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MINUTES

MONO COUNTY TRI-VALLEY GROUNDWATER MANAGEMENT DISTRICT Regular Meeting of July 26, 2023 6:30 P.M. Chalfant Community Center

Chairperson Mitchell called the meeting to order at 6:30 P.M. on July 26, 2023. The meeting was held in person.

Roll Call:

Directors Present: Mitchell, West, Puhvel, Allen, Parkinson, Duggan, and Bassett.

Directors Absent: none

Advisory Board present: Betsy McDonald, Dennis Murphy, and Janet Barth.

Mono County (M.C.) Personnel in attendance: Assistant County Counsel (A.C.C.) Chris Beck

1. Advisory Board

A. Advisory Board Comment

A.B. McDonald reported that the A.B. has not had a recent meeting. They had hoped to have a special meeting to discuss the possible letter to Mono County regarding the well permit application process. But, they couldn't get it noticed in time to comply with the Brown Act.

She asked about any progress on getting M.C. I.T. assistance with holding hybrid meetings, especially for the August 23, 2023 TVGMD meeting. She had not been successful in her request. Director Mitchell replied that she would make the request and see what happens.

She also thanked A.B. Barth for printing out and posting hard copies of the latest newsletter in areas that are deficient in internet capability/availability.

A.B. McDonald mentioned the A.B. has wanted to start working on some of the management actions listed in the Owens Valley Groundwater Authority (OVGA) Groundwater Sustainability Plan (GSP) that had been submitted to the Department of Water Resources (DWR). Related to that is the draft letter in the agenda packet (see attached item # 1B-1) that requests that Mono County include the Tri-Valley Groundwater Management District (TVGMD) in the permitting process for wells anticipated to extract over 2 acre feet/year by notifying TVGMD when these applications are received. This would allow TVGMD to review the application within the 35-day window.

A.B. McDonald reported that, once she had a chance to again review the draft letter, she realized there were some items in it that should be removed. Therefore, she had prepared a second, simpler letter (see attached item # 1B-2), which she distributed at the meeting.

Also, see Executive Order N-7-22 (attachment item # 1B-3)

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B. Discussion and possible action on the Mono County approval process of new agricultural wells within the TVGMD boundaries.

The initial and revised letters were reviewed by the TVGMD Board and the attending members of the public.

Betsy McDonald – The Advisory Board had hoped to have a meeting to present that letter to you that's in your Board packet, so that all the Advisory Board could agree on it and that kind of thing. But because we didn't have a meeting and because of the Brown Act, we couldn't bring in the other Advisory Board members. Murph and I are working on that. So we were wanting to work on some of the management actions in the GSP from the OVGAs for the Tri Valley area.

So, one obvious issue is that the Tri-Valley Board should be notified and review applications for new wells capable of extracting over 2-acre feet per year. So basically, the agricultural wells. This does not say approve, we don't have the expertise to do that, I don't think. It says review. So timely notice will allow the TVGMD that 35 day window to review and connect with County Counsel to consider whether an exemption to the California Executive Order about and really 7-22, 9 B, which would pertain to us. So we did include some information regarding the White Mountain well, how that got exempted from the executive order using this study hydrology study from Santa Barbara, which has nothing to do with the hydrology of the Tri-Valley area. So it was like an exemption that was made for the letter of the law, not even the letter of the law. It should have been using something from here. But that's how they exempted that.

Now I have prepared a simpler version if you don't want to go to that you know telling the County, what they did and what they shouldn't do. I think it's important for you guys to know, you know that that there needs to be some oversight of what the County is approving. So I brought a simpler letter (as she is handing out copies) that just has those first two paragraphs where you're requesting to review. So if you want to consider that, I have the draft, instead. I just think it's so crucial to get this request in as soon as possible. You know, if that's something, you could take action tonight on that would be, I think essential because you know. I have a couple more.

Robert - And are you the producer of this?

Betsy McDonald – Yes, Murph and I.

Robert - So is your name on here?

Betsy McDonald – No. Because what is

Robert – Can I get your name?

Betsy McDonald – Sure, it's Betsy McDonald. As an Advisory Board member, you know, obviously we would much prefer to have the whole Board, the Advisory Board, having voted on this et cetera. But again, time is of the essence. We don't have a scheduled meeting, I think it's in September. So I think we were hoping to call a special meeting, but it's summer. So that is my report.

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CA Mitchell – Ok, thank you. Chris, what do you think of this proposal by the Advisory Board and how, what would the County think about it?

Chris Beck – You know, I have multiple hats, I am here for Tri-Valley. And so it will be a policy decision and will depend on what Community Development will say. Since it would just be providing information, I don't know that it would be too much of an issue. What I will say is that if the Board wants to vote on this because this is on the agenda, so that's acceptable. But it's before Public Comment and before any vote will

CA Mitchell - Right.

