

MINUTES

Borrego Valley Groundwater Basin: Borrego Springs Subbasin Sustainable Groundwater Management Act (SGMA)

Advisory Committee (AC)

August 30, 2018 @ 10:00 AM – 12:00 PM

Location: UCI Steele Burnand Research Center: 401 Tilting T, Borrego Springs, CA 92004

I. OPENING PROCEDURES

A. Call to Order

The meeting was called to order at 10:00 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: Jim Seley, Rebecca Falk, Dave Duncan, Bill Berkley, Gina Moran, Diane Johnson, Jack McGrory, Ryan Hall

Absent: Jim Wilson

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

Staff/Consultants: Meagan Wylie, Center for Collaborative Policy Trey Driscoll, Dudek, GSP Consultant (via teleconference)
Wendy Quinn, Recording Secretary Rachel Ralston, LeSar Development (via teleconference, Item III.A.b only)

Hugh McManus, Dudek Consulting Team Jay Jones, Environmental Navigation Systems, Inc. (ENSI)

Public: Michael Sadler, *Borrego Sun* Linda Haneline
Stephen Ballas Bill Haneline
Martha Deichler Kathy Dice
Betsy Knaak Suzanne Lawrence

D. Review of Meeting Agenda

Meagan Wylie reviewed the meeting ground rules and Agenda.

E. Approval of July 26, 2018 AC Meeting Minutes

Upon motion by Member Seley, seconded by Member Berkley and unanimously carried by those present, the Minutes of the July 26, 2018 AC Meeting were approved as written.

F. Updates from the Core Team

Jim Bennett reported that the main activities since the last AC meeting focused on completing the draft Chapters of the Groundwater Sustainability Plan (GSP). Dudek has completed Chapters 1 and 2 and expects to complete the remaining chapters within several weeks. A detailed overview of the draft GSP components will be presented over the course of the next three AC meetings.

Mr. Bennett also recalled that letters were sent to pumpers regarding their respective proposed Baseline Pumping Allocations (BPAs) in mid-July, and several responses have been received. The responses are currently being reviewed and analyzed. Some farmers also submitted pumping data based on metered use. Member Falk asked how many pumpers had not responded to the provided letter, and Mr. Bennett agreed to obtain the number. Member Seley asked whether, if a pumper does not respond to the proposed BPA, he/she is assumed to agree with it. Geoff Poole felt a confirmation of receipt of letter would be beneficial, and agreed to discuss with the Core Team. Mr. Bennett clarified that the letters went out certified mail which includes return receipts. Member Hall asked whether the BPAs took

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into account water use other than irrigation, such as people living on the property and maintenance. Mr. Poole replied that the core team should look into this.

Mr. Poole reported that in response to Member Seley's request made at the July AC meeting to have the Agricultural Alliance for Water and Resource Education's (AAWARE's) technical expert review Dudek's BPA report, a meeting has been scheduled for tomorrow, August 31. This will be the first of a series of meetings.

G. Updates from Advisory Committee Members

Member Duncan reported that there had been no ratepayers' meetings since the last AC meeting. However, a question was raised as to how close the projected water table levels at the end of the GSP implementation period would be to the screening levels in the production wells, as there are concerns being expressed regarding future water quality values as water table levels decline. Trey Driscoll replied that this topic would be addressed in Chapter 3 of the GSP.

Member Johnson reported that the Stewardship Council had been considering the water quality component of the GSP. Pesticides that are currently regulated will be monitored, but concerns are emerging about substances that are used in the Valley for agriculture activities, but not yet regulated. She suggested creating a working group to look at these potential contaminants/constituents of concern and report back findings to the AC and Core Team. The Core Team agreed to consider and discuss it at the next AC meeting.

Member Falk asked about the Borrego Springs line item in the Proposition 3 bond measure, coming up on the November ballot. Specifically, if the bond measure passes, and the money is used to purchase farmland or water, will it belong to BWD? If someone subsequently purchases land or water credits from BWD, will BWD get the money? Mr. Poole indicated discussion on this topic is premature, but will be necessary if the bond measure passes.

