

UPPER VENTURA RIVER GROUNDWATER AGENCY

NOTICE OF REGULAR MEETING

NOTICE IS HEREBY GIVEN that the Upper Ventura River Groundwater Agency (“Agency”) Board of Directors (“Board”) will hold a **Regular Board Meeting at 1:00 P.M. on Thursday, April 14, 2022 via**

ON-LINE OR TELECONFERENCE:

DIAL-IN: 1-669-900-6833

Find your local number: Find your local number: <https://us06web.zoom.us/j/81546216440?pwd=VjJRSdUwMkVOMVM2MEc3ejNqcksrZz09>

JOIN BY COMPUTER, TABLET OR SMARTPHONE:

<https://us06web.zoom.us/j/81546216440?pwd=VjJRSdUwMkVOMVM2MEc3ejNqcksrZz09>

Meeting ID: 815 4621 6440

Passcode: 326997

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**

April 14, 2022

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 March 10, 2022 Regular Board Meeting**
- b. Approve Minutes from March 24, 2022 Regular Board Meeting**
- c. Approve Financial Report for March 2022**
- d. Receive and File 3rd Quarter Budget Report**

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 Agency matters and correspondence. The Board may provide feedback to staff.

9. ADMINISTRATIVE ITEMS

a. Resolution 2022-04 Honoring Diana Engle

The Board will consider adopting Resolution 2022-04 to honor Diana Engle for serving as a Member Director from October 2017 through February 2022.

b. Groundwater Extraction Fees and Well Registration, Metering, and Reporting Requirements

The Board will receive an update from staff concerning the process for implementing fiscal year 2022/2023 groundwater extraction fees, well registration, metering, and reporting requirements and provide direction to staff.

c. City of Ojai Request to Join Upper Ventura River Groundwater Agency Joint Powers Agreement

The Board will discuss the City of Ojai's request to join Upper Ventura River Groundwater Agency Joint Powers Agreement and may provide direction to staff.

10. GSP IMPLEMENTATION ITEMS

a. Executive Director Review of Ojai Basin Groundwater Sustainability Plan

The Board will receive a report from the Executive Director concerning review of the Ojai Basin Groundwater Sustainability Plan (GSP) to determine whether the GSP includes required elements under the Sustainable Groundwater Management Act for depletions of interconnected surface water and assessment of effects of the GSP on sustainable management of the Upper Ventura River Basin.

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 scheduled for May 12, 2022 at 1 P.M.

**UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF
REGULAR MEETING MARCH 10, 2022**

The Regular Board meeting was held via teleconference, in accordance with Upper Ventura River Groundwater Agency Board Resolution No. 2021-05. Directors present were Vivon Crawford, Bruce Kuebler, Susan Rungren, Pete Kaiser, Glenn Shephard, and Diana Engle. Also, present: Executive Director Bryan Bondy, Agency Counsel Keith Lemieux, and Administrative Assistant Maureen Tucker. Identified public members present: Jennifer Tribo, Mary Bergen, William Weirick, Michael Flood, Jennifer Tribo, Richard Hajas, Burt Handy, Trey Driscoll, Betsy Cooper, Kelly Dyer, Laura Ward, Brian Brennan, and Anne Lombard.

1) CALL TO ORDER

Chair Engle called the meeting to order at 1:02 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, Susan Rungren, Pete Kaiser, Glenn Shephard, Diana Engle, and Vivon Crawford

Directors Absent: Emily Ayala

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

Chair Engle asked for any proposed changes to the agenda. None were offered. Chair Engle as about continued use of Resolution No. 2021-05 and the emergency declaration status. Agency Counsel Lemieux said the emergency declaration has not ended and the Agency can continue to hold meetings remotely until further notice.

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

Roll Call Vote: B. Kuebler – Y D. Engle – Y G. Shephard – Y

 S. Rungren – Y P. Kaiser – Y V. Crawford - Y

Director Absent: Emily Ayala

5) PUBLIC COMMENTS ON ITEMS NOT APPEAR ON THE AGENDA

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

William Weirick commented on the City of Ojai's letter requesting to be added as a member in the UVRGA joint powers agreement. The City of Ojai has land use planning authority over a portion of the groundwater basin and can help with funding for GSP implementation.

6) CONSENT CALENDAR

- a. Approve Minutes from February 10, 2022 Regular Board Meeting
- b. Approve Financial Report for February 2022

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

Roll Call Vote: B. Kuebler – Y D. Engle – Y G. Shephard – Y
 S. Rungren – Y P. Kaiser – Y V. Crawford – Y

Director Absent: Emily Ayala

7) DIRECTORS ANNOUNCEMENTS

- a. Directors may provide oral report on items not appearing on the agenda.

Director Crawford: No report.

Director Kuebler: Director Kuebler attended the most recent Ojai Basin Groundwater Management Agency Board (OBGMA) meeting and the State Water Resources Control Board (SWRCB) model webinar.

Director Rungren: No report.

Director Shephard: No report.

Director Kaiser: No report.

Director Engle: Chair Engle attended the SWRCB model webinar.

8) EXECUTIVE DIRECTOR'S REPORT

Executive Director Bondy reviewed the written staff report concerning Agency matters since the last Board meeting. He summarized correspondence received from the County of Ventura concerning expiration of the well permit exemption and two issued well permits and from the City of Ojai concerning a request be added to the UVRGA joint powers agreement.

Chair Engle said she was concerned about the water demand numbers presented by SWRCB. Executive Director Bondy said he will investigate the issue when he reviews the model report.

Chair Engle asked if the newly permitted agricultural well will be subject to forthcoming UVRGA metering requirements. Executive Director said no because the well is being completed in bedrock, below the basin aquifer.

Director Kaiser thanked the Executive Director. He said he was copied on the City of Ojai letter and asked what the terms and conditions for adding a new member would be. The Executive Director said the joint powers agreement does not provide any guidance; the terms and conditions could be whatever the Board decides.

Public comments: none.

9) ADMINISTRATIVE ITEMS

a. Second Reading of February 10, 2022, Motion Concerning Ojai Basin Groundwater Sustainability Plan Review

The Executive Director explained the joint powers agreement voting procedures for first and second readings of items and said that this item is a second reading of a failed motion from the prior Board meeting.

Chair Engle clarified that motion does not include any technical review of the Ojai Basin GSP. The intent of the motion is for a review to determine if the Ojai Basin GSP contains the required SGMA elements.

Chair Engle said that she received a request from Director Ayala to read comments to the Board in her absence. She asked Agency Counsel Lemieux for guidance, particularly because Director Ayala had abstained during the first reading vote due to her position as an alternate director on the OBGMA Board of Directors. Agency Counsel Lemieux said that an absent director does not have a right to have their comments read and it is up to the director who received the request. Agency Counsel Lemieux said that he's not convinced that Director Ayala's OBGMA position is a conflict of interest but providing comments on an item she abstained from voting on would undermine her abstention.

Chair Engle asked for Director comments.

Director Kaiser asked for clarification on the motion. Does it include technical review?
Chair Engle said no.

Director Kaiser asked the Executive Director if he has discussed the Ojai Basin GSP with the OBGMA Executive Director John Mundy. Executive Director Bondy said no.

Director Kaiser asked the Executive Director if he has had any prior review of the Ojai Basin GSP. Executive Director said the Board directed him to review the draft GSP and make comments during the OBGMA public hearing. He was unable to complete that task because of the last-minute comments received from the National Marine Fisheries Service on the UVRGA draft GSP. Executive Director Bondy said he has not looked at a single page of the Ojai Basin GSP.

Director Kaiser expressed concerns about reviewing a sister agency's GSP and asked the Executive Director if he thinks this is an issue. Executive Director Bondy said the outcome of the whole process could be simply to coordinate and collaborate with OBGMA.

Chair Engle expressed concerns about expecting Executive Director Bondy to mediate a political debate. She wants to leave the Executive Director out of the debate and wants to protect his reputation. She said staff is very important to UVRGA.

Director Kuebler read a prepared statement (see attachment to these minutes).

Director Kaiser asked Executive Director Bondy if there are unintended consequences for reviewing another GSA's GSP? Would that cause DWR to take a closer look at the UVRGA GSP? Executive Director Bondy stated that there is no guarantee that the same DWR staff would be reviewing both plans.

Director Shephard asked about the DWR comment period timing. Executive Director Bondy said the DWR comment period is open through the end of April for the Ojai Basin GSP.

Chair Engel called for public comments.

William Weirick said he appreciates Chair Engle's summary of the matter. What is described as a political debate is also a legal debate. The adjudication trial begins on March 16 and the parties have different definitions of depletion of interconnected surface water. It is challenging to ask the Executive Director to make determinations on a subject that is the focus of litigation. He said the Ojai Basin GSP was developed to address the issues that were identified in the Ojai Basin GSP alternative. He noted that the UVRGA GSP includes certain assumptions about the Ojai Basin that were not vetted with OBGMA.

Item 6(a)

Richard Hajas identified himself as OBGMA Chair and said he was troubled when he read Mr. Kuebler's comments on the Ojai Basin GSP. He apologizes if Mr. Kuebler felt ignored, as there was no intent to ignore his comments. He noted it was an oral comment and an oral response was provided, but the OBGMA will respond more formally. Mr. Hajas recommended that Executive Director Bondy and Dudek discuss the matter. Mr. Hajas agreed with Chair Engle that the Board should not get its technical people involved in the legal or political issues.

Bert Rapp said it is very important for UVRGA to have a good comfort level that the Ojai Basin GSP properly addresses surface water flows in San Antonio Creek. If the answer is no impact, we need a good comfort level on that.

Chair Engle asked Executive Director Bondy if he feels he can execute the direction to staff in the motion without bias. Executive Director Bondy said he can. He added that he has reviewed many GSPs and knows the regulations well.

Director Kaiser said he does not believe there needs to be a motion and the Board can just direct staff to work with OBGMA.

Chair Engle says her Motion does not preclude outreach by the Executive Director.

Director Kaiser asked why would the Agency spend money on something it may not act on?

Chair Engle said because it is information and that she is not withdrawing her motion.

Executive Director Bryan Bondy clarified that there would need to be a new motion and second.

Chair Engle moved the motion from the first reading, as presented in the staff report:

“Direction to Executive Director to review the Ojai Basin Groundwater Sustainability Plan (GSP) to determine whether the GSP includes required elements under the Sustainable Groundwater Management Act for depletions of interconnected surface water and assessment of effects of the GSP on sustainable management of the Upper Ventura River Basin and report findings to the Board of Directors.”

Seconded by Director Kuebler.

Roll Call Vote: B. Kuebler – Y D. Engle – Y G. Shephard – N

 S. Rungren – Y P. Kaiser – N V. Crawford – Y

Director Absent: Emily Ayala

Motion passed 4-2.

Chair Engle asked about timing. Executive Director Bondy proposed making his report at the April 14 meeting. Nobody objected.

Director Kaiser asked about funding for this work. Executive Director said the Agency's budget includes funding for GSP coordination and outreach. He feels reviewing the GSP of a neighboring basin can be considered part of coordination.

b. Groundwater Extraction Fees

Executive Director Bondy introduced the item and summarized the Board direction to staff provided during the last meeting. He said this item is a follow-up on the Board's direction to proceed with implementation of the Proposition 218 process for groundwater extraction fees beginning the fiscal year 2022/2023. Executive Director Bondy asked Agency Counsel Lemieux to provide the update.

Agency Counsel Lemieux explained that he recommended proceeding with the Proposition 218 process during February 10, 2022 Board meeting out an abundance of caution, but after further review and analysis, he feels it is not clear cut that Proposition 218 is required and wanted to review with the Board before proceeding. He explained that there are two different processes for adopting fee included in the Water Code. These include Water Code Section 10730, which does not require Proposition 218 and Water Code Section 10730.2, which does. He described the two sections and associated procedural requirements. He explained the risks and potential harm of using the Water Code Section 10730 approach. He concluded that he is prepared to change his recommendation based on the additional analysis.

Chair Engle thanked Agency Counsel Lemieux for the explanation. Chair Engle asked about Proposition 218 voting. Do water agencies get one vote each? Agency Counsel said it is appropriate to send notices to all of the District's rate payers and well owners, not to the water agency itself.

Director Shephard said he would like more details about who votes.

Director Kuebler said he would like to keep costs down as much as possible. Proposition 218 sounds expensive and Section 10730 is less costly to the Agency.

Director Kaiser asked Agency Counsel Lemieux about potential exposure and cost to defend a complaint. Agency Counsel Lemieux said the Agency could choose to "correct" as opposed to fight a complaint. Director Kaiser expressed his preference for being upfront and transparent. He recommends performing Proposition 218.

Item 6(a)

Chair Engle called for public comments. None were offered.

Chair Engle said completing the Proposition 218 process would be expensive.

Director Shephard said the minutes from the previous Board meeting indicate that the Board voted to direct staff to proceed with Proposition 218, so it seems like the ship has already sailed.

Executive Director Bondy agreed with Director Shephard and explained that Agency Counsel now has more information and analysis that he feels may have resulted in a different Board decision had it been available at that time. Proposition 218 is expensive, and staff just wants to confirm in light of the additional information before spending a significant amount of funds.

Agency Counsel Lemieux stated at the last meeting he did not adequately brief the Board. He wanted to make these options clear to the Board at this meeting.

Director Rungren said Proposition 218 is time consuming and expense. If Agency Counsel is advising that the Agency can legally implement the extraction fee using Water Code Section 10730, then we should do that.

Chair Engle asked if we could change the fee after implementing one year. Agency Counsel Lemieux said the Agency can change the fee at any time.

Director Engle said she would support proceeding under Water Code 10730 and reevaluating next year. Directors Kuebler, Rungren, Crawford, and Shephard agreed. Director Kaiser says he can live without going the Proposition 218 route this year. He would like to do the right thing and have the Agency be protected. He would like more information from counsel.

Director Kuebler moved to proceed using Water Code Section 10730.

Director Kuebler withdrew the motion.

Director Kuebler moved to rescind the February 10, 2022 direction to staff concerning Proposition 218 and to direct staff to proceed under Water Code Section 10730.

Roll Call Vote: B. Kuebler – Y D. Engle – Y G. Shephard – Y

 S. Rungren – Y P. Kaiser – Y V.Crawford - Y

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Director Absent: Emily Ayala

Executive Director Bondy stated that he understood from the discussion that the intent is to develop an extraction fee for one year even though it was not stated in the motion. Nobody disagreed.

10) GSP IMPLEMENTATION ITEMS

None.

11) COMMITTEE REPORTS

a. Ad Hoc Stakeholder Engagement Committee

No report.

12) FUTURE AGENDA ITEMS

April 14, 2022 item to receive a presentation from the City of Ojai and discuss terms and conditions for joining UVRGA.

13) ADJOURNMENT

The meeting was adjourned at 3:09 p.m.

Action: _____

Motion: _____

B.Kuebler__ D.Engle_ P.Kaiser__ S.Rungren__ G.Shephard__ V.Crawford__ J. Kentosh__

OJAI BASIN
ALTERNATIVE DEMONSTRATION
AND GSP

The concern I raised at OBGMA's Sept 30 meeting and at our meeting on Feb 10 is similar to DWR's in rejecting the Basin's Alternative Demonstration. Here is what DWR said in their July 17, 2019 Alternative Assessment Staff Report.

*"The Groundwater Model Report states that *"during extended drought periods, groundwater discharge to San Antonio Creek decreases dramatically, and groundwater extraction during the drought periods contributes to this decline."** The Alternative Report and Groundwater Model Report do not quantify the depletion of interconnected surface water due to groundwater use, and the Agency has not declared any limit of depletion to be unacceptable or subject to management actions."

