UPPER VENTURA RIVER GROUNDWATER AGENCY

NOTICE OF SPECIAL AND REGULAR MEETING

NOTICE IS HEREBY GIVEN that the Upper Ventura River Groundwater Agency ("Agency") Board of Directors ("Board") will hold a **Special Board Meeting at 12:30 P.M. and a Regular Board Meeting at 1:00 P.M. on Thursday, December 9, 2021 via**

ON-LINE OR TELECONFERENCE:

DIAL-IN (US TOLL FREE) 1-669-900-6833
Find your local number: https://us06web.zoom.us/u/kdCppbjY4M
JOIN BY COMPUTER, TABLET OR SMARTPHONE:
https://us06web.zoom.us/j/85042024768?pwd=Yi9TaXphelRQWFNkaTJDd09xcmJGdz09
Meeting ID: 850 4202 4768
Passcode: 737183
New to Zoom, go to: https://support.zoom.us/hc/en-us/articles/206175806

Per Resolution No. 2021-05 by the Board of Directors of the Upper Ventura River Groundwater Agency, the Board 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 Board. 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

December 9, 2021

1. **MEETING CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF AGENDA & RENEWAL OF RESOLUTION NO. 2021-05**
   Pursuant to AB 361, the Board may continue to meet via teleconference, provided it make the findings in section 3 of Resolution No. 2021-05.

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 November 15, 2021 Special Board Meeting
b. Approve Financial Report for November 2021
c. Regular Board Meeting Schedule for 2022

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

****No Administrative Items This Meeting****

10. GSP ITEMS

a. Groundwater Sustainability Plan Update (Grant Category (e); Task 12: GSP Reviews and Approvals)

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

b. PUBLIC HEARING

Public Hearing to Consider Adoption of the Groundwater Sustainability Plan (GSP) for the Upper Ventura River Valley Basin via Resolution 2021-06 (Grant Category (e), Task 12 GSP Reviews and Approvals)

The Board will conduct a public hearing and consider adopting Resolution 2021-06: A Resolution of the Board of Directors of the Upper Ventura River Groundwater Agency Adopting a Groundwater Sustainability Plan (GSP) for the Upper Ventura River Valley Basin.

The Board welcomes public comment and testimony regarding the proposed GSP.

After receiving public comment and testimony, the Board will close the PUBLIC HEARING and consider adopting Resolution 2021-06 adopting the GSP for the Upper Ventura River Valley Basin or consider providing direction to staff concerning GSP edits.

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

The next Regular Board meeting is to be determined.

UPPER VENTURA RIVER GROUNDWATER AGENCY
MINUTES OF SPECIAL MEETING NOVEMBER 15, 2021

The Board meeting was held via teleconference, in accordance with Upper Ventura River Groundwater Agency Board Resolution No. 2021-05. Directors present were Bruce Kuebler, Larry Rose, Susan Rungren, Emily Ayala, Pete Kaiser, Glenn Shephard, and Diana Engle. Also, present: Executive Director Bryan Bondy, Agency Counsel Wayne Lemieux, and Administrative Assistant Maureen Tucker. Identified public members present: Jenny Tribo (City of Ventura staff), Mary Bergen (Casitas MWD director and UVRGA alternate director), Kelly Dyer (Casitas MWD staff), and Burt Handy.

1) CALL TO ORDER

Chair Engle called the meeting to order at 10:02 a.m.

2) PLEDGE OF ALLEGIANCE

Executive Director Bryan 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, Diana Engle, and Emily Ayala

Directors Absent: none

4) APPROVAL OF AGENDA AND RENEWAL OF RESOLUTION NO. 2021-05

Chair Engle asked for any proposed changes to the agenda. None were offered.

Director Kaiser moved agenda approval and renewal of Resolution 2021-05. Director Ayala seconded the motion.

No discussion.

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

Director Absent: none

5) PUBLIC COMMENTS ON ITEMS NOT APPEAR ON THE AGENDA

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

No public comments were offered.

6) CONSENT CALENDAR

a. Approve Minutes from October 14, 2021 Regular Board Meeting
b. Approve Financial Report for October 2021

Director Rungren moved approval of the consent calendar. Director Kuebler seconded the motion.

No discussion.

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

7) DIRECTORS ANNOUNCEMENTS

a. Directors may provide oral report on items note 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.

No reports were offered. No time was reported.

8) EXECUTIVE DIRECTOR'S REPORT

Executive Director Bondy reviewed the written staff report with the Board concerning updates on non-GSP Agency matters.

Executive Director Bondy provided more information about the private well on Burnham Road that the agency formerly used to monitor groundwater levels. He explained that the property was sold in early 2021 and he had attempted to obtain permission for continued access for monitoring but was unsuccessful. Since then, the property owner applied for annexation to Ventura River Water District (VRWD). VRWD made access for groundwater level monitoring a condition for annexation and obtained signature on a UVRGA access agreement, which was provided to the Executive Director by VRWD staff. Because he was not involved in VRWD's negotiations with the property owner, he called the new owner to discuss. Executive Director Bondy said the owner did not really want to provide access but felt he was given not choice and is very unhappy about the whole situation. Executive Director Bondy said he has not signed the agreement and wanted to discuss with the Board first. He does not feel it is a good situation to enter someone's property if they do not really want you there. The well is old, and he is concerned that UVRGA could be blamed for anything that goes wrong with the well. He added that VRWD staff are aware of a potential alternative well for monitoring that could be investigated.

Chair Engle said she is not comfortable with VRWD acting on behalf of UVRGA without coordinating with the Executive Director and asked for an explanation. Director Kubler said that he talked to the property owner who was unwilling to provide access. He offered the property owner a tradeoff of long-term monitoring in exchange for annexation to VRWD. Director Kuebler said his motivation was to avoid the cost of drilling a monitoring well for UVRGA.

Chair Engle said she is not comfortable with the access agreement because UVRGA did not negotiate it with the landowner. She asked for feedback from the other directors.

Director Ayala said that it is an ongoing issue to explain to the public who is wary of governmental entities to ask for things without an explanation. She offered that Director Rose or herself could assist with landowner outreach.

Director Kaiser agreed with Chair Engle and Director Ayala. He cautioned against being too aggressive with property owners. He mentioned that there are monitoring wells at the Ojai burn dump site.

Director Shepherd said the Executive Director should take the lead on these matters with help from the stakeholder committee.

Chair Engle suggested letting things cool off and to revisit this issue after GSP adoption. Directors Kaiser, Rungren and Shepherd agreed. Executive Director Bondy said that he would investigate the potential alternative well.

9) ADMINISTRATIVE ITEMS

a. State Water Resources Control Board Ventura River Watershed Groundwater Surface Water Model Scenarios Comments

Executive Director Bondy briefed the board on the State Water Resources Control Board (SWRCB) Ventura River Watershed Groundwater- Surface Water Model Scenarios webinar held on October 29th. He said the webinar notice and slides were included in the meeting packet. He said that Director Kuebler and he made comments during the webinar that are detailed in the staff report for the item.

Chair Engle stated that comment No. 6 was very useful.

Director Rungren asked if the comments were sent to SWRCB in written form. Executive Director Bondy said no, but that could be done if the Board chooses. Director Rungren said she would like to have written comments submitted by UVRGA.

Director Kuebler said he believes on of the four planned modeling scenarios should be the California Department of Fish and Wildlife flow recommendations. It should replace the Matilija Dam removal scenario.

Director Kaiser agreed with sending a comment letter.

Director Rungren said that, if we do not agree with the flow recommendations, then why would we want them modeled?

Chair Engle agreed with Director Rungren and added that others will likely request it anyway.

Director Ayala said the scenarios should evaluate realistic things like potential land use changes such as potential agricultural land conversion to ranchettes or what happens during El Nino periods.

Chair Engle proposes Executive Director Bondy prepare a letter based on his comments. Directors Kuebler, Shepherd, Ayala and Rose agreed.

Chair Engle moved to direct Executive Director Bondy to submit a comment letter to the State Water Resources Board for items 1-6 of his oral comments made at the workshop, fleshed out as needed. Director Kuebler seconded the motion.

No public comments.

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

10) GSP ITEMS

a. Groundwater Sustainability Plan Update (Grant Category (e); Task 12: GSP Review and Approvals)

Executive Director Bondy briefly reviewed the written staff report.

No director questions or comments.

No public comments.

b. Draft Groundwater Sustainability Plan Comments Responses and GSP Edits (Grant Category (e); Task 12; GSP Reviews and Approvals)

Executive Director Bryan Bondy explained that a comment response table and a revised draft of the GSP were prepared and posted to the Agency website. The interested parties and directors were notified of the availability of these items on November 5, 2021. He said the purpose of this item is to discuss the GSP edits and comment responses.

Director Engle said she is concerned that the language on page 21 and 135 could be interpreted opposite of what was intended. Executive Director Bondy reviewed the language and agreed. He said the text in the parenthetical should be deleted.

Director Kuebler said the Executive Director and others did a great job and he is ready to proceed with a public hearing.

Director Ayala thanked the Executive Director and the team for getting this done in timely manner. She is amazed at how much the Agency has accomplished.

Director Shepherd says he echoes the comments of Director Kuebler and Ayala and thanked staff for putting it together.

Director Rose said the comment responses are more than adequate and his is ready to move forward.

Director Rungren said it was well done. She thanked the Executive Director and other consultants.

Public comments: Mary Bergen said the Board and staff did a fabulous job. They answered the DWR format.

Director Engle moved to proceed with preparation of a tentative final GSP in alignment with today's discussion and for staff to make any other non-substantive edits to the document, as necessary. Seconded by Director Ayala.

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

c. Schedule Public Hearing for GSP Adoption (Grant Category (e); Task 12: GSP Reviews and Approvals

Executive Director Bondy explained why the board needs to hold a public hearing before adoption of GSP. The board can hold the public hearing at a board meeting. Executive Director will email interested parties of the meeting and post notices in the newspapers. He explained that the tentative plan was to hold the public hearing during the next regular Board meeting on December 9, but that there is a concern because Ojai Basin Groundwater Management Agency is holding their GSP public hearing later that afternoon.

Director Ayala said that she raised the concern, but maybe it is OK.

The Board discussed the issue and reached a consensus start the Board meeting on December 9, 2021 at 12:30 p.m. The normal business can be held between 12:30 p.m. and 1:00 p.m. and the public hearing can start at 1:00 p.m.

Director Ayala moved to change the December 9, 2021 regular meeting start time to 12L30 and include the public hearing. Director Rungren seconded the motion.

No further discussion.

No public comments.

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

Director Shepherd noted that he needs to leave at 11:30 a.m.

d. Intera, Inc. Work Order No. 4 for Annual Report and Numerical Model Update

Executive Director Bondy explained that annual reports are required following GSP adoption. He explained that the numerical model will need to be updated to prepare the annual reports. He reviewed the fiscal summary for the item. One issue to note is that the long-range budget was prepared before the GSP team realized the model would need to be updated each year. Previously, it was assumed the model would be updated every five years and that is how the long-range budget was setup. Thus, the model update budget will need to be spread out over time instead of lumped every five years.

Director Kaiser asked if the proposed work order is for five annual reports or just the first. Executive Director Bondy said the proposed work order only covers the first annual report.

Chair Engle asked for clarification as to why the model needs to be updated each year. Executive Director Bondy explained that UVRGA is required to report basin conditions relative to the sustainable management criteria (SMC). The model is used to determine conditions relative SMC for the depletions of interconnected surface water sustainability indicator.

Director Shephard logged off from the meeting.

No public comments.

Director Kaiser moved the staff recommendation (authorize the Executive Director to issue Intera, Inc. Work Order No. 4 for an amount not-to-exceed $51,040 and $5,000 contingency). Seconded by Director Rungren.

