MINUTES

Owens Valley Groundwater Authority

Board Members:

INDIAN CREEK-WESTRIDGE CSD	Luis Elias	BIG PINE CSD	BryAnna Vaughan
COUNTY OF MONO	Rhonda Duggan	LONE PINE PAIUTE SHOSHONE TRIBE	Mel Joseph
CITY OF BISHOP	Karen Kong	OWENS VALLEY COMMITTEE	Mary Roper
COUNTY OF INYO	Dan Totheroh		

September 9, 2021

The Owens Valley Groundwater Authority meeting was called to order at 2:04 p.m. via videoconference.

1. Pledge of allegiance

The Chairperson led the pledge of allegiance.

2. Public Comment

Carol Ann Mitchell (TVGWMD) stated on behalf of the TVGWMD the Board of Directors asked her to make the following comments to your Board: "At the July 22, 2021 meeting of the OVGA Board, you received a letter from County Counsel, Emily Fox regarding a Tri-Valley request to change the boundary of the Owens Valley basin to allow for their groundwater sustainability agency request to DWR to move forward. We wish only to point out today that your Board has not taken any action on this letter or this item to date".

3. Introductions

The Board introduced themselves with one alternate in attendance for Owens Valley Committee, Kammi Foote.

4. Approval of minutes from the August 12, 2021 Board meeting

The Chairperson requested a motion to approve the minutes of the August 12, 2021 meeting. Motion to approve the minutes by Dan Totheroh, seconded by Karen Kong. The Chairperson requested a roll call vote; Luis Elias – abstain, Rhonda Duggan – Y, Karen Kong – Y, Dan Totheroh - Y, BryAnna Vaughan – Y, Mel Joseph - Y, Kammi Foote – abstain. Motion passed 5 Yes, 2 abstentions.

5. Board Member Reports

The Chairperson opened up Board Member reports and there were no reports or updates provided.

6. OVGA staff reports

a. Financial Report
Laura Piper, Inyo County Water Department provided the financial report and stated the OVGA cash balance is $404,389.19; expenses were $3885.57 in staff services costs.

b. Tri-Valley survey update
Dr. Steinwand stated this is a preliminary purview of the results from the Tri-Valley survey mailer that was sent out in May; a total of 512 surveys were sent out; approximately 40 were received; Michael Draper has been leading the effort on this; and wanted to recognize Michael and Wendy for doing the heavy lifting.

7. Discussion and possible direction to staff regarding the administrative draft Groundwater Sustainability Plan

Mel Joseph stated the Lone Pine Paiute Shoshone Tribe has a comment; "there is additional information that needs to come forth because the Board may not be aware of the dispute issues that really affect the tribe and that would be that the GSP should apply to Owens Lake to govern any future projects to prevent any new impacts or changes to groundwater resources under SGMA; the jurisdictional dispute is a hindrance to this process, knowing that the California State Lands Commission makes the final decision for their property on the lakebed; the area around the lakebed must be regulated by the GSP to insure protections against negative impacts from the proposed pumping; and the OVGA by design we feel is a better environmental steward". The Board and staff discussed this item in detail and at length. Dr. Steinwand stated the appendices are the JPA, LTWA, GDE chapter, groundwater dependent vegetation subsidence, the water balance, and the hydro conceptual model. Philip Anaya stated he wished to thank Dr. Steinwand for putting this

administrative draft document on the OVGA website; there is a lot of information within this document; he requested they identify state agencies with a C for reference; he doesn't believe the basin is managed sustainably; he's concerned about what happens across the adjudicated/non-adjudicated boundary; would like surface water recharge to be added to the projects; and thanked Dr. Steinwand and the consultant for all their hard work. April Zrelak stated on page 17 there's a comment that the Owens Lake management area has poor water quality; differentiates between the other management areas as having good water quality; then on page 24 it says that the water quality in that area will not currently be monitored or regulated unless something occurs; is the poor water quality now the baseline. Dr. Steinwand stated we will have to clarify that information. Sally Manning stated it sounds like public input you have been receiving to date is going to be stuffed into an appendix with some responses as opposed to taking good input of people that have been coming to these meetings for five and six years and incorporate the important ones; and is concerned this GSP will grandfather in DWP's damage to the Owens Valley to date; stated you are just filling in the blanks of a form the state sent; this should be a local plan for our water future; and the Board will have to live with this knowing they had the opportunity to take charge of planning for our own water future. Carol Ann Mitchell asked that the letter that Emily Fox wrote to the Board which is in your packet today be entered in as public comment. Philip Anaya stated if this was a local plan the things the public were talking about would be addressed within the plan; he doesn't think he saw anything about how we are going to address the adjudicated non-adjudicated boundary; and make it expensive for LADWP every time they have to file their annual report to the DWR. Lynn Boulton stated you were deciding to only have the minimum criteria and we were suggesting in public comments that there could be other criteria like timing and how long would you would be at the lower threshold which could be incorporated into the mainstream text, not just an appendix. The Board and staff requested a paragraph of some history with LADWP within the GSP document. Dr. Steinwand shared the upcoming schedule for OVGA meetings, stakeholder outreach and the hearing to approve the final GSP in December.

8. **Action item: Direct staff to provide notice pursuant to Water Code Section 10728.4 of the OVGA's intent to adopt the proposed Groundwater Sustainability Plan and set the hearing date for the adoption of the proposed Groundwater Sustainability Plan**

Dr. Steinwand stated he would briefly introduce this, that it is a requirement of SGMA; that 90 days prior to adopting or amending the GSP that you provide notice. Dr. Steinwand read the following: "Notice is hereby given that, pursuant to California Water Code section 10728.4, the Owens Valley Groundwater Authority (Authority) will hold a Public hearing to consider adoption of the Owens Valley Groundwater Authority Groundwater Sustainability Plan (GSP) via Zoom on December 9, 2021, or as soon thereafter as the matter may be heard. All interested persons are invited to attend the above described public hearing. The Authority Board of Directors will receive and consider oral and written comments during the public hearing before making a decision regarding adoption of the GSP. The draft GSP will be available in its entirety on September 23, 2021 online at www.ovga.us/documents".

The Chairperson requested a motion to approve the Owens Valley Groundwater Basin Management Areas as presented. Dan Totheroh made a motion to direct staff to do all they have suggested to meet the California Water Code section 10728.4, seconded by Rhonda Duggan. The Chairperson requested a roll call vote; Luis Elias – Y, Rhonda Duggan – Y, Karen Kong – Y, Dan Totheroh - Y, BryAnna Vaughan. – Y, Mel Joseph – absent, Kammi Foote - Y. Motion passed 6 Yes, 1 absent.

9. **Correspondence: comment letter from Tri-Valley Groundwater Management District, August 27, 2021**

Dr. Steinwand stated we had a request previously that this be included in public comment.

10. **Discussion regarding future agenda items**

Dr. Steinwand stated as he mentioned earlier he doesn't anticipate an October meeting and the November meeting would be one item to go over the response to comments and review the status and any correspondence. The meeting will be a special meeting held on November 18, 2021 due to the Veteran's Day holiday. Philip Anaya stated he felt Dr. Steinwand heard what he was asking for; he's supportive of Mr. Totheroh's idea of a de minimus owner of a well contributing to the expense down the road of the authority; and he feels having an October meeting would double opportunity for public input.

10. **Adjourn**

The Chairperson adjourned the meeting at 3:24 pm.

SORT ORDER: OBJECT within BUDUNIT

SELECT FUND: 6272

Lg	BUDGET UNIT	Primary Ref	Transaction Description	SS	Ref Date	Job No	Debit	Credit	NET
GL	621601-1000	YEAREND	1. Balance Forward 2020/2021	JE	07/01/21	03029993	410,278.65	0.00	410,278.65
GL	621601-1000	TTLOH	AutoID:WD20719A Job:2974214	OH	07/28/21	02974214	0.00	2,576.50	407,702.15
GL	621601-1000	INTRCBL	AutoID: JA21802D Job: 2977979	JE	08/02/21	02977979	572.61	0.00	408,274.76
GL	621601-1000	TTLOH	AutoID:WD20811B Job:2991718	OH	08/18/21	02991718	0.00	3,885.57	404,389.19
GL	621601-1000	TTLOH	AutoID:OB21C04B Job:3023580	OH	10/05/21	03023580	0.00	6,925.75	397,463.44
GL	621601-1000	JE40105	AutoID: JR21C07B Job: 3025272	JE	10/07/21	03025272	0.00	4,500.00	392,963.44
GL	621601-1000	JE40106	AutoID: JR21C07B Job: 3025272	JE	10/07/21	03025272	0.00	27,101.58	365,861.86
GL	621601-1000	TTLOH	AutoID:WD20C04B Job:3026345	OH	10/08/21	03026345	0.00	2,451.23	363,410.63
GL	621601-1000	IS1021	AutoID: IS21C18E Job: 3036558	JE	10/26/21	03036558	0.00	36.46	363,374.17
GL	621601-1000	TTLOH	AutoID:WD20C19A Job:3039230	OH	10/29/21	03039230	0.00	186.00	363,188.17
GL	621601-1000	TTLOH	AutoID:WD20C21A Job:3039230	OH	10/29/21	03039230	0.00	181.76	363,006.41
******Total *OBJT 1000			CLAIM ON CASH			DR	410,851.26	47,844.85	363,006.41
GL	621601-1160	YEAREND	1. Balance Forward 2020/2021	JE	07/01/21	03029993	572.61	0.00	572.61
GL	621601-1160	INTRCBL	4th QTR INTEREST RVRS	JE	08/02/21	02977979	0.00	572.61	0.00
******Total *OBJT 1160			INTEREST RECEIVABLE			DR	572.61	572.61	0.00
GL	621601-1200	YEAREND	1. Balance Forward 2020/2021	JE	07/01/21	03029993	2,473.00	0.00	2,473.00
GL	621601-1200	2122 PREPAID	UA414926:GOLDEN STATE RISK MAN	JE	07/08/21	02957191	0.00	2,473.00	0.00
******Total *OBJT 1200			PREPAID EXPENSES			DR	2,473.00	2,473.00	0.00
GL	621601-2000	YEAREND	1. Balance Forward 2020/2021	JE	07/01/21	03029993	0.00	6,462.07	6,462.07
GL	621601-2000	TTLOH	AutoID:WD20719A Job:2974214	OH	07/28/21	02974214	2,576.50	0.00	3,885.57
GL	621601-2000	TTLOH	AutoID:WD20811B Job:2991718	OH	08/18/21	02991718	3,885.57	0.00	0.00
GL	621601-2000	TTLOH	AutoID:OB21C04B Job:3023148	OH	10/04/21	03023148	0.00	6,925.75	6,925.75
GL	621601-2000	TTLOH	AutoID:OB21C04B Job:3023580	OH	10/05/21	03023580	6,925.75	0.00	0.00
GL	621601-2000	TTLOH	AutoID:WD20C04B Job:3024986	OH	10/06/21	03024986	0.00	2,451.23	2,451.23
GL	621601-2000	TTLOH	AutoID:WD20C04B Job:3026345	OH	10/08/21	03026345	2,451.23	0.00	0.00
GL	621601-2000	TTLOH	AutoID:WD20C19A Job:3037191	OH	10/26/21	03037191	0.00	186.00	186.00
GL	621601-2000	TTLOH	AutoID:WD20C21A Job:3037563	OH	10/27/21	03037563	0.00	181.76	367.76
GL	621601-2000	TTLOH	AutoID:WD20C19A Job:3039230	OH	10/29/21	03039230	186.00	0.00	181.76
GL	621601-2000	TTLOH	AutoID:WD20C21A Job:3039230	OH	10/29/21	03039230	181.76	0.00	0.00
******Total *OBJT 2000			ACCOUNTS PAYABLE			CR	16,206.81	16,206.81	0.00
GL	621601-3000	YEAREND	1. Balance Forward 2020/2021	JE	07/01/21	03029993	0.00	406,862.19	406,862.19
******Total *OBJT 3000			FUND BALANCE AVAILABLE			CR	0.00	406,862.19	406,862.19
GL	621601-5129	IS1021	IS PHOTOCOPIES Q1	JE	10/26/21	03036558	36.46	0.00	36.46
******Total *OBJT 5129			INTERNAL COPY CHARGES (NON-IS)			DR	36.46	0.00	36.46
GL	621601-5155	2122 PREPAID	UA414926:GOLDEN STATE RISK MAN	JE	07/08/21	02957191	2,473.00	0.00	2,473.00
******Total *OBJT 5155			PUBLIC LIABILITY INSURANCE			DR	2,473.00	0.00	2,473.00
GL	621601-5263	54522	COMMUNITY PRINT OWENS VALLEY G	OH	10/06/21	03024986	2,451.23	0.00	2,451.23
GL	621601-5263	9277	THE SHEET INC INYO COUNTY WATE	OH	10/26/21	03037191	186.00	0.00	2,637.23
GL	621601-5263	6200 0321	INYO REGISTER, ACCT#6200	OH	10/27/21	03037563	0.00	66.24	2,570.99
GL	621601-5263	6200 0921	INYO REGISTER, ACCT#6200	OH	10/27/21	03037563	168.00	0.00	2,738.99
GL	621601-5263	7589 0921	INYO REGISTER, ACCT#7589	OH	10/27/21	03037563	80.00	0.00	2,818.99
******Total *OBJT 5263			ADVERTISING			DR	2,885.23	66.24	2,818.99
GL	621601-5265	250511	DANIEL B STEPHE INYO CO PROJ#D	OH	10/04/21	03023148	6,925.75	0.00	6,925.75

SORT ORDER: OBJECT within BUDUNIT

SELECT FUND: 6272

Lg	BUDGET UNIT	Primary Ref	Transaction Description	SS	Ref Date	Job No	Debit	Credit	NET
******Total *OBJT 5265			PROFESSIONAL & SPECIAL SERVICE			DR	6,925.75	0.00	6,925.75
GL	621601-5539	JE40105	JUL-SEP21 OVGS LEGAL SERVICE	JE	10/07/21	03025272	4,500.00	0.00	4,500.00
GL	621601-5539	JE40106	JUL-SEP21 OVGS STAFF SERVICE	JE	10/07/21	03025272	27,101.58	0.00	31,601.58
******Total *OBJT 5539			OTHER AGENCY CONTRIBUTIONS			DR	31,601.58	0.00	31,601.58
******Total *BUDG 621601			OVGA-OWENS VALLEY GROUNDWATER			DR-CR	474,025.70	474,025.70	0.00
			** G R A N D T O T A L **			DR-CR	474,025.70	474,025.70	0.00

COUNTY OF INYO
UNDESIGNATED FUND BALANCES

AS OF 06/30/2022

		Claim on Cash 1000	Accounts Receivable 1100,1105,1160	Loans Receivable 1140	Prepaid Expenses 1200	Accounts Payable 2000	Loans Payable 2140	Deferred Revenue 2200	Computed Fund Balance	Encumbrances	Fund Balance Undesignated
WDIR	**- WATER**										
6272	OVGA-OWENS VALLEY	363,006							363,006		363,006
WDIR	**Totals**	363,006							363,006		363,006
	Grand Totals	**363,006**							**363,006**		**363,006**

COUNTY OF INYO

Budget to Actuals with Encumbrances by Key/Obj

Ledger: GL

As Of 11/10/2021

Object	Description	Budget	Actual	Encumbrance	Balance	
Key: 621601 - OVGA-OWENS VALLEY GROUNDWATER						
Revenue						
4301	INTEREST FROM TREASURY	4,000.00	0.00	0.00	4,000.00	0.00
4498	STATE GRANTS	149,542.00	0.00	0.00	149,542.00	0.00
Revenue Total:		153,542.00	0.00	0.00	153,542.00	
Expenditure						
5129	INTERNAL COPY CHARGES	1,500.00	36.46	0.00	1,463.54	2.43
5155	PUBLIC LIABILITY INSURANCE	2,500.00	2,473.00	0.00	27.00	98.92
5263	ADVERTISING	3,000.00	2,818.99	0.00	181.01	93.96
5265	PROFESSIONAL & SPECIAL	12,659.00	6,925.75	0.00	5,733.25	54.71
5291	OFFICE, SPACE & SITE RENTAL	1,500.00	0.00	0.00	1,500.00	0.00
5311	GENERAL OPERATING EXPENSE	500.00	0.00	0.00	500.00	0.00
5539	OTHER AGENCY	107,470.00	31,601.58	0.00	75,868.42	29.40
5901	CONTINGENCIES	13,290.00	0.00	0.00	13,290.00	0.00
Expenditure Total:		142,419.00	43,855.78	0.00	98,563.22	
621601	**Key Total:**	11,123.00	(43,855.78)	0.00	54,978.78	

Staff note: Editorial comments will be addressed in the Final GSP.

ES1: An overall comment is that it's sometimes unclear where the non-adjudicated portion of the basin is being discussed vs. the entire basin. I might suggest qualifying all mentions of the non-adjudicated portion as GSP, just so it's very clear.

ES 1.3: RE estimated cost of $436,665. Seems awfully low, even after seeing the breakdown.

ES 2.1 But will LA work with OVGA??

ES 2.2.3: This section is clearly written by a different author from the previous sections and in general is not as clear. Suggest giving a heavy edit.

Best practices would suggest using more than one climate model - an ensemble.

E S 3.4.1 The January 1, 2015 water level was chosen as Management Objective. Why this date? Seems arbitrary. Should be based on some hydrologic milestone rather than a political milestone.

ES 3.4.3: Maybe it's mentioned elsewhere, but it seems like a discussion of LADWP's desire to pump from under the lakebed is warranted.

ES 3.4.3: This is alluded to elsewhere, but there are real water quality concerns on the east side of the lakebed, which is seen in the well that supplies Keeler.

(1)

Comments on OVGA GSP Public Review Draft

Pg. 22 - ES 3.2.1 Tri-Valley Management Area, middle of second paragraph
"Based on available geologic, hydrologic, and geochemical evidence, pumping in the management area is the cause of declining water levels and spring flow in Fish Slough."

- What data is this statement based on?

"The magnitude of overdraft and the pumping effect on spring flow, however, are poorly quantified."

The comment is made repeatedly in this document that there is insufficient data for an accurate water model in the Tri-Valley/Fish Slough area, yet the OVGA/GSP continues to make assumptions based on the inadequate data and then management plans based on their assumptions.

P. 38 – ES 4.4 Project #4, second paragraph, second line
"Insufficient information exists for the OVGA (or another agency) to design a program to manage pumping to ensure the SMC for water levels in the valleys and spring flow are achieved. It is not feasible or reasonable for the residents and agricultural producers in the Tri-Valley communities to make immediate or drastic reductions in pumping without economic and social hardship or without potentially impacting air quality. "

How do these statements correlate to the proposed management action of developing a pumping program, as mentioned in section 4.5.3, page 288?

P. 50 and various places in document and appendices –

Tri-Valley Groundwater Management District is labeled as Tri-Valley Water Management District or Tri-Valley Groundwater Management. The correct name or abbreviation should be used throughout the document.

P. 74 – last paragraph
"LTWA and each agency shall make any data or information pertaining to conditions in the Basin available."

According to the OVGA at numerous meetings, LADWP is not providing requested data. If that is so, LADWP is in violation of the LTWA. Is this being pursued by ICWD?

P. 99 – table 2-5, Stakeholder Workshops – says there is a meeting scheduled on December 16, 2021.

Is that a typo?

P. 132 - last comment date is listed as 3/11/12.

(2)

P. 144 – last 3 lines of first paragraph
512 surveys mailed and 41 responses received.

I don't consider an 8% response to be a successful outreach. Even though there is limited internet access in the Tri-Valley area, a zoom meeting, as was done in the other 2 management areas could have been done.

P. 210 – last paragraph, third to last line
"identified the Tri-Valley area as one of the potential water sources for Fish Slough, which was supported by geochemical analysis by Zdon et al. (2019)."

What are the other water sources for Fish Slough and what percentage comes from each of them?

P. 218 – second paragraph
"The Tri-Valley Management Area was determined to have low ecological value because: (1) it supports a relatively small number of special-status species and ecological communities, (2) contains no designated critical habitat for federally listed species, (3) supports few species that are directly dependent on groundwater (two mollusks), and (4) includes few species or ecological communities that are vulnerable to changes in groundwater conditions. Additional groundwater and vegetation mapping and monitoring is necessary to assess the susceptibility of the GDE in Tri-Valley to pumping management."

Again, more justification for developing a groundwater model for the Tri-Valley.

P. 223, table 2-10 – the 4th column, second row

Is 84,00 supposed to be 8,400 or 84,000?