Page 16 of 30.

*"The Groundwater Model Report describes calculation of the safe yield in greater detail, but reiterates that the average safe yield is based solely on maintaining average groundwater elevations in the Basin, and concedes that *"[a] full understanding of annual [Ojai] Basin safe yield should consider the desired minimum groundwater**

discharge rates to San Antonio Creek, which is beyond the scope of this study.” No evidence was provided to indicate that subsequent studies of safe or sustainable yield considered impacts to stream flows, desired or optimal minimum groundwater discharge rates to San Antonio Creek , or any of the other undesirable results listed in SGMA except for those related to groundwater levels and storage.” Page 26 of 30.

“The Groundwater Model Report notes that during droughts, groundwater extraction contributes to the dramatic decreases of groundwater discharge to San Antonio Creek, which indicates that groundwater is interconnected with surface water and that groundwater extraction has the potential to deplete the interconnected surface water system and adversely impact groundwater dependent ecosystems. Because the San Antonio Creek is tributary to the Ventura River and provides water to downgradient groundwater basins, the groundwater extraction in the Ojai Basin has the potential to adversely affect downgradient basins and their sustainability goals. The Groundwater Model Report states that “[a] full understanding of annual Basin safe yield should consider the desired minimum groundwater discharge rates to San Antonio Creek.” In fact, SGMA requires a demonstration of sustainable

yield, not simply safe yield; nevertheless Department staff were not able to find evidence in the Alternative to indicate that the Agency evaluated such factors as the minimum desired discharge rates to the creek and whether the discharge rate was within a desired or optimal minimum amount during the period of analysis. Absent that type of information, it is not possible to determine whether undesirable results related to depletion of interconnected surface water exist.”
Pages 28 and 29 of 30.

As a downgradient basin, I believe our Agency has a responsibility to review the Ojai Basin GSP to see if this deficiency has been corrected.

BWK 3-8-22

UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF SPECIAL MEETING MARCH 24, 2022

The Special Board meeting was held via teleconference, in accordance with Upper Ventura River Groundwater Agency Board Resolution No. 2021-05. Directors present were Bruce Kuebler, Susan Rungren, Emily Ayala, Pete Kaiser, Glenn Shephard, Vivon Crawford. Also, present: Executive Director Bryan Bondy, Agency Counsel Keith Lemieux, and Administrative Assistant Maureen Tucker. Identified public members present: Mary Bergen, Michael Flood, Randy Haney, Bill Weirick, Betsy Cooper, James Vega, Michael Etchart, and Maureen McGuire.

1) CALL TO ORDER

Vice Chair Kuebler called the meeting to order at 1:00 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, Susan Rungren, Pete Kaiser, Glenn Shephard, Emily Ayala, Vivon Crawford.

Director Absent: Meiners Oaks Water District Director/Alternate

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

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

Director Rungren moved agenda approval and renewal of Resolution 2021-05. Director Shephard seconded the motion.

Roll Call Vote: B. Kuebler – Y G. Shephard – Y V. Crawford - Y

 S. Rungren – Y P. Kaiser – Y E. Ayala – Y

Director Absent: Meiners Oaks Water District Director/Alternate

5) PUBLIC COMMENTS ON ITEMS NOT APPEAR ON THE AGENDA

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

Bill Weirick and Randy Haney commented on the City of Ojai's request to join the Agency.

Vice Chair Kuebler said he thought the City of Ojai's request will be discussed during April 14 meeting. The Executive Director said he understood that staff was directed to include an item to explain the process.

Agency Counsel cautioned the Board that the public comment item is limited in their ability to respond. He suggested discussing further during Agenda Item No. 9.

6) DIRECTORS ANNOUNCEMENTS

- a. Directors may provide oral report on items note appearing on the agenda.

Director Kuebler: No report

Director Rungren: No report.

Director Shephard: No report.

Director Kaiser: No report.

Director Ayala: No report.

Director Crawford: Said she met with Channelkeeper to discuss preparation of comments on the GSP.

7) ADMINISTRATIVE ITEMS

- a. **Contract for Legal Counsel Services.**

The Executive Director explained that Agency Counsel Lemieux is moving to a new law firm. If the Board wants Mr. Lemieux to continue as Agency Counsel, they will need to execute an agreement with his new firm Aleshire & Wynder and terminate the current agreement with Olivarez Madruga Lemieux O'Neill, LLP.

Director Kaiser asked if they need to obtain proposals. Executive Director Bondy said the Agency went through a competitive selection process to hire Mr. Lemieux originally now he is just switching firms. Mr. Lemieux added that entire water group is moving to the new firm on April 1, 2022, including Maureen Tucker who is performing administrative assistance to this Agency. He added that the proposed retainer agreement is nearly identical to the existing agreement and the labor rates are the same.

Director Kaiser asked if the \$3M liability coverage is sufficient. Agency Counsel stated that is the limit on the existing policy.

Public comments: none.

Director Kaiser moved the recommend action to authorize the Executive Director to execute an attorney retainer agreement with the law firm Aleshire & Wynder and terminate the current retainer agreement with Olivarez, Madruga, Lemieux, O'Neill, LLP. Director Shephard seconded the motion.

Roll Call Vote: B. Kuebler – Y G. Shephard – Y V. Crawford - Y
 S. Rungren – Y P. Kaiser – Y E. Ayala – Y

Director Absent: Meiners Oaks Water District Director/Alternate

8) GSP ITEMS

a. Upper Ventura River Valley Basin Annual Report for Water Years 2020 and 2021

Executive Director Bondy provided a brief explanation of the Upper Ventura River Valley Basin Annual Report for Water Years 2020 and 2021 due to DWR by April 1, 2022. He explained that the report presents data prior to GSP adoption, which is why he decided not to provide a detailed presentation.

Director Ayala asked why the bar charts only show groundwater used in the Basin as opposed to the total groundwater extracted. Executive Director Bondy explained that the graph is specifically required by the Department of Water Resources (DWR). Director Ayala asked if another bar chart showing total groundwater extracted could be added to the report. Executive Director Bondy cautioned against including items in the report that are not in the regulations.

Director Ayala asked about groundwater storage change. Executive Director Bondy provided detailed explanation of the annual storage change and cumulative storage charts and how they relate to water year types.

Director Kaiser asked if supplemental replenishment is accounted for. Executive Director said that the technical term is “return flows” in the GSP. He explained that return flows are not a required element of the annual report, but they are accounted for in the GSP and numerical model.

Vice Chair Kuebler recognized the arrival of Michael Etchart, Meiners Oaks Water District and asked if he is their new director. Mr. Etchart said he anticipates being appointed in April.

Vice Chair Kuebler called for public comments. None were offered.

Director Crawford asked if more information should be included about implementation of the Foster Park Protocols. Executive Director Bondy said this annual report covers a period prior to GSP adoption, so it was not necessary. He plans to include more information in the next report and plans to collaborate with the City of Ventura to determine what information should be included.

Director Kaiser moved approval of the Upper Ventura River Valley Basin Annal Report for Water Years 2020 and 2021 and submittal to DWR. Seconded by Director Ayala.

Roll Call Vote: B. Kuebler – Y G. Shephard – Y V. Crawford - Y
 S. Rungren – Y P. Kaiser – Y E. Ayala – Y

Director Absent: Meiners Oaks Water District Director/Alternate

9) FUTURE AGENDA ITEMS

Director Kaiser wants to make certain there is an item on the April 14th agenda that will consider the City of Ojai's request to be added to UVRGA and to have discussions of the terms and conditions by the board members.

Director Ayala asked if the board planned to discussed fees again. Executive Director said there needs to be discussion of how to transition to a metering program for private wells.

10) ADJOURNMENT

The meeting was adjourned at 1:40 p.m.

Action: _____

Motion: _____

B.Kuebler__ J. Kentosh__ P.Kaiser__ S.Rungren__ G.Shephard__ E.Ayala__ V.Crawford__

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

DATE: April 14, 2022
TO: Board of Directors
FROM: Carrie Troup C.P.A., Treasurer
SUBJECT: Approve Financial Report for March 2022

February 2022 UVRGA Balance \$ 263,498.00

March 2022 Activity:

Revenues/ Credits:

US Treasury - FUTA refund	\$ 186.96
Bank error	\$ 0.31

Checks Pending Signature:

2290 Intera Incorporated	March Services	\$ 29,704.00
2291 Bondy Groundwater Consulting, Inc.	March Services	\$ 12,856.74
2292 Carrie Troup, C.P.A.	March Services	\$ 1,002.11
2293 Rincon Consultants, Inc.	March Services	\$ 2,045.17
2294 Rincon Consultants, Inc.	March Services	\$ 4,907.50
Total Expenditures Paid & To Be Paid		\$ 50,515.52

March 2022 UVRGA Ending Balance: \$ 213,169.13

Action: _____

Motion: _____ Second: _____

B. Kuebler____ G. Shephard____ J. Kentosh____ P. Kaiser____ S. Rungren____ V. Crawford____ 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.

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Upper Ventura River Groundwater Agency
Profit & Loss Budget vs. Actual
 July 2021 through March 2022

	Jul '21 - Mar 22	Budget	\$ Over Budget	% of Budget	Comments
Ordinary Income/Expense					
Income					
Misc. Income	186.96				
41100 · DWR GSP Grant Income	0.00	20,906.94	-20,906.94	0.0%	Pending DWR approval of invoice submitted in Jan. 2022.
43000 · Groundwater Extraction Fee	343,617.74	343,618.00	-0.26	100.0%	
Total Income	343,804.70	364,524.94	-20,720.24	94.32%	
Expense					
55000 · Administrative Exp					
55005 · Rent Expense	22.58	500.00	-477.42	4.52%	
55011 · Computer Maintenance	0.00	500.00	-500.00	0.0%	
55015 · Postage & Shipping	341.64	700.00	-358.36	48.81%	
55020 · Office Supplies & Software	65.47	500.00	-434.53	13.09%	
55025 · Minor Equipment	0.00	250.00	-250.00	0.0%	
55035 · Advertising and Promotion	872.48	1,970.00	-1,097.52	44.29%	
55055 · Insurance Expense-SDRMA	4,147.67	4,147.67	0.00	100.0%	Hard edited to show pre-paid expenses for FY 22/23
55060 · Memberships-CSDA	1,366.00	1,366.00	0.00	100.0%	Hard edited to show pre-paid expenses for FY 22/23
Total 55000 · Administrative Exp	6,815.84	9,933.67	-3,117.83	68.61%	
58000 · Professional Fees					
					This account is for ED admin activities only. Account is over budget due to unbudgeted activities, including City of Ojai request to join UVRGA, public records act request, extra board meetings, director changes, extra effort on extraction fees, and other board requests.
58005 · Executive Director /GSP Mgr.	21,907.50	21,600.00	307.50	101.42%	Invoice for March services not received yet. This account includes admin assistant proved by law firm.
58010 · Legal Fees	14,901.21	35,000.00	-20,098.79	42.58%	Net of \$951.44 for cancelled email addresses.
58015 · Website	1,997.91	3,000.00	-1,002.09	66.6%	
58020 · Accounting	12,031.79	15,000.00	-2,968.21	80.21%	
58040 · Audit Expense	0.00	13,000.00	-13,000.00	0.0%	Invoice for audit services not received yet.
					This account is for all GSP implementation activities, including ED non-admin activities.
58050 · Other Professional Services	243,639.83	336,836.00	-93,196.17	72.33%	
Total 58000 · Professional Fees	294,478.24	424,436.00	-129,957.76	69.38%	
Total Expense	301,294.08	434,369.67	-133,075.59	69.36%	
Net Income	42,510.62	-69,844.73	112,355.35	-60.86%	

UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 8

DATE: April 14, 2022

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: The Executive Director received and responded to a Public Records Act request submitted by the Ojai Valley News (Attachment A).
2. Financial:
 - a. Groundwater Extraction Fees:
 - i. Payments for the sixth round of semi-annual extraction fee invoices were due February 13, 2022. One invoice totaling \$910.34 is unpaid.
 - b. GSP Grant: No change in status. The final quarterly progress report and invoice were submitted to DWR on January 25, 2022. Payment in the amount of \$18,981.00 is expected before the end of the fiscal year. The grant completion report and retention release request were submitted to DWR on January 25, 2022. A retention payment in the amount of \$63,006.06 is expected before the end of the fiscal year.
3. Legal: Agency Counsel reviewed groundwater extraction fee procedures.
4. GSP Implementation:
 - a. GSP: Comments to DWR concerning the GSP are due April 16, 2022. Please see Attachment B for correspondence between Ojai Valley Land Conservancy and the Executive Director concerning GSP comments.
 - b. Annual Report: The Board approved the GSP annual report on March 24, 2022. The GSP Team finalized and submitted the annual report to DWR.
 - c. Monitoring Networks:
 - i. Groundwater Level Monitoring:
 1. Rincon Consultants, Inc. worked on the semi-annual data downloads.
 2. The well 04N23W20A01S access issue remains on the to-do list.

- ii. Surface Water Level Monitoring: Camino Cielo crossing surface water flow gauge activation was previously deferred to spring 2022 and continues to be on hold pending significant rain.
 - iii. Visual Surface Water Monitoring: Rincon Consultants, Inc. initiated the monthly monitoring activities.
 - iv. Aquatic GDE Monitoring Plans: Rincon Consultants, Inc. worked on the draft monitoring plans for the Confluence Aquatic GDE and Foster Park Aquatic GDE areas.
5. SWRCB / CDFW Instream Flow Enhancement Coordination: The Executive Director prepared and submitted comments on the draft model documentation report prior to the April 1, 2022 deadline (Attachment C).
6. Ventura River Watershed Instream Flow & Water Resilience Framework (VRIF): No update.
7. Miscellaneous: N/A

RECOMMENDED ACTIONS

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

BACKGROUND

Not applicable

FISCAL SUMMARY

Not applicable

ATTACHMENTS

- A. Ojai Valley News Public Records Act Request dated March 11, 2022 and Agency Responses
- B. E-mails between OVLC and B. Bondy re: GSP Comments
- C. SWRCB Draft Model Documentation Report Comment Letter

Action: _____

Motion: _____ Second: _____

B. Kuebler__ P. Kaiser__ G. Shephard__ J. Kentosh__ S. Rungren__ V. Crawford__ E. Ayala__



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

March 15, 2022

Laura Rearwin Ward
Publisher, Ojai Valley News
Editor, Ojai Magazine, Spring
Ojai Media LLC

Transmitted via email attachment to publisher@ojaivalleynews.com

RE: March 11, 2022, California Public Records Act Request to Upper Ventura River Groundwater Agency

Dear Ms. Ward:

On March 11, 2022, the Upper Ventura River Groundwater Agency ("Agency") received your request for records pursuant to the California Public Records Act ("Request").

Please be advised that the Agency has determined that the Request seeks disclosable public records that may be in the possession of the Agency. (Gov. Code § 6253, subd. (c).) The Agency will produce any non-privileged and non-exempt documents responsive to the Request as soon as it is reasonably able to do so. The Agency will make its best effort to produce any responsive records by March 21, 2022. If additional time is required, we will let you know as soon as possible.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Bondy".

Bryan Bondy
Executive Director

Attachment: Email from Ward to Bondy, et al., dated March 11, 2022

Bryan Bondy

From: Laura Rearwin Ward <publisher@ojaivalleynews.com>
Sent: Friday, March 11, 2022 5:12 PM
To: Bryan Bondy; Diana Engle; Richard H. Hajas
Cc: Marianne
Subject: Re: Public Records Request

Please allow me to correct my misspelling on this request. It is Bert Rapp, that I meant to include. Thank you.