Chris Beck - Open it for public comment for the Board to take action.

CA Mitchell - OK. Is there any comment from the Board on this proposal?

Ed Parkinson – Absolutely. There's names mentioned in this. Names mentioned in this letter that shouldn't be there in the first letter. Executive order N-7-22, section 9, says approval to protect health, and safety and the environment during this drought emergency, a County, City or other public agency shall not approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as a medium or higher priority, we are a low priority.

CA Mitchell – Correct.

Ed Parkinson - So somebody hasn't done the research on this. What concerns me is having names on there, along with possible arsenic stuff. You know, that's opening us up to a lawsuit basically.

CA Mitchell – I didn't get that. What did you say? What do you mean?

Ed Parkinson – It says White Mountain Ranch there and it also states that if there's possible, it could possibly have arsenic affect the water table.

CA Mitchell – OK.

Ed Parkinson - You know that's that's not proper for us.

Betsy McDonald – Can I answer about the executive order? Because there's

CA Mitchell - Go ahead.

Betsy McDonald - Section B, that does pertain to this district. So you're right, 9A is about medium and high

Ed Parkinson - Yeah, I pulled it up. I have it right here.

Betsy McDonald - Yeah, I do too. And so B is the OR and it's issue a permit for new

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groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is not likely to interfere with the production and functioning of existing nearby wells and not likely to cause subsidence that would adversely impact or damage nearby infrastructure. So I called Luis and I talked to him about it. And he's the one who told me that yes, yes, they were looking at 9 B and and that they used 9B, the proposed well is not likely to interfere with that. Using that study from Santa Barbara. So 9B does. 9A, yes, it's not. We're not a medium or high groundwater. But 9B is for any well. So that's that's I appreciate

Ed Parkinson - Any well within a specified distance. Do you know what those differences are? Any well within the specified distance. Do you know what those distances are?

Betsy McDonald – Luis does, and he says something about the Santa Barbara study showed that. That it wouldn't interfere with nearby wells, but again, that's looking at the geology and hydrology of Santa Barbara County and not of the Tri-Valley area. So yeah you're right about the taking the names out, except that's why I brought the simpler letter, because when I got back, that was just a draft. And I didn't know, I mean, I suggested that we might put it on the agenda at some point, but when I got home and I read, I thought, oh, yeah, we don't want those last two paragraphs. We want to be simple and focused about the Tri-Valley Board, who is in charge of making sure that groundwater is sustained should be able to review well applications, that's all that second letter, the simple letter, is asking so and that gives you 35 days to check with County Counsel about whether that you know whether an exemption is applicable or not, and to make sure that you're using hydrology from this area and not from someplace else that isn't pertinent to here. So I totally agree with you and that we should have put in. It's good for you guys to know or all of us to know that, you know, we can find out how a well is exempt from this this executive order, which is still in place. It may not be forever, but it's still in place right now.

Greg Allen- My understanding of this is that the wells actually that are viewed on an agricultural well, any well within a 1000 feet. OK, so we do simple question.

Robert - It is, it is 1000 feet, according to Luis. And that well is way over. It's 2200 feet and those aren't even domestic wells, those are Ag wells. So our whole area is at and we are double that space from any other Ag well. I'm the only owner of a domestic well, even in range and it's 2200 feet from that well.

Betsy McDonald - Yeah. And that I, yes, that's totally the numbers that they used but based on Santa Barbara hydrology about 1000 feet. So they took 1000 feet from this.

Greg Allen - Well, I think the 1000 feet is actually not just Santa Barbara, I believe 1000 feet is a statewide mandate still.

Betsy McDonald - Not that I know then that's

Ed Parkinson – So, you're still talking a low impact area.

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Betsy McDonald - So you, do you not feel that the Board should review well applications, big well, applications just to make sure that you're protecting your groundwater.

Greg Allen - I really don't think the Board has the expertise.

Betsy McDonald – To review?

Greg Allen – I believe we don't, we don't have hydrologists, we don't understand wells.

Betsy McDonald - Well, you could at least review it so that you know that they're using Tri-Valley hydrology versus someplace else in the State.

Greg Allen - And that's what we're going to develop is a groundwater model that gives us that information that we really don't have.

Betsy McDonald - Well, there are people who know a lot about Tri-Valley.

Greg Allen – People, their opinions.

Betsy McDonald - No, no they are hydrologists that have worked in this area, especially developing the GSP with the OVGA.

Greg Allen - Right. And that's that's one of the things that this, this Board was formed was to get out from underneath OVGA.