P. 227 – last paragraph of 2.2.3.3
"However, based on monitoring well data and a comparison of recharge and discharge, the Tri Valley management area appears to be in overdraft. – groundwater model is needed before making action plans."

This statement should be added to many of the triggers or notes sections of the Tri-Valley Management Areas action plans in Table 4.1.

P. 230 - section 2.2.4.1, last sentence of first paragraph
"While the amounts of groundwater discharging into Fish Slough are poorly quantified, existing evidence suggests a large portion comes from the Tri-Valley area (Jayko & Fatooh, 2010; Zdon et al., 2019)."

Define "large".

P. 237 - section 3.2.1, middle of second paragraph
"Based on available geologic, hydrologic, and geochemical evidence, pumping in management area in excess of recharge is the cause of lowering water levels."
How can this be said until a groundwater model is completed?

P. 238 – first sentence of second paragraph
"Severe pumping overdraft (which does not presently exist) could cause land subsidence"

Define "severe". It has already been stated that the Tri-Valley is in overdraft and that pumping is the cause. How "severe" does overdraft need to be to warrant OVGA imposing a pumping plan on the Tri-Valley?

P. 251 – second paragraph, third line
"Since there have been no reported significant and undesirable results directly related to decreased water levels in Benton, Hammil, or Chalfant valleys of the date of this Plan,"

How can this statement be made when this report also says that decreased water levels from too much pumping are causing problems in Fish Slough?

Third paragraph
"Achieving the 20-year measurable objective will require either increasing recharge into the aquifer or decreasing pumping."

Why, when there are "no reported significant and undesirable results..." as stated above and in other areas of this document?

Uncertainty in the water budget and the lack of a numerical groundwater flow model for the area prevents an accurate assessment of how much groundwater pumping in Tri-Valley would need to be reduced to achieve the measureable objectives.

The Tri-Valley groundwater model needs to be done before other actions are taken.

P. 275 section 4., first paragraph, seventh line
"An additional consideration in developing this list of Management Actions and Projects was to not place an undue financial or regulatory burden on local residents recognizing that compliance with SGMA is voluntary for the OVGA."

How does "undue financial or regulatory burden" correlate with the proposed pumping plan for Tri-Valley?

P. 278, section 4.2, first paragraph, last sentence
"Permits for such wells will be reviewed primarily to acquire information to update the database and ensure the use and production of the well is correctly cataloged as *de minimis*."

How is a well going to be determined as being de minimis in the case of wells used only for domestic use but on property over 1 or 2 acres? Will the property owner need to install a water meter to show that they are a de minimis user?

P. 299, section 5.1, first sentence
"Implementation of all or parts of this GSP are at the discretion of the OVGA as long as the Basin remains ranked as low priority."

If the basin is still low, OVGA shouldn't be able to implement any of this plan.

Management Plans – if the basin is re-rated to medium or high priority and there are no grants to pay for any of the management plans/actions, who pays for them? Does each management area have to pay for the plans/actions in their area?

Big Pine Paiute Tribe of the Owens Valley

Big Pine Paiute Reservation
P.O. Box 700 · 825 South Main Street · Big Pine, CA 93513
(760) 938-2003 · fax (760) 938-2942 www.bigpinepaiute.org

L'eaux Stewart
Tribal Chairperson

November 5, 2021

Owens Valley Groundwater Authority
c/o Inyo County Water Department
135 S. Jackson Street
Independence, CA 93526
[submitted electronically]

Dear Owens Valley Groundwater Authority Board:

Subject: Comments on draft Groundwater Sustainability Plan

The Big Pine Paiute Tribe of the Owens Valley ("Tribe") is committed to the protection of water and the environment in the eastern Sierra. The Tribe has been following California's efforts to sustainably manage its groundwater resources since before the state legislature approved the Sustainable Groundwater Management Act ("SGMA") in 2014. The Owens Valley Groundwater Authority was created to guide the development of plans to ensure the sustainability of Owens Valley groundwater as informed by local people. On September 23, 2021, the draft Owens Valley Groundwater Basin Groundwater Sustainability Plan Public Review Draft ("draft GSP") was released for public comment. In the Tribe's view, the draft GSP is not reflective of the needs and concerns of the valley's residents, and it will not protect the environment.

SGMA offered hope for the Owens Valley Groundwater Basin: It offered hope that local people, including tribes, might work together to take a serious look at our water situation and plan the appropriate steps to protect the water now and for future generations. Our valley has been subject to more than a century of dewatering by the City of Los Angeles Department of Water and Power ("LADWP"). Once-flourishing meadows, springs, and wetlands have been sucked dry by groundwater pumping which LADWP has been pursuing relentlessly for more than 50 years. With its control of water and land, LADWP has controlled the socio-economics of the valley. LADWP makes decisions about the Owens Valley environment for the purpose of protecting its interests while serving utility customers: Los Angeles decision-makers are not accountable to citizens of Owens Valley. LADWP has prevailed due to lack of state laws prohibiting such gross exploitation. SGMA, though long overdue, is an opportunity to right some of the oppressive wrongs in Owens Valley.

Overall Comment

The Tribe has reviewed the draft GSP, and in the Tribe's view, this plan should not be submitted to the state of California as the GSP for the Owens Valley Groundwater Basin. The Owens Valley Groundwater Authority ("OVGA") is not required to submit a GSP, because the state has classified the Owens Valley Groundwater Basin as a Low Priority basin. It would be better for people of Owens Valley to take more time to develop a protective plan that truly considers current conditions and future needs as opposed to hurrying to submit a plan that, if implemented, allows continued, unregulated water gathering by LADWP but harms our citizens, environment and economy. If the draft GSP is adopted by the OVGA and submitted, it will: set a low bar for

groundwater sustainability which is not protective of our precious water resources; cost money to implement; impose new regulations on a handful of people in our rural area; potentially adversely affect the valley's economy by stifling development; not be proactive in terms of finding solutions when groundwater becomes unavailable (as is likely given current LADWP pumping coupled with the changing climate); and overall be a waste of time and resources which truly should be applied to dealing with Inyo/LA Water Agreement issues. If the OVGA believes that by not adopting the GSP we lose the opportunity to more fully monitor conditions in the groundwater basin, then the OVGA is being fooled. There is ample financial assistance currently provided to Inyo County (by LADWP) to do this work for parts of the basin in Inyo County. There is no harm in the OVGA acknowledging that staff and the consultants (paid mostly by state grant funding) fulfilled the need to draft a plan; however, OVGA must recognize the size of as well as the issues unique to our complicated groundwater basin, then regard this draft GSP as a starting point for working toward better planning and management for the basin.

One important reason the draft GSP fails us is because Inyo County and LADWP worked together to lobby state lawmakers into exempting from SGMA the lands within the Owens Valley Groundwater Basin that are subject to the Inyo/LA Water Agreement.[1] This questionable act, which was performed outside of public scrutiny, crippled our ability as locals to develop a meaningful groundwater management plan.[2] SGMA grants local Groundwater Sustainability Agencies ("GSAs") the authority to regulate pumping. However, due to the exemption in SGMA for Inyo County in which the LADWP lands subject to the Water Agreement are treated as adjudicated, the OVGA cannot regulate LADWP pumping. LADWP pumping accounts for the vast majority of groundwater pumping in the groundwater basin and is in need of regulation. At this time, there is no point in focusing on the non LADWP pumping in Owens Valley. The OVGA should take the time to change the law and assert the authority to which we California citizens in the eastern Sierra would be entitled under SGMA.

Specific Comments should OVGA proceed with this draft GSP

There is no Goal. Note that the draft GSP does not have a clearly-stated goal. There is a section for the goal, but it is presented as a list of things to do. After reading the draft GSP, it would appear a goal is to keep things as they are now. What this means is to allow continuation of conditions in the basin that have been degraded due to LADWP activities and permit no further development in the future. Should there be some local undertaking which might benefit the local people, environment, and economy, such as to create or restore a wetland, expand local agriculture, or even build a golf course, this GSP would impose significant constraints. According to SGMA, the local people were supposed to develop the goal, but there is no agreed-upon, locally-generated groundwater management goal in the draft GSP.

No Local's Definition of Sustainability. The draft GSP is misleading when it says that the Owens Valley Groundwater Basin is being managed "sustainably." Similar to the above comment, local people are supposed to define sustainability for the groundwater basin, but that did not happen here. In places, the draft GSP uses the bare minimum definition of sustainability as described by the state in SGMA. In other places it rationalizes that the basin is sustainable based on the basin being classified as Low Priority (due to omission of LADWP activities) and on the draft GSP's presentation of recharge and discharge values. SGMA presented a list of rather extreme conditions that must be avoided in order for a basin to qualify as minimally sustainable. Certainly, we do not want those things to happen in Owens Valley, but the draft GSP misses the

[1] referred to in the draft GSP as the Long-Term Water Agreement, LTWA.

[2] See Inyo County Board of Supervisors materials for their August 19, 2014, meeting. Tribal staff can provide documentation upon request.

opportunity to raise the bar and protect groundwater dependent ecosystems, Fish Slough, Owens Lake, local agriculture, and more.

None of Owens Valley is Adjudicated and this is Unfair to the Tribe. The draft GSP must systematically alter its use of the word "adjudicated" when it refers to LADWP areas managed according to the Water Agreement. There is no adjudication in the Owens Valley Groundwater Basin! The entire basin is "non-adjudicated," but this term is used to apply to the non-LADWP lands; that is, the areas for which the OVGA is responsible. With SGMA as written, the LADWP lands are "treated as adjudicated," so the language must be changed throughout the document to reflect this. In fact, it would be better to change it to "Water Agreement area" or "Exempt from SGMA area." Unfortunately, that still leaves the problem of the term, "non-adjudicated" which is used throughout the draft GSP to refer to non LADWP areas. The term non-adjudicated applies to the entire basin, not just the areas over which the OVGA has jurisdiction. Language is important. A reader reading on nearly every page of the draft GSP that LADWP lands are adjudicated may soon believe they are. The Tribe in particular suffers the consequences of this unfair language. When a watershed is adjudicated, water rights are supposed to be settled, and that absolutely has not happened for the tribes in the groundwater basin. Please do not characterize the Owens Valley Groundwater Basin as adjudicated.

There Must be a Plan to Coordinate with LADWP. The draft GSP needs to clearly present a plan for the OVGA coordination with LADWP because LADWP activities directly affect a majority of the region to which the draft GSP applies. The draft GSP is set up to cast as the problem valley citizens or communities that use water when LADWP is the problem. The GSP must include the steps the OVGA will take to accomplish this coordination and list what must be mutually understood, if not managed. This would include wellfield pumping, surface water conveyances, irrigation, and other LADWP operations. At nearly every opportunity during the years leading to the draft GSP, the Tribe and members of the public brought up this important problem, and now that the draft GSP is released, it is realized that the problem was not adequately addressed. The OVGA cannot ignore that the Owens Valley Groundwater Basin is one interconnected groundwater basin. Failure to coordinate with LADWP places undue burden on water users within the GSP area. When something goes awry, such as a local person's well goes dry or there is subsidence, the OVGA as the regulatory authority can hold the local person, Community Service District, City of Bishop, etc., responsible and not the true culprit. It is unfortunate to see that the draft GSP appears to rely on Inyo County and LADWP to make things right according to terms of the Water Agreement when an incident occurs, and incidents will occur. For decades, the Tribe and public have seen significant struggles between the county and LADWP when an issue is raised, because the process outlined in the Water Agreement for resolving disputes is not effective. It allows: an impasse to persist, involvement by lawyers, no punitive actions (because no fault is found), and final outcomes in which the victim still loses at least part of the case.

Degradation Caused by LADWP Must Not be Condoned. The Tribe finds it unacceptable that the draft GSP as written condones, or "grandfathers-in" damage to the hydrology, environment and economy caused by LADWP pumping. To remedy this, the GSP should truly explain the reasons for groundwater fluctuations in the basin (it's not just "drought"), then adjust thresholds and management objectives to manage for shallower conditions throughout the basin. Managing this way will of course take coordination with LADWP so see the above comment. The Water Agreement calls for water management to maintain conditions that existed in the mid 1980s; that period is the baseline for the Water Agreement. Heavy pumping occurred 1987-1990 by LADWP, and water tables and vegetation conditions in some parts of the valley never fully recovered from that pumping, yet LADWP continues to pump. The hydrograph shown for V016B on p. 185 of the draft GSP is a good example of the effects of this pumping then subsequent lack of full recovery of the

water table. In Owens Valley, we see depressed water levels and degraded vegetation conditions characterized by less meadow, fewer trees, more shrubs, and more weeds than during the baseline period. The draft GSP ignores this reality and uses the 2012-2016 period as a new baseline. It is unfair for the preparers of the draft GSP to turn a blind eye on Water Agreement goals--goals the local people demanded as a *minimum*--and interject a new baseline with lower water-levels and degraded vegetation conditions, then hide behind SGMA to condone it in the draft GSP. The draft GSP sets "minimum thresholds" and "measureable [*sic*] objectives" that hold the future to no better than these now-less-than-acceptable conditions. Some of the proposed water table management depths are clearly too deep to support groundwater dependent grasses as noted for monitoring wells located in or near what used to be meadows. The OVGA should not be sending this message to LADWP or the state of California that the damage done to date is acceptable; clearly it is not acceptable to some locals, including the Tribe.

Below are some specific examples showing how the basin is not protected by criteria in the draft GSP.

Proposed GSP monitoring well T574 is a good example of grandfathering-in LADWP's depletion of groundwater and degraded vegetation conditions to define a new baseline. This monitoring well is located on LADWP land in the Laws area, near permanent monitoring site Laws 3, which is a place where the subsurface is capable of a high degree of capillarity (upward movement of groundwater to the plant root zone). The depth to groundwater in the mid 1980s for T574 was about 10 feet, which is shallow enough to support meadow in the vicinity, and occasionally since the mid 1980s, the water table has risen to the 10-foot range. The draft GSP sets the T574 minimum threshold at 20 feet, which is the bottom of this monitoring well. The water table cannot be accurately measured if it drops below 20 feet: no one will know where it is if this happens. The draft GSP sets the measurable objective at 16 feet. This is too deep for meadow, but it is something LADWP could probably maintain with status quo pumping in Laws. To maintain baseline vegetation conditions over the long term, the measurable objective should be no deeper than the 10-foot depth, but the draft GSP sets it at 16 feet! Choosing this deeper level accepts LADWP degradation of the Laws area and sends a message that this not only is acceptable but also is consistent with a definition of sustainability. This is not fair to those of us who depend on Inyo County and LADWP to manage according to Water Agreement goals. The draft GSP management approach would permanently compromise ecological conditions in Laws and be in conflict with the Water Agreement.

Proposed monitoring well T809, located near permanent monitoring site Independence Oak 1, north of Independence Creek and the town, is another example of grandfathering-in conditions degraded by LADWP since the start of the Water Agreement. T809 was installed after the mid 1980s baseline, but it was placed in what was an alkali meadow. To reasonably support meadow, the groundwater should be managed to stay within 8 feet of the surface. The draft GSP sets the minimum threshold for this monitoring well at 19 feet and the measurable objective is 13 feet. This is too deep to sustain Water Agreement baseline ecological conditions.

Proposed monitoring well V299, which is located on the Big Pine Paiute Reservation, is another example of grandfathering-in groundwater levels depressed by LADWP pumping. This LADWP well is located on a Tribal member's assignment which is not a meadow. The water table beneath the Reservation is deep, and it is kept depressed by LADWP pumping in the Big Pine area. The draft GSP sets the minimum threshold for V299 at a depth deeper than the well can measure! According to data on the ovga.us website, V299 is dry at about 97 feet, but the draft GSP sets the minimum threshold at 109 feet. The management objective is set at 96 feet. Normally a well selected for long-term monitoring should be capable of providing good data over a range of conditions, but to set monitoring criteria at the extreme end of a monitoring well is questionable if not outrageous. V299 was installed in the late 1920s and when installed the water table was much shallower, in the 40-foot range. By the time the Reservation was established, water levels had

dropped to the 60-foot range, and with LADWP pumping in the 1970s, levels dropped further to 80- to 90-foot depths. This significant decline without noteworthy recovery anywhere near where water levels were historically is the result of LADWP pumping in Big Pine.

Insist on Zero Subsidence. The OVGA should absolutely not allow any land subsidence due to groundwater pumping. Language in the draft GSP should set the target at zero for subsidence due to pumping. In addition to damaging infrastructure, subsidence indicates that aquifers have shrunk and thus are unable to store as much water should a big runoff year occur, and this condition is often permanent. We do not need to subject the Owens Valley Groundwater Basin to this risk; this is something the OVGA and GSP can manage to completely avoid. Setting an arbitrary allowable change (as the draft GSP does) is disingenuous because it is unlikely anyone can stop subsidence at some arbitrary change, and we know it is practically impossible to reverse subsidence.

No LADWP Pumping at Owens Lake. The OVGA should not permit pumping under or near Owens Lake, as has been proposed by LADWP to control dust. Owens Lake is not the property of LADWP, and they have already done the lake and thus southern valley excessive ecological harm. There is no amount of pumping LADWP could do which would not be a threat to springs and seeps in the area, private wells, subsidence, and vegetation on dunes. The threat of LADWP pumping at the lake may be remedied by the OVGA insisting on no pumping and incorporating this objective into the GSP.

Too Few Management Areas. The draft GSP oversimplifies the groundwater basin by splitting it into three management areas. There are volumes of data on the basin with enough information to permit management on a finer scale, especially in the Owens Valley Management Area. Lumping Round Valley with Bishop, Big Pine, and also Lone Pine is simply not reasonable.

The GSP Must Work to Manage Groundwater Recharge. The Tribe questions why the draft GSP does not propose a plan to work with others in the basin to manage aquifer recharge. To truly manage groundwater, it is obviously useful to manage not just what is taken out, but also what goes in, the recharge. There is nothing in the plan talking about how OVGA will work with the other land management agencies to direct flows in canals or ditches or perform water-spreading in order to help meet the needs of the OVGA area (the non LADWP area) of the basin. If the OVGA fails to address management of recharge in the GSP, then LADWP will continue to control recharge and make it work to LADWP's advantage which could deprive or harm other parts of the basin.

OVGA Needs Independent Staff. The Tribe views it as a conflict for Inyo County Water Department staff members to also serve as staff to the OVGA. Already there are conflicts in which it confuses the public and perhaps the staff itself as to which "hat" a staff person is wearing at a meeting. Should the OVGA proceed with the GSP, the OVGA needs to recruit its own workers so it can function without having staff that also is supposed to work on different goals and objectives as called for in the Water Agreement or on other water-related projects.

Errors in draft GSP. The draft GSP (including appendices) has typos, redundancies, and a few more significant mistakes. It is an unnecessarily cumbersome document. For example, information on the three management areas is presented in a leap-frog manner throughout the document. Should someone care to read about the plans, for example, for Tri-Valley only, the person must skip here and there and read redundant fill material. Section headings are not always helpful.

ovga.us website. The OVGA should work to ensure that data on the ovga.us website is up to date and then it should continue to work to improve this information and keep these data publicly accessible.

In conclusion, the Tribe respectfully requests the OVGA hold onto the draft GSP and continue to work on preparing a more protective plan for the Owens Valley Groundwater Basin. The draft GSP is not capable of managing the Owens Valley Groundwater Basin in a truly sustainable manner that protects our water now and into the future. Please consider the Tribe's comments.

Sincerely,

L'eaux Stewart

L'eaux Stewart, Tribal Chairperson

Note: The Tribe's Environmental Director, Sara J. Manning, Ph.D., contributed to these comments. Dr. Manning is an expert on Owens Valley ecology, groundwater pumping, and water issues.

Carol Ann Mitchell
98 Locust Street
Chalfant, California 93514
(760) 873-8648

November 1, 2021

Aaron Steinwand
Inyo County Water Dept./OVGA
P.O. Box 337
Independence, CA. 93526
Via email and Website

RE: OVGA Draft Groundwater Sustainability Plan

Dear Mr. Steinwand:

I offer the following comments on the OVGA Draft plan as a resident of Chalfant Valley since 1982 and member of the Mono County Tri-Valley Groundwater Management District (TVGMD) since 1990.

1. The Tri-Valley area and Fish Slough management areas need to be separated. TVGMD has requested that these management areas be separated due to geographical, and jurisdictional issues. The agencies involved are Inyo and Mono counties, districts and the State. No attempt was made by OVGA to address how management issues would be addressed in the future. Concerns were made in public comment at meetings our representatives drove to between 20 and 40 miles to attend. No detailed answer has ever been given to our request except that OVGA has made the assumption that Tri-Valley and Fish Slough are hydrologically connected. No consistent data has been given to date. It is because our concerns were never addressed TVGMD left the OVGA Joint Powers Agreement.