Believer in local news,

Laura Rearwin Ward
Publisher, *Ojai Valley News*
Editor, *Ojai Magazine, Spring*
Office: 805-646-1476
Mobile: 805-479-5400
[Ojai Media LLC](#)



On Fri, Mar 11, 2022 at 4:20 PM Laura Rearwin Ward <publisher@ojaivalleynews.com> wrote:

Dear Upper Ventura River Groundwater Agency,

I am requesting public records. If none of you are the person to make the request to, please send me the contact for the person who handles them for the agency.

1. Any and all letters, faxes, email and text communications between Bruce Kuebler and Susan Rungren of Ventura Water from Jan. 1 2021 through March 11, 2022.
2. Any and all email and text communications between Bert Wrap and Susan Rungren of Ventura Water from Jan. 1 2021 through March 11, 2022.
3. Any and all letters, faxes, email and text communications between Bert Wrap and any representative for any party in PEWG\$ewi\$ s25=WXGT455 ; : \$ from Jan. 1 2021 through March 11, 2022.
4. Any and all letters, faxes, email and text communications between Bruce Kuebler and any representative for any party in PEWG\$ewi\$ s25=WXGT455 ; : \$ from Jan. 1 2021 through March 11, 2022.

Thank you for your help with this request.
Believer in local news,

Laura Rearwin Ward
Publisher, *Ojai Valley News*



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

March 17, 2022

Laura Rearwin Ward
Publisher, Ojai Valley News
Editor, Ojai Magazine, Spring
Ojai Media LLC

Transmitted via email attachment to publisher@ojaivalleynews.com

RE: March 11, 2022, California Public Records Act Request to Upper Ventura River Groundwater Agency

Dear Ms. Ward:

On March 11, 2022, the Upper Ventura River Groundwater Agency ("Agency") received your request for records pursuant to the California Public Records Act ("Request").

Please find attached responsive records identified by the Agency.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Bryan Bondy'.

Bryan Bondy
Executive Director

Attachment: Documents Responsive to Ward PRA Request Received March 11, 2022



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

March 24, 2022

Laura Rearwin Ward
Publisher, Ojai Valley News
Editor, Ojai Magazine, Spring
Ojai Media LLC

Transmitted via email attachment to publisher@ojaivalleynews.com

RE: March 11, 2022, California Public Records Act Request to Upper Ventura River Groundwater Agency

Dear Ms. Ward:

On March 11, 2022, the Upper Ventura River Groundwater Agency ("Agency") received your request for records pursuant to the California Public Records Act ("Request").

On March 17, 2020 the Agency transmitted responsive records identified by the Agency.

Subsequently Director Rungren identified additional responsive records, which are provided attached to this letter.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Bryan Bondy".

Bryan Bondy
Executive Director

Attachment: Additional Documents Responsive to Ward PRA Request Received March 11, 2022

Bryan Bondy

From: Bryan Bondy
Sent: Tuesday, April 12, 2022 9:57 AM
To: 'Tom Maloney'
Cc: Vivon Crawford; Bruce Kuebler; Emily Ayala; Larry Rose; Roger Essick
Subject: RE: Meeting to discuss OVLC comments on GSP

Tom,

Thank you very much for the reply - your explanation helps me understand what happened here. In summary, it seems that Larry's advice led OVLC staff to a decision to wait and comment to DWR instead of engaging with UVRGA pre-adoption. Unfortunately, that is the opposite of the SGMA and UVRGA goal for stakeholder engagement and input while GSPs are being developed. I am puzzled by that advice, but it is neither here nor there now. I believe your comments would have been very helpful to have been received during the draft GSP comment period and probably would have resulted in changes to the GSP because you are very articulate, and you probably would have synthesized the concerns into a clear framework for discussion, which was lacking in the comments we did receive. While it is very disappointing that things turned out this way, I now understand why and I appreciate you explaining. Hopefully, you can understand why I was so surprised and disappointed to receive Vivon's original email. I truly had no idea that OVLC was not on board with the GSP until her email arrived a few days ago. To be clear, I encourage you to submit your comments to DWR, but I still think it would be inappropriate for me to help you prepare those comments. Having said that, I would be happy to answer any questions you may have about the GSP as you develop your comments.

Best Regards,

Bryan

From: Tom Maloney <tom@ovlc.org>
Sent: Tuesday, April 12, 2022 9:09 AM
To: Bryan Bondy <bbondy@uvrgroundwater.org>
Cc: Vivon Crawford <vivon@ovlc.org>; Bruce Kuebler <bkuebler@uvrgroundwater.org>; Emily Ayala <eayala@uvrgroundwater.org>; Larry Rose <larryrose@roadrunner.com>; Roger Essick <rogeressick@gmail.com>
Subject: Re: Meeting to discuss OVLC comments on GSP

Hi Bryan --

Thanks for your response.

I'd like to point out that DWR *is* the referee when it comes to evaluating the sufficiency of GSP's to meet the intent of the act.

Also, the OVLC board did discuss the issues that staff were having with the plan back in October and Larry was part of those discussions. If he didn't feel comfortable raising those as a stakeholder on the board then

you are correct, the process failed. Also, based on our tracking of the GSA's response to comments received back in the November/December time frame, the UVRGSA likely would have had a similar reaction to OVLC's core concerns with the sufficiency of the Plan to meet the intent of SGMA. While the agency has adopted the laudable goal of consensus decision making, that can have the unintended effect of stifling concerns. To my thinking, the DWR review is exactly the venue for these concerns to be raised. Larry has repeatedly told staff that we had time and that the DWR review was part of the process. He never mentioned that the fact that we are a represented stakeholder interest meant that OVLC had been effectively muzzled for making comments to DWR. Infact, he has been encouraging us to do just that!

We also met with Emily as another stakeholder interest. I don't recall Emily mentioning that our involvement as a stakeholder precludes our ability to comment directly to DWR.

Lastly, as the environmental stakeholder with the explicit role to reach out into the community, we have reviewed the comments going in from other entities and coordinated with other environmental groups who have deep interest in the promulgation of a plan that truly advances a more sustainable and self-reliant approach. Significant concerns remain in the current plan. Since DWR is the final arbiter of these plans, commenting directly to that agency is the appropriate administrative step. Any "signals" it sends are that the plan needs some revision to respond to the environmental concerns that were raised back in the fall and now in the final review process.

OVLC believes that we are fulfilling our role as environmental stakeholder. Also, as one of the largest riparian landowners in the plan area, we look forward to collaborating with the GSA on studies to document the condition of GDE's, groundwater contour modeling and other studies moving forward.

Sincerely,
Tom

On Mon, Apr 11, 2022 at 11:26 AM Bryan Bondy <bbondy@uvrgroundwater.org> wrote:

Hi Vivon and Tom (with cc to the balance of the UVRGA Stakeholder Engagement Committee),

Thank you for reaching out.

I am very surprised to learn that OVLC has concerns with the GSP months after it was adopted with the support of OVLC's Larry Rose. Larry Rose was on the UVRGA Board from its inception and was engaged in the GSP development process on behalf of OVLC and other environmental stakeholders. Larry did not, to my knowledge, express any unresolved concerns prior to his affirmative vote to adopt the GSP. The GSP has already been adopted and submitted to the Department of Water Resources (DWR) for their review with respect to compliance with the GSP Emergency Regulations. At this point, any comments about concerns would be directed to either to UVRGA for consideration as the Agency moves toward the first GSP assessment and update (due by 2027) or to DWR, presumably in an effort to lobby for an inadequacy determination. If OVLC's intent is to begin engaging on the first GSP assessment and update, I am absolutely prepared to meet with you at the appropriate time for that (however, it's a bit early for that). However, if OVLC's intent is engage with me concerning development of comments to DWR, I do not think it would be appropriate for me to help you prepare the comments.

Bigger picture, the UVRGA joint powers agreement specifically included stakeholder directors on the Board to engage during GSP development and implementation. It would seem that the process has failed if OVLC was on the UVRGA Board throughout GSP development and has unresolved concerns that were unknown to staff and the remainder of the UVRGA Board. This is disappointing. Please note that it will not show well for UVRGA to have the organization of the stakeholder director who voted to approve the GSP turn around and send comments against the GSP to DWR. I believe a healthier choice would be to work OVLC's concerns through the UVRGA Board, rather than asking DWR to be a referee. Having said all this, OVLC is certainly free to do whatever it wishes; however, I request that you please consider the above points as you consider whether to comment to DWR.

I look forward to engaging with OVLC on GSP issues as UVRGA moves toward the first GSP assessment and update.

Thank you.

Item 8 Attachment B

Best Regards,

Bryan

From: Vivon Crawford <vivon@ovlc.org>

Sent: Friday, April 8, 2022 3:11 PM

To: Bryan Bondy <bbondy@uvrgroundwater.org>; Tom Maloney <tom@ovlc.org>

Subject: Meeting to discuss OVLC comments on GSP

Hi Bryan,

Tom and I are working on OVLC's comments on the GSP and would like to sit down with you to discuss our concerns in more detail and brainstorm suggestions for improvements. Are you around next Friday to chat?

Thanks!

Cheers,

Vivon

--

Vivon Crawford, MESM

Restoration Program Manager



[Ojai Valley Land Conservancy](https://www.ovlc.org/)

Item 8 Attachment B

PO Box 1092

Ojai, CA 93024

[\(805\) 633-1093](tel:(805)633-1093)



--

Tom Maloney

Executive Director

(805) 649 - 6852 ext. 1



[Ojai Valley Land Conservancy](http://www.ojaivalleylandconservancy.org)

PO Box 1092

Ojai, California 93024

[805-649-6852 x1](tel:805-649-6852)





202 W. El Roblar Dr.
Ojai, CA 93023
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<https://uvrgroundwater.org/>

March 30, 2022

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 Draft Model Documentation Report for the Groundwater-Surface Water Model of the Ventura River Watershed

Dear Kevin,

Thank you for the opportunity to submit comments on the above-listed matter. 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 Upper Ventura River Groundwater Agency (UVRGA) (i.e., 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.

It is noted that the comments provided herein are based on a high-level review of the model report. The timing of the comment period relative to Sustainable Groundwater Management Act deadlines precluded a more comprehensive review of the model report. UVRGA reserves the right to comment later in the overall instream flow process.

In general, UVRGA has significant concerns with the calibration in the Upper Ventura River Basin (UVRB) portion of the model. As detailed below, we find that the model utilizes questionable hydraulic properties, and the groundwater level calibration graphs suggest fundamental issues with the model design and/or basin conceptualization. Please know that we provide our comments to be constructive - UVRGA is committed to collaborating with SWRCB and others to advance the conceptual understanding of the UVRB and develop and improve tools, including numerical models, to inform water management programs. We look forward to future opportunities to address our comments with your team with the goal of improving the predictive capabilities of both the SWRCB and UVRGA numerical models.

Our comments are presented on the following pages.

Detailed Comments:

1. We hereby incorporate by reference our written comments submitted to SWRCB dated December 2017 (Study Plan), October 5, 2018 (Draft Geologic Analysis), August 30, 2020 (Draft Data Compilation Report), November 14, 2020 (Draft Sensitivity Analysis Approach Memo), and December 21, 2021 (Model Scenarios and Methodology).
2. The model and report appear to include more agricultural wells and more agricultural extraction in the UVRB than was identified by UVRGA through its outreach to UVRB well owners. To facilitate a complete review of this issue, UVRGA requests a table of all simulated wells located within in the UVRB (see Figure 4.8) including columns for the state well number, well type (agriculture, domestic, M&I), and the simulated groundwater extraction rates from the SWRCB model calibration / verification simulations. We would appreciate an opportunity to submit further comments after receiving that information.
3. Section 4.4.7 and Figure 4.12 describe and depict areas where evapotranspiration was simulated with extinction depths of 10 to 15 feet. The areas depicted include large areas of alluvial scrub and scalebroom, which have a maximum rooting depth of 5-6 feet (see GSP for references). Based on the foregoing, it appears that the SWRCB model may overestimate evapotranspiration of groundwater in these areas.
4. The thickness of alluvium and older alluvium east of the active Ventura River channel in the UVRB (i.e., Mira Monte and Meiners Oaks Area) appears to be too high. Our review of geologic maps and well completion forms indicates that the Ojai Conglomerate is present at relatively shallow depths in this area instead of young or older alluvium. Available data described in the UVRB Groundwater Sustainability Plan (GSP) indicate the hydraulic conductivity of the water bearing units at the indicated depths in the Mira Monte and Meiners Oaks Area is 2 to 4 feet per day (ft/day) and the UVRGA model calibrated to values between 1 and 5 ft/day in this area. This is compared with the order of magnitude higher values used in the SWRCB model (i.e., 25 to 50 ft/day). This may be a partial explanation for the very poor calibration at wells 04N23W11D01S, 04N23W15A02S, and 04N23W15D02S.
5. The hydraulic conductivity used for Zones 14 and 15 (young alluvium along Ventura River) are too low. Available data described in the UVRB Groundwater Sustainability Plan (GSP) indicate the hydraulic conductivity in the of the young alluvium is up to 3,500 ft/day, although it is noted that certain assumptions were required to convert transmissivity to hydraulic conductivity. The UVRGA model calibrated to values up to 5,000 ft/day. This is compared with the much lower values used in the SWRCB model (i.e., 1,000 to 1,250 ft/day). Low hydraulic conductivity values will cause simulated groundwater flow to be too low. As discussed in other comments, the model consistently overpredicts UVRB groundwater levels, which may be caused by the model not being able to route groundwater flow downstream fast enough due to the low hydraulic conductivity values.

6. Specific yield values in Zones 12 and 14 (0.08 and 0.1, respectively) are too low for the young alluvium along the Ventura River. The UVRGA model calibrated to the much higher value of 0.20. Low specific yield values will cause simulated groundwater water levels to be too high. As discussed in other comments, the model consistently overpredicts UVRB groundwater levels and seasonal fluctuations, which may be caused by using the low specific yield values in Zones 12 and 14. It is further noted that the specific yield of the young and old alluvium used in the model are the same (generally 0.08); however, it would be expected that young alluvium would have a higher specific yield than old alluvium because it is less consolidated.
7. The high specific yield value used for Zone 15 ("Young Alluvium Upper Ventura – Foster Park) of 0.3 does not appear supportable based on available data. Available data described in the GSP do not suggest values this high and the UVRGA model calibrated to values between 0.15-0.20 in this area. This is compared with the 50-100% higher value used in the SWRCB model (i.e., 0.3).
8. The hydraulic conductivity value of 25 ft/day for older alluvium in Zones 11 and 13 appear to be reasonable. However, the 500 ft/day value for older alluvium for Zone 16 is more than an order of magnitude too high.
9. The SWRCB model does not appear to be well calibrated in the UVRB and does not appear to be currently suitable for assessing flow objectives along the Ventura River. Several lines of evidence support this conclusion:
 - a. We do not agree with the page 209 conclusion that "review of the 1:1 line plot [on Figure 5.25] indicates adequate model calibration." While this conclusion may be reasonable for the entire model domain, it masks the very important issue of poor calibration in a primary area of interest within the model domain (i.e., along the Ventura River) where groundwater - surface water interaction is critical. Figure 5.25 clearly shows that simulated groundwater levels in the UVRB are strongly biased toward over prediction (prevalence of red triangles above the 1:1 line). Overpredicting groundwater levels will result in overprediction of streamflow from rising groundwater. Overprediction of streamflow is visible in Figure 5.18 (Streamflow Calibration 608, Ventura River near Ventura (Foster Park)) middle graph, which shows that model consistently overpredicts streamflow during the drought years of 2012 through 2017. Overprediction of streamflow is also visible in Figure 5.26 (Wet – Dry Mapping Comparison), which shows more blue ("wet") than the Casitas MWD measured data.
 - b. Visual inspection of the Appendix D Groundwater Level Calibration Hydrographs for UVRB reveals the following:
 - i. Kennedy Area (UVRB north of Kennedy Canyon) (Wells 05N23W33G01S and B03S): The model consistently overpredicts wet season groundwater levels

in this area, which like results in over prediction of groundwater flow to downstream portions of the UVRB.

