

UPPER VENTURA RIVER GROUNDWATER AGENCY

NOTICE OF REGULAR MEETING

NOTICE IS HEREBY GIVEN that the Upper Ventura River Groundwater Agency (“Agency”) Board of Directors (“Board”) will hold a **Regular Board Meeting at 1 P.M. on Thursday, July 8, 2021 via**

ON-LINE OR TELECONFERENCE:

DIAL-IN (US TOLL FREE) 1-669-900-6833

Find your local number: <https://zoom.us/j/91551528503?pwd=S092YjBxMW1QblFNMUljU3FmRTVaUT09>

JOIN BY COMPUTER, TABLET OR SMARTPHONE:

<https://zoom.us/j/91551528503?pwd=S092YjBxMW1QblFNMUljU3FmRTVaUT09>

Meeting ID: 915 5152 8503

Passcode: 967638

New to Zoom, go to: <https://support.zoom.us/hc/en-us/articles/206175806>

PER CALIFORNIA EXECUTIVE ORDER N-29-20, SECTION 3: A local legislative body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. A physical location accessible for the public to participate in the teleconference is not required.

UPPER VENTURA RIVER GROUNDWATER AGENCY BOARD OF DIRECTORS
REGULAR MEETING AGENDA

July 8, 2021

1. MEETING CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. PUBLIC COMMENT FOR ITEMS NOT APPEARING ON THE AGENDA

The Board will receive public comments on items not appearing on the agenda and within the subject matter jurisdiction of the Agency. The Board will not enter into a detailed discussion or take any action on any items presented during public comments. Such items may only be referred to the Executive Director or other staff for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on specific agenda items should do so at the time specified for those items. In accordance with Government Code § 54954.3(b)(1), public comment will be limited to three (3) minutes per speaker.

6. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments.

a. Approve Minutes from June 10, 2021 Regular Board Meeting

b. Approve Financial Report for June 2021

7. DIRECTOR ANNOUNCEMENTS

Directors may provide oral reports on items not appearing on the agenda.

8. EXECUTIVE DIRECTOR'S REPORT

The Board will receive an update from the Executive Director concerning miscellaneous matters and Agency correspondence. The Board may provide feedback to staff.

9. ADMINISTRATIVE ITEMS

a. Agency Officer Appointments

The Board will appoint officers for the period July 1, 2021 through June 30, 2022.

b. Authorized Check Signers

The Board will consider adopting draft Resolutions 2021-03 and 2021-04 to increase the number of authorized check signers.

10. GSP ITEMS

a. Groundwater Sustainability Plan Update (Grant Category (d); Task 11: GSP Development and Preparation)

The Board will receive an update from the Executive Director concerning groundwater sustainability plan development and consider providing feedback to staff.

b. Preliminary Draft Groundwater Sustainability Plan Review (Grant Category (d); Task 11: GSP Development and Preparation)

The Board will discuss sections 1 through 3 of the preliminary draft groundwater sustainability plan development and consider providing feedback.

11. COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

The committee will provide an update on Stakeholder Engagement Plan implementation activities since the last Board meeting and receive feedback from the Board.

12. FUTURE AGENDA ITEMS

This is an opportunity for the Directors to request items for future agendas.

13. ADJOURNMENT

Special Board meetings are scheduled for July 22 and 29, 2021.

The next Regular Board meeting is August 12, 2021.

**DRAFT UPPER VENTURA RIVER GROUNDWATER AGENCY
MINUTES OF REGULAR MEETING JUNE 10, 2021**

The Board meeting was held via teleconference, in accordance with California Executive Order N-25-20 (Zoom Meeting ID: 952 4553 1367 Passcode: 977506). Directors present were Bruce Kuebler, Larry Rose, Susan Rungren, Pete Kaiser, Glenn Shephard, and Chair Diana Engle. Director Emily Ayala was absent. Also present: Executive Director Bryan Bondy, Agency Counsel Keith Lemieux, and Administrative Assistant Maureen Tucker.

1) CALL TO ORDER

Chair Engle called the meeting to order at 1:02 p.m.

2) PLEDGE OF ALLEGIANCE

Executive Director Bondy led the Pledge of Allegiance.

3) ROLL CALL

Executive Director Bondy called roll.

Directors present: Bruce Kuebler, Larry Rose, Susan Rungren, Pete Kaiser, Glenn Shephard, and Diana Engle

Directors absent: Emily Ayala

Public: Burt Handy Kevin DeLano, Mike Flood, Mary Bergen, Jim Kentosh, Jennifer Tribo, and Steve Slack

4) APPROVAL OF AGENDA

Chair Engle asked for any proposed changes to the agenda. No changes were suggested.

Director Kaiser moved agenda approval. Director Rose seconded the motion.

Roll Call Vote:	B. Kuebler – Y	L. Rose – Y	D. Engle - Y
	S. Rungren – Y	G. Shephard – Y	P. Kaiser– Y

Director Absent: E. Ayala

Noes: None.

5) PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Chair Engle asked for public comments on items not appearing on the agenda.

No public comments were offered.

6) CONSENT CALENDAR

- a. Approve Minutes from May 13, 2021 Regular Board Meeting**
- b. Approve Minutes from May 27, 2021 Special Board Meeting**
- c. Approve Financial Report for May 2021**
- d. Approve Caveat Language for Multi-Year Budget Projection Adopted May 27, 2021.**

Director Kuebler said he would like to discuss Item 6b.

Director Rose moved approval of consent calendar items a, c, and d. Director Shepherd seconded the motion.

Roll Call Vote:	B. Kuebler – Y	L. Rose – Y	D. Engle - Y
	S. Rungren – Y	G. Shephard – Y	P. Kaiser - Y

Director Absent: E. Ayala

Noes: None.

Director Kubler explained that he disagrees with Agency Counsel's interpretation of the Agency Bylaws concerning his abstention during the last meeting.

Agency Counsel Lemieux reviewed the applicable sections of the Joint Powers Agreement and Agency Bylaws and explained why a unanimous vote of the Board is required to approve an item during a first reading.

Director Kubler said he thinks it is important for directors to be able to abstain without holding up the process.

Executive Director Bondy said the Board could consider modifying the JPA and Bylaws to address Director Kuebler's concern.

Director Shepherd said he recalled that the intent was for unanimous approval during a first reading.