Roll Call Vote: B. Kuebler – Y L. Rose – Y D. Engle – Y
S. Rungren – Y P. Kaiser – Y E. Ayala – Y

Absent: Director Shepherd (left meeting at 11:30 a.m.)

11) COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

Director Rose said there is nothing to report.

No public comments.

12) FUTURE AGENDA ITEMS

Director Kuebler asked if UVRGA should submit comments on the OBGMA GSP. He said he has concerns about the San Antonio Creek flows and he provided information to the Executive Director. Written comments are due by December 9 prior to the public hearing. Recognizing that the Board could not act on this matter, the Board consensus was to leave this to the Executive Director's discretion. No motion.

13) ADJOURNMENT

Chair Engle wished everyone a happy Thanksgiving. The meeting was adjourned at 11:36 a.m.

Action: _____

Motion: _____

B.Kuebler__ D.Engle__ P.Kaiser__S. Rungren__ G.Shephard___ E.Ayala___ L.Rose___

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

DATE: December 8, 2021

TO: Board of Directors

FROM: Carrie Troup C.P.A., Treasurer

SUBJECT: Approve Financial Report for November 2021

October 2021 UVRGA Balance			$	211,371.10
November 2021 Activity:				
Revenues:				
	Groundwater Extraction Fees		$	-
	November Expenditures Paid:			
			$	-
	Checks Pending Signature:			
2263	Intera Incorporated	November services	$	17,773.93
2264	Carrie Troup, C.P.A.	November services	$	1,040.09
2265	Olivarez Madruga Lemieux O'Neill LLP	November services	$	1,574.40
2266	Olivarez Madruga Lemieux O'Neill LLP	October services	$	1,066.40
2267	Bondy Groundwater Consulting, Inc	November services	$	7,779.25
2268	Ojai Valley News	Advertising	$	210.00
	Total Expenditures Paid & To Be Paid		$	29,444.07
November 2021 UVRGA Ending Balance:			**$**	**181,927.03**

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.

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

DATE: December 9, 2021

TO: Board of Directors

FROM: Executive Director

SUBJECT: Regular Board Meeting Schedule for 2022

SUMMARY

The Board of Directors currently meets monthly, as needed, on the second Thursday of the month at 1pm. By maintaining this consistent meeting schedule, the Board would reinforce the public's expectation for Board meetings to occur on a regular schedule, which provides for greater predictability and may facilitate greater public engagement.

The Board may also choose to approve a different schedule.

RECOMMENDED ACTIONS

Adopt the second Thursday of each month as the regular Board meeting schedule for the 2022 calendar year.

BACKGROUND

Please see summary.

FISCAL SUMMARY

Not Applicable.

Action: _____

Motion:_____ Second: _____

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

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 8

DATE: December 9, 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 fifth round of semi-annual extraction fee invoices were due in mid-August. One entity is unpaid, totaling $554.12.***

    b. GSP Grant:

        i. ***Grant Progress Report and Invoice No. 9 were submitted to DWR on August 23, 2021. DWR approved the invoice on October 27, 2021. Payment in the amount of $1,316.25 was received in early December.***

        ii. ***The Executive Director is working on a grant agreement amendment to reconcile grant category budgets prior to submitting a final invoice and closing out the grant.***

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. Access for Groundwater Level Monitoring in Well 04N23W20A01S: ***No update.***

        ii. Camino Cielo Crossing Surface Water Flow Gauge: ***Due to the lack of rainfall, gauge activation was deferred until Spring 2022.***

5. SWRCB / CDFW Instream Flow Enhancement Coordination: ***The Executive Director submitted a comment letter to SWRCB concerning the modeling scenarios (Attachment A).***

6. Ventura River Watershed Instream Flow & Water Resilience Framework (VRIF): ***The Executive director was unable to attend the November 17, 2021 meeting. VRIF representatives provided an update during the December 2, 2021 Ventura River Watershed Council meeting. The draft toolkit is out for comment. Remaining VRIF meetings are scheduled for January 12 and February 3, 2022.***

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
A. Comment letter dated December 2, 2021 to SWRCB re: Comments on Ventura River Watershed GW-SW Model Scenarios

Action: _____

Motion:_____ Second: _____

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

Upper Ventura River
GROUNDWATER AGENCY
SUSTAINABLE MANAGEMENT

202 W. El Roblar Dr.
Ojai, CA 93023
(805) 640-1247
https://uvrgroundwater.org/

December 2, 2021

Kevin DeLano
State Water Resources Control Board
Division of Water Rights
1001 I Street 14th Floor
Sacramento, CA 95814

Via e-mail to: InstreamFlows@waterboards.ca.gov

RE: Comments on Ventura River Watershed GW-SW Model Scenarios

Dear Kevin,

Thank you for the opportunity to submit comments on the above-listed matter. This letter presents Upper Ventura River Groundwater Agency's (UVRGA's) comments on the model scenarios and methodology based on the October 29, 2021 webinar presentation. The comments presented in this letter were prepared by a State of California licensed Professional Geologist and Certified Hydrogeologist. The five public agencies that comprise the UVRGA (Casitas Municipal Water District, the City of San Buenaventura, the County of Ventura, the Meiners Oaks Water District, and the Ventura River Water District) reserve the right to submit separate, standalone comments.

Comments:

1. Neither the study plan nor webinar provide information concerning what approach will be utilized to compare results from the various scenarios, including any quantitative metrics that may be used. This approach to comparing the scenarios should be vetted with the technical advisory committee, stakeholders, and public.

2. UVRGA encourages SWRCB to increase the scope to include more than eight simulations. For perspective, UVRGA ran dozens of model simulations to evaluate surface water depletion for the Upper Ventura River Basin Groundwater Sustainability Plan (GSP). More simulations will be needed to answer the important questions that need to be addressed in the process and build confidence in any resulting regulatory decisions.

3. Simulations are needed to look at the timing and location of groundwater pumping effects. Blanket pumping reductions are not the most efficient or effective means of achieving potential objectives. More modeling will be needed to evaluate targeted/optimized approaches.

4. Consider running each scenario multiple times to evaluate the range of uncertainty by varying sensitive parameters overlaid on the scenario in question.

5. It is unclear if the modeling analysis will be updated over time to consider new data. Significant new data is expected through GSP implementation.

6. UVRGA recommends against committing to using one of the four "TBD" scenarios for additional climate change conditions until after seeing the results of the first climate change simulation.

Thank you again for the opportunity to submit comments on the model scenarios.

Sincerely,

Bryan Bondy

Bryan Bondy, PG, CHG
Executive Director

Cc: Kevin Delano, SWRCB via email to kevin.delano@waterboards.ca.gov

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

DATE: December 9, 2021

TO: Board of Directors

FROM: Executive Director

SUBJECT: Groundwater Sustainability Plan Update (Grant Category (e); Task 12: GSP Reviews and Approvals)

SUMMARY

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

1. **GSP**: The GSP Development team prepared the Tentative Final GSP and posted it to the UVRGA website on November 19, 2021.

2. **Outreach**: The interested parties were emailed concerning availability of the Tentative Final GSP and the December 9, 2021 GSP public hearing.

3. **GSP Development Schedule**: The updated GSP Development Schedule is provided in Attachment A.

4. **GSP Budget Status**: $44,262 of budget is remaining for completion of the GSP as of November 30, 2021.

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.

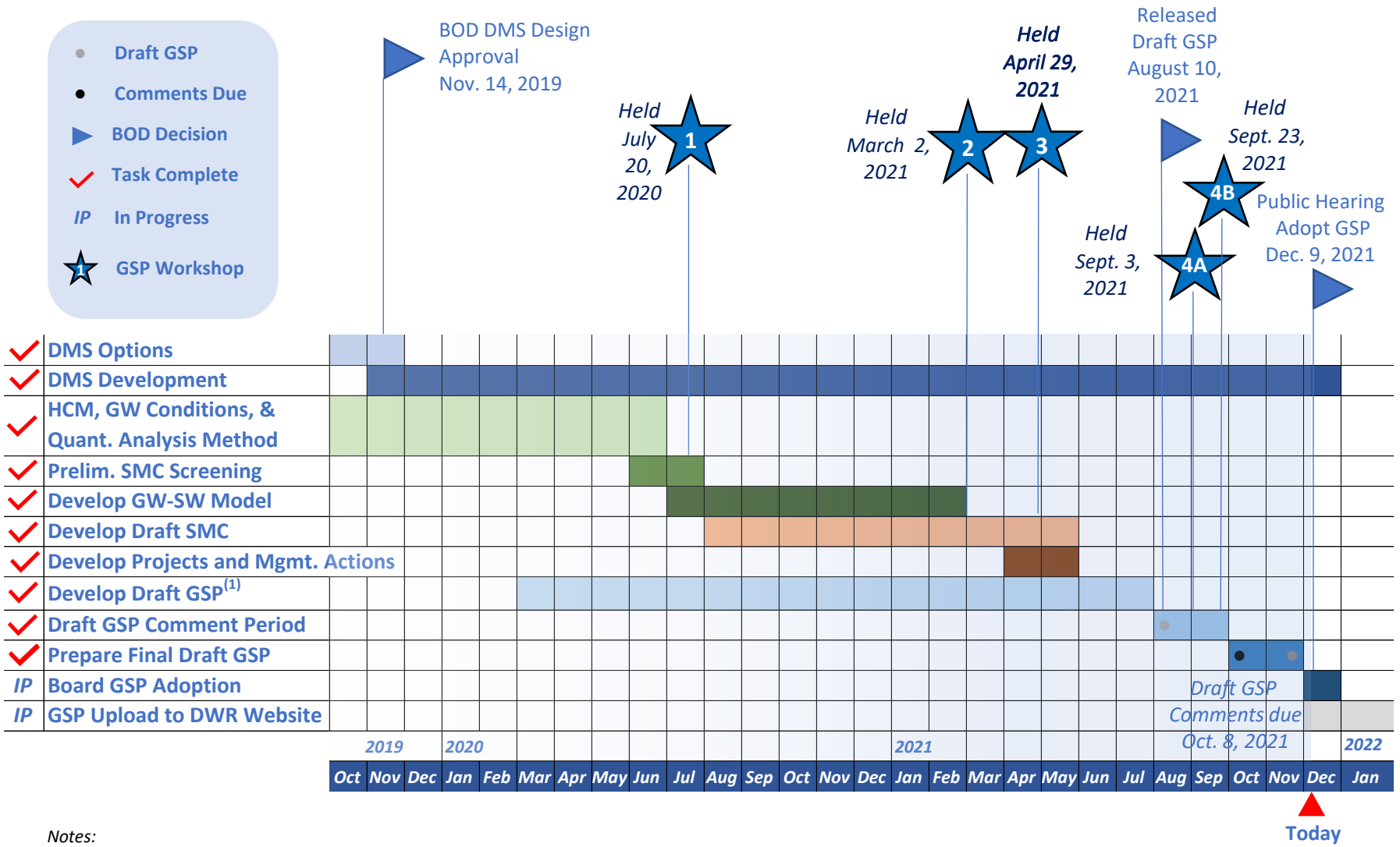
ATTACHMENTS
A. GSP Development Schedule

Action: _____

Motion:_____ Second: _____

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

Upper Ventura River Groundwater Agency
GSP Development Schedule Updated December 4, 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: December 9, 2021

TO: Board of Directors

FROM: Executive Director

SUBJECT: Public Hearing to Consider Adoption of the Groundwater Sustainability Plan (GSP) for the Upper Ventura River Valley Basin via Resolution 2021-06 (Grant Category (e), Task 12 GSP Reviews and Approvals)

SUMMARY

Overview

The Upper Ventura River Groundwater Agency (UVRGA) is the Groundwater Sustainability Agency (GSA) for the Upper Ventura River Valley Basin. Under the Sustainable Groundwater Management Act (SGMA), UVRGA is tasked with developing a Groundwater Sustainability Plan (GSP or Plan) to guide management of groundwater to ensure the long-term sustainability of the Basin. The Plan must be submitted to the Department of Water Resources (DWR) no later than January 31, 2022.