H. As Needed Opportunity to Clarify Technical/Informational Material presented at July 26, 2018 Meeting
None

II. TECHNICAL AND POLICY ISSUES FOR DISCUSSION OR INTRODUCTION

A. Baseline Pumping Allocations & Reductions

Mr. Bennett explained that the Core Team was reviewing BPAs and proposed reductions per Member Falk's concern regarding the lack of adequate previous discussion about proportional versus non-proportional reductions across sectors. The Core Team's current approach is instituting proportional reductions across sectors, with consideration of the Human Right to Water allocated in order to allow that portion of the municipal sector to be exempt from any reductions. Mr. Poole added that although the proposed BPAs contemplate a 75 percent reduction in water use over the 20-year timeframe, consideration of the Human Right to Water may lessen municipal reductions to roughly 50 percent. More information on this estimate is expected to be presented at the next AC meeting. Member Falk wanted it on record that she has gone along with the idea of proportional reductions across sectors since it seemed clear that the Core Team was inflexible on this point, but that as representative of the Sponsor Group, she wanted to make it clear in case the GSP ends up in court that the Sponsor Group has already expressed its position in a letter to the Core Team that it strongly prefers municipal users be exempt from any and all future water use reductions. Members Duncan, Moran and Johnson concurred.

Member Seley stated that if these issues go to court, then the decisions on water allocations will be made by courts of law, and not by Advisory Committee.

III. INFORMATIONAL ITEMS

- A. Socioeconomic Efforts: Proposition 1 Grant Tasks Update**
 - a. Tasks 2 and 3 Draft Report

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Jay Jones presented an overview of the socioeconomic efforts funded by the Proposition 1 grant, focusing on the area's Severely Disadvantaged Community (SDAC) status. Dr. Jones' company, Environmental Navigation Services, Inc. (ENSI) has been working on this along with LeSar Development Consultants and Dudek. He reviewed that Task 1 is the SDAC engagement, Task 2 is the baseline data compilation (SDAC data, groundwater quantity and level, groundwater quality and overall BWD infrastructure and costs), and Task 3 is management analysis (how the aquifer will respond to pumping reductions, how BWD operations will be affected, and SDAC impacts).

Dr. Jones presented charts showing inflows (groundwater recharge and return flows) and outflows (pumping and evapotranspiration). He explained the overdraft analysis methodology, assuming the current pumping rate of 5,700 acre-feet per year and calculating the overdraft over time using the methodology. The model provides a statistically based analysis that can be used to assess differing pumping rates.

Member Falk asked whether any projections were based on climate change, and Dr. Jones replied that they were not. However, Mr. Driscoll reported that he was addressing climate change within the GSP water budget calculations, and would be presenting more information in the future. Member Seley pointed out that the 2015 United States Geological Survey (USGS) report showed a return flow of 20 percent, whereas Dr. Jones' data showed 10 percent. Dr. Jones explained that the range was 10 to 30 percent, and it is continually reducing. His models utilize the USGS data. Mr. Bennett pointed out that irrigation practices are getting more efficient, so the long-range estimate average 20 percent but currently with efficient irrigation is estimated at 10%. Member Berkley asked if there were any plans for bioretention basins or injection wells. Dr. Jones replied that bioretention basins could potentially be feasible on State Park land, but was unsure if the State Park would consider it. Dr. Jones indicated injection wells have been a viable option in other basins and wasn't sure of its applicability in this basin.

Member Johnson brought up the notion that Borrego Springs differs from other SDACs due to various factors such as small population and remote location. Dr. Jones explained that he was trying to break down community data in terms of jobs, and whether water use reduction would create a problem. Public member Martha Deichler pointed out that if enrollment declines, the schools would lose money. Mr. Poole asked how many students would have to leave Borrego Springs before a school closed, and Ms. Deichler agreed to find out. Member Seley noted that if farmers leave, so do their workers and their children.

b. Community Engagement Efforts Update

Rachel Ralston reported she had gained important information from the business survey. One of the biggest issues is the potential income shift and how that affects the SDAC. She invited the AC's attention to the revised residential survey report, included in the Agenda package. On September 19, there will be two community meetings at the Borrego Springs High School Community Room, 5:00 – 6:30 in English and 6:30 – 8:00 in Spanish.

Ms. Ralston reported that 247 responses were received from the English residential survey, and 54 responses from the Spanish residential survey. Fifty percent of both English and Spanish responders indicated they would be willing to pay up to \$25 more per month for water. There was a discrepancy in income between the two demographics, English speaking earning \$36,000 to \$150,000 annually while the Spanish speaking were \$36,000 or less. Ninety-five percent of English speakers owned their homes, while eighty-three percent of the Spanish speakers rented. The Spanish speaking community is concerned about having to leave Borrego Springs if jobs in agriculture and golf course maintenance become unavailable.