2. The Tri-Valley is a stakeholder in this process. The OVGA never held a meeting with local residents during the development of the draft plan. Their own "Communication and Engagement Plan" was never followed. Tri-Valley residents were never given opportunity to "engage" with the OVGA Board and staff or consultants on specific components of the plan which will affect their lives tremendously. The OVGA never held meetings during hours that did not impede work schedules. Their meetings were held at 2:00 – 5:00 p.m. excluding a good portion of Tri-Valley residents. The OVGA **never** came to Tri-Valley to explain the Groundwater Sustainability Plan process. It was developed in a biased, exclusionary manner so that the goal of grabbing water and power for the OVGA board and Inyo County was accomplished.

3. The OVGA never listened to or engaged local agricultural interests or local business owners who have a financial share in the Groundwater Sustainability Plan proposed "actions" such as a pumping plan, fines or fees, so widely encouraged by OVGA.

4. De Minimis users will be required by OVGA to register their wells although this group is exempt from SGMA. I believe this is just administrative overreach and shows the callous disregard OVGA has for the law (SGMA) which created it.

5. OVGA wishes to assume administrative authority for well permit review from Mono County. This is again an example of administrative overreach by the OVGA board and staff.

6. This letter supports the comments on file by Mono County Board of Supervisors and the Mono County Tri-Valley Groundwater Management District (TVGMD) heretofore submitted.

7. The draft OVGA plan does little to address the continuing "exceptional" drought conditions which the Eastern Sierra and Tri-Valley have experienced during the time this plan was being considered. The drought should be addressed in the plan as well as what OVGA will do if it continues for the unforeseeable future.

8. The Tri-Valley area of Mono County is rural in nature. We have an expansive view of the Sierras and beauty in the White Mountains. The Los Angeles Department of Water and Power, who is exempt from the OVGA GSA, are the ones historically responsible for so much damage and destruction to the Owens Valley. The LADWP absence from the OVGA plan renders much of the assumption about injurious conditions to Fish Slough mute if the LADWP operations in Inyo County and Fish Slough are not addressed in the Groundwater Sustainability Plan.

9. Finally, the GSP should note TVGMD's request of February, 2021 that OVGA amend its boundaries to exclude lands within TVGMD's jurisdiction. OVGA has refused to take any action on Tri-Valley's request. A meeting held with Inyo County and DWR has resulted in the proverbial drag your feet and do nothing by OVGA, its board, and staff.

Respectfully submitted,

Carol Ann Mitchell

Carol Ann Mitchell
Chalfant Valley resident
Chairman, TVGMD

Sent via Electronic & Regular Mail

November 8, 2021

RECEIVED

NOV 16 2021

Inyo County Water Dept.

Owens Valley Groundwater Authority Board of Directors
Aaron Steinwand, OVGA Executive Director
c/o Inyo County Water Department
P.O. Box 337
Independence, CA 93526
asteinwand@inyocounty.us

SUBJECT: OWENS VALLEY GROUNDWATER BASIN GROUNDWATER SUSTAINABILITY PLAN PUBLIC REVIEW DRAFT

Honorable Members of the Board and Dr. Steinwand:

I want to preface my comments by recognizing and commending the tremendous leadership the Owens Valley Groundwater Authority Board of Directors and staff have exhibited in persevering to prepare and adopt a Groundwater Sustainability Plan for the Owens Valley Groundwater Basin even though the Basin is currently ranked "low priority," and the preparation of a GSP is not required at this time. I believe and hope that being proactive in this respect, and preparing the GSP absent the specter of an emergency and State mandates, will ultimately result in a more thoughtful, practical and effective plan to protect and maintain the sustainability of our groundwater basin. It is in this spirit that I offer the following comments regarding the Draft GSP:

Comment #1: Future projects and management actions, including the imposition of fees, should only be implemented if absolutely necessary and must not unduly burden or threaten the viability of existing residences.

I appreciate the GSP's sustainability goal *"to monitor and manage the Basin by [first] implementing a groundwater monitoring network and database and [then] adopting management actions that fairly consider the needs of and protect the groundwater resources for all beneficial users in the Basin"* and recognize that the adoption of any future management actions will be undertaken through a public process. However, given the Basin's current low priority ranking, the GSP should emphasize the possible adoption of management actions in the future – including but not limited to commenting, regulating or issuing well drilling permits; regulating domestic groundwater pumping; and, the imposition of fees related thereto – will only be considered or undertaken after the groundwater monitoring network and database are fully established and the resulting data demonstrates a negative change in existing conditions that are independent of, or unrelated to the City of Los Angeles Department of Water and Power's groundwater pumping in the adjudicated portions of the Basin.

I support the need to manage the Basin in a manner that fairly considers the needs of and protects the groundwater resources for all beneficial users in the Basin, and avoids negative consequences to groundwater sustainability, the environment, local economy, and residents; AND, I believe that the needs of current residences and their human population needs to be prioritized as a first among equals.

11/8/21

I am an owner of Pine Creek Village (formerly known as Rovana) in Round Valley in the northwest portion of the Basin. Pine Creek Village is comprised of 85 single-family detached homes providing non-subsidized low-income rental housing to Inyo County. Our domestic water system is served by three existing groundwater wells with varying functional capacities. It is entirely possible that these wells may need to be replaced or even relocated in the future. In response to the current drought, Pine Creek Village has cut its groundwater pumping for the domestic water system by-more-than half by limiting and now prohibiting the use of water for landscape irrigation. Doing the right thing, however, has come at the expense of our established residential landscaping, particularly trees and shrubs, and decreased property values and diminished aesthetic appeal. Future management actions contemplated in the GSP should not impact the ability of established communities, such as Pine Creek Village which has existed since 1947, to access and utilize historical groundwater amounts.

Comment #2. Privately-owned, public water systems such as Pine Creek Village seem to have been omitted from identification among *"the main agencies or programs conducting groundwater monitoring in the Basin."*

Comment #3: The GSP should firmly acknowledge that possible future management actions contemplated in the GSP recognize, account for, and be scaled in proportion to the amount of groundwater pumped in the non-adjudicated portion of the Basin relative to the LADWP's significantly greater groundwater pumping in the adjudicated portion of the Basin and its associated impacts on the non-adjudicated portion of the Basin.

Pine Creek Village is located upgradient, and on the northwest boundary of the Basin, and is neighbored (with minor buffers of land managed by the Bureau of Land Management and California Department of Wildlife) by City of Los Angeles-owned land to the north, east and southwest. Similar to remarks made by other commentors, private property like Pine Creek Village should not be unduly penalized by potential future management actions for impacts created by the LADWP's pumping, or potential to pump groundwater on nearby adjudicated portions of the Basin.

Comment #4. The groundwater dependent ecosystems (GDE) identified State Department of Water Resources indicators of GDE database (iGDE) are often inaccurate and should not be relied upon.

The iGDE database for the area around Pine Creek Village does not accurately reflect actual conditions and should be removed by the Inyo County Water Department.

Comment #5. The existing groundwater monitoring network for Round Valley appears inadequate for basing future management decisions.

Representative monitoring locations identified in the GSP for which historical water hydrographs are available (T750 and T751) are located, in relation to Pine Creek Village, miles away and down-gradient and, ironically, managed by the LADWP. Similar to the lack of historical hydrograph data from wells nearer to Pine Creek Village, the location of these LADWP wells for which historical data is available is inadequate for informing or triggering future management decisions which could adversely impact Pine Creek Village.

I understand from conversations with OVGA staff that the inadequacy of the current monitoring network in this portion of the Basin is acknowledged as needing to be improved, but also understand that doing so is not a high priority relative to monitoring network needs in other parts of the Basin. When appropriate, Pine Creek Village

11/8/21

welcomes the opportunity to work with the OVGA to explore the feasibility of using its groundwater wells as additional monitoring locations.

Comment #6. The GSP properly distinguishes and opposes groundwater export from the Eastern Sierra that would result in negative consequences to groundwater sustainability, the environment, local economy, and residents.

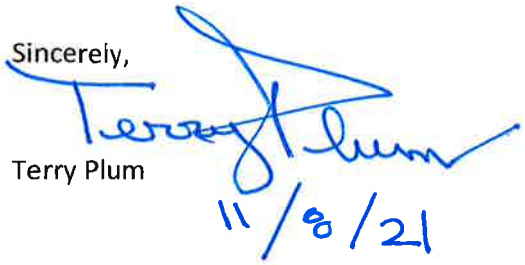
Comment #7. The GSP should affirmatively state that future management actions will in no manner serve to further impede the development of housing on private lands in the Basin.

The need for additional housing within the Basin is well documented in, among other places, planning documents and policies promulgated by the City of Bishop, and Inyo and Mono counties. In our region, the scarcity of opportunity to develop additional housing is a reflection of land tenure patterns that result in less than two-percent (2%) of land in Inyo County being privately-owned, with slightly more in Mono County. Furthermore, most of the undeveloped, privately-owned land in Inyo County is located in the southwest portion of the county, miles from the Owens Valley Groundwater Basin. Assuming that housing could be developed on existing, privately-owned, undeveloped land within the Basin – that the numerous existing barriers and challenges to building homes could be overcome and economic incentives identified – the net gain in new residences and associated water needs would be relatively minor compared to existing residences, and especially relative to the groundwater pumped from adjudicated portions of the Basin by LADWP.

As an owner of property in Inyo and Mono counties, separate from Pine Creek Village, I am concerned about any possible future management actions stemming from the GSP that could impede the already challenging and acknowledged slim likelihood of being able to develop additional housing for the community; especially when any such development would be miniscule relative to existing housing and water needs, and the amount of groundwater pumped by LADWP. One example of a significant amount of privately-owned, undeveloped (but developable) land that could be negatively impacted by future water management actions insensitive to the region's housing needs is located on Mustang Mesa, across the highway from Pine Creek Village. These concerns can be lessened by incorporating an affirmative statement or statements in the GSP that it recognizes (1) The region's critical need for additional housing; (2) the limited amount of land available to build housing; and, (3) the reality that any new housing construction will be limited in scale and impact; and then (4) that future management actions identified or contemplated in the GSP will not limit future housing development.

Thank you for your consideration of these comments, and good luck!

Sincerely,



Terry Plum

11/8/21

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

November 1, 2021

Sent via email

Dr. Aaron Steinwand
Owens Valley Groundwater Authority Executive Manager
P.O. Box 337
135 S. Jackson Street
Independence, CA 93526
asteinwand@inyocounty.us

Subject: California Department of Fish and Wildlife Comments on the Draft Owens Valley Groundwater Authority Groundwater Sustainability Plan

Dear Dr. Steinwand:

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Owens Valley Groundwater Authority (OVGA) Draft Groundwater Sustainability Plan (GSP) prepared in accordance with the Sustainable Groundwater Management Act (SGMA) statutory and regulatory requirements. The Draft GSP describes the Owens Valley groundwater basin which includes the Owens Valley, Owens Lake and the Fish Slough and Tri-Valley Management Area (Basin), develops quantifiable management objectives that account for the interests of beneficial groundwater uses and users, and identifies a group of management actions that will maintain sustainable conditions in the Basin for 20 years after GSP adoption. The Draft GSP also contains steps a Groundwater Sustainability Agency (GSA) could undertake to manage groundwater pumping in the Basin to address declining water levels in a portion of the Basin.

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species (Fish & G. Code, §§ 711.7 and 1802). CDFW has an interest in the sustainable management of groundwater, as many sensitive ecosystems, species, and public trust resources depend on groundwater and interconnected surface waters, including ecosystems on CDFW-owned and managed lands.

COMMENTS AND RECOMMENDATIONS

Pursuant to 23 CCR §354.16, GSPs are required to provide a description of current and historical groundwater conditions within the Basin. As part of that requirement (23 CCR §354.16 (a)(1 & 2), the GSP must provide groundwater level elevation contour maps depicting the groundwater table or potentiometric surface associated with current seasonal highs and seasonal lows and hydrographs depicting hydraulic gradients within or between

principal aquifers. The Draft GSP does not provide groundwater elevation contour maps for recent and current groundwater conditions or hydrographs depicting hydraulic gradients between aquifers for the management areas discussed within the Draft GSP. CDFW acknowledges that the GSP indicates (Chapter 4) that it will develop and implement projects within the designated management areas to address these data gaps and will update the plan as additional groundwater level data sets are obtained. As part of this process, CDFW recommends that the OVGA develop a more robust groundwater elevation monitoring network which includes the construction of dedicated multiple completion monitoring wells capable of better characterizing groundwater trends and gradients (vertical gradients) within or between principal aquifer units located in each of respective management area described in the GSP document.

As briefly discussed above, the Draft GSP provides a good discussion in Chapter 4 regarding proposed projects and management actions needed to better characterize groundwater conditions within management areas. More specifically, CDFW agrees that the actions listed regarding the Tri-Valley Management Area are needed and warranted. Additionally, CDFW agrees that a Tri-Valley Management Area groundwater model is needed to better characterize groundwater conditions and their connection to Fish Slough. CDFW believes that utilizing existing well structures within the Tri-Valley Management Area is beneficial in developing a better understanding of groundwater conditions where wells are located within the Basin; however, there is a discernable data gap in existing well coverage where additional information is needed to define the connection between Fish Slough and the Tri-Valley aquifer system.

CDFW believes that strategically placed, depth-specific, multi-completion monitoring wells are needed to adequately define the connection between Fish Slough and the Tri-Valley aquifer system. CDFW recently completed a hydrogeological characterization of Fish Slough and the Tri-Valley area and prepared a Groundwater Monitoring Plan that provides recommendations for additional monitoring well structures and locations to assist in characterizing the interaction between Fish Slough and the Tri-Valley aquifer system. This document can be provided upon request to assist the GSA if needed. CDFW acknowledges that the Draft GSP identifies, within Chapter 4, the need for additional monitoring wells within the management area to assist in characterizing groundwater conditions; however, the Draft GSP does not provide a discussion regarding potential locations and depths of these monitoring structures or the benefits of their installation.

CDFW recommends that the Final GSP include a discussion regarding the benefits of multiple completion monitoring wells, the types of data sets they can provide (e.g., depth, specific water level/water quality data, characterization of vertical gradients, etc.), and identify proposed locations within the Tri-Valley management area where these structures would provide the most beneficial information (i.e., the connection between Fish Slough and the Tri-Valley aquifer system).

CDFW also offers the following corrections and requests for clarification:

Page 22, ES 3.2.1

- "*The steady water table decline is concerning, but it is unlikely that the undesirable results related to sustainable yield or available groundwater storage will be exceeded or that a decreased ability to maintain status quo pumping during droughts based on storage constraints will occur during the GSP implementation.*" CDFW does not agree that status quo pumping is compatible with protection of groundwater dependent ecosystems.

- *"Severe pumping overdraft (which does not presently exist) could cause land subsidence resulting in general infrastructure damage or migration of lower quality deeper groundwater requiring treatment or loss of potable water, but these are unlikely to occur at the current rate of groundwater level decline.*"

  CDFW does not agree with the conclusion that pumping overdraft does not exist in the Basin.

Page 25, ES 3.3.1

- "*The CDFW monitor and manage the spring flow for the benefit of the listed species and habitat*".

  CDFW presently does not monitor any spring flow. All gauges are operated by the City of Los Angeles. Inyo County maintains pressure transducers in the monitoring wells and provides data to CDFW upon request.

- "*The minimum threshold represents the minimum flow rate that is necessary to allow management of flows to maintain current habitat conditions according to the CDFW*".

  CDFW recommends that the methodology to arrive at the threshold is noted, or a citation provided so that the source can be tracked down more specifically in the future.

Page 30 ES 3.4.3

- "*As long as groundwater demand does not significantly increase or groundwater inflows do not significantly decrease, maintaining current groundwater levels will keep the management area in a sustainable condition.*"

  CDFW requests clarification on whether this statement considered the Los Angeles Department of Water and Power test well pumping for dust mitigation.

CDFW appreciates the opportunity to provide comments on the OVGA Draft GSP. Questions regarding this letter or further coordination should be directed to Rose Banks, Environmental Scientist, at (760) 218-0022 or Rose.Banks@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

ec: California Department of Fish and Wildlife
Trisha Moyer
Habitat Conservation Supervisor
Inland Deserts Region North
Patricia.Moyer@wildlife.ca.gov

Bryan Demucha
Engineering Geologist
Bryan.Demucha@wildlife.ca.gov

Aaron Johnson
Senior Environmental Scientist, Supervisor
Aaron.Johnson@wildlife.ca.gov

Nick Buckmaster
Environmental Scientist
Nick.Buckmaster@wildlife.ca.gov

Inyo County Water Department
Laura Piper
Administrative Analyst
lpiper@inyocounty.us

Bristlecone Chapter of the California Native Plant Society
PO Box 364, Bishop, CA 93515

November 8, 2021

Owens Valley Groundwater Authority Board
Via email: lpiper@inyocounty.us

Re: OVGA Groundwater Sustainability Plan

Dear Board Members,

The Bristlecone Chapter of California Native Plant Society appreciates the opportunity to comment on the draft Groundwater Sustainability Plan (GSP) for the Owens Valley Groundwater Basin (Basin). We recognize the Division of Water Resources (DWR) has designated the Owens Valley as a low priority basin under the Sustainable Groundwater Management Act (SGMA). Under SGMA, the Owens Valley Groundwater Authority (OVGA) is therefore not required to develop a GSP. We are therefore very grateful that the OVGA chose to go through the demanding process of developing the GSP.

The California Native Plant Society (CNPS) is a non-profit organization working to protect California's native plant heritage and preserve it for future generations. Our nearly 10,000 members are professionals and volunteers who work to promote native plant conservation through 33 chapters statewide. Our local CNPS Bristlecone Chapter has members from Inyo and Mono counties, as well as throughout California.

Our organization is concerned with the conservation of California native plants and their habitats, and we have interest in the goals set forth in the OVGA mission statement: *The Owens Valley Groundwater Authority safeguards the sustainability of the Owens Valley Groundwater Basin through locally tailored management of groundwater resources to protect and sustain the environment, local residents and communities, agriculture, and the economy.* Below is our assessment of portions of the GSP that bearing on native plant species and their habitats.

I. Sensitive plant species and natural communities

Our chapter was pleased to see the attention given to sensitive plant species and natural communities within the Basin detailed in the draft GSP. These are documented in Appendix 9, Owens Valley GDE Assessment authored by Stillwater Sciences and summarized in Tables 3.1-3 and 3.1-4 of Appendix 9. We caution that while CNDDB data may represent a portion of the best information available for special status species, other sources and future research may reveal new occurrences, which unfortunately are often subject to multi-year CNDDB backlogs.

Bristlecone Chapter of the California Native Plant Society
PO Box 364, Bishop, CA 93515

We intend to reach out to ICWD and local CDFW staff to inquire about a process for our chapter to report new sensitive species occurrences for inclusion in relevant map updates. We appreciate the incorporation of local expertise and ground-truthing provided by ICWD in regards to phreatophytic species. We support additional remote sensing efforts, especially when informed by an appropriate level of field verifications. Overall, the information in the draft GSP provides an encouraging view of the Basin outside of the lands and groundwater resources covered by the Long Term Water Agreement (LTWA). Many springs and groundwater-dependent ecosystems (GDEs) appear to thrive within the Basin.

II. Groundwater Declines in Tri Valley and Fish Slough

Although the Basin has been classified as low priority by DWR, the northern part of the Basin within the management areas of Tri-Valley and Fish Slough have seen declines in groundwater levels. Of real concern is the Fish Slough area, with its populations of special status species, including eight plant species (Appendix 9). Hydrologists believe Tri Valley groundwater feeds into Fish Slough based on water chemistry, but that there is no hydrological connection between Tri Valley and the Laws area within the LTWA. However, there is uncertainty about the interconnectedness of these aquifers.

The Owens Valley has lost many springs and seeps within the area covered by the LTWA. In arid landscapes like the Eastern Sierra, the springs once lost or degraded are very difficult to recover. The Bristlecone Chapter recognizes the value placed on Fish Slough by OVGA Board Members and by Inyo and Mono County citizens.

The Bristlecone Chapter endorses:

- The recommendations in ES 4.4 to pursue funding for and development of a Tri Valley Model to understand the hydrology as it impacts Fish Slough.
- The recommendations to develop a pumping plan for Tri Valley in cooperation with private well owners and agricultural interests.