In late 2017, UVRGA initiated development of the GSP by filing a GSP initial notification to DWR. Over the last three years, the GSP Development Team has compiled, evaluated, and written up pertinent data and information concerning groundwater conditions in the Basin, developed a numerical model of the basin and Ventura River, utilized the numerical model to assess potential future groundwater conditions and evaluate depletion of interconnected surface water, developed recommended sustainable management criteria, and developed recommeded projects and management actions for Plan implementation. During this period, three workshops were held and issues were discussed frequently during regular and special Board meetings.

In 2021, multiple drafts of the GSP were developed and made available for public review. A preliminary draft GSP was posted to the UVRGA website and discussed by the Board during two meetings in July 2021. A revised draft of the GSP was posted to the Agency website on August 10, 2021 and a 60-day public comment period was opened lasting through October 8, 2021. Two additional public workshops were held during the public comment period to present the draft GSP and provide opportunities to answer questions and receive input on the plan. Following the public comment period, UVRGA engaged in the review and consideration of the public comments received. UVRGA is required to respond to comments that raise credible technical and policy issues within a GSP. The public comments were discussed during the October 2021 Board meeting. Detailed comment responses and redline GSP edits were developed and posted to the Agency website, which were discussed during the November 2021 Board meeting. During the November 2021 Board meeting, the Board directed staff to prepare a Tentative Final GSP and schedule a public hearing for December 9, 2021. The Tentative Final GSP was posted to the UVRGA Website on November 19, 2021 on the following page:

https://uvrgroundwater.org/sgma-overview/. Comment responses can be found in Appendix G of the Tentative Final GSP.

The GSP

The GSP, organized pursuant to DWR guidance as well as SGMA regulations, includes the following sections:

- Executive Summary: An overview of the GSP, including a summary of key information provided in each section;

- Section 1 - Introduction to Plan Contents provides an overview of SGMA and the plan contents.

- Section 2 - Administrative Information provides information about the GSA, a description of the Plan area, and a summary of information relating to notification and communication by the Agency with other agencies and interested parties.

- Section 3 - Basin Setting describes the hydrogeologic conceptual model (HCM) of the Basin, current and historical groundwater conditions, and the Basin water budgets.

- Section 4 - Sustainable Management Criteria describes the Basin sustainability goal and the SMC developed for each of the applicable SGMA sustainability indicators. The applicable sustainability indicators for the Basin are Chronic Lowering of Groundwater Levels, Reduction of Groundwater Storage, Depletions of Interconnected Surface Water, and Degraded Water Quality. The Seawater Intrusion and Land Subsidence sustainability indicators are not applicable to the Basin.

- Section 5 - Monitoring Networks describes the monitoring networks that will be utilized to characterize groundwater and surface water conditions in the Basin, evaluate changing conditions that occur through implementation of the Plan, and demonstrate sustainable management.

- Section 6 - Projects and Management Actions describes projects and management actions included in the GSP to meet the sustainability goal for the Basin in a manner that can be maintained over the planning and implementation horizon.

- Section 7 - Plan Implementation describes steps to implementation, plan implementation costs, and plan funding.

- Section 8 - References and Technical Studies: provides a list of references and technical studies relied upon by the GSA in developing the Plan.

Additional Recommended Changes to the GSP

Since posting the Tentative Final GSP, the GSP Development Team and Agency Counsel have performed a final review of document and are proposing that the following non-substantive edits be incorporated into the Final GSP:

1. Remove "Tentative Final."

2. Address any remaining grammatical, typo, or formatting issues.

3. Update Appendix F (List of Public Meetings) to include the Board of Directors meetings held in November and December 2021 (including the public hearing).

4. Add the following text to ES-2, ES-6, Section 2.3.1 (Beneficial Uses and Users, Section 4.3 (Process for Establishing Sustainable Management Criteria), and Sections 4.4.1, 4.5.1, 4.7.1, and 4.9.1 (i.e., the "Undesirable Results" sections for each applicable sustainability indicator):

   > "UVRGA has considered public trust resources in development of this GSP by considering the impacts to riparian and aquatic groundwater dependent ecosystems, including endangered species therein, and by setting minimum thresholds designed to prevent undesirable results under SGMA."

5. Update Appendix G comment responses for any comments that mention Public Trust Doctrine to make reference to the new text provided above.

6. Add three new subsections (6.5, 6.6, and 6.7) to Section 6 (Project and Management Actions). These new subsections would repeat the monitoring network improvement actions described in Section 5 (Monitoring Networks) in the format of GSP implementation projects. The subsections would address the new monitoring wells described in Section 5.3.4, the new stream gages described in Section 5.8.1 and 5.8.4, and the monitoring proposed for the Confluence Habitat Area described in Sections 5.8.1 and 5.8.4. Adding these subsections increases the potential for obtaining GSP implementation grant funding for these actions because these actions are not explicitly identified as "projects" in the GSP. The proposed changes do not change the scope or budget for GSP implementation.

GSP Approval Process

SMGA provides that a GSA may adopt or amend a GSP after a public hearing held at least 90 days after providing notice to a city or county within the area of the proposed Plan. (Water Code Section 10728.4.) The Executive Director sent the required city and county consultation notifications via email on August 11, 2021 to the City of Ventura, the City of Ojai, and the County of Ventura. No requests for consultation were received from the cities or Ventura County.

Today's public hearing was noticed on the UVRGA website, e-mailed to those requesting notice of UVRGA materials, and published in the Ojai Valley News on November 26 and December 3, 2021 and Ventura County Star on November 27 and December 4, 2021 (Attachment A). Public comments received since posting the Tentative Final GSP are included in Attachment B.

Proposed Resolution 2021-06 (Attachment C) provides for the Executive Director to make non-substantive edits to the GSP after adoption and prior to submittal to DWR. The Board may approve the GSP today by adopting Resolution 2021-06 with the understanding that the previously described edits are non-substantive and will be made prior to GSP submittal to DWR. Alternatively, the Board may direct staff to make the above-described changes to the document and then adopt during a subsequent Board meeting to be held no later than the state-mandated deadline of January 31, 2022.

RECOMMENDED ACTIONS

1. Open public hearing and receive public testimony;

2. By MOTION, close the public hearing; and

3. By MOTION, approve adoption of the Resolution 2021-06 or provide direction to staff concerning GSP edits.

BACKGROUND
Not applicable.

FISCAL SUMMARY
Not applicable.

ATTACHMENTS

A. Public Notices
B. Public Comments Received Since Posting Tentative Final GSP
C. Draft Resolution 2021-06

Action: _____

Motion:_____ Second: _____

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

Upper Ventura River GROUNDWATER AGENCY
SUSTAINABLE MANAGEMENT

202 W. El Roblar Dr.
Ojai, CA 93023
(805) 640-1247
https://uvrgroundwater.org/

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Directors of the Upper Ventura River Groundwater Agency (UVRGA) will hold a public hearing to consider the adoption of its proposed Groundwater Sustainability Plan (GSP).

Any interested person shall be permitted to present written testimony, oral testimony, or both at this public hearing. Written comments may be filed at any time prior to the conclusion of this public hearing. These comments should be addressed to the attention of the UVRGA Board of Directors at 202 W. El Roblar Dr., Ojai, CA 93023.

The proposed GSP is available for public review at https://uvrgroundwater.org/sgma-overview/.

DATE AND TIME: Thursday, December 9, 2021 at 12:30 PM

LOCATION: This meeting will be held by Zoom:

*Call-In:	1-669-900-6833
Meeting ID:	850 4202 4768
Passcode:	737183
Zoom Link:	

https://us06web.zoom.us/j/85042024768?pwd=Yi9TaXphelRQWFNkaTJDd09xcmJGdz09

For additional information or if you require assistance in participating in this hearing, please contact Bryan Bondy, Executive Director, at bbondy@uvrgroundwater.org or by phone at 805-212-0484.

Publication Dates:
Ojai Valley News: November 26, 2021 and December 3, 2021
Ventura County Star: November 27, 2021 and December 4, 2021

**If internet connection is an issue, and you anticipate experiencing connection issues during the meeting, it is recommended to download the documents ahead of the meeting and call in without using the live stream feature to ensure you can hear and be heard.*

Text of Ad: 11/17/2021

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*** ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION**

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Upper Ventura River
GROUNDWATER AGENCY
SUSTAINABLE MANAGEMENT

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West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

December 8, 2021

Bryan Bondy
Executive Director
Upper Ventura River Groundwater Sustainability Agency
C/O Meiners Oaks Water District
202 W. El Roblar Drive
Ojai, CA 93023

Re: Draft Upper Ventura River Groundwater Agency Groundwater Sustainability Plan (August 2021)

Dear Mr. Bondy:

Enclosed with this letter are NOAA's National Marine Fisheries Service's (NMFS) comments on the Draft Upper Ventura River Groundwater Sustainability Plan (Draft GSP) prepared by the Upper Ventura River Groundwater Agency.

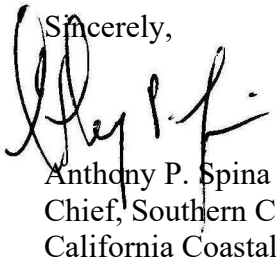
The Draft GSP was developed pursuant to, and intended to meet, requirements of the California Sustainable Groundwater Management Act (SGMA). The SMGA includes specific requirements to identify and consider adverse impacts on all recognized beneficial uses of groundwater and related interconnected surface waters, including Groundwater Dependent Ecosystems (GDE). (See Cal. Water Code §§ 10720.1, 10721, 10727.2.)

As explained more fully in the enclosure, the Draft GSP does not, but should, adequately address the recognized instream beneficial uses of the Upper Ventura Rive Groundwater Basin, as well as other GDE, potentially affected by the management of groundwater within the subject basin. Additionally, the Draft GSP should also recognize the important relationship between the extensive groundwater extractions and water diversion and storage within the basin (including the Robles and Foster Park diversion facilities) and its potential adverse effects on the amount and extent of surface flows and other water dependent habitat features utilized by the federally listed endangered southern California steelhead (*Oncorhynchus mykiss*).

The revised Draft GSP should be re-circulated to give NMFS, and other interested parties, an opportunity to review the revisions before the Draft GSP is finalized.

NMFS appreciates the opportunity to comment on the Draft GSP. If you have a question regarding this letter or enclosure, please contact Mr. Mark H. Capelli in our Santa Barbara Office (805) 963-6478 or mark.capelli@noaa.gov, or Mr. Andres Ticlavilca in our Santa Rosa Office (707) 575-6-54 or andres.ticlavilca@noaa.gov.