Ms. Ralston announced that the new Borrego GSP Facebook page would be launched soon, and an e-mail contact list was being developed.

c. New Well Site Feasibility Study

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Mr. Poole introduced the presentation on the new well site feasibility study, another project funded by the Proposition 1 grant. He explained that BWD needs to replace five of its wells over the next five years, and Dudek has been investigating which wells should be replaced first, and where the new wells should be placed. Hugh McManus of Dudek pointed out there were two approaches to locating an optimum well site: identifying existing wells and reviewing the distribution system. He then prepared a well location ranking matrix and estimated the remaining useful life of the wells being considered for replacement. The saturated thickness of the aquifer and water quality were reviewed, as well as potential interference from nearby wells. Four sites were recommended, the best choice being Well 4 and second best near the airport. Mr. Poole pointed out that Well 4 needs to be replaced anyway. Member McGrorey recommended considering the Pivot Well site for second choice.

Member Berkley asked whether the well sites in the study were interconnected. Mr. McManus thought well options 1, 2 and 3 were, but that the last well, in the South Management Area, was separate. Mr. Poole agreed to confirm. Public member Betsy Knaak asked whether the second choice well site would affect native plants in the area, such as the mesquites in the sink. Mr. McManus replied that effects on Groundwater Dependent Ecosystems would be studied when BWD is ready to locate a well on the site. Member Berkley asked why only the middle and lower aquifers were analyzed in the study, and not the upper aquifer. Mr. McManus replied that the saturation thickness of the upper aquifer was limited, but Dr. Jones felt it was not much different from the middle. Member Falk asked Mr. McManus to include a map of the saturation thickness of the upper aquifer in his finalized presentation.

- B. California Environmental Quality Act (CEQA) Process Overview**
This item was continued to the next AC meeting.

IV. CLOSING PROCEDURES

A. Correspondence

The correspondence was included in the Agenda package.

B. General Public Comments

Suzanne Lawrence asked the Core Team to evaluate new legislation and report back. SB 1000 was passed in 2016, signed in 2017 and became effective in 2018. It requires every city and county in the State to review and address environmental components in its master plan.

Member Falk requested copies of slides to be used in the CEQA process overview in advance of the next meeting.

A letter in the Agenda package from the *Borrego Sun* brought up property values in Borrego Springs and the fact that they could be impacted by SGMA.

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

Ms. Wylie summarized today's action items. The next AC meeting was scheduled for October 4, 2018.

There being no further business, the meeting was adjourned at 12:00 p.m.

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: 401 Tilting 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
Wendy Quinn, Recording Secretary teleconference, Item II.A only)

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 31st 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-needed 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 domestic, 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 (intra-basin 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.



Jackson Tidus
A LAW CORPORATION

August 29, 2018

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Reply to: Irvine Office
File No: 7588-122439

VIA EMAIL

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RE: AAWARE COMMENTS RE 8/30/18 GSA ADVISORY COMMITTEE AGENDA

Dear Messrs. Bennett and Poole:

We represent the Agricultural Alliance for Water and Resource Education ("AAWARE"). AAWARE's members comprise the majority of the agricultural property owners in Borrego Valley. AAWARE is dedicated to protecting and preserving the Basin's groundwater resources. Jim Seley and Ryan Hall, both members of AAWARE, sit on the Borrego Valley Basin Advisory Committee ("AC"). AAWARE has the following comments regarding the August 30, 2018 Advisory Committee Agenda.

1. Advisory Committee Process.

We are concerned that the agenda materials provided for this and other AC meetings do not include enough information for the AC members to understand the problems, alternatives, opportunities, and solutions for the Groundwater Sustainability Plan ("GSP") policy proposals in advance of the meeting. For example, the only technical and policy issue for discussion on the August 30, 2018 Agenda is Item II.A, titled "Baseline Pumping Allocations & Reductions". There is no information in the agenda package about the nature of the discussion.

Based upon prior AC meetings, it is anticipated that there will be a more or less detailed power point presentation at the AC meeting summarizing the Core Team's recommendations, and maybe also limited factual information explaining how the Core Team arrived at its decision. Such supporting information is posted on the County website only after the AC meetings. **We ask that, in the future, the information to be discussed at the AC meeting should be provided to the AC members and posted to the County's SGMA website for public review sufficiently in advance of the AC meeting so that the AC members and the affected public can meaningfully consult, participate, collaborate or decide on the critically important policy matters that the Core Team is proposing to include in the GSP.**

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We believe this request is consistent with the SGMA requirements for the Groundwater Sustainability Agency ("GSA") to consider the interests of all groundwater basin beneficial users and to actively involve such beneficial users in the development of its GSP (Water Code sections 10723.2, 10727.8(a)); with the October 24, 2016 Memorandum of Understanding for Development of a Groundwater Sustainability Plan for the Borrego Valley Groundwater Basin ("MOU") requirement that requires the GSA to follow the Brown Act Open Meetings Law procedures for Advisory Committee meetings (MOU Section III(3)(c)); and with the Brown Act agenda requirements (Government Code section 54954.2(a); *San Diegans for Open Gov. v. City of Oceanside* (2016) 4 Cal.App.5th 637, 645).