- ii. Mira Monte / Meiners Oaks Area: Wells in this area (04N23W11D01S, 04N23W15A02S, and 04N23W15D02S) are very poorly calibrated. See Comment No. 4 for possible explanation. Specially for 04N23W11D01S, there appears to be too much hydraulic communication with the alluvium near the Ventura River.
 - iii. Well 04N23W03M01S: Simulated groundwater levels in this well significantly overestimate the seasonal range of groundwater levels. The simulated groundwater levels are also unacceptably low during most years and particularly during the drought period. It appears that this area of the model has too much hydraulic communication with the alluvium near the Ventura River.
 - iv. Wells proximal to Ventura River in Central Portion of Basin (04N23W16C04, 04N23W20A01, 04N23W29F02, and 04N23W09B01). Simulated groundwater levels in these wells are unacceptably high during the drought period, which like results in over prediction of groundwater flow and streamflow in downstream portions of the UVRB. The calibration of 04N23W20A01 is also very poor during the entire calibration/validation period.
 - v. Wells in Southern Portion of Basin (03N23W05B01, 03N23W08B02, and 03N23W08B07). Simulated groundwater levels in these wells are unacceptably high during most of the calibration period and particularly during the drought. While the magnitude of the overprediction is small compared to the range of simulated groundwater levels in the model domain or even just the UVRB, small errors in groundwater levels in this area are material because small changes in groundwater levels result in significant changes in the rates of groundwater discharge to the Ventura River. The fact that the model consistently overpredicts groundwater levels in this area despite using an unreasonably high specific yield value (see Comment No. 7) suggests that there is a fundamental flaw with model that should be investigated and remedied prior to using the model for its intended purposes, particularly because this particular area (Foster Park) is an important habitat area.
10. Streamflow Calibration: Calibration at very low streamflow rates in the UVRB is poor, with the model overpredicting flow. This is consistent with the commonly overpredicted groundwater levels, which would be expected to contribute to the overprediction of streamflow. Calibration of streamflow in the range of flows dominated by groundwater discharge to the river appears reasonable as presented; however, we conclude that the

calibration is “right for the wrong reasons” because groundwater levels are consistently overpredicted in the UVRB and unreasonable aquifer properties are used in the model.

11. Unimpaired Flow Scenario: The scenario should be re-run after addressing the comments listed above.

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

Sincerely,

A handwritten signature in black ink that reads "Bryan Bondy". The script is cursive and fluid.

Bryan Bondy, PG, CHG
Executive Director

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



Resolution 2022-04

HONORING

Dr. Diana Engle

WHEREAS, Director Engle has faithfully served as a Member Director on behalf of Meiners Oaks Water District during three terms (October 2017 to March 2022) on the Board of Directors of the Upper Ventura River Groundwater Agency, and

WHEREAS, Director Engle has given freely of her time, experience, and knowledge at the expense of her family and professional activities in order to contribute to the success and accomplishments of the Agency, and

WHEREAS, Director Engle was instrumental in leading UVRGA through the groundwater sustainability plan development process having served as Board Chair between July 2019 and March 2022, and

WHEREAS, during her tenure, Director Engle has served with dignity and distinction and has contributed significantly to the successful operation of the Upper Ventura Groundwater Agency, now

THEREFORE, BE IT RESOLVED, that the Board of Directors of the Upper Ventura River Groundwater Agency take great pleasure in honoring Dr. Diana Engle for her dedicated, loyal, and honorable service.

PRESENTED BY THE UVRGA BOARD OF DIRECTORS THIS 14TH DAY OF APRIL 2022.

Vice Chair
Bruce Kuebler

Director
Emily Ayala

Director
Vivon Crawford

Director
Pete Kaiser

Director
Susan Rungren

Director
Glenn Shephard

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

DATE: April 14, 2022

TO: Board of Directors

FROM: Executive Director

SUBJECT: Groundwater Extraction Fees and Well Registration, Metering, and Reporting Requirements

SUMMARY

As detailed in the Background section of this staff report, the Board has decided to move forward with a groundwater extraction fee for fiscal year 2022/2023. The purpose of this item is to describe the fee adoption process and issues that require additional Board input and action by staff.

Fee Adoption Process

The steps to adopt the groundwater extraction fee are as follows:

1. Adopt the fiscal year 2022/2023 budget and updated multi-year budget projection in May.
2. Schedule a public hearing for June.
3. Public Noticing:
 - a. Post the adopted budget on the Agency website at least 20 days prior to the scheduled public hearing.
 - b. Issue public notices in accordance with Government Code 6066 in the Ojai Valley News and Ventura County Star.
 - c. Mail the public notice to interested parties who filed a written request for a mailed notice of the public hearing.
4. Hold a public hearing and adopt a fee resolution to implement the groundwater extraction fee for fiscal year 2022/2023.

Outstanding Issues

The following issues must be resolved to prepare the fee adoption resolution. Staff is seeking Board feedback on the proposed path forward for each item.

Member Agency Invoicing

The Board has not specified the invoicing frequency for Member Agencies. Staff recommends invoicing the Member Agencies annually at the beginning of the fiscal year for the entire year. Receiving the revenue early in the fiscal year will mitigate potential cash flow challenges.

Private Well Invoicing for Fiscal Year 2022/2023

The agency will need to adopt an ordinance specifying metering requirements before it can require metering and it is unreasonable to expect that any private pumper who does not already have a qualified meter to install one before July 1, 2022. Therefore, staff proposes that the fiscal year 2022/2023 fee resolution state that private wells will be invoiced based on the estimated extractions used in past billing periods (i.e., the 2017 estimated extractions) unless a private pumper already has a meter and meets the following requirements:

1. The private pumper had an operational meter as of June 30, 2022;
2. The private pumper recorded the totalizer reading on June 30, 2022; and
3. The private pumper meets the requirements of the forthcoming ordinance.

Well Registration and Groundwater Extraction Metering and Reporting Ordinance:

Staff proposes to work with the Board to adopt an ordinance before July 1, 2022 that specifies requirements for well registration and groundwater extraction metering and reporting.

Staff proposes adopting a modified version of the Fox Canyon Groundwater Management Agency's (FCGMA) requirements. The FCGMA requirements are contained in the FCGMA Ordinance Code (Attachment A – pertinent sections highlighted) and FCGMA Resolution 2019-02 (Attachment B). For UVRGA, these could be combined into a single ordinance, if desired. Staff requests that the Board review the attached FCGMA documents and identify any modifications that should be discussed during the Board meeting.

It is noted that FCGMA staff requires submittal of digital photos of meter totalizers with the extraction reports, however, this requirement is not included in the above-listed documents. Staff proposes to include this requirement in the UVRGA ordinance.

For extraction reporting, staff proposes to require quarterly reporting of extractions (with digital photos of meter totalizers) as of June 30, September 30, December 31, and March 31 each year. Quarterly reporting will allow the agency to bill semi-annually according to its fiscal year calendar (July-December and January-June semi-annual periods) and determine water year extractions (October – September) to comply with GSP annual reporting requirements.

In terms of timing, it would be ideal to have all private pumpers metered in compliance with the ordinance as of the beginning of next water year (October 1, 2022). However, the earliest the Board could adopt an ordinance is May, which would only provide approximately four months for meter installation. Staff is also concerned that this schedule would not provide much time for outreach before ordinance adoption. As such, staff recommends adopting the ordinance in sometime in by July 1, 2022 and include a meter installation deadline of June 30, 2022 to ensure

all extractions are metered as of the next fiscal year. This approach would provide more time outreach before ordinance adoption and a full year for meter installation.

RECOMMENDED ACTIONS

Receive an update from staff concerning the process for implementing fiscal year 2022/2023 groundwater extraction fees, well registration, metering, and reporting requirements and provide direction to staff.

BACKGROUND

After discussing various fee options during multiple meetings, the Board voted on February 10, 2022 to move forward with developing a groundwater extraction fee as follows:

1. Extraction fees to be the sole source of non-grant revenue (i.e., no other fee types will be utilized).
2. Invoices to be calculated as follows:
 - a. Member Agencies to be invoiced based on the adopted fee rate applied to their 3-year fixed average extraction.
 - b. Private pumpers to be invoiced on a semi-annual basis using the adopted fee rate multiplied by metered extractions.

In terms of procedural requirements, the February 10 Board decision also specified that the extraction fees are to be developed following Water Code Section 10730.2, which requires implementation of Proposition 218.

During the March 10, 2020 Board meeting, counsel briefed the Board on additional legal analysis concerning the procedural requirements. After hearing the updated analysis, the Board voted to utilize Water Code Section 10730, which does not require implementation of Proposition 218. The Board also clarified that the extraction fee term will be one year (i.e., fiscal year 2022/2023) to facilitate annual reevaluations of the fee structure.

FISCAL SUMMARY

Not applicable

ATTACHMENTS

- A. FCGMA Ordinance Code (applicable sections only)
- B. FCGMA Resolution 2019-02

Action: _____

Motion: _____ Second: _____

B. Kuebler__ P. Kaiser__ G. Shephard__ J. Kentosh__ S. Rungren__ V. Crawford__ E. Ayala__

Fox Canyon Groundwater Management Agency Ordinance Code

Adopted June 26, 2002
Last Amended January 9, 2015

CHAPTER 1.0 Definitions

As used in this code, the following terms shall have the meanings stated below:

- 1.1. **“Actual Applied Water”** – means the total water applied by the grower to the crop over the course of a calendar year without regard to the water source. Examples of actual applied water include the sum of well water, water delivered from a water supplier, and or from surface water diversions. Total applied water does not include precipitation.
- 1.2. **“Agency”** means the Fox Canyon Groundwater Management Agency.
- 1.3. **“Agency Boundary”** shall be as depicted on the map adopted by the Board and recorded as an official record with the County Recorder's Office on January 14, 2002 (Document No. 2002-0009215), and as may be adjusted as provided in the Agency's enabling legislation.
- 1.4. **“Agricultural Extraction Facility”** means a facility from which the groundwater produced is used on lands in the production of plant crops or livestock for market, and uses incidental thereto.
- 1.5. **“Annual”** means the calendar year January 1 through December 31.
- 1.6. **“Aquifer”** means a geologic formation or structure that yields water in sufficient quantities to supply pumping wells or springs. A confined aquifer is an aquifer with an overlying less permeable or impermeable layer.
- 1.7. **“Board”** means the Board of Directors of the Fox Canyon Groundwater Management Agency.
- 1.8. **“County”** means the County of Ventura.
- 1.9. **“Developed Acreage”** means that portion of a parcel within the Agency Boundary that is receiving water for reasonable and beneficial agricultural, domestic or municipal and industrial (M & I) use.
- 1.10. **“Due Date”** means, unless otherwise specifically provided, within 45 days of the date of the Agency's mailing the Semi Annual Extraction Statement, the recipient (Well Operator and/or Well Owner) is to return (have postmarked) the completed forms along with any required payment of extraction charges, and surcharges.
- 1.11. **“East Las Posas Basin”** That part of the former North Las Posas Basin that is east of the subsurface anomaly described by significant changes in groundwater levels, as described in the Groundwater Management Plan and the Las Posas Basin–Specific Groundwater Management Plan, located for record purposes on maps as provided in Section 1.20.

- 1.12. **“Excess Extraction”** means those extractions in excess of an operator's extraction allocation or adjusted extraction allocation.
- 1.13. **“Executive Officer”** means the individual appointed by the Board to administer Agency functions, or his/her designee.
- 1.14. **“Exempt Well Operators”** means all well operators operating extraction facilities supplying a single family dwelling on one acre or less, with no income producing operations and those operators granted an exemption by the Board.
- 1.15. **“Expansion Area”** means that portion of land beyond the outer limits of the Agency Boundary in the West, East, and South Las Posas Basins that lies between the Agency Boundary and the crest of the hill or 1.5 miles beyond the Agency Boundary as defined by Map Number Two, entitled Fox Canyon Outcrop, Las Posas Basin, 1995. .
- 1.16. **“Extraction”** means the act of obtaining groundwater by pumping or other controlled means.
- 1.17. **“Extraction Allocation”** means the amount of groundwater that may be obtained from an extraction facility during a given calendar year, before a surcharge is imposed.
- 1.18. **“Extraction Facility”** means any device or method (e.g. water well) for extraction of groundwater within a groundwater basin or aquifer.
- 1.19. **“Flowmeter”** means a manufactured instrument for accurately measuring and recording the flow of water in a pipeline.
- 1.20. **“Foreign Water”** means water imported to the County through the State Water Project facilities or other newly available water as approved by the Board, such as recycled water that would otherwise be lost to the Ocean.
- 1.21. **“Groundwater”** means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water.
- 1.22. **“Groundwater Basin”** means a geologically and hydrologically defined area containing one or more aquifers, which store and transmit water yielding significant quantities of water to wells. For the purposes of this Ordinance Code, groundwater basins that of which either all or a portion or portions thereof are located within the Agency Boundary include, but are not limited to the Oxnard Plain Forebay Basin, Oxnard Plain Pressure Basin, Pleasant Valley Basin, East Las Posas Basin, West Las Posas Basin, South Las Posas Basin and the Arroyo Santa Rosa Basin, as described in the Groundwater Management Plan. The boundaries of these basins are shown on maps that shall be adopted by a Resolution. Groundwater basin boundaries may be modified by a Resolution.
- 1.23. **“Groundwater Management Plan”** means the 2007 Update to the Fox Canyon Groundwater Management Plan or Board-adopted updates to this plan.
- 1.24. **“Historical Extraction”** means the average annual groundwater extraction based on the five (5) calendar years of reported extractions from 1985 through 1989 within the Agency

Boundary. This average will be expressed in acre-feet per year. All historical extraction allocations became effective on January 1, 1991.

- 1.25. **“Inactive Well”** An inactive well is a well that conforms to the County Water Well Ordinance requirements for an active well, but is being held in an idle status in case of future need. Idle status means the well is pumped no more than 8 hours during any 12-month period. Inactive wells are not required to have a flowmeter. Pumping to maintain status as an active well under the County Water Well Ordinance shall not exceed 8 hours in a 12 month period, shall be for beneficial use, and shall be estimated and reported to the Agency. Prior to removing a well from idle status, the operator shall install a flowmeter in accordance with the requirements in Chapter 3 of the Ordinance Code.
- 1.26. **“Injection/Storage Program”** means any device or method for injection/storage of water into a groundwater basin or aquifer within the Agency Boundary, including a program to supply foreign water in lieu of pumping.
- 1.27. **“Las Posas Basin–Specific Groundwater Management Plan”** means the Las Posas Basin–Specific Groundwater Management Plan or Board-adopted updates to this plan.
- 1.28. **“Las Posas Basin Eastern Management Sub-Area (Las Posas EMSA)”** means the geographic area identified as such in the Las Posas Basin–Specific Groundwater Management Plan.
- 1.29. **“Las Posas Basin Management Area”** means the geographic area identified as such in the Las Posas Basin–Specific Groundwater Management Plan, which is comprised of the Las Posas Basin Western Management Sub-Area, Las Posas Basin Eastern Management Sub-Area, and the Las Posas Basin Management Area – Monitor Only Area.
- 1.30. **“Las Posas Basin Management Area – Monitor Only Area”** means the geographic area identified as such in the Las Posas Basin–Specific Groundwater Management Plan.
- 1.31. **“Las Posas Basin Western Management Sub-Area (Las Posas WMSA)”** means the geographic area identified as such in the Las Posas Basin–Specific Groundwater Management Plan.
- 1.32. **“Las Posas Outcrop”** or **“Outcrop”** means the area of Lower Aquifer System surface exposure as defined by Map Number One, Fox Canyon Outcrop, Las Posas Basin, 1982.
- 1.33. **“May”** as used in this Ordinance Code, permits action but does not require it.
- 1.34. **“Municipal and Industrial (M & I) Provider”** means person who provides water for domestic, industrial, commercial, or fire protection purposes within the Agency Boundary.
- 1.35. **“Municipal and Industrial (M & I) Operator”** An owner or operator that supplied groundwater for M & I use during the historical allocation period and did not supply a significant amount of agricultural irrigation during the historical period.”