Sincerely,



Anthony P. Spina
Chief, Southern California Branch
California Coastal Office

cc:
Rick Bush, NMFS, California Coastal Office
Rick Rogers, NMFS, California Coastal Office
Andres Ticlavilca, NOAA Affiliate, California Coastal Office
Natalie Stork, SWRCB
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Ed Pert, CDFW, Region 5
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Angela Murvine, CDFW, Water Branch
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Robert Holmes, CDFW, Sacramento
Bryan Demucha, CDFW, Sacramento
Steve Gibson, CDGFW, Region 5
Steve Slack, CDFW, Region 5
Mary Ngo, CDFW, Region 5
Greg Martin, CDDR, Channel Coast District
Nate Cox, CDPR, Channel Coast District
Kristie Klose, USFS, Los Padres National Forest
Christopher Diel, USFWS, Ventura Field Office
Chris Dellith, USFWS, Ventura Field Office

NOAA's National Marine Fisheries Service's Comments on Draft Upper Ventura River Groundwater Agency Groundwater Sustainability Plan (2021)

December 8, 2021

Overview

NOAA's National Marine Fisheries Service (NMFS) provides the following comments on the Draft Upper Ventura River Groundwater Sustainability Plan (Draft GSP), with a focus on its relevance to the federally listed endangered southern California steelhead (*Oncorhynchus mykiss*). Prior to presenting these comments, NMFS first provides background information on the endangered steelhead and their closely resident cohort, which utilize and reside in the Ventura River watershed, including the reach of the mainstem of the Ventura River underlain by the Upper Ventura River Groundwater Basin (hereafter "Basin"). That background information includes the status of the species, life history and habitat requirements, and actions that are essential for recovery of the species. This information is essential for understanding the potential implications of implementing the Draft GSP for the endangered steelhead. Our general and specific comments on the Draft GSP are presented in subsequent sections.

Status of Steelhead, Life History and Habitat Requirements, and Recovery Needs

Status of steelhead and habitat for the species in the Ventura River Watershed

NMFS listed southern California steelhead, including the populations in the Ventura River watershed (which includes the Basin), as endangered in 1997 (62 FR 43937), and reaffirmed the endangered listing in 2006 (71 FR 5248).

NMFS designated critical habitat for southern California steelhead in 2005 (70 FR 52488). Within the Basin, this designation includes the mainstem of the Ventura River, but also the lower Ventura River and the Ventura River Estuary (See Figures 1 and 2).

Critical habitat for endangered steelhead includes: 1) freshwater spawning habitat with water quality and quantity conditions and substrate that support spawning, incubation, and larval development; 2) freshwater rearing sites with water quality and floodplain connectivity to form and maintain physical habitat conditions that support juvenile growth and mobility, and natural cover such as shade, submerged and overhanging vegetation that provide forage and refugia opportunities; and 3) freshwater migration corridors free of anthropogenic passage impediments that promote adult and juvenile mobility and survival.

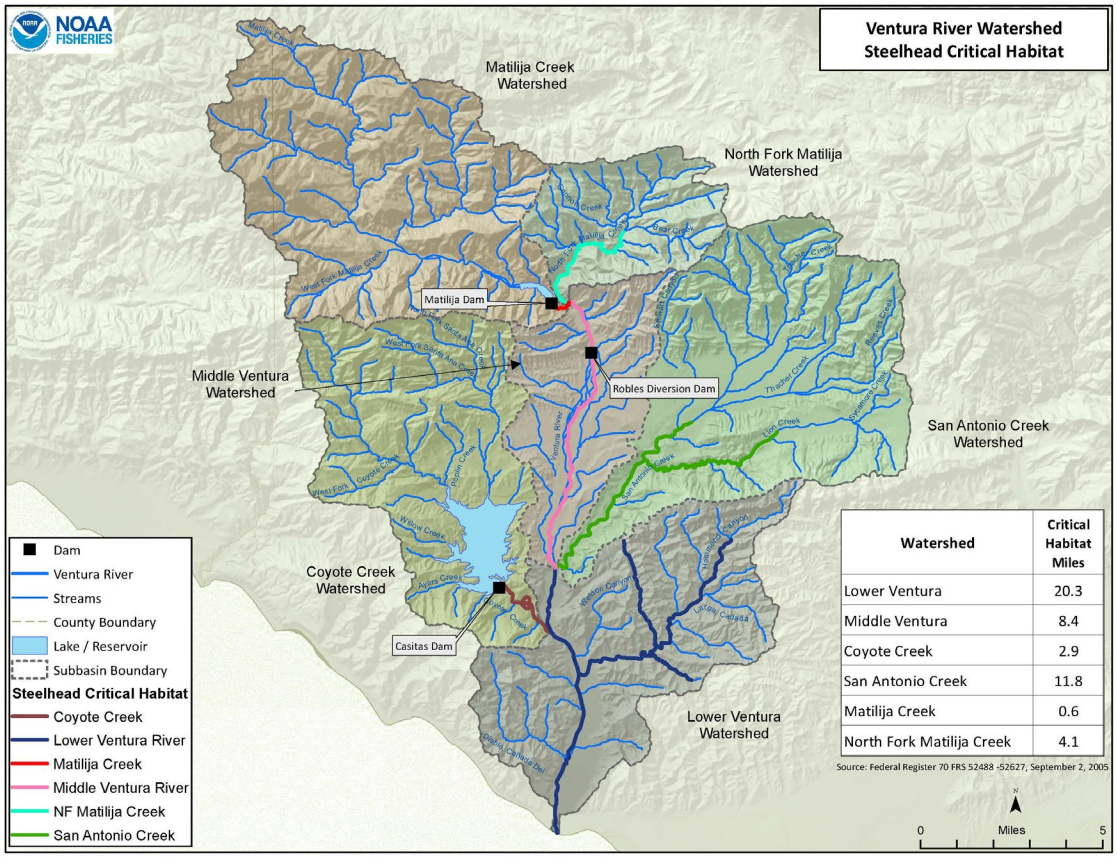

Figure 1. Ventura River Watershed Steelhead Critical Habitat. Dotted line depicts the boundaries of the Upper Ventura River Groundwater Basin.

Of particular relevance to the GSP are the existing and projected groundwater withdrawals from the Basin and their effects on instream beneficial uses of the interconnected surface water of the Ventura River and its tributaries (*e.g.*, Coyote Creek, San Antonio Creek, Matilija Creek, and North Fork Matilija Creek), including the use by adult and rearing juvenile steelhead, as well as other Groundwater Dependent Ecosystems (GDE).

NMFS Southern California Steelhead Recovery Plan (2012) noted:

> "Baseflows in some river reaches can be influenced significantly by groundwater stored and transported through faults and fractured rock formations. Many rivers and streams naturally exhibit interrupted baseflow patterns (alternating channel reaches with and without perennial surface flow) controlled by geologic formations, and a strongly seasonal precipitation pattern characteristic of a Mediterranean climate. Water temperatures are generally highest during summer months, but can be locally controlled by springs, seeps, and rising groundwater, creating micro-aquatic conditions suitable for salmonids [citation omitted]" p. 2-16.

NMFS' Southern California Steelhead Recovery Plan (2012) also noted:

> "Groundwater is an important source of surface flows during dry periods in many southern California watersheds. Groundwater can therefore contribute to sustaining suitable oversummering juvenile rearing conditions in mainstem and tributary habitats. Surface flows can be maintained as a result of the intersection of a high groundwater table or through the transmission of water through geologic fault systems." p. 5-4.

Habitat for this species has been adversely affected by loss and modification of physical or biological features (substrate, water quality and quantity, water temperature channel morphology and complexity, passage conditions, riparian vegetation, introduction of non-native invasive species, *etc*.) through activities such as surface-water diversions and groundwater extractions (See "Current DPS-Level Threats Assessment", pp. 4-1 – 4-11, and "Threats and Threat Sources", pp. 9-14 – 9-17, in NMFS 2012; also, NMFS 2016). Thus many of the physical and biological features of designated critical habitats have been significantly degraded (and in some cases lost) to the detriment of the biological needs of steelhead. These habitat modifications have hindered the ability of designated critical habitat to provide for the survival and ultimately recovery of this species.

NMFS has also modeled and mapped potential intrinsic potential spawning and rearing habitat in the Ventura River watershed. Intrinsic potential habitat was identified as part of NMFS' recovery planning process for the endangered Southern California DPS of Steelhead (See Figure 2). This method uses observed associations between fish distribution and the quantitative values of environmental parameters such as stream gradient, summer mean discharge and air temperature, valley width to mean discharge, and the presence of alluvial deposits – habitat features that are critical to steelhead spawning and rearing (Boughton and Goslin 2006).

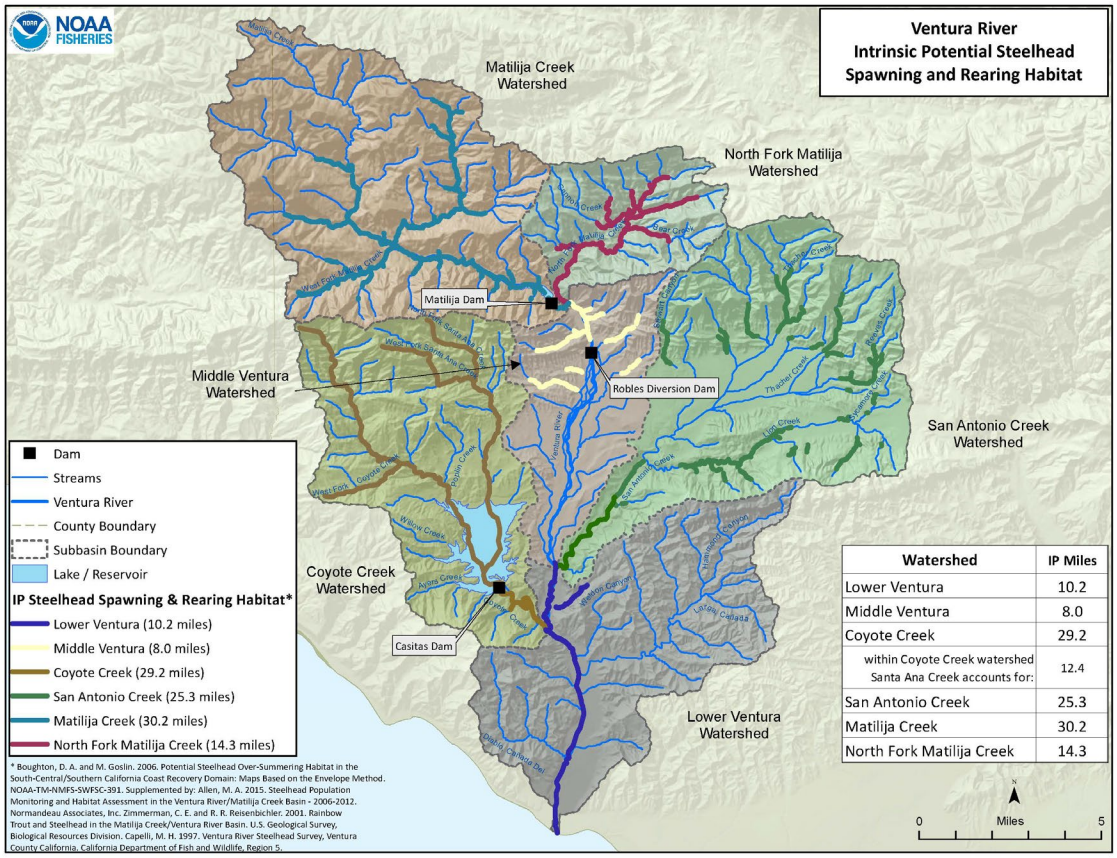

Figure 2. Ventura River Watershed Intrinsic Potential Steelhead Spawning and Rearing Habitat. Dotted line depicts the boundaries of the Upper Ventura River Groundwater Basin.

Steelhead life history and habitat requirements

Adult steelhead spend a majority of their adult life in the marine environment. However, the reproductive and early development stages of this species' life history occurs in the freshwater environment (migration to and from spawning areas, spawning, incubation of eggs and the rearing of juveniles), including in the main stem and tributaries such as those in the Ventura River watershed. Many of the natural variables (such as seasonal surface flow patterns, water quality, including water temperature) are significantly impacted by the artificial modification of these freshwater habitats. This includes both surface and sub-surface extractions that lower the water table and can, in turn, affect the timing, duration, and magnitude of surface flows essential for steelhead migration, spawning and rearing. Juvenile steelhead must have access to perennial stream reaches (including coastal estuaries) with tolerable water temperature for growth and survival (See, for example, Boughton *et al*. 2009). Surface diversions in combination with lowered groundwater tables during the dry season can *indirectly* affect rearing individuals by reducing vegetative cover, and *directly* by reducing or eliminating the summertime surface flows (or pool depths) in parts of the watershed. These conditions have been and

are being exacerbated by global climate change (Beighley *et al*. 2008, Feng *et al*. 2019, Gudmundsson *et al*. 2021).

