at 12:35 p.m. and reconvened at 1:10 p.m.**

Mr. Driscoll went on to summarize the annual reporting requirements, including groundwater information and plan implementation progress. In the five-year evaluation, the information will consist of current groundwater conditions, project/management action implementation status, monitoring, pumping allowances, new information, relevant issues, enforcement and legal actions, plan amendments, summary of coordination and other information.

Member Berkley questioned the estimate for citrus irrigation at 4.9 acre-feet per year, which was then increased to 5.8. Mr. Driscoll explained that instead of using the average evapotranspiration rate for 2010-2015, the maximum year was used and a leaching factor was applied (flushing salts below the roots). Member Hall asked whether it could be declared after any five-year period that sustainability had been achieved. Mr. Driscoll replied that there are many variables such as recharge and climate, and sustainability has to be evidenced over long periods time greater than five years. Member Haldeman commented on the proposed linear reduction, and Mr. Driscoll explained that the recommendation is based on current knowledge and can be adjusted as time goes on. The GSP is an adaptive plan. Dave Duncan added that the GSP is a framework and does not address details, which will be addressed by the GSA after adoption. Mr. Bennett added that there are elements such as water trading, water quality and fallowing that are subject to CEQA, so there is more work ahead.

Dan Jellis hoped that the proposed costs for enforcement and legal action would be addressed in the GSP. Mr. Driscoll confirmed it was a budget line item. Saul Miller asked whether the aquifer overdraft would impact water quality. Mr. Driscoll explained that based on available data, water quality assessments are specific to individual locations in the Basin. He went on to explain the various readings in the three Management Areas. Hans Hofer expressed concern about whether he should build a house here in view of the uncertain future of groundwater supply. Martha Deichler pointed out that many people stand to lose jobs if land fallowing ensues, and schools would lose students. She suggested a re-training program for employees of businesses that may fold. Cathy Milkey asked about the GSA and governance during GSP implementation. Mr. Bennett replied future governance is being contemplated by the County and BWD.

**B. GSP Appendices**

Mr. Driscoll summarized the draft Appendices, including information on DWR, a GSP checklist, GSA formation, interagency agreements, stakeholder engagement, technical reports and hydrographs, GSP metering, networks, baseline pumping methodology and GSP comments and responses. Member Falk asked whether letters published as part of the AC Agenda packages would be included in the comments appendix. Mr. Driscoll replied that the comments would be restricted to those received during the 60-day public review period.

Mr. Driscoll presented additional information on GDEs, which are addressed in Chapter 2 of the GSP. Three potential GDE areas in Borrego Springs are Coyote Creek, Palm Canyon and the Mesquite Bosque. Coyote Creek and Palm Canyon are supported by flows from outside the Subbasin, so there is no substantial nexus between potential GDEs and Basin pumping. As for the Mesquite Bosque, it used to be a primary source of groundwater discharge, but now it has essentially evaporated due to pumping since the 1940s. This has resulted in the gradual decimation of the honey mesquite. At this time the GSP finds no substantial nexus between potential GDEs and Basin pumping.

Member Falk questioned the absence of allowance for GDEs in the water budget. She inquired about older mesquites with deeper roots, and Mr. Bennett replied that this would be an appropriate subject to bring up during the public comment period. It was further noted the GSP is adaptive and can be changed over time per best available science and data. Member Haldeman noted that the population of mesquites on the east side of the Bosque are increasing. Mr. Driscoll explained that pumping in the Basin does not affect those trees. Ms. Crow added that the GSP may, but is not required to, address issues that occurred before 1/1/15.

**C. Wrap Up Discussion of Entire GSP**

Member Falk inquired about projects and management actions on the GSP implementation timeline, and asked whether some could be done simultaneously. Mr. Bennett explained that the water conservation does not require CEQA compliance, so it will begin first. The other projects will likely require CEQA, which is approximately a two-year process. Flowing, reduction and water trading should be done together. Water quality and intrabasin transfers will be done on an as-needed basis. Water quality monitoring is an ongoing program. Member Falk asked whether a certain number of trees needed to be removed before an effort could be considered flowing, and Mr. Poole replied that the Core Team would review these requirements.

Ms. Wylie reported that the County website contains archives of material from prior AC meetings. She added that she had just received permission from SWRCB to post slides regarding potential actions should the Basin fail to reach sustainability and they will be included on the website.

**III. CLOSING PROCEDURES**

**A. Correspondence**

Ms. Wylie reported that the Core Team would be issuing a written response to a letter from Member Falk posing a number of questions regarding the GSP. Kathy Dice added that the BWD Board had addressed her questions and hoped to discuss them more thoroughly at the upcoming Town Hall Meeting.

**B. General Public Comments**

Saul Miller hoped everyone cares about managing the aquifer responsibly, including the agricultural pumpers. Hans Hofer felt every pump should be metered and everyone should pay for water.

**C. Review Action Items from Previous AC Meetings, Next AC Meeting Date(s), and Next Steps**  
The next AC meeting will be announced in the summer.

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

July 19, 2019

TO: Advisory Committee

FROM: Core Team

SUBJECT: Item II: Potential Negotiated Agreement Regarding Groundwater Management Among Pumpers

As shared with the public at the July 9, 2019, Borrego Water District Board of Directors meeting, the Borrego Valley Pumpers have made significant progress in reaching a potential stipulated agreement regarding the adjudication of groundwater rights in the Borrego Springs Subbasin. Some questions have been raised about the possible impacts of the Stipulation on the GSP process. The intent of this Agenda item is to provide insight into the topic of the impacts of the Stipulation on the GSP process.