2. Technical Review and Oversight.

Closely related to the above comments about stakeholder participation is the need for stakeholder technical review and oversight. Because disagreement on data and modelling poses such a high risk of delaying and even derailing progress, it is crucial that the stakeholders are proactive in their commitment to producing and sharing information collaboratively. This can be accomplished in a variety of ways, but communication, transparency and participation are always important. (Community Water Center, *Collaborating for Success: Stakeholder Engagement for Sustainable Groundwater Management Act Implementation*, p. 19.)

A number of tools exist for building shared understanding on the technical subject matter. Among those tools are joint fact finding. Joint fact finding brings scientists and stakeholders together to frame research questions, consider research methodologies, contract independent parties to conduct studies, and interpret results to support the scientific inquiry and ultimately policy and decision-making. Joint fact finding can be particularly useful for science-intensive decision-making in which uncertainty is prevalent and widespread support and understanding of scientific findings is needed; this is, of course, the case with groundwater management. Joint fact finding can lead to stakeholder community acceptance and "ownership" of the resulting scientific model or policy. (Community Water Center, *Collaborating for Success: Stakeholder Engagement for Sustainable Groundwater Management Act Implementation*, p. 19.)

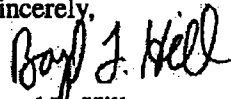
AAWARE is pleased that an initial meeting of technical advisors has been scheduled for August 31, 2018 to discuss and review technical data, models, methodologies, and other information pertaining to the GSP and its potential measures. AAWARE respectfully requests that the GSA host regular technical meetings in connection with its preparation of the public review draft of the GSP.

Of particular note concerning technical review for the August 30, 2018 AC Agenda are: (1) the technical information pertaining to Item II, Base Production Allocation and Reduction; and (2) the memorandum for Item III.A.a, referencing an "updated USGS Groundwater model" and a "methodology" based on "Basin-wide water balance values derived from the results of" the updated model to "assess how pumping rate reduction scenarios related to groundwater overdraft." The technical bases for these items should be made publicly available, and should be reviewed by the stakeholders' technical consultants at the August 31 technical meeting.

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August 29, 2018
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Please include this letter as part of the record for the August 30, 2018 AC meeting. AAWARE welcomes the opportunity to further the important principles discussed in this letter.

Sincerely,



Boyd L. Hill

BLH:kw

cc: Jim Seley, AAWARE*
Timothy Ross, Department of Water Resources*
Trey Discoll, Dudek*
Russell McGlothlin, Esq., for Rams Hill*
Robert Wagner, Wagner & Bonsignore, for AAWARE*
Michele Staples, Esq., for AAWARE*

*by email only



Jackson Tidus
A LAW CORPORATION

October 3, 2018

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VIA EMAIL

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geoff@borregowd.org

RE: AAWARE COMMENTS RE 10/4/18 GSA ADVISORY COMMITTEE AGENDA

Dear Messrs. Bennett and Poole:

We represent the Agricultural Alliance for Water and Resource Education ("AAWARE"). AAWARE's members comprise the majority of the agricultural property owners in Borrego Valley. AAWARE is dedicated to protecting and preserving the Basin's groundwater resources. Jim Seley and Ryan Hall, both members of AAWARE, sit on the Borrego Valley Basin Advisory Committee ("AC"). AAWARE has the following comments regarding the October 4, 2018 Advisory Committee Agenda.

1. Agenda Item III—GSP Review Advisory Committee Process.

AAWARE reiterates its concern that AC Agenda materials do not contain sufficient advance information to allow AC members to understand and address the problems, alternatives, opportunities, and solutions for the Groundwater Sustainability Plan ("GSP") elements at the AC meetings. Agenda item III is the roll-out of the first three foundational chapters of the GSP, including the Basin Setting and Sustainability Management Criteria. However, there was no prior consultation with AC Members and there is no advance copy or details of the chapters included with the Agenda. The Agenda packet merely contains a two-page listing of the items that should be included in those GSP chapters and states, at page 14, "Specific working draft sustainability goals, undesirable results, minimum thresholds and measurable objectives will be presented at the AC meeting."

