

**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, August 11, 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/82012311027?pwd=TSt3aHQ1QnZBSEVGSlhra0Zna0xiZz09>**

**JOIN BY COMPUTER, TABLET OR SMARTPHONE:**

**<https://us06web.zoom.us/j/82012311027?pwd=TSt3aHQ1QnZBSEVGSlhra0Zna0xiZz09>**

**Meeting ID: 820 1231 1027**

**Passcode: 794764**

**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**

**August 11, 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 July 14, 2022 Regular Board Meeting**
- b. Approve Financial Report for July 2022**
- c. Fiscal Year 2021/2022 Year-End 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. Conflict of Interest Code Biennial Review and Update**

The Board will consider adopting Resolution 2022-07 to update conflict of interest code.

- b. City of Ojai Request to Join Upper Ventura River Groundwater Agency Joint Powers Agreement**

The Board will receive a report from the ad hoc committee and may provide direction to the ad hoc committee and/or staff.

## **10. GSP IMPLEMENTATION ITEMS**

- a. Aquatic Groundwater Dependent Ecosystem (GDE) Monitoring Workplans**

The Board will review and consider approving draft comment responses and final draft workplans or provide direction to staff.

- b. Professional Services Contract for GSP Implementation Grant Application**

The Board will consider approving a master service agreement and work order for Kennedy/Jenks Consultants to prepare a GSP Implementation Grant Application in an amount not to exceed \$17,745 and \$2,255 contingency to be authorized at the discretion of the Executive Director (\$20,000 total authorization).

## **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 September 8, 2022 at 1 P.M.

## **UPPER VENTURA RIVER GROUNDWATER AGENCY MINUTES OF REGULAR MEETING JULY 14, 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 Bruce Kuebler, Jenny Tribo, Mary Bergen, Emily Ayala, Mike Etchart, Arne Anselm, and Vivon Crawford. Also, present: Executive Director Bryan Bondy, Agency Counsel Keith Lemieux, and Administrative Assistant Maureen Tucker. Identified public members present: Mike Flood, Bill Weirick, Bert Rapp, Kelly Dyer, and Burt Handy.

### **1) CALL TO ORDER**

Vice-Chair Kuebler called the meeting to order at 1:01 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, Jenny Tribo, Mary Bergen, Emily Ayala, Arne Anselm, Mike Etchart, and Vivon Crawford

Directors Absent: None

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

Vice-Chair Kuebler asked for any proposed changes to the agenda.

Director Anselm moved agenda approval and renewal of Resolution 2021-05. Director Etchart seconded the motion.

Roll Call Vote:            B. Kuebler – Y M.Etchart - Y E.Ayala – Y V.Crawford - Y  
                                 J. Tribo – Y A.Anselm Y M. Bergen - Y

Director Absent: None

### **5) PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

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

No comments were made.

**6) CONSENT CALENDAR**

- a. Approve Minutes from June 9, 2022 Regular Board Meeting
- b. Approve Financial Report for June 2022
- c. Approve Aleshire & Wynder Legal Services Rate Increase

Director Etchart moved approval of the consent items.

Director Ayala seconded the motion.

Roll Call Vote:                B. Kuebler – Y M.Etchart - Y E.Ayala – Y V.Crawford - Y  
J. Tribo – Y A.Anselm - Y M.Bergen – Y

Directors Absent: None

**7) DIRECTORS ANNOUNCEMENTS**

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

Director Kuebler:            No report

Director Tribo:              No report

Director Anselm:            No report

Director Bergen:            No report

Director Ayala:              Director Ayala requested a website update to reflect the new  
Directors.

Director Etchart:            No report

Director Crawford:         No report

**8) EXECUTIVE DIRECTOR'S REPORT**

Executive Director Bondy reported on Agency matters since the last Board meeting.

Director Etchart asked how much money was received from the GSP grant. Executive Director Bondy said the grant share was \$630,000.

Public comments: Bill Weirick asked if the OBGMA response to SWRCB comments was received. Executive Director Bondy said yes, but he has not reviewed it yet.

**9) ADMINISTRATIVE ITEMS**

**a. Agency Officer Appointments**

The Board discussed appointing officers for the period of July 1, 2022 through June 30, 2023.

Vice-Chair Kuebler nominated Mike Etchart for Board Chair.

Director Bergen stated that she had a discussion with Director Kaiser about nominating Director Anselm as Board Chair. Director Anselm declined the nomination and said the County believes the Chair should be a Director from an agency that pumps groundwater from the Basin.

Vice-Chair Kuebler called for Vice-Chair nominations.

Director Anselm nominated Director Kuebler for Vice-Chair.

The Board discussed keeping Director Kaiser as Secretary.

Director Comments: None

Public Comments: None

Director Bergen moved the following officer appointments:

- Mike Etchart – Chair
- Bruce Kuebler – Vice-Chair
- Pete Kaiser - Secretary

Director Anselm seconded the motion.

Roll Call Vote:           B. Kuebler – Y M.Etchart - Y E.Ayala – Y V.Crawford - Y  
J. Tribo – Y A.Anselm - Y M.Bergen – Y

Directors Absent: None

Chair Etchart took over the meeting.

**b. Authorized Check Signers**

Executive Director Bondy provided a brief overview of draft Resolution 2022-06 to update the list of authorized check signers. Executive Director Bondy clarified that only those member agency Directors who are willing and able should be named in the resolution. He noted that the bank will require disclosure of personal information to be added to the account and will not approve any signers until all have complied. Director Kuebler said the bank requires a driver's license and a social security number.

Director Comments: Director Etchart mentioned that his name is spelled wrong on the Resolution. His name is actually "Michel" Etchart. Executive Director Bondy said he would update the Resolution.

Public Comments: None.

Director Kuebler moved adoption of Resolution No. 2022-06 with all Member Directors listed. Seconded by Director Ayala.

Roll Call Vote:                B. Kuebler – Y M.Etchart - Y E.Ayala – Y V.Crawford - Y  
J. Tribo – Y A.Anselm - Y M.Bergen – Y

Directors Absent: None

**c. Ventura River Water District Request for Technical Assistance**

Executive Director Bondy summarized Ventura River Water District's request for technical support.

After brief discussion, Director Kuebler moved to direct staff to work with counsel to review an agreement with VRWD and to process model output and provide to VRWD.

Seconded by Director Ayala.

Public Comments: none

Roll Call Vote:                B. Kuebler – Y M.Etchart - Y E.Ayala – Y V.Crawford - Y  
J. Tribo – Y A.Anselm - Y M.Bergen – Y

Directors Absent: None

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

Director Bergen reported on the Ad Hoc Committee status. The Ad Hoc Committee met recently and will meet again soon to have the City of Ojai do a presentation to get everyone on the committee caught up with the background. The committee will then meet to discuss draft terms and conditions.

Agency Counsel Lemieux added that the meeting was productive. The Committee went through ideas and determined they need additional information from the City of Ojai. Director Kaiser has reached out to the City of Ojai to coordinate.

Director Kuebler asked who the City of Ventura's representative on the Ad Hoc Committee is. Director Tribo replied that she is the representative.

Bill Weirick said the City of Ojai is more than willing to answer questions during the next Ad Hoc Committee meeting.

**10) GSP IMPLEMENTATION ITEMS**

**a. PUBLIC HEARING**

**Proposed Groundwater Well Registration, Metering, and Extraction Reporting Ordinance**

Executive Director Bondy summarized the ordinance development and review process to date. This agenda item is the second public hearing, and the Board may adopt the Ordinance. Executive Director Bondy noted that Board-approved changes from the prior meeting have been incorporated into the Ordinance.

Chair Etchart opened the public hearing at 1:33 p.m. and called for public comments.

Executive Director Bondy confirmed that no written comments had been received. Hearing no requests for verbal public comments, Chair Etchart declared the public hearing closed at 1:34 p.m.

Director Ayala asked Executive Director Bondy if he heard back from the landowner on Rice Road. Executive Director Bondy said he spoke with the landowner for about 30 minutes and hopes he answered his questions. Director Ayala asked if the landowner was at the meeting. Executive Director Bondy said he did not think so (there was one unidentified attendee present).

Director Ayala moved to adopt Ordinance (read in title only): An Ordinance of the Upper Ventura River Groundwater Agency Establishing Well Registration, Metering, and Reporting Requirements.



Director Anselm seconded the motion.

Roll Call Vote:            B. Kuebler – Y M.Etchart - Y E.Ayala – Y V.Crawford - Y  
J. Tribo – Y A.Anselm - Y M.Bergen – Y

Directors Absent: None

## **11) COMMITTEE REPORTS**

### **a. Ad Hoc Stakeholder Engagement Committee**

Director Ayala reported that no meeting occurred and there is nothing to report.

## **12) FUTURE AGENDA ITEMS**

No agenda items were requested.

## **13) ADJOURNMENT**

The next scheduled meeting is August 11, 2022 at 1:00 p.m.

The meeting was adjourned at 1:38 p.m.

Action: \_\_\_\_\_

Motion: \_\_\_\_\_

**B.Kuebler \_ M.Etchart \_ M.Bergen \_ J.Tribo \_ A.Anslem \_ E.Ayala \_ V.Crawford \_**

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

**DATE:** August 9, 2022  
**TO:** Board of Directors  
**FROM:** Carrie Troup C.P.A., Treasurer  
**SUBJECT:** Approve Financial Report for July 2022

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**June 2022 UVRGA Balance** \$ 165,627.23

**July 2022 Activity:**

**Revenues/ Credits:**

Bank charge refund	\$ 35.00
Extraction Fees	<u>\$ 542,420.00</u>

**Checks Pending Signature:**

2317 VOID		
2318 VOID		
2319 Rincon Consultants, Inc.	June Services	\$ 2,905.50
2320 Rincon Consultants, Inc.	June Services	\$ 2,551.81
2321 Aleshire & Wynder, LLP	June Services	\$ 2,313.20
2322 VC STAR	Advertising	\$ 601.64
2323 Bondy Groundwater Consulting, Inc.	July Services	\$ 2,906.75
2324 Carrie Troup, CPA	July Services	\$ 1,151.67
2325 Rincon Consultants, Inc.	July Services	\$ 660.00
2326 Rincon Consultants, Inc.	July Services	\$ 1,957.50
2327 VOID		
2328 Aleshire & Wynder, LLP	July Services	<u>\$ 2,254.40</u>
Total Expenditures Paid & To Be Paid		\$ 17,302.47

**July 2022 UVRGA Ending Balance:** \$ 690,779.76

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

B. Kuebler\_\_\_ A. Anselm\_\_\_ M. Etchart\_\_\_ P. Kaiser\_\_\_ J. Tribo\_\_\_ 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 June 2022

	Jul '21 - Jun 22	Budget	\$ Over Budget	% of Budget	Comments
<b>Ordinary Income/Expense</b>					
<b>Income</b>					
Misc. Income	186.96				
41000 · Grant Income					
41100 · DWR GSP Grant Income	21,090.00	20,906.94	183.06	100.88%	
Total 41000 · Grant Income	21,090.00	20,906.94	183.06	100.88%	
43000 · Groundwater Extraction Fee	343,617.74	343,618.00	-0.26	100.0%	
Total Income	364,894.70	364,524.94	369.76	100.1%	
<b>Expense</b>					
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	1,684.12	1,970.00	-285.88	85.49%	
55055 · Insurance Expense-SDRMA	4,147.67	4,147.67	0.00	100.0%	
55060 · Memberships-CSDA	1,366.00	1,366.00	0.00	100.0%	
Total 55000 · Administrative Exp	7,627.48	9,933.67	-2,306.19	76.78%	
58000 · Professional Fees					
58005 · Executive Director /GSP Manager	29,906.79	21,600.00	8,306.79	138.46%	This account is for ED <i>admin</i> activities only. Account is over budget due to unbudgeted activities including extra board meetings, numerous director changes, City of Ojai request to join UVRGA, public records act requests, extra effort on extraction fees, and other board requests.
58010 · Legal Fees	29,182.01	35,000.00	-5,817.99	83.38%	This account includes admin assistant support provided by Agency Counsel's firm.
58015 · Website	2,529.14	3,000.00	-470.86	84.31%	
58020 · Accounting	15,438.85	15,000.00	438.85	102.93%	
58040 · Audit Expense	13,000.00	13,000.00	0.00	100.0%	
58050 · Other Professional Services	274,267.74	336,836.00	-62,568.26	81.43%	This account is for all GSP implementation activities, include ED non-admin activities. Underbudget due to less effort on GSP implementaion during FY 21/22 than anticipated. This work will be completed in subsequent fiscal year(s).
Total 58000 · Professional Fees	364,324.53	424,436.00	-60,111.47	85.84%	
Total Expense	371,952.01	434,369.67	-62,417.66	85.63%	
Net Income	<u>-7,057.31</u>	<u>-69,844.73</u>	<u>62,787.42</u>	<u>10.1%</u>	

## Upper Ventura River Groundwater Agency

**Balance Sheet**

As of June 30, 2022

	<u>Jun 30, 22</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
Bank of the Sierra	165,627.23
<b>Total Checking/Savings</b>	<u>165,627.23</u>
Accounts Receivable	
11000 · Accounts Receivable	
11001 · DWR Grant Retention 10%	63,006.06
<b>Total 11000 · Accounts Receivable</b>	<u>63,006.06</u>
<b>Total Accounts Receivable</b>	<u>63,006.06</u>
Other Current Assets	
13000 · Prepaid Expenses	4,193.69
<b>Total Other Current Assets</b>	<u>4,193.69</u>
<b>Total Current Assets</b>	<u>232,826.98</u>
<b>TOTAL ASSETS</b>	<u><b>232,826.98</b></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	7,951.94
<b>Total Accounts Payable</b>	<u>7,951.94</u>
<b>Total Current Liabilities</b>	<u>7,951.94</u>
Long Term Liabilities	
28000 · Notes Payable	
28100 · Member Agency Zero-Int Loan	90,000.00
<b>Total 28000 · Notes Payable</b>	<u>90,000.00</u>
<b>Total Long Term Liabilities</b>	<u>90,000.00</u>
<b>Total Liabilities</b>	<u>97,951.94</u>
<b>Equity</b>	
32000 · Retained Earnings	141,932.35
Net Income	-7,057.31
<b>Total Equity</b>	<u>134,875.04</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><b>232,826.98</b></u>

## UPPER VENTURA RIVER GROUNDWATER AGENCY Item No. 8

**DATE:** August 11, 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: Nothing significant to report.
2. Financial:
  - a. Groundwater Extraction Fees:
    - i. On July 1, fiscal year 2022/2023 extraction fee invoices were issued to the four Member Agencies that extract groundwater. All payments were made prior to the July 31 due date.
  - b. GSP Development Grant:
    - i. 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 following approval.
  - c. GSP Implementation Grant:
    - i. The Executive Director requested a proposal for preparation of a GSP implementation grant application.
3. Legal: Agency Counsel supported the ad hoc committee who is working on terms and conditions for the City of Ojai's request to join the Agency.
4. GSP Implementation:
  - a. Monitoring Networks:
    - i. Groundwater Level Monitoring:
      1. Evaluation of alternatives to monitoring well 04N23W20A01S – no activity this month.

ii. Surface Water Flow Monitoring:

1. Camino Cielo crossing surface water flow gauge activation remains on hold pending significant rain.

iii. Visual Surface Water Monitoring: Rincon Consultants, Inc. continued the monthly monitoring activities.

iv. Aquatic GDE Monitoring Plans: The Executive Director and Rincon Consultants prepared comment responses and began final draft workplans.

5. SWRCB / CDFW Instream Flow Enhancement Coordination: No activity.

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**

Action: \_\_\_\_\_

Motion: \_\_\_\_\_

B. Kuebler\_ M. Etchart\_ P. Kaiser\_ J. Tribo\_ A. Anselm\_ V. Crawford\_ E. Ayala\_

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

**DATE:** August 11, 2022

**TO:** Board of Directors

**FROM:** Executive Director

**SUBJECT:** Conflict of Interest Code Biennial Review and Update

**SUMMARY**

As detailed in the Background section below, this item is to address the requirement for completion of a biennial conflict of interest code review. Agency counsel reviewed the Agency's conflict of interest code and determined that certain changes are warranted, as detailed in draft Resolution 2022-7 attached hereto.

**RECOMMENDED ACTIONS**

Adopt Resolution 2022-07 to update the Agency's conflict of interest code.

**BACKGROUND**

Pursuant to Government Code § 87306.5, every local government agency is required to review its conflict of interest code biennially and submit the Local Agency Biennial Notice to its code reviewing body. Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes appropriate disclosures. By October 1, 2022, the 2022 Local Agency Biennial Notice and amended code, if necessary, must be filed with the Clerk of the Board's Office as directed by the Board of Supervisors.

**FISCAL SUMMARY**

Not applicable

**ATTACHMENTS**

A. Draft Resolution 2022-07

Action: \_\_\_\_\_

Motion: \_\_\_\_\_

B. Kuebler\_ M. Etchart\_ P. Kaiser\_ J. Tribo\_ A. Anselm\_ V. Crawford\_ E. Ayala\_

**BOARD OF DIRECTORS**

**UPPER VENTURA RIVER GROUNDWATER AGENCY**

**DRAFT RESOLUTION NO. 2022-07**

**A RESOLUTION OF THE UPPER VENTURA RIVER GROUNDWATER AGENCY  
(AGENCY) ADOPTING A CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act, Government Code §81000 et seq. requires every state and local government agency to adopt and promulgate a Conflict of Interest Code pursuant to Government Code §87300; and,

**WHEREAS**, the Fair Political Practices Commission ("FPPC") has adopted a regulation which contains terms of a standard model Conflict of Interest Code (2 California Code of Regulations § 18730), which is attached hereto as Attachment A, and will be amended to conform to amendments in the Political Reform Act after public notice and hearing conducted by the FPPC; and,

**WHEREAS**, the standard model Conflict of Interest Code will help ensure compliance by the Agency with the Political Reform Act; and,

**WHEREAS**, on April 12, 2018, the Agency Board of Directors adopted the previous version of the Conflict of Interest Code by Resolution 2018-1B

**WHEREAS**, on June 22, 2022, the County of Ventura ("County"), which is the code reviewing body designated by law, notified the Agency regarding its requirement to submit the Local Agency Biennial Notice to the County pursuant to Government Code § 87306.5,

**WHEREAS**, the Agency has made revisions in compliance with the County's direction and the revised Conflict of Interest Code is attached to this Resolution.

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

Section 1: This Resolution supersedes Resolution 2018-1B, which shall have no further force and effect.

Section 2: The terms of the standard model Conflict of Interest Code adopted pursuant to 2 California Code of Regulations §18730, a copy of which is attached hereto as Attachment A, and any amendments to it duly adopted by the FPPC is hereby adopted and incorporated by reference as the Conflict of Interest Code for the Agency. This standard model Conflict of Interest Code and Attachments B, C, and D to this Resolution, in which members and employees are designated and disclosure categories are set forth and explained, shall constitute the Conflict of Interest Code of the Agency.



*Section 3:* Employees and Agency Officers designated in Attachment D hereto shall file statements of economic interests (Form 700) with the Clerk of the Board for the County of Ventura. The Upper Ventura River Groundwater Agency Secretary shall be responsible for the retention of a copy of all statements of economic interests and make them available for public inspection and reproduction (Government Code § 81008).

*Section 4:* The Agency shall certify as to the adoption of this Resolution and cause the filing of said Conflict of Interest Code in the manner prescribed by law.

**PASSED, APPROVED AND ADOPTED** this 11<sup>th</sup> day of August, 2022

\_\_\_\_\_  
Michel Etchart, Board Chair

ATTEST:

\_\_\_\_\_  
Bryan Bondy  
Executive Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Keith Lemieux, Upper Ventura River  
Groundwater Agency General Counsel

**ATTACHMENT A**

**CONFLICT OF INTEREST CODE  
UPPER VENTURA RIVER GROUNDWATER AGENCY**

**TITLE 2. ADMINISTRATION  
DIVISION 6. FAIR POLITICAL PRACTICES COMMISSION  
CHAPTER 7. CONFLICTS OF INTEREST.**

**ARTICLE 2. DISCLOSURE**

2 CCR § 18730

§ 18730. Provisions of Conflict of Interest Codes.

- (a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.
- (b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate

in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- (A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- (B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and
- (C) The filing officer is the same for both agencies.

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.

(5) Section 5. Statements of Economic Interests: Time of Filing.

- (A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- (B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- (C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.
- (D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

- (A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:
  - (1) File a written resignation with the appointing power; and

- (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements.

Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure.

When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period.

In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.
- (B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
- (C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.
- (D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$520.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$520 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.
- (B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
- (C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

- (A) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.
- (B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (C) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.



- (D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- (E) This section shall not apply to the following:
1. Loans made to the campaign committee of an elected officer or candidate for elective office.
  2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
  3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.
  4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

- (A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.
- (B) This section shall not apply to the following types of loans:
1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
  3. Loans made, or offered in writing, before January 1, 1998.
- (C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.
- (8.4) Section 8.4. Personal Loans.
- (A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:
1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
  2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
    - a. The date the loan was made.
    - b. The date the last payment of \$100 or more was made on the loan.
    - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.
- (B) This section shall not apply to the following types of loans:
1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
  2. A loan that would otherwise not be a gift as defined in this title.
  3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
  4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business

considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

- (C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

- (A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- (B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
- (C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- (D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally

required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employees' participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

- (A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
- (B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

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## **ENDNOTES**

1 Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

2 See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

3 For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4 Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

5 A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6 Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

## **HISTORY**

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.

2. Editorial correction (Register 80, No. 29).

3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).

4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).

5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).

6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).

7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).

8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).

10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).
30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).
31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).
32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).
33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations. Submitted to OAL for filing and printing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).
34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1-11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 50).

36. Amendment of subsections (b)(8.1)-(8.1)(A) filed 12-23-2020; operative 1-1-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2020, No. 52).

37. Amendment of subsections (b)(3)(C), (b)(5)(C), (b)(5.5), (b)(5.5)(A)(2), (b)(7)(D), (b)(8)(A), (b)(8.1)(A), (b)(8.2)(A), (b)(8.2)(C)-(D), (b)(8.3)(A), (b)(9), (b)(9.3), (b)(9.5), (b)(10) and (b)(11) and footnote 5 filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).

This database is current through 6/24/22 Register 2022, No. 25  
2 CCR § 18730, 2 CA ADC § 18730



## **ATTACHMENT B**

### **CONSULTANTS**

Commission Regulation§ 18700 defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

- (A) Makes a governmental decision whether to:
  - (i) Approve a rate, rule, or regulation;
  - (ii) Adopt or enforce a law;
  - (iii) Issue, deny, suspend, or revoke any permit license, application, certificate, approval, order, or similar authorization or entitlement;
  - (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
  - (v) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
  - (vi) Grant agency approval to a plan, design, report, study, or similar item;
  - (vii) Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- (B) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the Agency's Conflict of Interest Code.

#### **Consultant\***

Consultant shall be included in the list of designated employees and shall disclose pursuant to the broadcast disclosure category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section. Such written determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## **ATTACHMENT C**

### **DISCLOSURE CATEGORIES**

#### **GENERAL PROVISIONS**

Designated employees or individuals shall disclose their financial interest pursuant to the appropriate disclosure category as indicated. Disclosure categories pertain to investments, real property, business positions and sources of income, including loans, gifts and travel payments from sources located in or doing business within the jurisdiction of the Upper Ventura River Groundwater Agency ("Agency").

The terms *italicized* below have specific meaning under the Political Reform Act. In addition, the financial interests of a spouse, domestic partner and dependent children of the public official holding the designated position may require reporting. Consult the instructions and reference pamphlet of the Form 700 for explanation.

#### **Category 1 – BROADEST DISCLOSURE**

[SEE FORM 700 SCHEDULES A-1, A-2, B, C, D and E]

- (1) All sources of *income, gifts, loans and travel payments*;
- (2) All *interests in real property*; and
- (3) All *investments and business positions in business entities*.

#### **Category 2 – REAL PROPERTY**

[SEE FORM 700 SCHEDULE B]

All interests in real property, including interests in real property held by business entities and trusts in which the public official holds a business position or has an investment or other financial interest.

#### **Category 3 – LAND DEVELOPMENT, CONSTRUCTION AND TRANSACTION**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which engage in land development, construction, or real property acquisition or sale.

#### **Category 4 – PROCUREMENT**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which provide services, supplies, materials, machinery or equipment which the designated position procures or assists in procuring on behalf of their agency or department.