Recovery needs of endangered steelhead

Among other federally mandated responsibilities, NMFS administers the U.S. Endangered Species Act for the protection and conservation of endangered steelhead utilizing the Ventura River Watershed. As part of this responsibility, NMFS developed the Southern California Steelhead Recovery Plan (NMFS 2012)[1]. Through a comprehensive analysis of systemic threats to this species, diversion of surface-flow and groundwater extractions were identified as "very high" threats to the long-term survival of endangered steelhead in the Ventura River (NMFS 2012, pp. 9-1 through 9-17).

To address the identified threats to endangered steelhead in the Ventura River Watershed, NMFS' Southern California Steelhead Recovery Plan identifies a number of recovery actions targeting surface diversions and groundwater extraction (NMFS 2012, p. 8-6, Table 9-7, p. 9-42). These include:

VenR-SCS-4.2 Develop and implement a water management plan to identify the appropriate diversion rates for all surface water diversions that will maintain surface flow necessary to support all *O. mykiss* life history stages, including adult and juvenile *O. mykiss* migration, and suitable spawning, incubation, and rearing habitat.

VenR-SCS-6.1 Conduct groundwater extraction analysis and assessment. Conduct hydrological analysis to identify groundwater extraction rates, effects on the natural stream pattern (timing, duration and magnitude) of surface flows in the mainstem and tributaries, *and the estuary*, and effects on all *O. mykiss* life history stages, including adult and juvenile *O. mykiss* migration, spawning, incubation, and rearing habitats. (emphasis added)

VenR-SCS-6.2 Develop and implement groundwater monitoring and management program. Develop and implement groundwater monitoring program to guide management of groundwater extractions to ensure surface flows provide essential support for all *O. mykiss* life history stages, including adult and juvenile *O. mykiss* spawning, incubation and rearing habitats.

GSPs developed under SGMA provide an important mechanism for implementing these recovery actions for the Ventura River watershed. The GSP for the Basin is an essential mechanism for implementing specific steelhead recovery actions for the Ventura River.

[1] National Marine Fisheries Service. 2012. Southern California Coast Steelhead Recovery Plan. West Coast Region, California Coastal Area Office, Long Beach, California; see also, Keir Associates and National Marine Fisheries Service. 2008, Hunt & Associates Biological Consulting Services 2008.

General Comments on Groundwater Withdrawals and the Draft GSP

Improperly withdrawing groundwater is of concern because the natural process of groundwater inputs to surface flows and water surface elevations can buffer daily water temperature fluctuations (Heath 1983, Brunke and Gosne1997, Barlow and Leake 2012, Hebert 2016). Artificially reducing the groundwater inputs can expand or shrink the amount of fish habitat and feeding opportunities for rearing juvenile steelhead (Fetter 1997, Sophocleous 2002, Glasser *et al.* 2007, Croyle 2009,), and reduce opportunities for juveniles to successfully emigrate to the estuary and the ocean (Bond 2006, Hayes *et al.* 2011). Low summer baseflow, likely caused by both surface water diversions and pumping hydraulically connected groundwater, is noted as a significant stress to steelhead survival in the Ventura and tributaries (See, for example, Table 9-2, p. 9-15 in NMFS 2012).

Management of the groundwater resources within the Ventura River watershed has affected the water resources and other related natural resources throughout the Ventura River watershed. For example, extraction of groundwater from the Basin has lowered groundwater levels causing the lowering, and truncation (by both delaying the onset and hastening the cessation) of surface flows that support the habitat characteristics and condition for endangered steelhead, as well as other aquatic species in the Ventura River watershed (Hunt & Associates Biological Consulting Services 2008, Kier Associates and National Marine Fisheries Service 2008).

The development and operation of groundwater supply facilities throughout the Basin are integral in the management of the water resources of the Ventura River. Facilities such as Robles Diversion and Foster Park Diversion (along with Matilija and Casitas dams) have profoundly altered the natural surface flow and groundwater recharge patterns in the Ventura River watershed, from the headwaters to the Pacific Ocean (*e.g.*, NMFS 2003, 2007). Unless the Draft GSP is revised to reflect the operation of these integral components of the groundwater management program for the Ventura River, the future adopted GSP is unlikely to meet the requirement of SGMA to effectively provide for the protection of habitats, including those recognized instream beneficial uses that are dependent on groundwater such as fish migration, spawning and rearing, as well as other GDE within the Basin.

When analyzing impacts on steelhead or other aquatic organisms resulting from groundwater and related streamflow diversions, identifying flow levels that effectively support essential life functions of this organism is critical (Barlow and Leake 2012). Specifically, it is essential to determine what flows adequately supports steelhead migration during the winter and spring, and juvenile rearing year round. Without an understanding of these hydrologic/biotic relationships, a GSP cannot ensure that significant and unreasonable adverse impacts from groundwater depletion (and in the case of the Ventura River, the integrally related surface water diversion/groundwater extraction program) are avoided (Heath 1983, California Department of Water Resources 2016, Belin 2018, CDFW 2019).

Specific Comments on the Draft GSP

The following comments on the Executive Summary of the Draft GSP are arranged by page and paragraph number; additional comments on individual Draft GSP elements are presented subsequently.

Executive Summary

Introduction

ES-2 Beneficial Uses

Pages ES-iii-iv

The Draft Plan states:

> "The beneficial uses of groundwater extracted from the Basin include municipal, industrial, and agricultural water supply." p. ES-iii

The listed beneficial uses extracted from the boundaries of the Basin include only out-of-stream beneficial uses, and largely ignores the instream beneficial uses, including those linked to GDE. The Draft GSP should be revised to explicitly acknowledge the instream beneficial uses supported by the Basin, including the GDE associated with the upper Ventura River, as well as those affected by groundwater extraction from the Basin, including the lower Ventura River and the Ventura River Estuary. The recognized instream beneficial uses for the portion of the upper Ventura River within the Basin include: warm freshwater habitat, cold freshwater habitat, wildlife habitat, habitat for rare, threatened and endangered species, fish migration, and wetland habitat. Ventura River Estuary instream beneficial uses include: estuarine habitat, marine habitat, wildlife habitat, habitat for rare, threatened and endangered species, fish migration, spawning habitat, and wetland habitat.[2]

The Draft GSP recognized only two GDE areas within the Basin: 1) Confluence Aquatic Habitat Area, and 2) Foster Park Aquatic Habitat Area. This recognition of GDE underrepresents the known function and value of the river reach within the Basin for adult and juvenile endangered southern California steelhead. Steelhead use the entire reach of the Ventura River within the Basin for completing their life-cycle. See Figures 1 and 2 for a depiction of the designated steelhead critical habitat and intrinsic potential habitat within the Ventura River watershed, including the Basin B. See additional comments below regarding the GDE areas identified in the Basin.

ES-3 Regional Water Management Framework
Page ES-iv
Casitas Municipal Water District Water Supply Management

[2] Table 2. Beneficial Use of Inland Surface Waters, California Regional Water Quality Control Board, Los Angeles Region (2014). p. 2-6

It should also be recognized that the Casitas Municipal Water District (CMWS) manages the Matilija Dam conjunctively with the Robles Diversion and Casitas Dam.

ES-4 Basin Setting and Groundwater Conditions

The Draft GSP notes that:

> "Groundwater extractions are secondary to spring discharge to the Ventura River except during dry periods when spring flows decrease substantially due to low Ventura River stream flow entering the northern end of the Basin" p. vii

The Ventura River watershed encompasses a system of connected groundwater and surface water that may become disconnected when groundwater levels are very low during drought *and* heavy groundwater extractions (or surface diversions), but this condition is anomalous, and does not represent the natural functioning of the system under unimpaired conditions. The SWRCB groundwater-surface flow study of the Ventura River (which includes the tributary groundwater basins) clearly demonstrates the connections between groundwater levels and surface flow (SWRCB 2021).

The regulations governing SGMA do not stipulate that the provisions of SGMA cover only "principal aquifers" as the Draft GSP appears to presume. The regulations define interconnected surface water as "surface water that is hydraulically connected at any point by a continuous saturated zone to the underlying aquifer and the overlying surface water . . ." (23 CCR Section 351(0). Significantly, "continuous" refers specifically to hydrologic connection, not a continuous temporal connection.

The Draft GSP does not adequately recognize the potential role of groundwater in the Basin, including the lower Ventura River and Ventura River Estuary, for ensuring suitable surface water in habitat for supporting different life-history phases of steelhead. Further, because groundwater-management activities within the Ventura River watershed involve the CMCD diversion operations at the Robles Diversion, the relationship between these diversion activities and groundwater elevations along the affected portion of the Ventura River (and estuary) should be addressed in the revised Draft GSP.

See additional comments below on interconnected groundwater and surface flows water surface elevations in Confluence Aquatic Habitat Area GDE and Foster Park Aquatic Habitat Area GDE within the Basin.

ES-4 Water Budget

Pages ES-x-xiii

The Draft GSP notes that:

> "It was concluded that these factors [*i.e.*, land use changes and population growth] are not anticipated to have a material impact on future water

> demand and the water budgets for the Basin because of land use policies and ordinances that greatly limit the potential for material growth in the basin" p. ES-x

This statement is misleading because it is does not recognize that groundwater resources of the Basin are used outside the Basin; for example, a substantial amount of groundwater extracted from the City of Ventura's groundwater wells in the vicinity of the Foster Park Aquatic Habitat Area GDE are used outside of the Basin to support development in eastern of Ventura, the fastest growing portion of the City of Ventura. The revised Draft GSP should acknowledge that future land use development and population growth outside of the Basin has the potential to affect the groundwater budget within the Basin.

Overdraft Assessment

Pages xi-xii

The Draft GSP concludes that:

> "The water budget results do not indicate an overdraft condition in the Basin currently or in the future. Groundwater level have not been observed to decline over a period of years without fully recovering. Numerical model result for the project water budge indicate that groundwater levels will continue to fully recovery following droughts." p. xii

Several aspects of this statement are problematic. First, the years of record used for this assement include extensive periods of drought, and represent a groundwater/surface water system substantially impacted by past and currently unregulated groundwater extractions. Therefore, it is not surprising that an overdraft condition was not indicated.

Second, relying on an assessment that is influenced by an extensive drought period and unregulated groundwater pumping is not likely to inform a proper environmental baseline for determining the true effects of a proposed groundwater-withdrawal program on GDE, including those supporting endangered steelhead.

Third, using a degraded environmental baseline as the comparative barometer has the potential to perpetuate a degraded environmental baseline into the future.

Fourth, the assessment appears to relate primarily to providing groundwater for traditional out-of-stream beneficial uses such a municipal and industrial supply, not instream beneficial uses, including use of ground and related surface waters by the federally endangered southern California steelhead, as well as other GDE.

We would also note while more frequent and prolonged depression groundwater levels can sometimes be offset with water storage systems, or temporary water conservation use, to ensure out-of-stream uses of water demands, GDEs do not function in the same way. Even though a groundwater basin may "fully recover" its groundwater levels, the species depending upon an adequate supply of water do not respond or recovery in the same way as the physical system can. The revised GSP should recommend this

fundamental difference in the role of groundwater supplies in supporting out-of-stream and instream beneficial uses, and the related GDE.