The Bristlecone Chapter recommends:

- Consultation with US Fish and Wildlife Service (USFWS) and California Division of Fish and Wildlife (CDFW) about impacts of groundwater use on special status species.

III. Owens Lake Groundwater Development Program (OLGDP)

Bristlecone Chapter of the California Native Plant Society
PO Box 364, Bishop, CA 93515

The lakebed of Owen Lake presents several unique challenges that makes it different from the other management areas in the Basin. The lands are mostly owned and managed by the California State Lands Commission (CSLC). CSLC therefore has authority over leases for management of the lakebed. It might or might not be subject to the LTWA but is included in this GSP as a management area. It is presently managed by Los Angeles Department of Water and Power (LADWP) to control dust so is a highly manipulated environment. Despite its barren and managed areas, it has the most GDEs of any of the management areas in the GSP. These occur along the margins of the lakebed where seeps and springs emerge on to the playas. The GDEs contain special status plants (i.e. Owens Valley checkerbloom) and sensitive natural communities.

The CSLC expressed interest in participating as a partner in the development of the Basin GSP. However, OVGA board members decided that a later participation in the in OLGDP would be more productive. The OLGDP's purpose is to replace the use of high-quality water with more saline water pumped from beneath the lake bed. However, it is unclear whether this will create another wellfield that leads to more export from the Owens Valley.

There has been a long-running Advisory Committee assisting with the evaluating the potential of groundwater pumping on Owens Lake. Represented were the CSLC, county representatives including ICWD, tribal representatives, CDFW, environmental groups, Great Basin Unified Air Pollution Control District (GBUAPCD), and private well owners and industries such as Rio Tinto and Crystal Geyser. A subcommittee of this advisory group developed monitoring protocols to measure changes in vegetation. Areas of high-quality bird habitat have been developed. These are in addition Wildlife Management Areas managed by CDFW. However, recently the Advisory Group has met only twice in the past two years.

The Bristlecone Chapter endorses:

- Participation of OVGA in the OLWDP. These meetings should include members of the Advisory Committee who have invested many hours and much expertise.

The Bristlecone Chapter recommends:

- OVGA should consult closely with CSLC in the development of lease terms for protection of vegetative resources and depth to groundwater. Lease terms can be made binding in lease terms, conditions and possibilities of suspension of the leases for non-compliance.

Bristlecone Chapter of the California Native Plant Society
PO Box 364, Bishop, CA 93515

- As with Fish Slough, OVGA should consult with CDFW and USFWS regarding impacts of groundwater use on special status species and natural communities
- OVGA should develop a position on how groundwater pumping affects not just groundwater levels, GDEs, and subsidence, but also if it leads to more net export of water from Owens Valley

IV. Coordination with LTWA

We share concerns with other organizations and community members regarding the separate management plans, the GSP and the LTWA, which govern groundwater resources in the Owens Valley Groundwater Basin area. Ideally, these ecologically connected areas would be managed under a single plan, but we understand these are treated as adjudicated areas under SGMA. We hope the OVGA will leverage opportunities to coordinate with LADWP in mitigating environmental impacts associated with groundwater extraction occurring with the Basin. Under SGMA, the OVGA has jurisdiction over groundwater resources adjacent to adjudicated areas, which certainly will be affected by water management by LADWP, including diversion of surface water resources, artesian wells, and pumping of 50,000-95,000 acre-feet each year.

We would like to call DWR's attention to the history of damaged GDEs in the adjudicated areas which have not been mitigated as promised, and springs and seeps which have disappeared or are seriously diminished in flow and associated vegetation. The LTWA provides insufficient enforcement for mitigation projects and effectively no control over annual pumping plans. LADWP owns a significant portion of the groundwater resources in the Owens Valley and is a politically and economically powerful agency which appears to have ignored obligations it has committed to. Examples of these include Five Bridges, Hines Springs, Little Black Rock Springs and many mitigation projects[1]. .LADWP routinely disregards recommendations by Inyo County Water Department (ICWD) on pumping levels, even in times of drought. In addition, LADWP has approved the deepening of several wells over a period of years to access deeper aquifers. To the knowledge of the Bristlecone Chapter, no meaningful environmental assessment has evaluated the cumulative impacts of these "replacement" wells.

The Bristlecone Chapter recommends:

---

[1] Read an article mourning of the loss of Little Black Rock Springs in the Bristlecone Newsletter July 1989 Vol 8 No 4 by botanist Mary DeDecker

Bristlecone Chapter of the California Native Plant Society
PO Box 364, Bishop, CA 93515

- The GSP should reflect that the LTWA is an MOU, not a court-ordered adjudication[2].
- In current or future iterations of the GSP, OVGA should advocate for legislative and regulatory language that includes LTWA areas within the Basin governed under SGMA.
- OVGA encourage the City of Los Angeles and LADWP to include OVGA, tribal leaders, community members and other in important planning efforts such as Operation NEXT and the five-year cycle of the Urban Water Management Plan.
- Well registration, reporting and permit review as recommended in ES 4.1 and ES 4.2 should be applied to all proposed wells in the Owens Valley, including those considered as replacement wells. Applications for new or replacement wells should be available to the public in an easy-to-use form.
- Monitoring of depth to groundwater as recommended in in ES 4.3 should include data and modeling obtained from LADWP.

V. Minor Comments

- Page 140 of draft GSP. Response to public comment #109 says, "See response to #92," but comment #92 appears to be about a different topic. Please clarify the response to #109.

Again, thank you for the opportunity to participate in the development of the GSP. The OVGA has done a great job of assessing current conditions, identifying data gaps, and making recommendations. There is much more work to be done, but thank you for your commitment to the inhabitants of the Owens Valley Groundwater Basin.

Best regards,

Maria Jesus
Conservation Chair
CNPS Bristlecone Chapter

---

[2] SB 1168: 10720.8 (c) Any groundwater basin or portion of a groundwater basin in Inyo County managed pursuant to the terms of the stipulated judgment in City of Los Angeles v. Board of Supervisors of the County of Inyo, et al. (Inyo County Case No. 12908) shall be treated as an adjudicated area pursuant to this section.

Ways to comment on the Owens Valley Groundwater Sustainability Plan

COMMENT DEADLINE IS NOVEMBER 8, 2021

Computer: Go to ovga.us/gsa-plan/. You may leave your comment at the bottom of the page. You may also upload your comment in a word document into the web page.

Mail: Send your comments to the Owens Valley Groundwater Authority:

Street Address
135 Jackson Street
Independence, CA 93526
Mailing Address
P.O. Box 337
Independence, CA 93526

RECEIVED
NOV - 1 2021
Inyo County Water Dept.

Email: You may email your comments to: ovga.us/contact-us/

USE THIS COMMENT FORM:

NAME Frank and Patricia Hernandez DATE 10-26-21

ADDRESS: 582 Dawson Ranch Rd. Hammil Valley CA. 93514

YOUR COMMENT ON OVGA PLAN: Please Respect our Rights as Property Owners! We moved Here From the City To Enjoy the Beauty, Peace and Quiet and Privacy that this Valley offers. We have Purchased and maintained our own private Well with No Restrictions. Property was Declared a Flood Zone a few years ago - this was not so when we Purchased Property. So Now it is difficult for a person to get a Loan, and if financed Flood Insurance is Very Expensive. Monitoring our Wells, and Eventually telling us How much Water We can use - this after it has been Pumped. Would not make this Property Worth Anything! We Do not want anyone on our Property! We have Locked Gates for a Reason. Please Leave us and our Valleys Alone. Sell your Water! No! No!

Thank you

Patricia Hernandez

Laura Piper

From: Joyce Geissinger <joycegeissinger@gmail.com>
Sent: Sunday, November 7, 2021 10:10 PM
To: info@ovga.us
Subject: Water Authority; Inyo/Mono County

ovga, I'm going to get right to the point here, it seems as though we are running out of time. You know and I know this whole drought epidemic is uncalled for. Geoengineering , Weather Modification ; Chemtrails to be more specific are the root cause of this terrible drought we've been experiencing in the western states for too long. You have no authority to come after us citizens with rules and regulations to control our water use. But you do have the duty to go to the actual people who are responsible for making the Chemtrails which have pushed damn near every good rain and snow storm away from this area. It must stop !!! In the last 2 weeks alone I witnessed 2 or 3 good storms Chemtrailed away. We The People want Justice now ! Fairness now ! Not NWO

I'll be waiting for a positive reply thank you,

Joyce Geissinger
P.O. Box 991
Bishop, CA 93515
760-937-2732
joycegeissinger@gmail.com

C. Klingler
940 Starlite Dr.
Bishop, CA 93514

Owens Valley Groundwater Authority
c/o Inyo County Water Department
135 S. Jackson St.
Independence, CA 93526

To whom it may concern,

Thanks very much for the opportunity to comment on the Draft Groundwater Sustainability Plan. A few comments and concerns follow.

I. The standards for "undesirable conditions" are set too low.

A. Conditions are not "overall sustainable" in a basin when one or more species are being pushed significantly towards extinction due to groundwater conditions somewhere in the basin. Criteria for undesirable conditions should be changed in the GSP.

Authors of the report observe on p. 236 that "There are currently no documented undesirable results for the indicators throughout the Basin reflecting the overall sustainable conditions." Given that
1) extremely undesirable results are occurring in the basin—e.g., loss of groundwater-dependent marshes in northeast Fish Slough, corresponding losses in populations of Owens Valley speckled dace and Owens pupfish, and, presumably loss of any remaining springsnails dependent on the Northeast Springs of Fish Slough,

and 2) the standards *already* exclude a large portion of the basin, i.e., lands that are treated as adjudicated and excluded from consideration for the GSP,

3) the failure to rate such conditions as undesirable results for the Basin as a whole suggests that standards for undesirable conditions are flawed, not that conditions are sustainable.

Significant population losses for species that are already close to extinction *due to changes in groundwater conditions* should register as unsustainable for the Basin as a whole. If a species has become so rare within a basin that a change in groundwater conditions in one portion of the basin can significantly affect the species' future chances of existence *in the universe at large*—not just in the basin—that should be rated as an undesirable indicator for the whole basin. **When conditions are so dire that a change in one portion of the basin pushes an entire species—or several—significantly closer to extinction, GSP monitoring standards should not indicate that conditions are "overall sustainable."**

B. Thresholds for subsidence should be set at zero or close to zero, not 3.6".

1) Setting subsidence standards at unrealistic levels for the Owens Valley is a warning signal that planners are setting thresholds that will never be triggered. Given that subsidence appears to be extremely rare, is mostly unrecorded, and has only been recorded at Owens Lake at 0.43" (see GSP appendix 8), a subsidence of even one-half inch should be regarded as an indicator that something has gone wrong.

2) Subsidence should not be regarded with equanimity in any portion of the basin, particularly at the Owens Lake. Even if the "majority of subsidence" there is elastic in terms of the ability of compressed layers to recover, subterranean species (e.g., spadefoot toads, Western toads, any one of the Owens Valley's endemic tiger beetle subspecies, etc.) are not elastic when trapped beneath dry, compressed soil or clay. Furthermore, groundwater pumping enough to produce subsidence may affect spring flow, which would affect other special status species such as springsnails. The GSP should neither create special status species by pushing stable species into less stable conditions nor push already rare species closer to extinction.

C. GSP authors should avoid misleading language with regard to current conditions. Instead, the OVGA should 1) acknowledge real-world conditions, including that even if LADWP has not joined the OVGA, Los Angeles' practices in the Owens Valley will affect sustainability and 2) adopt language that indicates that the 1991 LTWA and 1997 MOU will be strictly enforced to protect OVGA stakeholders.

The authors of the report postulate that "the Basin is currently ranked by DWR as a low priority basin suggesting that as a whole, groundwater in the basin is managed sustainably with respect to SGMA." (p. 233) That is not what the DWR ranking reflects. If DWR had included the entire basin in its calculations, rather than being petitioned to exclude LADWP groundwater pumping and exports and to treat the basin as adjudicated, the basin would not appear to be managed sustainably. The basin also does not appear to be managed sustainably in light of Appendix 12 hydrographs, some of which indicated that monitoring wells occasionally run dry and groundwater tables sometimes drop well below rooting zones. Such hydrographs don't indicate resilient groundwater tables. In addition, groundwater doesn't respect DWR boundaries. The GSP should, at the very least, include commitments to enforce agreements within the treated-as-adjudicated lands and set firm standards that prevent LADWP from adopting significant new groundwater pumping plans or harming lands and stakeholders outside the borders of land treated as adjudicated, especially at the Owens Lake.

D. At a general level, the GSP should strive for resiliency rather than chronic illness. The GSP does not call for improving conditions; instead, standards are set to respond to dire emergencies and allow current conditions—which would ordinarily not be regarded as low-priority by state standards—to either remain the same or get worse (i.e., be maintained at levels "at or above those during the 2012-2016 drought" (p. 26). Even if OVGA stakeholders are reluctant to commit to on-the-ground improvement, why not include aspirational components in the GSP mission statement? Healthy groundwater-dependent ecosystems are more resilient in emergencies and are more sustainable than drought-stressed vegetation that is subjected to outdated pumping strategies and climate-change-driven increases in temperatures and evaporation rates that would be difficult to adapt to even without groundwater table depletions. Sustainability at the least should include the goal to *first, try to do no harm.* Searching for opportunities to improve conditions should not be excluded from the GSP.

Sincerely,
Ceal Klingler

Los Angeles Department of Water & Power

BUILDING A STRONGER L.A.

Eric Garcetti, Mayor

Board of Commissioners
Cynthia McClain-Hill, President
Susana Reyes, Vice President
Jill Banks Barad-Hopkins
Mia Lehrer
Nicole Neeman Brady
Yvette L. Furr, Acting Secretary

Martin L. Adams, General Manager and Chief Engineer

November 4, 2021

Board of Directors
Owens Valley Groundwater Authority
P.O. Box 337
Independence, California 93526

Dear Owens Valley Groundwater Authority Board Members:

Subject: Comments on the Owens Valley Groundwater Basin – Groundwater Sustainability Plan - Public Review Draft (September 23, 2021)

The Los Angeles Department of Water and Power (LADWP) greatly appreciates the opportunity to comment on the public review draft of the Groundwater Sustainability Plan (GSP) for the Owens Valley Basin. We recognize the significant work effort by the Groundwater Sustainability Agency (GSA) members and consultants represented by this document. The document is well written and illustrated.

The attached table (Attachment A) lists LADWP comments on the GSP, referenced to the text and page numbers of the document. Of this list of comments, our main concern is with the minimum thresholds for the Owens Valley and Owens Lake management areas, which are inconsistent with the Sustainable Groundwater Management Act (SGMA), under which the document was prepared. While minimum thresholds as defined by the SGMA are to represent significant and unreasonable, unsustainable conditions, the GSA has defined the minimum thresholds as represented in temporary drought conditions that did not cause unsustainable conditions, and from which the basin fully recovered afterward.

The GSP contains no technical information to support minimum thresholds based on the 2012-2016 drought in either the Owens Valley or Owens Lake Management areas. As noted throughout the document, significant and unreasonable undesirable conditions were not observed during this time period. GSP Regulations §354.28(b)(1) states that "The justification for the minimum threshold shall be supported by information provided in the basin setting, and other data or models as appropriate, and qualified by uncertainty in the understanding of the basin setting." Such justification is not provided in the GSP.

As noted by the Department of Water Resources in Best Management Practices for Sustainable Management Criteria (2017), undesirable results occur when conditions related to any of the six sustainability indicators become significant and unreasonable. It also states that GSA must consider and document the conditions at which each of the six sustainability indicators become significant and unreasonable. The GSP has not demonstrated how the proposed minimum thresholds in the Owens Valley and Owens Lake Management areas constitute significant and unreasonable conditions.

In addition, the California Water Code §10721(x)(1) states that: "Undesirable result" means the effects caused by groundwater conditions throughout the basin, including: "chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and groundwater recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods."

Thus, the minimum threshold must account for long-term chronic lowering throughout the basin or management area, and not just one or several localized wells or monitoring locations, and temporary drought conditions which later recover from recharge (as occurred in both the Owens Valley and Owens Lake Management areas in 2017) are not sufficient to establish a chronic lowering of groundwater levels or a significant or unreasonable, undesirable result.

While the GSP does not define minimum thresholds in terms of occurrence of basin-wide (or management area-wide) undesirable results, the LADWP has developed a monitoring network at Owens Lake specifically designed to monitor and protect groundwater-dependent resources. LADWP has also developed resource protection protocols (analogous to minimum thresholds) conservatively linked to undesirable results. We invite the GSP to incorporate this work, which is fully aligned with the SGMA and is publicly available.

LADWP supports the sustainable management of groundwater in the Owens Valley and throughout the state and appreciates the work of the Owens Valley Groundwater Authority (OVGA) in these efforts. The LADWP would be happy to provide further information or assist the OVGA in modifying the draft document to align with the intent and requirements of the SGMA.

For any questions or more clarification on LADWP comments, feel free contact Saeed Jorat, Waterworks Engineer, at (213) 367-1119.

Sincerely,

Adam Perez
Manager of Aqueduct

SMJ:mt
c: Dr. Aaron Steinwand, Inyo Valley Water Department
Dr. Saeed M. Jorat

Attachment A

LADWP's Comments on the *Draft Groundwater Sustainability Plan for the Owens Valley Groundwater Basin* Dated September 23, 2021

No.	Page(s)	GSP Text or Figure Number	Comment
1	6	"These [meaning LADWP's] activities may affect the ability of the OVGA to maintain sustainable groundwater management in the basin."	There is no evidence to support this statement. Based on extensive studies by the USGS and others in the 1980s and 1990s, the Long-Term Water Agreement (LTWA, included as Appendix 2 to the Groundwater Sustainability Plan (GSP) states: "Each well field area has been included in a designated management area [now referred to as the adjudicated area]. The boundaries of each management area have been established so as to contain all vegetation that could be impacted as a result of groundwater pumping from the well field area during "worst case" conditions (multiple dry years along with heavy pumping)". If the Owens Valley Groundwater Authority (OVGA) has evidence of current or future unsustainable conditions in the Owens Valley Management Area as a result of LADWP's activities, it should be noted in the GSP. If undesirable results have not been noted in the 30-year history of the LTWA over numerous different climatic conditions, they are unlikely to occur in the future, and this should be noted in the GSP.
2	6	"The Inyo/Los Angeles LTWA contains provision to protect private wells and to prevent other significant impacts on the environment that cannot be acceptably mitigated, including in the non-adjudicated portion of the Basin."	As noted in the LTWA, "adverse effects [on private wells] shall be promptly mitigated by the Department." In the history of the LTWA, the Los Angeles Department of Water & Power (LADWP) has abided by this provision of the LTWA and will continue in the future.
3	17	"In Owens Valley and Owens Lake Management Areas, long-term recharge and discharge are approximately in equilibrium based on analysis of both water balance components and long-term monitoring showing stable groundwater levels."	This is true. As noted in several portions of the GSP, there is ample evidence that the LTWA adjudicated area as a whole has been sustainably managed by the LADWP.