Betsy McDonald - My understanding is that we wanted to stay in OVGA so that they would complete the groundwater sustainability plan so we could use that as a template. So we wanted that information. They have experts in water at OVGA. We don't have a water district, or whatever, in Mono county. So that was, I believe the purpose of staying in OVGA, was to get that groundwater sustainability plan.

Greg Allen – Yes, but then to get out from underneath it, out of their control.

Betsy McDonald - Right, to a certain degree. But again, the you know one of the action steps was to be able to review well. So I was bringing that up because that I figured is your job.

Andy Puhvel - I'd like to just say that outside of this whole White Mountain situation, because especially with the distances that we're talking about, it does seem like that, just outside of that whole, that well that went in, that the purpose I see of this letter is for me it's to get the County more involved with us and part of that, this is saying Luis has been in charge of all well permits for over 25 – 30 years, at least. And he's the only set of eyes that sees those permits and regardless of expertise on our Board. Luis, I know, is not a hydrologist. He does not have an on-site hydrologist in the County to even confer with. So I don't see the harm in this Board, aspiring to be a GSP which, whose goal is to monitor the groundwater, that is our job. I don't see the harm in asking the County to run major well drilling permits through us in the future. If we have questions as to, oh, and you know, is this going to affect, we can consult with hydrologists. There's plenty of hydrologists who show up at some of our meetings. They don't happen often,

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these wells. They go in roughly once every two years in Hammil. That's why I think it's important we don't focus on this White Mountain well, we just, it happened, it's done. But we're talking about what we're aspiring to as a Board to fulfill our goal of being a legitimate GSA that's managing the groundwater. Well if we have no say in what 700 to a 1000 foot wells go in, what are we even doing? I mean, we could say, claim ignorance that there's no one on this Board, that's smart enough to to make a judgment call on this, but we are plenty smart and have plenty of resources to have a say with the County. And again, I go back to that first point which, the County needs to be more involved in this and the more we hold them accountable to us and vice versa, the more they're going to be involved. So I don't see the harm in sending them a letter. I appreciate the the new draft because it does not go into details and finger pointing. But I definitely don't see why this Board would say no, we're not going to ask to be informed of wells going in of this magnitude.

Ed Parkinson - Until they raise us to a medium or high priority, according to this 21722 we don't have a right. Until we are raised to the medium or a high priority. It states that right in there, right in the government bill.

CA Mitchell - Even if the governors Executive order doesn't apply right at this point, we are a groundwater sustainability agency and we are able, under the law, am I not right, Chris, to manage the groundwater.

Chris Beck - I can say it and I'm looking at the sustainability plan right now. And there's at least in SGMA, an opportunity to review new well permits. Enforcement comes in different levels based on the basin's priority. Again, there's there's levels just if you're high and there's different levels of, the enforcement will become greater as you become high.

CA Mitchell – Dennis.

Dennis Murphy – I just simply would like to know, I mean if this is a reality of wells going in and permits. What's the downside for us to know? Like, I'm not sure what the downside is. It's just, it's information, should be publicly available.

CA Mitchell - It is publicly available once the well drillers law, log is given to the state. You can go on and see the state DWR website and you can see anybody's well drilling log. It's all on and it's public information.

Andy Puhvel - But that's after.

CA Mitchell – After it is done. But that's after it's been built.

Andy Puhvel – But this letter asks for being included in the process of before.

Dennis Murphy - So I think, it's to simplify the question, what is the downside? Is there I mean does anyone have an answer to that?

CA Mitchell - I don't have one. I don't know, what does this Board want to do? Do you want to talk to Luis?

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Andy Puhvel - I make a motion based on the 2nd letter that we agree with the Advisory Board and the effort they put into this, and I agree with Dennis that it does not, there is no harm, in including us. There's no harm in knowing that there's a well permit. For this Board to know that that has been applied for. Whether we have jurisdiction to make an action to prevent it, or even give our opinion, is still up in the air. But for us to be informed of before hand, there is no harm in it. And I make a motion that we vote on this letter to the County in order to get the County more involved with us in this process.

CA Mitchell - Is there a second?

Geri Bassett - I'll second that.

CA Mitchell - Second by Director Bassett. Is there any further discussion or questions?

Phil West - My opinion is that some of this language needs to be changed in effect to deal with that advisory status of being notified. As as written, it appears to have a lot of, for lack of a better word, rules attached that we can't enforce. And I think we need to. We need to open the discussion between the County and us because we don't find out till everything is completed.

CA Mitchell - Right. Right.

Phil West - Basically, start out with the heads up.

CA Mitchell - We can also invite Luis Molina to come to one of our meetings and then maybe we will get some information.

Ed Parkinson – What I have a problem with is the flow meters requiring a flow meter along with new wells of this capacity. I definitely have a problem with that.