Sustainable Yield

Pages xii-xiii

The Draft GSP concludes:

> "In summary the concept of a sustainable yield over a long-term average period is not relevant to management of the UVRGB." P. xii

While expression of groundwater conditions in term of long-term averages conditions may have limited utility (particularly with respect to GDE) in a highly variable rainfall and run-off pattern, a long-term water budget is relevant. See comments above regarding the overdraft assessment.

ES-6 Sustainable Management Criteria

Pages ES-xiii-x

The sustainable criteria are expressed explicitly and in terms of groundwater levels, storage water quality and depletion of interconnected surface waters, and do not clearly relate to the habitat conditions necessary to support steelhead during incubation and rearing phases of their life-cycle.

Chronic Lowering of Groundwater Levels and Reduction of Groundwater Storage

Page xiv-xv

While the Draft GSP recognizes potential significant and unreasonable effects from groundwater extractions, the minimum thresholds identified to address this is are based on historical low groundwater levels in the representative groundwater level monitoring wells. Using this standard, which includes significant periods of drought and unregulated groundwater extraction, is not likely to provide long-term protection for all the recognized beneficial uses of the Basin. Specifically, the exceedances caused by groundwater extraction and the related measurable objectives for groundwater storage do not adequately recognize the needs of the federally endangered southern California steelhead, or other GDE. The proposed standards appear aimed at seasonally refilling the Basin for the purposes of protecting existing groundwater extractions for traditional out-of-stream beneficial uses, and not for the protection of GDE. See additional comments below.

Degraded Water Quality

Page xvi-xvii

The Draft GSP does adequately recognize the important relationship between groundwater levels and the surface flows (particularly base flows) or water quality parameters (such as temperature, dissolved oxygen, *etc*.) that contribute to the maintenance of GDE within the Basin (including the lower Ventura River and the Ventura River Estuary).

Depletions of Interconnected Surface Water

Page xvii-xix

As noted above, the Draft GSP recognized only two GDE areas within the Basin: 1) Confluence Aquatic Habitat Area and 2) Foster Park Aquatic Habitat Area. This limited recognition of the actual extent of GDE within the Basin does not accurately reflect the use of the river reach within the Basin by endangered southern California steelhead. Steelhead use the entire reach of the Ventura River within the Basin in completing their life-cycle. See Figures 1 and 2 for a depiction of the designated critical habitat and intrinsic potential habitat within the Ventura River watershed, including the Basin.

The Draft GSP indicates that the sustainable management criteria for interconnected surface waters in the Foster Park Aquatic Habitat Area GDE relied on a field study performed by Hopkins (2013). This study, which the Draft GSP characterized as "the best available science for the Foster Park Aquatic Habitat Area", identified a flow of 2 cfs measured at the USGS Foster Park gauge (1118500) as adequate to prevent significant and unreasonable effects on steelhead. This claim warrants a couple of comments:

First, the base flows are difficult to accurately measure in alluvial river settings that are characterized by shifting channel, and where and groundwater and hyporheic flows constitute an important component of the surface flow conditions. We would note in this regard that there are reported discrepancies between the Hopkins and USGS gauge measurements, as well the City of Ventura's gauge measurements, and those done by other groups such as Santa Barbara Channel Keeper as part of their water quality monitoring pursuant to the State Water Board's Quality Assurance Plan (USGS Station 11118500 Ventura R NR Ventura nwis.waterdata.usgs.gov/nwis, Foster Park gauge reporting website https://www.picovale.com.

Second, NMFS has conducted an analysis of the effects of the groundwater extractions of the City of Ventura's well field in the Foster Park area and concluded that the groundwater extractions would have significant effects of rearing steelhead in wet, average and dry hydrologic conditions, and has identified a minimum flow (11-12 cfs) that is considerably larger than that proposed in the Hopkins study (NMFS 2007).

In its analysis, NMFS noted that the rate of pumping during wet years analyzed groundwater extractions from the Foster Park well field varied between 1 cfs and 20 cfs, and most commonly ranged between 9 to 12 cfs. These well pumping rates reduced surface flow in the Foster Park area by more than 50%, from about 15 cfs to less than 5 cfs in during the summer or fall in 1992, 1993, and 2001 when juvenile rearing would be expected to utilize the habitat. During average hydrologic conditions, the maximum and

minimum flows in the lower Ventura River were reduced by well field withdrawals. The range of well field withdrawals during average rainfall years was also from about 2 cfs to 20 cfs, and ranged between 8 and 10 cfs. The reduction of surface flows from the Foster Park well field operations would result in extremely low surface flow levels (< 2 cfs), and would occur earlier in the year, compared to wet hydrologic conditions. Flow records during average rainfall years show that flows dropped to levels at or near zero due to the Foster Park well field extractions during the summer and fall rearing period in almost all average rainfall year (NMFS 2007, pp. 24-25).

Based on this analysis, and an assement of the effects of groundwater extractions in the Foster Park area, NMFS identified a limit on groundwater extractions that would prevent a reduction of surface flow in the Foster Park area below 11 to 12 cfs (measured at the USGS Foster Park gauge 11118500), a level significantly higher that that identified by Hopkins, and adopted by the Draft GSP.

ES-7 Monitoring Networks

Pages x-xii

The proposed monitoring is aimed primarily at addressing the limited Sustainable Management Criteria for only two GDE. There is little in the monitoring program that specifically addresses the potential effects of groundwater extractions on other GDE, including, but not limited to, the upper reaches of Basin, as well as the lower Ventura River and the Ventura River Estuary. As noted above, the Draft GSP recognized only two GDE areas within the Basin: 1) Confluence Aquatic Habitat Area and 2) Foster Park Aquatic Habitat Area. This limited recognition of GDE does not accurately affect the use of the reaches of the Ventura River within the Basin made by the endangered southern California steelhead, as well as other reaches and which may affected by groundwater extractions from the Basin.

ES-8 Projects and Management Actions

Page xxii-xxiii

Regarding the Foster Park Protocols, see comments above.

The Draft GSP should also recognize the potential changes to water supply operations associated with the Matilija Dam Removal and Ecosystem Restoration Project (*e.g.*, the retro-fitting of the Robles Diversion and fish passage facilities).

Draft Upper Ventura River Valley Basin GSP

1.0 Introduction to Plan Contents [Article 5 §354]

The following comments are addressed to the specific sections and provisions of the Draft GSP, arranged by the Draft GSP section headings.

2.2. Description of the Plan Area [§354.8]

Page 8

In addition to the agencies listed, we would note that a considerable amount land area is owned and managed by the Ojai Valley Land Conservancy (including land within the Confluence Aquatic Habitat Area GDE).

2.2.2.2 Existing Water Resource Management Programs [§354.8(c) and (d)]

Pages 9-11

One of the largest and most significant water-resource-management programs within the Ventura River watershed, the CMWD's water development program, consists of the combined facilities of the Robles Divers (and conjunctively operated Matilija Dam) and Casitas Dam and Reservoir This program and its related facilities should be included in this section because it affects the natural recharge to the other groundwater basins in upper lower Ventura River, as well as the lower Ventura River basin and the Ventura River Estuary (NMFS 2003).

2.2.2.3 Conjunctive Use Programs [§354.8(e)]

Page 12

The City of Ventura's water supply includes groundwater extractions (as well as surface diversions) and this fact should be noted in the revised GSP. See comment above.

2.2.3.1 Land Use/General Plans [§354.8(f)(1),(f)(2), and (f)(3)])]

Pages 13-20

The Draft GSP should also include NMFS' Southern California Steelhead Recovery Plan (2012) which includes essential actions for the recovery of this species that pertain to existing land-use and water management policies. See comments above regarding the relevant policies from NMFS' Southern California Steelhead Recovery Plan.

2.3 Notice and Communication [§354.10]

Pages 22-24

The Draft GSP is focused on out-of-stream users of the Basin and does not adequately recognize the public trust natural resources that may be affected by the extractions of groundwater from the Basin. The GSP is therefore be of interest to state and federal natural resource regulatory agencies such as NMFS, U.,S. Fish and Wildlife Service, and the California Department of Fish and Wildlife, and the California Department of Parks and Recreation (which owns a portion of the Ventura River Estuary).

2.3.1 Beneficial Uses and Users [§354.10(a)]

Pages 23-26

See comments above regarding instream beneficial uses within the Ventura River watershed, including the Basin.

3.0 Basin Setting [Article 5, SubArticle 2]

3.1. Hydrogeologic Conception Model [§354.14]

Pages 30-52

HCM Overview – Key Features of the UVRGB

Page 30

I In addition to the older alluvium that is generally elevated above the groundwater table directly underlying the alluvial aquifer between the banks of the Ventura River, a large, perhaps a majority of the groundwater collected in the alluvium originates from the up-slope portions of the watershed. In effect, the area of the percolation lens that feeds the Basin is more extensive than the two areas identified in the Draft GSP (*i.e*., alluvial aquifer and the older alluvium). Significantly, not all the wells in the upper Ventura River are located and drilled into the shallow aquifer directly underlying the river channel that is most directly recharged by surface flows in the Ventura River. The GSP should explicitly address these groundwater extractions from the Basin.

3.1.2.2 Surface Water Bodies [§354.14(5)]

Page 33

In addition to groundwater discharge, hyporheic flows are an important component of surface flows, particularly base flows. These conditions create an interrupted surface flow regime during a large portion of the year in the middle reaches of the Ventura River (from approximately the Robles Diversion down to the confluence of San Antonio Creek), and can be significantly affected by groundwater extractions, particularly from shallow wells.

Page 34

Springs along the Ventura River are generally associated with east-west trending faults that run perpendicular to the mainstem. These faults have been mapped, though the production of the springs associated with them have not been measured (Ventura River Watershed Council 2015).
Page 35

Water from Casitas Reservoir is also used in the west end of the City of Ventura that lies outside the Basin (Ventura River Watershed Council 2015). See comment above.

3.1.3.2 Groundwater Recharge and Discharge Areas [§354.14(d)(4)]

Pages 46-47

See comments above regarding the extent of the groundwater recharge area in the Ventura River watershed.

3.1.4 Data Gaps and Uncertainty [§354.1(b)(5)]

Surface Water Bodies

Page 52

One of the largest data gaps is the rate of surface flow under base flow conditions, including the diurnal changes. Because of their relatively small size and dependence on groundwater and hyporheic flows and groundwater levels, these flows measured in a way that records their seasonal and diurnal fluctuations, and should be a major focus of current and future modeling efforts.

3.1.4.4 Primary Beneficial Uses [§354.14(b)(4)(E)]

Pages 50-52

See comments above regarding beneficial uses of the groundwater resource of the Basin, and interconnected surface waters.

3.2 Groundwater Conditions [§354.16]

Pages 54-69

The Draft GSP notes that:

> "Vertical gradients may exist between the alluvium and the bedrock, but no paired wells screened in the bedrock and alluvial exist to estimate this gradient." p. 55

The Draft GSP does not, but should, provide details regarding the well construction showing the intervals of the well through which groundwater enters the wells. In addition, the revised GSP should clarify whether "sanitary plugs" are installed in the wells that retard or prevent flow through shallow and deep aquifers. See comment above regarding the assertion that "No data gaps or significant uncertainties were identified."

3.2.1 Groundwater Elevations [§354.16(a)]

Page 55-56

The Draft GSP acknowledges that:

> "The Basin groundwater level and storage trends closely mimic surface water flows, with groundwater levels and storage exhibiting large and rapid fluctuation relative to the total started thickness and total

> groundwater storage – more so than perhaps any other groundwater basin in the State." p 56

We would note that base surface flows closely mimic groundwater levels, making the management of groundwater extraction particularly importance in the maintenance of GDE, including habitat for the endangered southern California steelhead.