- 1.36. **“Municipal and Industrial (M & I) User”** means a person or other entity that used or uses water for any purpose other than agricultural irrigation.
- 1.37. **“Municipal and Industrial (M & I) Use”** means any use other than agricultural irrigation.
- 1.38. **“Non-Operating Flowmeter”** – A non-operating flowmeter includes a flowmeter that is out of calibration by plus or minus 5%, and/or a flowmeter that has not been calibrated within the flowmeter calibration schedule adopted by the Board.
- 1.39. **“Operator”** means a person who operates a groundwater extraction facility. In the event the Agency is unable to determine who operates a particular extraction facility, then “operator” shall mean the person to whom the extraction facility is assessed by the County Assessor, or, if not separately assessed, the person who owns the land upon which the extraction facility is located.
- 1.40. **“Ordinance Code”** means the Fox Canyon Groundwater Management Agency Ordinance Code.
- 1.41. **“Overdraft”** means the condition of a groundwater basin or aquifer where the average annual amount of water extracted exceeds the average annual supply of water to a basin or aquifer.
- 1.42. **“Owner”** means a person who owns a groundwater extraction facility. Ownership shall be determined by reference to whom the extraction facility is assessed by the County Assessor, or if not separately assessed, the person who owns the land upon which the extraction facility is located.
- 1.43. **“Perched”** or **“Semi-Perched Aquifer”** means the shallow, unconfined aquifer that overlies the Oxnard Aquifer in Sealing Zone III, as described in the California Department of Water Resources Bulletin No. 74-9.
- 1.44. **“Person”** includes any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any federal agency.
- 1.45. **“Recharge”** means natural or artificial replenishment of groundwater in storage by percolation or injection of one or more sources of water.
- 1.46. **“Resolution”** means a formal statement of a decision adopted by the Board.
- 1.47. **“Safe Yield”** means the condition of groundwater basin when the total average annual groundwater extractions are equal to or less than total average annual groundwater recharge, either naturally or artificially.
- 1.48. **“Section”** as used in this Ordinance Code, is a numbered paragraph of a chapter.
- 1.49. **“Semi-Annual Groundwater Extraction Statement”** is a form filed by each operator containing the information required by Section 2.2 and 2.3.1 and shall cover the periods from January 1 to June 30 and from July 1 to December 31 annually.

1.50. **“Shall”** as used in this Ordinance Code, is an imperative requirement.

1.51. **“Well Flushing”** means the act of temporarily discharging extracted groundwater through a connection located upstream of the water distribution system at the beginning of an extraction cycle. Well flushing is typically performed until the quality of the extracted water is suitable for beneficial use and/or will not damage the distribution system. In some cases, the flushing flows may be discharged upstream of the distribution system, including the flowmeter. Flushing flows discharged upstream of the flowmeter shall be estimated and reported to the Agency in accordance with the requirements accordance with the requirements in Chapter 2 of the Ordinance Code.

1.52. **“Well Rehabilitation”** means the act of restoring a well to its most efficient condition by various treatments, development, or reconstruction methods. In most cases, groundwater extracted during well rehabilitation is not discharged through the extraction facility piping and, consequently, is not flowmetered. In these cases, the volume of water extracted shall be estimated and reported to the Agency in accordance with the requirements accordance in Chapter 2 of the Ordinance Code.

1.53. **“West Las Posas Basin”** is that part of the former North Las Posas Basin that is west of the subsurface anomaly described by significant changes in groundwater levels, as described in the Groundwater Management Plan and the Las Posas Basin–Specific Groundwater Management Plan, located for record purposes on maps as provided in Section 1.20.

CHAPTER 2.0

Registration of Wells and Levying of Charges

2.1. Registration of Wells

2.1.1. Agency Water Well Permit Requirement (No-Fee Permit) – All new extraction facilities constructed within the Agency Boundary shall obtain a no-fee permit from the Agency prior to the issuance of a well permit by the County.

2.1.2. Registration Requirement – All groundwater extraction facilities within the boundaries of the Agency shall be registered with the Agency within 30 days of the completion of drilling activities or within 30 days after notice is given to the operator of such facility. No extraction facility may be operated or otherwise utilized so as to extract groundwater within the Agency Boundary unless that facility is registered with the Agency, flowmetered and permitted, if required, and all extractions reported to the Agency as required. The operator of an extraction facility shall register his extraction facility and provide in full, the information required to complete the form provided by the Agency that includes the following:

2.1.2.1. Name and address of the operator(s).

2.1.2.2. Name and address of the owner(s) of the land upon which the extraction facility is located.

2.1.2.3. A description of the equipment associated with the extraction facility.

2.1.2.4. Location, parcel number and state well number of the water extraction facility.

2.2. **Change in Owner or Operator** - The name of the owner of each extraction facility, the parcel number on which the well is located along with the names of all operators for each extraction facility shall be reported to the Agency within 30 days upon any change of ownership or operators, together with such other information required by the Executive Officer.

2.3. **Reporting Extractions** - All extractions shall be reported to the Agency. All extractions shall be flowmetered in accordance with the requirements and methods for flowmetering extractions as specified by Chapter 3. In cases where flowmetering is not required, the volume of water extracted shall be estimated and reported to the Agency. The Agency shall send a "Semi-Annual Groundwater Extraction Statement" (SAES) form to each well operator in January and July each year. Each operator shall return the completed SAES form on or before the due date for all wells they operate. SAES forms are due forty-five (45) days after being sent by the Agency. The SAES shall contain the following information:

2.3.1. The information required under Section 2.1.2 above.

2.3.2. The method of measuring or computing groundwater extractions.

2.3.3. The crop types or other uses and the acreage served by the extraction facility.

2.3.4. Total extractions from each extraction facility in acre-feet for the preceding period.

2.4. **Groundwater Extraction Charges**

2.4.1. All persons operating groundwater extraction facilities shall pay a groundwater extraction charge for all groundwater extracted after July 1, 1993, in the amount as established by Resolution. Payments are due semi-annually, and shall accompany the statement required pursuant to Section 2.3.

2.4.2. Payments not received or postmarked by the due date shall be charged interest at the rate of 1.5 percent per month until paid in full as provided in section 1005 of the Fox Canyon Groundwater Management Agency Act.

2.4.3. Owners of extraction facilities are ultimately responsible for payment of groundwater extraction charges and interest should an operator not pay. Consequently, owners are charged with providing for this liability in agreements entered into with well operators and water users.

2.5. **Use of Extraction Charges** - Revenues generated from extraction charges and interest shall be used exclusively for authorized Agency purposes, including financial assistance to support Board approved water supply, conservation, monitoring programs and water reclamation projects that demonstrate significant reductions in overdraft.

CHAPTER 3.0

Installation and Use of Flowmeters for Groundwater Extraction Facilities

3.1. Installation and Use of Flowmeters

3.1.1. Installation Requirement - Prior to extracting groundwater, the operator shall install a flowmeter. With the exception of connections used for well flushing and extraction facilities used by multiple operators, flowmeters shall be installed upstream of all connections to the main discharge line. Flowmetering is not required during well flushing and well rehabilitation; however, the volume of water extracted shall be estimated and reported to the Agency. Flowmeters are not required on inactive wells as defined in this Ordinance Code, nor are flowmeters required for extraction facilities supplying a single family dwelling on one acre or less, with no income producing operations. If more than one operator uses the same extraction facility, flowmeters shall be installed to record the water use of each operator. Well operators were required to install flowmeters on wells by July 1, 1994.

3.1.2. Flowmeter Failure and Back-up Measurement Requirements - Flowmeters occasionally fail, losing periods of record before the disabled or inaccurate meter is either replaced or repaired. When a flowmeter fails, the operator shall repair or replace the flowmeter within the timeframe specified in a separate Resolution. Flowmeter failures and associated repairs or replacements shall be reported to the Agency together with any other information required by the Executive Officer on or before the due date of the next Semi-Annual Groundwater Extraction Statement. Well operators shall be prepared to provide another acceptable method of computing extractions during these periods of flowmeter failure to avoid the loss of record on wells that require flowmetering under this Ordinance Code.

3.1.3. Back-up Methods - It is the operator's responsibility to maintain the flowmeter. Any allowable or acceptable backup measurement methods will be specified in a separate Resolution and may be changed as technology improves or changes.

3.1.4. Flowmeter Readings - Functional flowmeters shall be read and the readings reported semi-annually on the extraction statements required under Section 2.3 above.

3.1.5. Inspection of Flowmeters - The Agency may inspect flowmeter installations for compliance with this Ordinance Code at any reasonable time.

3.2. Flowmeter Testing and Calibration - All flowmeters shall be tested for accuracy at a frequency interval determined by the Board to meet specific measurement standards. Calibration methods and procedures approved by the Board shall be detailed in an adopted Resolution.

3.3. Altering Flowmeters - Any person who alters, removes, resets, adjusts, manipulates, obstructs, or in any manner interferes or tampers with any flowmeter affixed to any groundwater extraction facility required by this Ordinance Code, resulting in said flowmeter to improperly or inaccurately measure and record groundwater extractions, is guilty of an

intentional violation of this Ordinance Code and will be subject to any and all penalties as described in Chapter 8.

- 3.4. **Costs of Testing and Calibration** - All costs incurred with flowmeter testing or calibration shall be the personal obligation of the well owner. Non-compliance with any provision of the flowmeter calibration requirements will subject the owner to financial penalties and/or liens as described below or in Chapter 8 of the Ordinance Code.
- 3.5. **Fees and Enforcement** - If any water extraction facility required to have a flowmeter within the Agency's boundaries is used to produce water without a flowmeter or with a non-operating flowmeter in excess of the allowable timeframe specified in a separate Resolution, the Groundwater Extraction Charge is increased to the Non-Metered Water Use Fee. The amount of the fee shall be calculated as follows:
- 3.5.1. Groundwater extraction facilities - The fee shall be equal to double the current groundwater extraction charge for all estimated water used. Estimates of water used shall be calculated by the operator and approved by the Executive Officer or calculated by the Agency using best available information about site use and conditions. Any delinquent Non-Metered Water Use Fee obligations shall also be charged interest at the rate of 1.5 percent per month on any unpaid balances.
- 3.6. Upon violation of any flowmeter provision, the Agency may, as allowed by law, petition the Superior Court of the County for a temporary restraining order or preliminary or permanent injunction prohibiting the well owner from operating the facility or for such other injunctive relief as may be appropriate.

CHAPTER 4.0

Protection of the Las Posas Basin Management Area

- 4.1. **This chapter has the following purpose and intent:**
- 4.1.1. To facilitate implementation of the groundwater management strategies identified in the Las Posas Basin-Specific Groundwater Management Plan, which are intended to maintain a reliable groundwater supply of a quality suitable to the needs of the groundwater users in the Las Posas EMSA and Las Posas WMSA.
- 4.1.2. To protect the Las Posas outcrop as a source of groundwater recharge into the Las Posas Basin Management Area.
- 4.1.3. To prevent groundwater quality degradation of the Las Posas Basin Management Area by influence from the Expansion area.
- 4.1.4. This Ordinance Code is only one means by which these goals will be met.
- 4.2. **Anti-degradation and Extraction Prohibition**
- 4.2.1. Extraction Facility Permits.

water reclamation projects that demonstrate significant reductions in overdraft.

CHAPTER 6.0

Appeals

- 6.1. Any person aggrieved by a decision or determination made by the Executive Officer may appeal to the Board within forty-five (45) calendar days thereof by filing with the Clerk, or Deputy Clerk, of the Board a written request that the Board review the decision of the Executive Officer. The Board shall equitably act on the appeal within 120 days after all relevant information has been provided by the appellant.

CHAPTER 7.0

Severability

- 7.1. If any section, part, clause or phrase in this Ordinance Code is for any reason held invalid or unconstitutional, the remaining portion of this Ordinance Code shall not be affected but shall remain in full force and effect.

CHAPTER 8.0

Penalties

- 8.1. Any operator or other person who violates the provisions of this Ordinance Code is subject to the criminal and civil sanctions set forth in the Agency's enabling act and its Ordinances.
- 8.2. Any person who intentionally violates any provision of this Ordinance Code shall be guilty of an infraction and may be required to pay a fine to the Agency in an amount not to exceed five hundred dollars (\$500).
- 8.3. Any person who negligently or intentionally violates any provision of this Ordinance Code may also be liable civilly to the Agency for a sum not to exceed one thousand dollars (\$1,000) per day for each day of such violation, in addition to any other penalties that may be prescribed by law.
- 8.4. Upon the failure of any person to comply with any provision of this Ordinance Code, the Agency may petition the Superior Court for a temporary restraining order, preliminary or permanent injunction, or such other equitable relief as may be appropriate. The right to petition for injunctive relief is an additional right to those, which may be provided elsewhere in this Ordinance Code or otherwise allowed by law. The Agency may petition the Superior Court of the County to recover any sums due the Agency.
- 8.5. Civil penalties for specified violations of the Ordinance Code shall be established by Resolution which may provide discretion for the Executive Officer to adjust and/or waive the civil penalty.

This Ordinance Code and amendments hereof shall become effective on the thirty-first day after adoption.

Resolution 2019-2 of the Fox Canyon Groundwater Management Agency

A RESOLUTION ADOPTING REVISED POLICIES AND PROCEDURES FOR REQUIRING AND IMPLEMENTING ACCURACY TESTING OF WATER FLOWMETERS PURSUANT TO CHAPTER 3.0 OF AGENCY ORDINANCE CODE AND RESCINDING RESOLUTION 2008-04

WHEREAS, the mission of the Fox Canyon Groundwater Management Agency (Agency) includes the protection and preservation of groundwater resources within the boundary of the Agency; and

WHEREAS, the Agency desires to ensure water flowmeter accuracy through a means flexible enough to allow changes as needed; and

WHEREAS, pursuant to the Agency Ordinance Code (Chapter 3.0, Sections 3.1 through 3.6 et seq.), rules governing water meter installation, inspection, calibration, and repair shall be detailed within an adopted resolution of the Board; and

WHEREAS, a resolution that spells out specific requirements to accomplish the necessary goals of accurate groundwater measurement and protection fits within the core mission goals of the Agency and is seen as the best available means to accomplish those goals; and

WHEREAS, on or about May 28, 2008, the Agency adopted Resolution No. 2008-4, requiring and implementing accuracy testing of water flowmeters; and

WHEREAS, the Agency has determined that revisions to the previously adopted methods and procedures for accuracy testing of water flowmeters are necessary; and

WHEREAS, it is advantageous for the Agency to have a compilation of clear methods and procedures in place, all in one resolution, to ensure flowmeter accuracy; and

WHEREAS, all water flowmeters shall be tested for accuracy at a frequency interval determined by the Board to meet specific measurement standards.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED THAT:

This resolution shall become effective 30 days following adoption and will remain in force until changed by the Agency's Board of Directors, or by a change to the Agency's Ordinance Code.