#### **Category 5 – REGULATION AND PERMITTING**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which are subject to the regulatory, permitting or licensing authority of, or have an application or license pending before, the designated position's agency or department.

**Category 6 – FUNDING**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which receive grants or other funding from or through the designated position's agency or department.

DRAFT

**ATTACHMENT D****DESIGNATED POSITIONS**

<b># of POSITIONS</b>	<b>POSITION TITLE</b>	<b>DISCLOSURE CATEGORIES</b> (From Exhibit C)	<b>FILING OFFICER</b> (Designate County Clerk of Board [COB] or Local Agency's Clerk [AC])
7	Directors	1-4	COB
5	Alternate Directors	1-4	COB
1	General Counsel	1-4	COB
1	Assistant General Counsel	1-4	COB
1	GSP Plan Manager	1-4	COB
1	Executive Director	1-4	COB
1	Secretary	1-4	COB
1	Treasurer	1-4	COB
Variable	Consultants that will make or participate in making governmental decisions on behalf of the Agency	1-4	COB

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

**DATE:** August 11, 2022

**TO:** Board of Directors

**FROM:** Executive Director

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

**SUMMARY**

During its April 14 meeting, the Board created an ad hoc committee to develop draft terms and conditions for the addition of the City of Ojai to UVRGA. The purpose of this item is to receive a report from the ad hoc committee and consider providing direction to the ad hoc committee and/or staff.

**RECOMMENDED ACTIONS**

Receive a report from the ad hoc committee and consider providing direction to the ad hoc committee and/or staff.

**BACKGROUND**

Relevant reference materials:

Joint Exercise of Powers Agreement:

[https://uvrgroundwater.org/wp-content/uploads/2018/07/UVRB\\_JPA\\_signed.pdf](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**

None.

Action: \_\_\_\_\_

Motion: \_\_\_\_\_

B. Kuebler\_ M. Etchart\_ P. Kaiser\_ J. Tribo\_ A. Anselm\_ V. Crawford\_ E. Ayala\_

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

**DATE:** August 11, 2022

**TO:** Board of Directors

**FROM:** Executive Director

**SUBJECT:** Aquatic Groundwater Dependent Ecosystem (GDE) Monitoring Workplans

### **SUMMARY**

Draft workplans were prepared for monitoring of the Confluence Aquatic GDE Area and Foster Park Aquatic GDE Area and presented to the Board on May 12, 2022. The Board approved a 30-day concurrent Board and public comment period on the draft GDE monitoring workplans, which ended June 17, 2022. Comments were received from Alternate Director Bergen, Director Kuebler, City of Ventura, Ojai Land Valley Conservancy, California Department of Fish and Wildlife, and National Marine Fisheries Service. Comments were posted to the Agency's website at <https://uvrgroundwater.org/sgma-overview/>.

The Executive Director and Rincon Consultants reviewed the comments and prepared draft comment responses and final draft workplans for Board consideration (Attachments A – C).

It is noted that a significant number of the comments received address concerns about the GSP. While such comments do not pertain to the workplans, responses were provided nonetheless to help clarify certain aspects of the GSP. These "GSP" comments highlight ongoing fundamental differences of opinion concerning the identification of GDEs in the Basin and the degree to which the GSP sustainable management criteria should address GDEs, particularly steelhead in the aquatic habitat areas. While the Executive Director and Rincon Consultants believe the comment responses provide improved clarification of the GSPs intent on these issues, further dialogue and engagement with environmental stakeholders is likely needed. Such engagement would allow for further discussion of how UVRGA's limited scope under SGMA to avoid undesirable results fits into the much larger effort by others to enhance streamflow and pursue steelhead recovery.

### **FISCAL SUMMARY**

Not applicable.

### **RECOMMENDED ACTIONS**

Review and consider approving the draft comment responses and final draft workplans or provide direction to staff.

## BACKGROUND

The workplans were prepared pursuant to GSP Sections, 4.9, 5.8, and 6.7.

In accordance with the adopted GSP, the purpose of the Confluence Aquatic GDE monitoring program is to provide data that can inform whether sustainable management criteria (SMC) for the Depletion of Interconnected Surface Water sustainability indicator are warranted for the Confluence Aquatic Habitat Area.

The purpose of the Foster Park Aquatic GDE monitoring program is to provide data to facilitate UVRGA's ongoing evaluation of SMC developed in the GSP for the Depletion of Interconnected Surface Waters sustainability indicator in the Foster Park Aquatic Habitat Area, as required by the Sustainable Groundwater Management Act (SGMA).

## ATTACHMENTS

- A. Draft Response to Comments Table
- B. Final Draft Confluence Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Workplan (Redline)
- C. Final Draft Foster Park Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Workplan (Redline)

Action: \_\_\_\_\_

Motion: \_\_\_\_\_

B. Kuebler\_ M. Etchart\_ P. Kaiser\_ J. Tribo\_ A. Anselm\_ V. Crawford\_ E. Ayala\_

# Item 10(a), Attachment A

Aquatic GDE Monitoring Workplans  
Stakeholder Comments/Questions  
Updated: 7/19/2022

Commentor	Comment No.	Confluence	Foster Park	Both Workplans	Other (e.g., GSP)	Comment/Question	Response
Mary Bergen	1			X		First I want to say I think the two monitoring plans are solid and the budgets reasonable.	Thank you, we appreciate this positive feedback.
Mary Bergen	2			X		I do have one suggestion and that is to plan on doing the baseline monitoring in year 2 and 3. The baseline monitoring is used to map the location of habitat features (e.g., riffles and pools) and during high flows, the locations often change. If there isn't much flow, it might not be necessary to do the additional monitoring. But with high flows, it will be needed.	The "Baseline Habitat Mapping" events are meant to serve as an initial mapping of the mesohabitats within the aquatic GDE areas to inform longer term monitoring and survey activities. We understand that conditions are likely to change during and following large storm events, and the monitoring locations will inherently require adjustment if mesohabitat characteristics are substantially changed. This assessment would be made through the subsequent biological surveys. If a large storm event occurred that substantially "reset" the channel morphology, an additional mapping event may be needed to account for the new habitat structure. We also understand that in this context, the use of the word "Baseline" is misleading because this initial mapping event is not designed to, nor will it establish baseline conditions to which the subsequent surveys will be benchmarked. Rather, this event will be an initial habitat mapping event to guide monitoring activities for the study. UVRGA will update the language in the work plans to clarify the intention and purpose of this event.
Bruce Kuebler	1		X			The plan lacks an element to evaluate the effects of recreational use at Foster Park on steelhead habitat. The park is heavily used for swimming and other water-oriented uses, especially on weekends, during summer and early fall. Even with sufficient physical parameters like flow, DO, temperature, steelhead rearing areas could be significantly affected by such use.	Thank you for this insight. While the plan is not specifically designed to address the effects of recreational use at Foster Park, monitoring activities will occur through different parts of the year that feature varying recreational characteristics. To the extent possible, our monitoring site selection will consider recreation behaviors, and corresponding data can be used to evaluate the effects of recreation on steelhead and habitat.
Bruce Kuebler	2		X			Rearing habitat at Foster Park is primarily important for juveniles coming down San Antonio Creek. Factors affecting migration include outflow from Ojai groundwater basin and suitable locations for spawning and rearing the young. Our GSP is focused on determining effects of direct and indirect depletion from groundwater pumping but the Ojai GSP is required to assess effect of its Plan on a down-gradient basin. San Antonio Creek flow is a critical part of that assessment. The monitoring plan lacks an element to evaluate this connection and this is an opportunity to work with OBGMA on a cooperative approach.	We appreciate this consideration for developing a cooperative and data-driven approach for evaluating upstream effects. The purpose of this study is to provide an initial step to assess the relationship of activities occurring within UVRGB and is not meant to address this broader extent. As such, we understand that this collaborative effort is beyond the intent and scope of this study. However, we do see that future opportunities will exist for using the data and findings from this study in conjunction with data collection activities implemented by OBGMA to evaluate the relationship of outflow from the Ojai basin. Specifically, this monitoring program will assess the conditions that are present in the aquatic GDE area, including species presence and life stage, flow conditions through the GDE, and other habitat suitability factors.
City of Ventura	1		X			It would be helpful if the section on Habitat suitability and relationship to ISW depletion had a more complete discussion of how the model will be used to determine the effects of pumping on the habitat suitability. It is not clear how the following questions from page 2 will be answered: How and when does ISW depletion affect habitat suitability conditions within the GDE? How might groundwater pumping in the Basin affect habitat suitability conditions within the GDE?	Thank you for this comment, we will clarify this point in the work plan. Results of the monitoring program, specifically the HSI Scores and species presence/absence and overall abundance data, will be further evaluated together with model derived estimates of ISW depletion to draw conclusions about the effects of depletion on the Aquatic GDE. This will happen as part of the 5-year GSP assessment and update.
City of Ventura	2		X			As indicated on Figure 1, the City of Ventura maintains 2 monitoring sites in the Foster Park Habitat area (VR1 and VR2). This data is available to view in realtime on the picovale website (provide login and password). However, if the GSA would like to utilize the data for analysis the verified daily data for specified time periods can be obtained from the City upon request. The flow data is calibrated with field measurements every 30-60 days.	Thank you for letting us know the procedure for obtaining the best available data. We will coordinate with the City as the monitoring program is implemented.
City of Ventura	3		X			Table 4 indicates that baseline habitat mapping will be conducted in the Fall of 2022. The City is planning the construction of a notch in the subsurface dam in order to facilitate fish passage through the Foster Park Habitat area. Currently, the construction window is September 15 – November 1, 2022. The City is also planning the construction of a fish passage improvement project to facilitate passage of a concrete pipe approximately 100 ft downstream of the subsurface dam. Construction of that facility is planned for Fall 2023. It is likely preferable for the baseline habitat mapping to be conducted to avoid periods when construction is occurring and would probably be most useful if at least conducted following the construction of the notch.	Thank you for letting us know. Please see response to Mary Bergen Comment No. 2 regarding baseline habitat mapping. In addition, we will coordinate with the City to ensure the habitat mapping is completed in an appropriate manner, likely avoiding periods when construction is occurring and following construction of the notch.
City of Ventura	4		X			It is unclear what is meant by baseline habitat monitoring in the context of this monitoring plan.	Please see response to Mary Bergen Comment No. 2 regarding baseline habitat mapping.



# Item 10(a), Attachment A

Aquatic GDE Monitoring Workplans  
Stakeholder Comments/Questions  
Updated: 7/19/2022

Commentor	Comment No.	Confluence	Foster Park	Both Workplans	Other (e.g., GSP)	Comment/Question	Response
CDFW	1			X		CDFW Comment # 1: California Endangered Species Act (CESA) listing for Southern California Steelhead. Pursuant to section 2074.2 of the Fish and Game Code, on April 21, 2022, the California Fish and Game Commission (Commission) determined that listing Southern California steelhead ( <i>Oncorhynchus mykiss</i> ) as endangered under the CESA may be warranted. This commences an approximately one-year status review of the species, and at a future meeting, the Commission will make a decision regarding whether listing of Southern California steelhead as endangered under CESA is warranted. During the status review, Southern California steelhead is protected under CESA as a candidate species pursuant to section 2085 of the Fish and Game Code, provided that notice has been given as required by section 2074.4 of the Fish and Game Code. The Upper Ventura River Groundwater Agency's (GSA) is prohibited from undertaking or authorizing activities that result in take of any endangered, threatened, or candidate species, except as authorized by State law (Fish & Game Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).	Thank you for your comment. UVRGA does not anticipate that monitoring activities implemented as part of this study will result in take of any endangered, threatened, or candidate species. Rather, the monitoring activities are meant to develop a better understanding of local populations and to evaluate the potential effect of groundwater management activities in the UVRGB.
CDFW	2			X		CDFW Comment #2: Lake or Streambed Alteration Agreement. The GSA's monitoring activities may impact streams. The GSA's workplan proposes the installation of monitoring wells and monitoring stations, within or adjacent to stream areas. Please note that stream-related activities may be subject to notification under Fish and Game Code section 1602. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following: • Divert or obstruct the natural flow of any river, stream, or lake; • Change the bed, channel, or bank of any river, stream, or lake; • Use material from any river, stream, or lake; or, • Deposit or dispose of material into any river, stream, or lake.	Thank you for this important reminder. Although the work plan discusses new wells and stream gages within and adjacent to stream areas, the monitoring activities and equipment used for this study will be implemented and deployed in a manner to avoid the specific effects outlined by the commentor. In addition, UVRGA will take appropriate regulatory action and obtain all necessary permits for the development of the wells and monitoring stations mentioned in the work plan.
CDFW	3				X	CDFW Comment #3: The GSP Does Not Consider All Riparian Groundwater Dependent Ecosystems in the Basin. CDFW recommended in our Final GSP Comment Letter (see Attachment C) that the GSA consider all riparian GDEs in the Basin – this concern has not been addressed. CDFW recommends that the Monitoring Workplan identify the Riparian and Aquatic GDE units within the six identified hydrogeologic areas. Appendix O of the Final GSP describes 1) intermittent groundwater-surface water interconnection in the Kennedy, Santa Ana North, Santa Ana South, and northern Casitas Springs hydrogeologic areas; and 2) generally disconnected groundwater-surface water in the Robles North, Robles South, and northern Santa Ana South hydrogeologic areas. However, the Riparian and Aquatic GDE units seem to exclude these areas despite their varying degrees of groundwater-surface water interconnection. For example, the GSA excluded the Kennedy hydrogeologic area even though this area has intermittent groundwater-surface water connection and riparian mixed hardwood habitat. CDFW appreciates the GSA's efforts in developing a workplan for the Foster Park and Confluence Areas. CDFW strongly recommends that the Kennedy, Santa Ana North, Santa Ana South, and northern Casitas Springs, Robles North, and Robles South areas be included in the GDE assessment, and monitoring plans.	Thank you for this comment. While this comment does not pertain to the workplans, UVRGA would like to provide the following response for clarification purposes. The subject workplans are for monitoring of <u>aquatic</u> GDEs, not <u>riparian</u> GDEs. Riparian GDEs are addressed under the chronic lowering of groundwater levels sustainable management criterion, not the depletions of interconnected surface water sustainable management criterion for which the subject monitoring plans were prepared. The conclusion that UVRGA did not consider all riparian GDEs is incorrect. UVRGA considered all riparian vegetation and determined that some areas are or may be groundwater dependent and others are not. The evaluation of groundwater dependency is documented in GSP Section 3.2.7 and GSP Appendix O. GSP Section 5.3 describes riparian GDE monitoring planned for the South Santa Ana and Foster Park areas. Areas further north were not included in the riparian GDE monitoring network because UVRGA determined that vegetation in those areas is not groundwater dependent. Please see GSP Section 3.2.7 and GSP Appendix O for details.
CDFW	4				X	CDFW Comment #4: The GSP Minimum Thresholds, Measurable Objectives, and Sustainable Management Criteria for Interconnected Surface Waters Depletion Do Not Account for the Best Available Science. CDFW disagrees with the GSA's assertion, and stated in our Final GSP Comment Letter (Attachment C), that CDFW's Draft Instream Flow Recommendations for the Lower Ventura River and Coyote Creek (2021) (Draft Recommendations) and National Marine Fisheries Service (NMFS) Draft Biological Opinion for Foster Park Wellfield (2007) (Foster Park Draft BO) are irrelevant to determining appropriate sustainable management criteria to avoid unreasonable adverse impacts to beneficial users of ISWs. CDFW's Draft Recommendations were designed to protect Southern California steelhead by recommending flows that support passage as well as spawning and rearing habitat. Avoiding significant and unreasonable effects related to groundwater pumping is essential to the health and survival of Southern California steelhead in the Ventura River. The GSA has not provided enough information to conclude that a minimum flow threshold of two cubic feet per second is sufficient to ensure avoidance of significant and unreasonable adverse impacts (an undesirable result under SGMA) to all life cycles of Southern California steelhead. In Appendix C of the Padre study (2012), there is a comparison of the Padre study relative to other studies in the area. However, the Padre study did not consider NMFS' specific reach flow analysis that was completed as part of its 2007 consultation process for the operation of the City of Ventura's Foster Park wellfields.	Thank you for this comment. While this comment does not pertain to the workplans, UVRGA would like to provide the following response for clarification purposes. UVRGA is implementing a regulatory plan under its authority as a groundwater sustainability agency (GSA) pursuant to the powers authorized under the Sustainable Groundwater Management Act (SGMA). Importantly, SGMA empowers GSAs to determine what constitutes undesirable results and develop sustainable management criteria (SMC) to avoid those undesirable results and implement a groundwater sustainability plan (GSP) to achieve the SMC. Through this process, UVRGA has defined undesirable results for depletions of interconnected surface water (ISW) in the Foster Park area as "depletions of ISW that causes a degradation in habitat conditions that lead to substantial stress and/or potential mortality for steelhead." In this context, UVRGA determined that the Hopkins (2013) study provides the best available science for determining conditions that may lead to substantial stress and/or mortality. The CDFW instream flow recommendations (CDFW 2021a) and the NMFS Draft BO (NMFS 2007) focus on (favorable steelhead condition and recovery, avoidance of jeopardy, and adverse habitat modification), which are different goals than UVRGA has established under its SGMA authority.  UVRGA agrees with maintaining surface water conditions for the health and survival of aquatic species and their habitats, including steelhead. However, SGMA does not require the

# Item 10(a), Attachment A

Aquatic GDE Monitoring Workplans  
Stakeholder Comments/Questions  
Updated: 7/19/2022

Commentor	Comment No.	Confluence	Foster Park	Both Workplans	Other (e.g., GSP)	Comment/Question	Response
						NMFS flow analysis in the 2007 Foster Park Draft BO represents some of the best available science available in addition to CDFW's Draft Flow Recommendations. CDFW strongly recommends the GSA incorporate CDFW's Draft Recommendations, and the Foster Park Draft BO into the analysis to adequately assess performance of the ISW depletion SMC.	UVRGA to take on the full responsibility for steelhead recovery; rather, SMGA requires UVRGA to prevent undesirable results caused by groundwater pumping. Nothing in the GSP prevents or hinders the ability of other entities such as NMFS or CDFW to pursue steelhead recovery. UVRGA suggests that the GSP instead be thought of as one of the tools to further a larger effort to address steelhead issues, specifically providing a protective backstop that protects steelhead during times when they are most vulnerable. We are optimistic that the data developed through the implementation of these work plans and the UVRGA GSP in general will aid in the understanding of current and long-term habitat and species conditions.
NMFS	1a, 1b				X	NOAA's National Marine Fisheries Service (NMFS) has previously provided comments on the Draft and Final Upper Ventura River Groundwater Sustainability Plan (Draft or Final GSP), with a focus on its relevance to the federally listed endangered southern California steelhead ( <i>Oncorhynchus mykiss</i> ). As we noted in those comments: "The Draft GSP recognized only two GDE areas: 1) Confluence Aquatic Habitat Area and 2) Foster Park Aquatic Habitat Area. This limited recognition of GDE does not accurately reflect the use of the reach of the Ventura River within the UVRGB made by the endangered southern California steelhead, and which is affected by groundwater extractions. Steelhead use the entire reach of the Ventura River within the UVRGB in completing some part of the fresh water portion of their life-cycle." p. 9	Thank you for this comment. While this comment does not pertain to the workplans, UVRGA would like to provide the following response for clarification purposes. UVRGA has quantified depletion of interconnected surface water throughout the Basin (Appendix N; GSP Section 3.2.6 and 4.9, Table 3.2-01, Figures 4.9-01 and 4.9-03) and has concluded that depletions are small relative to typical surface flows upstream of the Confluence Aquatic Habitat Area. SMC are not required for those areas because UVRGA has concluded that the small depletions do not cause significant and unreasonable effects.
NMFS	2a, 2b			X	X	The Draft Monitoring Work Plan does not include all interconnected surface waters that constitute Groundwater Dependent Ecosystems (GDE) of the Ventura River within the UVRGB that are potentially affected by groundwater extractions. The Draft Monitoring Plan also relies on sustainable management criteria (SMC) that do not effectively relate to the habitat conditions necessary to support steelhead during the incubation and rearing phases of their life-cycle.	Regarding inclusion of all interconnected surface waters, please see response to NMFS Comment No. 1. Regarding workplan reliance on SMC, it is noted that the draft monitoring plans do not rely on the SMC. Rather, the monitoring plans are designed to collect data necessary to determine whether SMC are necessary (Confluence area) and to assess the performance of and determine need for adjustments to established SMC (Foster Park area).
NMFS	3a	X				The Confluence Aquatic Habitat Area is within the reach of the UVRGB known as the Casitas Spring Reach, which is a two-mile reach of river, generally bounded on the upstream end by the confluence of San Antonio Creek, and on the downstream end by the confluence of Coyote Creek. The Casitas Springs Reach includes the Confluence Aquatic Habitat Area at its upstream end and the Foster Park Aquatic Habitat Area at its downstream end.	Comment noted.
NMFS	3b		X		X	As NMFS' previous comments on the Draft GSP noted, the: "Draft GSP indicates that the sustainable management criteria for interconnected surface waters in the Foster Park Aquatic Habitat Area GDE relied on a field study performed by Hopkins (2013). This study, which the Draft GSP characterized as "the best available science for the Foster Park Aquatic Habitat Area", identified a flow of 2 cfs measured at the USGS Foster Park gauge (1118500) as adequate to prevent significant and unreasonable effects on steelhead." p. 13 The Final GSP proposes to use this same 2 cfs as one of the SMC for steelhead and other aquatic resources in the Foster Park Aquatic Habitat Area GDE. NMFS has expressed its objections to using this SMC for steelhead in both the Draft and Final GSP1. As NMFS has indicated in previous comments cited above, a more appropriate SMC should be developed by the project proponent and then circulated among state and federal resource agencies for review and consideration. Among other elements of an effective SMC, it should identify a limit on groundwater extractions that would prevent a reduction of surface flow in the Foster Park area below the flow level necessary to sustain endangered steelhead. In this regard, the SMC must allow steelhead, principally juveniles, the ability to successfully rear (and volitionally migrate as environmental conditions change temporally and spatially). NMFS has previously identified 11 to 12 cfs (measured at the USGS Foster Park gauge 1118500) (NMFS 2007), a level significantly higher than the 2 cfs identified by Hopkins (2013), and adopted by the Final GSP, as a more appropriate SMC for the Foster Park Aquatic Habitat Area (see letters cited above).	<p>Thank you for this comment. While this comment does not pertain to the workplans, UVRGA would like to provide the following response for clarification purposes. UVRGA is implementing a regulatory plan under its authority as a groundwater sustainability agency (GSA) pursuant to the powers authorized under the Sustainable Groundwater Management Act (SGMA). Importantly, SGMA empowers GSAs to determine what constitutes undesirable results and develop sustainable management criteria (SMC) to avoid those undesirable results and implement a groundwater sustainability plan (GSP) to achieve the SMC. Through this process, UVRGA has defined undesirable results for depletions of interconnected surface water (ISW) in the Foster Park area as "depletions of ISW that causes a degradation in habitat conditions that lead to substantial stress and/or potential mortality for steelhead." In this context, UVRGA determined that the Hopkins (2013) study provides the best available science for determining conditions that may lead to substantial stress and/or mortality. The CDFW instream flow recommendations (CDFW 2021a) and the NMFS Draft BO (NMFS 2007) focus on (favorable steelhead condition and recovery, avoidance of jeopardy, and adverse habitat modification), which are different goals than UVRGA has established under its SGMA authority.</p> <p>UVRGA agrees with maintaining surface water conditions for the health and survival of aquatic species and their habitats, including steelhead. However, SGMA does not require the UVRGA to take on the full responsibility for steelhead recovery; rather, SMGA requires UVRGA to prevent undesirable results caused by groundwater pumping. Nothing in the GSP prevents or hinders the ability of other entities such as NMFS or CDFW to pursue steelhead recovery. UVRGA suggests that the GSP instead be thought of as one of the tools to further a larger effort to address steelhead issues, specifically providing a protective backstop that protects steelhead during times when they are most vulnerable. We are optimistic that the data developed through the implementation of these work plans and the UVRGA GSP in general will aid in the understanding of current and long-term habitat and species conditions.</p>

# Item 10(a), Attachment A

Aquatic GDE Monitoring Workplans  
Stakeholder Comments/Questions  
Updated: 7/19/2022