Chair Engle expressed concerns about allowing abstentions because it would allow decisions to be made by a subset of the Board.

Chair Engle asked for clarification of the term "unanimous." Agency Counsel Lemieux said unanimous means a yes vote by all Directors present at a given meeting.

Director Kuebler moved approval of consent calendar item b. Director Engle seconded the motion.

Roll Call Vote: B. Kuebler – Y L. Rose – Y D. Engle - Y
 S. Rungren – Y G. Shephard – Y P. Kaiser - Y

Director Absent: E. Ayala

Noes: None.

7) DIRECTORS ANNOUNCEMENTS

- a. Directors may provide oral reports on items not appearing on the agenda.**
- b. Directors shall report time spent on cost-sharing eligible activities for the 2017 Proposition 1 Sustainable Groundwater Management Planning (SGWP) Grant.**

Director Kuebler: Attended the SWRCB modeling webinar. He expressed concerns about the accuracy of the SWRCB model. He also attended an Ad Hoc Stakeholder Engagement Committee meeting (0.75 hour).

Director Rungren: No announcement. No time to report.

Director Rose: Attended the Ad Hoc Stakeholder Engagement Committee meeting with Directors Kuebler and Ayala (0.75 hour).

Director Shephard: Announced that DWR released reviews of four GSPs. Two of the four had deficiencies.

Director Kaiser: Announced that he is now the primary director for Casitas MWD and Mary Bergen is the new alternate. A Casitas MWD Board resolution will be forwarded to UVRGA.

Director Engle: Gave a presentation to the Ventura River Watershed Committee concerning her analysis of the algae TMDL monitoring data.

8) EXECUTIVE DIRECTOR'S REPORT

Executive Director Bondy briefly reviewed the written staff report with the Board.

Director Engle asked about the upcoming SWRCB deadline for commenting on the modeling webinar series. Executive Director Bondy said the deadline is June 25th but finishing the draft GSP needs to take precedent over commenting on the SWRCB webinars. He added that there will be other opportunities to comment on the SWRCB model before it is finalized.

Kevin Delano, SWRCB, said they understand the situation and will be flexible in receiving comments after June 25. The sooner, the better, but after June 25 is better than not receiving any feedback. Mr. Delano thanked UVRGA for its participation in the SWRCB process.

Director Kuebler thanked Executive Director Bondy for a question he asked during the SWRCB webinar about SWRCB's expectations concerning use of their model for future GSP updates. Director Kuebler expressed concerns about the SWRCB model and said that UVRGA should not be expected to use the SWRCB model if it is not the best available

science. Executive Director Bondy explained that the SWRCB and UVRGA models have different resolutions and that it may be beneficial to use the models together in some cases.

No further public comments.

No motion.

9) ADMINISTRATIVE ITEMS

No items.

10. GSP ITEMS

a. Groundwater Sustainability Plan Update (Grant Category (d); Task 11: GSP Development and Preparation)

Executive Director Bondy briefly reviewed the written staff report with the Board. He said the GSP Development Team is focused on writing the preliminary draft GSP. He asked the Directors to reserve time in late June and July to review the preliminary draft GSP. Three meetings are scheduled in July for the Board to provide feedback on the document before opening a 60-day public comment period in early August. Executive Director Bondy proposed reviewing GSP sections 1-3 during the July 8 Regular Board Meeting and reviewing GSP sections 4-7 during the July 22 Special Board Meeting. A second Special Board meeting is scheduled on July 29, as needed. Sections 1-3 will be posted in late June and sections 4-7 in early July.

No public comments.

No motion.

11. COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

Director Rose said the Stakeholder Engagement Committee met to discuss outreach to private pumpers concerning the projected Agency budget and fees.

Director Kuebler said that Director Ayala and he are very concerned about the projected pumping fees. He wants to discuss scaling back scientific interests and wants to consider placing a cap future extraction fees at \$80 or \$100 per acre foot. He asked for the Executive Director's thoughts.

Executive Director Bondy said that the Agency is charged with meeting a regulatory mandate. SGMA requires the Agency to implement monitoring networks in the Basin and to identify data gaps that impact sustainable management. Those activities are driving the costs. He believes the GSP Development Team has identified the actions necessary to meet the minimum requirements. He added that the Agency must budget to complete everything that is included in the GSP because there is no guarantee that other parties will do the work. If some tasks end up being completed by others, the Agency will not

duplicate those efforts and the fees would be less than projected. He said that capping the fees would signal to DWR that the Agency may not be serious about implementing the GSP, which may not be the message that the Agency wants to send. He added that he spoke with Director Ayala, and they discussed alternative funding options that may be more palatable to agricultural entities. Those options can be considered when the Agency begins reviewing fee options later this year.

Director Shepherd said Executive Director Bondy has good points. He said we need to explain to the stakeholders what the requirements are, how we will comply, and that we are looking into grants and other means of keeping fees as low as possible.

Director Rungren shared her perspective from the City's recent water and wastewater rate setting process. It is a similar situation - the City must comply with regulations and the compliance costs are increasing. She said stakeholder outreach is important.

Chair Engle expressed concerns about getting off of the subject of the agenda item. She said the Board previously discussed beginning work on funding issues during the 60-day GSP public comment period.

Director Kaiser said he agrees with Chair Engle, we need to review the draft GSP first.

Director Kuebler said the Board should discuss the regulatory requirements and affordability. He said outreach to stakeholders is very important.

No public comments.

No motion.

12. FUTURE AGENDA ITEMS

Director Kuebler said he is now the only check signer because of the new Casitas MWD appointments. Two check signers are needed pursuant to the Bylaws. He asked for an item on the next agenda to address this and to extend check signing eligibility to all Member Directors instead of just Officers.

Funding issues will be scheduled during the GSP comment period.