4	21	"There are currently no documented undesirable results for the indicators throughout the Basin reflecting the overall sustainable conditions."	This is true. The key word is "throughout". Although there are indications of undesirable results in the Tri-Valley Management Area, there is no evidence of basin-wide undesirable results in the Owens Valley or Owens Lake Management Areas or the Owens Valley basin as a whole.
5	22	"Based on available geologic, hydrologic, and geochemical evidence, pumping in the [Tri-Valley] management area is the cause of declining water levels and spring flow in Fish Slough."	This is an important point. Recent testing of LADWP well W385 (the closest LADWP production well to Fish Slough) showed no impact to the upper reaches of Fish Slough where spring flow originates, indicating declines in Fish Slough flows are not the result of LADWP's groundwater management.
6	24	"Presently water levels are stable in the non-adjudicated portion of the [Owens Lake] management area. …Groundwater levels at present are stable and not concerning, and it is unlikely that undesirable results related to sustainable yields or available groundwater storage will occur absent increased pumping related to LADWPs OLGDP…The primary subsidence threat is future LADWP pumping under the lakebed from deeper aquifers."	This statement implies that the Owens Lake Groundwater Development Plan (OLGDP) will cause undesirable results, whereas other activities such as increased private pumping will not. In fact, the OLGDP has proposed extensive monitoring and conservative minimum thresholds to ensure sustainability (including prevention of subsidence), whereas there are no such discussions regarding other groundwater users. Other groundwater users may also cause a subsidence threat, but there are no monitoring facilities proposed to evaluate this as there are with the OLGDP.
7	25	"A well vulnerability assessment was performed for 189 domestic wells in the management area….. this number of wells being negatively affected by declining water levels is considered significant and unreasonable. Water levels in monitoring wells and Fish Slough spring flows are highly correlated. Because the water levels in Fish Slough and Tri-Valley have similar long-term declining trends (albeit at different rates), a similar extrapolation to estimate 2030 water levels based on the rate of water table decline was used to set minimum thresholds in representative monitoring wells in Fish Slough. The minimum thresholds for wells in Fish Slough represent less than 1.5 feet of additional decline. …An	This is an important analysis because the determination of an appropriate minimum threshold for the Tri-Valley Management Area is based on potential or estimated impacts to beneficial uses such as domestic wells and spring flow in Fish Slough. As noted in the later text regarding the Owens Valley and Owens Lake Management Areas, an analysis of impacts on beneficial uses was not attempted in these management areas. Instead, minimum thresholds were derived arbitrarily from hydrograph information without analysis of effects (or lack thereof) on beneficial uses. Conversely, for the Owens Lake Management Area, an analysis of impacts to beneficial uses has been performed for the OLGDP. The OLGDP information and analysis are readily available to the public on LADWP's website (http://www.LADWP.com/olg) and can be included in the GSP. Additional information is available from the Groundwater Working Group meetings in which ICWD was a co-sponsor and has access to all working group products.

		average flow rate of 0.1 cubic feet per second from the Fish Slough Northeast Spring was chosen as the minimum threshold for the interconnected surface-water depletion sustainability indicator. The minimum threshold represents the minimum flow rate that is necessary to allow management of flows to maintain current habitat conditions according to the CDFS."	Although the use of different minimum thresholds in separate management areas is consistent with SGMA regulations, the OVGA is required to explain the entirely inconsistent hydrologic and geologic rationale used in the Tri-Valley area and the two other management areas in the Owens Valley Groundwater Basin.
8	26, 235, 245, 249	"Minimum groundwater elevations observed during the 2012-2016 drought were used to establish the minimum thresholds for groundwater level declines, groundwater storage reductions and surface water depletions [in the Owens Valley Management Area]. If no data were available in a representative monitoring well during this time, the minimum groundwater elevation observed since January 1st, 2000 was used. Impacts to GDEs are preceded by declines in water levels and maintaining water levels at or above those during the 2012-2016 drought should prevent impairment of GDE caused by pumping in the non-adjudicated area."	There is no technical information to support minimum thresholds based on the 2012-2016 drought in either the Owens Valley or Owens Lake Management Areas. As noted elsewhere in the document, significant and unreasonable undesirable conditions were not observed during this time period. GSP Regulations §354.28(b)(1) states that "The justification for the minimum threshold shall be supported by information provided in the basin setting, and other data or models as appropriate, and qualified by uncertainty in the understanding of the basin setting." This justification is not provided in GSP. As noted by the Department of Water Resources in Best Management Practices for Sustainable Management Criteria (2017), undesirable results occur when conditions related to any of the six sustainability indicators become significant and unreasonable. It also states that GSA must consider and document the conditions at which each of the six sustainability indicators become significant and unreasonable. The GSP has not demonstrated how the minimum thresholds in the Owens Valley and Owens Lake Management Areas constitute significant and unreasonable conditions. In fact, it is stated that unsustainable conditions did not occur. In addition, the California Water Code §10721 x(1) states that and "undesirable result" is a groundwater condition throughout the basin that includes: "Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon. Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and groundwater recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by

			increases in groundwater levels or storage during other periods." Thus, the minimum threshold must account for chronic lowering throughout the basin, and not just one or several localized wells or monitoring locations, and temporary drought conditions which later recover from recharge (as occurred in both the Owens Valley and Owens Lake Management Areas in 2017) are not sufficient to establish a chronic lowering of groundwater levels or a significant or unreasonable undesirable result. Finally, GSP Regulation §354.28(b)(4) states that a description of minimum thresholds shall include "How minimum thresholds may affect the interests of beneficial uses and users of groundwater or land uses and property interests". As a user of groundwater with property interests in both the Owens Valley and Owens Lake Management Areas, LADWP is interested in groundwater banking or aquifer storage and recovery. As noted in the LTWA §VIII "It is recognized that development of new groundwater storage, and the implementation and operation of feasible groundwater banking and recharge facilities in the Owens Valley and in Rose Valley that will not cause significant effects on the environment may be beneficial". Groundwater banking and storage is common beneficial use in groundwater basins that would be prohibited by arbitrary minimum groundwater elevations that prohibit temporary and localized lowering of groundwater elevations during the recovery phase of groundwater banking. This was not considered as required by §354.28(b)(4), nor was LADWP's interest in the beneficial use of conserving high-quality potable water from the Owens Valley by sustainably using saline water from deep aquifers at Owens Lake to supplement high water demand for dust mitigation.
9	27	"Given that water levels in this [Owens Lake] management area fluctuate but no long-term declining trends are present that pumping stress is currently low, minimum groundwater elevations observed during the 2012-2016 drought were used to establish the minimum thresholds for groundwater level declines and groundwater storage reductions. If no data were available in a	See the comment above regarding the lack of technical justification to establish minimum thresholds. A key beneficial use of groundwater in the Owens Lake Management Area is interconnected surface water (springs and seeps). GSP regulations §354.28 c(6) states that: "The minimum threshold establish for depletion of interconnected surface water shall be supported by the following: (A) The location, quantity, and timing of depletions of interconnected surface water.

		representative monitoring well during this time, the minimum groundwater elevation observed since January 1st, 2000 was used. Maintaining water level elevation at or above historical levels is not anticipated to result in significant and unreasonable impacts in the future"	(B) A description of the groundwater and surface water model used to quantify surface water depletion. If a numerical groundwater and surface water model is not used to quantify surface water depletion, the Plan shall identify and describe an equally effective method, tool, or analytical model to accomplish the requirements of this paragraph." No numerical model or equally effective method is provided in the GSP and the model results published by LADWP in the management area are not considered. Numerical model results and analysis for the Owens Lake Management Area are publicly available on LADWP's website.
10	39, 286	"The Owens Lake Groundwater Development Program [OLGDP] has identified the sensitive resources potentially affected by the project, most of which overlap with SGMA sustainability indicators. Details of the potential pumping project including the monitoring methods and location or management triggers are not yet finalized. A fundamental principal of the OLGDP, however, is to include an adaptive management strategy to evaluate monitoring results, and based on the observations, adjust pumping, monitoring, or management triggers, or take other actions to avoid impacts to sensitive resources."	All of the sensitive resources identified in the OLGEP overlap with SGMA sustainability indicators. In fact, the proposed monitoring methods, and sustainability indicators for OLGDP are more comprehensive than the GSP because they are based on detailed evaluation of potential undesirable results supported by detailed hydrogeologic analysis and numerical modeling. Information related to the proposed OLGDP sustainability criteria is publicly available on LADWP's website and/or through the groundwater working group. The GSP text is correct in noting that the OLGDP includes an adaptive management strategy using aquifer testing, starting with conservative low pumping rates, and detailed management triggers (minimum thresholds) to protect beneficial uses. It is important to note that the minimum thresholds proposed in the GSP based on the 2012 to 2016 drought will prevent the adaptive management strategy because necessary temporary testing may not be possible if minimum thresholds are based on the 2012 to 2016 drought which had little effect on deep aquifers.
11	39	"Given the various sources of uncertainty regarding oversight for the OLGDP, this GSP was prepared assuming it could apply to the lakebed and be amended in the future."	It is unclear how and when the GSP should be amended, or why it would need to be amended if the GSP were properly applied to the Owens Lake Management Area during initial development.
12	75, 221	"The LADWP chose not to provide groundwater models of the valley nor information contained in the models pertaining to water balance and	This is a misrepresentation. The water balance from the OLGEP study of Owens Lake is cited in the GSP (page 223). A complete listing of information about the OLGEP model (Owens Lake Management Area) is publicly available on LADWP's website. The Inyo County Water Department (ICWD) participated in the development of

		related requirements of the GSP."	the Owens Lake model through the Blue Ribbon panel (The OVGA did not exist at the time). LADWP is currently working cooperatively with ICWD on improvements to the Bishop Wellfield model and anticipates doing so in future Owens Valley Management Area model updates. Danskin's 1998 USGS work provides more than enough information for a water balance evaluation for the Owens Valley Management Area.
13	77	"When this flow reaches the Owens (dry) Lake delta, it is either used for dust control or pumped back to the Los Angeles Aqueduct."	Flow is also released onto the Owens Lake delta by LADWP for habitat preservation.
14	86	"The OVGA may evaluate whether these resource protection criteria [referring to OLGDP resource protection protocols] are suitable for inclusion in the GSP as sustainability criteria for resource at Owens Lake."	The resource protection criteria from the OLGEP is currently suitable for the GSP because they are based on a more technically sound basis and supported by numerical modeling. The LADWP will continue to work with stakeholders in Owens Valley (including the OVGA) as OLGDP is being developed and will provide additional information for resource protection protocols for the GSP if requested.
15	89	"Los Angeles exports approximately 100,000 – 500,000 AFY from Owens Valley for municipal use in Los Angeles, and extracts approximately 50,000-95,000 AFY of groundwater, with annual amounts of varying with runoff conditions. These activities may affect the ability of the Owens Valley Groundwater Authority to achieve sustainable groundwater management in the basin."	It should be noted that the entirety of water extracted (or pumped) by LADWP is used to supply (directly or indirectly) in-valley demands including irrigated lands, town water systems, Enhancement/Mitigation projects, and Owens Lake dust mitigation project…and not for export. Much of this water percolates back to the aquifer, supporting sustainable groundwater management and the economy of the valley. As noted in the GSP document, there is ample evidence that the Owens Valley Management Area has been and currently is sustainably managed.
16	90	"Depending on the terms of such an agreement, Los Angeles may be motivated to increase water transfers from the Owens Valley to maximize water diversions to Indian Wells Valley."	LADWP has no agreement with Indian Wells, however, exchanging Los Angeles Aqueduct water for State Water Project water is a potential example of efficient water management in California that could save the State's crucial public funds and other resources. Such a project also may increase reliability and reduce export from Inyo County by providing storage in wet and very wet years for use in drought periods.
17	90	"Groundwater production in the Owens Basin for export and use in the Indian Wells Basin would be subject to SGMA."	All of the groundwater production by LADWP in Owens Valley are used directly or indirectly in Owens Valley Basin. Exported water from Owens Valley is primarily surface water from Eastern Sierra runoff.

18	219	"Potential pumping effects on GDEs are the subject of LADWP's ongoing studies"	These studies (which are necessary to establish a technical basis for minimum thresholds) have been completed (with the exception of vegetated dune areas east and south of Owens Lake which will be completed in the near future). The GSP should pattern minimum thresholds after the OLGDP approach as it did for the Tri-Valley area, namely, linking minimum thresholds to significant and unreasonable undesirable results. The approach utilized in the OLGDP is an example of this approach and should be adopted in the GSP.
19	236	"There are currently no documented undesirable results for the indicators throughout the Basin reflecting the overall sustainable conditions."	This was true for the 2012 to 2016 drought period, meaning there is no technical basis for use of this period to develop minimum thresholds.
20	242	"A Minimum Threshold is defined as "a numeric value for each sustainability indicator used to define undesirable results (Reg. 351 (t)). A value for each sustainability indicator denoting undesirable results (Section 3.2) must be include in the GSP and consider the beneficial uses and users of groundwater and other interests within the Basin."	The OVGA should utilize the procedures described in the SGMA regulation to set the minimum threshold (i.e. conditions representing significant and unreasonable undesirable results). The temporary conditions of the 2012- 2016 drought during which unsustainable conditions were not observed are not appropriate for minimum thresholds. The GSP should describe the actions the OVGA will take if a minimum threshold is encountered.
21	247	"These [minimum groundwater threshold] values are presented in Table 3-6."	Table 3-6 is labeled measurable objectives instead of minimum thresholds.
22	247	"No significant and unreasonable impacts within the management area were reported during this [2012-2016 drought] period."	According to the SGMA, this indicates the 2012-2016 drought period is not appropriate for minimum thresholds. Minimum thresholds are defined by significant and unreasonable impacts occurring, yet the GSP specifically states no such conditions occurred.
23	248	Table 3-6	California Water Code §10721 x (1) states that: "Undesirable result" means effects caused by groundwater conditions *throughout* the basin. There is no clear rationale for a minimum threshold at a single well as suggested by Table 3-6. In addition, the rationale for selection of representative monitoring wells is unclear. For example, well T908 is screened at a depth of 1,360 to 1,400 feet below ground surface (fbgs), with significant low-permeability strata above the screen from 300 to 500 fbgs. It is unclear how this well is representative of beneficial uses such as private wells and GDEs, which typically depend on shallow groundwater, particularly when the

			minimum threshold still maintains an artesian head of 43 feet above ground surface in T908. This is true of all deep wells (in aquifers 2 through 5) in Table 3-6.
24	248	Table 3-6	Approximately 1/3 of the monitoring wells have a minimum threshold which is above the land surface. These artesian conditions mean there is still an upward gradient toward shallow groundwater-dependent resources and the shallow water table is not affected. Again, there is no demonstrated link of minimum thresholds to undesirable results or unsustainability in the GSP as required by SGMA.
25	249	"Minimum thresholds based on a reduction in head gradient measured near springs and flowing artesian wells both vertically and horizontally may be included in a future GSP update. Further analysis and data collection are required to develop these thresholds which are part of the ongoing collaborative LADWP OLGDP"	LADWP has installed piezometers and monitoring wells to measure the head gradient near springs and flowing artesian wells, and thresholds have been developed. They should be utilized in the GSP as suggested in OLGDP resource protection protocols. The next logical further analysis and data collection is operational testing of wells, which could be prohibited by the minimum thresholds suggested in the draft GSP.
26	268	"The relationship between interconnected surface water and groundwater discharge can be effectively monitored by comparing changes in groundwater head in a nearby monitoring well to spring discharge in a surface water gauge. The historical relationship between groundwater levels and spring flow in Fish Slough is evident. Similar relationships are expected to be developed in the Owens Lake area as more data are collected as part of the ongoing Owens Lake Groundwater Development Project and incorporated into the OVGA database."	There are already several years of head and gradient measurements surrounding Owens Lake that have been developed and presented in public meetings and are publicly available on LADWP's website. This data should be presented in the GSP and utilized for future monitoring of spring flow around Owens Lake.
27	269	"Chronic lowering of groundwater levels in the Owens Valley and Owens Lake management areas have not been observed and are unlikely."	This is further evidence that the Owens Valley Management Area is sustainably managed, and if the OLGDP protocols are adopted, so will the Owens Lake Management Area.

28	270	"As part of the OLGDP, LADWP has proposed to monitor surveyed ground surface locations and install two extensometer locations. As a participant in the Owens Lake Groundwater Working Group the OVGA could insist that survey points extensometer or tiltmeter monitoring be instituted and could add these new locations tothe GSP."	As noted, LADWP proposed survey points and install extensometers as part of the OLGDP as the best technical method to monitor subsidence, there is no reason for the to "insist" this monitoring be instituted.

29	270, 271	"In addition, where groundwater discharge to the surface is primarily related to the amount of upward groundwater gradient, groundwater elevation measurements are an effective proxy for determining impacts to interconnected surface/ groundwater....Examining hydraulic head differences in well clusters consisting of adjacent monitoring wells with differing vertical screen intervals is an additional way to monitor groundwater and surface water connections and to asses changes in vertical hydraulic gradient...By comparing historical and future hydraulic vertical gradient using cluster wells, the monitoring network will detect decreasing in upward groundwater flow that could lead to decreases in groundwater discharge to surface waters."	The measurement of upward groundwater gradient is made possible by cluster monitoring wells on the margins of the Owens Lake installed by LADWP. These facilities should be utilized to monitor upward gradients as suggested in the GSP.
30	271	"In areas of GDE, evapotranspiration and vegetation cover are related to water table depth and groundwater elevation monitoring (Elmore et al., 2003 & 2006). Monitoring water levels is a sufficient proxy to indicate a potential for reduction in groundwater discharge caused by groundwater management."	It is true that vegetation cover is related to water table depth on a macro scale. For example, vegetation cover will differ greatly in desert areas with a 100-foot depth to groundwater and a desert area with a 3-foot depth to groundwater. However, studies in the Owens Valley have shown that there is no simple relationship between depth to water and vegetation cover on a finer scale (i.e. depth to groundwater < 30 feet). Instead, vegetation cover is believed to be a function not only of depth to groundwater, but more complex relationships involving vegetation type, run-on or applied surface water, precipitation, and soil type. The dune areas around Owens Lake with vegetation cover is a good example of these complex relationships.

31	287	"This GSP proposes that the OVGA actively participate in the working group and coordinate with state and local agencies with land management responsibilities to ensure this management area is managed sustainably to avoid undesirable results."	The OVGA has been and is welcome in the working group, which was created before the OVGA existed.

32	289	Table 4.1	It would be helpful in this table or an accompanying text to identify what management actions will be taken if a minimum threshold is encountered.
33	296	"Acquire or develop groundwater model for the Owens Lake management area"	A groundwater model has already been developed for the Owens Lake Management Area and all data and results of the model are publicly available on LADWP's website at http://www.LADWP.com/olg. LADWP is currently conducting studies to further improve the conceptual and computer model of the Owens Lake area.

Jennifer Kreitz ~ District One Rhonda Duggan ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Stacy Corless ~ District Five

BOARD OF SUPERVISORS
COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5530 • FAX (760) 932-5531

Scheereen Dedman, Clerk of the Board

Owens Valley Groundwater Agency
P.O. Box 337
Independence, CA 93526

Board Members and Staff of the OVGA:

Thank you for providing the Mono County Board of Supervisors with an opportunity to comment on the draft Groundwater Sustainability Plan (GSP) for the Owens Valley Groundwater Basin (Basin), released on September 23, 2021. In reviewing the document, it is clear that significant effort and resources were devoted to its development. The document is generally thorough, well-organized, and comprehensive.

Accordingly, Mono County's comments, provided below, focus on those items of particular concern and relevance to Mono County and its constituents. As a preface to those comments, the Board notes that Mono County, through this Board, is the only member of the Owens Valley Groundwater Authority (OVGA) Joint Powers Authority (JPA) which represents the citizens of Mono County – and that as such, its voice on matters affecting those areas should be given great weight.

1. Recognition of Lack of Data Regarding the Tri-Valley Area

The GSP recognizes, and it is widely understood, that there is a lack of data regarding groundwater conditions in the Tri-Valley area. A discrete section should be inserted into the GSP explaining what data is available and recognizing that additional information is needed before firm conclusions can be drawn regarding groundwater conditions in the Tri-Valley.

Throughout the report, wherever statements or conclusions regarding groundwater levels in Tri-Valley are mentioned, the above section should be referenced and, if the conclusion that levels are declining is stated, it should be clearly identified as a tentative conclusion pending development of additional data.

Examples of locations where data limitations should be referenced include, but are not limited to:

- Section 2.2.2 (Historical Groundwater Conditions)
- Page 28 – "Benton and Chalfant show similar rates of decline". In this location, the GSP should describe the data sources for the conclusion, indicate that the

conclusion is tentative pending development of more robust information and reference back to section explaining that data is incomplete/lacking.

2. Choice of Words

In several locations, a groundwater model for Tri-Valley is described as necessary because it is "a prerequisite to regulating pumping." This message places the focus on regulating pumping and is not the message that should be sent. Please modify this language by emphasizing the need to acquire more data and information about groundwater conditions in Tri-Valley to determine appropriate management actions, rather than implying that regulating pumping will be the presumed management outcome.

Do not use term "overdraft" to describe conditions in Tri-Valley. This term infers/assumes that conditions are caused by agricultural pumping (rather than by other conditions, such as drought). Causes of suggested decline is not definitively known and the data is incomplete. Again, the section explaining data gaps should be referenced rather than conclusions drawn without complete data.

3. Potential Management Actions

Section 3.4.1.1 lists potential management actions in the Tri-Valley Area. These should be deleted since all assume that groundwater is declining and that agricultural pumping is the cause, despite incomplete data. If another cause is identified, then these management actions would not be appropriate. More data and information are needed to suggest appropriate potential management actions.

4. Defining Unreasonable Risk

Section 3.3.1.1 characterizes a risk of impact to three-to-eight of 189 domestic wells as "significant and unreasonable." Three wells out of 189 is only 1.5% of all wells. Also, no information is provided regarding the quality of the potentially impacted wells (i.e., what is their depth, age, etc.?), which potentially affects their longevity. If potential impact to 1.5% of wells is significant and unreasonable, even without considering the quality of those wells, what is not significant?