Commentor	Comment No.	Confluence	Foster Park	Both Workplans	Other (e.g., GSP)	Comment/Question	Response
NMFS	4a				X	The Final GSP proposes to use 2 cfs as a SMC for steelhead and other aquatic resources in the Confluence Aquatic Habitat Area GDE, based upon a field study performed by Hopkins (2013). This study, which the Final GSP characterized as “the best available science for the Foster Park Aquatic Habitat Area” has been applied to the Confluence Aquatic Habitat Area as adequate to prevent significant and unreasonable effects on steelhead. NMFS has expressed its objections to using this SMC for steelhead in both the Draft and Final GSP. As NMFS has indicated in previous comments cited above, a more appropriate SMC should be developed by the project proponent and then circulated among state and federal resource agencies for review and consideration. Among other elements of an effective SMC, it should identify a limit on groundwater extractions that would prevent a reduction of surface flow in the Foster Park area below the flow level that is believe necessary to sustain endangered steelhead. In this regard, the SMC must allow steelhead, principally juveniles, the ability to successfully rear (and volitionally migrate as environmental conditions temporally and spatially). NMFS has previously identified 11 to 12 cfs (measured at the USGS Foster Park gauge 11118500) (NMFS 2007), a level significantly higher than the 2 cfs identified by Hopkins (2013), and adopted by the Final GSP for the Confluence Aquatic Habitat Area (see letters cited above). Because the channel morphology, gradient, and riparian habitats are similar throughout the Casitas Springs Reach (including within the Confluence Aquatic Habitat Area and the Foster Park Habitat Area), NMFS believes higher flow standard identified by NMFS is the more appropriate SMC for the Confluence Aquatic Habitat Area (as well as the Foster Park Aquatic Habitat Area).	<p>Thank you for this comment. While this comment does not pertain to the workplans, UVRGA would like to provide the following response for clarification purposes. The commentor incorrectly concludes that the SMC included in the GSP apply to the Confluence Aquatic Habitat Area. No SMC were established for the Confluence Aquatic Habitat Area. The SMC were developed for the Foster Park Area and do not apply to the Confluence Habitat Area. The GSP identifies data gaps in the Confluence Habitat Area and the sole purpose of the Confluence Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Work Plan is to collect data to determine if SMC are warranted and, if so, what they should be. The remainder of the comment focuses on the SMC included in the GSP for depletions of interconnected surface water for the Foster Park Aquatic Habitat Area, which is not relevant to the Confluence Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Work Plan and is really a comment on the GSP, but it is responded to here, nonetheless. First, UVRGA is not a project proponent, as stated in the comment. UVRGA has proposed no projects to date and is implementing a regulatory plan under its authority as a groundwater sustainability agency (GSA) pursuant to the powers authorized under the Sustainable Groundwater Management Act (SGMA). Importantly, SGMA empowers GSAs to determine what constitutes undesirable results and develop sustainable management criteria (SMC) to avoid those undesirable results and implement a groundwater sustainability plan (GSP) to achieve the SMC. Through this process, UVRGA has defined undesirable results for depletions of interconnected surface water in the Foster Park area as "depletions of ISW that causes a degradation in habitat conditions that lead to substantial stress and/or potential mortality for steelhead." In this context, UVRGA determined that the Hopkins (2013) study provides the best current available science for determining conditions that may lead to substantial stress and/or mortality. The CDFW instream flow recommendations (CDFW 2021a) and the NMFS Draft BO (NMFS 2007) focus on (favorable steelhead condition and recovery, avoidance of jeopardy, and adverse habitat modification), which are different goals than UVRGA has established under its SGMA authority.</p> <p>UVRGA agrees with maintaining surface water conditions for the health and survival of aquatic species and their habitats, including steelhead. However, SGMA does not require the UVRGA to take on the full responsibility for steelhead recovery; rather, SMGA requires UVRGA to prevent undesirable results caused by groundwater pumping. Nothing in the GSP prevents or hinders the ability of other entities such as NMFS or CDFW to pursue steelhead recovery. UVRGA suggests that the GSP instead be thought of as one of the tools the further a larger effort to address steelhead issues, specifically providing a protective backstop that protects steelhead during the most times when they are most vulnerable.</p>
NMFS	4b				X	The Final GSP proposes to use this same 2 cfs as one of the SMC for steelhead and other aquatic resources in the Foster Park Aquatic Habitat Area GDE. NMFS has expressed its objections to using this SMC for steelhead in both the Draft and Final GSP. As NMFS has indicated in previous comments cited above, a more appropriate SMC should be developed by the project proponent and then circulated among state and federal resource agencies for review and consideration. Among other elements of an effective SMC, it should identify a limit on groundwater extractions that would prevent a reduction of surface flow in the Foster Park area below the flow level necessary to sustain endangered steelhead. In this regard, the SMC must allow steelhead, principally juveniles, the ability to successfully rear (and volitionally migrate as environmental conditions change temporally and spatially). NMFS has previously identified 11 to 12 cfs (measured at the USGS Foster Park gauge 11118500) (NMFS 2007), a level significantly higher than the 2 cfs identified by Hopkins (2013), and adopted by the Final GSP, as a more appropriate SMC for the Foster Park Aquatic Habitat Area (see letters cited above).	See response to NMFS comments above.
NMFS	5a, 5b			X		Lastly, the Draft Monitoring Work Plan, focuses on monitoring certain physical and hydrological parameters intended to serve as indicators of “habitat suitability,” but does not propose monitoring important aspects of targeted species. For steelhead, this would include abundance, productivity, diversity, and distribution (including fish growth rate, health, etc.).	The commenter is reminded that the GSP defines undesirable results as "depletions of ISW that causes a degradation in habitat conditions that lead to substantial stress and/or potential mortality for steelhead." Thus, the monitoring elements are appropriately limited to and focused on collecting data necessary to determine whether UVRGA is on a path to avoiding these specific undesirable results within the 20-year implementation period. Recommended additional monitoring elements, such as data to evaluate "recruitment, etc." are beyond the scope of UVRGA's monitoring needs. If UVRGA finds that establishing numeric standards aides in evaluating the performance of the SMC, UVRGA will establish them as part of first 5-year GSP assessment.



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Aquatic GDE Monitoring Workplans  
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Commentor	Comment No.	Confluence	Foster Park	Both Workplans	Other (e.g., GSP)	Comment/Question	Response
NMFS	6a, 6b			X		The Draft Monitoring Work Plan refers to “the dry period of the year when other reaches of the river typically run dry.” However, the Draft Monitoring Work Plan does not acknowledge that this desiccation is exacerbated (i.e., extended both spatially and temporally) as a result of groundwater extractions from the UVRGB (SWRCB 2021). In addition to groundwater discharge, hyporheic flows are an important component of surface flows, particularly base flows, and can be influenced by groundwater levels (SWRCB 2021). Groundwater extraction not only affects the two Aquatic Habitat Areas (Confluence and Foster Park), identified in the Final GSP, but also upstream and downstream reaches from these two Aquatic Habitat Areas that include interconnected surface waters, and that are utilized by the endangered southern California steelhead (Capelli 1997, NMFS 2012, SWRCB 2021).	Thank you for pointing out the important relationship between groundwater and interconnected surface water. Please note that the workplans are not the appropriate place for discussion of impacts of groundwater extractions on interconnected surface water, and this topic was discussed at length in the GSP (see GSP Section 3.2.6 and specifically GSP Table 3.2-01), which summarizes model-derived estimated depletions of interconnected surface water by pumping. As can be seen in GSP Table 3.2-01, pumping related depletions of interconnected surface water are small compared to surface water flows in all areas except Foster Park and, potentially, the Confluence area. For this reason, UVRGA determined that there is limited potential for undesirable results, as defined by UVRGA pursuant to its authority under SGMA, in the other portions of the Ventura River within the Basin.
NMFS	7a, 7b			X		The Draft Monitoring Work Plan is intended to assess the effects of depleting interconnected surface waters, using the SMC identified in the Final GSP. As noted, these SMC are not supported by the best available science, and are not appropriate for assessing impacts of groundwater extraction on steelhead occupying and using the Confluence Aquatic Habitat Area.	The commenter may be misunderstanding the design and purpose of these work plans, as they do not rely on SMC to assess the effect of ISW depletion. Rather, the work plans are designed to collect data necessary to determine whether SMC are necessary (Confluence area) and to assess the performance of the SMC (Foster Park area). Please also see responses to NMFS Comment Nos. 4a and 4b.
NMFS	8a		X			The Draft Monitoring Work Plan references the potential development of a monitoring program as part of a “physical solution” for the on-going Ventura River Adjudication. We would note that SGMA establishes an independent standard for managing groundwater, including monitoring groundwater usage to manage impacts to GDE. SGMA specifically requires that groundwater extractions avoid depleting interconnected surface waters in a manner that impacts beneficial uses recognized by the State and Regional Water Quality Control Boards.	<p>Please note that while UVRGA is aware of the ongoing adjudication process, the work plan does not discuss the physical solution, nor the monitoring programs associated with it. The monitoring programs identified in Table 1 occur independently of the adjudication process, with their own regulatory drivers and objectives. Partnering with other entities to share monitoring burdens and/or relying on other monitoring networks to address GSP implementation data needs is not prohibited under SGMA and is preferred from a cost control perspective.</p> <p>UVRGA does not agree that "SGMA specifically requires that groundwater extractions avoid depleting interconnected surface waters in a manner that impacts beneficial uses..." SGMA requires that GSAs avoid undesirable results, as defined by the GSA. Determination of undesirable results by a GSA includes consideration of impacts on beneficial uses and users of water; however, not all impacts necessarily constitute an undesirable result.</p>
NMFS	8b		X			Finally, the Draft Monitoring Work Plan outlines only a three-year monitoring program to assess the effects of groundwater extractions on interconnected surface waters in the Foster Park Aquatic Habitat Area, though the Final GSP indicates the UVRGA has 20 years to achieve sustainable management of the UVRGB. Information gathered from such a short time will have limited value in assessing the long-term sustainability of groundwater resources, or the sustainability of GDE in the Foster Park Aquatic Habitat Area. A three-year period would cover less than a single life-cycle of the endangered southern California steelhead (which may spend 2 to 3 years rearing in freshwater and 2 to 3 years maturing in the ocean before returning to spawn). Data from a three-year monitoring period would therefore provide only a limited understanding of the effects of groundwater extractions on the recruitment and viability of the steelhead population in the Ventura River. Further, the Draft Monitoring Work Plan does not contain any numeric standards by which to address the questions outlined in the Draft Monitoring Work Plan (e.g., habitat suitability to support GDE).	Section 1 of the workplan states that answering the study questions will provide the necessary information to establish a long-term monitoring plan for the Foster Park Aquatic GDE area. GSP Section 5.8 also confirms UVRGA's commitment to ongoing monitoring in this area for the remainder of the GSP implementation period. Having said this, the commenter is reminded that the GSP defines undesirable results as "depletions of ISW that causes a degradation in habitat conditions that lead to substantial stress and/or potential mortality for steelhead." Thus, the monitoring elements are appropriately limited to and focused on collecting data necessary to determine whether UVRGA is on a path to avoiding these specific undesirable results within the 20-year implementation period. Recommended additional monitoring elements, such as data to evaluate "recruitment, etc." are beyond the scope of UVRGA's monitoring needs. If UVRGA finds that establishing numeric standards aides in evaluating the performance of the SMC, UVRGA will establish them as part of first 5-year GSP assessment. In addition, note that SS HSI Scores will be calculated at each monitoring location and used in tandem with other field collected data to assess habitat suitability conditions.
NMFS	9a	X				Finally, the Draft Monitoring Work Plan outlines only a three-year monitoring program to assess the effects of groundwater extractions on interconnected surface waters in the Confluence Aquatic Habitat Area, though the Final GSP indicates the UVRGA has 20 years to achieve sustainable management of the UVRGB. Information gathered from such a short time will have limited value in assessing the long-term sustainability of groundwater resources, or the sustainability of GDE in the Confluence Aquatic Habitat Area. A three-year period would cover less than a single life-cycle of the endangered southern California steelhead (which may spend 2 to 3 years rearing in freshwater and 2 to 3 years maturing in the ocean before returning to spawn). Data from a three-year monitoring period would therefore provide only a limited understanding of the effects of groundwater extractions on the recruitment and viability of the steelhead population in the Ventura River. Further, the Draft Monitoring Work Plan does not contain any numeric standards by which to address the questions outlined in the Draft Monitoring Work Plan (e.g., habitat suitability to support GDE).	See response to NMFS Comment No. 8b.

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Commentor	Comment No.	Confluence	Foster Park	Both Workplans	Other (e.g., GSP)	Comment/Question	Response
NMFS	10a / 9b			X		Figure 1. Confluence Aquatic Habitat Area Location / Foster Park Aquatic Habitat Area Location Page 3. The map depicts the entire UVRGB, with a smaller inset for the Confluence Aquatic Habitat Area, and is therefore not sufficient scale to clearly depict the Confluence Aquatic Habitat Area / Foster Park Aquatic Habitat Area and the location of the related features (e.g., planned stream gauges and monitoring wells). The revised Draft Monitoring Work Plan should include a separate larger scale map that depicts the Confluence Aquatic Habitat Area / Foster Park Aquatic Habitat Area, with existing and proposed facilities.	We are happy to revise the work plans to present this separate larger scale map that depicts the aquatic habitat area GDEs with the existing and proposed facilities.
NMFS	11a / 10b			X		Table 1. Relevant Monitoring Programs and Previous Studies within the UVRGB Pages 4-5. In addition to the monitoring programs identified in Table 1, the California Department of Fish and Wildlife (CDFW) is engaged in a steelhead monitoring program in the Ventura River. This program involves conducting annual spawner surveys, as well as the deployment of DIDSON and ARIS cameras (Evans 2019, and Evans and St. George 2020). Additionally, the CDFW will begin implementing the recently developed monitoring protocols for southern California steelhead, which includes monitoring juvenile rearing <i>O. mykiss</i> in the Ventura River (Boughton et al. 2022).	Thank you for this information, we will add this to Table 1.
NMFS	11b	X				Groundwater Level Monitoring: Notes: The Final GSP proposed 5 additional wells; however, the Figure 1 only identifies 4 additional wells (A, B, C, and D).	Thank you for this review, we will update Figure 1.
NMFS	12a / 12b			X		Table 2. Existing and Planned UVRGB Monitoring Efforts Page 6. Streamflow Monitoring: Notes: The Final GSP proposes a baseflow gauge at the Camino Cielo road crossing, which consists of a set of box culverts. This crossing is proposed to be replaced with a full-span bridge as part of the Matilija Dam Removal and Ecosystem Restoration Project, and may not be suitable for low-flow measurements. Visual Stream Monitoring: Description of Data Collection/Study: It is proposed to only monitor (visually) the spatial extent of surface water flows. Streamflow monitoring should also include measured pool and riffle width, length, and depth, as well as velocity of flows, at selected cross-sections.	UVRGA is aware of the planned bridge replacement at Camino Cielo and will assess alternative flow monitoring options when necessary. Visual stream monitoring is conducted in accordance with SGMA requirements, GSP Emergency regs 354.34.C.6.B. Per these requirements, UVRGA identifies the date, time, and location of where stream ceases as surface water flow. Note that surveys completed as part of the aquatic habitat area GDE work plans will include the level of detail within the study area as described by the commenter.
NMFS	13a / 13b			X		2. Monitoring Program Components Pages 7-12. The Draft Monitoring Work Plan does not include the monitoring protocols for steelhead that are described in NMFS' and CDFW's recently published "Integration of Steelhead Viability Monitoring, Recovery Plans and Fisheries Management in the Southern Coastal Area" (Boughton et al. 2022). The Draft Monitoring Work Plan should be modified to specifically reference these protocols, and coordinate their implementation with the CDFW's steelhead monitoring program for the Ventura River.	The GSP defines undesirable results as "depletions of ISW that causes a degradation in habitat conditions that lead to substantial stress and/or potential mortality for steelhead." Thus, the monitoring elements are appropriately limited to and focused on collecting data necessary to determine whether UVRGA is on a path to avoiding these specific undesirable results within the 20-year implementation period. Recommended addition monitoring elements, such as data to evaluate "recruitment" are beyond the scope of UVRGA's monitoring needs. If UVRGA finds that establishing numeric standards aides in evaluating the performance of the SMC, UVRGA will establish them as part of first 5-year GSP assessment. The UVRGA has reviewed the protocols in Boughton et al. 2022 and will has referenced them in the work plans. These protocol will be implemented in the monitoring program as is applicable to meet the goals of our monitoring approach specific to answering questions pertaining to undesirable results.
NMFS	14a / 14b			X		The Draft Monitoring Work Plan indicates, "much of the Ventura River is designated as critical habitat for the federally endangered southern California DPS of steelhead." In fact, all of the mainstem of the Ventura River is designated as critical habitat for steelhead, and most of the major tributaries (e.g., Coyote Creek, Santa Antonio Creek Matilija Creek, and North Fork Matilija Creek). Additionally, Intrinsic Potential Steelhead Spawning and Rearing Habitat has been identified in a significant portion of the watershed, including the Confluence Aquatic Habitat Area. See Figures 1 and 2.	Thank you for pointing out this error. We understand these conditions, as is discussed in Section 3 of the work plans, and we will correct this language.
NMFS	15a / 15b			X		The Draft Monitoring Work Plan indicates, "It is not anticipated that any permits will be required for implementation of the monitoring program components." It should be noted that handling or other actions that involve direct interactions with the endangered southern California steelhead require consultation with NMFS.	Thank you for this important reminder. We do not anticipate our work will involve direct interactions with endangered southern California steelhead, and we will take appropriate action to avoid this interaction.
NMFS	16a / 16b			X		Baseline Habitat Mapping: Data Collected: See comment above. Schedule: Annual baseline conditions are highly variable, and a one-time observation should not be interpreted as necessarily representative. Reference protocols: See Boughton et al. (2022) for a discussion of "Hydrological Sample Frame."	Thank you for this comment and reference to Boughton et al. (2022). Please see response to Mary Bergen Comment No 2. The UVRGA has reviewed the protocols in Boughton et al. 2022 and has referenced them in the work plans. These protocols will be implemented in the monitoring program as is applicable to meet the goals of our monitoring approach specific to answering questions pertaining to undesirable results.

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Commentor	Comment No.	Confluence	Foster Park	Both Workplans	Other (e.g., GSP)	Comment/Question	Response
NMFS	17a 17b			X		Routine Habitat Suitability and Snorkel Surveys: Data Collected, Schedule, Locations, Reference/Protocols: See Boughton et al. (2022) for discussion of "Snorkel Surveys" and "Calibration".	Thank you for this comment and reference to Boughton et al. (2022). The UVRGA has reviewed the protocols in Boughton et al. 2022 and has referenced them in the work plans. These protocols will be implemented in the monitoring program as is applicable to meet the goals of our monitoring approach specific to answering questions pertaining to undesirable results.
NMFS	18a / 18b			X		Aerial Photography: Data Collected, Reference Protocols: The nature of the aerial photography proposed is unclear, but using traditional areal photography has limited interpretive value. Other aerial surveys such as Landsat and Sentinel-2 collect data globally every five to sixteen days, and PlanetScope is generally available at more frequent intervals. These data sets, as well as others such as VegCamp, can be used not only to map vegetation, but in combination with vegetation, models (based on multiple endmember spectral analysis) can be used to assess the condition of the vegetation, and in particular, how water availability is constraining vegetation growth and condition.	Thank you for this information. Vegetation monitoring is not part of these workplans but is addressed through other ongoing monitoring efforts by UVRGA. This comment will be considered as these additional monitoring efforts are implemented. For these work plan studies, aerial photography will be used for visual analysis of the overall GDE study area to assess conditions over time and during different hydrologic and climatic conditions.
NMFS	19a / 19b			X		The Draft Monitoring Work Plan indicates that the initial survey "will provide data on the aquatic habitat present" and randomly or systematically chosen locations used in subsequent mapping surveys. For the selection of aquatic habitats to be surveyed for the purpose of assessing the status of O. mykiss, see the discussion in Boughton et al. (2022) regarding "Snorkel Surveys" and "Calibration".	Thank you for this comment and recommendation. The UVRGA has reviewed the protocols in Boughton et al. 2022 and has referenced them in the work plans. These protocols will be implemented in the monitoring program as is applicable to meet the goals of our monitoring approach specific to answering questions pertaining to undesirable results.
NMFS	20a / 20b			X		For steelhead snorkel surveys, the Monitoring Work Plan should follow the protocols described in Boughton et al. (2022). See, in particular the discussion of "Snorkel Surveys" and "Calibration."	Thank you for this comment and recommendation. The UVRGA has reviewed the protocols in Boughton et al. 2022 and has referenced them in the work plans. These protocols will be implemented in the monitoring program as is applicable to meet the goals of our monitoring approach specific to answering questions pertaining to undesirable results.
NMFS	21a / 21b			X		The SMC are expressed in terms of groundwater levels, storage, water quality and depletion of interconnected surface waters, and do not adequately relate these physical and hydrological characteristics to the habitat conditions necessary to support steelhead during the incubation and rearing phases of their freshwater life-cycle.	The GSP defines undesirable results as "depletions of ISW that causes a degradation in habitat conditions that lead to substantial stress and/or potential mortality for steelhead." Thus, the SMC and monitoring elements are limited to and focused on determining whether UVRGA is on a path to avoiding these specific undesirable results within the 20-year implementation period. The rainbow trout HSI evaluations are focused on habitat suitability for all life stages of rainbow trout.
NMFS	22a	X				When analyzing impacts on steelhead or other aquatic organisms resulting from surface water and groundwater extractions, identifying flow levels that effectively support essential life-history phases of a species is critical (Barlow and Leake 2012). Specifically, it is essential to determine what flows adequately supports steelhead migration and emigration during the winter and spring, and juvenile rearing year-round. Without an understanding of these hydrologic/biotic relationships, and monitoring these relationships, the Monitoring Work Plan cannot adequately inform the management of the UVRGB, and ensure that significant and unreasonable adverse impacts from groundwater depletion are avoided (Heath 1983, Belin 2018, CDFW 2019). As noted above, SGMA specifically requires that groundwater extractions avoid depleting interconnected surface waters in a manner that impacts beneficial uses recognized by the State and Regional Water Quality Control Boards.	<p>Thank you for your comment. We understand the importance of this consideration, especially in how it relates to identifying flow objectives for steelhead recovery in the Ventura River. While we agree that it is important to understand the flow regimes for the success of steelhead at various lifecycle stages, we understand that this work is being completed by others in the basin. In addition, the data interpretation and evaluation completed for this study may reference these flow objectives. However, the purpose of this work plan is specific to evaluating the aquatic GDE habitat conditions and assess how those change over time in relation to depletion of ISW and if those results are considered undesirable as defined by the GSA (see response to NMFS Comment No 21). We realize these data are just a piece of the larger mission for steelhead recovery, and we are optimistic that this study will be helpful to NMFS and others working in the basin while addressing the specific requirements of SGMA.</p> <p>Additionally, UVRGA does not agree that "SGMA specifically requires that groundwater extractions avoid depleting interconnected surface waters in a manner that impacts beneficial uses recognized by the State and Regional Water Quality Control Boards." SGMA requires GSAs avoid undesirable results, as defined by the GSA. Determination of undesirable results by GSA includes consideration of impacts on beneficial uses and users of water; however, not all impacts necessarily constitute an undesirable result.</p>
NMFS	22b		X			When analyzing impacts on steelhead or other aquatic organisms resulting from groundwater and related streamflow diversions, identifying flow levels that effectively support essential life-history phases of a species is critical (Barlow and Leake 2012). Specifically, it is essential to determine what flows adequately supports steelhead migration and emigration during the winter and spring, and juvenile rearing year-round. Without an understanding of these hydrologic/biotic relationships, and monitoring these relationships, the Monitoring Work Plan cannot adequately inform the management of the UVRGB, and ensure that significant and unreasonable adverse impacts from groundwater depletion are avoided (Heath 1983, Belin 2018, CDFW 2019).	Please see response to NMFS Comment No. 22a.
NMFS	23a / 23b			X		See comments above regarding the CDFW's on-going steelhead monitoring program for the Ventura River and the recently developed steelhead monitoring protocols for southern California steelhead (Boughton et al. 2022).	We appreciate these comments, please see response to NMFS comments above.