13. ADJOURNMENT – The meeting was adjourned at 2:24 p.m.

Action: _____

Motion: _____ Second: _____

B.Kuebler____ D.Engle____ P. Kaiser____ S.Rungren____ G.Shephard____ E.Ayala____ L.Rose____

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 6(b)

DATE: July 6, 2021
TO: Board of Directors
FROM: Carrie Troup C.P.A., Treasurer
SUBJECT: Approve Financial Report for June 2021

May 2021 UVRGA Balance \$ 290,785.78

June 2021 Activity:

June Expenditures Paid:

\$ -

Checks Pending Signature:

2229	Intera Incorporated	June services	\$	96,735.00
2230	Rincon Consultants Inc	June services	\$	1,191.25
2231	Rincon Consultants Inc	May-June services	\$	1,903.65
2232	Olivarez Madruga Lemieux O'Neill LLP	May services	\$	3,222.50
2233	Carrie Troup, C.P.A.	June services	\$	1,458.72
2234	Bondy Groundwater Consulting, Inc	June services	\$	23,400.00

Total Expenditures Paid & To Be Paid \$ 127,911.12

June 2021 UVRGA Ending Balance: \$ 162,874.66

Action: _____

Motion: _____ Second: _____

B. Kuebler___ G. Shephard___ D. Engle___ P. Kaiser___ S. Rungren___ L. Rose___ E. Ayala___

The financial report omits substantially all disclosures required by accounting principles generally accepted in the United States of America; no assurance is provided on them.

Item 6(b), Page 1 of 1

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 8

DATE: July 8, 2021

TO: Board of Directors

FROM: Executive Director

SUBJECT: Executive Director's Report

SUMMARY

The following are updates on Agency matters since the last Board meeting:

1. Administrative: *Nothing to report.*
2. Financial:
 - a. Groundwater Extraction Fees:
 - i. The fourth round of semi-annual extraction fee invoices was mailed on January 15, 2021. Payments were due on February 19, 2021. *As of April 1, three entities have not paid, totaling \$2,303.56.*
 - ii. The third round of semi-annual extraction fee invoices was mailed on July 16, 2020. Payments were due August 16, 2020. *One entity remains unpaid, totaling \$870.76.*
 - iii. *The fourth round of semi-annual extraction fee invoices will be mailed in July.*
 - b. GSP Grant: *There are no outstanding invoices.*
3. Legal: *No reportable activity.*
4. Sustainable Groundwater Management:
 - a. Groundwater Sustainability Plan Development: *Please see Item 10a.*
 - b. Groundwater and Surface Water Monitoring:
 - i. The property on which well 04N23W20A01S is located changed ownership in early 2021. Staff sent a request for continued access to the new property owner on February 24, 2021. *The request is still pending.*
 - ii. *The owner of well 04N23W09B01S replaced the Agency's monitoring device with their own equipment. Staff is working with the well owner to*

determine whether groundwater level data can be obtained from this well going forward.

- c. Camino Cielo Crossing Surface Water Flow Gauge: *Due to the lack of rainfall, gauge activation was deferred until Spring 2022.*
- d. DWR Surface Water Flow Gauge: *Gage installation was completed.*
- 5. SWRCB / CDFW Instream Flow Enhancement Coordination: *No reportable activity.*
- 6. Ventura River Watershed Instream Flow & Water Resilience Framework (VRIF): *No reportable activity.*
- 7. Miscellaneous: N/A

RECOMMENDED ACTIONS

Receive an update from the Executive Director concerning miscellaneous matters and Agency correspondence. Provide feedback to staff.

BACKGROUND

Not applicable

FISCAL SUMMARY

Not applicable

ATTACHMENTS

None

Action: _____

Motion: _____ Second: _____

B. Kuebler___ D. Engle___ P. Kaiser___ S. Rungren___ G. Shephard___ E. Ayala___ L. Rose___

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 9(a)

DATE: July 8, 2021

TO: Board of Directors

FROM: Executive Director

SUBJECT: Agency Officer Appointments

SUMMARY

In accordance with the Agency Bylaws, officer elections are required at the beginning of each fiscal year. Only Member Directors are eligible for appointment.

The current officers are:

- Chair: Diana Engle
- Vice Chair: Bruce Kuebler
- Secretary: Vacant (due to recent change in Casitas MWD Director)

RECOMMENDED ACTIONS

Appoint a chair, vice chair, and secretary for the period July 1, 2021 through June 30, 2022.

BACKGROUND

Pursuant to Joint Exercise of Powers Agreement (JPA) Article 7, officers of the Agency shall be selected from the Member Directors and shall be elected by, and serve at the pleasure of the Board of Directors. Pursuant to Agency Bylaws Section 4.2, Board Officers shall be elected at the first meeting at the start of the fiscal year.

FISCAL SUMMARY

None.

Action: _____

Motion: _____ Second: _____

B. Kuebler___ D. Engle___ P. Kaiser___ S. Rungren___ G. Shephard___ E. Ayala___ L. Rose___

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 9(b)

DATE: July 8, 2021

TO: Board of Directors

FROM: Executive Director

SUBJECT: Authorized Check Signers

SUMMARY

Resolution 2018-5 modified Article 7.2 of the Agency Bylaws to require the signatures of two Officers on checks issued by the Agency. For the last several years, Director Kuebler and the Secretary (former Director Spandrio and, more recently, former Director Hajas) have signed the Agency's checks.

Due to the change in Casitas MWD's appointments to the UVRGA Board, it is necessary to identify a new second signer. In addition, Director Kuebler recommended extending check signing eligibility from any two Officers to any two Member Directors. Doing so, would provide backup check signing capacity in the event of vacations, etc. Adopting Draft Resolution 2021-03 would make this change to the Agency Bylaws.

Action must also be taken to identify at add at least one additional check signer to the Agency's bank account at Bank of the Sierra (BOS). BOS requires a resolution to delete and add check signers to the account. Adopting Draft Resolution 2021-04 would provide the required documentation. Draft Resolution 2021-04 would need to be modified if the Board does not adopt Resolution 2021-03 or if Draft Resolution 2021-03 is modified prior to adoption.

RECOMMENDED ACTION

Adopt draft Resolutions 2021-03 and 2021-04.

BACKGROUND

On October 11, 2018, the Board approved Resolution 2018-5 updating Article 7.2 of the Agency Bylaws concerning invoice review procedures and check signing authority.