As is common in many (if not most) adjudications, the negotiating parties have agreed that the final Court judgment will impose a “Physical Solution” outlining how the Subbasin will be managed going forward. Most significantly, the parties concur that the Groundwater Sustainability Plan will be renamed the Physical Solution, attached to the stipulated judgment as an exhibit, and serve as the foundational framework for management of the Subbasin going forward, subject to modifications being made to render the Physical Solution exhibit consistent with the terms of the stipulation.

In addition, the groundwater adjudication approval procedures in the Water Code provide that the stipulated judgment will be submitted to the California Department of Water Resources (DWR) for “evaluation and assessment” to determine if the judgment “satisfies the objectives [of SGMA].” (Water Code, § 10737.4(a).) DWR’s assessment, including any recommended corrective actions, will then be submitted to the judge overseeing the adjudication action, who will determine whether or not to approve the stipulation.

Included in the SGMA Legislation is what is known as the “Alternative” approval process which allows for the use of past Groundwater Management Plans or Negotiated Settlements of Pumpers (Stipulation) to satisfy SGMA requirements as alternatives to GSPs.

There are many parallels between the Stipulation and Sustainable Groundwater Sustainability Plan processes:

*\*Title Change:* The GSP will be renamed to the Physical Solution (PS) of the Stipulation. Any inconsistencies between the GSP and the Stipulation will be addressed.

*\*Content - Revisions to Final GSP:* Whether it is called the PS or GSP, the content must meet SGMA objectives.

*\*Timeline - No change:* The Stipulation with PS is to be submitted to DWR by Jan 31, 2020.

*\*Review by DWR – No change:* The PS and Stipulation will be reviewed by DWR to ensure compliance with SGMA.

At this time, certain activities that will be fast-tracked (done sooner) in the Stipulation when compared to the GSP timelines including: start date for implementation, rampdowns rate (accelerated), metering and water transfers.

BWD and the County of San Diego fully intend to complete the final GSP development including the planned AC meeting in September 2019. The exact approval, what is approved and by whom, will be impacted with the conclusion of a successful Stipulation, or not. In summary, whether a Stipulation is reached or not, the work put into the GSP will drive bringing the basin into sustainability by no later than January 2040.



# **OVERVIEW OF TERMS OF A POTENTIAL NEGOTIATED SOLUTION REGARDING WATER RIGHTS AND MANAGEMENT OF THE BORREGO SPRINGS SUBBASIN**

July 9, 2019

Slides Provided to BWD Board at 07-09-2019 Special Meeting. Also available for download from BWD website here: <http://www.bvgsp.org/2019-2020-agendas.html>

# Accelerated Rampdown

- 50% rampdown from current pumping levels over the first 10 years
  - First 5% rampdown begins 10/1/2020
  - From approx. 24,500 afa to approx. 12,250 afa by 2030
  - This rampdown is earlier and faster than GSP (likely first GSP rampdown in 2022 and less than 4% per year)

# Total Pumping Reduction

- Further equal rampdowns to reach sustainable yield pumping by 2040

# Metering

- All non-de minimis wells will be metered by March 31, 2020

# State Park

- Will receive a fixed pumping allocation to cover current uses

# BWD Allocation

- $2,222 + 359$  in water credits = 2,581 af in total BWD water rights allocation

# GSP – Physical Solution

- The draft GSP will be converted into a physical solution consistent with the Stip and will be attached and incorporated into the Stip.

# Governance

- Watermaster Board with Superior Court oversight
- Open, Brown Act Board meetings
- 5 Member Board
  - BWD rep
  - Community rep
  - County rep
  - Ag rep
  - Recreation rep
- WM will have independent staff

# Environmental Working Group

- Committee of scientific experts will be established to advise WM on GDE's and other matters
- Working with State Park and others on possible strategies to address GDE.

# Technical Advisory Committee

- Engineers and hydrogeologists, etc. will advise WM on technical issues
- Any party to the Stipulation may appoint reps to TAC
- Watermaster will make ultimate technical decisions subject to Court oversight
- Court approval needed on some technical issues

# Judgment Implementation Costs

- Borne by all pumpers based upon actual pumping, not BWD-alone
- Watermaster will collect assessments
- Court enforcement if assessments not timely paid

# Anti-Speculation

- Speculation in water/water rights by outside interests will be significantly constrained through land ownership and other requirements

# Water Transfers / Fallowing

- Water transfers allowed and encouraged, subject to crop/tree removal, mulching and other fallowing standards when land taken out of production
- Permanent water transfers subject to WM oversight and financial deposit to cover fallowing costs should transferring parties fail to properly and timely fallow

Borrego SGMA Advisory Committee (AC) & Core Team (CT)

**Work Planning & Timeline Chart**

*Draft Version 07/09/2019*

Date	Meeting / Milestone / Action	Topics to Discuss / Notes
<b>Spring 2019</b>		
Mar. 21 – May 21, 2019	<b>Draft GSP made available for 60-day public review and comment</b>	
May through July 2019	<b>GSA Development of Responses to Public Comments and Preparation of Final GSP</b>	
<b>Summer 2019</b>		
July 25, 2019	<b>Borrego AC Meeting #17</b> Location Borrego Springs Library Time 10:00 – 2:30 pm	<ul style="list-style-type: none"> <li>Meeting to review public comment received during review period, and discuss response to comment and/or any changes to be made to the GSP in response to public comments</li> </ul>
Late Aug/Early Sept	<b>Final Draft GSP</b>	
September 2019	<b>Borrego AC Meeting #18</b> Location TBD Time TBD	<ul style="list-style-type: none"> <li>The AC may provide formal consensus recommendation to support the adoption of the GSP as a whole.</li> </ul>
<b>Fall 2019</b>		
Fall 2019	<b>Potential GSP Adoption</b>	<ul style="list-style-type: none"> <li><i>Estimated time frame, subject to change</i></li> </ul>