SECTION 1. Revised Agency policies and procedures for requiring and implementing accuracy testing of water flowmeters are hereby adopted, to read as follows:

1. Flowmeter Testing and Calibration Requirements

A. General Procedures

All groundwater extraction flowmeters shall be tested for accuracy every three years to demonstrate accuracy within a range of plus or minus 5%.

Written certification of water meter accuracy by a qualified flowmeter testing company or person approved by the Agency Executive Officer, or designee, shall be submitted within 120 days of written notification by the Agency to the well operator or owner. Notification shall be sent by regular U.S. Mail to the address on file within the Agency records.

If there is an indication that a flowmeter has been tampered with, the operator shall promptly report this to the Agency and the meter shall be retested and proof of flowmeter accuracy submitted to the Agency within 30 days of the discovery of the tampered meter.

If a flowmeter on an active well has been removed or destroyed for any reason by any person, whether by the operator, owner, or another person or entity – including, but not limited to, replacement, upgrade, or theft – the operator must notify the Agency of this event within 14 days. In such event, the removed or destroyed flowmeter must be replaced within 30 days, and the new flowmeter tested and proof of flowmeter accuracy submitted to the Agency within 30 days after replacement.

The Agency Executive Officer, or designee, may, on a showing of good cause, grant additional time to comply with these provisions.

B. Approved Methods of Testing and Testing Requirements

Method(s) of accuracy testing and calibration shall be determined by the Agency Executive Officer, or designee, and may be changed at any time to accommodate technological improvements or better methods.

Some flowmeter tests may require a pipe tap or access fitting on either the upstream or downstream side of the well flowmeter, or both. If such portals are not available, the well operator or owner shall provide them at his or her own expense.

In cases where more than one flowmeter is utilized to measure groundwater extractions, every flowmeter in that well and/or plumbing configuration must be tested and calibrated to required tolerances during the same visit or time interval when the order to test has been received from the Agency.

C. Testing Option Via Southern California Edison (SCE)

If the well pump motor is tested for electrical demand efficiency by Southern California Edison (SCE), a copy of the SCE Efficiency Report may be submitted to the Agency in-lieu of the required flowmeter calibration report; however, an adequate comparison of the SCE-determined flow measurement against the customer's existing well flowmeter must be provided within the submitted report.

Submitted SCE Efficiency Report(s) must not be older than one year from the date of the Agency flowmeter calibration test notification letter. If the SCE test results indicate that the flowmeter exceeds the plus or minus 5% accuracy range, the flowmeter must be repaired or replaced and retested per section "1A" above at the owner's expense.

Special Note: Failure to obtain passing test results within the Agency-specified time frame due to SCE's workload or backlog schedule is not justification for a time extension request. However, if a letter from SCE confirming a scheduled test date after the Agency specified time frame is submitted to the Agency within the original 120-day testing window, the Agency Executive Officer, or designee, may authorize a test date time extension.

D. New Flowmeter Installations

When any operator or owner installs a new water flowmeter, including a replacement water flowmeter, on the discharge piping of a well, proof of flowmeter accuracy shall be submitted to the Agency within 30 days of the installation date.

E. Required Documentation to Certify Calibration Accuracy Standards

Documentation to indicate that existing flowmeters meet accuracy or calibration standards (without flowmeter replacement, repair, or refurbishment) shall be provided to the Agency by submitting a copy of the successful test/calibration results that are provided to the flowmeter owner/operator by either an agency-approved flowmeter tester or SCE, as noted in Resolution Section 1C.

Documentation that indicates a flowmeter is new and/or has been repaired/refurbished to meet accuracy or calibration standards will be acceptable to the Agency provided the flowmeter was installed per the flowmeter manufacturer's specifications. Acceptable proof shall include name of meter manufacturer; meter serial and model numbers; unit of measure and unit multiplier for the meter; legible photographs of the flowmeter face (showing reading of the recorded volume), serial number, and that installation meets the manufacturer's specifications; an invoice and/or work order indicating that the flowmeter was installed or repaired/refurbished on a certain date.

If the new or refurbished flowmeter was **not** installed per the flowmeter manufacturer's specifications, the well owner or operator shall obtain a flowmeter test for accuracy, and if necessary, re-calibrate the new or refurbished flowmeter to reflect actual in-place conditions. The passing test results shall be submitted to the Agency within 30 days of new or refurbished flowmeter installation.

F. Flowmeter Maintenance Between Required Calibration Testing Intervals

Written notification shall be provided to the Agency at least two (2) weeks prior to any planned maintenance requiring removal and reinstallation of the flowmeter.

If the maintenance **does** alter the piping diameters or configuration, the flowmeter shall be retested, and if necessary, recalibrated, as per any and all applicable Resolution requirements.

2. Approved Flowmeter Testers

- A. Any person, firm, or organization that can demonstrate experience and competence in the methodology of testing and/or repairing all possible makes and models of water flow measuring devices shall be approved by the Agency Executive Officer, or designee, to test flowmeters. Potential test agents or firms must successfully perform at least one or more demonstration or example calibration test(s) in the presence of persons designated by the Agency to examine, certify, and qualify all methods, equipment, tools, and technicians used for the sample test.

The name, address, and telephone number of all such Agency approved testers shall be maintained at, and be available from, the Agency offices and shall be furnished upon request.

- B. Re-qualification of approved flowmeter testers may be required at periodic intervals by the Agency Executive Officer, or designee, to ensure that approved testers remain qualified and are addressing any changes in technology and water flowmeter testing methods and procedures.

3. Meter Repair or Replacement

Broken or inaccurate flowmeters must be promptly reported to the Agency and repaired or replaced within 30 days of failure, or from the date when non-accurate readings are first noted. Special circumstances may be afforded additional leeway or time to comply with provisions at the discretion of the Executive Officer. Proof of flowmeter accuracy of the repaired or replacement meter along with supporting documentation shall be submitted to the Agency within 30 days of the installation date.

4. Backup Measurement Methods

When necessary, temporary in-place flowmeters shall be installed to provide back-up water flow measurement. The use of temporary flowmeters shall not exceed 60 days.

5. Inspection of Flowmetering Equipment

Agency staff or their designated agents may, at their discretion, inspect flowmetering equipment installations for compliance with this Resolution or the Agency Ordinance Code at any reasonable time. A minimum of 24-hours notice will be provided to the well owner or operator prior to any well visit or inspection.

6. Non-Compliance

Pursuant to the statutory authority granted by the Fox Canyon Groundwater Management Agency Act, Sections 405 and 807, and its Ordinance Code, a Notice of Violation shall be sent to any operator and/or owner who fails to provide the Agency with proof of accurate flowmeter calibration within the allotted 120-day time period. Also, any flowmeter for which the required proof of accuracy is not submitted within 120 days shall be deemed a non-operating flowmeter for purposes of Section 3.5 of the Agency Ordinance Code.

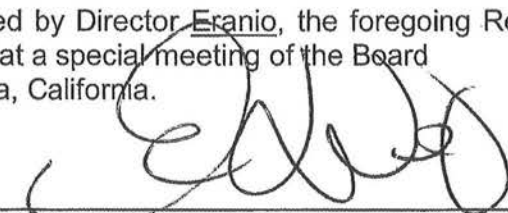
In addition, any operator and/or owner who fails to provide the Agency with proof of accurate flowmeter calibration within:

- a) 120 days after a Notice of Violation is sent shall be liable to the Agency for a civil penalty in the amount of \$1,100.00;
- b) 150 days after the Notice of Violation is sent shall be liable to the Agency for an additional civil penalty in the amount of an \$600.00, for a total penalty of \$1,700.00;
- c) 210 days after the Notice of Violation is sent shall be liable to the Agency for an additional civil penalty in the amount of \$600.00, for a total penalty of \$2,300.00.

Non-compliance at the end of 210 days shall subject the owner to enforcement action and additional fines, penalties, fees or liens as authorized by the Agency Ordinance Code or state law.

SECTION 2. Resolution No. 2008-04 is hereby rescinded in its entirety.


On a motion by Director Craven and seconded by Director Erano, the foregoing Resolution was duly passed and adopted by the Board of Directors at a special meeting of the Board held on this 8th day of February 2019 in Ventura, California.


Eugene F. West, Chair, Board of Directors

Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Resolution No. 2019-02.

By:


Keely Royas, Clerk of the Board

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

DATE: April 14, 2022

TO: Board of Directors

FROM: Executive Director and Agency Counsel

SUBJECT: City of Ojai Request to Join Upper Ventura River Groundwater Agency Joint Powers Agreement

SUMMARY

The board has directed that staff present a discussion regarding the City of Ojai's request to join the Agency (Attachment A), including potential terms and conditions as provided for in the Agency Joint Exercise of Powers Agreement (Agreement). The City of Ojai has been invited to review the presentation attached hereto (Attachment B) with the Agency during the Board meeting.

Staff recommends that the Board discuss this matter and, if appropriate, provide direction regarding terms and conditions of membership by the City of Ojai, if any.

Eligibility Under SGMA:

Membership in the groundwater sustainability agency (GSA) requires that the City be a local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.

As noted in the City's letter, its current boundaries and sphere of influence overlap the boundaries of the Upper Ventura River Valley Basin (Basin). Attachment C shows the precise areas of overlap annotated on a figure taken from the UVRGA groundwater sustainability plan. For context, it is noted that much of the overlapping area is coincident with portions of the Basin that have been identified as being underlain by shallow bedrock¹ and are subject to potential removal from the Basin during a future basin boundary modification. Areas of the Basin outside of the City's sphere of influence are within the larger Ojai Area of Interest (OAI) identified in the Local Area Formation Commission's (LAFCO) Guidelines for Orderly Development (Attachment D). Within the OAI, applications for discretionary land use permits or entitlements are approved by the County after addressing any comments made by the City (Attachment D).

We conclude that the City has land use planning authority within the Basin and is therefore eligible to participate in the GSA. This would be true even if a Basin boundary modification is completed.

¹ Ojai Conglomerate and Sespe Formation

Requirements Under the JPA

The Joint Powers Agreement anticipates that additional public agencies might wish to join the JPA. It provides for the following process:

“Additional public agencies or mutual water companies may become members of the Agency upon such terms and conditions as established by the Board of Directors and upon the unanimous consent of the existing Members, evidenced by the execution of a written amendment to this Agreement signed by all of the Members, including the additional public agency or mutual water company.” (Section 5.2)

“Unanimous consent of the Members” means that the governing body of each Member Agency must approve the new Member, not the Member Directors appointed to the UVRGA Board. This would be accomplished through an amendment to the Agreement that is unanimously approved by the governing body of each of the Members, including the governing body of the new Member. The amendments would primarily include changes to Article 6 (Board of Directors), Article 9 (Member Voting). In addition, Article 3 (Meetings [voting]) of the Agency Bylaws would need to be amended to mirror the amended Agreement. Staff believes that these changes would be straightforward and would not require policy decisions (e.g., updating the number of Member Directors).

JPA allows but does not require that additional terms and conditions be approved by the board (i.e., the Board of Directors is not *required* to establish any term or conditions). It is also noted that the Agreement does not provide any limitations or guidance concerning the number or type of conditions that may be established. This is left as a policy decision of the board.

Staff suggests that one potential condition might be to specify the amount of financial assistance from the City of Ojai (the City’s letter offers financial assistance) and the terms under which it would be provided. Components of financial assistance could include paying for the costs to amend the JPA, reimbursement of some fraction of GSP development costs, and financial support going forward.

Other potential terms could address voting. The Board is encouraged to consider how adding a new Member impacts the voting parameters in the Agreement and whether changes are warranted. Staff notes that adding a member would result in an even number of directors (8) on the Board, which may increase the potential for deadlocks (tie votes). Agreement modifications may be warranted to mitigate that risk. The Board may also consider whether the City of Ojai would be eligible to vote on all matters or only certain matters, such as those having a nexus with land use planning.

RECOMMENDED ACTIONS

Discuss the City of Ojai’s request to join Upper Ventura River Groundwater Agency Joint Powers Agreement and provide direction to staff.

BACKGROUND

Relevant reference materials:

Joint Exercise of Powers Agreement:

https://uvrgroundwater.org/wp-content/uploads/2018/07/UVRB_-JPA_signed.pdf

Agency Bylaws:

<https://uvrgroundwater.org/wp-content/uploads/2018/07/UVRGA-Bylaws.pdf>

FISCAL SUMMARY

Not applicable

ATTACHMENTS

- A. Letter from City of Ojai dated February 17, 2022, RE: Formal Request Regarding City of Ojai Membership in the UVRGA
- B. City of Ojai Presentation
- C. Map Showing Location of City of Ojai Relative to Upper Ventura River Basin and Basin Areas Subject to Potential Removal
- D. Guidelines for Orderly Development

Action: _____

Motion: _____ Second: _____

B. Kuebler__ P. Kaiser__ G. Shephard__ J. Kentosh__ S. Rungren__ V. Crawford__ E. Ayala__



CITY OF OJAI

401 South Ventura Street, Ojai California 93023

(805) 646-5581 · fax (805) 653-2236 ·

www.ojai.ca.gov

February 17, 2022

EMAILED LETTER: BBONDY@UVRGROUNDWATER.ORG

UPPER VENTURA RIVER GROUNDWATER AGENCY

ATTN: BRYAN BONDY

EXECUTIVE DIRECTOR

202 W. EL ROBLAR DRIVE

OJAI, CA 93023

RE: Formal Request Regarding City of Ojai Membership in the UVRGA

Dear Mr. Bondy,

The Upper Ventura River Groundwater Agency (UVRGA) includes members from five agencies collectively known as the Formation Committee: Ventura River Water District, Meiners Oaks Water District, City of Ventura (Ventura Water), Casitas Municipal Water District, and the County of Ventura.

As you know, the Sustainable Groundwater Management Act (SGMA) mandates that local agencies establish locally-controlled groundwater sustainability agencies for managing groundwater resources, with local agencies defined as those that has water supply, water management, or land use responsibilities within a groundwater basin. The City of Ojai has land use responsibilities within the groundwater basin managed by the UVRGA – namely approximately a quarter of the City's land area. These land use responsibilities extend beyond the City limits into the Ojai Sphere of Influence and the Ojai Area of Interest as defined by Local Area Formation Commission's (LAFCO) adopted Guidelines for Orderly Development.

Section 5.2 of the UVRGA joint powers agreement states that additional public agencies "may become members of the Agency upon such terms and conditions

established by the Board of Directors and upon the unanimous consent of the existing members.”

As City Manager, I hereby submit a formal request for membership in the UVRGA, subject to final confirmation by the Ojai City Council. This request includes an expectation of a financial assessment from the City on behalf of the UVRGA. Please let me know the expected amount of such support needed from the City and if you need any additional information to submit such a request. Once we have determined the final terms of the City’s joining UVRGA, the City Council will then consider whether to approve joining at an upcoming City Council meeting.

The City of Ojai appreciates your cooperation on this matter, and if you have additional questions you can reach me by email at James.Vega@ojai.ca.gov or by phone at (805) 646-5581 ext. 102.