Greg Allen - That I have a thought with that the flow meters, I look at some of these things and it looks to me as though we are trying to be an enforcement agency. That we're trying to go and tell somebody that's what, you can't. But if I heard Chris correctly, realistically, in the case of the well at White Mountain, we really would have no jurisdiction other than the right to know that after it was completed that a well was put in. The permit was applied for, it was granted, the well was there. Putting a flow meter in, flow meters are generally put in and RCS projects, things with their criteria attached to a specific well that's put in and Don, you can probably answer that better than any of us. So the flow meters are put in because they have regulations set forth because of their agreement with Natural Resources Council basically saying, hey, we're going to come in, we're going to do this project with you. We're going to improve your facility with the understanding that on that you're going to be limited on the amount of water that you pump. And so flow meters are put in. They check the flow meters on a regular basis to make sure that that individual is complying with the terms of their agreement with and it could be literally somebody saying, hey, I'm going to change my irrigation system, I'm going to go to a system that is a LEPA type of a system. It's going to be a lower usage of water. It's going to be more of a precision application on the ground. You know, and so I'm willing to work with you to reduce my water usage and in turn down NRCS says, yes, OK, we're going to go in. We're going to cover the cost of some of this to save the water, that's where the flow meter needed to put in, and they're an enforcement arm, basically. They are basically to say, hang on a second, the enforcement

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arm to say, OK, you violated the terms of our agreement. You've pumped more water. When I first saw this letter, it just kind of hit me when I saw it I'm going. Wow. Where did this come from? First thing I thought of when I saw the arsenic, and I thought, boy, this is great, somebody comes in and they say I just have my water tested. There's arsenic in my water, which is common in this valley and they go it's White Mountain Ranch fault. I have arsenic in my water and it's his fault. I'm trying to sell my property. I can't sell it now because I have arsenic in my well. This to me is dangerous. This is heading in a dangerous direction. It's heading into sounding more like a control mechanism for us and with looking at the governor's orders on this overdrafted areas and and I understand what you're saying, yes, it was Santa Barbara. That was a a poor choice. But sometimes they use what they have. Looking at it saying this is the closest example we have, we don't have anything current. It's been done in the area. We don't know what the parameters then perhaps are. My understanding of it was always within 1000 feet. And so, I think we need to look at a lot more information in this because, as I've said all the way along since I've been on this Board, I don't want to be in a position where an individual turns around, comes back to this Board and says I'm coming after you because you approved this. This came in, this interfered with my project. You had no legal standing. No grounds to do it. We are not an enforcement branch.

CA Mitchell - I want to clear up something else that's in in here as well. It says one of the management actions set forth in the Groundwater Sustainability plan produced by the Owens Valley Groundwater Authority when TVGMD was part of the GSA. OK, we are still part of the Owens Valley Basin. That plan is for Tri-Valley. It has not been approved by the state. It's been sitting there for a year, what a year and a half. So we're still, anything that's written in that plan. At some point, we could be held, you know, asked to do. We may be required to fulfill those management actions, but since the plan at DWR has not approved that and they have a lot of irons in the fire right now. And they're not, they're going very slow in approving plans. I would say that that may not happen for five years or so.

Greg Allen - And I would agree completely with Carol Ann. I think that we need to look at, getting done the first phase of this, which then directs everything else which would be getting ourselves established as our own ground water management agency, getting that completed, getting this other part of it completed and getting the approvals and everything from the.

CA Mitchell - We have that, we that's that we are a GSA. No, that that's the plan needs to be approved but it was written for Tri-Valley as well. But we are still a groundwater sustainability agency as of November of last year.

Greg Allen - Yes. The GSA, yes. So that's. Go ahead.

Edie Trimmer - I just have a a question that, for clarification, you talked about your agreement with NRCS or NR that's probably.

Greg Allen - No, he, Chris talked about it, I'm stating this is what I'll do being this.

Edie Trimmer - It's a conservation easement. And what does it? What does it do? That's for.

Greg Allen - Yeah, I'm not. Yeah, I'm not following your direction.

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Edie Trimmer - There you brought it up and I'm just trying to clarify.

Greg Allen - What I was saying would have nothing to do with, the Conservation easement would have nothing to do with it. NRCS has programs where they come in to, and it's literally, hey, I've got this land. I want to do something to protect this land. OK. So you have tree programs where I can get trees from you. That's an NRCS program. They'll come in and offer trees as wind blocks. Hey, I have an issue with this on my land that the wildlife in the area is affecting. What can I do about it? Nothing, because you're protecting this. Oh, but you want to protect that. In that case, NRCS will come in and they'll help you fence your land to protect those wind block trees that are protecting structures. So it's a whole complex project that like NRCS.

Edie Trimmer - So the conservation has nothing to do with it.

CA Mitchell - No, no, no.

Greg Allen - Usually it's getting done off of water savings. OK. It's done off of protecting the land resources.