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Commentor	Comment No.	Confluence	Foster Park	Both Workplans	Other (e.g., GSP)	Comment/Question	Response
NMFS	24a / 24b			X		As noted above, the Draft Monitoring Work Plan contains a number of deficiencies, including but not limited to, providing inadequate steelhead population data (e.g., productivity, abundance, diversity, and distribution, as well as other aspects of the status of individual fish such as growth rate, health, etc.). Additionally, information gathered from only a three-year period will have limited value in assessing the long-term sustainability of groundwater resources, or the sustainability of GDE in the Confluence Aquatic Habitat Area / Foster Park Aquatic Habitat Area.	The GSP defines undesirable results as "depletions of ISW that causes a degradation in habitat conditions that lead to substantial stress and/or potential mortality for steelhead." Thus, the SMC and monitoring elements are appropriately limited to and focused on determining whether UVRGA is on a path to avoiding these specific undesirable results within the 20-year implementation period. Finally, the work plans specify that in striving to answer the study questions (page 2), UVRGA will develop the information critical for establishing a long-term monitoring plan for the GDE or evaluating whether one is needed for the case of the Confluence Aquatic Habitat Area. We realize these data are just a piece of the larger mission for steelhead recovery, and we are optimistic that this study will be helpful to NMFS and others working in the basin while addressing the specific requirements of SGMA.
OVLC	1			X		After conversations with concerned environmental organizations, OVLC endorses the comments of officials at the National Marine Fisheries Service (NMFS) in their detailed comments and suggestions for revisions to the Draft Work Plans for the Foster Park and Confluence GDEs. OVLC recommends that UVRGA work proactively with NMFS and California Department of Fish and Wildlife (CDFW) to obtain data from ongoing studies in the Ventura River. These data can help to ensure that monitoring protocols utilize best available science.	Please see responses to NMFS comments. UVRGA is willing to partner with other data collection efforts that support GSP implementation, and we are optimistic that the data collected to satisfy the requirements and objectives of other stakeholders and interested parties will benefit the other.
OVLC	2				X	Furthermore, OVLC continues to stress the importance of including GDEs in the Robles Reach in the GSP and recommends that UVRGA develop a Draft Monitoring Work Plan for this Habitat Area. OVLC owns and manages several parcels surrounding the Confluence GDE and OVLC's Ventura River Preserve overlays all of the Robles GDEs, OVLC looks forward to working with UVRGA to provide access to sites and facilitate any monitoring efforts.	With respect to riparian GDEs, UVRGA maintains its position that the vegetation in the Robles Area is not groundwater dependent. Please see the evaluation of groundwater dependency documented in GSP Section 3.2.7 and GSP Appendix O. With respect to aquatic GDEs, the GSP quantified depletion of interconnected surface water throughout the Basin (please see GSP Appendix N; GSP Section 3.2.6 and 4.9, Table 3.2-01, Figures 4.9-01 and 4.9-03). This analysis showed that interconnected surface water depletions are small relative to surface flows in the Robles Area and, therefore, depletions of interconnected surface water are not causing significant and unreasonable effects under SGMA. Therefore, UVRGA is not required to include SMC for the Robles Area nor is UVRGA required to perform studies or monitoring of biological conditions therein. In fact, SGMA does not include any express requirements for biological studies or monitoring.  If OVLC and/or other concerned environmental organizations are interested in further monitoring the conditions in the Robles Area, UVRGA is happy to share data pertaining to groundwater levels and depletion of ISW on an agreed-upon schedule.
OVLC	3				X	NMFS has expressed concerns about both the effectiveness of UVRGA's Sustainable Management Criteria (SMC) established for flows and the limitations of proposed monitoring protocols for steelhead habitats in the Ventura River. First, UVRGA should consider State and Federal agencies' comments concerning the SMC set for flows, and utilize the three-year monitoring period to evaluate if a more appropriate SMC is warranted for Foster Park and Confluence. Second, the monitoring protocols proposed for both Draft Work Plans are limited and only use hydrologic parameters as indicators of habitat suitability. UVRGA should consult with agency officials at NMFS and CDFW to include their recently published steelhead monitoring protocols and obtain best available data from the agencies' ongoing monitoring efforts and studies within the basin. OVLC enjoys strong relationships with the regional offices of these agencies and can facilitate meetings with these partners for proactive engagement on UVRGA's Final Work Plans.	Please see responses to CDFW and NMFS comments.
OVLC	4				X	In addition, OVLC reiterates its position on the Final GSP that the GDEs present in the Robles Reach (where OVLC's Ventura River Preserve is located) should be included in the analysis and monitoring. We recommend that the UVRGA should also submit a Draft Monitoring Work Plan to identify SMCs for these GDEs. All of the mainstem Ventura River is designated as critical habitat for southern steelhead (which have been seen in the Robles Reach) and other species. The GDE's in the Robles Reach also provide outstanding water-related recreational benefits to the public. Furthermore, due to the underground flows that the UVRGA has identified downstream of the Robles Reach, any proactive groundwater management efforts in the Robles Reach will provide benefits to GDE's occurring in downstream areas. OVLC looks forward to the opportunity to work with the UVRGA to assess potential impacts of groundwater depletions on interconnected surface water in the Robles Reach to determine whether an SMC is necessary to prevent significant and unreasonable impacts.	Please see response to OVLC Comment No. 2.

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Commentor	Comment No.	Confluence	Foster Park	Both Workplans	Other (e.g., GSP)	Comment/Question	Response
OVLC	5			X		OVLC is excited about the continued partnership with UVRGA and looks forward to assisting on groundwater management projects to achieve sustainability in our basin.	Thank you for this comment. UVRGA is also looking forward to partnerships moving forward.

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# Confluence Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Workplan

Upper Ventura River Groundwater Basin

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Appendix A	Confluence Aquatic Habitat Area Aquatic GDE Photographs
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# 1 Introduction

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The Upper Ventura River Groundwater Agency (UVRGA) Groundwater Sustainability Plan (GSP) identified the Confluence Aquatic Habitat Area as an aquatic groundwater dependent ecosystem (GDE)<sup>1</sup>. This GDE occurs at the confluence of the Ventura River and San Antonio Creek (Figure 1), which is an important spawning tributary for southern California Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*)<sup>2</sup> (Normandeau Associates, Inc. 2015). The Confluence Aquatic Habitat Area also includes federally designated critical habitat for both the southern California DPS of steelhead and the California red-legged frog (CRLF, *Rana draytonii*) (NOAA 2022, USFWS 2022). This important aquatic habitat area is characterized by cool upwelling groundwater, as well as inflow from San Antonio Creek. Appendix A presents aerial photographs of the northern and southern portions of the GDE.

The GSP concluded that there are limited biological data available to assess whether interconnected surface water (ISW) depletion effects in the Confluence Aquatic Habitat Area are significant and unreasonable. While it is understood that aquatic species in this intermittent or ephemeral streamflow environment have adapted to periodic dry or low-flow conditions to survive, it is not known whether ISW depletion causes stranding in isolated habitat areas or mortality that would not otherwise occur and, if so, whether such effects are significant and unreasonable. The GSP concluded that the need for sustainable management criteria (SMC) in the Confluence Aquatic Habitat Area could not be evaluated until these data gaps are addressed. The biological monitoring program proposed in this workplan will address these biological data gaps. In addition to the biological data gaps, there are currently no groundwater level or surface water flow monitoring sites in the Confluence Aquatic Habitat Area. The GSP recommended the installation of at least one groundwater level monitoring site and one stream gage (or periodic streamflow measurements) in the Confluence Aquatic Habitat Area to monitor hydrologic conditions, which can then be correlated with the biological monitoring data and to address other needs identified in the GSP. The proposed groundwater level and surface water flow monitoring sites (Figure 1 [and 2](#)) are being pursued by UVRGA in parallel with workplan development and implementation of the biological monitoring program.

Following guidance provided in Sections 4.9.1 and 5.8 of the GSP, this workplan outlines a three-year monitoring program to address existing data gaps. As described above, the overall goal of the monitoring program is to determine if ISW depletion is causing significant and unreasonable effects on the Confluence Aquatic Habitat Area GDE. This program will seek to answer questions regarding potential impacts to the GDE that may be caused or exacerbated by groundwater pumping, specifically with respect to the depletion of ISW within the Confluence Aquatic Habitat Area. This workplan provides protocols and field methods for each of the monitoring components that will be implemented; establishes a monitoring schedule for each of these components; and describes methodologies that will be used to interpret and analyze monitoring data.

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<sup>1</sup> Aquatic GDEs were assessed and identified separately from riparian GDEs within the Basin. Riparian GDEs are comprised of riparian vegetation communities with rooting depths that reach directly to groundwater, while aquatic GDEs are comprised of instream habitat that is dependent on interconnected surface water. This monitoring workplan pertains to instream aquatic habitat, while existing efforts are in place to monitor vegetation communities identified within the South Santa Ana GDE Unit (which includes the Confluence Area). More details regarding riparian GDE monitoring are provided in Table 2.

<sup>2</sup> Steelhead are the anadromous (ocean-going) form of *O. mykiss*, while rainbow trout are the resident (solely freshwater) form of the species. All *O. mykiss* in waterbodies with connectivity to the ocean have the potential to become anadromous and are therefore treated as steelhead from a regulatory standpoint.

Upper Ventura River Groundwater Agency

### **Confluence Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Workplan**

#### **Upper Ventura River Groundwater Basin**

The monitoring program is designed to provide data that can inform whether SMC for the *Depletion of Interconnected Surface Water* sustainability indicator are warranted for the Confluence Aquatic Habitat Area. To address data gaps identified in the GSP, the monitoring program will seek to answer the following questions:

- What is the current distribution of aquatic mesohabitats<sup>3</sup> in the Confluence Aquatic Habitat Area Aquatic GDE?
- What are the current aquatic habitat suitability conditions within this GDE?
- How do aquatic habitat suitability conditions within this GDE change in response to seasonal variation?
- How and when does IISW depletion affect habitat suitability conditions within this GDE?
- How might groundwater pumping in the Basin affect habitat suitability conditions within this GDE?

Answering these questions will provide the necessary information to evaluate the potential impacts of ISW depletion within the Confluence Aquatic Habitat Area Aquatic GDE, to assess whether SMC are needed in this area, and to establish a long-term monitoring plan for the GDE (if UVRGA determines that SMC are needed in this area).

## 1.1 Existing Monitoring Efforts and Previous Studies within the Basin

UVRGA is committed to working with various stakeholders within the Upper Ventura River Groundwater Basin (Basin) and will seek input from other entities in the Basin during the process of finalizing and implementing this workplan. The monitoring program will consider current and ongoing monitoring efforts being undertaken by other stakeholders in the Basin and will include information on the collaborative and data-sharing approach UVRGA will take with its monitoring efforts. This collaboration will aid in establishing a comprehensive monitoring program that can prevent duplication of efforts and provide a broader data set, which will ultimately increase confidence in the results and conclusions drawn from monitoring data.

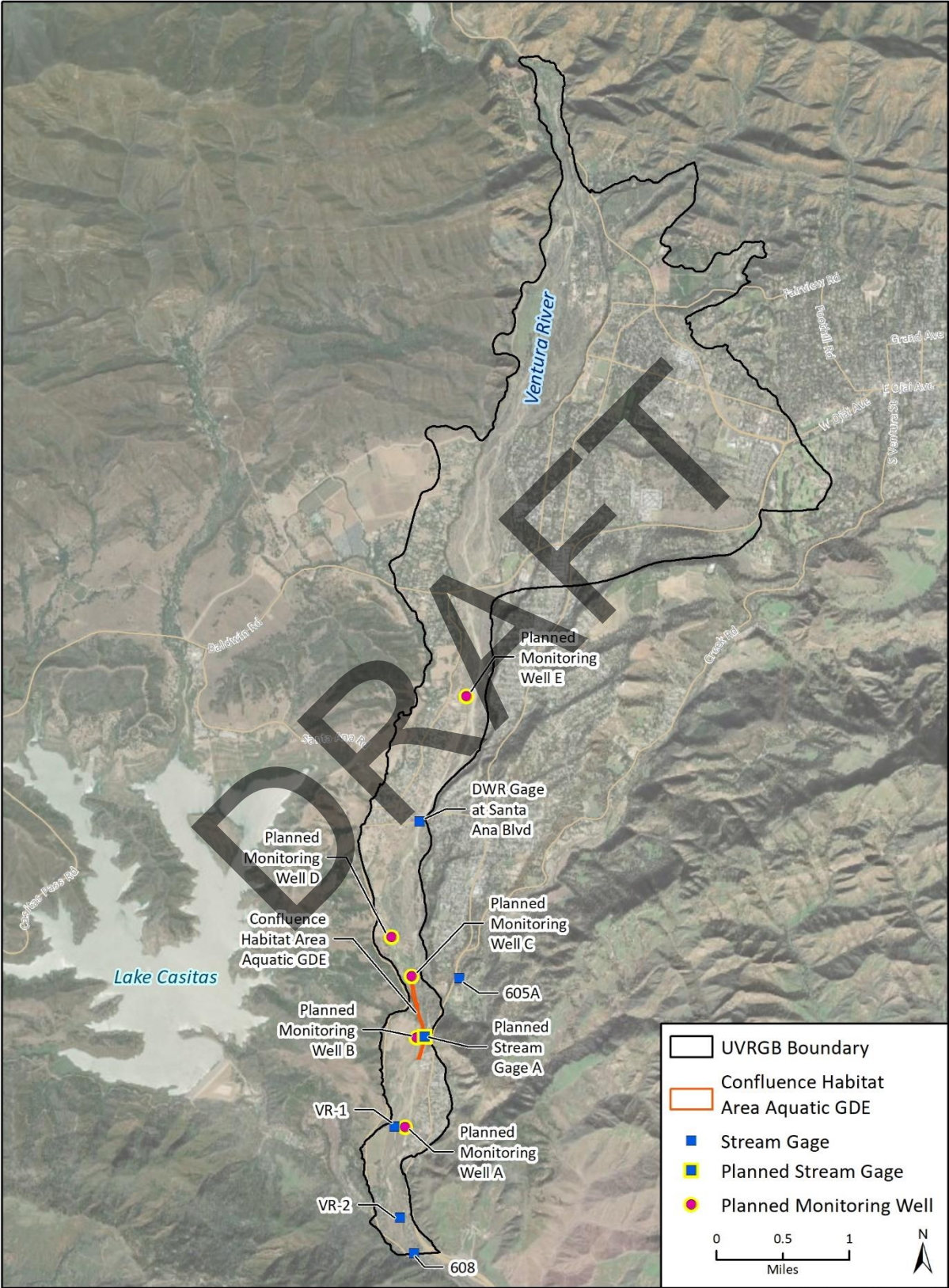
Table 1 provides a summary of relevant existing monitoring programs and previous studies conducted in the Basin. These existing monitoring efforts and previous studies were referenced during the development of the monitoring program methods, and data from these efforts conducted by other stakeholders will be incorporated into this program's data analysis and evaluation, as appropriate and feasible.

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<sup>3</sup> Aquatic mesohabitats are visually and functionally distinct areas of instream habitat (e.g., pools, riffles, and runs).

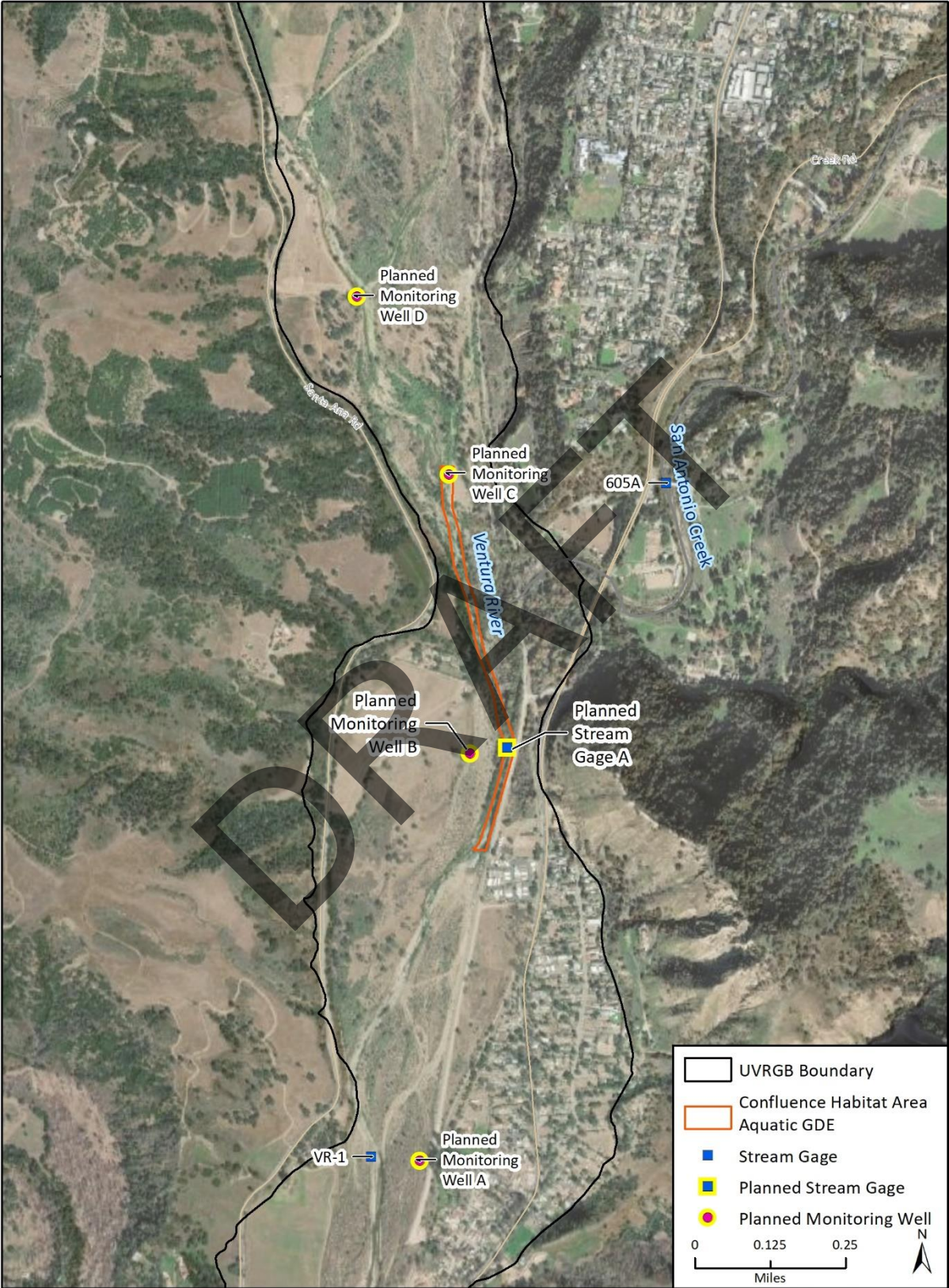


Figure 1 Confluence Aquatic Habitat Area Location





Upper Ventura River Groundwater Agency  
Confluence Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Workplan  
~~Upper Ventura River Groundwater Basin~~  
**Figure 2 Confluence Habitat Area Aquatic GDE**





**Table 1 Relevant Existing Monitoring Programs and Previous Studies within the UVRGB**

Program Name	Responsible Party	Description of Data Collection/ Study	Recurrence Interval/Study Date	Availability/ Applicability Notes
<b>Matilija Dam Removal</b>	County <sup>1</sup>	Habitat mapping and sediment/hydrologic modeling completed by Stillwater and AECOM. Habitat suitability and <i>O. mykiss</i> population studies completed by Normandeau Associates throughout the Basin, including within the Confluence Aquatic Habitat Area.	Annually/Completed (Normandeau Associates, Inc. 2015)	Data are publicly available or provided upon request. May offer watershed-scale context to changing habitat conditions over time.
<b>County-wide Bioassessment Monitoring</b>	County	Long-term benthic macroinvertebrate and physical habitat monitoring.	Annually	Data are publicly available or provided upon request. On-going studies provide long-term data for instream aquatic habitat conditions. The latest five-year study began in 2021. Previous studies were conducted from 2009-2014 and 2015-2020. This program may reveal trends related to macroinvertebrate abundance, composition, and diversity, as well as physical conditions including substrate, sinuosity, flow, and habitat type (e.g., pool, riffle, glide).
<b>Ventura River Streamflow Monitoring</b>	County DWR <sup>2</sup> USGS <sup>3</sup>	Continuous water level and streamflow data collection.	Continuous	Data are publicly available in online databases. Provides real time and historic instream flow data upstream and downstream of the Confluence Aquatic Habitat Area.
<b>Stream Team Water Quality Monitoring</b>	Santa Barbara Channel Keeper	Water quality and instantaneous streamflow monitoring.	Monthly	Data are publicly available or provided upon request. Community-based monitoring with a consistent monitoring schedule within the vicinity of the Confluence Aquatic Habitat Area. Data are currently available online from 2007 to 2018.
<b>Robles Diversion Fish Passage Monitoring</b>	CMWD <sup>4</sup>	Long term monitoring program consisting of streamflow, fish passage, fish spawning, fish presence and distribution, and aquatic habitat assessment.	Annually	Data are publicly available on CMWD's website, but not regularly updated. The most recent annual report is from 2018. Monitoring efforts include the Confluence Aquatic Habitat Area. These data provide information pertaining to habitat suitability trends, fish population dynamics, and hydrologic conditions throughout the river system. Data are not available until published by CMWD, which may not occur on a schedule that would inform this effort.
<b>Ventura River Algae TMDL Monitoring</b>	County	Long term monitoring consisting of monthly instantaneous water quality and streamflow, quarterly	Monthly	Data are publicly available or provided upon request. Monitoring occurs upstream and downstream of the Confluence Aquatic Habitat Area. This program provides a long-term dataset for specific habitat suitability parameters.

# Item 10(a), Attachment B

Upper Ventura River Groundwater Agency

## Confluence Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Workplan

Program Name	Responsible Party	Description of Data Collection/ Study	Recurrence Interval/Study Date	Availability/ Applicability Notes
		continuous pH and dissolved oxygen (DO), and summertime algal biomass.		
<b>CDFW<sup>4</sup> Instream Flow Studies</b>	CDFW <sup>5</sup>	Habitat suitability and habitat mapping, fish habitat use, critical riffle analysis, streamflow measurements	2017 to present	Publicly available. Data are collected at multiple sites throughout the watershed. Also includes data from previous studies. Draft instream flow recommendations for Reach 4 (which extends to the Confluence Aquatic Habitat Area) were released in 2021. These recommendations are still preliminary, and while they can inform the UVRGA in their development and evaluation of SMC, they were not developed with the intent of meeting SGMA requirements and are not prescriptive for establishing minimum thresholds in the GSP.
<a href="#">California Coastal Salmonid Monitoring Plan (CMP)</a>	<a href="#">CDFW</a> <a href="#">NMFS<sup>6</sup></a>	<a href="#">Steelhead abundance, spawning behavior and habitat availability. Conducted biological surveys and use of Dual-Frequency Identification Sonar (DIDSON) and Adaptive Resolution Imaging Sonar (ARIS) cameras.</a>	<a href="#">2006-2011</a>	<a href="#">Publicly available (Adams et al. 2011). Data were collected at multiple sites throughout the watershed. Also includes data from previous studies. The CMP describes the overall strategy, design and methods used in monitoring salmonid populations. While the scope of this program is beyond that of this monitoring work plan, these data and monitoring protocol may be referenced to inform the use of the aquatic GDE habitat for different life stages.</a>
<a href="#">Integration of Coastal Salmonid Monitoring Plan</a>	<a href="#">CDFW</a> <a href="#">NMFS</a>	<a href="#">An updated and expanded monitoring program of the original version CMP (Adam et al. 2011) and focuses on a more detailed strategy, design and methodology for the Southern California Area.</a>	<a href="#">2013-2022</a>	<a href="#">Publicly available (Boughton et al. 2022). Data was collected at multiple sites throughout the watershed. Also includes data from previous studies. This updated and expanded CMP provides important information pertaining to steelhead recovery. While the scope of this program is beyond that of this monitoring work plan, these data and monitoring protocol may be referenced to inform the use of the aquatic GDE habitat for different life stages.</a>

1. County of Ventura

2. Department of Water Resources

3. United States Geological Survey

4. Casitas Municipal Water District

5. California Department of Fish and Wildlife

[6. National Marine Fisheries Service](#)

### 1.1.1 Existing and Planned UVRGA Monitoring Efforts

In addition to the programs and studies listed in Table 1, the UVRGA currently implements a suite of monitoring efforts and the GSP identifies additional future monitoring efforts to satisfy SGMA requirements. Table 2 provides a summary of these existing and planned monitoring efforts.