Based upon prior AC meetings, it is anticipated that there will be a more or less detailed power point presentation at the AC meeting summarizing the Core Team's pre-determined decisions, and maybe also limited factual information explaining how the Core Team arrived at its decisions. Such presentations are posted on the County website only after the AC meetings.

AAWARE reiterates its request that particulars of the GSP elements to be discussed at the AC

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meeting be provided to the AC members and posted to the County's SGMA website for public review sufficiently in advance of the AC meeting so that the AC members and the affected public can meaningfully consult, participate, collaborate or decide on the GSP elements.

AAWARE believes this request is consistent with the SGMA requirements for the Groundwater Sustainability Agency ("GSA") to consider the interests of all groundwater basin beneficial users and to actively involve such beneficial users in the development of its GSP (Water Code sections 10723.2, 10727.8(a)); with the October 24, 2016 Memorandum of Understanding for Development of a Groundwater Sustainability Plan for the Borrego Valley Groundwater Basin ("MOU") requirement that requires the GSA to follow the Brown Act Open Meetings Law procedures for Advisory Committee meetings (MOU Section III(3)(c)); and with the Brown Act agenda requirements (Government Code section 54954.2(a); *San Diegans for Open Gov. v. City of Oceanside* (2016) 4 Cal.App.5th 637, 645).

2. Agenda Item I.F.b.—Brief Report on Technical Review and Oversight.

Closely related to the above comments about stakeholder participation is the need for stakeholder technical review and oversight. Because disagreement on data and modelling poses such a high risk of delaying and even derailing progress, it is crucial that the stakeholders are proactive in their commitment to producing and sharing information collaboratively. This can be accomplished in a variety of ways, but communication, transparency and participation are always important. (Community Water Center, *Collaborating for Success: Stakeholder Engagement for Sustainable Groundwater Management Act Implementation*, p. 19.)

AAWARE is pleased that an initial meeting of technical advisors was held on August 31, 2018 to discuss and review technical data, models, methodologies, and other information pertaining to the GSP and its potential measures. The August 30, 2018 AC meeting minutes state, "This will be the first of a series of meetings." AAWARE has requested follow-up meetings in advance of publishing the draft GSP, but no additional technical meetings have been scheduled. **AAWARE reiterates its request that the GSA host regular technical meetings in connection with its preparation of the public review draft of the GSP.**

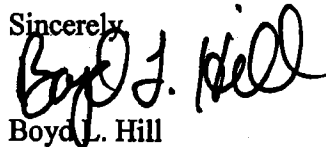
Despite holding the first meeting, the GSA has not yet responded to repeated requests for: (1) the technical information pertaining to Base Production Allocation and Reduction; and (2) the "updated USGS Groundwater model" and a "methodology" based on "Basin-wide water balance values derived from the results of" the updated model to "assess how pumping rate reduction scenarios related to groundwater overdraft." In this case, the supporting technical information is needed not only to foster stakeholder participation, but also for the Advisory Committee to evaluate what appear to be irregularities in the GSA's calculation of preliminary Baseline Pumping Allocations, accounting for return flows, and other foundational GSP matters. **The date input into these models and the technical bases for these items should be made publicly available so that the information can be reviewed by the stakeholders and their technical consultants for discussion at the next technical meeting to enable the active involvement of the**

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stakeholders as necessary for the GSA to meet its obligation to consider all beneficial uses and users in developing the GSP.

Please include this letter as part of the record for the October 4, 2018 AC meeting. The minutes for the August 30, 2018 AC meeting do not include a copy of the prior August 29, 2018 letter that AAWARE requested to be included with the record of that meeting. Therefore, we have resubmitted AAWARE's August 29, 2018 letter and request that it be included in the record for the October 4, 2018 meeting. AAWARE welcomes the opportunity to further the important principles discussed in this letter.

Sincerely,



Boyd L. Hill

BLH:kw

Enclosure: August 29, 2018 AAWARE letter

cc: Advisory Committee (to be disseminated at October 4, 2018 AC Meeting)
Jim Seley, AAWARE*
Timothy Ross, Department of Water Resources*
Trey Discoll, Dudek*
Russell McGlothlin, Esq., for Rams Hill*
Robert Wagner, Wagner & Bonsignore, for AAWARE*
Michele Staples, Esq., for AAWARE*
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*by email only