3.2.2 Change in Storage [§354.16(b)]

Page 57

See comments above regarding groundwater elevations

3.2.3 Seawater Intrusion [§354.16(c)]

Page 58

The Draft GSP notes that:

> "The UVRGB is an inland groundwater basin, with no connection to the ocean." p. 62

The analysis appears to be focused on the effects of seawater intrusion on the Basin, but does not address the effects of groundwater extraction from the Basin on the lower Ventura River or the estuary. The GSP should address the issue of reducing groundwater levels underlying the lower reaches that are hydrologically connected to the Basin.

3.3.4 Groundwater Quality Impacts [§354.16(d)]

Pages 58-60

See comments above regarding water quality.

3.2.6 Interconnected Surface Water Systems [§354.16(f)]

Pages 63-65

See comments above regarding interconnected surface waters.

3.2.7 Groundwater-Dependent Ecosystems [§354.16(g)]

Pages 66-69

The Draft GSP relies heavily on the Nature Conservancy's (TNC) guidance for GDE analysis (TNC 2019, 2020). According to this guidance, GDE are defined on their dependence on groundwater for all or a portion of their water needs. The method used by TNC in identifying GDE is based on statewide data on "vegetation known to use

groundwater", and therefore does not adequately reflect the uses made of groundwater by other biological resources, such as seasonal migration of fishes, or other organisms such as invertebrates that have differing life-cycles and environmental requirements than plants (TNC 2019, 2020).

In addition to supplying water to the root zone of plants, groundwater can also contribute to surface flows, influencing the timing, duration, and magnitude of surface flows, particularly base flows. These base flows provide essential support to aquatic invertebrates, avian fauna, and fish species, including native resident and anadromous fishes. In addition, groundwater that only seasonally supports surface flows can contribute to the life-cycle of migratory fishes, such as steelhead, that can make use of intermittent flows for both migration, spawning and rearing (Erman and Hawthorne 1976, Boughton *et al*. 2006, 2009).

The methodology used in the Draft GSP focuses almost exclusively on vegetation known to use groundwater and, therefore, ignores the seasonal variation in the groundwater levels in the reach of the Ventura River underlain by the Basin that can periodically (seasonally, or intra-annually) exhibit surface flows by affecting their timing magnitude, and duration.

As a result, the Draft GSP only identified 5 potential GDE and included only two for further consideration in the formulation of sustainable management criteria: 1) Confluence Aquatic Habitat Area and 2) Foster Park Aquatic Habitat Area. This limited view of the GDE does not accurately reflect the use of the river reach within the Basin by endangered southern California steelhead. Steelhead use the entire reach of the Ventura River within the Basin for completing their life-cycle. The GSP should be revised to recognize the role that groundwater plays in supporting base flows that support other GDE, including those used by steelhead.

3.3 Water Budget [§354.18]

Pages 70-75

See comments above regarding the water budget for the Basin.

3.3.1 Historical Water Budget [§354.18(c)(2) (B)]

Pages 76-82

The Draft GSP notes that:

> "The SGMA Regulations require that the historical surface water and groundwater budget be based on a minimum of 10 years of historical data." p. 79

The Draft GSP does not refer to or account for the effects of the operation of the CMWD's Robles Diversion on the Upper Ventura River, which supplies on average 45% of the total amount of water diverted and stored in the Casitas reservoir acre-feet per year

from the main stem of the Ventura River (NMFS 2003, Ventura River Watershed Council 2015). This diversion operation affects recharge to all of the Ventura River groundwater basins, not just the Basin, including the shallow alluvial aquifer and the other deeper aquifers within Basin. These operations have the potential to impact endangered adult and juvenile steelhead in the upper Ventura River and estuary (NMFS 2003, 2007). The Draft GSP should therefore include as part of its water-budget analysis the operations of the Robles Diversion. Specifically, the relationship of groundwater management activities (including both recharge and groundwater extraction activities) and the effects of the related Robles Diversion on surface flows below the diversion and the maintenance of surface flows supported by groundwater should be explicitly addressed a in the revised GSP.

3.3.2 Current Water Budget [§354.18(c)(1)]

Pages 84-86

As noted above, the Draft GSP does not refer to or account for the effects of the operation of the CMWD's Robles Diversion on the upper Ventura River, but should as part of its current water budget. See comments above regarding the CMWD's Robles Diversion.

3.3.3 Projected Water Budget

Pages 84-91

As noted above, the Draft GSP does not refer to or account for the effects of the operation of the CMWD's Robles Diversion on the upper Ventura River, but should be included as part of its projected water budget. See comments above regarding the CMWD's Robles Diversion.

3.3.4.1 Overdraft Assessment

Page 91

The Draft GSP notes that:

> "The water budget result do not indicate an overdraft condition in the Basin currently or in the future. . . . Numerical model results for the projected water budge indicate the groundwater level will continue to fully recovery following droughts." p. 91

As noted above, this analysis does not take into account the effects of either the protracted drought or the past unregulated extraction of groundwater, or the differing effects of temporary drawn of the groundwater table on traditional out-of-stream beneficial uses and instream beneficial uses of the waters of the Ventura River watershed.

4.0 Sustainable Management Criteria [Article 5, SubArticle 3]

Pages 98-136

See comments below on individual sub-sections of the Draft GSP.

4.2 Sustainability Goal [§354.24]

Pages 90-100

The Draft GSP states, in part, that:

> "The goal of this Groundwater Sustainability Plan (GSP) is to sustainably manage the groundwater resources of the Upper Ventura River Basin for the benefit of current and anticipated future beneficial users of groundwater, including the environment and the welfare of the general public who rely directly or indirectly on groundwater. Sustainable groundwater management will ensure the long-term reliability of the Upper Ventura River Basin groundwater resources by avoiding undesirable results pursuant to the Sustainable Groundwater Management Act (SGMA) no later than 20 years from Plan adoption and through implementation of a data-driven and performance-based adaptive management framework." p. 94

Nothing in the language of the goal specifically refers to the protection of instream beneficial uses associated with the GDE of the Basin, such as the upper Ventura River or the downstream reaches of the Ventura River, including the Ventura River Estuary. This appears to be the result, in part, of not fully recognizing interconnected surface waters or GDE within the boundaries of the Basin. However, as noted above, the Basin contains interconnected surface water and GDE beyond the two that are identified for sustainable management criteria. See comments above, and Figures 1 and 2, regarding the extent of steelhead habitat within the Ventura River watershed, including within the boundaries of the Basin.

4.4. Chronic Lowering of Groundwater Levels

Pages 97-106

See comments above regarding groundwater Basin dynamics.

Evaluation of Potential Effects on Beneficial Uses and Users, Land Uses, and Property Interests [§354.26(b)(3)]

Pages 98-99

The discussion in this section is focused on out-of-stream beneficial uses of the groundwater resources of the Basin., It does not directly address the instream beneficial uses of interest to state and federal natural resource regulatory agencies such as NMFS, U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife, and the California Department of Parks and Recreation. These would include, but are not limited to, the GDE associated with the upper Ventura River, lower Ventura and the Ventura River Estuary.

The causes that could lead to undesirable results should include the operations of CMWD's Robles Diversion on the upper Ventura River. See comments above, particularly regarding GDE.

4.4.2 Minimum Thresholds [§354.28]

Pages 101-103

None of the minimum thresholds in the Draft GSP addresses specifically the endangered southern California steelhead (other than the Foster Park Aquatic Habitat Area GDE). As noted, this standard is not supported by the best available science. This is a significant omission from the Draft GSP that should be addressed in the revised Draft GSP for the Basin.

4.4.2.4 Impact of Minimum Thresholds on Beneficial Uses and Users [§354.28(b)(4)]

Page 102

See comments above regarding the interest of state and federal natural resource regulatory agencies such as NMFS, U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife, and the California Department of Parks and Recreation (which owns a portion of the Ventura River Estuary).

4.4.2.6 Current Standards Relevant to Sustainability Indicator [§354.28(b)(5)]

Page 104

The Draft GSP states that:

> "UVRG is unaware of any federal, state, or local standards for chronic lowering of groundwater levels." p. 104

While there is no general numeric standards for chronic lowering of groundwater levels, this statement fails to recognize the over-arching standards established by SGMA, particularly those intended to protect GDE.

4.4.2.7 Measurement of Minimum Thresholds [§354.28(b)(6)]

Page 104

The Draft GSP indicates that:

> "Groundwater elevations will be directly measured to determine their relation to minimum thresholds. Groundwater level monitoring will be conducted in accordance with the monitoring plan outlined in Section 5." p. 111

The groundwater-monitoring plan only provides for annual monitoring. A more appropriate approach would be to monitor seasonally to account for the strong effect of

seasonal changes in hydrologic and hydraulic conditions that are of significant to GDE, including, but not limited to, those associated with the Basin. For example, monitoring towards the end of summer or beginning of fall, as well as the beginning of spring each year could help inform groundwater and other natural resource managers of the effects of both recharge (natural and artificial) as well as groundwater pumping patterns on GDE within the Basin.

Without shallow groundwater wells that would provide specific data on the relationship between groundwater levels and surface flows, a reliable assessment of the effects of extracting groundwater from these areas on GDE is not possible. This is a significant data gap that could be addressed by the installation of shallow groundwater wells (or piezometers) to better describe these relationships.

Additionally, data gathered from groundwater well monitoring should be correlated with stream flow in the upper Ventura River. This can and should be accomplished by added a stream flow gauges capable of monitoring base flows in the upper Ventura.

4.4.3.3 Measurable Objectives and Interim Milestones [§354.30(a),(b),(d),(g) and §354(g)(3)]

Page 105-106

4.4.3.1 Description of Measurable Objectives

Page 103-106

The Draft GSP indicates that:

> "The chronic lowering of groundwater levels measurable objectives were developed by applying the concept of providing a reasonable margin of operational flexibility under adverse conditions." p. 105

This strategy is more suitable for managing traditional out-of-stream beneficial uses that instream beneficial uses associated with GDE, including river flows for the endangered southern California steelhead. See additional comments above.

4.5 Reduction of Groundwater Storage

4.5.1 Undesirable Results [§354.26]

Evaluation of Potential Effects on Beneficial Uses and Users, Land Uses, and Property Interests [§354.26(b)(3)]

The Draft GSP states that:

> "The evaluation of potential effects on beneficial uses and users, and property interests for the reduction of groundwater storage sustainability indicate is the

> same as for chronic lowering of groundwater levels and depletions of interconnected surface water sustainability criteria and its incorporated by reference" p. 108

As noted previously, the Draft GSP should be revised to explicitly acknowledge all the instream beneficial uses supported by the Basin. The recognized instream beneficial uses for the portion of the upper Ventura River include: warm freshwater habitat, cold freshwater habitat, wildlife habitat, habitat for rare, threatened and endangered species, fish migration, and wetland habitat. See comments above, and Figures 1 and 2, regarding the extent of steelhead habitats within the Ventura River Watershed, including the Basin.

Criteria Used to Define Undesirable Results [§354.26(b)(2)]

The Draft GSP states that:

> "The criteria used to define undesirable results for the reduction of groundwater storage sustainability indicator are based on the qualitative description of undesirable results, which is causing other sustainability indicators to have undesirable results. As explained in Section 4.5.2, groundwater levels will be used as a proxy for the reduction of groundwater storage sustainability indicator minimum thresholds. Based on the foregoing, the combination of minimum threshold exceedances that is deemed to cause significant and unreasonable effects in the basin for the reduction of groundwater storage sustainability indicator is the same as the combinations deemed to cause undesirable results for the chronic lowering of the groundwater levels sustainability indicator (Table 4.1-01)." p. 108

While groundwater levels are an important indicator of the general condition of the Basin, there are other more meaningful metrics specifically aimed at informing management of the Basin for the protection of instream beneficial uses associated with GDE (*e.g.*, base flow rates, pool depth, stream with, depth across riffles, etc.) Specifically, the current approach is based on criteria that do not, but should, address whether there may be significant stream flow depletion or lowered water surface elevation (from a biological perspective) caused by groundwater pumping within the Basin.