**Table 2 Existing and Planned UVRGA Monitoring Efforts**

Program Name	Description of Data Collection/ Study	Schedule	Notes
<b>Groundwater Level Monitoring</b>	Continuous groundwater level data logging currently in 5 wells and compilation of data collected by others in 3 additional wells	Continuous data collection, data are downloaded and archived on a semi-annual basis in May/June and September/October	The GSP proposes five additional wells into the network. Three of these wells will provide data directly upstream, downstream, and within the Confluence Aquatic Habitat Area. These additional wells will help to address data gaps identified in the GSP.
<b>Streamflow Monitoring</b>	Continuous streamflow monitoring at two proposed locations within the Basin.	Continuous data collection, data will be downloaded periodically. Gages will be maintained seasonally during baseflow recession period and dry season.	The GSP proposes two UVRGA-maintained baseflow gages, at the Camino Cielo Road crossing and within the Confluence Aquatic Habitat Area (Planned Stream Gage A, Figure 1).
<b>Visual Stream Monitoring</b>	Monitor the extent of surface water flows, map wet and dry reaches	Monthly for winter months and increased during late spring-to-Fall period	Informs analysis of how seasonal conditions influence streamflow and when various reaches within the Basin (and the Confluence Area) are typically dry.
<b>Riparian GDE Monitoring</b>	Desktop assessment of NDVI/NDMI values for riparian vegetation within GDEs, and assessment of relationship between these indices and groundwater levels	Annual desktop assessment	Assessment follows protocols outlined by The Nature Conservancy for evaluating riparian vegetative health within GDEs (The Nature Conservancy 2018).

## 2 Monitoring Program Components

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The Confluence Aquatic Habitat Area monitoring program includes a suite of monitoring components to address data gaps identified in the GSP. The program will seek to answer the specific questions presented in the introduction, which can inform whether SMC for this aquatic GDE are necessary. The monitoring program will follow established survey protocols and methods [when appropriate](#), which may be slightly modified as necessary, to assess site conditions most accurately. These established protocols include the following:

- The California Department of Fish and Wildlife (CDFW) California Salmonid Stream Habitat Restoration Manual (Flosi et al. 2010)
- The U.S. Fish and Wildlife Service (USFWS) Habitat Suitability Information (HSI) Model for Rainbow Trout (Raleigh et al. 1984)
- The Southern Steelhead Habitat Suitability Index (SS HSI) Model (Normandeau Associates, Inc. 2015)
- The USFWS Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS 2005)
- [UVRGA Monitoring and Data Collection Protocols \(UVRGA 2018\)](#)
- [The National Marine Fisheries Service \(NMFS\) and CDFW Integration of Steelhead Viability Monitoring, Recovery Plans and Fisheries Management in the Southern Coastal Area \(Boughton et al. 2022\)](#)

Biological monitoring methods will be primarily focused on steelhead habitat suitability, ~~as much of because all of the mainstem of the Ventura River and most of the major tributaries (including Coyote Creek, Santa Antonio Creek, Matilija Creek and North Fork Matilija Creek) are the Ventura River is~~ designated as critical habitat for the federally endangered southern California DPS of steelhead. The Confluence Aquatic Habitat Area specifically includes habitat components (e.g., cool upwelling water and pools) that provide important over summering and rearing habitat for fry, juvenile, and adult *O. mykiss* (Normandeau Associates, Inc. 2015). Furthermore, instream areas that provide suitable habitat for steelhead can also provide important habitat for other special-status aquatic and amphibious species, including CRLF, two-striped gartersnake (*Thamnophis hammondi*), Pacific lamprey (*Entosphenus tridentatus*), and southwestern pond turtle (*Actinemys pallida*). Steelhead habitat preferences are well studied and defined, and typically represent the most extensive and demanding habitat requirements of any aquatic species in southern California instream habitats. Therefore, steelhead habitat suitability requirements can be viewed as the limiting conditions when analyzing instream habitat. Habitat conditions for other aquatic species, including CRLF, will also be evaluated through this program.

An [initial habitat](#) mapping survey of the entire GDE will be conducted at the onset of this monitoring program. During this initial habitat mapping effort, specific monitoring locations throughout the GDE will be established for subsequent routine surveys. Electronic data tablets with ArcGIS Collector software and high accuracy GPS units will be used to collect field data, which will then be synced with an online server. Descriptions of each of the monitoring program components are provided below. Table 3 provides an overview of each of these components, including the anticipated schedule, data to be collected, and protocols that will be implemented.

It is not anticipated that any permits will be required for implementation of the monitoring program components. Public access points will be used for entry into the Confluence Aquatic Habitat Area and monitoring activities will avoid modifying the active channel. Should access to any privately-owned areas be required, monitoring personnel will coordinate with the Ojai Valley Land Conservancy, or other landowners. Finally, while not anticipated, an encroachment permit to access County rights-of-way would be required to access stream gaging locations that fall within County jurisdiction.

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Table 3 Monitoring Program Overview

Monitoring Component	Data Collected	Purpose	Schedule	Locations	References/Protocols
<del>Baseline</del> <b>Initial Habitat Mapping</b>	Map aquatic mesohabitats in the Confluence Aquatic Habitat Area Aquatic GDE	Will provide in-depth information on existing habitats within the GDE and allow for identification of specific mesohabitats to monitor	Once at beginning of the program (likely during Fall 2022)	Entire Confluence Aquatic Habitat Area Aquatic GDE (approximately 3,450 feet in length)	California Salmonid Stream Habitat Restoration Manual (Flosi et al. 2010)
<b>Fish Stranding and Mortality Surveys</b>	Document any observed fish stranding and/or mortality that might occur as streamflow recedes. The extent of wetted and dry portions of the river will also be documented.	Will provide important information on steelhead migration habitat within the GDE, as well as fine scale data on when and how streamflow recedes within this area following varying climatic conditions and modeled ISW depletion estimates.	Monthly to weekly during dry season, as streamflow recedes	Designated monitoring locations at important riffles within the Confluence Aquatic Habitat Area Aquatic GDE	Pedestrian Bank Surveys
<b>Routine Habitat Suitability and Snorkel Surveys</b>	Survey HSI parameters, including sediment type, riparian vegetation/cover, water depth, and various in-stream structure, as well as all species observed, within predetermined pools, riffles, and glides. Steelhead presence/ absence will be documented during snorkel surveys. Fish stranding/mortality will also be documented.	Will provide in-depth information on existing conditions and allow for assessment of habitat suitability for steelhead, CRLF, and other aquatic organisms. Conditions can be quantified and compared with streamflow, as well as climatic data and modeled ISW depletion.	At least four times per year (once during winter and at least three times during summer/fall)	Designated monitoring locations (e.g., pools, riffles, glides) within the Confluence Aquatic Habitat Area Aquatic GDE	SS HSI (Normandeau Associates, Inc. 2015, Padre Associates, Inc. 2013) California Salmonid Stream Habitat Restoration Manual (Flosi et al. 2010) Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS 2005) <a href="#">NWFS and CDFW Integration of Steelhead Viability Monitoring, Recovery Plans and Fisheries Management in the Southern Coastal Area (Boughton et al. 2022)</a>

Monitoring Component	Data Collected	Purpose	Schedule	Locations	References/Protocols
<b>Water Quality and Flow Monitoring</b>	Water level, DO, pH, temperature	Will provide continuous flow and water quality data that can then be correlated with streamflow, as well as climatic data and modeled ISW depletion.	Continuous data collection, data downloaded during each field visit	One designated location within the Confluence Aquatic Habitat Area Aquatic GDE	LARWQCB <sup>1</sup> Basin Plan (2014), USGS <sup>2</sup> standards for stream gauge installation, UVRGA Monitoring and Data Collection Protocols (2018)
<b>Aerial Photography</b>	Aerial images	Will provide a visual time series of overall conditions within the GDE and allow for comparison of conditions over time and during different hydrologic and climatic conditions	At least four times per year, concurrent with habitat suitability surveys	Aerial photographs will be taken of the upper, middle, and lower portions of the Habitat Area Aquatic GDE	General photography and FAA rules
<b>Repeat Ground Photography</b>	Photographs of instream and riparian habitat from fixed locations	Will provide a visual time series for each monitoring location that will allow for comparison of habitat conditions over time and during different hydrologic and climatic conditions	At least four times per year, concurrent with habitat suitability surveys	Photographs will be taken from fixed locations at each mesohabitat that is monitored during the habitat suitability surveys	General photography
<sup>1</sup> Los Angeles Regional Water Quality Control Board					
<sup>2</sup> U.S. Geological Survey					

### **Baseline-Initial Habitat Mapping**

The Confluence Aquatic Habitat Area Aquatic GDE will be mapped using CDFW methods (Flosi et al. 2010), most likely to the Level II or Level III<sup>4</sup> habitat types. This survey will occur once at the beginning of the monitoring program, likely in the Fall of 2022. Surveyors will document all mesohabitats within the GDE, including pools, riffles, and glides.

#### *Purpose of monitoring component*

This initial survey effort will provide ~~baseline~~ data on the aquatic habitat present within the GDE, as well as a map of all aquatic mesohabitats in the GDE. These mesohabitats can then be randomly or systematically chosen as monitoring locations for the subsequent fish stranding and mortality surveys and routine habitat suitability surveys.

Note that habitat conditions are likely to change during and following large storm events, and the monitoring locations will inherently require adjustment if mesohabitat characteristics are substantially changed. This assessment would be made through the subsequent biological surveys, and if a large storm event occurred that substantially "reset" the channel morphology, an additional mapping event may be needed to account for the new habitat structure.

### **Fish Stranding and Mortality Surveys**

During periods of receding streamflow (likely between April and November), pedestrian surveys (with chest waders, if necessary) will be conducted within previously identified portions of the Confluence Aquatic Habitat Area (e.g., critical riffles) to document any observed fish stranding and/or mortality that might occur if species are present as flow is diminished. The extent of wetted and dry portions of the river will also be documented within survey areas. These surveys will likely be conducted on a monthly basis during the dry season and may be increased to weekly during times low flow periods when the extent of aquatic habitat is constricted.

#### *Purpose of monitoring component*

Conducting fish stranding and mortality surveys will provide important information on hydrologic conditions as flows recede naturally, as well as fine scale data on when and how streamflow recedes within this GDE following varying climatic conditions and modeled ISW depletion. This information will help to fill data gaps identified in the GSP for the Confluence Aquatic Habitat Area.

### **Routine Habitat Suitability and Snorkel Surveys**

Routine habitat suitability surveys will be conducted once during the rainy season (between December and April) and at least three times during the dry season (between July and October) and will focus on a subset of mesohabitats (e.g., pools, riffles, glides) either randomly or systematically selected following the initial ~~baseline~~ habitat mapping effort. These surveys will provide data on habitat suitability for special-status species, including steelhead and CRLF, as well as other aquatic organisms.

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<sup>4</sup> There are four levels of classification used to describe physical fish habitat. Each higher level in the sequence includes more descriptive categories of habitat types. Level I categorizes habitat into riffles or pools. Level II categorizes riffles into riffle or flatwater habitat types, for a total of three types (riffle, pool, and flatwater). Level III further differentiates riffle types on the basis of water surface gradient (riffle or cascade), and pool types according to their location in the stream channel (main channel, lateral scour, or backwater).



Surveyors will collect data for a suite of variables within these predetermined mesohabitats, including, but not limited to, substrate size, canopy cover, instream cover, gradient, elevation, and thalweg depth. Water quality data, including water temperature, DO, and pH, will also be collected at each monitoring location using a handheld probe. Macroalgae presence/absence will be documented, and photos will be collected to show areal extent. Habitat suitability surveys will follow protocols outlined by Flosi et al. (2010), Normandeau Associates, Inc (2015), Padre Associates, Inc. (2013), and the USFWS (2005).

When sufficient water is present, underwater snorkel surveys will also be performed as part of these routine surveys to document the presence of steelhead, CRLF tadpoles, and other aquatic species. Performing underwater surveys is a cost-effective and non-invasive method to determine fish distribution and aquatic species composition. Snorkel surveys will follow [the appropriate](#) protocols outlined by Flosi et al. (2010) [and Boughton et al. \(2022\)](#). Any observed fish stranding and/or mortality will also be documented during each survey.

In addition, nighttime surveys will be conducted at designated locations throughout the Confluence Aquatic Habitat Area to provide more accurate documentation of the presence or absence of CRLF, invasive amphibian species (such as bullfrogs), and other nocturnal aquatic species. Night surveys will follow protocols outlined by the USFWS (2005).

#### *Purpose of monitoring component*

Conducting routine habitat suitability surveys will allow for the quantification of habitat suitability and species abundance within the Confluence Aquatic Habitat Area Aquatic GDE and will allow for a better understanding of if and when fish stranding and mortality occurs within critical riffles. These data will build on the findings of previous studies conducted in the Upper Ventura River (e.g., Normandeau Associates, Inc. 2015, Padre 2013) to provide an understanding of existing habitat conditions within the GDE and allow for a comparison of SS HSI scores and water quality parameters under varying flow conditions. These monitoring data combined with modeling estimates of ISW depletions can inform whether SMCs for the Confluence Aquatic Habitat Area are warranted.

### **Continuous Surface Water Quality and Flow Monitoring**

One or two continuous surface water quality and flow monitoring stations will be installed at designated locations within the Confluence Aquatic Habitat Area. One of these water quality stations may be collocated with Planned Stream Gage A (Figure 1) to reduce field data collection efforts. The need and location of a second surface water monitoring station would be determined based on field reconnaissance. Continuous data will be collected with a water level transducer and multi-parameter water quality sondes. Continuous instream monitoring will provide data on important habitat suitability parameters, including water level, water temperature, dissolved oxygen (DO), and pH. Water level will be converted to streamflow using a stage-discharge rating curve for each monitoring station location. This curve will be developed and maintained through hydrographic surveys and instantaneous flow measurements collected during the ~~baseline~~-initial and routine surveys. Data from the surface water monitoring station will be downloaded during each routine habitat suitability survey. Additional downloads may occur if the water quality sonde requires more frequent maintenance. Methods will align with those outlined in the UVRGA Monitoring and Data Collection Protocols (UVRGA 2018).

## Item 10(a), Attachment B

Upper Ventura River Groundwater Agency

### Confluence Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Workplan

#### *Purpose of monitoring component*

Continuous surface water quality and water level monitoring will provide data to evaluate how water quality may correspond with streamflow conditions within the GDE. The water quality parameters measured (e.g., DO, pH, and temperature) are important habitat suitability components for special-status aquatic species and continuous measurements will provide a dataset to assess habitat suitability over time and under varying flow conditions. Continuous data also allows for comparison of diurnal variation, as temperature and DO in particular can fluctuate greatly between daytime and nighttime.

This component will provide information to assess the changing habitat suitability conditions over varying hydrologic conditions and seasonal variations. This variation may provide important insight into the natural climatic drivers of habitat suitability and allow the UVRGA to evaluate how the natural baseflow recession may be exacerbated by groundwater extraction. Together, these data are intended to inform SMC evaluation and development.

#### **Aerial Photography**

Aerial photography of the Confluence Aquatic Habitat Area will be conducted with an unmanned aerial vehicle (UAV) by a licensed UAV pilot. Aerial photographs will be taken of the upper, lower, and middle portions of the GDE at predetermined sites, most likely from a height of 50 to 100 feet, with both upstream and downstream views captured, at a minimum. Aerial photography will be conducted at least four times annually, simultaneous with routine habitat suitability surveys.

#### *Purpose of monitoring component*

Conducting aerial photography provides a visual time series of the overall conditions within the GDE and allows for comparison of the aquatic habitat during and following different hydrologic and climatic conditions.

#### **Repeat Ground Photography**

Repeat ground photography will be conducted during each monitoring effort, at the designated monitoring locations established by the ~~baseline~~ initial habitat mapping event for the routine habitat suitability surveys. Photographs will be taken at the same locations and from the same vantage points with the same orientation (upstream and downstream) at least four times annually, during each routine habitat suitability survey. Photographs will be taken in ArcGIS Collector using an electronic data tablet.

#### *Purpose of monitoring component*

Conducting repeat photography will provide a visual time series for each monitoring location of both instream and riparian habitat. These photographs will allow for comparison of habitat conditions over time and during differing hydrologic and climatic conditions.

### 3 Data Interpretation and Evaluation Methodology

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Monitoring data will be collected in the field using ArcGIS Collector software (as described in Section 2), synced with an online server, and compiled into a digital database for organization, interpretation, and evaluation.

#### Habitat Suitability Conditions and Relationship to ISW Depletion

It is known that steelhead occur throughout the Ventura River, and the entire river (up to the Ordinary High Water Mark) within the Basin is designated as critical habitat for steelhead. Established methodologies will be used to evaluate habitat suitability for steelhead within the Confluence Aquatic Habitat Area, which will also provide data on the overall existing ecological conditions within the aquatic GDE. Understanding existing ecological conditions within the aquatic GDE and tracking how conditions change in comparison with modeled ISW depletion will inform how ISW depletions may be affecting this aquatic GDE, whether these effects are significant and unreasonable, and whether SMC for ISW depletion are necessary for the Confluence Aquatic Habitat Area.

The SS HSI model developed by Normandeau Associates, Inc. (2015) will be used to analyze data collected during the habitat suitability surveys, as well as continuously collected water level and water quality data. The SS HSI model will be used to calculate HSI scores at each monitoring location within the Confluence Aquatic Habitat Area. These SS HSI scores can then be compared with species presence/absence data, streamflow data, and numerical modeling of ISW depletion to gain a better understanding of whether potential significant and unreasonable effects might occur as a result of ISW depletion.

Steelhead presence/absence and overall species abundance data will also be considered when assessing if and when significant and unreasonable effects are occurring. Additionally, aerial and repeat photography will allow for visual comparisons of conditions within the GDE, as well as at specific mesohabitats within the GDE. Qualitative assessments of vegetative health, presence or absence of water, and water quality may be made using these time series images.

The results of the monitoring program will be evaluated to assess undesirable results for depletions of ISW. Specifically, the SS HSI scores, species presence/absence and overall species abundance data, will be evaluated together with the model derived estimates of ISW depletion to draw conclusions about the effects of the depletion on the aquatic GDE. This evaluation will occur in the 5-year GSP assessment and update.

#### Consideration of Other Monitoring Programs

In addition to the data collected through this monitoring program, data collected by other regional stakeholders (as described in Section 1.1) will be incorporated into the analysis. Data collected in other areas of the Basin could also serve as a basis of comparison for the GDE and may help in understanding how habitat conditions change within the river both seasonally and/or due to groundwater pumping.

### 3.1 Annual Progress Reports

Following completion of each full year of monitoring, a written memo will be provided to the UVRGA with a summary of the monitoring efforts completed, the data collected, and a preliminary analysis of the findings for that year. Links to the online server with the data and Collector maps will also be provided. Annual progress reports will be submitted in December 2023 and December 2024 covering the preceding water year.

### 3.2 Final Assessment Report

The monitoring program data will be compiled and analyzed in a final assessment report that will be submitted to the UVRGA following completion of the third year of monitoring. This report will include the following components:

- Detailed maps and figures of all monitoring locations and habitat mapped within the GDE;
- Detailed accounts of species presence and abundance within the GDE, as well as a summary of any fish stranding and/or mortality observations;
- Quantitative and qualitative descriptions of overall habitat conditions within the GDE, habitat suitability conditions at various flows and groundwater conditions, and modeled depletion of ISW;
- Calculated HSI scores for each monitoring location within the GDE during each site visit;
- Statistical analyses of the relationship between streamflow, groundwater levels, modeled ISW depletion, and habitat conditions within the GDE;
- Evaluation of whether significant and unreasonable effects on the aquatic GDE may occur as a result of ISW depletion; and
- Recommendations for SMC and future monitoring efforts (if potential significant and unreasonable effects due ISW depletion are indicated)

## 4 Monitoring Program Schedule and Budget

### 4.1 Monitoring Program Schedule

Table 4 provides an overview of the approximate schedule for implementation of this workplan.

**Table 4 Three-year Monitoring Program Schedule Overview**

Monitoring Program Milestones	Timeline
Submittal of Draft Workplan	May 2022
Public Comment Period	June 2022
Approval of Final Workplan and Contracting	August 2022
Implementation of the Monitoring Program	October 2022 – October 2025
1. <del>Baseline</del> -Initial Habitat Mapping	1. Fall 2022
2. Routine Habitat Suitability Surveys	2. At least four times annually (once during winter, at least three times during dry season)
3. Aerial Photography	3. At least four times annually, during each field visit
4. Repeat Ground Photography	4. At least four times annually, during each field visit
5. Water Quality and Water Level Monitoring	5. Continuous monitoring, data downloads during each field visit
Installation of Water Quality and Water Level Monitoring Stations	Fall 2022
Annual Progress Reports	December 2023 and 2024
Final Three-Year Findings Report	December 2025

### 4.2 Budget

Rincon anticipates that implementation of the monitoring program over three years (2022 through 2025), as described in this workplan, will not exceed the Confluence Area monitoring budget estimated in the GSP. Specifically, this amount is expected to be sufficient to cover monitoring efforts, as well as data management, analysis, and reporting. The budget included in the GSP was as follows:

- Fiscal Year 2022/2023: \$46,082
- Fiscal Year 2023/2024: \$41,532
- Fiscal Year 2024/2025: \$36,666

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## Appendix A

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Confluence Aquatic Habitat Area Aquatic GDE Photographs

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**Photograph 1.** Northern portion of Confluence Aquatic Habitat Area (facing north).



**Photograph 2.** Southern portion of Confluence Aquatic Habitat Area (facing north).

Photographs by S. Howard, April 19, 2021





# Foster Park Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Workplan

Upper Ventura River Groundwater Basin

*prepared for*

**Upper Ventura River Groundwater Agency**

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**May-July 2022**



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Appendix A Foster Park Aquatic Habitat Area Photographs

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# 1 Introduction

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The Upper Ventura River Groundwater Agency (UVRGA) Groundwater Sustainability Plan (GSP) identified the Foster Park Aquatic Habitat Area as an aquatic groundwater dependent ecosystem (GDE)<sup>1</sup>. This GDE occurs in the southernmost portion of the Upper Ventura River Groundwater Basin (Basin) (Figure 1 [and](#) 2) and provides important aquatic habitat for a variety of special-status species, including the southern California Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*)<sup>2</sup> and the California red-legged frog (CRLF, *Rana draytonii*) (NOAA 2022, USFWS 2022). The Foster Park Aquatic Habitat Area is reliant on interconnected surface water (ISW) and provides important pools and other rearing habitat features for all life stages of steelhead and CRLF, as well as other special-status aquatic species, especially during the dry period of the year when other reaches of the river typically run dry. Appendix A presents aerial photographs of the northern and southern portions of the GDE.

Instream habitat around Foster Park has been studied by various investigators over the years, including consultants, federal and state resource agencies, local water agencies, and municipal government agencies. The GSP identified the need for additional data collection to assess performance of the ISW depletion sustainable management criteria (SMC) included in the GSP for the Foster Park Aquatic Habitat Area. It is anticipated that a monitoring program will eventually be developed and implemented as part of a physical solution for the Ventura River Watershed Adjudication. However, there is currently no definitive timeline for either a judgment and or implementation of a physical solution. Similarly, there are no publicly available details concerning what the scope of the physical solution monitoring program would be. Therefore, UVRGA has prepared this workplan with the understanding that monitoring may transition to or be shared with other entities in the future.

Following guidance provided in Section 5.8 of the GSP, this workplan outlines a three-year monitoring program to assess performance of the ISW depletion SMC included in the GSP for the Foster Park Aquatic Habitat Area. This workplan provides detailed protocols and field methods for each of the monitoring components that will be implemented; establishes a monitoring schedule for each of these components; and describes methodologies that will be used to interpret and analyze monitoring data.

The monitoring program is designed to provide data to facilitate UVRGA's ongoing evaluation of SMC developed in the GSP for the *Depletion of Interconnected Surface Waters* sustainability indicator in the Foster Park Aquatic Habitat Area, as required by the Sustainable Groundwater Management Act (SGMA). To address this need, the monitoring program will seek to answer the following questions:

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<sup>1</sup> Aquatic GDEs were assessed and identified separately from riparian GDEs within the Basin. Riparian GDEs are comprised of riparian vegetation communities with rooting depths that reach directly to groundwater, while aquatic GDEs are comprised of instream habitat that is dependent on interconnected surface water. This monitoring workplan pertains to instream aquatic habitat, while existing efforts are in place to monitor vegetation communities identified within the Foster Park Riparian GDE Unit. More details regarding riparian GDE monitoring are provided in Table 2.