FISCAL SUMMARY

Not Applicable

ATTACHMENTS

- A. Draft Resolution 2021-3
- B. Draft Resolution 2021-4

Action: _____

Motion: _____ Second: _____

B. Kuebler____ P. Kaiser____ G. Shephard____ D. Engle____ S. Rungren____ L. Rose____ E. Ayala____

BOARD OF DIRECTORS

UPPER VENTURA RIVER GROUNDWATER AGENCY

RESOLUTION NO. 2021-03

**A RESOLUTION OF THE UPPER VENTURA RIVER GROUNDWATER AGENCY
REVISING INVOICE APPROVAL PROCEDURES**

WHEREAS, Article 7.2 of the Upper Ventura River Groundwater Agency's ("Agency") Bylaws sets forth the requirements for approval of warrants and issuance of checks in payment thereof; and,

WHEREAS, on July 12, 2018, the Board adopted Resolution 2018-04, repealing and replacing Article 7.2 of the Bylaws; and

WHEREAS, on October 11, 2018, the Board adopted Resolution 2018-05, repealing and replacing Article 7.2 of the Bylaws; and

WHEREAS, the Board did thoroughly discuss and determine need for revisions to Section 7.2 of the Agency's Bylaws at its July 8, 2021 Board meeting.

NOW, THEREFORE, the Board of Directors of the Upper Ventura River Groundwater Agency does hereby resolve, find, determine and order as follows:

Article 7.2 of the Bylaws is hereby repealed in its entirety and replaced as follows:

7.2 Signature of Checks and Approval of Warrants. Following the review of warrants by the Executive Director, any two Member Directors shall have the authority to approve warrants and issue checks in payment thereof. All approved warrants shall be presented in a financial summary report to the Board at its next regular meeting.

PASSED, APPROVED, AND ADOPTED this 8th day of July, 2021.

[Signature page follows]

 , Board Chair

ATTEST:

Bryan Bondy
Executive Director

APPROVED AS TO FORM:

Upper Ventura River Groundwater Agency
General Counsel

DRAFT

BOARD OF DIRECTORS

UPPER VENTURA RIVER GROUNDWATER AGENCY

RESOLUTION NO. 2021-04

**A RESOLUTION OF THE UPPER VENTURA RIVER GROUNDWATER AGENCY
TO DESIGNATE CHECK SIGNING AUTHORITY**

WHEREAS, Article 7.2 of the Upper Ventura River Groundwater Agency's ("Agency") Bylaws authorizes any two Member Directors to approve warrants and sign checks on behalf of the Agency;

WHEREAS, The Agency holds Bank of The Sierra Account No. 3701611998;

WHEREAS, Member Agency Casitas Municipal Water District appointed Pete Kaiser to replace Richard Hajas on the Agency Board of Directors, effective June 10, 2021; and

WHEREAS, the Board clarified that the following individuals holding the following positions are authorized to sign checks on behalf of the Agency, consistent with the Agency Bylaws:

- Member Director, Diana Engle
- Member Director, Bruce Kuebler
- Member Director, Pete Kaiser
- Member Director, Susan Rungren
- Member Director, Glenn Shephard

NOW, THEREFORE, the Board does hereby resolve, find, determine and order as follows:

1. Richard Hajas is not authorized to sign checks on behalf of the Agency, effective June 10, 2021.
2. Diana Engle, Bruce Kuebler, Pete Kaiser, Susan Rungren, and Glenn Shephard, in their roles as Member Directors are authorized to sign checks on behalf of Agency consistent with the Agency Bylaws.

PASSED, APPROVED AND ADOPTED this 8th day of July 2021.

[Signature page follows]

_____, Board Chair

ATTEST:

Bryan Bondy
Executive Director

APPROVED AS TO FORM:

Keith Lemieux, General Counsel
Upper Ventura River Groundwater Agency

DRAFT

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 10(a)

DATE: July 8, 2021

TO: Board of Directors

FROM: Executive Director

SUBJECT: Groundwater Sustainability Plan Update (Grant Category (d); Task 11: GSP Development and Preparation)

SUMMARY

Progress on the Groundwater Sustainability Plan (GSP) since the last update included the following:

1. **GSP:**
 - a. During its June 10, 2021 meeting, the Board agreed to a two-step process for reviewing the preliminary draft GSP prior to opening a 60-day public comment period in early August. GSP Sections 1 through 3 will be reviewed by the Board during the July 8 Regular Board Meeting. GSP Sections 4 through 7 will be reviewed by the Board during its July 22 Special Board Meeting. A second Special Board meeting is scheduled on July 29, as needed.
 - b. The Executive Director and Intera, Inc. worked on releasing the preliminary draft GSP for Board consideration. Sections 1 through 3 were posted to the Agency website on June 25, 2021. Sections 4 through 7 are being finalized and are expected to be posted on July 6 or 7.
2. **Outreach:** The Executive Director notified UVRGA interested parties concerning the availability of the preliminary draft GSP and the forthcoming 60-day comment period.
3. **GSP Development Schedule:** The updated GSP Development Schedule is provided in Attachment A.
4. **GSP Grant Data Gap Tasks:** All grant data gap tasks have been completed or were deleted by the grant agreement amendment.

RECOMMENDED ACTIONS

Receive an update from the Executive Director concerning groundwater sustainability plan development and consider providing feedback.

BACKGROUND

Not applicable.

FISCAL SUMMARY

Not applicable.

