

UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF SPECIAL AND REGULAR MEETING DECEMBER 9, 2021

The Special and Regular Board meetings were 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 Scott Nave, 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), Michael Flood (Casitas MWD staff), Burt Rapp (Ventura River Water District staff), Kevin DeLano (SWRCB staff), and Burt Handy.

1) CALL TO ORDER

Chair Engle called the meeting to order at 12:31 p.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. No changes were offered.

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

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

Director Rose moved approval of the consent calendar items. Director Kaiser seconded the motion.

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.

Director Kuebler: No time. No report.

Director Rungren: No time. No report.

Director Rose: No time. Director Rose reported that he has informed Chair Engle and Executive Director Bondy that he will resign from the Board after the GSP is adopted.

Director Shephard: No time. No report.

Director Kaiser: No time. No report.

Director Ayala: No time. The OBGMA meeting was moved to 2 p.m. today.

Director Engle: No time. No report.

8) EXECUTIVE DIRECTOR’S REPORT

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

No questions from the Board.

No public comment.

9) ADMINISTRATIVE ITEMS

No administrative items this meeting.

10) GSP ITEMS

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

Executive Director Bondy reviewed the written staff report with the Board concerning GSP development status.

Chair Engle asked about the GSP deadline. Executive Director Bondy said the GSP must be adopted and uploaded to DWR by January 31, 2022.

No public comment.

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)

Chair Engle opened the public hearing at 12:46 p.m.

Executive Director Bondy briefly explained that the purpose of the public hearing is to receive public comment and testimony concerning the proposed GSP. He stated that written comments were received yesterday from the National Marine Fisheries Service (NMFS), which are included in the staff report for the item.

Director Ayala said that she believes some people are under the impression that the public hearing portion of the meeting will start at 1:00 p.m. and suggested waiting until after 1:00 p.m. to close the public hearing.

Agency Counsel stated the Board could handle Item No. 11 while waiting. Director Rose said there is no report from the Stakeholder Engagement Committee for Item No. 11.

Agency Counsel stated that the Board Chair could recess until 1:00 p.m., if desired. Chair Engle recessed the public hearing at 12:53.

Chair Engle resumed the public hearing at 1:00 p.m. and said the Agency would wait until 1:05 p.m. to provide ample time for anyone who may be trying to join the meeting.

At 1:05 p.m., Director Engle requested public comments on the GSP. No public comments were offered.

Director Engle asked the Executive Director if any additional written comments had been received at the Agency's office at Meiners Oaks Water District (MOWD) or by e-mail.

Executive Director confirmed with MOWD staff via text and by checking email that no additional comments had been received.

Director Kuebler moved to close the public hearing. Seconded by Director Kaiser.

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

Executive Director Bondy summarized the December 8, 2021 letter received from NMFS. He recommended deferring adoption of the GSP until early January to consider and respond to the comments. He suggested adopting the GSP at a special meeting on January 6, 2022. The GSP Development Team would develop responses to the NMFS comments and redline of the GSP text.

Director Kaiser asked the Executive Director if any of the comments concerned him. Executive Director Bondy said that some comments deal with issues downstream of the Basin, such as the Ventura River estuary. Downstream issues are a gray area for the GSA under SGMA, but Public Trust Doctrine is also a consideration. He will be reviewing these issues more carefully with legal counsel. Regardless, there is not enough time to perform any analysis of downstream issues, so he does not expect any big changes to the GSP at this time.

Chair Engle said that UVRGA can't be unique with respect to the downstream issues. Executive Director Bondy said that he believes UVRGA may be the only groundwater sustainability agency where downstream areas are in another groundwater basin that is not subject to SGMA.

Executive Director Bondy said that it is unclear from the comments what it is that UVRGA would analyze. The NMFS letter provides vague statements that UVRGA needs to analyze something. However, nobody has raised any specific concerns for consideration during the three years of GSP development.

Agency Counsel Nave said the GSP is a planning document and is not subject to the California Environmental Quality Act requirements to analyze environmental impacts. The GSP is not an EIR. CEQA comes into play if projects are implemented by the Agency.

Chair Engle said UVRGA has no jurisdiction in downstream areas over things such as wastewater plant discharges from Ojai Valley Sanitation District or surface water diversions.

Director Kaiser said there would be a lot of information that would need to be analyzed to determine effects related to the Upper Ventura River Basin versus other factors.

Director Kuebler expressed concerns about the schedule for uploading the GSP to DWR. He does not want the NMFS letter and response to interfere with submitting the GSP. He read through the NMFS letter and feels NMFS is trying to make SGMA into something it isn't. He asked if the comments could be addressed post-adoption.

Executive Director Bondy said that SGMA requires UVRGA to respond to credible comments on the GSP. Having said that, SGMA does not prescribe when the GSA can stop accepting comments. He feels that there is sufficient time to respond and adopt on January 6. He reminded the Board that DWR is required to review comments and responses when considering whether to approve the GSP. He feels it would be in UVRGA's best interest to provide responses to the NMFS comments as opposed to having DWR make up their own mind. He said it will also further demonstrate to DWR that UVRGA was committed to considering all input received on the GSP.

Chair Engle asked if it is practical and possible to limit the GSP changes to minor redline edits, i.e., no new technical analysis, just clarifications.

Executive Director Bondy said he does not anticipate any new technical analysis.

Director Rose asked if there are any required actions or process after the draft GSP public comment period closed?

Executive Director Bondy said that SGMA does not mandate a public comment period on the draft GSP. Most GSA's chose to do that as matter of process, which is what UVRGA did. The only requirements for adopting a GSP are to provide written notice to the cities and county in the Basin and hold a public hearing prior to adopting the GSP.

Agency Counsel said they can do a motion to continue the public hearing to a future date and restrict discussion.

Chair Engle said she does not want to keep things open for additional comments and is not in favor of extending the public hearing.

Executive Director Bondy recommended directing staff to address the NMFS comments and schedule a special meeting to adopt the GSP on January 6, 2022, at 1 p.m. He offered to send the draft comment responses to Casitas MWD and City of Ventura staff because some of the comments are specific to facilities owned and operated by those agencies.

Director Rungren said the City of Ventura plans to meet with NMFS to discuss comments pertaining to the City’s facilities.

Director Kaiser said Mike Flood, Casitas MWD’s General Manager is present and asked if he has any thoughts. Mike Flood said he supports responding to the comments but added that the process cannot go on forever. Director Kaiser requested that the Executive Director coordinate with Casitas MWD staff on the comment responses.

Director Kuebler moved to direct staff to prepare responses to the NMFS comments, make redline changes to the GSP, review comment responses with Casitas MWD and City of Ventura staff as necessary, and schedule a Special Board Meeting on January 6, 2022 at 1 p.m. for a GSP adoption vote. Director Kaiser seconded the motion.

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

11) COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

This item was discussed during the public hearing.

12) FUTURE AGENDA ITEMS

Appoint Director Rose’s replacement.

13) ADJOURNMENT

A Special Board Meeting was scheduled for January 6, 2022 at 1:00 p.m. The next Regular Board Meeting is scheduled for January 13, 2022 at 1:00 p.m.

The meeting was adjourned at 2:01 p.m.

Action: _____

Motion: _____

B.Kuebler__ D.Engle__ P.Kaiser__ S. Rungren__ G.Shephard__ E.Ayala__ L.Rose__