Sincerely,



James Vega
City Manager

Cc: Ojai City Council
UVRGA Board of Directors

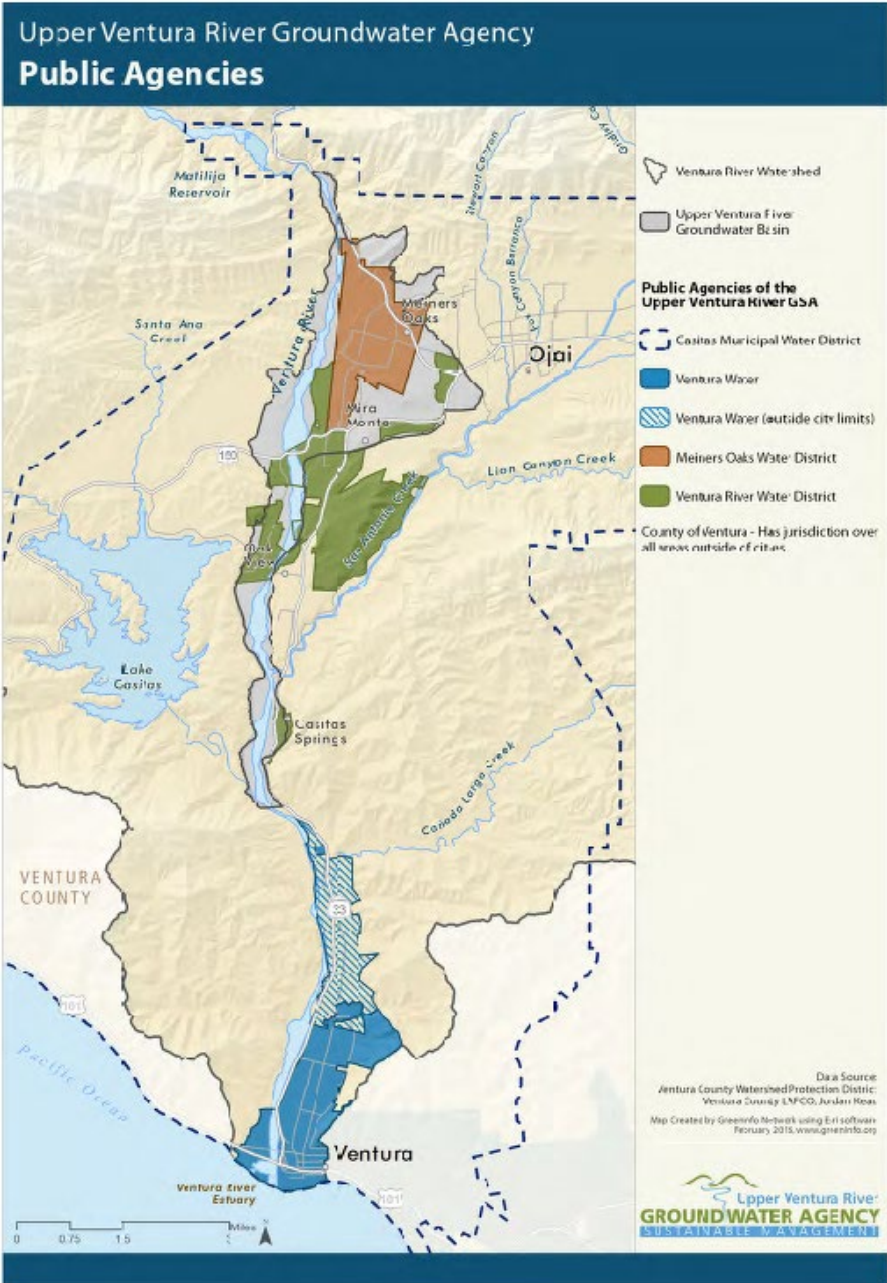
Ojai Membership in Upper Valley Ventura River Groundwater Agency

Presented by
Matthew T. Summers
City of Ojai City Attorney
msummers@chwlaw.us
(213) 542-5701

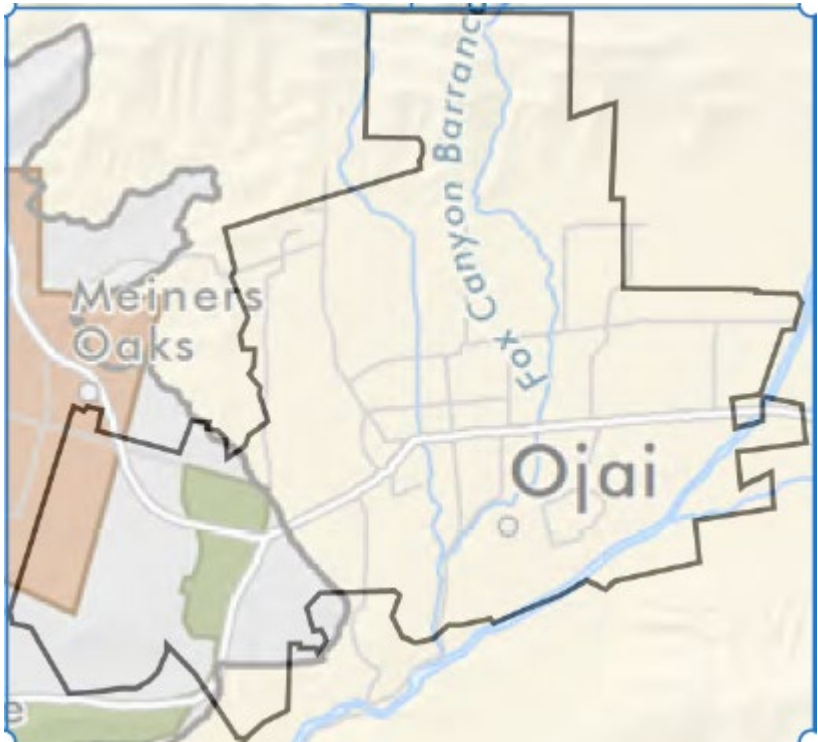
COLANTUONO
HIGHSMITH
WHATLEY, PC

Ojai & UVRGA History

- In a different time, Ojai declined to be a charter member
- Ojai rightly belongs in UVRGA
 - As an overlying agency (Water Code §10723 (a))
 - As a land use regulator (Water Code §10723.2)
 - 1/4 of Ojai is within basin managed by UVGRA
- Ojai is prepared to support UVRGA's work
- Ojai would now like to be a member
- Ojai submitted membership application on Feb. 17, 2022
- Ojai has a number of rate payers to the UVGRA in its jurisdiction and a responsibility to enhance groundwater recharge with its land use management policies.



Quarter of Ojai is in UVRGA Basin



SGMA Criteria for Membership

- Sustainable Groundwater Management Act (SGMA) mandates that local agencies establish locally-controlled groundwater sustainability agencies
- Any local agency/combination of local agencies overlaying a groundwater basin may become a groundwater sustainability agency (GSA)
- SGMA does not impose additional requirements on new members

Joining a GSA

- Governed by the joint-powers agreement or memorandum of agreement that established the GSA
 - Difference is SGMA authorities exercised by JPA
- Other agencies have joined formed GSAs since SGMA was adopted by the Legislature in 2015
- Example: Monroeville Water District joined the Glenn Groundwater Authority in 2019 (GSA formed in 2017)

Joining the UVGRA

- Joint Powers Agreement (December 2016)
- Section 5.2 (New Members)
 - “Additional public agencies or mutual water companies may become members of the Agency upon such terms and conditions as established by the Board of Directors and upon the **unanimous consent** of the existing Members, evidenced by the execution of a written amendment to this Agreement[.]”

Ojai Request of UVRGA Board

- Provide UVRGA Board direction re terms and conditions of Ojai joining UVRGA
- Ojai City Council can then formally agree and each agency can approve an amended Joint Powers Agreement
- Goal is to complete this fiscal year, ensuring full funding for UVRGA for next fiscal year

Terms of Membership

- City is open to negotiations about its terms of membership
 - Financial contribution amount
 - Voting membership
 - City is open to negotiations related to having even number of board members or selecting an option to add a seventh seat
 - Six Seat Board – promotes collaboration
 - Seven Seat Board – ideas:
 - Local Indigenous Community Representative (Water Code § 10723.2(h) states GSAs have to consider interests of “Native American Tribes”)
 - Appointed Public Member at agreement of six agencies
 - Ojai Valley Sanitation District Board seat

Colantuono, Highsmith & Whatley, PC

Northern California

420 Sierra College Dr., Suite 140
Grass Valley, CA 95945-5091
(530) 432-7357

333 University Ave., Suite 200
Sacramento, CA 95825
Phone: (916) 400-0370

670 West Napa Street
Sonoma, CA 95476
(707) 986-8091

Southern California

790 E. Colorado Blvd., Suite 850
Pasadena, CA 91101-2109
(213) 542-5700

440 Stevens Avenue, Suite 200
Solana Beach, CA 92075
(858) 682-3665

www.chwlaw.us
www.californiapubliclawreport.com



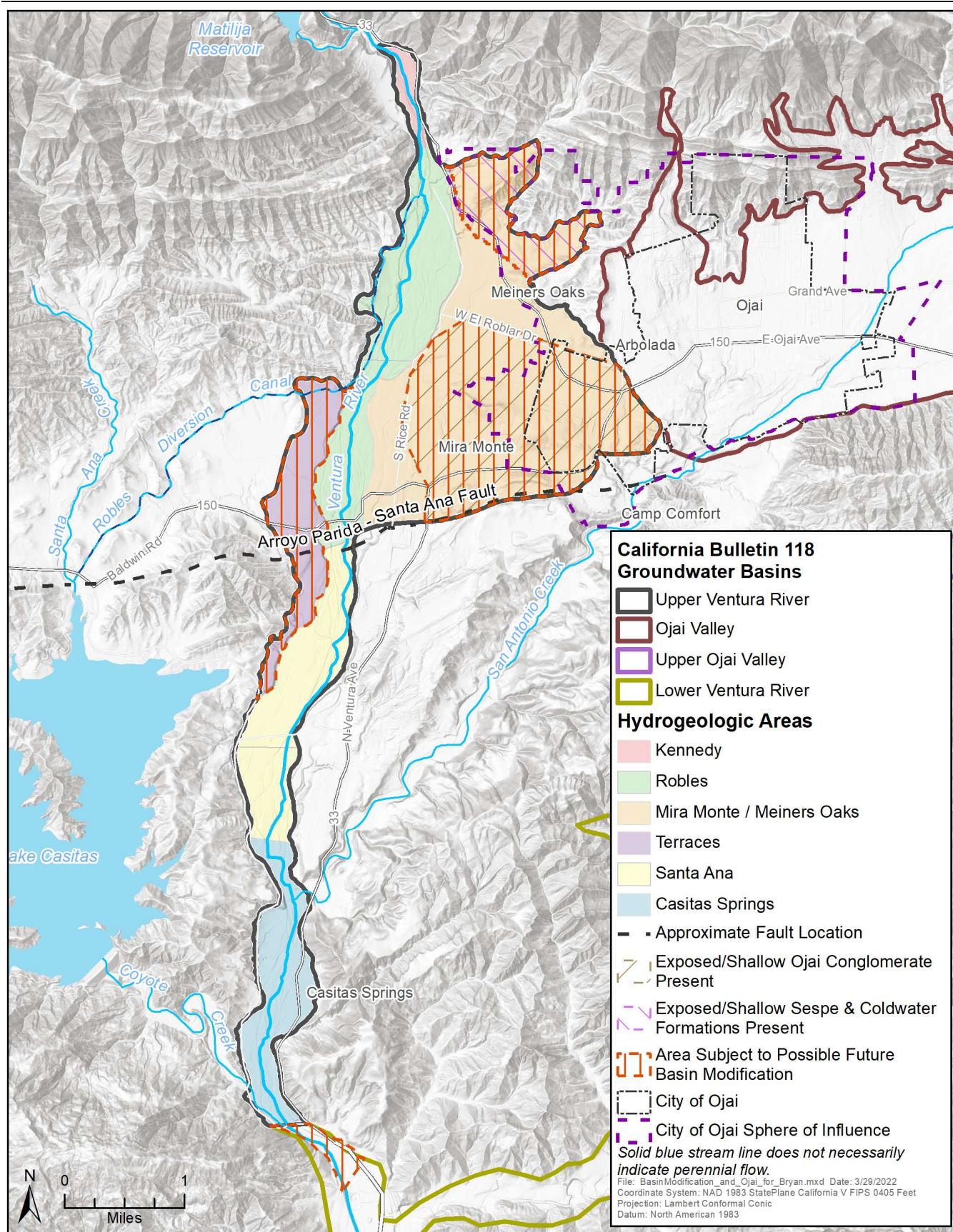


Figure 3.1-14 Current UVRGB Boundary and Adjacent Basins with Potential Areas for Boundary Modifications.



Public Information

County of Ventura • Resource Management Agency • Planning Division

800 South Victoria Avenue, Ventura, CA 93009 • 805 654-2488 • www.vcrma.org/divisions/planning

Guidelines for Orderly Development

The “Guidelines for Orderly Development” have been adopted by the Board of Supervisors, all City Councils within Ventura County and the Local Agency Formation Commission (LAFCO). They refine the guidelines originally adopted in 1969 and maintain the consistent theme that urban development should be located within incorporated cities whenever or wherever practical.

The revision of these Guidelines in December 1996 culminated an effort during the year by the County, Cities and LAFCO to improve the clarity of relationships between local agencies with respect to urban development projects.

Intent of Guidelines

- Clarify the relationship between the Cities and the County with respect to urban planning
- Facilitate a better understanding regarding development standards and fees
- Identify the appropriate governmental agency responsible for making determinations on land use requests

Jurisdictional Framework

The Guidelines are a unique effort to encourage urban development to occur within Cities; enhance the regional responsibility of County government; and facilitate the orderly planning and development of Ventura County by:

- Providing a framework for cooperative intergovernmental relations.
- Allowing for urbanization in a manner that will accommodate the development goals of the individual communities while conserving the resources of Ventura County.
- Promoting efficient and effective delivery of community services for existing and future residents.
- Identifying in a manner understandable to the general public the planning and service responsibilities of local governments providing urban services within Ventura County.

General Policies

- Urban development should occur, whenever and wherever practical, within incorporated cities which exist to provide a full range of municipal services and are responsible for urban land use planning.
- The Cities and the County should strive to produce general plans, ordinances and policies which will fulfill these Guidelines.

Policies Within Spheres of Influence

- Applicants for land use permits or entitlements for urban uses shall be encouraged to apply to the City to achieve their development goals and discouraged from applying to the County.
- The City is primarily responsible for local land use planning and providing municipal services.
- Prior to being developed for urban purposes or to receiving municipal services, land should be annexed to the City.
- Annexation to the City is preferable to the formation of new or expansion of existing County service areas.
- Land uses allowed by the County without annexation should be equal to or more restrictive than land uses allowed by the City.
- Development standards and capital improvement requirements imposed by the County for new or expanding developments should not be less than those that would be imposed by the City.