CA Mitchell - OK, let's move on. What, do we have a motion?

Andy Puhvel - So based on the conversation that was just had, especially the part about the flow meters, I completely hear you, Greg, on that and it's definitely a step towards enforcement that requires some sort of you know legal pathway that of monitoring that we have not even gotten close to in any process, and also based on this first statement regarding the OVGA. I would make, include in my motion that we extract the second paragraph. Because like I said before, my goal in this is to get the County more involved with us and I believe we have so little communication with the County because I know that almost no one on this Board has direct communication with getting the County to recognize they have to get more involved over the years. All this takes time. Budgeting; County needs a hydrologist; that if we extract the second paragraph, all we're asking for in the first paragraph is please include us in the conversation.

Greg Allen - And I would agree. That would be a live position.

CA Mitchell - And I would say I would just you know, say somewhere in there that we are a GSA as of November of 2022 and basically you should include us; somehow put that in there.

Ed Parkinson - OK. I agree with that. I have a question for you, Chris, if we were to do something like that and get rid of the flow meter stuff and whatnot now. We're still not going to be liable for flow meters or anything like that? Because we are still a low impact area, correct? So we if we vote yes on this, my question is we vote yes on this tonight are they going to come in and tell us we got to do flow meters and stuff like that?

Chris Beck - I can't tell you on there. But, what I can say as it relates to this, so as I'm looking at the powers of the Board and I just want to clarify the Board does, by their enabling statute, have authority to enforce all permits. So it's the Board has, for full transparency here, it's 702 G the Board can commence and prosecute actions to enjoin unreasonable uses or methods of use of water within the district or outside. So it's not even a well permit specifically, but if someone

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found that a well permit would be an unreasonable use of water that the Board does have just a little bit of lead which is. As far as the flow meters and that's a policy decision whether, and I don't think there's a legal question, I think it's more of is that the intention you wish to communicate to the Board, and that's something that this do you say require or like require.

CA Mitchell - I'm telling you it's a it's a Hornets nest. Take it out, because it's been talked about for years at this Board and people are very sensitive when you you say the word that you're going to put a meter on their well. And it's been talked about many, many times.

Greg Allen - So I guess my question.

CA Mitchell - And you can do the same thing. You can gather information and do plans and be reasonable without throwing something down somebody's throat.

Greg Allen - But here's my question on it. If we're going to look at domestic or larger production wells, why would we not be interested then in a domestic well, it's water usage? Why would we not say, hey, we want to know when it when a well is being put in.

Andy Puhvel - Or if someone's putting in a 30 unit, you know, parcel that they're developing for sale, then that's a lot of wells.

Greg Allen - We can. We can get all of them. You know if we're looking at it as a management tool, then the more information we have would not to restrict this to two acre feet a minute. It would be that this this Board basically would like to be able to review or have the knowledge of, well applications, anything that's going to extract water from the Valley.

CA Mitchell – It's data. We need to think of a well drillers report as data.

Greg Allen - See and this is where I get uncomfortable with this work. At times, we seem like we're dividing ourselves on domestic and agricultural. You know, what's the old line when we were younger, what's good for the goose is good for the gander.

CA Mitchell - Yeah, we can. Just to make one point that Chris can confirm is that 2 acre feet a year is exempt from SGMA. They are exempt from the law.

Geri Bassett - That's mentioned, it is spelled out in SGMA.

CA Mitchell - So that's, just so we know that.

Ed Parkinson - I have another question, how did how did this all come about? Did you guys just take it upon yourself to do this without having to us about it or?

Betsy McDonald – I researched. Yeah, I was concerned about a big well going in and we didn't know about it.

Ed Parkinson - OK, so you took it upon yourself to do that without coming to the Board about it for discussion or anything first.

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Betsy McDonald – Well, I talked to another Advisory Board member and I talked to a couple of Board members, but I can't, yeah, yes, I was coming with the draft for you to look at so. You know, I'm not sure exactly what you expect of an Advisory Board member.

Ed Parkinson - Well, I I generally expect like the Advisory Board, if you're working on something to let us know what you're working on instead of just throwing something like this in our face all of a sudden that we know nothing about it. So we have to do some research last night to figure out what's going on. We knew nothing about this.

CA Mitchell - And I would just say, I know there's a motion and a second on the floor. I would just say that the first paragraph could be massaged a little bit to make it a little more receptive on the County end. Because that's it's going to be, you're asking them for work. They're they're going to have to. And you know they're going to have to give us the information when they thought and remember to do it and that the gal that works in the office is going to have to advise us, so we are asking the County to do work. And they do a lot of work for us.

Phil West - If we don't open the lines of communication, then the rest of it is a moot subject. We've got to get the conversation going at the at least at the ground level and build from there.