5. Recommendation for Well Permitting Ordinance

The GSP includes a management recommendation for a well permitting ordinance which would apply throughout the Basin. Mono County is not interested in adopting an ordinance and/or enforcing such an ordinance adopted by OVGA through Mono County well permits. Mono County is willing to share well permitting data for monitoring and data collection, but unless more complete data is available concluding that water levels are declining and pumping is the cause, consideration of regulatory measures is highly premature and gives the impression of a predetermined outcome.

6. Jurisdictional Issues

Unresolved jurisdictional issues remain. Even if Mono elects to remain a member of OVGA, there is uncertainty regarding OVGA's authority to regulate groundwater in Tri-Valley given the overlapping jurisdiction of the Tri-Valley Groundwater Management District (TVGMD). Because TVGMD is statutorily authorized to regulate groundwater within its boundaries (including extraction, recharge, permitting and other matters), how would a conflict of regulations between OVGA and TVGMD be resolved? Whether TVGMD's authority pre-empts OVGA's, and other related questions, must be resolved.

7. TVGMD Request for GSA Boundary Change:

The GSP should note TVGMD's request that OVGA amend its boundaries to exclude lands within TVGMD's jurisdiction. The GSP should also recognize that TVGMD has asserted its status as the Groundwater Sustainability Agency (GSA) for lands within its jurisdiction.

8. Wheeler Crest

There is very little discussion of the Wheeler Crest Area, which is part of the Owens Valley Management Area and covered by the Plan. This is undoubtedly due to the lack of conditions of concern and the robust monitoring system that is already in place in the region, but these conclusions should be specifically stated rather than inferred by omission. Please add language explaining that Wheeler Crest is within the Owens Valley Management Area and noting existing data monitoring points. This information should be included in the minimum thresholds and measurable objectives tables as well (see Section 3.2 – Basin Areas and Settings – add Swall Meadows and Wheeler Crest).

9. Mono County Land Ownership

Section 2.1.3 – the land ownership data for Mono County is incorrect. Only approximately 6% of the Mono County land base is privately owned, as opposed to the 17% cited in the GSP. Please revise the data in Section 2.1.3 accordingly and modify Table 2-2 as follows:

Owner	Acres	Percent total Acres
BLM	529347.79	26.33%
Private	130414.49	6.49%
LADWP	62735.742	3.12%
USFS	1192636.4	59.32%
State Lands Commission	53638.77	2.67%
Bureau of Indian Affairs (and Tribal lands)	841.4	0.04%
CA Dept of Fish and Wildlife	62.5	0.00%
County	1584.3434	0.08%
TOTAL	1971261.4	98.05%

10. Adjudicated Lands

The GSP should evaluate whether actions in the adjudicated areas are causing undesirable effects, preventing progress toward measurable objectives or triggering minimum thresholds. If so, then the OVGA should make a management recommendation to remediate those issues through the existing Long Term Water Agreement or other means in order to address the impacts specifically caused within the GSP boundary.

Thank you again for providing this opportunity to comment on the GSP. If you have any questions regarding this letter, please contact Mono County Community Development Director Wendy Sugimura at wsugimura@mono.ca.gov (760) 924-1814 or Mono County Counsel Stacey Simon at ssimon@mono.ca.gov (760) 924-1704.

Sincerely,

Jennifer Kreitz (Oct 20, 2021 19:20 PDT)

Jennifer Kreitz
Chair, Mono County Board of Supervisors

Cc Tri-Valley Groundwater Management District

Laura Piper

From: Aaron Steinwand
Sent: Monday, November 8, 2021 7:53 AM
To: Laura Piper
Subject: FW: Draft GSP Comment

Please file in the folder, thanks

From: philipana@aol.com [mailto:philipana@aol.com]
Sent: Monday, November 8, 2021 7:51 AM
To: Aaron Steinwand
Subject: Draft GSP Comment

Aaron Steinwald
Director
Owens Valley Groundwater Authority

Philip E Anaya
2348 Longview Dr
Bishop , Ca. 93514
Novemebr 8, 2021

Dear Dr. Steinwald ,

As one of many initial longtime public participants in the Owens Valley Groundwater Authority (OVGA) please consider these comments regarding the Draft Groundwater Sustainability Plan (GSP) . Without a doubt there has been considerable efforts made, there has been considerable dollars and hours spent to arrive at the formation of the GSP but we need a more robust Plan.

SGMA in the Owens Basin was envisioned to provide sustainability to the groundwater operations and infrastructure in the Basin. A large portion of the Basin has been treated "as Adjudicated" in SGMA even though it is technically not Adjudicated as many other Basins in California are. The Basin has been divided into a so called Adjudicated / Non Adjudicated areas which is at the core of difficulty of achieving sustainability in the Basin.

The Adjudicated portion of the Basin is owned by the DWP and subject to the Long Term Water Agreement (LTWA) management with Inyo County. There are also other entities referred to as the MOU parties who have standing in the LTWA.

The Draft GSP fails to adequately address the issues of a divided Basin. The Boundary is an immense issue for sustainability of the Basin as it is a line drawn on the map yet it is a boundary that is hydrologically linked. The Non Adjudicated portion of the Basin is and has been subjected to undesirable results and the emphasis of the GSP should be focused on operational management of the boundary. In the Draft GSP however that management is left to the failed aspects of the LTWA. In the drought years of 2013 and 2014 we have had the events and the lessons in West Bishop of the loss of more than 3 dozen domestic wells. This was due to a number of reasons . Drought, DWP Production
wells on the north side of Barlow Lane, (the Boundary of a Adjudicated / Non Adjudicated portion of the Basin)
the operational mismanagement of the surface flow recharge system of the Bishop Creek Water Association

Ditch system (BCWA) that allowed the Ditches to go dry. This was later studied by Dr. Harrington, the past
head of the Inyo County Water Department and affirmed by the State of California DWR as the source of local aquifer
(water table) that was diminished by the operations of the DWP in 2013 and then repeated in 2014 all not addressed by the LTWA. That the Draft GSP relies on the LTWA to manage the Boundary is inexplicable.

Not only does the Draft GSP fail to mention these events and find a resolution of a cooperative management with an uncooperative LADWP there is nothing mentioned of a Plan in the future to seek
an agreement with DWP to adequately manage sustainable Groundwater across the "Boundary". Also
there is a failing to formally seek additional future projects for surface flow recharge in the Draft document.

These issues are at the core of sustainability for the Owens Basin and until there is a management of the Boundary, beneficial surface flow management for recharge there is not a lot of hope for SGMA in the
Owens Basin. The LADWP historically has made difficulties worse in the Basin. There is little oversight of
their responsibilities. The positive steps towards sustainability made in the Basin have all been accomplished
in the Courts and stymied by political considerations. The DWR was correct in its initial Medium Priority in the
Basin and was correct in an initial Draft High Priority. Through some political call at the State level to reduce it
back to the current Low Priority the Basin has been abandoned by DWR, The State's generous grant to fund the
GSP which the OVGA decided to voluntarily go forward with, is money down the drain without sustainable
management of the "Boundary". While seeking a agreement with the DWP is a formidable task non the less
under the future Projects section it should be included along with projects for surface flow recharge of
Non Adjudicated local aquifers.

Thank You for your consideration , Philip Anaya

Hi!
Good luck on this. We're with you all the way

437 East South Street
Bishop. CA 93514
760 784 9466

Owens Valley Groundwater Authority
C/O Laura Piper
Inyo County Offices
Independence,
CA 93526

Folks:

First off let me express my gratitude to both the Owens Valley Groundwater Authority and the Inyo Register for their coverage concerning groundwater and its status in the Owens Valley for their recent articles (October 5) . "Groundwater" - a simple term with huge ramifications in the future of our county and throughout the Southwest.

I am a retired aquatic biologist (California (Department of Fish and Wildlife) who has lived in Bishop since 1952. It was my job to watch out for the many species off fish, wildlife and plants (and their habitats) that live here along with us in the Eastern Sierra. A threatened area is Fish Slough, a few miles north of Bishop. About 1950 two esteemed ichthyologists (Robert Rush Miller from the University of Michigan and his colleague Carl L. Hubbs from the University of Ca;ifornis's Scripps institution near San Diego) worked throughout this area of the Owens Valley and described many of the native species as part of Miller's doctoral dissertation. One of them was the now famous Owens pupfish (Cyprinodon radiosus) which was still hanging on in a good habitat called BLM Spring. This was one of the key areas upon which we built our recovery effort. Fish and Wildlife employees have been watching BLM Spring almost on a daily basis to make sure it remains OK.

During the past couple of years we have noted a decreased flow from BLM Spring, and a general drying of the marsh areas that supply the best fish and wildlife habitat. Fish Slough is one of the very few wetland areas remaining it the Owens Valley. It is mentioned in the federal listing of endangered species. Another endangered species in Fish Slough is the Fish Slough milkvetch Astragalus lentiginosus. In a similar situation in New Mexico, where water flow in a spring area was threatened by nearby pumping by alfalfa farmers, the entire area was closed to any water extraction until and if the groundwater levels returned and were stabilized.

We have a similar situation just over the White Mountains in Fish Lake Valley, Nevada, where a seriously threatened fish species (name of the fish) is threatened by groundwater extraction. This is still in litigation under the Endangered Species Act, but the smart money favors the fish.

It is our hope that groundwater extraction limits may be adopted for the Owens Valley that may be sufficient to protect the endangered species while allowing for continued agricultural (alfalfa) production. Nevada law allows only so much water to be removed from an aquifer that will be replenished in a given year. A similar law would do much to resolve Owens Valley problems. Owens Valley citizens have long expressed their concern over the export of local streams into the Los Angeles Aqueduct. The production and export of countless bales of alfalfa (a highly water-consumptive plant) does essentially the same thing and increases local concerns when much of this alfalfa is sold to interests in Asia. It is our hope that the Owens Valley Groundwater Authority may address and resolve thiese perplexing issues. Adding to this is drying of aquifers that supply water to homes and wells in Chalfant Valley.

Sincerely., Edwin (Phil) Pister

October 6, 2021
SGMA GSP Stakeholder Outreach
Public Workshop

Q & A – Stanleya Pinnata – Can you please share with us how many are in attendance for this evening

Q & A – Philip Anaya – Will the public comments be posted

Edie Trimmer – I do wonder how much the Owens Valley Groundwater Association can protect groundwater resources in the Owens Valley given that LADWP controls so much of the water resources in this basin. How much can we protect this basin through the OVGA.

Lynn Boulton - I would hope that the GSP and the data you've collected would help you to realize when any part of the basin is in decline, could you distinguish whether LADWP's pumping is impacting the OVGA part of the basin vs some pumping that's done on the alluvial fans or OVGA part.

Sally Manning – I haven't been able to read it yet but certainly the tribe will be submitting comments, Big Pine Paiute Tribe of the Owens Valley. I do want to get an answer on the website and how the database will be maintained because I think it is a valuable resource and I see it has data up to about 2017 then stops and I'm wondering if that will be maintained and kept up to date.

Nancy Masters – I have a follow up comment to Sally Manning's comment about data and its collection. It was my understanding that SGMA was going to provide for a statewide database that's going to be robust and inform decision making in all the various basins. I guess my question is through the GSP will OVGA be able to insure that all pumpers in the Owens Valley basin supply all the data to the statewide database. I guess my comment was really whether all pumpers will be contributing to that database in a transparent manner.

Lynn Boulton – I wanted to suggest you post next week's presentation on either the OVGA or inyowater, I look for it there and I lost my email and couldn't find it. People might go there to look if they didn't get a notice from Laura, the information to access the meeting.

Philip Anaya – So I'm going to harp again on the biggest problem to sustainability in the non-adjudicated portion of the basin is going to be what LADWP does in the adjudicated portion of the basin. The more they pump, the more water they are going to drain across the adjudicated non-adjudicated boundary so I'm looking for something, I think there's a vast improvement in the draft GSP vs the administrative draft in terms of some language about the management across that boundary. I still want to see under additional activities in the projects, the OVGA making a formal statement to the State of California that we are pursuing a management agreement across the adjudicated non-adjudicated boundary and we are willing but so far DWP is not willing. I think that will pay dividends towards maybe them coming to the table to begin to talk about issues like what happened in 2013/14 where right across Barlow Ave., south Barlow Ave in west Bishop, you had w407 pumping away, w408 pumping away down there in the cone, t389 lost 17 feet and subsequently by August, August/September of both those years, we had no water in the ditches. So a combination of all those things caused three dozen domestic wells to go dry. Those people were not reimbursed, it was a violation of the LTWA, and the County didn't do anything so we need to put teeth into the GSP. We have an existing infrastructure for surface flow recharge in west Bishop to prevent that kind of thing and we need to have an ambitious statement in the GSP that speaks to that. I still don't see it in the GSP. What I would like to see also if it's possible I would like to get a hydrograph of this year's t389 measurements. I would like to know what's going on this year because the

ditches are looking really slow and I'm thinking that we may have a repeat of 13/14 here in 2021. I would like the data so I can post an appropriate comment if that's possible. I would like to see it myself so that I can write a succinct letter, a succinct public comment regarding the issue and I really want to see under additional projects a statement that we are pursuing a management agreement with the DWP regarding the flow of groundwater across the adjudicated non-adjudicated boundary. That is the greatest threat to sustainability in the non-adjudicated portion of the basin and there is nothing in the current draft that is vigorous enough to alert the SGMA that this is an issue and an issue we are pursuing.

Edie Trimmer – I'm concerned about our local participation, are we not getting the voices of our local citizens. All of us know about water issues in the Owens Valley but it seems there is only a few of us that speak up. What can we do the few people that speak up? I wonder if the public feel the OVGA is really only acting in their own best interest and so they are not concerned. But our concern is the big lands controlled by LADWP. I just wonder if that's part of the lack of response.

Nancy Masters – You are absolutely right Holly I have not had time to review this document extensively so this may indeed be covered in the document. I would like to see the GSP have some control or authority or directional activity over water spreading on the forest service lands that rim the basin of the Owens Valley including diversions from those creeks and how that water spreading is done. I know those are federal lands but some private lands are effected by that and I think that's recharging the basin and it's important that that activity is at least overseen to a certain extent. It may be a matter of coordinating with the federal agencies for work on diversions and water spreading and construction of berms, that kind of thing. So a coordination effort.

Philip Anaya - Going back to the public participation, I don't want to slam the process but I do want to say I think that the COVID has really had an impact on the process. Zoom meetings have been ok but are not like having the get together like the real public meetings we were having previous to COVID. I would say that public participation has been welcomed at the OVGA. When we were at the meetings you could get to the diocese and talk, we were given a lot of latitude. Maybe one thing that could have helped with public participation would be for instance if the interested parties had been brought on board at a much earlier period of like before the consultant was hired. That's all water under the bridge but I definitely think that zoom meetings have been an impediment to public participation. It's not as easy to express yourself over the computer. One last thing I do want to say is the GSP we end up with is a GSP that anybody who's going to comment on it, is going to comment on it in a favorable way. We don't want to have a lot of public comments criticizing the GSP at the state level when it goes there. So it's real important now up to November 8 to try and reach out even more so and double the efforts to get some public input so that we don't have people that are going to be complaining about it later.

Jerry Gabriel – I've been staying quiet for a couple of reasons and it's not a lack of interest. I have a lot of interest especially historical interest about water in the valley; the early diversions into the power plants; and the water is supposed to come back out. I'm in the Dixon Ln area and I think I have coverage of surface water by the Chandler Decree, I could be wrong about that but anyway I have ditch water. I think I have noticed when the ditches stay dry for a while it effects my domestic well. My domestic well is very low volume and one of the concerns I have is if you ask me how much I'm pumping that well and how much water I'm getting from the ground, I couldn't tell you, I have no idea, so that concerns me. Mainly I've kept my mouth shut because of lack of knowledge not a lack of interest but because many of the things you're talking about, the agencies you've mentioned, I know we use acronyms a lot and I don't know what those letters mean so I didn't want to display my ignorance but I'm doing it.

Q & A – Lynn Boulton – I'll submit comments later

Q & A – Sally Manning – The website and notice should also state the comment deadline of November 8.

Q & A – Lynn Boulton – Thank you for having this meeting to reach out to the public

Q & A – Sally Manning – Gabriel, you should talk to Philip Anaya. Interesting that low ditch flows on Dixon seem to affect depth to groundwater. Feel free to reach out to me too. Sally Manning s.manning@bigpinepaiute.org

Mary Roper – So I have a question and I really should know this since I go to the OVGA meetings for months. So after all the public comment and the GSP in its final form is submitted to DWR and they accept it, how easy is it in the future if things change to amend the plan.

Jerry Gabriel – Our water comes from what was originally Birch Creek and at one time we contemplated and tried to get started on a Birch Creek Water Association but it never went anywhere so we are pretty much on our own out here but thank you, you've pretty much said what my belief is that we do have some water rights because of riparian on Birch Creek that used to go through here so thanks for that. Many years ago there was a very large ranch that was irrigated in this area and it's been divided, and divided, and divided and it gets complicated.

October 13, 2021
SGMA GSP Stakeholder Outreach
Public Workshop

Q & A – Kevin Carunchio – Just Curious, how many people are participating tonight?

Q & A – Kevin Carunchio – How's that compare to last week?

Kevin Carunchio – Thanks for providing the forum tonight, I'm still making my way through the document, got through the Executive Summary and sort of jumping around. The most salient comment and I don't know if it reappears outside the Executive Summary but on page 4 in the description of the plan area, Los Angeles is the largest land owner in Inyo County about 53% of the land I think, that should be in the ground water basin or in the Owens Valley. They certainly don't own 5,000 square miles in Inyo County. I have some more general questions to inform more comments so if other people are raising their hands and want to jump on with specific comments I'm happy to circle back later. I appreciate the vastness of the basin and the management areas that were identified and it seem to make perfect sense to me. My interest is more in the Owens Valley Management area which is still immense. With a little bit of non-adjudicated lands in there and stuff so I'm understanding and probably won't use the correct hydrologic terms but the Owens Valley Management area is considered to be in a pretty good place of (astasis)???, dynamica, sustainability, I forget the exact terms used. A lot of that is due to the LTWA being implemented but for private land owners in the non-adjudicated area, you know, and some of this is a little bit of forecasting I guess the future because you haven't even drafted an ordinance yet but I'm trying to envision how it plays out. What would qualify, just in general terms, as a large pumping project on non-adjudicated land given that, tremendous impact identifying the plan that LADWP pumping and the basin is just so large, does that make sense.
So on the database is well specific criteria set to the GSP or is it really just extrapolating back from that drought year. So if I'm looking at the representative monitoring locations in the management area, I can go to that database and just pick some of the wells identified on these figures and see what's what. One other database question I have is I was having trouble reading the GDE figures in the plan. I did go to the IGDE site so I could blow those up a little better through DWR. The amount of work in this is tremendous. Do I understand the Water Departments cold version of the map is also on the same database you just showed me? I don't want to go too far down the rabbit hole but I guess my concern was, I'll look at that first and I understand that throughout the document the connection between the interconnected surface water and groundwater is really unlikely especially higher up on the fans. The reason I'm asking about it is because when I looked at the IGDE database and saw the lay of the land out there it seemed to contain some fairly obvious errors or misconstructions that have been well debated in the valley for years. I'll look at the database first and see what the revised maps show. So sort of a hypothetical at this point I kind of went into the plan looking for is if you have a public water system that's pumped pretty significant for people over the years but in light of the current drought situation has reduced it's pumping by half. I'm thinking down the road is there going to be a problem increasing that pumping, hypothetically. When I'm reading the plan its like if they were pumping at the higher level during the 2012-2016 drought barring external factors, resuming to that level shouldn't really necessarily cause a trigger or anything, under the current plan. What I was concerned about is maybe a baseline being set to low based on current pumping levels which have really been influenced by the current drought conditions where eight years ago it was full bore. I just want to be sure on how the plan is being interpreted rather then tied to specific historic pumping levels. I appreciate the free ranging conversation tonight to help me formulate better comments. One thing I wasn't clear on is are some of the monitoring wells are those necessarily water wells or water quality wells associated with like waste water treatment plants , are those water quality wells for a specific purpose but could influence groundwater. Using the landfill monitoring as sort of an example, what I was curious about is a landfill

monitoring well type situation for water quality, sometimes those wells go dry when water levels drop then are no longer a good monitoring well. Are those also being used in the GSP as water level monitoring wells even though they are installed for water quality purposes? I think the service this plan is going to do to all diminimus users, kind of protecting their smaller wells is of tremendous value just as a talking point. I'm curious on the well permit review process, as I understand it the OVGA would act just like inter county departments in terms of reviewing well permits before they are issued offering comments but kind of playing that out if it needs to have a little more teeth, has there been some discussion because I think in both Inyo and Mono well permits are currently ministerial actions. I'm sorry you've been losing Board Members. The whole structure was set up to provide as many seats at the table to give people voices. To jump ship at this point doesn't seem necessarily one of self-interest. Thank you for the ability to chit chat and get a little more informed on there.