4.5.2.3 Relationships Between Minimum Thresholds and Sustainability Indicators [§354.28(b)(2)]

The Draft GSP indicates that:

> "The relationships between the minimum thresholds for the reduction of groundwater storage sustainability indicator and other sustainability indicators are the same as the potential effects of the minimum thresholds for the chronic lowering of groundwater levels on the other sustainability indicators . . ." p. 110

This approach and analysis may be appropriate when considering groundwater supplies for out-of-stream beneficial uses for which there may be alternatives. However, it does not take into account the adverse effects of periodic reduction of groundwater on GDE, including the use by migrating, spawning or rearing steelhead. The effects of periodic groundwater reductions on out-of-stream beneficial uses (*e.g.*, domestic or agricultural water supplies) may be addressed with alternative water sources. However, instream uses such as GDE are more vulnerable to periodic groundwater reductions, because there is generally no alternative water source to sustain the GDE, and even a short-term depletion or limitation of stream flow or water surface elevation can be lethal to aquatic species.

4.5.2.5 Impact of Minimum Thresholds on Beneficial Uses and Users [§354.28(b)(4)]

Page 110

> See comment above regarding the relationship between Minimum Thresholds and Sustainability Indicators.

4.5.2.6 Current Standards Relevant to Sustainability Indicator [§354.28(b)(5)]

Page 110

As noted above, while there are no numeric standards, this statement does not appear to recognize the standards that that are established by SGMA, particularly regarding GDE.

4.5.2.7 Measurement of Minimum Thresholds [§354.28(b)(6)]

Page 111

See the comments above regarding “Minimum Thresholds”, “Criteria Used to Define Undesirable Results” and “Relationship Between Minimum Thresholds and Sustainability Indicators.”

4.5.3 Measurable Objectives and Interim Milestones [§354.30(a),(b),(c),(d),(e),(g)]

Page 111

See the comments above regarding “Minimum Thresholds”, “Criteria Used to Define Undesirable Results” and “Relationship Between Minimum Thresholds and Sustainability Indicators.”

4.6 Seawater Intrusion

Page 112

See comment above regarding the seawater intrusion.

Criteria Used to Define Undesirable Results [§354.26(b)(2)]

Page 114

See the comments above regarding “Minimum Thresholds”, “Criteria Used to Define Undesirable Results” and “Relationship Between Minimum Thresholds and Sustainability Indicators.”

4.7.2 Minimum Thresholds [§354.28]

4.6.2.1 Information and Criteria to Define Minimum Thresholds [§354.28(a), (b)(1),(c)(3)(A),(c)(3)(B), and (e)]

Page 115

See the comments above regarding “Minimum Thresholds”, “Criteria Used to Define Undesirable Results” and “Relationship Between Minimum Thresholds and Sustainability Indicators.”

4.7.2.3 Relationships Between Minimum Thresholds and Sustainability Indicators [§354.28(b)(3)]

Page 119

As noted above, the groundwater extraction from the Basin can affect recharge of the groundwater basin underlying the lower Ventura River and Ventura River Estuary.

4.7.2.3 Minimum Thresholds in Relation to Adjacent Basins [§354.28(b)(3)]

Page 119

See comment above.

4.7.2.4 Impact of Minimum Thresholds on Beneficial Uses and Users [§354.28(b)(4)]

Page 120

See the comments above regarding “Minimum Thresholds”, “Criteria Used to Define Undesirable Results” and “Relationship Between Minimum Thresholds and Sustainability Indicators.”

4.7.2.5 Current Standards Relevant to Sustainability Indicator [§354.28(b)(5)]

Page 120

As noted, the Draft GSP does not appear to recognize the broad standards that that are established by SGMA.

4.6.2.6 Measurement of Minimum Thresholds [§354.28(b)(6)]

Page 121

See the comments above regarding "Minimum Thresholds", "Criteria Used to Define Undesirable Results" and "Relationship Between Minimum Thresholds and Sustainability Indicators."

4.7.3 Measurable Objectives and Interim Milestones [§354.30(a),(b),(c),(d),(e),(g)]

Page 121

See the comments above regarding "Minimum Thresholds", "Criteria Used to Define Undesirable Results" and "Relationship Between Minimum Thresholds and Sustainability Indicators."

4.9 Depletion of Interconnected Surface Water

Pages 123-124

See comments above regarding interconnected surface water and GDE.

Process and Criteria for Defining Undesirable Results [§354.26(a)]

Page 124

See comments above regarding the interest of state and federal natural resource regulatory agencies such as NMFS, U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife, and the California Department of Parks and Recreation (which owns a portion of the Ventura River Estuary).

Evaluation of Potential Effects on Beneficial Uses and Users, Land Uses, and Property Interests [§354.26(b)(3)]

Page 125

As noted previously, the Draft GSP should be revised to explicitly acknowledge the instream beneficial uses supported by the Basin, including the GDE associated with the upper reaches and middle of Ventura River. See comment above regarding "Process and Criteria for Defining Undesirable Results."

Effects on Surface Water Diversions

Page 126

See the discussion above regarding the City of Ventura's Foster Park well field and the CMWD's Robles Diversion.

Effects on Aquatic GDEs

Page 127

The Draft GSP only identified 5 potential GDE and included only two for further consideration in the formulation of sustainable management criteria: 1) Confluence Aquatic Habitat Area and 2) Foster Park Aquatic Habitat Area. This limited recognition of GDE does not accurately reflect the use of the river reach within the Basin by endangered steelhead. Steelhead use the entire reach of the Ventura River within the Basin for completing their life-cycle. See Figures 1 and 2 for a depiction of the designated critical habitat and intrinsic potential habitat within the Ventura River watershed, including the Basin.

Confluence Habitat Area

Page 127

The Draft GSP's assertion that because the Basin has 20 years to achieve sustainable management, there is ample time available to implement appropriate management of the groundwater levels associated with the Confluence Habitat Area does not appropriately recognize the endangered status of the steelhead that utilize and occupy the Ventura River, including the area the Confluence Habitat Area. This statement reflects the same perspective that was expressed in the assertion that the periodic depletion of the Basin is acceptable or reasonable because the Basin has the ability to refill rapidly. As noted above, instream beneficial uses such as GDE are more vulnerable to periodic groundwater reductions, because there is generally no alternative water source to sustain the GDE during periodic periods of groundwater depletion. Even a short-term depletion or limitation of stream flow or water surface elevation can be lethal to aquatic species.

Foster Park Habitat Area

Page 128

See the discussion above regarding the City of Ventura's Foster Park well field, as well as the discussion below under Section 6.0., Project and Management Actions.

4.9.2 Minimum Thresholds [§354.28]

Page 131

See the comments above regarding "Minimum Thresholds", "Criteria Used to Define Undesirable Results" and "Relationship Between Minimum Thresholds and Sustainability Indicators."

4.10 Measurable Objectives and Interim Milestones for Additional Plan Elements [§354.30(f)]

Page 136

The Draft GSP indicates that "No additional plan elements that have measurable objectives are include in the GSP". P. 136.

See the comments above regarding the Confluence Habitat Area, Foster Park Habitat Area, and other GDE within the Basin, which are not adequately addressed.

5.0 Monitoring Networks [Article 5, SubArticle 4]

Pages 137-154

As noted above, the monitoring proposed is aimed at addressing the limited Sustainable Management Criteria. There is nothing identified in the monitoring program that addresses the potential effects of groundwater extractions on GDE (with the exceptions of the Confluence Habitat Area and the Foster Park Habitat Area) within the Basin. Shallow groundwater wells within the alluvial overlaying the Basin would provide specific data on relationship between groundwater levels and surface flows. This appears to be a significant data gap that should be addressed by the installation of shallow groundwater wells (or piezometers) to better described these relationships.

6.0 Projects and Management Actions [Article 5, SubArticle 5]

Pages 163-173

6.3 Foster Park Protocols to Address Direct Depletion of Interconnected Surface Water[§354.44)b)(1)(d)]

It should be recognized that NMFS was not a party to the settlement agreement between Santa Barbara Channel Keep and the State Water Recourses Control Board and the City of San Buenaventura, and has not reviewed or endorsed that settlement agreement which uses a different (lower) minimum flow standard recommended by NMFS for the operation of the City's Foster Park well field. See the comments above regarding the City of Ventura's Foster Park Well Field.

7.0 GSP Implementation

Pages 174-183

See comment above regarding "Projects and Management Actions".

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BOARD OF DIRECTORS

UPPER VENTURA RIVER GROUNDWATER AGENCY

RESOLUTION NO. 2021-06

A RESOLUTION OF THE UPPER VENTURA RIVER GROUNDWATER AGENCY ADOPTING A GROUNDWATER SUSTAINABILITY PLAN FOR THE UPPER VENTURA RIVER VALLEY BASIN

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE UPPER VENTURA RIVER GROUNDWATER AGENCY as follows:

WHEREAS, the California Legislature passed a statewide framework for sustainable groundwater management, known has the Sustainable Groundwater Management Act (California Water Code section 10720 *et seq*.), pursuant to Senate Bill 1168, Senate Bill 1319, and Assembly Bill 1739, which was approved by the Governor and Chaptered by the Secretary of State on September 16, 2014; and,

WHEREAS, the Sustainable Groundwater Management Act (SGMA) went into effect on January 1, 2015; and,

WHEREAS, SGMA requires all high- and medium-priority groundwater basins, as designated by the California Department of Water Resources (DWR) Bulletin 118, to be managed by a groundwater sustainability agency (GSA); and,

WHEREAS, the Upper Ventura River Valley Subbasin has been designated by DWR as a medium-priority subbasin of the Ventura River Basin (DWR Bulletin 118 Groundwater Basin: 4-003.01); and,

WHEREAS, the Casitas Municipal Water District, the Ventura River Water District, the Meiners Oaks Water District, the City of San Buenaventura, and the County of Ventura elected on March 9, 2017 to become a GSA for the Subbasin; and,

WHEREAS, SGMA requires that all basins designated as high- or medium-priority basins and not subject to critical conditions of overdraft be managed by a groundwater sustainability plan (GSP) by January 31, 2021; and

WHEREAS, Upper Ventura River Groundwater Agency filed an initial notification of its intent to develop a GSP for the Subbasin in accordance with Water Code section 10727.8 on December 20, 2017; and,

WHEREAS, Upper Ventura River Groundwater Agency has prepared a GSP for its boundaries in accordance with Water Code section 10727.2 to include all the components required by SGMA; and,

WHEREAS, Upper Ventura River Groundwater Agency gave notice on August 11, 2021, pursuant to Water Code section 10728.4, to affected cities and counties regarding its intent to adopt a GSP; and,

WHEREAS, Upper Ventura River Groundwater Agency held a hearing on December 9, 2021 for the purpose of receiving public comment and considering adoption of a GSP for the Subbasin; and,

WHEREAS, upon adoption of a GSP, Water Code section 10733.4 requires that GSP to be submitted to DWR for review.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Upper Ventura River Groundwater Agency as follows:

1. The foregoing recitals are true and correct.

2. The GSP, in the form presented this day to the Board of Directors and subject to any final non-substantive edits that may be made at the Executive Director's discretion prior to submittal to DWR, is hereby approved and adopted.

3. The Executive Director is authorized and directed to timely provide notification of this approval and adoption to DWR, including a copy of this Resolution, the approved GSP, and any additional information required by law.

[signature page follows]

PASSED, APPROVED AND ADOPTED this 9th day of December 2021.

_____
Diana Engle, Board Chair

ATTEST:

_____
Bryan Bondy
Executive Director

APPROVED AS TO FORM:

_____
Keith Lemieux, Upper Ventura River
Groundwater Agency General Counsel