CA Mitchell - I mean, I think it's a good thing, but we can. We could just make it a little bit, so it's a suggestion.

Ed Parkinson - It just needs to be discussed and it needs to be brought to us so we can discuss it.

Rhonda Duggan - And this is what you're doing right now.

Ed Parkinson - Yeah, I mean, it was just kind of thrown at us last night. So, I had to get on the computer and do a bunch of research.

Rhonda Duggan - Sometimes that's what you get. So the process was the Advisory Board discovered this issue. They're bringing it to you.

CA Mitchell - They're bringing it. They asked that it be put on the agenda.

Rhonda Duggan – They've made the recommendation that you have the County notify you whenever there is this, this size of well going in, that's what you're asking the County. When it goes in in a timely manner. If there's any regulation that comes with that or not, as Chris said earlier, that's within your purview to do. But you need to know that there's something to look at. And that's all at this point, and taking out exactly, that's what I bracketed, you don't actually need to put in the sentence about regulation production because that is within your purview. All you're asking for is, let us know and we'll take it from there.

CA Mitchell - Yeah.

Phil West - And we need to know when the permit is applied for. Not once the well goes in.

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Rhonda Duggan - In that would be helpful because in one sentence; do it in one sentence it's it's really a short letter because I, what you're asking for is notice, notice. And I would, I would agree that the way things are now, you need to know of everything. Because you know, if the Taj Mahal goes in here and it's got Olympic size pools everywhere, you probably would be interested in that as well. And stranger things happen and that's where it would come from. For the County, and so a Community Development Department is where they start and they would just notify you and then if there's anything in there that looks like it needs additional monitoring, you don't have to ask permission from the County because it's within your purview. But that is if it's in your purview, that's what you have to do, not the County. And if they if they start at the County, you want to know what's being asked.

CA Mitchell - And we had 35 days to review, so you need to get it on the agenda if there's an issue.

Rhonda Duggan - There's a very. Yeah, schedule and things there should there be. That has to be there and then that would give you time if you needed something to call yourself a special meeting regarding an issue.

Phil West - Correct, exactly. So 35 days is pretty tight with 30 days, roughly 30 days between meetings.

Rhonda Duggan - Yeah, I mean, boom, it has to be on this.

Phil West – It would have to be a special meeting.

Rhonda Duggan - Because we have to do that all the time.

Greg Allen - So where we are, right now whether it's.

CA Mitchell - So right now we have a motion and a second.

Greg Allen – So, did you want to keep your motion?

Andy Puhvel – I will withdraw my motion and put forward, I don't know if we need to vote on this or not, but that we revise the letter according to the conversations we've had. Simplified, massaged as Carol Ann said, the first paragraph. But that we we send this that revised letter out to Board members in the agenda packet and we come prepared to vote and not discuss the next time.

Greg Allen - So do we even need to do a Board motion or can we ask you, Betsy, to just massage this letter kind of what we're hearing, to keep the Advisory Board involved in it. Give them the ability to go through, restructure it, and if you guys restructure it basically. And one of the things I think you've heard several of us, I know Carol Ann has the same feeling I do oftentimes, we don't have Directors insurance and we can get sued really easy. So we're always kind of cautious on the things that we put forth that's going to bring something to to.

Phil West - Personal liability.

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Greg Allen - Yeah, literally. When they come in after us on it, most Boards have Directors insurance.

CA Mitchell – They have secretaries and County counsels to make them sound really nice, and we don't.

Betsy McDonald - So if you look at just 1, 2, 3, 4, the 1st 5 lines and end it where it says GSA where it doesn't say that are capable of, I think that's what you want.

CA Mitchell - Yeah.

Andy Puhvel - That's what I would mark the same.

CA Mitchell - Yes, yes.

Greg Allen - Well, I would. I would look at getting, extracting that large amounts of groundwater because we want to know everything.

Betsy McDonald - Yeah, right. Yeah. So we just start the in that fifth line, it just says any well applications in their GSA, correct?

Greg Allen - Yeah, right. So in your your third line has extracting large amounts.

Andy Puhvel – Take out the word large.

Betsy McDonald - Oh yeah. OK, let's

Greg Allen - And and that would be reasonable for this Board to say, hey, we're going to look.

Phil West – It needs to be rewritten in totality.

Greg Allen – Rewritten in totality. So if you guys wouldn't mind working on that, you know, bringing it back to us and then we could take a look at it.

CA Mitchell - OK. We'll, what we can do because next month we're doing SGMA, that's it. So we could do it at the beginning of the agenda if you could just have it ready in the Board packet and it'll be under Advisory Board, boom and then we can go into our workshop and all the other stuff that we have planned.

Betsy McDonald – Would it be appropriate to BCC people with what I have so that you see it really soon.