Philip Anaya – Just wanted to comment, that was a great discussion with Kevin and I'm glad that I was able to hear it. I'm making my way through the GSP and I wish more people were in tune to the whole thing but it is what it is. Thank you again for this public comment period.

Kevin Carunchio – I have more of a ticky tac question to see whether it would be helpful or not but I noticed in some of the reading there's some discussion of disadvantaged communities. My take is that it was relative to the Communication and Engagement Outreach plan and some of the challenges and extra challenges presented by the pandemic but if we are aware of other communities that should be considered for that should we point that out in comments. I haven't seen any other real tie-in's I know it does to some of the funding, funding opportunities and stuff, now would that be worthwhile. Everything I've seen so far addresses it up in the Tri-Valley area for communication and outreach. I think it's great the OVGA decided to pursue the GSP because I think it's easier to craft a document like this when you're not under the pressure of a medium or high priority basin and there seems to be a lot of flexibility and adaptability built into this with the wisdom of future Boards.

Q & A – Jen Roeser – That was a great discussion! I learned quite a bit. Thank you Aaron and Holly – you've gone above and beyond to outreach and obtain public engagement and comment.

Q & A – Kevin Carunchio – Thank you!

Range of Light Group
Toiyabe Chapter, Sierra Club
Counties of Inyo and Mono, California
P.O. Box 1973, Mammoth Lakes, CA, 93546
RangeofLight.sc@gmail.com

November 8, 2021

Owens Valley Groundwater Authority Board
Via email: lpiper@inyocounty.us

Re: OVGA Groundwater Sustainability Plan

Dear Board Members,

The Range of Light Group thanks the OVGA Board for inviting the public into the process and for adding a conservation board seat. We appreciate how the public was allowed to ask questions and make suggestions throughout the process as well as to comment on the final product.

We also appreciate that the Board decided to continue with a Groundwater Sustainability Plan (GSP) after the Owens Basin was downgraded to a low priority basin even though a GSP was no longer required. We hope it gives the OVGA better tools for monitoring the groundwater levels in the area covered by the Long-Term Water Agreement (LTWA) as well as monitoring the lands around them. We hope that the OVGA uses the data to put a spotlight on the problems that can occur under the LTWA even though the OVGA has no authority over the Los Angeles Department of Water and Power (LADWP) to correct them.

In 2014 when SGMA legislation was being finalized, Inyo County and LADWP requested the following statement be added, which prevents the OVGA from having authority over the entire Owens Basin.

SB 1168: 10720.8 *(c) Any groundwater basin or portion of a groundwater basin in Inyo County managed pursuant to the terms of the stipulated judgment in City of Los Angeles v. Board of Supervisors of the County of Inyo, et al. (Inyo County Case No. 12908) shall be* ***treated as*** *an adjudicated area pursuant to this section.*

However, the LTWA was a court stipulation and order; not an adjudication. A judge did not dictate the terms of the LTWA. If it had been adjudicated, the LTWA might have been very different; possibly restoring and protecting the environment more. It is misleading to distinguish the two portions of the Owens Basin as "adjudicated and non-adjudicated" lands. We would like to see that corrected in the GSP.

Under the LTWA, any wellfield on the LADWP side of the Owens Basin can be over-pumped in a given year, so having the OVGA's oversight is important and worth having developed the GSP. Over-pumping a wellfield can cause damage to the surface vegetation on both sides of the boundary and can impact groundwater levels on the OVGA side. The Inyo County Water Department sometimes recommends lower pumping amounts than LADWP has planned for the year, but LADWP doesn't have to follow those recommendations. We think it is safe to say in the GSP, "These activities ~~may~~ will affect the ability of the OVGA to maintain sustainable groundwater management in the basin."

(pg. 5). It is worth pointing this out in the GSP and to the state's Department of Water Resources (DWR). It would have been better for the environment, if the whole basin were under the OVGA.

If any over-pumping spills over into the OVGA-managed areas of the Owens Basin, then we hope the OVGA takes strong measures against Los Angeles Department of Water and Power (LADWP). It is not fair to request that the small users, pumping a fraction of the groundwater that LADWP does, must cut back for over-pumping caused by LADWP. (What is the percent of the total water pumped in the Owens Basin that comes from the OVGA part of the Owens Valley Management Area? Page 158 shows that 13% is non-LADWP pumping (10,000/78,000 AFY), but some of that is within the LTWA side.) However, the GSP doesn't explain what actions could or will be taken should that happen.

We suggest adding to the reference to the 2020 LADWP Urban Water Management Plan that the plan does not provide any relief to the Eastern Sierra. It is worth driving home this point at every opportunity. The UWMP indicates that the LAA water supply will decrease by only 7,800 AFY over the next 25 years (from 192,000 AFY to 184,200 AFY) due to the expected shrinkage of the Sierra runoff. (2020 LADWP UMWP pg. ES-21 *"Los Angeles Aqueduct supply is estimated to decrease 0.1652% per year due to climate impacts.")* So basically, the LAA exports will continue at the same level as they are today.

OVGA GSP basic concerns

1. This GSP should have strong language about keeping the Fish Slough sub-basin attached to the Tri-Valley groundwater basin and thresholds that protect it.

   If Mono County withdraws from the OVGA and Tri-Valley forms their own groundwater authority, Fish Slough must go with the Tri-Valley basin as they are hydrologically connected. If the Tri-Valley/Fish Slough Basin is managed under a separate GA, it might be rated as a medium priority basin; not low priority like the OVGA. The description of the groundwater situation indicates there is cause for concern during droughts for the private wells and for Fish Slough. The GSP says that despite the ever-increasing declines in the groundwater table in the Tri-Valley basin, pumping can continue as is "...during GSP implementation." (pg. 19). We assume that after implementation, the minimum thresholds will apply. It would be helpful to clarify that. However, if Fish Slough is already impacted, then pumping should not continue "as is" in the Tri-Valley. Minimum thresholds are usually the bare minimum for a species to survive and are insufficient for a species to thrive and grow. What spring flow would CDFW and USFWS recommend for the Pupfish to be a stable, healthy population? Maybe the threshold should be higher than 0.1 cfs for the springs and maybe no further decline should be allowed in the monitoring wells instead of allowing an additional 1.5 feet of decline. What groundwater flow is really needed to protect the endangered species at Fish Slough?

2. The OVGA GSP sets the minimum thresholds to the low point during the 2012-2016 drought. There weren't dry wells during that period, but a future drought could last even longer. There should be a time-criterion that if the water table is below the objective threshold for a given number of months, then the OVGA will act. This would provide better protection of the surface vegetation.

3. What will the OVGA do if LADWP is over-pumping in a wellfield to the point that it affects the OVGA side? What action(s) will the OVGA take? There is a statement in the GSP, *"OVGA may inspect permits submitted to Inyo and Mono Counties to update its database and determine if*

new or replacement wells could cause changes in pumping in the Basin that may affect the sustainability of groundwater conditions." Could the OVGA stop a well going in the "treated as adjudicated" i.e., LTWA portion of the basin if there might be groundwater impacts in the OVGA side of the basin?

4. As LADWP replaces wells with wells that go deeper, it is well worth the investment for the OVGA to develop and refine hydrologic models for the whole Owens Basin that will show the cone of depression for each well and pinpoint a specific well that is causing degradation on the surface to vegetation or springs, should that happen. The OVGA should plan for a new future world of LADWP pumping only deep aquifers and address any monitoring gaps related to that scenario. If the deeper aquifers are recharged by snowmelt on the alluvial fans, then that is the BLM's or USFS' water that LADWP will be pumping out of the deep aquifers and it will end up in the LA Aqueduct. How will shallow aquifers be affected if the deeper aquifers don't have enough pressure to push water closer to the surface?

5. The OVGA should encourage the State Lands Commission (SLC) to not allow pumping under the Owens Lake bed for dust control or, should it be allowed, then to insist on thorough pump tests and an environmental review to look at the impacts. The water under the lake bed may have a different chemistry than the ponds on the lake that now support brine shrimp, fish, and migratory birds. There could be subsidence. There are areas of groundwater dependent vegetation around the lake and, as the GSP states, special-status species vulnerable to changes in groundwater conditions. The OVGA should push for replacement water for pumping state water either through a reduction in pumping elsewhere in the Owens Valley or in surface water diversions that would benefit the local environment.

6. The OVGA should be part of the planning for Operation NEXT and the next Urban Water Management Plan update. The 2020 version of the UWMP shows that Los Angeles can be self-sustaining water-wise and that it plans to reduce water purchases from the Metropolitan Water District with the water saved by conservation, recycled water, and the many ways the City of Los Angeles plans to reduce its water usage. The plan does not pass on any of those savings to the Eastern Sierra. On the contrary, it is part of LADWP's plan to continue taking as much water as possible from here. The OVGA should be part of those conversations and advocate for reduced exports via the Los Angeles Aqueduct. The OVGA might also consider an annual meeting with the Mayor of Los Angeles and City Council members. They should know how the water exports affects the Eastern Sierra environment and economy.

Weaknesses of the LTWA

While the LTWA imposes restraints on LADWP groundwater pumping, it didn't restore vegetation to pre-1970 levels and it doesn't fully protect vegetation. It is important to note that the LTWA did not require LADWP to restore the groundwater levels to where they were before the 20 years of heavy pumping. Damage to the vegetation became permanent i.e., "it was grandfathered in." Since then, vegetation has declined even further in places under the LTWA.

The LTWA is divided into wellfield units. Each wellfield can be "temporarily" over-pumped as long as it is within a rolling 20-year average of recharge and pumping. The over-pumping causes sudden drops in the water table. The surface vegetation is stressed or dies from these unnatural swings in the water table when the groundwater drops below the root zone. There has been a loss of alkali meadows that have been converting to shrub habitat. LADWP's over-pumping can

spill over into the OVGA managed part of the Owens Basin. Stronger language should emphasize LADWP's pumping impacts—unnatural hydrographs, DTW levels below GDE root zones, big fluctuations—as unhealthy management for the environment. Page 20 says, "Impacts from LADWP wells in the adjudicated area would be required to be mitigated by the LTWA." However, the LTWA is not effective in preventing damage or slow degradation to the vegetation.

The On/Off well system helps, but isn't perfect. On/Off wells only protect the vegetation to the degree that a well is hydrologically connected to its monitoring well, which isn't always the case. For example, one monitoring well is on the other side of the Owens River from its On/Off well. Not all wells are tied to a soil monitoring well. The On/Off wells are only in areas where the vegetation had been severely damaged during the 1970s-1980s. LADWP can pump non-On/Off i.e., the Exempt wells, which can affect the vegetation around those wells.

The On/Off doesn't stop the amount of pumping in the basin—just where it happens. For example, Blackrock 094 is a parcel that was impacted by over-pumping an exempt well under the LTWA. The vegetation changed from a dominant alkali meadow to a dominant shrub habitat, sparsely interspersed with alkali grass. The alkali meadow was lost under the LTWA. The LTWA specifies that the vegetation should not convert to a drier habitat. However, LADWP refused to accept the overwhelming amount of evidence and the conflict went to arbitration. Pumping in the area was reduced, but the vegetation was not restored or mitigated. Inyo County has to take LADWP to court or arbitration if LADWP violates the terms of the LTWA. The incomplete mitigation projects are another example of LADWP's disregard for the LTWA. There are many mitigation projects that still have not met the vegetation goals that were court ordered in 1997 and 2004. Impacts to the vegetation take years of wrangling with LADWP and lawsuits to correct.

The LTWA imposes some limits on LADWP's pumping and offers some control over the impact to vegetation in mitigation areas, but it isn't strong enough to bring back springs or meadows lost by the over-pumping of the 1970s-1980s. It isn't strong enough to prevent slow decline in vegetation. It doesn't stop LADWP from mining the deeper aquifers. While tapping the deeper aquifer may shrink the cone of depression in the short-term, there could be impacts in the long-term e.g., subsidence, loss of springs, artesian wells, and wetlands, or dry shallow wells. Keep in mind that mitigations to repair the damage turn into long battles with mixed results.

DWR needs to understand that while there is a lot of monitoring and reporting by LADWP and the Inyo County Water Department, the LTWA is not adequate to protect the environment from over-pumping, which is the whole purpose of SGMA. To change the SGMA legislation so that the OVGA could have authority over the entire Owens Basin, both LADWP and Inyo County would need to agree to the change. This is not likely to happen. Regardless, it should be documented in the GSP and the OVGA should be prepared to take steps to bring problems to the attention of the Inyo County Supervisors, the LADWP Commissioners, the Mayor of Los Angeles, and the public.

<u>OVGA GLA Database suggestions</u>

The OVGA GLA map of the Owens Basin is a good tool for the public. I have used it and would like to see a few changes to make it more user friendly:

1. Please rename "Zoom to..." to "Search for a well/monitoring point".
2. Please show the whole Monitoring Point field in the "Zoom to..." box when the GLA is opened. It is truncated and it isn't clear that one can scroll down to see the whole Monitoring Point

box. Only the first data point, an unintelligible number, shows. It isn't clear there's a list or that one can enter a well id. It's hard to click on the field with only half of it showing.

3. Please add a legend explaining what blue dots, red squares, and orange circles are.
4. Please indicate if a well is no longer in operation—maybe an "x" in the red square or use a different color.
5. Please update the information about the wells. Hydrographs seem to stop at 2016 or 2017 and newer wells aren't showing.

Thank you for your attention to these important issues.

Sincerely,

Lynn Boulton
Chair, Range of Light Group
Toiyabe Chapter, Sierra Club

Laura Piper

From: ovgawater@host54.registrar-servers.com on behalf of info@ovga.us
Sent: Monday, November 8, 2021 8:53 AM
To: Aaron Steinwand
Subject: OVGA GSA Comment

Name

Rick Kattelmann

Date

11/08/2021

Email

rick@inyo-monowater.org

Phone

(760) 935-4088

Address

143 Jeffrey Pine Road
Crowley Lake, CA 93546
United States
Map It

Leave a Comment

Overall, the plan appears to be very sound and thorough. The work of the OVGA board, staff, and consultants in developing this plan is greatly appreciated. The GSP seems to be as good as could be expected with the massive constraint of being unable to address much of the groundwater basin. Although the legislatively determined limits of the OVGA and GSP are a legal reality, these boundaries are hydrologic nonsense. Nevertheless, the GSP dealt with that reality in a sensible manner.

I recommend that the GSP be slightly revised to include some mention of project work that has been done or is the planning stage by the Inyo-Mono Regional Water Management Group (e.g., in Big Pine and Keeler). Unfortunately, at a statewide level, SGMA was not sufficiently integrated with the Integrated Regional Water Management Program. In the Owens Valley, there should be some opportunities going forward to coordinate these efforts, especially where disadvantaged communities and small community water systems could benefit. The Inyo-Mono RWMG may also be able to help with future outreach activities of the OVGA, especially to the tribes of the Owens Valley and disadvantaged communities. In the draft plan, the few mentions of the Inyo-Mono RWMG should be made consistent: IMRWMG (e.g., page 40 and 288) IRWMG (page 105), and IMIRWMP (e.g., pages 284, 290, 295) are used.

A few comments about details of the draft Executive Summary of the GSP:
ES-1 suggest mentioning in the first paragraph that the GSP does not pertain to the adjudicated portion of the basin; get that point across immediately
ES-3 suggest rounding off the estimated costs. That level of precision doesn't mean much.
ES-6 the paragraph about "external" influences is a good summary as far as it goes, but should include at least one sentence about potentials involving IWVGSA
ES-15 middle of bottom paragraph: suggest change to "Water levels under alluvial fans are typically 10s or 100s of feet..." might search for unnecessary apostrophes elsewhere
ES-24 end of first full paragraph: fix "...CSLC to affect(or lower ..."
ES somewhere duplicating a map or two within the Executive Summary could be helpful

Ways to comment on the Owens Valley Groundwater Sustainability Plan

COMMENT DEADLINE IS NOVEMBER 8, 2021

Computer: Go to ovga.us/gsa-plan/. You may leave your comment at the bottom of the page. You may also upload your comment in a word document into the web page.

Mail: Send your comments to the Owens Valley Groundwater Authority:

Street Address
135 Jackson Street
Independence, CA 93526
Mailing Address
P.O. Box 337
Independence, CA 93526

RECEIVED

NOV - 1 2021

Inyo County Water Dept.

Email: You may email your comments to: ovga.us/contact-us/

USE THIS COMMENT FORM:

NAME Susan Johnson DATE 10-28-2021

ADDRESS: 57451 Hwy 120, Benton, CA 93512

YOUR COMMENT ON OVGA PLAN:

I strongly believe it would be in the best interest of the residents and Farmers of the Tri-Valley Groundwater Management District here in Mono County that we withdraw From the OVGA in Inyo County...

On December 15, 2020 - Mono Board of Supervisors Meeting minutes show that they already voted to remove themselves from OVGA at plan completion!

We need to keep our own Entity here in Mono County...

Susan Johnson

TVGMD Special meeting 10.20.21

OVGA presentation by Aaron:

1. If this goes through, would they [residents of Tri Valley] be required to put meters on their wells, and would they be charged for the water they use?

   Aaron: Not automatically, no. For domestic users, no, absolutely no... It has not be discussed by the OVGA as requiring that by any means.

2. If she gives you permission to monitor her well and then sells the property, is the buy obligated to continue with the agreement?

   No, the agreement is with the individual.

3. If a well has the equipment on it for monitoring and it needs to be re-drilled, is OVGA going to take off the equipment so the driller can work on the well?

   We don't need continuous information, just periodic/annual measurements taken when the owner is home.

4. Why did the Basin get re-rated?
5. Since the groundwater is declining 6" – 2' a year, why would it make sense to pump out water from the TV?

   SIGMA was designed to try and stop that pumping.

6. Been drilling in the county for 40 yrs, I've done 12,000' of drilling in one year. Yes or No, our water right today, we can pump all the water we want from our wells as long as we don't interfere with a neighbor intentionally? Your intent is to take the water right away from us so you can regulate it in the future. Will you regulate it in the future, limiting our ability to pump water from our pumps?

   No, SGMA does not affect any existing water right, but it allows regulation of the water right.

   Your organization has more than one lawyer representing it

   Yes, Inyo and Mono Counsels

   I, Russell Kyle, oppose any regulation of private water wells for the entire future of California. I oppose the State of CA, the TVGMD, the OVGA, taking away the water rights we have today.

7. It's been stated that you probably would not start management actions for 5 yrs or until re-rated to medium. (approximately, the trigger is the groundwater model, if re-ranked we would have to do something).

   At the August meeting, the Board approved a 2022-23 budget for TV of $xxx which includes well registration and reporting ordinance of $xxx, well permit review permit of $xxx, increasing groundwater monitoring network of $xxx, and a groundwater model of $xxx, and any grant assistance of $xxx. (xxx=amount reported in draft budget) If actions don't start until later, why did the Board approve a budget?

I don't understand if this is going to be next year or 5-years.

8. Follow up, if you can't get grant funding, how would $365,000,... would it be a fee or something that goes onto the residents?

9. Question – if the TVGMD withdraws from the OVGA do they risk being re-ranked as a med or high priority area due to dropping water levels?
    a. They have withdrawn and have requested to be their own GSA. Basin re-ranking is done for the entire basin

10. What is the real interest behind monitoring the water wells of private people? Because I have heard the answer earlier but I don't understand because we know that LA is taking a lot of our water, the power today to monitor the water through other way so I don't understand how by monitoring wells of people that have been doing it for years, how is that gonna raise the water of the wells?

    It's allowing us to describe the basin more adequately.

    Why do you have to do that?

    The rate of decline may vary within the basin. It's something you should do, elsewhere in the valley there are a ton of monitoring wells but in the TV it is sparse. Information would help guide what pumping should be.

    Want to understand what the benefit to Benton residences is to monitor all the wells, do we monitor LA? Do we know how much water they take from us?

    They don't pump north of Laws.

    How are they gonna implement that? I don't own my own land, how do you implement what you are going to do? Knock on their door and ask them to give you their water rights?

    Monitoring is voluntary.

    What about the agriculture?