<sup>2</sup> Steelhead are the anadromous (ocean-going) form of *O. mykiss*, while rainbow trout are the resident (solely freshwater) form of the species. All *O. mykiss* in waterbodies with connectivity to the ocean have the potential to become anadromous and are therefore treated as steelhead from a regulatory standpoint.

- What is the current distribution of aquatic mesohabitats<sup>3</sup> in the Foster Park Aquatic Habitat Area Aquatic GDE?
- What are the current aquatic habitat suitability conditions within this GDE?
- How do aquatic habitat suitability conditions within this GDE change in response to seasonal variation?
- How and when does ISW depletion affect habitat suitability conditions within this GDE?
- How might groundwater pumping in the Basin affect habitat suitability conditions within this GDE?

Answering these questions will provide the necessary information to perform ongoing evaluation of the ISW depletion SMC for the Foster Park Aquatic Habitat Area and to establish a long-term monitoring plan for the area.

### 1.1 Existing Monitoring Efforts and Previous Studies within the Basin

UVRGA is committed to working with various stakeholders within the Basin and will seek input from other entities in the Basin during the process of finalizing and implementing this workplan. The monitoring program will consider current and ongoing monitoring efforts being undertaken by other stakeholders in the Basin and will include information on the collaborative and data-sharing approach UVRGA will take with its monitoring efforts. This collaboration will aid in establishing a comprehensive monitoring program that can prevent duplication of efforts and provide a broader data set, which will ultimately increase confidence in the results and conclusions drawn from monitoring data.

Table 1 provides a summary of relevant existing monitoring programs and previous studies conducted in the Basin. These existing monitoring efforts and previous studies were referenced during the development of the monitoring program methods, and data from these efforts conducted by other stakeholders will be incorporated into this program's data analysis and evaluation, as appropriate and feasible.

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<sup>3</sup> Aquatic mesohabitats are visually and functionally distinct areas of instream habitat (e.g., pools, riffles, and runs).



Figure 1 Foster Park Aquatic Habitat Area Location

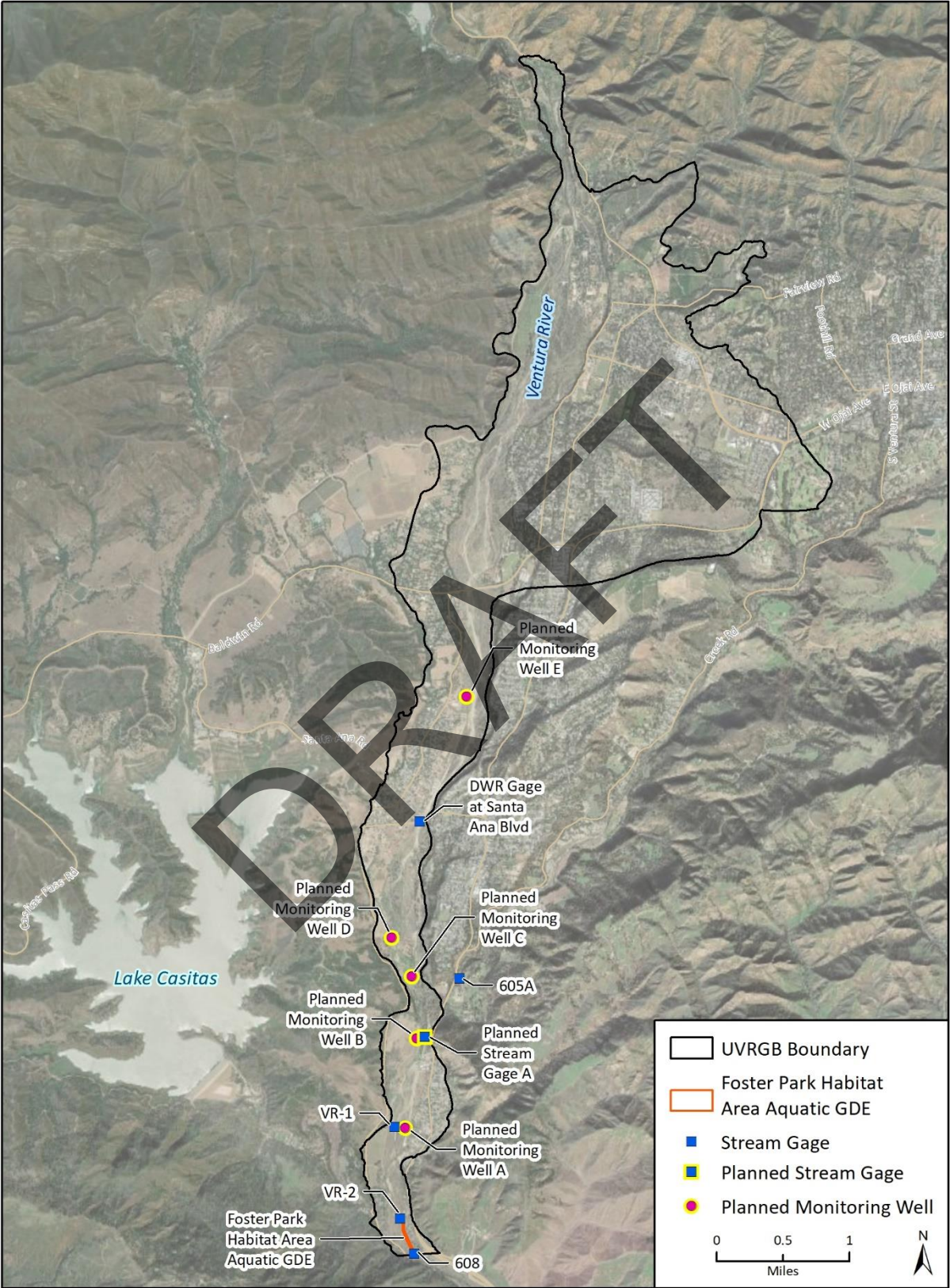
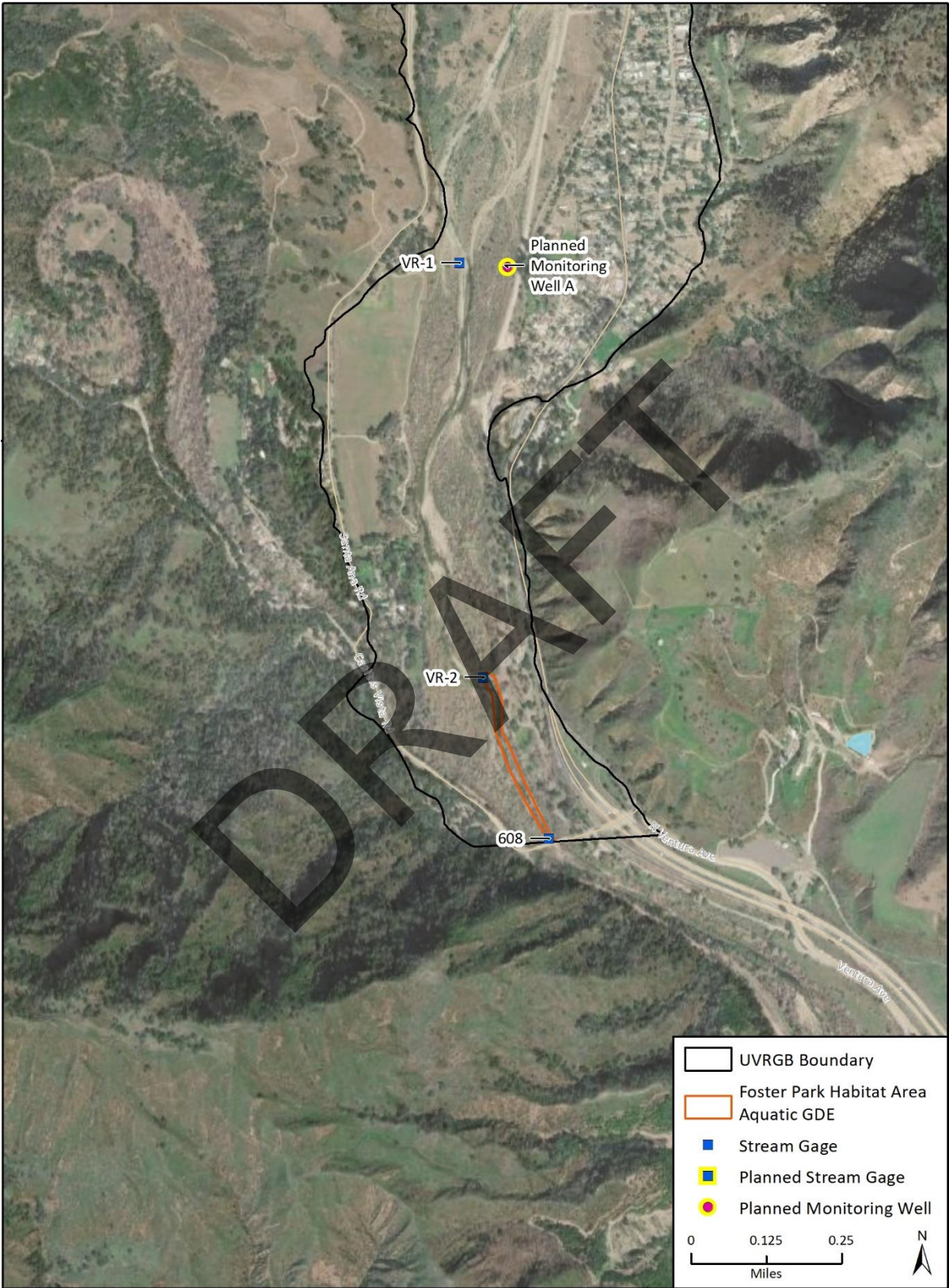




Figure 2 Foster Park Aquatic Habitat Area Aquatic GDE



**Table 1 Relevant Existing Monitoring Programs and Previous Studies within the UVRGB**

Program Name	Responsible Party	Description of Data Collection/ Study	Recurrence Interval/Study Date	Availability/ Applicability Notes
<b>Matilija Dam Removal</b>	County <sup>1</sup>	Habitat mapping and sediment/hydrologic modeling completed by Stillwater and AECOM. Habitat suitability and <i>O. mykiss</i> population studies completed by Normandeau Associates throughout the Basin, including within the Foster Park Aquatic Habitat Area.	Annually/Completed (Normandeau Associates, Inc. 2015)	Data are publicly available or provided upon request. May offer watershed-scale context to changing habitat conditions over time.
<b>County-wide Bioassessment Monitoring</b>	County	Long-term benthic macroinvertebrate and physical habitat monitoring.	Annually	Data are publicly available or provided upon request. On-going studies provide long-term data for instream aquatic habitat conditions. The latest five-year study began in 2021. Previous studies were conducted from 2009-2014 and 2015-2020. This program may reveal trends related to macroinvertebrate abundance, composition, and diversity, as well as physical conditions including substrate, sinuosity, flow, and habitat type (e.g., pool, riffle, glide).
<b>Ventura River Streamflow Monitoring</b>	County DWR <sup>2</sup> USGS <sup>3</sup>	Continuous water level and streamflow data collection.	Continuous	Data are publicly available in online databases. Provides real time and historic instream flow data just downstream of the Foster Park Aquatic Habitat Area.
<b>Stream Team Water Quality Monitoring</b>	Santa Barbara Channel Keeper	Water quality and instantaneous streamflow monitoring.	Monthly	Data are publicly available or provided upon request. Community-based monitoring with a consistent monitoring schedule within the Foster Park Aquatic Habitat Area. Data are currently available online from 2007 to 2018.
<b>Robles Diversion Fish Passage Monitoring</b>	CMWD <sup>4</sup>	Long term monitoring program consisting of streamflow, fish passage, fish spawning, fish presence and distribution, and aquatic habitat assessment.	Annually	Data are publicly available on CMWD's website, but not regularly updated. The most recent annual report is from 2018. Monitoring efforts include the Foster Park Aquatic Habitat Area. These data provide information pertaining to habitat suitability trends, fish population dynamics, and hydrologic conditions throughout the river system. Data are not available until published by CMWD, which may not occur on a schedule that would inform this effort.
<b>Ventura River Algae TMDL Monitoring</b>	County	Long term monitoring consisting of monthly instantaneous water quality and streamflow, quarterly	Monthly	Data are publicly available or provided upon request. Monitoring occurs upstream and downstream of the Foster Park

# Item 10(a), Attachment C

Upper Ventura River Groundwater Agency

## Foster Park Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Workplan

Program Name	Responsible Party	Description of Data Collection/ Study	Recurrence Interval/Study Date	Availability/ Applicability Notes
		continuous pH and dissolved oxygen (DO), and summertime algal biomass.		Aquatic Habitat Area. This program provides a long-term dataset for specific habitat suitability parameters.
<b>CDFW Instream Flow Studies</b>	CDFW <sup>5</sup>	Habitat suitability and habitat mapping, fish habitat use, critical riffle analysis, streamflow measurements	2017 to present	Publicly available (CDFW 2017a and 2017b). Data are collected at multiple sites throughout the watershed. Also includes data from previous studies. Draft instream flow recommendations for Reach 4 (which includes the Foster Park Aquatic Habitat Area) were released in 2021. These recommendations are still preliminary, and while they can inform the UVRGA in their development and evaluation of SMC, they were not developed with the intent of meeting SGMA requirements and are not prescriptive for establishing minimum thresholds in the GSP.
<a href="#">California Coastal Salmonid Monitoring Plan (CMP)</a>	<a href="#">CDFW NMFS</a> <sup>6</sup>	<a href="#">Steelhead abundance, spawning behavior and habitat availability. Conducted biological surveys and use of Dual-Frequency Identification Sonar (DIDSON) and Adaptive Resolution Imaging Sonar (ARIS) cameras.</a>	<a href="#">2006-2011</a>	<a href="#">Publicly available (Adams et al. 2011). Data were collected at multiple sites throughout the watershed. Also includes data from previous studies. The CMP describes the overall strategy, design and methods used in monitoring salmonid populations. While the scope of this program is beyond that of this monitoring work plan, these data and monitoring protocol may be referenced to inform the use of the aquatic GDE habitat for different life stages.</a>
<a href="#">Integration of Coastal Salmonid Monitoring Plan</a>	<a href="#">CDFW NMFS</a>	<a href="#">An updated and expanded monitoring program of the original version CMP (Adam et al. 2011) and focuses on a more detailed strategy, design and methodology for the Southern California Area.</a>	<a href="#">2013-2022</a>	<a href="#">Publicly available (Boughton et al. 2022). Data was collected at multiple sites throughout the watershed. Also includes data from previous studies. This updated and expanded CMP provides important information pertaining to steelhead recovery. While the scope of this program is beyond that of this monitoring work plan, these data and monitoring protocol may be referenced to inform the use of the aquatic GDE habitat for different life stages.</a>
1. County of Ventura 2. Department of Water Resources 3. United States Geological Survey		4. Casitas Municipal Water District 5. California Department of Fish and Wildlife <a href="#">6. National Marine Fisheries Service</a>		

### 1.1.1 Existing and Planned UVRGA Monitoring Efforts

In addition to the programs and studies listed in Table 1, the UVRGA currently implements a suite of monitoring efforts and the GSP identifies additional future monitoring efforts to satisfy SGMA requirements. Table 2 provides a summary of these existing and planned monitoring efforts.

**Table 2 Existing and Planned UVRGA Monitoring Efforts**

Program Name	Description of Data Collection/ Study	Schedule	Notes
<b>Groundwater Level Monitoring</b>	Continuous groundwater level data logging currently in 5 wells and compilation of data collected by others in 3 additional wells	Continuous data collection, data are downloaded and archived on a semi-annual basis in May/June and September/October	The GSP proposes five additional wells into the network. These additional wells will provide data for areas upstream of the Foster Park Aquatic Habitat Area.
<b>Streamflow Monitoring</b>	Continuous streamflow monitoring at two proposed locations within the Basin.	Continuous data collection, data will be downloaded periodically. Gages will be maintained seasonally during baseflow recession period and dry season.	The GSP proposes two UVRGA-maintained baseflow gages, at the Camino Cielo Road crossing and within the Confluence Aquatic Habitat Area (Planned Stream Gage A, Figure 1).
<b>Visual Stream Monitoring</b>	Monitor the extent of surface water flows, map wet and dry reaches	Monthly for winter months and increased during late spring-to-Fall period	Informs analysis of how seasonal conditions influence streamflow and when various reaches within the Basin (and the Foster Park Area) are typically dry.
<b>Riparian GDE Monitoring</b>	Desktop assessment of NDVI/NDMI values for riparian vegetation within GDEs, and assessment of relationship between these indices and groundwater levels	Annual desktop assessment	Assessment follows protocols outlined by The Nature Conservancy for evaluating riparian vegetative health within GDEs (The Nature Conservancy 2018).

## 2 Monitoring Program Components

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The Foster Park Aquatic Habitat Area monitoring program includes a suite of monitoring components to inform ongoing evaluation of the ISW depletion SMC for the Foster Park Aquatic Habitat Area by answering the specific questions presented in the introduction. The monitoring program will follow established survey protocols and methods [when appropriate](#), which may be slightly modified, as necessary, to assess site conditions most accurately. These established protocols include the following:

- The California Department of Fish and Wildlife (CDFW) California Salmonid Stream Habitat Restoration Manual (Flosi et al. 2010);
- The U.S. Fish and Wildlife Service (USFWS) Habitat Suitability Information (HSI) Model for Rainbow Trout (Raleigh et al. 1984);
- The Southern Steelhead Habitat Suitability Index (SS HSI) Model (Normandeau Associates, Inc. 2015); and
- The USFWS Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS 2005).
- [UVRGA Monitoring and Data Collection Protocols \(UVRGA 2018\)](#)
- [Integration of Steelhead Viability Monitoring, Recovery Plans and Fisheries Management in the Southern Coastal Area \(Boughton et al. 2022\)](#)

Biological monitoring methods will be primarily focused on steelhead habitat suitability, ~~as much of because all of the mainstem of~~ the Ventura River ~~and most of the major tributaries (including Coyote Creek, Santa Antonio Creek, Matilija Creek and North Fork Matilija Creek)~~ ~~is~~ are designated as critical habitat for the federally endangered southern California DPS of steelhead. The Foster Park Aquatic Habitat Area specifically includes habitat components (e.g., pools and riffles) that are known to be important for steelhead spawning, migration, and rearing (National Marine Fisheries Service 2007, Normandeau Associates, Inc. 2015). Furthermore, instream areas that provide suitable habitat for steelhead can also provide important habitat for other special-status aquatic and amphibious species, including CRLF, two-striped gartersnake (*Thamnophis hammondi*), Pacific lamprey (*Entosphenus tridentatus*), and southwestern pond turtle (*Actinemys pallida*). Steelhead habitat preferences are well studied and defined, and typically represent the most extensive and demanding habitat requirements of any aquatic species in southern California instream habitats. Therefore, steelhead habitat suitability requirements can be viewed as the limiting conditions when analyzing instream habitat. Habitat conditions for other aquatic species, including CRLF, will also be evaluated through this program.

~~An baseline~~ initial habitat mapping survey of the entire GDE will be conducted at the beginning of this program. During this initial habitat mapping effort, specific monitoring locations throughout the GDE will be established for subsequent routine surveys. Electronic data tablets with ArcGIS Collector software and high accuracy GPS units will be used to collect field data, which will then be synced with an online server. Descriptions of each of the monitoring program components are provided below. Table 3 provides an overview of each of these components, including the anticipated schedule, data to be collected, and protocols that will be implemented.

It is not anticipated that any permits will be required for implementation of the monitoring program components. Public access points will be used for entry into the Foster Park Aquatic Habitat Area and monitoring activities will avoid modifying the active channel. Should access to any privately-owned areas be required, monitoring personnel will coordinate with landowners as necessary. Finally, while not anticipated, an encroachment permit to access County rights-of-way would be required to access stream gaging locations that fall within County jurisdiction.

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Table 3 Monitoring Program Overview

Monitoring Component	Data Collected	Purpose	Schedule	Locations	References/Protocols
<del>Baseline</del> Initial Habitat Mapping	Map aquatic mesohabitats in the Foster Park Aquatic Habitat Area Aquatic GDE	Will provide in-depth information on existing habitats within the GDE and allow for identification of specific mesohabitats to monitor	Once at the beginning of the program (likely during Fall 2022)	Entire Foster Park Aquatic Habitat Area Aquatic GDE (approximately 1,590 linear feet)	California Salmonid Stream Habitat Restoration Manual (Flosi et al. 2010)
Routine Habitat Suitability and Snorkel Surveys	Survey HSI parameters, including sediment type, riparian vegetation/cover, water depth, and various in-stream structure, as well as all species observed, within predetermined pools, riffles, and glides. Steelhead presence/ absence will be documented during snorkel surveys. Fish stranding/mortality will also be documented.	Will provide in-depth information on existing conditions and allow for assessment of habitat suitability for steelhead, CRLF, and other aquatic organisms. Conditions can be quantified and compared with streamflow, as well as climatic data and modeled ISW depletion.	At least four times per year (once during winter and at least three times during summer/fall)	Designated monitoring locations (e.g., pools, riffles, glides) within the Foster Park Aquatic Habitat Area Aquatic GDE	SS HSI (Normandeau Associates, Inc. 2015, Padre Associates, Inc. 2013) California Salmonid Stream Habitat Restoration Manual (Flosi et al. 2010) Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS 2005) <a href="#">NWFS and CDFW Integration of Steelhead Viability Monitoring, Recovery Plans and Fisheries Management in the Southern Coastal Area (Boughton et al. 2022)</a>
Water Quality and Flow Monitoring	Water level, DO, pH, temperature	Will provide continuous flow and water quality data that can then be correlated with streamflow, as well as climatic data and modeled ISW depletion.	Continuous data collection, data downloaded during each field visit	One designated location within the Foster Park Aquatic Habitat Area Aquatic GDE.	LA RWQCB <sup>1</sup> Basin Plan (2014), USGS <sup>2</sup> standards for stream gauge installation, UVRGA Monitoring and Data Collection Protocols (2018)

Monitoring Component	Data Collected	Purpose	Schedule	Locations	References/Protocols
<b>Aerial Photography</b>	Aerial images	Will provide a visual time series of overall conditions within the GDE and allow for comparison of conditions over time and during different hydrologic and climatic conditions	At least four times per year, concurrent with habitat suitability surveys	Aerial photographs of the upper, middle, and lower portions of the Foster Park Aquatic Habitat Area Aquatic GDE	General photography and FAA rules
<b>Repeat Ground Photography</b>	Photographs of instream and riparian habitat from fixed locations	Will provide a visual time series for each monitoring location that will allow for comparison of habitat conditions over time and during different hydrologic and climatic conditions	At least four times per year, concurrent with habitat suitability surveys	Photographs will be taken from fixed locations at each mesohabitat that is monitored during the habitat suitability surveys	General photography

<sup>1</sup>. Los Angeles Regional Water Quality Control Board  
<sup>2</sup>. U.S. Geological Survey



### **Baseline-Initial Habitat Mapping**

The Foster Park Aquatic Habitat Area Aquatic GDE will be mapped using CDFW methods (Flosi et al. 2010), most likely at Level II or Level III habitat<sup>4</sup> types. This survey will occur once at the beginning of the monitoring program, likely in the Fall of 2022. Surveyors will document all mesohabitats within the GDE, including pools, riffles, and glides.

#### *Purpose of monitoring component*

This initial survey effort will provide **baseline** data on the aquatic habitat present within the GDE, as well as a map of all aquatic mesohabitats in the GDE. These mesohabitats can then be randomly or systematically chosen as monitoring locations for the subsequent routine habitat suitability and mapping surveys.

Note that habitat conditions are likely to change during and following large storm events, and the monitoring locations will inherently require adjustment if mesohabitat characteristics are substantially changed. This assessment would be made through the subsequent biological surveys, and if a large storm event occurred that substantially "reset" the channel morphology, an additional mapping event may be needed to account for the new habitat structure.

### **Routine Habitat Suitability and Snorkel Surveys**

Routine habitat suitability surveys will be conducted once during the rainy season (between December and April) and at least three times during the dry season (between July and October) and will focus on a subset of mesohabitats (e.g., pools, riffles, glides) either randomly or systematically selected following the initial **baseline**-habitat mapping effort. These surveys will provide data on habitat suitability for special-status species, including steelhead and CRLF, as well as other aquatic organisms.