ATTACHMENTS

A. GSP Development Schedule

Action: _____

Motion: _____ Second: _____

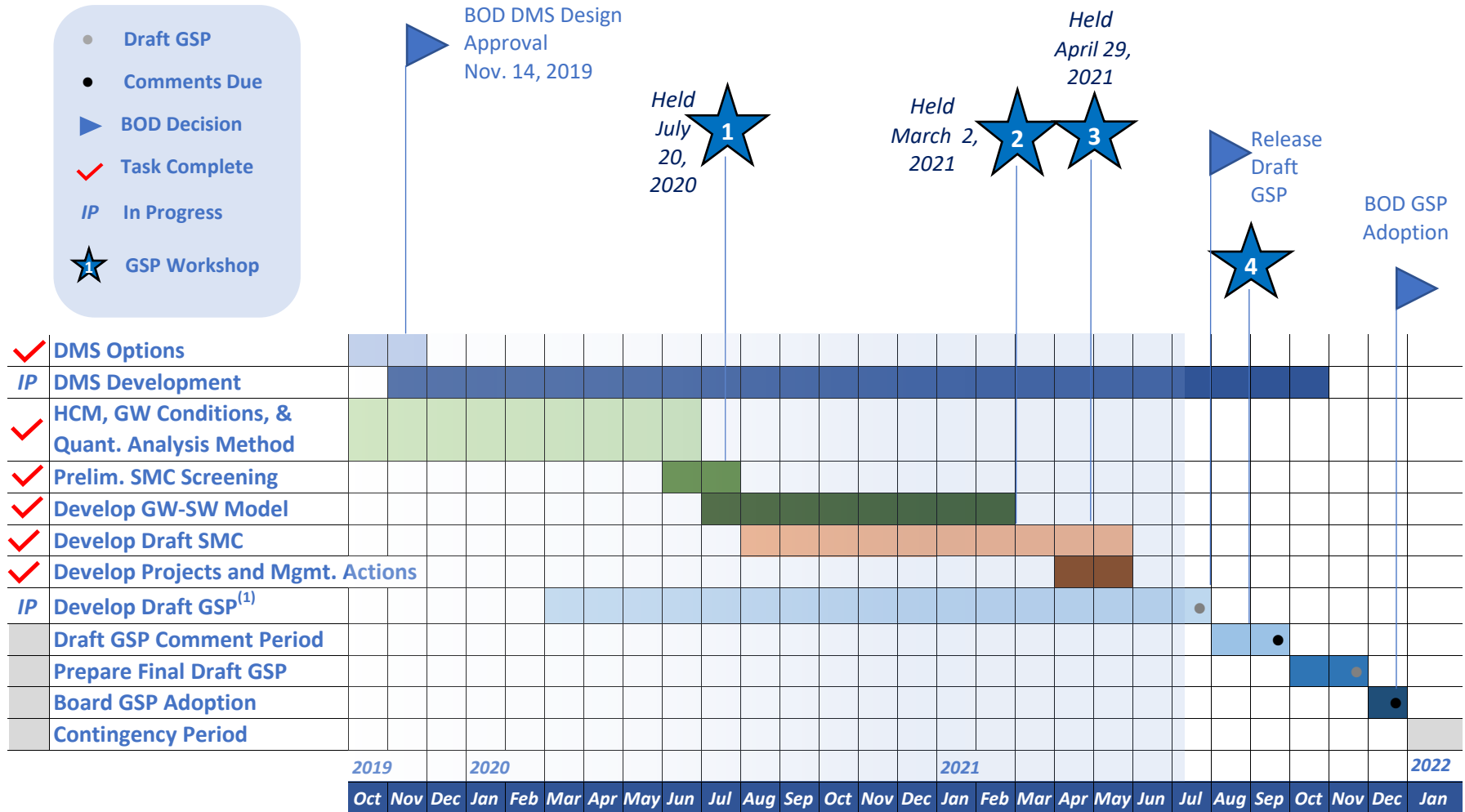
B. Kuebler____ D. Engle____ P. Kaiser____ S. Rungren____ G. Shephard____ E. Ayala____ L. Rose____

Item 10a

Attachment A

GSP Development Schedule

Upper Ventura River Groundwater Agency GSP Development Schedule Updated July 6, 2021



Notes:

(1) GSP topics not listed above generally consist of background or supporting information and will be prepared concurrently with the above-listed tasks.

BOD = Board of Directors; DMS = Data Management System; HCM = Hydrogeologic Conceptual Model; GSA = Groundwater Sustainability Agency;

GSP = Groundwater Sustainability Plan; GW = Groundwater; SW = Surface Water

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 10(b)

DATE: July 8, 2021

TO: Board of Directors

FROM: Executive Director

SUBJECT: Preliminary Draft Groundwater Sustainability Plan Review (Grant Category (d); Task 11: GSP Development and Preparation)

SUMMARY

As discussed during the June 10, 2021 meeting, the Board agreed to a two-step process for reviewing the preliminary draft GSP prior to opening a 60-day public comment period in early August. GSP Sections 1 through 3 will be reviewed by the Board today. GSP Sections 4 through 7 will be reviewed by the Board during its July 22 Special Board Meeting. A second Special Board meeting is scheduled on July 29, as needed.

Preliminary draft GSP Sections 1 through 3 were posted to the Agency website on June 25, 2021. The goal for today is to answer questions and identify potential changes to draft Sections 1 through 3. In order to stay on schedule, the Board is encouraged to focus on material issues that fundamentally affect the understanding of the Basin, sustainable management, and GSP implementation. Requests for minor edits or minor clarifications are best handled by forwarding to the Executive Director outside of the meeting, as Director Kuebler has already done.

Stakeholder comments received to date and draft responses are included in Attachment A for consideration during the Board's review and discussion of Preliminary Draft GSP Sections 1 through 3.

RECOMMENDED ACTIONS

Discuss sections 1 through 3 of the preliminary draft groundwater sustainability plan development and consider providing feedback.

BACKGROUND

Not applicable.

FISCAL SUMMARY

Not applicable.