Policies Within Areas of Interest Where a City Exists

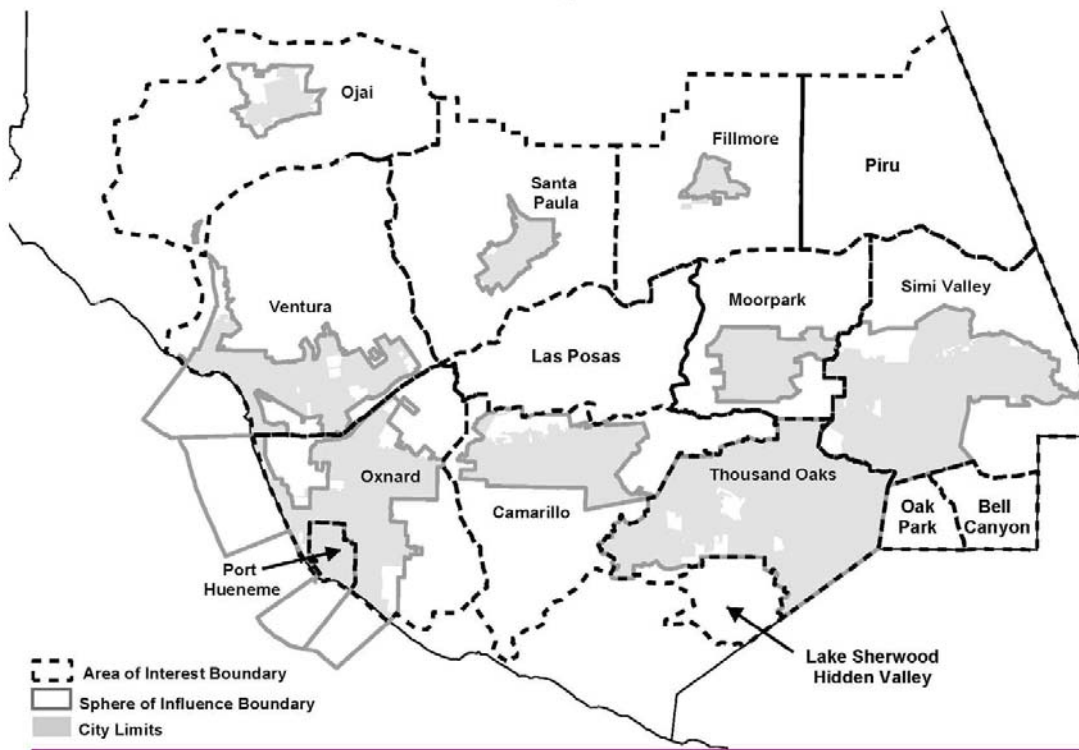
(outside that City's Sphere of Influence)

- Applications for discretionary land use permits or entitlements shall be referred to the City for review and comment. The County shall respond to all comments received from the City.
- The County is primarily responsible for local land use planning, consistent with the general land use goals and objectives of the City.
- Urban development should be allowed only within Existing Communities as designated on the County General Plan.
- Existing Communities as designated on the County General Plan should financially support County-administered urban services which are comparable to those urban services provided by the Cities.

Policies Within Areas of Interest Where No City Exists

- The County is responsible for land use planning and for providing municipal services.
- Urban development should only be allowed in Unincorporated Urban Centers or Existing Communities as designated in the County General Plan.
- Urban development in Unincorporated Urban Centers should only be allowed when an Area Plan has been adopted by the County, to ensure the proposed development is consistent with the intent of the Guidelines.

Areas of Interest/Spheres of Influence



Definitions

AREAS OF INTEREST- A plan adopted by LAFCO which divides the County into major geographic areas reflective of community and planning identity. Within each Area of Interest, there is to be no more than one city (but there will not necessarily be a city in each Area). Areas of Interest also serve as planning referral boundaries of the County Planning Division.

DEVELOPMENT STANDARDS- Local regulations which determine the provision of essential services and infrastructure within designated land use districts or jurisdictions and which control the architectural and engineering design of buildings, structures and roadways.

EXISTING COMMUNITY- A land use designation of the County General Plan which identifies existing urban residential, commercial or industrial enclaves located outside Urban designated areas (i.e., cities or Unincorporated Urban Centers).

An Existing Community may include uses, densities, building intensities and zoning designations which are normally limited to Urban designated areas but do not qualify as Unincorporated Urban Centers.

This designation has been established to recognize existing land uses in unincorporated areas which have been developed with urban building intensities and urban land uses; to contain these enclaves within specific areas so as to prevent further expansion; and to limit the building intensity and land use to previously established levels.

LOCAL AGENCY FORMATION COMMISSION (LAFCO)- A regulatory commission empowered by State law to coordinate logical and timely changes in local government boundaries; conduct special studies which review way to reorganize, simplify and streamline

government structure; and prepare Spheres of Influence for each city and special district.

SPHERES OF INFLUENCE- Plans adopted by LAFCO which designate the probable boundaries of each city and special district. The adoption of Spheres of Influence is required by Section 56425 of the Government Code.

UNINCORPORATED URBAN CENTER- A term of the County General Plan which refers to an existing or planned urban community which is located in an Area of Interest where no city exists. The Unincorporated Urban Center represents the focal center for community and planning activities within the Area of Interest, and may be a candidate for future incorporation.

URBAN DEVELOPMENT- Development shall be considered urban if it meets any of the following criteria:

1. It would require the establishment of new community sewer systems or the significant expansion of existing community sewer systems
2. It would result in the creation of residential lots less than two (2) acres in area; or
3. It would result in the establishment of commercial or industrial uses which are neither agriculturally-related nor related to the production of mineral resources.

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

DATE: April 14, 2022

TO: Board of Directors

FROM: Executive Director

SUBJECT: Executive Director Review of Ojai Basin Groundwater Sustainability Plan

SUMMARY

On March 10, 2022, the Board directed the Executive Director to “review the Ojai Basin Groundwater Sustainability Plan (GSP) to determine whether the GSP includes required elements under the Sustainable Groundwater Management Act for depletions of interconnected surface water and assessment of effects of the GSP on sustainable management of the Upper Ventura River Basin and report findings to the Board of Directors.” This staff report addresses the Board’s request.

Water Code Section 10733.2 required the Department of Water Resources to draft and adopt emergency regulations for the evaluation of GSPs and Alternatives (“GSP Emergency Regulations”). The relevant GSP Emergency Regulations sections are listed below together with my findings.

Depletions of Interconnected Surface Water

1. Definitions §351(o): “Interconnected surface water” refers to surface water that is hydraulically connected at any point by a continuous saturated zone to the underlying aquifer and the overlying surface water is not completely depleted.

Executive Director Findings:

Not applicable. This regulation section was provided for reference only.

2. Basin Setting - Groundwater Conditions §354.16(f): Identification of interconnected surface water systems within the basin and an estimate of the quantity and timing of depletions of those systems, utilizing data available from the Department, as specified in Section 353.2, or the best available information.

Executive Director Findings:

Does the GSP identify interconnected surface water systems?

Yes, the GSP identifies portions of San Antonio creek as interconnected surface water. For example, Section 2.3.4.6, page 2-141 states “there is a shallow perched aquifer in the southern and western portion of the OVGB that is in hydraulic communication with surface water of the San Antonio Creek and its tributaries.” “Hydraulic communication,” as it is used here, is assumed to be synonymous with interconnection because Sections 3

and 4 discuss San Antonio creek under headings and using language that include the term “interconnected connected surface water.”

Does the GSP estimate the quantity and timing of interconnected surface water system depletions?

Section 2.3.4.6, page 2-141 of the GSP states:

“The shallow perched aquifer is separated from the deeper confined production aquifers by an extensive clay aquitard (Kear 2005, 2021; OBGMA 2018). Groundwater levels in the shallow perched aquifer exhibit a stable trend with little seasonal fluctuation or response to groundwater extraction while groundwater levels in the primary production aquifer show the effects of groundwater extraction.”

I interpret this text to mean the GSP is concluding that there is no depletion of interconnected surface water (i.e., rate of depletion is zero) because the effects of pumping are not observed in the perched groundwater level data. It is noted that the GSP describes data gaps for depletion of interconnected surface water and proposes actions to address those gaps and further analyze depletions. The GSP requirements are substantially met because the GSP appears to make a preliminary conclusion that there is no depletion and includes a plan to address data gaps to confirm the conclusion. However, it is noted that the GSP could be improved by more clearly and directly stating that the preliminary conclusion is no depletions.

Does the GSP use best available information to estimate the quantity and timing of interconnected surface water system depletions?

GSP Emergency Regulations §354.28(c)(6) requires the use of a numerical model to quantify surface water depletion or an equally effective method, tool, or analytical model as it relates to minimum thresholds. Given this, I believe DWR would interpret the best available information standard in §354.16(f) to also be numerical modeling. Because a numerical model was available and used to develop other parts of the GSP, DWR may question why it was not used to quantify surface water depletion here. It is noted that the GSP describes data limitations for shallow groundwater levels and streamflow. The implication is that these data limitations also limit the ability of the numerical model to estimate depletions; however, the GSP does not explicitly state this. The GSP proposes actions to address the data limitations (Section 3.5.3.6) and states that additional data will “facilitate quantitative assessments of groundwater-surface water interactions and representation of these processes in the OBGMA [numerical model]...” (page 3-41). Because the GSP concludes that more data is needed, the GSP proposes actions to collect the data, and the GSP indicates that modeling analysis of depletions will then be performed, I conclude that the GSP has used the best available information. However, it is noted the GSP could be improved by more clearly and directly stating what the best available information is and why the numerical model was not used to estimate depletions during GSP development.

3. Minimum Thresholds §354.28(c)(6): The minimum threshold for depletions of interconnected surface water shall be the rate or volume of surface water depletions caused by groundwater use that has adverse impacts on beneficial uses of the surface water and may lead to undesirable results. The minimum threshold established for depletions of interconnected surface water shall be supported by the following:
 - (A) The location, quantity, and timing of depletions of interconnected surface water.
 - (B) A description of the groundwater and surface water model used to quantify surface water depletion. If a numerical groundwater and surface water model is not used to quantify surface water depletion, the Plan shall identify and describe an equally effective method, tool, or analytical model to accomplish the requirements of this Paragraph.

Executive Director Findings:

The GSP does not establish a minimum threshold for the depletions of interconnected surface water sustainability indicator because the GSP states that data gaps exist that must first be filled. Therefore, compliance with the §354.28(c)(6) requirements cannot be evaluated until the GSP is updated.

4. Monitoring Network §354.34(b): Each Plan shall include a description of the monitoring network objectives for the basin, including an explanation of how the network will be developed and implemented to monitor groundwater and related surface conditions, and the interconnection of surface water...

Executive Director Findings:

Monitoring objectives are discussed in Section 3.5.1. The objectives mention surface [water] conditions and the last sentence of this section mentions data gaps for depletions of interconnected surface water. I conclude that the requirement §354.34(b) requirements for depletions of interconnected surface water are met.

5. Monitoring Network §354.34(c): Each monitoring network shall be designed to accomplish the following for each sustainability indicator:
 - (6) Depletions of Interconnected Surface Water. Monitor surface water and groundwater, where interconnected surface water conditions exist, to characterize the spatial and temporal exchanges between surface water and groundwater, and to calibrate and apply the tools and methods necessary to calculate depletions of surface water caused by groundwater extractions. The monitoring network shall be able to characterize the following:

- (A) Flow conditions including surface water discharge, surface water head, and baseflow contribution.
- (B) Identifying the approximate date and location where ephemeral or intermittent flowing streams and rivers cease to flow, if applicable.
- (C) Temporal change in conditions due to variations in stream discharge and regional groundwater extraction.
- (D) Other factors that may be necessary to identify adverse impacts on beneficial uses of the surface water.

Executive Director Findings:

The existing interconnected surface water monitoring network does not meet the §354.34(c) requirements. However, the GSP acknowledges this by identifying data gaps and including a plan to address them, as is provided for in §354.38. Therefore, the question is whether the future monitoring network will meet the §354.34(c) requirements. GSP Section 3.5.7.2 describes the data gaps in very general terms but stops short of identifying data gap locations and other details. GSP Section 4.2.4 describes proposed actions to improve the monitoring network consisting of identifying additional sites for multi-completion monitoring wells and stream gauges. Again, no details are provided, such as the number or approximate location of wells and gauges. While it is perfectly acceptable to identify data gaps and address them before the first 5-year GSP assessment, the GSP does not provide enough information to determine whether the proposed data gap filling actions will lead to a monitoring network that meets the §354.34(c) requirements. Therefore, I conclude the GSP does not comply with the depletions of interconnected surface water monitoring network requirements.

Assessment of Effects on Sustainable Management of the Upper Ventura River Basin

1. Description of Plan Area §354.8(a)(1): One or more maps of the basin that depict the following, as applicable:

- (1) ... the name and location of any adjacent basins.

Executive Director Findings:

The GSP does not fully address this requirement. While the location of the Upper Ventura River Basin (UVRB) is depicted and labeled on Figure 2-1, the entire extent of the UVRB is not shown. Importantly, the Foster Park area of the UVRB, which has numerous beneficial uses and users of water, is not shown.

2. Minimum Thresholds §354.28(b)(3): How minimum thresholds have been selected to avoid causing undesirable results in adjacent basins or affecting the ability of adjacent basins to achieve sustainability goals.

Executive Director Findings:

Chronic Lowering of Groundwater Levels Sustainability Indicator: The requirement is not applicable because there is very limited groundwater underflow between the Ojai and Upper Ventura River Basins.

Reduction of Groundwater Storage Sustainability Indicator: The requirement is not applicable because there is very limited groundwater underflow between the Ojai and Upper Ventura River Basins.

Seawater Intrusion Sustainability Indicator: The requirement is not applicable because the GSP concludes that this indicator is not applicable to the Ojai Basin.

Degraded Water Quality Sustainability Indicator: The requirement is not applicable because there is very limited groundwater underflow between the Ojai and Upper Ventura River Basins.

Land Subsidence Sustainability Indicator: The requirement is not applicable because the GSP concludes that this indicator is not applicable to the Ojai Basin.

Depletions of Interconnected Surface Water Sustainability Indicator: The GSP does not establish a minimum threshold for the depletions of interconnected surface water sustainability indicator because data gaps must first be filled, as described above. Therefore, compliance with the §354.28(b)(3) requirements cannot be evaluated until the GSP is updated.

3. Monitoring Network §354.34(f): The Agency shall determine the density of monitoring sites and frequency of measurements required to demonstrate short-term, seasonal, and long-term trends based upon the following factors:

- (3) Impacts to...adjacent basins that could affect the ability of that basin to meet the sustainability goal.

Executive Director Findings:

Groundwater Levels, Storage, and Quality Monitoring: The requirement is not applicable because there is very limited groundwater underflow between the Ojai and Upper Ventura River Basins.

Seawater Intrusion and Land Subsidence Monitoring: The requirement is not applicable because the GSP concludes that these sustainability indicators are not applicable to the Ojai Basin.

Depletions of Interconnected Surface Water Monitoring: I was unable to locate any text in the GSP that describes consideration of impacts to the Upper Ventura River Basin in

the design of the depletions of interconnected surface water monitoring network. Therefore, it does not appear that the §354.34(f)(3) requirements have been met.

4. Assessment and Improvement of Monitoring Network §354.38(e): Each Agency shall adjust the monitoring frequency and density of monitoring sites to provide an adequate level of detail about site-specific surface water and groundwater conditions and to assess the effectiveness of management actions under circumstances that include the following:

- (4) The potential to adversely affect the ability of an adjacent basin to implement its Plan or impede achievement of sustainability goals in an adjacent basin.

Executive Director Findings:

Same finding as the previous item.

RECOMMENDED ACTIONS

Receive a report from the Executive Director concerning review of the Ojai Basin Groundwater Sustainability Plan (GSP) to determine whether the GSP includes required elements under the Sustainable Groundwater Management Act for depletions of interconnected surface water and assessment of effects of the GSP on sustainable management of the Upper Ventura River Basin.

BACKGROUND

Relevant reference materials:

Ojai Basin GSP available for download at:

<https://sgma.water.ca.gov/portal/gsp/preview/130>

GSP Emergency Regulations available for viewing at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I74F39D13C76F497DB40E93C75FC716AA&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I74F39D13C76F497DB40E93C75FC716AA&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

FISCAL SUMMARY

Not applicable.

ATTACHMENTS

None.

Action: _____

Motion: _____ Second: _____

B. Kuebler__ P. Kaiser__ G. Shephard__ J. Kentosh__ S. Rungren__ V. Crawford__ E. Ayala__