CA Mitchell - If you can send it to me, I will send it to the Board individually.

Betsy McDonald - So that it can be complete.

CA Mitchell - Yeah, you have to be careful how you send it.

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Betsy McDonald - I know so BCC means nobody can reply to the whole group, that being right

Rhonda Duggan - It would be part of the Board packet for anybody to review and they're all going to do their homework ahead of time and review it and come prepared to make any changes so you don't do it now.

Betsy McDonald – What I'm saying is that I can do this and send it tomorrow.

Rhonda Duggan - And you give it to Carol Ann. And then she can distribute it.

Betsy McDonald – So we can massage it out, might as well.

Rhonda Duggan - So you actually did this just perfectly. You had, they brought something in public comment, you gave Board direction.

CA Mitchell - We still haven't had public comment yet.

Rhonda Duggan - No, regarding the item. And Board direction and come back and be prepared to vote on the motion. If you had a consent agenda, it would probably be in that.

Greg Allen - So we all get gold stars.

Rhonda Duggan - You know, start off strong.

CA Mitchell - OK. So what are we? We're going to withdraw the motion and the second. Is that agreeable, Geri, to you?

Geri Bassett – Yes, OK.

CA Mitchell - All right, this matter will be on the August 23rd agenda. And we've got our program together.

At the end of the discussion, it was decided that the A.B. would revise the second draft letter, based on the conversation, and have it ready at the August 23rd meeting for the Board to vote on. The first draft of the letter, item # 1B-1, was basically rejected at the start of the discussion.

2. Public Comment

Dennis Murphy asked why TVGMD was without Director Insurance. Director Mitchell replied that it was because we have no funds for that expense. She added that she had researched the issue extensively (see the minutes from Sept. 28, Oct. 26, Nov. 30, and Dec. 14 of 2022 and Jan. 25, April 3, and April 26 of 2023). He asked if the Board would like the A.B. to continue researching the issue. Director Mitchell replied that we would. He also asked Director Duggan if it was possible that M.C. would help fund the insurance. She replied that we would have to see what the costs actually were. The County is already funding the administration of the groundwater model project, waiving fees for the mail-in election, etc. Director Duggan and A.C.C. Beck were also to review potential resources and forward to Director Mitchell to send to the Board and A.B.

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3. Approval of minutes: May 17 and July 12, 2023 meetings. (attach. Item # 3-1 and 3-2)

A motion to approve the minutes from May 17 and July 12, 2023 was made by Director Puhvel and seconded by Director West.

Vote - ayes – all Directors present.

Nay – none.

4. TVGMD Board of Directors

A. Discussion and possible action on establishing a sub-committee of the Board to study, and recommend changes to the District statutes regarding the domestic and 100 gpm seats on the Board of Directors, in accordance with section 109 Rules of the Board.

B. Consider appointment of Director Andy Puhvel to serve as a member and Chairman of the sub-committee. Consider other members who have yet to volunteer.

C. Set date to adopt rules for this sub-committee and to report back to the Board of Directors.

Director Mitchell explained that, at our May meeting, we talked about possibly setting up a sub-committee to study and recommend changes to our statutes regarding the Board seats. She has checked the rules of the Board, which allow us to have a sub-committee. She sent an e-mail to the Board asking if anyone would like to serve on this sub-committee. Director Puhvel answered that he would serve as a member and chairman. A.C. Beck confirmed that A.B. members could be part of the sub-committee and that whatever draft language was decided on needed to go to the A.B. for approval before going to the Board.

After some discussion about composition of the sub-committee, which needs to include at least one representative from both large and small well users, Director Mitchell made a motion to form the sub-committee, appoint Director Puhvel as Chairman of the sub-committee, and for the sub-committee to bring their proposed set of rules, which must include complying with the Brown Act, to the Board at the September meeting. The motion was seconded by Director Bassett.

Vote - ayes – Directors Mitchell, West, Bassett, Puhvel, Allen, and Parkinson.

Nay – none.

Director Allen also volunteered to be on the sub-committee to represent the large well users.

5. Report and possible action regarding the mail-in election for November 7, 2023.

Queenie Barnard, the interim M.C. Registrar Director, gave an update on the mail-in special election status. She distributed an Election Calendar (see attachment item # 5). The filing period opened on July 17, 2023 and closes at 5 PM on August 11, 2023. Candidacy papers need to come from either the elections office or from Geri, as the Secretary of the Board, and need to be submitted to the Bridgeport office by the deadline or potential candidates can contact Queenie to see when she is in her Mammoth Lakes office. Queenie had some candidacy paper packets for anyone interested in the position.

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6. Report and possible action on the Groundwater Model Grant.