ATTACHMENTS

A. Stakeholder Comments Received to Date and Draft Responses

Action: _____

Motion: _____ Second: _____

B. Kuebler___ D. Engle___ P. Kaiser___ S. Rungren___ G. Shephard___ E. Ayala___ L. Rose___

Item 10b

Attachment A

Stakeholder Comments Received to Date and Draft Responses

Groundwater Sustainability Plan Stakeholder Comments/Questions

Updated: 7/2/21

Entry Date	First Name	Last Name	Comment/Question	Response
3-Feb-21	Benjamin	Pitterle	Significant and unreasonable effects impacting surface water quality are caused by groundwater conditions throughout portions of the basin. Lowering of groundwater levels reduces surface flows. Reduced surface flows may cause water quality conditions that do not support beneficial uses. Such water quality conditions include lowered dissolved oxygen and increased temperatures. These flow-related impacts are highlighted in various watershed studies including the TMDL for Algae, Eutrophic Conditions, and monitoring programs for both the Confluence Aquatic GDE and Foster Park Aquatic GDE that include water quality Nutrients in the Ventura River. Water quality impacts to interconnected surface waters due to groundwater pumping should be addressed within the Groundwater Sustainability Plan. The Draft Sustainable Management Criteria for Degraded Water Quality acknowledges this surface-groundwater interdependence related to nitrate. The GSP should similarly address interdependences related to dissolved oxygen and temperature. Thank you for your consideration.	Effects on aquatic beneficial users related to flow are addressed in the GSP through the development of sustainable management criteria for the depletions of interconnected surface water. It is also noted that the GSP recommends in various watershed studies including the TMDL for Algae, Eutrophic Conditions, and monitoring programs for both the Confluence Aquatic GDE and Foster Park Aquatic GDE that include water quality monitoring, field observations of instream habitat and aquatic species, and in-situ water quality and flow measurements. The details of the monitoring programs will be decided when the monitoring workplans are developed and approved by the UVRGA Board.
18-Jun-21	Paul	Jenkin	1)This memo is a follow up from our conversation regarding development of the Groundwater Sustainability Plan (GSP). The primary concern we discussed is the elimination of large portions of the basin from SGMA oversight through the assumption that surface water is somehow “disconnected” from groundwater. Apart from the fact that there are fundamental flaws in the methodology used to make this determination, the resulting conclusions and management criteria are not consistent with avoiding undesirable results.	As discussed in the responses to several comments below, there is clear evidence from both measured data and modeling that the Ventura River is disconnected from the underlying water table in much of the Robles and Santa Ana Areas most of the time. However, this is not the reason for concluding that riparian vegetation and critical riffles in the Robles and Santa Ana Areas are not significantly and unreasonably impacted by pumping. That conclusion was made based on the lack of material groundwater dependency (in the case of riparian vegetation) and the small modeled stream flow depletion rates compared to typical flows (in the case of the critical riffles). The methodologies used are sound and consistent with SGMA requirements.
18-Jun-21	Paul	Jenkin	2) The primary Sustainable Management Criteria (SMC) for the UVRGB is the Depletion of Interconnected Surface Water. The analyses presented to date do not adequately assess the groundwater/surface water interactions within and between the different reaches of the basin, or even acknowledge the impact of groundwater pumping on surface flows.	The analysis presented to date, which are presented again in the GSP meet or exceed SGMA requirements. To better understand the analyses that have been presented to the public, it is recommended that the commenter read the draft GSP.
18-Jun-21	Paul	Jenkin	3) The Upper Ventura River Groundwater Basin is a shallow alluvial aquifer integral to the riparian floodplain ecosystem of the main stem Ventura River. Throughout these reaches of the river, groundwater and surface water are connected, and to suggest they are not is to undermine the intent of the Sustainable Groundwater Management Act.	The term interconnected means that the water table is in contact with water in the Ventura River (i.e. no unsaturated sediments exist between the river and the water table). Available data and modeling included in the draft GSP show that the water table elevation is typically below the Ventura River channel elevation in the Robles and Santa Ana Areas, which, by definition, means interconnection does not exist at that location. Identifying areas of interconnection and lacking interconnection is a SGMA requirement and does not undermine the intent of SGMA.
18-Jun-21	Paul	Jenkin	4) The Riparian Groundwater Dependent Ecosystems Assessment Report characterizes the Robles reach as a “Losing reach with generally disconnected groundwater- surface water.” This categorization eliminates the majority of this Groundwater Dependent Ecosystem from consideration under SGMA by assuming that it is “disconnected” and thus has too great a depth to groundwater to support riparian habitat. Other reaches are similarly dismissed.	The categorization of the groundwater-surface interaction of the Robles reach has no bearing on whether riparian vegetation is or is not classified as a GDE in the GSP. The decision whether to classify riparian vegetation as groundwater dependent or not is based on vegetation biology (including documented maximum rooting depths for plant species within the riparian communities) and groundwater levels, not the nature of the groundwater-surface water interaction in that reach.

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18-Jun-21	Paul	Jenkin	5) The analysis presented relies heavily on the Nature Conservancy “Natural Communities (NC) Dataset,” using vegetation communities to eliminate GDE polygons from the Upper Ventura River Groundwater Basin. The NC dataset is a statewide geographic computer database that maps vegetation types in all potential GDEs throughout the State of California. The large geographic scope of this map does not accurately represent current on-the-ground conditions, and more robust ground truthing should be undertaken. Even the aerial photos presented tell a different story than is acknowledged in the narrative (i.e. Figure 6 North Robles Habitat Area Photographs, Aquatic GDE Characterization report).	The analysis of groundwater dependency was based on the dominant species indicated for each NCAAG dataset polygon. Biologists on the UVRGA GSP Development Team confirmed the NCAAG dataset classifications are representative of the dominant species throughout the Basin. UVRGA recognizes that species other than the dominant species are present within the different areas, but concluded that screening based on the dominant species is appropriate for addressing SGMA requirements. As documented through the GDE analysis, it is understood that while riparian communities may exist in certain areas, such as the Robles reach, these communities appear to be dependent on non-groundwater sources of water, and not on material groundwater connection. The aerial photographs in the Aquatic GDE Assessment do show riparian vegetation in the North Robles Reach. However, the assessment of groundwater data, modeling results, and maximum rooting depths indicate that this reach is not groundwater dependent. Modeling results further demonstrate that groundwater pumping has a minimal effect on groundwater elevations in this reach.
18-Jun-21	Paul	Jenkin	6) Unfortunately, the UVRGSA analysis does not fully implement the Best Practices for using the NC Dataset guidance provided by the Nature Conservancy, which presents six best practices for using local groundwater data to confirm whether mapped features in the NC dataset are supported by groundwater. (Best Practices for using the NC Dataset, TNC July 2019). According to this guidance: -While depth-to-groundwater levels within 30 feet of the land surface are generally accepted as being a proxy for confirming that polygons in the NC dataset are supported by groundwater, it is highly advised that fluctuations in the groundwater regime be characterized to understand the seasonal and interannual groundwater variability in GDEs. (see Best Practice #2.) -One of the key factors to consider when mapping GDEs is to contour depth-to-groundwater in the aquifer that is supporting the ecosystem (see Best Practice #5).	SGMA requires GSAs to identify groundwater dependent ecosystems within the basin, utilizing data available from the DWR or the best available information. The TNC best practices are not adopted by DWR as a regulation or as a best management practice. Having said that, UVRGA endeavored to follow the TNC guidance while identifying and considering GDEs in the GSP. Regarding TNC Best Practice #2, UVRGA did consider groundwater level fluctuations in the riparian GDE screening process by considering high and low groundwater levels during representative wet, normal, and dry years. Thus, the analysis considered the full range of expected groundwater levels. This is explained on page 7 of the Riparian GDE memo. Regarding TNC Best Practice #5, contoured groundwater levels were used in the riparian GDE screening. Modeled groundwater levels were used, which provide gridded groundwater levels throughout the basin, which provides superior coverage compared to contours. This is described on page 7 of the memo.
18-Jun-21	Paul	Jenkin	7) The GIS Spatial Analysis of Maximum Rooting Depth and Groundwater Level presented in the Riparian GDE document does not present such contour depth-to-groundwater mapping or account for temporal variability	The groundwater level grids (superior to contours) are not depicted in the memo. However the results of the spatial analysis performed using the grids are described in the memo. The grids can be provided to stakeholders upon request.
18-Jun-21	Paul	Jenkin	8) In many situations, the hydrologic connection of NC dataset polygons will not initially be clearly understood if site-specific groundwater monitoring data are not available. If sufficient data are not available in time for the 2020/2022 plan, The Nature Conservancy strongly advises that questionable polygons from the NC dataset be included in the GSP until data gaps are reconciled in the monitoring network. Erring on the side of caution will help minimize inadvertent impacts to GDEs as a result of groundwater use and management actions during SGMA implementation.	UVRGA concluded that the plant biology and modeled groundwater levels are sufficient to screen the groundwater dependency of the various dominant vegetation types throughout the Basin. UVRGA concluded that there is compelling evidence to conclude the lack of groundwater dependency in the areas that were not included as GDEs in the GSP.
18-Jun-21	Paul	Jenkin	9 Furthermore, TNC guidance acknowledges that; Many of California’s GDEs have adapted to dealing with intermittent periods of water stress, however if these groundwater conditions are prolonged, adverse impacts to GDEs can result. Therefore, it is likely that the NC vegetation mapping is representative of conditions in which groundwater levels have been frequently and repeatedly pumped beyond the reach of riparian tree roots. Meanwhile, field observations over the past few wetter years show that the riparian vegetation has rebounded, illustrating how the ecosystem responds with the variation in water years. Receding groundwater levels and corresponding loss of surface flows in the current drought will likely reverse this recent trend, with the potential loss of the many young sycamores.	Modeling results indicate that groundwater levels in the Robles and Santa Ana area naturally fluctuate significantly below the rooting depth of the dominant species classified in those areas. UVRGA has modeled the water table elevations and streamflow absent groundwater pumping and determined that the incremental increase in groundwater levels and streamflow that would occur absent pumping is small and is not the reason sycamores are generally sparse in the Robles and Santa Ana areas. Even absent all pumping in the Basin, UVRGA’s biologist do not anticipate widespread recruitment of sycamores in the Robles and Santa Ana Areas, as the difference in groundwater levels does not appear to be particularly meaningful in terms of the water requirements of hardwood species, given the seasonal fluctuation of water availability.