Surveyors will collect data for a suite of variables within these predetermined mesohabitats, including, but not limited to, substrate size, canopy cover, instream cover, gradient, elevation, and thalweg depth. Water quality data, including water temperature, DO, and pH, will also be collected at each monitoring location using a handheld probe. Macroalgae presence/absence will be documented, and photos will be collected to show areal extent. Habitat suitability surveys will follow protocols outlined by Flosi et al. (2010), Normandeau Associates, Inc (2015), Padre Associates, Inc. (2013), and the USFWS (2005).

When sufficient water is present, underwater snorkel surveys will also be performed as part of these routine surveys to document the presence of steelhead, CRLF tadpoles, and other aquatic species. Performing underwater surveys is a cost-effective and non-invasive method to determine fish distribution and aquatic species composition. Snorkel surveys will follow [the appropriate](#) protocols outlined by Flosi et al. (2010) [and Boughton et al. \(2022\)](#). Any observed fish stranding and/or mortality will also be documented during each survey.

In addition, nighttime surveys will also be conducted at designated locations throughout the Foster Park Aquatic Habitat Area Aquatic GDE to provide more accurate documentation of the presence or

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<sup>4</sup> There are four levels of classification used to describe physical fish habitat. Each higher level in the sequence includes more descriptive categories of habitat types. Level I categorizes habitat into riffles or pools. Level II categorizes riffles into riffle or flatwater habitat types, for a total of three types (riffle, pool, and flatwater). Level III further differentiates riffle types on the basis of water surface gradient (riffle or cascade), and pool types according to their location in the stream channel (main channel, lateral scour, or backwater).

absence of CRLF, invasive amphibian species (such as bullfrogs), and other nocturnal aquatic species. Night surveys will follow protocols outlined by the USFWS (2005).

#### *Purpose of monitoring component*

Conducting routine habitat suitability surveys will allow for the quantification of habitat suitability and species abundance within the Foster Park Aquatic Habitat Area Aquatic GDE, which will build on the findings of previous studies (e.g., Normandeau Associates, Inc. 2015, Padre 2013) to provide an understanding of existing habitat conditions within the GDE and allow for comparison of SS HSI scores and water quality parameters under varying flow conditions.

### **Continuous Surface Water Quality and Flow Monitoring**

Two continuous surface water quality monitoring stations will be installed within the Foster Park Aquatic Habitat Area. These stations will likely be collocated with City of Ventura continuous surface water flow gage VR-2 and USGS Site ID 11118500 (Figure 1). These existing stream gages are located at the upstream and downstream extent of the aquatic habitat area and will provide accurate and reliable long-term continuous flow data. Continuous instream water quality monitoring will be conducted with multi-parameter water quality sondes, which will provide data on important habitat suitability parameters, including water temperature, dissolved oxygen (DO), and pH.

Data from the surface water monitoring stations will be downloaded during each routine habitat suitability survey. Additional downloads may occur if the water quality sondes require more frequent maintenance. Water quality data can then be correlated with flow and water level data taken from the existing County and USGS gages. Methods will align with those outlined in the UVRGA Monitoring and Data Collection Protocols (UVRGA 2018).

#### *Purpose of monitoring component*

Continuous surface water quality monitoring will provide data that show how streamflow correlates with water quality parameters within the GDE. The water quality parameters measured (e.g., DO, pH, and temperature) are important habitat suitability components for special-status aquatic species and continuous water quality data will therefore allow for analysis of habitat suitability under varying flow conditions. Additionally, continuous water quality data can allow for daily comparisons, as temperature and DO in particular can fluctuate greatly between daytime and nighttime. Water quality and water level data will also be compared with climatic data and ISW depletion modeling (conducted by UVRGA) to better understand how annual and seasonal variation, natural baseflow recession, and groundwater extraction, affect conditions within the Foster Park Aquatic Habitat Area Aquatic GDE.

### **Aerial Photography**

Aerial photography of the Foster Park Aquatic Habitat Area Aquatic GDE will be conducted with an unmanned aerial vehicle (UAV) by a licensed UAV pilot. Aerial photographs will be taken of the upper, lower, and middle portions of the GDE at predetermined sites, most likely from a height of 50 to 100 feet, with both upstream and downstream views captured, at a minimum. Aerial photography will be conducted at least four times annually, simultaneous with the routine habitat suitability surveys.

## Item 10(a), Attachment C

Upper Ventura River Groundwater Agency

### **Foster Park Aquatic Habitat Area Aquatic Groundwater Dependent Ecosystem Monitoring Workplan**

#### *Purpose of monitoring component*

Conducting aerial photography will provide a visual time series of the overall conditions within the GDE and allow for comparison of the aquatic habitat during and following different hydrologic and climatic conditions.

#### **Repeat Ground Photography**

Repeat ground photography will be conducted during each monitoring effort, at the designated monitoring locations established [by the initial habitat mapping event](#) for the routine habitat suitability surveys. Photographs will be taken at the same locations and from the same vantage points with the same orientation (upstream and downstream) at least four times annually, during each habitat suitability survey. Photographs will be taken in ArcGIS Collector using an electronic data tablet.

#### *Purpose of monitoring component*

Conducting repeat photography will provide a visual time series for each monitoring location of both instream and riparian habitat. These photographs will allow for comparison of habitat conditions over time and during differing hydrologic and climatic conditions.

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### 3 Data Interpretation and Evaluation Methodology

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Monitoring data will be collected in the field using ArcGIS Collector software (as described in Section 2), synced with an online server, and compiled into a digital database for organization, interpretation, and evaluation.

#### Habitat Suitability Conditions and Relationship to ISW Depletion

It is known that steelhead occur throughout the Ventura River, and the entire river (up to the Ordinary High Water Mark) within the Basin is designated as critical habitat for steelhead. Established methodologies will be used to evaluate habitat suitability for steelhead within the Foster Park Aquatic Habitat Area, which will also provide data on the overall existing ecological conditions within the GDE. Understanding existing ecological conditions within the GDE and tracking how conditions change in comparison with modeled ISW depletion estimates will be used to determine the effects of ISW depletion on this aquatic GDE and to evaluate the SMC put forth in the GSP.

The SS HSI model developed by Normandeau Associates, Inc. (2015) and utilized by Padre Associates, Inc. (2013) will be used to analyze data collected during the habitat suitability surveys, as well as continuously collected water level and water quality data. The SS HSI model will be used to calculate HSI scores at each monitoring location within the Foster Park Aquatic Habitat Area Aquatic GDE. These SS HSI scores can then be compared with streamflow data and numerical modeling of ISW depletion to gain a better understanding of the nature and frequency of significant and unreasonable effects that might occur as a result of ISW depletion. This quantitative evaluation can be used to inform ongoing evaluation of the ISW depletion SMC for the Foster Park Aquatic Habitat Area.

Steelhead presence/absence and overall species abundance data within the GDE will also be considered when assessing if and when significant and unreasonable effects are occurring. Additionally, aerial and repeat photography will allow for visual comparisons of conditions within the GDE, as well as at specific mesohabitats within the GDE. Qualitative assessments of vegetative health, presence or absence of water, and water quality may be made using these time series images.

The results of the monitoring program will be evaluated to assess undesirable results for depletions of ISW. Specifically, the SS HSI scores, species presence/absence and overall species abundance data, will be evaluated together with the model derived estimates of ISW depletion to draw conclusions about the effects of the depletion on the aquatic GDE. This evaluation will occur in the 5-year GSP assessment and update.

#### Consideration of Other Monitoring Programs

In addition to the data collected through this monitoring program, data collected by other regional stakeholders (as described in Section 1.1) will be incorporated into the analysis. Data collected in other areas of the Basin could also serve as a basis of comparison for the GDE and may help in understanding how habitat conditions change within the river both seasonally and/or due to groundwater pumping.

### 3.1 Annual Progress Reports

Following completion of each full year of monitoring, a written memo will be provided to the UVRGA with a summary of the monitoring efforts completed, the data collected, and a preliminary analysis of the findings for that year. Links to the online server with the data and Collector maps will also be provided. Annual progress reports will be submitted in December 2023 and December 2024 covering the preceding water year.

### 3.2 Final Assessment Report

The monitoring program data will be compiled and analyzed in a final assessment report that will be submitted to the UVRGA following completion of the third year of monitoring. This report will include the following components:

- Detailed maps and figures of all monitoring locations and habitat mapped within the GDE;
- Quantitative and qualitative descriptions of overall habitat conditions within the GDE, habitat suitability conditions at various flows and groundwater conditions, and modeled depletion of ISW;
- Calculated HSI scores for each monitoring location within the GDE during each site visit;
- Statistical analyses of the relationship between streamflow, groundwater levels, modeled ISW depletion, and habitat conditions within the GDE;
- Evaluation of whether the existing SMC for ISW depletion in the Foster Park Aquatic Habitat Area prevent significant and unreasonable effects; and
- Recommendations for a streamlined monitoring program for the remainder of the GSP implementation period.

## 4 Monitoring Program Schedule and Budget

### 4.1 Monitoring Program Schedule

Table 4 provides an overview of the approximate schedule for implementation of this workplan.

**Table 4 Three-year Monitoring Program Schedule Overview**

Monitoring Program Milestones	Timeline
Submittal of Draft Workplan	May 2022
Public Comment Period	June 2022
Approval of Final Workplan and Contracting	August 2022
Implementation of the Monitoring Program	October 2022 – October 2025
1. <del>Baseline</del> -Initial Habitat Mapping	1. Fall 2022
2. Routine Habitat Suitability Surveys	2. At least four times annually (once during winter, at least three times during dry season)
3. Aerial Photography	3. At least four times annually, during each field visit
4. Repeat Ground Photography	4. At least four times annually, during each field visit
5. Water Quality and Water Level Monitoring	5. Continuous monitoring, data downloads during each field visit
Installation of Water Quality and Water Level Monitoring Stations	Fall 2022
Annual Progress Reports	December 2023 and 2024
Final Three-Year Findings Report	December 2025

### 4.2 Budget

Rincon anticipates that implementation of the monitoring program over three years (2022 through 2025), as described in this workplan, will not exceed the Foster Park monitoring budget estimated in the GSP. Specifically, this amount is expected to be sufficient to cover monitoring efforts, as well as data management, analysis, and reporting. The budget included in the GSP was as follows:

- Fiscal Year 2022/2023: \$30,252
- Fiscal Year 2023/2024: \$21,294
- Fiscal Year 2024/2025: \$18,800

## 5 References

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## Appendix A

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Foster Park Aquatic Habitat Area Photographs

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**Photograph 1.** Northern portion of Foster Park Aquatic Habitat Area (facing north).



**Photograph 2.** Southern portion of Foster Park Aquatic Habitat Area (facing north).

Photographs by S. Howard, January 22, 2020 and April 19, 2021

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

**DATE:** August 11, 2022

**TO:** Board of Directors

**FROM:** Executive Director

**SUBJECT:** Professional Services Contract for GSP Implementation Grant Application

### **SUMMARY**

UVRGA will be eligible to apply for GSP implementation funding during the upcoming SGMA Implementation Round 2 Grant solicitation scheduled for October 2022. The Round 1 grants were limited to “critical overdraft” basins and Round 2 will be open to all basins with a GSP. The Round 2 solicitation will provide over \$200 million from various funding sources for planning and implementation projects to help comply with SGMA. Eligible costs include just about anything related to GSP implementation and there is no cost share requirement (although points are awarded if a minimum of 5% is committed by the applicant). Round 2 will provide grants ranging from a minimum of \$1 million to a maximum of \$20 million per basin. Given that the average award will likely be several millions of dollars and the fact that there are approximately 120 basins in State subject to SGMA, this round of funding will likely be very competitive.

To develop the most competitive grant application possible, it is recommended that the Agency contract with a grant specialist to assist the Executive Director and begin work on the application soon. To this end, staff obtained a proposal from Kennedy/Jenks Consultants to assist with the grant application. Kennedy/Jenks Consultants has a team of local professionals that specialize in grants, including successful applications under the SGMA planning grant program (Fillmore/Piru Basin) and Round 1 of the SGMA implementation grant program (Fox Canyon GMA). During his past employment at Calleguas MWD, the Executive Director worked with Kennedy/Jenks Consultants on Integrated Regional Water Management grants applications and has a great working relationship with the Kennedy/Jenks Consultants project manager.

Attachment A presents UVRGA’s master services agreement with redline edits suggested by Kennedy/Jenks Consultants. Attachment B presents a draft work order with Kennedy/Jenks Consultants’ proposal.

### **FISCAL SUMMARY**

The FY 22/23 budget includes \$25,000 for a grant application.

## **RECOMMENDED ACTIONS**

Consider approving a master service agreement and work order for Kennedy/Jenks Consultants to prepare a GSP Implementation Grant Application in an amount not to exceed \$17,745 and \$2,255 contingency to be authorized at the discretion of the Executive Director (\$20,000 total authorization).

## **BACKGROUND**

Please see summary.

## **ATTACHMENTS**

- A. MSA (with Kennedy/Jenks Consultants redline proposed edits)
- B. Draft Work Order w/ Proposal

Action: \_\_\_\_\_

Motion: \_\_\_\_\_

B. Kuebler\_ M. Etchart\_ P. Kaiser\_ J. Tribo\_ A. Anselm\_ V. Crawford\_ E. Ayala\_



## Master Services Agreement

This Master Services Agreement (the "MSA") is made and entered into by and between **Upper Ventura River Groundwater Agency** ("UVRGA"), and **Kennedy/Jenks Consultants**, ("Service Provider") (each a "Party" and collectively the "Parties") as of this 18<sup>th</sup> day of August, 2020 (the "Effective Date"). The words "we", "us", and "our" refer to UVRGA, and the words "you" and "your" refer to the Service Provider.

By signing this MSA, the Parties agree as follows:

### 1. MSA Documents

This MSA sets forth basic terms that will apply to your performance of services during the term of this MSA. Additional and specific terms that will apply to a particular project ("Project") and the performance of particular services will be set forth in one or more statements of work ("SOWs") substantially in the form of Exhibit A. Each SOW will be governed by this MSA. If any term in this MSA conflicts with a term in a SOW, the terms and conditions of this MSA will control, unless the SOW specifies that its terms and conditions will control. Specific terms in a SOW will not affect any other SOW governed by this MSA without explicit agreement of the Parties in writing.

### 2. Statements of Work / Purchase Orders

You will be responsible for providing all services described in a Statement of Work ("SOW") ("Services"). Each SOW will detail the material terms and conditions applicable to the Services to be provided pursuant to that SOW. A SOW may add additional Services and obligations of the Parties and include additional legal terms and conditions. If either Party requires an assigned purchase order number on invoices, it is understood and agreed that the purchase order document is for internal accounting purposes only and that neither or nor any accompanying form will in any way modify, add to, or delete any of the terms and conditions of this MSA or any SOW.

### 3. Fees and Payment

Fees shall be defined in each SOW.

~~Timely invoicing is critical for avoiding delays in grant reporting and grant reimbursement.~~ All billing must occur on a monthly basis and shall be based on time and materials. Invoices are due to UVRGA by the 5th working day of each month for charges incurred during the prior month. All invoices must be emailed to Agency ~~Administrator~~ Treasurer (email address currently [sward@uvrgroundwater.org](mailto:sward@uvrgroundwater.org)) [carrie@troupcpa.com](mailto:carrie@troupcpa.com)) with cc to the Executive Director (email address currently [bbondy@uvrgroundwater.org](mailto:bbondy@uvrgroundwater.org)) to receive timely payment. All timely invoices received by the 5th working day of the month will be payable on a Net-45 basis. Invoices received after the 5th working day of the month will be payable on a Net-60 basis. ~~Payment for invoices received more than 30 calendar days after any month in which charges were incurred will be payable on Net-180 basis or when grant funds associated with the work are received, whichever occurs first.~~

If, for any reason, we dispute the performance of the Services or the applicable Fees, we will (a) promptly pay all undisputed Fees and (b) provide a detailed description of the nonconforming Services or disputed Fees sufficient for the Parties to discuss and make a good faith attempt to resolve the dispute ("Invoice Dispute"). If we do not make payment or issue an Invoice Dispute within 60 days, you may provide us with 10 days' written notice of non-payment, after which, if the failure to pay or issue an Invoice Dispute is not cured, you may suspend performance of all Services until we either (i) make payment or (ii) issue a sufficiently detailed Invoice Dispute.

Unless expressly stated in the SOW, you will bear sole responsibility for all expenses incurred in connection with the performance of Services. If a SOW specifies that we will be reimbursing any of your travel and out-of-pocket expenses ("Expenses"), you agree to comply with each of our travel and reimbursement policies, whether formal or informal. Any policy waivers or exceptions must be confirmed in writing by us before you incur the expense. You also agree to provide us with advance notice and estimated anticipated Expenses and to invoice us at your cost and/or IRS-approved rates where applicable and provide copies of original receipts.

### 4. Confidentiality

We will direct the Services provided by you, and all communications with you regarding this matter will be through us. ~~All Services and communications are protected by the attorney-client privilege and attorney work product doctrine.~~ Accordingly, all documents, reports, disclosures, plans, and other information of any nature and description, which UVRGA supplies to you or

which you discover or develop in performance of the Services is deemed confidential. You must not disclose any of the same to any third party without our prior written authorization, except to the extent that information is in the public domain, was in your possession prior to disclosure to UVRGA or you are required by law.

## 5. Term and Termination

The term of this MSA will be perpetual from the Effective Date until terminated by either Party on written notice; provided, however, that no termination will affect obligations incurred under this MSA before termination or which, by their nature, extend beyond the term. Notwithstanding the preceding sentence, this MSA will remain in effect for so long as you are obligated to provide Services under any operative SOW.

## 6. Work and Labor

You agree to observe all laws, ordinances, rules, and regulations of any government unit or agency affecting items furnished and/or the performance of Services.

## 7. Standard of Work Performed and Materials Sourced

You warrant that you will perform all Services satisfactorily and in a timely manner in accordance with our agreed-upon SOW, specifications, drawings, samples, and any other description you furnish to us prior to or during the course of your Services. In the absence of exact specifications otherwise in the SOW, we will assume that all materials furnished will be ~~of the highest grade and best sound~~ quality, and the work will be performed in a professional and ~~first-class-competent~~ manner consistent with the customary care and skill ordinarily exercised by professionals in your industry.

In addition to any other rights or remedies available at law or in equity, you agree to re-execute, at your own cost and expense, any ~~such~~ defective or reasonably unsatisfactory work that appears during progress of the Services and will remedy and replace, at your own cost and expense, any ~~such~~ defects ~~due to faulty materials or workmanship~~ which appear within a period of one (1) year from the date of acceptance of the completed work by us.

## 8. No Liens or Encumbrances

You warrant that no liens, encumbrances, security interests, or other third-party claims of any type will attach to real or personal property owned or leased by us as a consequence of your performance of Services hereunder. (For yourself, your successors, and others acting both through or under you.) You also agree, upon request, to furnish to us standard forms of waiver of lien signed by you and all contractors, subcontractors, and materialmen who will furnish labor and materials hereunder.

## 9. Ownership of Work

Except to the extent that it is expressly limited in any particular SOW, all right, title and interest in the work product of your Services will be and remain our sole property and will constitute a "work-made-for-hire" as such term is understood under U.S. copyright laws. We will have the exclusive right, but not the obligation, to use, adapt, alter, delete from, add to, or rearrange such work product, or any part thereof, to combine the same with other works, and to patent, register for trademark protection, and/or otherwise exploit any and all of the foregoing in any manner as we may determine in our sole discretion. You agree to execute other instruments, give further assurances, and perform acts which are or may become necessary or appropriate to effectuate and carry out the provisions of this Section 9. To the extent ownership of any work product resulting from your Services for us does not by operation of law vest in us, you hereby assign, sell, transfer, grant, and convey all right, title, and interest in such work product to us. However, during the course of this MSA, you may further develop your knowledge, skills, and experience. Other than as may fall within the "Confidentiality" section of this MSA, nothing in this MSA is intended to limit your use of any knowledge, skills, experience, ideas, concepts, know-how, and techniques developed before or during the course of this MSA, without limitation, in the development, manufacturing, and marketing of your Services.

## 10. Indemnity

You agree to defend (with counsel acceptable to us), indemnify, and hold us (including our affiliates, member agencies, employees, agents, and representatives) harmless against any and all claims, demands, or other liabilities for suits, injuries, damages, losses, fines, expenses, or costs of any sort, including attorney's fees (collectively, "Claims") to the extent caused by your negligent performance of Services, your intentional misconduct, or your breach of any other obligation under this MSA; except that you need not indemnify with respect to that portion of a Claim resulting from our negligence or intentional misconduct, or to the extent of your reliance on the express written approval, acceptance, or instructions of us with respect to the act or omission giving rise to the Claim. You will, as soon as reasonably possible after receiving notice of a third-party Claim for which

indemnity might be sought, notify us in writing, provided that the failure to notify will not relieve you of your obligations. You shall have no duty to provide or to pay for an up-front defense against unproven claims or allegations but shall promptly reimburse UVRGA for reasonable attorney's fees and costs of suit actually incurred by UVRGA in defense of those claims which are determined in the final judgment to have been caused by Service Provider's negligent act, negligent omission, or willful misconduct.

### **11. Workers Compensation Insurance**

Both Parties will each insure its own employees and agents with a minimum of \$1,000,000 Workers' Compensation Insurance and, regardless of policy limit, will hold each other harmless from any claims by its own employees, contractors, subcontractors, and materialmen who have furnished labor hereunder, or successors for injury, disability, or death arising from any work associated with this MSA. Upon request by either Party, a certificate of workers' compensation insurance will be provided evidencing such coverage.

### **12. Insurance**

During the term of this MSA and for a period of three (3) years thereafter, you agree to keep and maintain, at its sole expense, additional insurance as follows:

- (a) Professional Liability (errors and omissions) Insurance of \$1,000,000 per claim and in the aggregate;
- (b) General Commercial Liability Insurance with combined bodily injury, property damage, product liability, completed operations, and contractual liability coverage in the amount of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, which specifically covers this MSA, and names the other Party, its subsidiaries, and affiliated entities as additional insured Parties;
- (c) Automobile Liability Insurance, including coverage for hired, owned, or non-owned vehicles, in the amount of \$1,000,000 which specifically covers this MSA and names the other Party, its subsidiaries, and affiliated entities as additional insured Parties; and
- (d) You will furnish to us, upon request, an insurance certificate from a carrier with an A.M. Best rating of "A" or better satisfying the above requirements and containing a complete waiver of subrogation. Your insurance coverage may not be terminated or materially changed without thirty (30) days' prior written notice to us.

### **13. Subcontracting/Assignment**

You may not assign or subcontract any portion of your obligation to perform Services, nor may you assign any money due or to become due under this MSA, without our prior written consent. We may not assign this MSA without your written consent, which may not be unreasonably withheld; provided that such consent will not be necessary for the assignment, by operation of law or otherwise, to any of our parents, subsidiaries, affiliates, or any entity that succeeds our business in connection with a merger, reorganization, or sale of all or substantially all of our assets or voting securities. This MSA will be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

### **14. Independent Contractor/No Third-Party Beneficiaries or Exclusivity by Service Provider**

Nothing in this MSA will provide any benefit to any third party; it being the intent of the Parties that this MSA will not be construed as a third-party beneficiary contract. You are acting as our independent contractor and nothing in this MSA will be construed to create or imply a joint venture, partnership, association, or similar obligation between us. As such, any and all sums paid by us to you that are subject to taxing deductions, if any, will be your sole responsibility and you will indemnify and hold us harmless from any and all damages, claims, and expenses, including reasonable attorney's fees, arising out of or resulting from any claims asserted by any taxing authority as a result of or in connection with said payments. Nothing in this MSA will impose any obligation on you to provide exclusive services to us.

### **15. Conflict of Interest**

You represent and warrant to us that to your best knowledge, neither you nor any individual who will be performing Services for us has any other interests or business relationships of any kind which could either conflict with our interests or create the appearance of a conflict. You will immediately and fully apprise us of any potential conflicts that may arise.