    They are large enough to be regulated under SGMA, and by the OVGA.

    What is the risk of refusing, if I have ag land in Benton, what do I risk if I do not want you to monitor my pumping?

    None for households, deminimus users. SGMA could conduct investigations, we haven't talked or considered that far ahead.

    For household they can still refuse, exist, and manage as they are doing now.

    Yes, it is getting hypothetical. A GSA can enforce compliance with a GSP. We have not discussed that heavy-handed regulation at all.

    Yes, but we need to know what could happen in 10 yrs. Who could they allow to own the water? Who is in charge of that?

That gets into water rights questions. If you buy the property you can sink a well and put it to a use, securing the water right. SGMA will not affect a water right but it can regulate it. That will be a large legal question to figure out what that means.

I need simple explanations, that was fine.

11. What would happen if fish slough is completely dry, no more water, and 5-10 springs around here are zero water., how long would it take for DWR, state organization, to start applying rights to say, if you don't have a well on your property, you can't drill one.

    There are several steps. Before DWR gets involved, the OVGA or GSA would have to be re-ranked, requiring a plan, and .... If all fails then the State has the authority to regulate pumping amounts, well installation and reactivation.

    What if in 5 years we have drought condition, fish slough is gone and springs are gone, how long would it take for them to up-date us to a high priority?

    The state cannot intervene until re-ranking occurs. I don't think they can re-rank as soon as something like that happens.

MONO COUNTY TRI-VALLEY GROUNDWATER MANAGEMENT DISTRICT

P.O. Box 936
Benton, CA 93512
www.tvgmd.org

November 3, 2021

Owens Valley Groundwater Authority
c/o Aaron Steinwand
P.O. Box 337
Independence, CA 93526

To the Board of Directors for the Owens Valley Groundwater Authority:

The Board of Directors of the Tri-Valley Groundwater Management District (the "Board") writes to provide its comments on the Draft Groundwater Sustainability Plan ("GSP") released for public comment on September 23, 2021 by the Owens Valley Groundwater Authority ("OVGA").

I. Lack of consistency or a clear statement about the data gap in the Tri-Valley Management Area and its implications for the GSP's management actions

The draft GSP lacks critical clarity about the nature of the insufficiency of the data for the Tri-Valley Management Area and what its implications are for the firmness of the conclusions drawn by the GSP are. Throughout, there are acknowledgements of the uncertainties in the data, but no definitive explanation of what that means for the strength of the conclusions and management proposals the GSP contemplates, despite often also drawing what appear to be firm conclusions.

For example, early on, the GSP states that "***The Fish Slough and Tri-Valley Management Area is the least understood portion of the basin***. There have been few hydrogeologic studies conducted in the area and monitoring networks are limited." (Section ES 2.2.4 at page 19). Nonetheless, in adjoining sections, the GSP states that "pumping in the [Tri-Valley] management area ***is the cause*** of declining water levels and spring flow in Fish Slough," though the "overdraft and the pumping effect on spring flow, however, ***are poorly quantified***." (Section ES 3.2.1 at page 22). These whipsaw contradictions with conclusions and uncertainty appear throughout:

- "In the Tri-Valley Management Area, a ***chronic decline in groundwater levels has been detected*** by the existing monitoring network, ***but the spatial coverage of monitoring wells in the management area is deemed insufficient***." (Section ES 3.5 at page 34).

- "***Historical data collection, hydrologic studies, and modeling efforts are limited*** in the Tri-Valley management area and the lack of quantification of inflow/outflow components is identified as a data gap in the GSP. ***However, the Tri-Valley area is likely in overdraft*** based on the current water budget using best available information and observed steady groundwater level declines over several decades that suggest outflows exceed inflows." (Section ES 2.2.3 at page 17).

- "Declining water levels in the Tri-Valley Management Area have been documented as discussed above (Section 2 and Appendix 3). For a largely unconfined aquifer system, this ***suggests*** overdraft is occurring, but the presence or amount of overdraft is not readily apparent in the water balance (Section 2.2.3). The ambiguity is partially due ***large data gaps*** in the management area . . . ." (Section 4.5.3 at page 288).

The GSP would benefit from a clear, uniform statement about the nature of the data gaps and uncertainties, and what those gaps mean for the confidence of conclusions and the strength of proposed management actions. Such a section should then be referenced in each area of the GSP where the uncertainty or data gaps are implicated. In its current form, the GSP creates an overall impression that though there is not a significant confidence level about groundwater conditions, the OVGA intends to proceed with an undefined pumping program on such limited data.

As such, the Board would like to express its agreement with the way the relationship of the data uncertainty to management actions is expressed in other sections of the GSP, such as 2.2.3.3. at page 226:

> "Analysis prepared by this GSP narrowed the range of estimates of the water balance for Tri-Valley, but lack of agreement among the various methods to assess the water balance reflects a significant data and knowledge gap that must be addressed. ***Identifying an overdraft exists (e.g. chronically lowering water levels) is insufficient information to begin managing pumping to correct the overdraft***. Future projects to better quantify the overdraft and develop models are necessary to inform any groundwater management plan developed for that portion of the Basin."

The Board believes that clearer statements like these built into a single section in the GSP and referenced throughout would provide needed clarity.

II. Lack of clarity regarding data gaps in and assumptions about the Fish Slough Subbasin

Similarly, throughout the GSP, there are embedded uncertainties and assumptions about the relationship between the Tri-Valley Management Area and the Fish Slough subbasin without a clear statement of the implications of those uncertainties and assumptions. The GSP must be clearer about the limitations on the knowledge about the relationship between Fish Slough and the Tri-Valley Management Area, as well as the other potential groundwater sources.

The GSP contains contradictory language with respect to the need for a better understanding of Fish Slough and the conclusions drawn about connectivity that the GSP summarily repeats necessitate a pumping program in the Tri-Valley Management Area. As with the Tri-Valley Management Area generally, a number of statements seem to suggest there are significant assumptions and uncertainties, while simultaneously drawing conclusions:

- "While the proportions of groundwater discharging into Fish ***Slough are currently unknown***, a large portion is believed to come from the Tri-Valley area." (Section ES 2.2.1 at page 10; *see also* Section 2.2.1.6 at page 173).
- "This stratigraphy combined with preferential flow along faults/fractures that extend from Hammil Valley south to Fish Slough ***are believed*** to result in hydrogeologic connection between Tri-Valley and Fish Slough." (Section ES 2.2.4 at page 19).
- "***Greater understanding*** of the regional hydrogeologic flow system ***is vital to determine causality and to develop solutions*** to arrest or reverse the declines in water levels and spring flow discharge observed within Fish Slough." (Section ES 4.4. at page 38).
- "Based on surface topography, faulting, and inferred subsurface geology, Hollett et al. (1991) identified the Tri-Valley area as ***one of the potential water sources for Fish Slough***, which was supported by geochemical analysis by Zdon et al. (2019)." (Section 2.2.2.5 at page 210).

Similarly, the GSP repeatedly cites to a limited modeling effort that showed an extremely wide "estimated conductivities in the range of 0.01 to 125 ft/day," which is "atypical of course alluvial materials and much lower than those from Owens Valley and Owens Lake." (*See* Section ES 2.2.1 at page 12). The GSP acknowledges that these "unusually low values" suggest that "a significant data gap exists." (*See id.*). This atypical and vast range in values is repeated in Section 2.2.1.6. The GSP seems to base a significant proportion of its conclusions on this conductivity to set the basis for implementation of a pumping program. Similarly, in section ES 2.2.2 at page 12, the GSP concludes that the sparsely documented -0.5 ft/yr declines in Benton and Chalfant Valleys and the -1.8 ft/yr declines in Hammil Valley are consistent with the much lower -0.15 ft/yr decline in Fish Slough. (*See* Section 2.2.2.1 at page 177, where the conclusions are repeated again). Nowhere does the GSP acknowledge any cause or explanation for the differential rates in documented declines.

Finally, in only one paragraph of the entire GSP are the other potential sources of groundwater connectivity to the Fish Slough Subbasin mentioned. Towards the very end of the GSP on page 284, the plan states:

> "Based on general geochemistry, stable isotopes, and tritium, Zdon et al., (2019) concluded Fish Slough springs were sourced by a combination of water from Tri-Valley to the east, ***or the shared recharge areas for Adobe Valley and the Volcanic Tablelands to the north and northwest***. The geochemistry of source water varied spatially within Fish Slough, suggesting it is located at a convergence of regional groundwater flow paths. The ***authors did not quantify the proportion each source area contributed*** to a particular spring or seep discharge." (Section 4.4 at page 284).

It is unclear why this acknowledgement about the multiple sources of groundwater inflow is only included at the end of the GSP, when the multiple sources and lack of information about the contributing proportion of each potential source has significant implications for the pumping programs repeatedly suggested throughout the GSP for the Tri-Valley Management Area supposedly designed to benefit Fish Slough. This information seems to contradict the strength of the management action to recommend a pumping program in Section 4.5.3. The Board feels

strongly that this information should be included in the GSP more prominently and throughout in a way that informs both the confidence of recommended management actions and the need for more data regarding Fish Slough prior to implementing a pumping program.

As in Section I of this letter, the Board wishes to express its approval and agreement for the way the relationship of the data uncertainty to proposed management actions is expressed later in the GSP. For example, in Section 3.1.1 at page 236, the GSP states:

> "The Tri-Valley Management Area exhibits declining water levels and spring flow in Fish Slough; however, ***lack of a groundwater model to evaluate and assess pumping effects prevents immediate measures to alter pumping or land management***. This GSP includes a plan for additional studies predicated on acquiring outside funding to prepare a numerical groundwater model."

Such statements about the relationship between the unknown data points and the management proposals should be made clearer either in one section of the GSP or referenced throughout.

III. Contradictory language about insufficient data and conclusions about significant and unreasonable results for domestic wells

While several portions of the draft GSP acknowledge the difficulty of relying on the well vulnerability assessment for the Tri-Valley Management Area, several other portions of the draft GSP go on to make firm conclusions about the likelihood of "significant and unreasonable" outcomes.

For example, on page 37 of the draft GSP in section 4.3, the GSP acknowledges that "***Without reasonable estimates of the groundwater elevations across the valleys***, a domestic well vulnerability assessment is difficult and reliant on several (though reasonable) assumptions. ***It is not certain the average rate of decline*** based on the available data is consistent across each valley." Similarly, later in the GSP in section 3.2.1 on page 238, the GSP states that "[t]he assumptions, though reasonable, limit the confidence in the conclusions beyond determining that whether the number of vulnerable wells is few or many and whether significant and unreasonable effects are eminent or possible much later in the planning horizon of this GSP."

Nonetheless, repeatedly throughout the GSP the OVGA abandons these caveats to make definitive conclusions about the significant and unreasonable outcomes for domestic wells. For example, on page 25 of the draft GSP in section 3.3.1, the GSP states that based on "the limited amount and types of publically [*sic*] available data," the vulnerability assessment of 189 domestic wells in the Tri-Valley Management Area, it is predicted that between 3 and 8 wells may be at risk of refurbishment or replacement, and that "this number of wells being negatively affected by declining water levels ***is considered significant and unreasonable***." (*See also* Section 3.3.1.1 at page 243).

The Board would like to raise several issues with this conclusion and its repetition throughout the GSP: first, there is no or very limited discussion about the quality of the wells in the vulnerability assessment such as age, depth, and active use of wells. (*See* Section 3.3.1.1 at page 243, "Because no wells in the Tri-Valley area have been reported going dry, it is possible that these older wells are no longer the primary water supply for the property.). Such factors are highly relevant to determining significant and unreasonable outcomes, as are reliable estimates

of the groundwater elevation throughout the Tri-Valley area, which the GSP repeatedly acknowledges are not yet available absent a groundwater model.

Second, the GSP is not clear on how significant and unreasonable are defined. 3 to 8 domestic wells of the 189 amounts to between 1.6% and 4.2% of the *assessment* wells, not the *total amount of wells*, which the GSP acknowledges is unknown (see Section 3.3.1.1 at page 243, "...the total number of domestic wells in the three valleys is not accurately known."). The GSP should explain significance as defined in setting these standards, particularly when the analysis to generate these "significant and unreasonable" results "relied on several assumptions due to the lack of information." (*See* Section 3.2.1 at page 238).

IV. Inconsistent separation of Fish Slough from the Tri-Valley Management Area

Though the Fish Slough subbasin was incorporated in the Tri-Valley Management Area despite repeated protests from this Board, there are repeated areas within the GSP where the Fish Slough subbasin is treated distinctly from the Tri-Valley Management Area in a way that obscures the management relationship between the areas that OVGA and the GSP propose.

For example, in section ES 2.2.2 on page 16 of the draft GSP, in the assessment of ecological values are oddly separated out: "Based on the assessment completed for this GSP, the Tri-Valley Management Area was determined to have low ecological value. The Fish Slough subbasin, the Owens Valley Management Area, and the Owens Lake Management Area were determined to have high ecological value." (*See also* Section 2.2.2.5 at page 218, where the Tri-Valley Management Area is again analyzed as separate from the Fish Slough Subbasin). No other management area in the GSP has a component area analyzed separately. Doing so confuses and obscures the intention in the GSP of managing the Tri-Valley Management Area for the benefit of the ecological values in the Fish Slough subbasin. (*See, e.g.* Section 3.4.1.3 at page 253, "Therefore, achieving the measurable objective for spring flow will likely require increasing the flow gradient from Tri-Valley into Fish Slough, which translates to increasing water levels in the valleys. Potential management actions for achieving this are discussed above in Section 3.2.1.1 and in Section 4.").

V. Continuing questions about jurisdiction and legal authority to implement proposed management actions

The Board remains concerned, as it has expressed in previous comments to the OVGA, that jurisdictional issues regarding authority to implement some of the management actions proposed by OVGA in the draft GSP appear to remain unresolved. The OVGA under the Joint Powers Authority, as stated in the GSP, has the authority to act in the stead of its member organizations. Assuming Mono County remains a member organization, it is still unclear whether the OVGA, using Mono County's authority, would have the ability and jurisdiction to implement well registration and permitting ordinances, when the Tri-Valley Groundwater Management District has specific statutory authority to conduct such management activities.

VI. Lack of detail regarding timeline for implementation and conditionality of certain actions on the development of a groundwater model

The Board also requests that the final GSP provide more clarity in the detail regarding the timing and ordering of management actions proposed following adoption of the GSP. In several instances, the GSP references a vague timeline for reaching 20-year milestones that seems to suggest there will be 5 years without management action. (*See, e.g.* Section 3.4.1.1 at page 250

"Following the initial five years of decline, this GSP anticipates five years of stabilizing groundwater levels as projects and management actions begin to come online . . .").

Similarly, the order and timing of the proposed management actions in Section 4 are confusing, particularly in that it is unclear what management actions will be treated as conditional upon the completion of a groundwater model for the Tri-Valley Management Area. Language sprinkled throughout the GSP simultaneously seems to suggest an immediate need for management through a pumping reduction program, while also stating that without a groundwater model development of such a pumping program is infeasible. For example, in section ES 4.4 at page 38, it states "It is not feasible or reasonable for the residents and agricultural producers in the Tri-Valley communities to make immediate or drastic reductions in pumping without economic and social hardship or without potentially impacting air quality. The capability to manage groundwater pumping is dependent on an ability to predict the impacts of recharge and pumping on the aquifer system." This statement presupposes both that immediate action would be necessary to reduce pumping and that more information is needed. The GSP should be clear about what management actions depend on developing a groundwater model. Otherwise, inconsistent statements that the GSP "is not proposing immediate projects or management actions that would alter the operations of well owners in the basin" do not create any sense of when or under what conditions such management actions will be taken. (*See, e.g.* Section 2.1.4 at page 87).

VII. Drastic management actions are proposed on limited reliable data and without reference to authority for implementation

The Board disagrees with the presentation of proposed management actions for the Tri-Valley Management Area. In Section 3.4.1.1 at page 251, the GSP proposes a number of drastic management actions while acknowledging that insufficient data exists to support the need for such drastic actions:

> "Reducing demand is the most likely course for arresting the chronic groundwater declines and groundwater storage reductions. This can take many forms such as improving irrigation efficiencies, ***retiring less productive agricultural lands***, changing crop types, or deficit irrigation. Development of any of these strategies necessarily follows steps in this GSP to address data gaps in this management area and probably acquisition of funding. ***Uncertainty in the water budget and the lack of a numerical groundwater flow model for the area prevents an accurate assessment of how much groundwater pumping in Tri-Valley would need to be reduced*** to achieve the measureable [*sic*] objectives."

Moreover, there is no statement in the GSP of what authority exists or would be used to achieve such measures like forcing the retirement of agricultural lands in the hands of private owners, nor about how the relative productivity of agricultural lands would be measured when the OVGA is making decisions about forcing them out of production. The GSP in its current form ignores cooperative measures to reduce groundwater demand that could be achieved through partnership with landowners or through education.

VIII. Missing detail from proposed management actions regarding well registration and well permitting ordinances

There is unclear information in the GSP about the scope and applicability of the well registration ordinance. In Section 4.1 at page 276, the GSP suggests but does not clearly state

that the ordinance will apply to all wells, including residential: "Registration of *de minimis* pumpers is permitted by SGMA, and the ordinance may include a one-time voluntary report to acquire information on well location, well construction characteristics, water levels, and approximate production amounts." Stating that something is permitted is quite different than stating that something is planned or intended. Further, the same Section 4.1 states that information to be collected by the proposed ordinance "is already required by local and State regulations as part of well permitting and well completion reports." If the information is already collected, why is the OVGA ordinance necessary? Will this ordinance apply retroactively to all existing wells? These fundamental details about the proposed ordinance are missing from the GSP. Further, there is confusion in the GSP about which wells will be registered under a proposed ordinance. In Section ES 4.1 at page 36, it states that "[i]f it becomes necessary for the OVGA to regulate pumping amounts or well spacing to prevent well interference or other undesirable results, a more complete registration of non-de minimis pumpers is necessary." This seems to suggest that only domestic wells will be registered at first.

Relatedly, other statements make unclear to whom the well permit review ordinance will be applied. In section ES 4.2 at page 36, it states that "[t]he ordinance will describe the conditions the OVGA may place on well construction, location, capacity, or extraction to ensure sustainable groundwater conditions are maintained in the Basin. *De minimis* extractors are exempt from most SGMA provisions including regulation of pumping." This seems to suggest that residential well permits will not be reviewed under the proposed ordinance, but this is not clear.

IX. Managing Tri-Valley for the benefit of other management areas in the basin

The Board is deeply concerned that it appears the GSP contemplates imposing management actions on the Tri-Valley Management Area for the benefit of the Owens Valley Management Area. On page 28 of the draft GSP at section 3.4, the GSP contemplates that "Stabilizing water levels and spring flow declines in the Tri-Valley Management Area, as proposed by this GSP, would stabilize groundwater flow and spring discharge into the Owens Valley Management Area and ***not contribute to undesirable results in the Owens Valley Management Area.***" No other management area in the plan is similarly suggested to be managed for the benefit of another. The Board feels it is inappropriate to set objectives and standards for one management area because of potential impacts to another management area, particularly if only one management area in the basin is so burdened and constrained.

The Board is also concerned that a reference to the Owens Valley Management Area appears in the Measurable Objectives for the Tri-Valley Management Area. On page 29 of the draft GSP in section ES 3.4.1, the minimum threshold for subsidence is set with reference to what is reasonable for the Owens Valley. While the Board assumes this is a typographical error, because of the reference to managing Tri-Valley for the benefit of the Owens Valley Management Area's undesirable results, the Board wishes to raise the issue.

X. The draft GSP should be clear about the circumstances under which the OVGA would implement management fees

Finally, the Board wishes to raise that the GSP should be clearer about under what circumstances fees would be imposed on groundwater users in the basin. In several instances, the GSP mentions that there could be circumstances that "may require the OVGA to consider fees for analyses and groundwater management activities" or that the OVGA could consider

"assessing fixed fees or fees based on extraction quantity on local pumpers in the non adjudicated areas." (*See* Section ES 1.3 at page 4, Section ES 4.5 at page 41). These cursory statements do not suggest under what circumstances residents of the basin will be charged and for what management objectives, or whether fees will be basin-wide or specific to management area.

* * *

In closing, the Board has identified a number of fundamental issues that impact the clarity of the draft GSP and create confusion about the implications of the GSP for residents of the Tri-Valley. The Board urges the OVGA to make significant changes to the GSP to address these issues ahead of adoption.

Sincerely,

Emily Fox

On Behalf of the Tri-Valley Groundwater Management District Board of Directors