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18-Jun-21	Paul	Jenkin	10) TNC guidance for determining GDEs recognizes the importance of surface flows; In addition, SGMA requires that significant and undesirable adverse impacts to beneficial users of surface water be avoided. Beneficial users of surface water include environmental users such as plants or animals, which therefore must be considered when developing minimum thresholds for depletions of interconnected surface water.	UVRGA has clearly and explicitly considered effects on GDEs in the formulation of the sustainable management criteria for the depletions of interconnected surface water and chronic lowering of groundwater levels.
18-Jun-21	Paul	Jenkin	11) The Model Results and SMC Implications Presentation (March 25, 2021) reaches the conclusion that: <ul style="list-style-type: none"> • Basin water budget is dominated by streamflow percolation into the Basin and groundwater discharge to Ventura River • GW pumping averages only ~10% of the GW Budget As low as 4% in wet years Up to 31% in dry years • Basin GW levels will be lower in dry seasons, but Basin will still re-fill in normal to wet years The conclusion that there is no impact from pumping based on the fact that the basin rapidly refills in the wet season points to the likelihood that the surface water is in fact “connected” to groundwater during these periods. Moreover, the fact that pumping represents up to 31% of the budget in the critical dry years raises many questions.	UVRGA has not concluded that there is no impact from pumping based on the fact that the basin rapidly refills. UVRGA has evaluated the effects of pumping on riparian and aquatic GDEs and developed sustainable management criteria to prevent significant and unreasonable effects on those beneficial users of groundwater. In addition, biological monitoring programs are included in the GSP.
18-Jun-21	Paul	Jenkin	12) The Model Results identify four areas of concentrated pumping, three of which directly impact groundwater levels in the “Robles Reach.” This reach is the area with the most storage in the basin, and should be considered as the “primary sub-basin” for water supply. Pumping in this reach directly affects conditions throughout the basin.	UVRGA does not agree with the conclusion that pumping in the "Robles Reach" affects conditions throughout the Basin. Pumping in the "Robles Reach" does not have a significant effect on groundwater/surface water conditions upstream of the "Robles Reach." UVRGA agrees that pumping in the "Robles Reach" affects conditions in downstream areas. In fact, UVRGA has calculated and presented the indirect depletion of surface water in the Foster Park and Confluence areas caused by upstream pumping.
18-Jun-21	Paul	Jenkin	13) The analyses and graphs presented in the Model Results do not provide information on the spacial and temporal surface flow conditions as they relate to groundwater levels. Because the downstream reaches are largely dependent on surface and groundwater flows out of this sub-basin, further analysis is needed to more clearly define the relationship between groundwater levels and surface flows. The analyses should, at a minimum, determine threshold groundwater levels at which surface flows are diminished or eliminated, both in the reach being monitored and downstream. This relationship was established decades ago in the Ventura River Conjunctive Use Report (1978) which states that; Flows in the live stretch are affected by both the rate of recharge of the upper part of the Ventura River groundwater basin and by the rate of groundwater extraction from wells in the river. Investigations published in the Conjunctive Use Report identified groundwater elevation thresholds in the upper basin at which flows in the live reach will cease; when the water level in well 4N23WI6C4 falls below Elevation 495, surface flow in much of the live stretch stops although some pools remain. A flow of 1 cfs or more in the live stretch corresponds with a water level in this well of greater than about Elevation 507.	UVRGA is aware of the historically developed correlations between groundwater levels and streamflow and reviewed that information during GSP development. However, the relationship between groundwater levels and surface flows is not a SGMA requirement and is not particularly useful for managing depletions of interconnected surface water because UVRGA is not charged with managing the total flow in the river. UVRGA is only responsible for managing depletion, not total flow. The correlations do not differentiate between total flow and depletion. Models, such as the numerical model developed by UVRGA, are needed to calculate depletion rate. UVRGA has calculated depletion rates and has developed SMC to avoid significant and unreasonable depletions, in accordance with SGMA requirements.