Director Mitchell and A.C.C. Beck gave an update on the groundwater model grant, basically the information in the letter sent to TVGMD from the M.C. Community Development Department (see attached item # 6). Further explanation was that M.C. will find a project manager, who will work directly with the TVGMD to administer the grant and get the information needed for the groundwater model project. TVGMD might not have all the information requested. It is hoped that the project manager will be involved with the District and attend at least some of our meetings. The GSP done by OVGA could be a good resource for information. However, the Board and project manager will need to ensure that that is the most current available information for each topic addressed. Brent Calloway will be our M.C. point of contact.

Holly Alpert, from the Inyo County Water Department might be contracting with M.C. to prepare the Request for Proposal (RFP). She has been involved with the grant since its inception. She will most likely be attending some TVGMD this Fall.

7. AEM Survey of Eastern Sierra in Fall 2023.

Director Mitchell reported that she received information from DWR on the upcoming Airborne Electromagnetic Surveys (AEM). She also attended a preliminary meeting for the project. AEM is a geophysical method where data is collected from instruments towed beneath a helicopter. The data can be interpreted for continuous images of large-scale aquifer structure and provide a standardized statewide data set that supports the implementation of SGMA. It is being done in all high and medium basins within the state. Inyo and Mono Counties, including the Tri-Valley area, were included in the scope of the project. They are asking for any lithology logs and geophysical data surface and logging that we might have. It was suggested that the Andy Zdon and Bob Harrington reports that are included in the OVGA GSP might have useful information for this AEM project. The survey is anticipated to be done in November. Director Duggan will notify the Great Basin Air Pollution Control District about the project and information will need to be sent out to the public regarding the helicopter(s) that will most likely be seen flying over the valleys towing equipment.

See attachments item # 7-1 and 7-2 for more information. Also:

<https://water.ca.gov/Programs/Groundwater-Management/Data-and-Tools/AEM>

8. Report on funding request to Mono County for 2024.

Director Duggan reported that she had no information yet on the funding request. The new draft budget is not yet completed. She is not hopeful that we will get the funds we asked for since M.C. is waiving the fees for the upcoming election (\$36,000) and they are funding the administration of the groundwater model grant.

Director Mitchell mentioned that, at some point, TVGMD will need to discuss the options for funding groundwater management.

9. Board of Directors Reports

Director Bassett reported that she and Director Parkinson took another reading on the Benton monitoring well on July 13th. The water level was at 131.85 feet, which is down from April 2023 and it's also down .55 feet, or 6.6 inches from July of 2022. So the water that we had coming out of the sky and down the hills hasn't yet reached the water table. She also reported that Director Mitchell and she, on July 14th, did the Chalfant monitoring well. The level was at 72.31 feet, which is down from April of 2023 but is up very slightly, 0.14 feet (1.68 inches), from July of 2022.

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Director Bassett also reported that there's been a Notice of Election posted at the Benton Post Office and the Benton Community Center. Also, there's a posting at the Chalfant Community Center, at Chalfant Big Trees, and at Flo's. She is trying to get the Inyo Register to run it in Community Calendar. It has been given to KIBS to read during the Community Calendar.

Director Parkinson took 2 copies of the Notice of Election to post in the outside kiosk at the Benton Community Center and at the Benton Café/Store.

Director Duggan reported that there is legislation being worked on about monitoring wells. The topic has been tabled until next year. She will keep us posted. She also mentioned that information about insurance, especially fire insurance will be coming out. Setting up a Firewise Community/Council is something that people can do to help with resources. Director Duggan and Wendy Grasseschi can be contacted for more information on Firewise Communities and green waste cleanup.

A. Advertising of SGMA meeting 8/23/23

Director Mitchell reported that she is going to advertise the August 23, 2023 SGMA meeting on the radio, probably ads in The Sheet, and in the community calendar. It's going to be on Chalfant Next Door and she will try to get the word out in Benton as much as she can.

It is going to include a brief introduction of our District. There is going to be a presentation by Chris Beck on the Sustainable Groundwater Management Act and how it affects this District and the Community and then possibly some information from the Department of Water Resources and how they fit in to us being a Groundwater Sustainability Agency. It might be a long meeting, but there might be some water and cookies or something.

A.B. McDonald asked if she should send notice of the meeting out to the newsletter email address group. She was directed to do that.

The August 23, 2023 meeting will be at the Chalfant Community Center per public request.

10. Adjournment to Wednesday, August 23, 2023, 6:30 p.m. at the Chalfant Community Center.

A motion to adjourn was made by Director Allen and seconded by Director Parkinson.

Vote – all directors in attendance – “yes”.

Meeting was adjourned at 8:05 PM.

**Next meeting is Wednesday, August 23, 2023 at 6:30 p.m.
at the Chalfant Community Center.**

Geri Bassett, Secretary, TVGMD