

Borrego Water District
MINUTES
Groundwater Management Standing Committee
Wednesday, February 11, 2009, 9:15 a.m.
806 Palm Canyon Drive
Borrego Springs, CA 92004

Attendance: Directors: Mendenhall, Smiley
Staff: Richard Williamson, General Manager
 Jerry Rolwing, Operations Manager
 Wendy Quinn, Recording Secretary
Public: Jim Engelke Marshal Brecht
 Clark Shimeall Bob McKee
 Paul Nordman Donald Roland, RP Inc.
 Bill Mills Rebecca Falk
 Bill Wright Brian Cegelski, South Coast Nursery

CALL TO ORDER

INTRODUCTION OF PARTICIPANTS

Rich Williamson announced that the main item to be considered today was the Mitigation Policy, which had been distributed for public comment and tentatively would be presented at the April town hall meeting and adopted in May.

CURRENT AGENDA ITEMS

5. Discussion on Mitigation Policy implementation by both BWD and San Diego County.
6. Status and update on the Agricultural Fallowing program.
7. Discussion on handling small mitigation requirements.

These items were combined. Bill Wright suggested that the policy include a provision that implementation will be subject to the approval of the District. He noted that in the past, he had questioned a District policy and obtained a legal opinion that it was not applicable in his particular case. Mr. Williamson agreed that the policy could be amended as appropriate.

Mr. Williamson summarized the definitions in the draft policy. A water credit would equal an acre-foot of water per year. Jim Engelke expressed doubt that the County would accept this and recommended it be calculated based on fixture units in accordance with the Uniform Plumbing Code. Discussion followed regarding various methods to calculate Equivalent Dwelling Units (EDUs) and which the County may or may not accept. Mr. Williamson noted he had been working with the County and they seemed amenable to the method proposed in the draft policy. They want to keep it simple and avoid having to make numerous individual calculations. Mr. Williamson invited Mr. Engelke to submit a proposal on EDU calculation by fixture units. According to the draft policy, an EDU would equal one acre-foot of water per year, based on the average residential use of 0.95.

Mr. Engelke expressed concern regarding the proposal to require two water credits for mitigation. He felt this could subject the District to litigation, and that the District's mitigation requirement should be kept separate from the County's. Mr. Williamson pointed out that there are 3,000 lots in Borrego Springs that were approved for development

prior to implementation of the County's mitigation requirement, so the District would require a 2:1 mitigation for those. Otherwise, we would recognize the County's 1:1 and only require an additional 1:1. Counsel for the District has concurred. Mr. Engelke reiterated his concern, citing the rough proportionality law. Director Mendenhall suggested consulting our attorney again.

Mr. Williamson went on to summarize the proposed water credit types: (1) agricultural fallowing, (2) golf course turf removal or reduction, and (3) any other reduction in water use measurable through historic records – five-acre minimum. Mr. Engelke questioned the five-acre minimum, and Mr. Williamson explained that dealing with credits for small, private properties would be cumbersome. These customers are offered conservation incentives. Mr. Williamson suggested adding a type (4) water credit for unique circumstances, to be evaluated on a case-by-case basis. Director Smiley asked whether the County would accept the various water credit types, and Mr. Williamson explained they may only accept (1) and (2), but the District can still accept all of them.

Discussion followed regarding the proposed water credit grant of four credits per acre, based on the average consumptive water rate for citrus. Mr. Engelke recommended using the landscape coefficient instead, according to the plant species being removed. Mr. Williamson reiterated the County's desire to keep the policy simple. Director Smiley believed that evapotranspiration was the most reliable measure. Mr. Williamson expressed concern that farmers would adopt high water-use crops prior to fallowing to enhance their credits. Paul Nordman referred to his palm grove and felt the four credits per acre was punitive, offering to provide irrigation records or use University of California data. Mr. Williamson agreed to investigate the use of evapotranspiration as a basis for water credit calculation.

Mr. Williamson contemplated that the District would provide farmers a document within the next year, upon request, memorializing their water credits. When developers approach the District in need of credits, they would be referred to those having them available.

Mr. Williamson announced that at the next Committee meeting he would have a flow chart indicating how the policy would be implemented. He summarized paragraph 4.c in the draft policy, explaining the Water Credits Agreement, similar to the document used in the District's recent negotiations with Rudy Monica to memorialize water credits upon fallowing.

Discussion followed regarding the acreage calculation for fallowed land, and whether access and maintenance areas would be included. Mr. Williamson replied that only irrigated land would be included, and the District would survey it at the farmer's expense. Mr. Engelke urged that the property owner be allowed to provide his/her own licensed surveyor, and Mr. Williamson agreed to consider it.

Mr. Williamson went on to summarize the provision that an owner of water credits may sell all or a portion at a price agreed by the two parties. The owner will pay the District administration and transfer fees, which have yet to be determined although dollar amounts were included in the draft as "place holders." Mr. Engelke pointed out that mitigation law dictates allowable fees, and Mr. Williamson assured him the District's attorneys would assist in setting them.

The draft policy set forth coordination procedures between the District and the County, and provided that the District could purchase credits and resell them to small developers. The District would monitor and enforce the policy.

Mr. Williamson announced that at the next Committee he would present a second draft, incorporating input from the public and legal counsel. Director Mendenhall urged the public to submit written comments.

Mr. Engelke pointed out that newly constructed homes are much more water efficient than older ones, so the figures used to calculate credits may be outdated. Mr. Williamson noted that a new home's water use is not only at that location, but impacts the community (restaurants, schools, etc.)

Mr. Wright inquired about timing issues for fallowing. Mr. Williamson replied that the fallowing would occur when an agreement is reached for the sale of the credits. The buyer would place the funds in escrow, to be released upon confirmation of fallowing.

8. Update on out of basin water purchases/transfers. Mr. Williamson reported that the District is updating its plans to drill wells at Clark Dry Lake and will apply for funds from the new stimulus plan. A special Board meeting is scheduled following the Committee meeting to discuss this. Director Mendenhall added that solar power may be used.

There being no further business, the meeting adjourned at 11:10 a.m. The next regular Conservation Committee Meeting was scheduled for Wednesday, March 11, 2009.