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18-Jun-21	Paul	Jenkin	<p>14) Groundwater levels also affect surface flows in the Robles Reach, which frequently dries up despite constant inflows. Unfortunately, the Aquatic GDE Impact Analysis is quick to dismiss the effect of groundwater elevation on surface flows; No monitoring is recommended at either of the critical riffle aquatic GDEs or the Robles Habitat Area, as impacts from pumping in these areas were determined to be minimal or non-existent. This conclusion is inconsistent with the guidance provided in Monitoring Networks and Identification of Data Gaps BMP (DWR 2016) which states: 23 CCR §354.34(c)(6): Depletions of Interconnected Surface Water. Monitor surface water and groundwater, where interconnected surface water conditions exist, to characterize the spatial and temporal exchanges between surface water and groundwater, and to calibrate and apply the tools and methods necessary to calculate depletions of surface water caused by groundwater extractions. The monitoring network shall be able to characterize the following: (A) Flow conditions including surface water discharge, surface water head, and baseflow contribution. (B) Identifying the approximate date and location where ephemeral or intermittent flowing streams and rivers cease to flow, if applicable. (C) Temporal change in conditions due to variations in stream discharge and regional groundwater extraction. (D) Other factors that may be necessary to identify adverse impacts on beneficial uses of the surface water. DWR guidance provides detailed information on developing a monitoring network to accurately assess these concerns.</p>	<p>Depletion of surface water in the "Robles Reach" was estimated using the numerical model. The model was run with and without pumping to determine streamflow depletions. The results indicated that depletion in the Robles Reach was very small compared to surface water flows during the steelhead migration season. Therefore, it was concluded that there are no significant and unreasonable depeltions of surface water in the critical riffle areas caused by pumping. UVRGA concludes that detailed monitoring is not necessary in these areas due to the very small modeled depletions and that the limited funding avaiable for monitoring should be prioritized in the Confluence and Foster Park Areas, where UVRGA has concluded that significant and unreasonable effects could potentially occur. It is also noted that the DWR BMPs are not binding on GSAs and are not intended to be applied without consideration of basin-specific conditions and priorities relative to potential undesirable results in the Basin.</p>
18-Jun-21	Paul	Jenkin	<p>15)Establishing Minimum Flow Thresholds</p> <p>As described above, the current GSP analysis incorrectly concludes that groundwater pumping has little to no effect on surface flows throughout the majority of the basin. But even for the identified groundwater dependent "Habitat Areas," the development of minimum flow thresholds is inadequate. For example; For the Foster Park Habitat Area, while the City's low flow thresholds are based on only one HSI score evaluated in the Padre study (average thalweg depth), we understand this currently provides the best available information to establish minimum thresholds for the depletion of interconnected surface water sustainability criteria. This statement ignores best available science, including the recently published CDFW Draft Instream Flow Recommendations (2021) as well as the NMFS Draft Biological Opinion for Foster Park Wellfield (2005).</p>	<p>SGMA does not require UVRGA to establish minimum surface flow thresholds. Rather, SGMA requires UVRGA to establish minimum thresholds for <u>depletion</u> of surface water flow. That is a very critical distinction because it means UVRGA is not responsible for the total flow in the Ventura River. UVRGA has quantified depletion of surface water throughout the Basin and has concluded that depletions are small relative to typical surface flows upstream of the Confluence area. SMC are not required for those areas because UVRGA has concluded that the small depletions do not cause significant and unreasonable effects. For the Confluence Area, it is unclear if depletions cause significant and unreasonable effects and monitoring is proposed to answer that question. For Foster Park, the minimum thresholds are based on the current best available science, which is the site-specific study by Hopkins (2013). Neither the CDFW flow recommendations nor the NMFS draft BO identify a threshold for significant and unreasonable effects based on groundwater pumping like the Padre study included in Hopkins (2013) does. The CDFW study and BO include surface flow recommendations or requirements to maintain optimal habitat conditions for steelhead. Although the UVRGA agrees that optimal surface water conditions are important to the health of aquatic species and their habitats including steelhead, SGMA does not require GSA's to maintain optimal surface water conditions for riverine species, but rather to manage significant and unreasonable effects related to groundwater pumping.</p>

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18-Jun-21	Paul	Jenkin	<p>16) Implications for the UVR Groundwater Sustainability Plan</p> <p>According to the Brownstein Water Group, the Cuyama Valley Basin and the Paso Robles Area Subbasin GSPs were recently deemed incomplete for deficiencies in their definitions of sustainable management criteria (SMC), including minimum thresholds and undesirable results. Some of the concerns cited by DWR are that the GSP; • provides insufficient detail for how it determined that the selected minimum thresholds . . . are consistent with avoiding undesirable results • does not relate different minimum thresholds for different portions of the basin to conditions that could cause undesirable results • does not sufficiently discuss expected impacts and therefore “precludes meaningful disclosure to, and participation by, interested parties and residents in the Basin. It is clear from these recent DWR determinations that much more work is needed to develop and present a clear understanding of the workings of the Upper Ventura River Groundwater Basin, the potential impacts from groundwater pumping, and a plan to better manage the limited resource to ensure future sustainability and a healthy ecosystem.</p>	<p>UVRGA does not agree with the conclusion that shortcomings of other GSAs necessarily means that much more work is needed by UVRGA. UVRGA reviewed the Paso Robles and Cuyama GSPs during its GSP development process and previously identified many of the same issues raised by DWR in its review and has been developing the GSP with that understanding in mind.</p>
18-Jun-21	Paul	Jenkin	<p>17) Recommendation:</p> <p>These initial comments are provided as requested, in good faith, prior to the release of the Draft GSP in the interest of stakeholder engagement and with the hopes that the UVRGSA is able to augment the current analysis and develop a meaningful assessment of the impact of groundwater pumping on surface flows in the Ventura River. It is clear that this will be necessary to successfully develop the Groundwater Sustainability Plan to a level that satisfies the objectives of the Sustainable Groundwater Management Act (SGMA) in order to gain the support of local stakeholders and approval by the California Department of Water Resources.</p>	<p>Thank you for your initial comments. UVRGA believes the assessment it has performed for the GSP is meaningful and adequately characterizes the impact of groundwater pumping on surface water flows in the Ventura River. We encourage you to read the draft GSP.</p>