### **16. General Warranties**

Each Party represents and warrants that: (i) it is duly organized, validly existing, and in good standing under the laws of

the jurisdiction of its formation and is qualified to conduct its business in those jurisdictions necessary to perform this MSA; (ii) the execution and delivery of this MSA are within its powers, have been duly authorized by all necessary action and do not violate any of the terms or conditions in its governing documents or any contract to which it is a Party or any law applicable to it; (iii) this MSA constitutes a legal, valid, and binding obligation of such Party enforceable against it in accordance with its terms (subject to any equitable defenses); (iv) there are no bankruptcy, insolvency, reorganization, receivership, or other similar proceedings pending or being contemplated by it, or to its knowledge threatened against it; and (v) there are no suits, proceedings, judgments, rulings, or orders by or before any court or any governmental authority that could materially adversely affect its ability to perform this MSA.

## **17. Force Majeure**

Force Majeure is the only excuse for non-performance of this MSA by either Party and all other excuses waived. Each Party shall be relieved of its obligation to perform any part of this MSA to the extent its performance is prevented or rendered impracticable by any events or circumstances beyond its reasonable control including, but not limited to, war, fires, floods, acts of God (natural disasters), governmental restrictions, labor lock-outs, civil uprising resulting in damage or destruction of any facilities. Each Party will promptly notify the other in writing of any inability to perform and the cause thereof, as well as its good faith estimate of the date upon which the event will end and its performance will resume. You agree that in the event of a Force Majeure, your allocation of available resources or supply to us will be based on fair allocation by volume among your customers without regard to price or profitability. If the event is anticipated to extend beyond 60 days, we may, at our option, cancel the SOW and/or this MSA and be relieved from our obligations as of the date of cancellation. Both Parties will make reasonable efforts to avoid the adverse impacts of a Force Majeure and to expeditiously resolve the event or occurrence once in order to resume performance.

## **18. Events of Default**

An "Event of Default" means, with respect to a Party (the "Defaulting Party"): (a) any false or misleading representation or warranty made by a Party or the failure of a representation or warranty made by a Party to remain true during the Term hereof; or (b) a Party: (i) makes an assignment or any general arrangement for the benefit of creditors; (ii) files a petition or otherwise authorizes the commencement of a proceeding under any bankruptcy or similar law for the protection of creditors, or has such petition filed against it and such petition is not withdrawn or dismissed for 20 business days after such filing; (iii) otherwise becomes bankrupt or insolvent; (iv) is unable to pay its debts when due; (v) fails to post, maintain, renew, or increase collateral when and as may be required hereunder during any Term and such failure is not remedied within two (2) business days after written notice thereof is received; (c) the failure of a Party to perform a material obligation under this MSA or SOW when such failure is not excused by Force Majeure; or (d) any other event affecting such Party specified as an Event of Default in this MSA.

In addition to any other remedies available at law or equity, if an Event of Default with respect to a Defaulting Party has occurred and is continuing, the other Party will have the right to (a) provide written notice of (and stating the nature of) such Event of Default to the Defaulting Party; (b) designate a date between 1 and 20 days after such notice is effective on which this MSA will terminate; (c) withhold payments due to the Defaulting Party; and (d) suspend performance.

## **19. Governing Law**

This MSA will be governed by the laws of California, notwithstanding any state's choice of law rules to the contrary.

## **20. Severability**

In the event any provision of this MSA is held to be unenforceable for any reason, the unenforceability thereof shall not affect the validity or enforceability of any other provision of this MSA, which shall remain in full force and effect and in accordance with its terms.

## **21. Miscellaneous**

All provisions of this MSA which must, in order to give full force and effect to the Parties' rights and obligations, survive the termination or expiration of this MSA, will so survive. Amendments to this MSA are not enforceable unless in writing and executed by both Parties. No waiver or consent, express or implied, of any default will operate as a waiver or consent of any other default. In entering into this MSA, the Parties represent that they have each had an opportunity to consult with their own attorneys and that all of the Parties have cooperated in the drafting and preparation of this MSA. The language of this MSA may not be construed for or against any Party on the grounds that any specific Party or Parties authored this MSA.



## 22. Notices and Billings

Notices shall be provided to the addresses below. Notices must be provided by facsimile, electronic email, or hand delivery and will be deemed received on the business day it was transmitted or delivered (unless transmitted or delivered after the close of business in which case it will be deemed received on the next business day), and notice by overnight mail or courier will be deemed received two business days after it was sent:

Either Party may change their address for the purpose of this MSA by giving written notice of such change to the other Party in the manner provided in this paragraph.

UPPER VENTURA RIVER GROUNDWATER AGENCY	
All Notices:	Billings
Bryan Bondy, Executive Director	<del>Summer Ward</del> <a href="#">Carrie Troup, CPA</a>
Post Office Box 1779 Ojai, CA 93024	<del>Agency Administrator</del> <a href="#">Treasurer</a>
Phone No.: 805-212-0484	Phone No.: (805) 646-2114
Email: <a href="mailto:bbondy@uvrgroundwater.org">bbondy@uvrgroundwater.org</a>	Email: <del><a href="mailto:sward@uvrgroundwater.org">sward@uvrgroundwater.org</a></del> <a href="mailto:carrie@troupcpa.com">carrie@troupcpa.com</a>

And

Kennedy Jenks Consultants, Inc.	
All Notices:	Billings
[NAME]	[NAME]
[ADDRESS]	[ADDRESS]
Phone No.:	Phone No.:
Email:	Email:

THIS MSA, INCLUDING ANY EXHIBITS AND SCHEDULES, CONSTITUTES THE PARTIES' COMPLETE AGREEMENT WITH RESPECT TO THE SUBJECT MATTER HEREOF AND SUPERSEDES ANY PRIOR AGREEMENTS OF ANY TYPE, WHETHER WRITTEN OR ORAL. BY SIGNING BELOW, THE PERSON SIGNING FOR YOU WARRANTS THAT HE OR SHE IS DULY AUTHORIZED TO SIGN ON YOUR BEHALF. IF THIS MSA IS ALTERED IN ANY WAY, IT WILL BE VOID AB INITIO.

Item 10(b), Attachment A

**IN WITNESS WHEREOF**, the Parties, by their respective duly authorized representatives, have executed this MSA effective as of the Effective Date.

Kennedy/Jenks Consultants Inc.	UPPER VENTURA RIVER GROUNDWATER AGENCY
By: _____	By: _____
Print Name: _____	Print Name: Bryan Bondy
Title: _____	Title: Executive Director
Date: _____	Date: _____

## **EXHIBIT A**

### **STATEMENT OF WORK (WORK ORDER) TEMPLATE**

## Statement of Work

**Work Order No. X [ADD TITLE]**

**To:** Kennedy/Jenks Consultants.  
2775 N. Ventura Road, Suite 202  
Oxnard, California 93036  
Attention: \_\_\_\_\_  
Email: \_\_\_\_\_

**From:** Upper Ventura River Groundwater Agency  
202 W. El Roblar Dr., Ojai, California 93023  
Attention: Bryan Bondy  
Email: [bbondy@uvrgroundwater.org](mailto:bbondy@uvrgroundwater.org)

In accordance with our Master Services Agreement (“MSA”) dated \_\_\_\_\_, the following Statement of Work (“SOW”) is entered into by Upper Ventura River Groundwater Agency (“Customer”) and Kennedy/Jenks Consultants, Inc. (“Provider”) for a new project and/or services (collectively, “Services”):

**GENERAL NATURE OF SERVICES:** [ADD SUMMARY OF SERVICES] When applicable, Provider shall ensure all work is performed under the supervision of a California Professional Civil Engineer or Professional Geologist.

**SCOPE OF SERVICES:** [See attached proposal or add scope description].

**COMPLETION DATE:** \_\_\_\_\_ through \_\_\_\_\_.

**COMPENSATION AND PAYMENT:** Time and material services, not-to-exceed \$\_\_\_\_\_, without prior written authorization. Labor Rates are pursuant to MSA

### PAYMENT TERMS

Payments shall be due:

- ☐ upon the completion of the SOW  
☒ as follows: Per MSA terms.

### ADDITIONAL TERMS AND CONDITIONS

This SOW will be governed by the terms and conditions of the MSA. In the event of any conflict between the terms set forth in this SOW and the MSA, the MSA shall be deemed to control the relationship between the parties with respect to the SOW.

### ACCEPTED AND AGREED:

<b>“PROVIDER”</b> Kennedy/Jenks Consultants, inc.	<b>“CUSTOMER”</b> UPPER VENTURA RIVER GROUNDWATER AGENCY
By:  Print Name: _____  Title: _____  Date: _____	By:  Print Name: Bryan Bondy  Title: Executive Director  Date: _____

## Statement of Work

### Work Order No. 1 GSP Implementation Grant Application

**To:** Kennedy/Jenks Consultants.  
2775 N. Ventura Road, Suite 202  
Oxnard, California 93036  
**Attention:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

**From:** Upper Ventura River Groundwater Agency  
202 W. El Roblar Dr., Ojai, California 93023  
Attention: Bryan Bondy  
Email: [bbondy@uvrgroundwater.org](mailto:bbondy@uvrgroundwater.org)

In accordance with our Master Services Agreement (“**MSA**”) dated \_\_\_\_\_, the following Statement of Work (“**SOW**”) is entered into by Upper Ventura River Groundwater Agency (“**Customer**”) and Kennedy/Jenks Consultants, Inc. (“**Provider**”) for a new project and/or services (collectively, “**Services**”):

**GENERAL NATURE OF SERVICES:** Assist UVRGA with preparation of a Round 2 SGMA Implementation Grant application. When applicable, Provider shall ensure all work is performed under the supervision of a California Professional Civil Engineer or Professional Geologist.

**SCOPE OF SERVICES:** See attached proposal dated August 3, 2022.

**COMPLETION DATE:** August 11, 2022 through grant application submittal deadline (TBD by Department of Water Resources).

**COMPENSATION AND PAYMENT:** Time and material services, not-to-exceed \$17,745, without prior written authorization. An additional contingency budget of \$2,255 is reserved for potential unanticipated costs. Use of contingency funds requires prior written approval by the Executive Director. Labor rates are pursuant to attached proposal.

#### PAYMENT TERMS

Payments shall be due:

- ☐ upon the completion of the SOW  
☒ as follows: Per MSA terms.

#### ADDITIONAL TERMS AND CONDITIONS

This SOW will be governed by the terms and conditions of the MSA. In the event of any conflict between the terms set forth in this SOW and the MSA, the MSA shall be deemed to control the relationship between the parties with respect to the SOW.

#### ACCEPTED AND AGREED:

<b>“PROVIDER”</b> Kennedy/Jenks Consultants, inc.	<b>“CUSTOMER”</b> UPPER VENTURA RIVER GROUNDWATER AGENCY
By:  <b>Print Name:</b> _____  <b>Title:</b> _____  Date: _____	By:  Print Name: Bryan Bondy  Title: Executive Director  Date: _____



3 August 2022

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

Subject: Proposal for Professional Services to Assist with Application to the Sustainable Groundwater Management Program Implementation Grant 2022 on behalf of Upper Ventura River Groundwater Agency

Dear Mr. Bondy:

As requested, Kennedy/Jenks Consultants (KJ) is submitting this proposal to provide assistance with a Department of Water Resources (DWR) Sustainable Groundwater Management Act (SGMA) Implementation Grant Program application for the Upper Ventura River Groundwater Agency (UVRGA). The due date for the grant application is not known at this time but is anticipated in the late fall 2022.

### GRANT PREPARATION SUCCESS

KJ has been a longstanding technical resource in Ventura County. KJ stays familiar with the water resources of Ventura County, and has partnered in the planning, funding, design, and construction of local projects. In the past, KJ has assisted many local agencies, including Casitas Municipal Water District, City of Ventura, City of Oxnard, United Water Conservation District, City of Camarillo, County of Ventura, and Calleguas Municipal Water District with successful grant applications. **Grant application work is handled by water resources planners and grant funding experts in our Oxnard California office.** Below is a brief summary of recent local grant application work:

#### ***Sustainable Groundwater Management Program Implementation Grant for Critically Overdrafted Basins***

KJ coordinated with the Fox Canyon Groundwater Management Agency and stakeholders of the Pleasant Valley Groundwater Basin and the Oxnard Subbasin to prepare a successful grant application to implement eight projects that will benefit the goals of the local groundwater sustainability plans. Total award was \$15.2 million.

#### ***Integrated Regional Water Management Grant Administration and Grant Writing Services, County of Ventura, Ventura, CA***

KJ has provided grant assistance for the County of Ventura's Watersheds Coalition of Ventura County Integrated Regional Water Management (IRWM) Program grants for over a decade starting with the administration of the Proposition 50 Implementation Grant and continuing with administration and successful applications for all four rounds of Proposition 84 Implementation Grants: Round 1, Round 2, Drought, and 2015. KJ led the coordination, preparation, and submittal of applications for all four Proposition 84 IRWM Implementation grants for the Watersheds Coalition of Ventura County which resulted in award of 100% of grant requests made. KJ now actively leads the administration of the



Mr. Bryan Bondy  
3 August 2022  
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awarded Proposition 84 Implementation grants, which span a total of 26 individual projects, 15 different entities, and a total grant allocation of over \$56 million.

***Groundwater Utilization Program Grant Assistance, City of Thousand Oaks***

In addition to design and engineering services that KJ has been providing to the City of Thousand Oaks in relation to its Los Robles Golf Course Groundwater Utilization Program, KJ has also been providing ongoing grant-related assistance. Potential funding opportunities for the piloting and full-scale implementation of the project were researched, identified and summarized for inclusion in the Preliminary Draft Report. KJ then recently assisted with the preparation and submittal of two successful grant applications to fund the design pilot. Grant funding of nearly \$720,000 was awarded under the Metropolitan Water District of Southern California Future Supply Actions Funding Program and the Department of Water Resources Desalination Grant Program. Assistance has been provided for finalizing the Metropolitan funding agreement. KJ also assisted the City with the preparation of application materials for the Watersheds Coalition of Ventura County Prop 1 Round 1 IRWM grant.

***As-Needed Grant Support Services, United Water Conservation District***

KJ has been providing ongoing grant monitoring and writing assistance to the United Water Conservation District. KJ regularly monitors funding programs for the District's projects, discusses identified programs and project suitability, and makes recommendations on pursuing funding programs. KJ prepared the successful application for the 2018 USBR WaterSMART Drought Resiliency Grant for the District's Iron and Manganese Treatment Project for which a total of \$300,000 in grant funding was awarded. KJ prepared the Fillmore and Piru Basins Groundwater Sustainability Plans application, for which the District received \$1.5 million in grant funding. KJ also recently prepared three CalOES/FEMA Hazard Mitigation Grant Program applications for District generator projects and Santa Felicia Dam improvements. Application activities included completing application forms, preparing technical memos and conducting a Benefit Cost Analysis using FEMA BCA software.

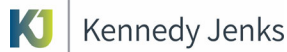
**SCOPE OF SERVICES**

DWR is offering Round 2 funding for basins that are considered medium or high priority basins (and critically over drafted basins, if applicable). Planned UVRGA projects, included in the GSP and first annual report, to be included in a grant application may include:

- Domestic Well Survey
- Groundwater Level Monitoring Well Data Gaps Project
- Stream Gage Data Gaps Project
- Confluence Aquatic Habitat Area Biological Monitoring Study
- 4 monitoring wells (water quality and water levels)
- Annual Reports and Monitoring 2022 to 2025
- Groundwater Management Coordination and Outreach

This proposal assumes that there will not be significant changes in the grant application guidelines or proposal solicitation package (PSP) from that released on December 21, 2021.





Mr. Bryan Bondy  
3 August 2022  
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## **Task 1 – Project Management**

KJ will provide project management and communication to obtain input during the grant preparation process. Other project management functions include coordination of KJ staff, internal project setup, set up of a SharePoint site for document repository and management, review of project status reports and preparation of monthly billings.

Task 1 Deliverables:

- Monthly Invoices
- Draft and Final meeting minutes
- Electronic copies of all meeting handouts and sign-in sheets (if applicable)

## **Task 2 – Grant Application Preparation**

KJ will assist in the preparation of the grant application to be submitted to DWR. The scope and budget in this proposal assume the 7 projects listed above, however it is understood that the number of projects could change after the final PSP is released (anticipated in September 2022). KJ proposes submitting grant application materials for review as these materials are completed. Once all of the attachments are completed, one draft of the full application will be provided electronically to UVRGA.

### **Subtask 2.1 GRanTS Form**

KJ will complete the on-line information tabs on DWR's Grant Review and Tracking System (GRanTS). The GRanTS questionnaire requires information regarding the Applicant (UVRGA), the Proposal name, objective, and budget, all project names included in the Proposal, start/end dates for each project and response to eight narrative questions regarding the project, proposal, and overall eligibility. In addition, information specific to each project such as budget, geographic and legislative information is required.

### **Subtask 2.2 Eligibility Criteria Self-Certification Form**

KJ will assist in preparation and/or assembly of the authorization and eligibility documentation for this attachment. KJ will provide a draft of the required resolution to be adopted by the Board of Directors designating an authorized representative to submit the application and execute an agreement with the State for a SGMA Implementation Grant.

### **Subtask 2.3 General Project Description and Scope of Work**

For each project to be included in the application, a Work Plan will be prepared including a summary of the tasks necessary to complete the project. In accordance with the PSP, the Work Plan includes descriptions of the major project tasks, anticipated deliverables for each task, and current status (% complete) by task for each project. The Work Plan is limited to four pages per project. Maps as appropriate will be developed and included in the Work Plan.

The Work Plan tasks will be consistent with the major tasks identified in the Budget, and Schedule. This will not exceed six (6) pages.



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3 August 2022  
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It is noted that all projects, including invoicing work, are to be completed on or before June 30, 2025.

#### Subtask 2.4 Budget

Based on information requested of, and provided by, each project proponent, the Budget will be prepared. KJ will provide an example detailed budget form as well as an example narrative that documents the development of the costs for each budget category. KJ will provide clear descriptions of eligible costs, funding match, and state funds for each project, and the overall grant proposal. KJ will review budget information provided for consistency with the Work Plan, and the Schedule. Using information provided, KJ will prepare the budget section (maximum of 2-pages) to comply with the format found in the PSP.

#### Subtask 2.5 Schedule

KJ will prepare a Gantt chart schedule for each project in the application. The schedules will be consistent with the Work Plan and Budget. They will show the start and end dates for each milestone and will illustrate any dependencies or predecessors by showing links between tasks. In addition, there will be a narrative describing how the schedule is realistic, reasonable, and accomplishable (maximum of 2-pages).

#### Subtask 2.6 Final Grant Application and Submittal

After revising materials based on UVRGA comments, KJ will compile a complete application for a last review by UVRGA staff. Following review, KJ will submit the completed grant application to the DWR grant website (GRanTs). KJ will also prepare a summary memo for each project that describes the remaining steps or considerations necessary to complete the CEQA and permitting requirement in the event of grant award.

#### Task 2 Deliverables:

- Electronic copies of all draft application documents.
- Electronic copies of all final application documents.

### SCHEDULE

Kennedy Jenks proposes to begin work on this project upon receipt of Notice to Proceed in order to submit the final application by 11/14/2022. Estimated timeframes to complete individual tasks are summarized in the table below. This schedule was developed based on the assumption that the grant solicitation will be opened by DWR in early October 2022; based on actions by DWR the schedule may need to be revised.



Mr. Bryan Bondy  
3 August 2022  
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### Estimated Project Schedule

Task/Milestone	Date
Notice to Proceed	8/22/2022
Project specific information due to KJ	9/9/2022
Draft Application	10/10/2022
Final Application	11/1/2022
Application Submittal	11/14/2022

### BASIS OF COMPENSATION

Kennedy Jenks proposes to provide that compensation for our services be on a time and expense reimbursement basis using our January 2022 Free Schedule (attached). Payments shall be made monthly based on invoices which describe services and list actual costs and expenses. Based on our estimate of services outlined above, we propose a not-to-exceed budget of \$17,745 as detailed in the attached fee estimate.

Thank you for considering us for this work. Please contact me at 805-973-5718 if you have any questions. We look forward to assisting UVRGA in obtaining grant funding.

Very truly yours,

KENNEDY/JENKS CONSULTANTS, INC.

A handwritten signature in purple ink that reads 'Meredith Clement'.

Meredith Clement  
Principal

Enclosures

cc: Lauren Everett Smith



**Client/Address:** Upper Ventura River Groundwater Agency  
c/o Meiners Oaks Water District  
202 W. El Roblar Drive  
Ojai, CA 93023

**Contract/Proposal Date:** August 3, 2022

**Schedule of Charges**

**Date: August 3, 2022**

**PERSONNEL COMPENSATION**

Classification	Hourly Rate
Engineer-Scientist-Specialist 1 .....	\$140
Engineer-Scientist-Specialist 2 .....	\$170
Engineer-Scientist-Specialist 3 .....	\$190
Engineer-Scientist-Specialist 4 .....	\$205
Engineer-Scientist-Specialist 5 .....	\$225
Engineer-Scientist-Specialist 6 .....	\$250
Engineer-Scientist-Specialist 7 .....	\$275
Engineer-Scientist-Specialist 8 .....	\$295
Engineer-Scientist-Specialist 9 .....	\$310
CAD-Technician .....	\$130
Senior CAD-Technician .....	\$145
CAD-Designer .....	\$160
Senior CAD-Designer .....	\$175
Project Assistant .....	\$135
Administrative Assistant .....	\$115
Aide.....	\$90

**Direct Expenses**

Reimbursement for direct expenses, as listed below, incurred in connection with the work, will be at cost plus ten percent for items such as:

- a. Maps, photographs, 3rd party reproductions, 3rd party printing, equipment rental, and special supplies related to the work.
- b. Consultants, soils engineers, surveyors, contractors, and other outside services.
- c. Rented vehicles, local public transportation and taxis, travel and subsistence.
- d. Project specific telecommunications and delivery charges.
- e. Special fees, insurance, permits, and licenses applicable to the work.
- f. Outside computer processing, computation, and proprietary programs purchased for the work.

Reimbursement for vehicles used in connection with the work will be at the federally approved mileage rates or at a negotiated monthly rate.

If prevailing wage rates apply, the above billing rates will be adjusted as appropriate.

Overtime for non-exempt employees will be billed at one and a half times the Hourly Rates specified above.

Rates for professional staff for legal proceedings or as expert witnesses will be at rates one and one-half times the Hourly Rates specified above.

Excise and gross receipts taxes, if any, will be added as a direct expense.

The foregoing Schedule of Charges is incorporated into the agreement for the services provided, effective August 2, 2022 through December 31, 2022. After December 31, 2022, invoices will reflect the Schedule of Charges currently in effect.

## Proposal Fee Estimate

Kennedy/Jenks Consultants

CLIENT Name: Upper Ventura River Groundwater AgencyPROJECT Description: Assistance with SGMA Implementation Grant

Proposal/Job Number: \_\_\_\_\_

Date: 8/2/2022

January 1, 2021 Rates	Eng-Sci-7	Eng-Sci-6	Eng-Sci-5	Eng-Sci-4	Eng-Sci-3	Eng-Sci-2	Project Assistant	Admin. Assist.	Aide	Total	KJ Labor	KJ ODCs Markup	Total Labor	Total Subs	Total Expenses	Total Labor + Subs + Expenses
Classification:										Hours	Fees	10%				Fees
Hourly Rate:	\$275	\$245	\$220	\$205	\$190	\$165	\$130	\$110	\$90							
<b>Task 1 Project Management</b>																
Project Management	2	10						4		16	\$3,440	\$0	\$3,440	\$0	\$0	\$3,440
<b>Task 1 - Subtotal</b>	2	10	0	0	0	0	0	4	0	16	\$3,440	\$0	\$3,440	\$0	\$0	\$3,440
<b>Task 2 Grant Application Preparation</b>																
2.1 Grants Form		1			3					4	\$815	\$0	\$815	\$0	\$0	\$815
2.2 Eligibility Criteria Form		2			4					6	\$1,250	\$0	\$1,250	\$0	\$0	\$1,250
2.3 Project Description and Scopes of Work		8		4	16					28	\$5,820	\$0	\$5,820	\$0	\$0	\$5,820
2.4 Budget	2				14					16	\$3,210	\$0	\$3,210	\$0	\$0	\$3,210
2.5 Schedule	2				8					10	\$2,070	\$0	\$2,070	\$0	\$0	\$2,070
2.6 Final Grant Application and Submittal					6					6	\$1,140	\$0	\$1,140	\$0	\$0	\$1,140
<b>Task 2 - Subtotal</b>	4	11	0	4	45	0	0	0	0	64	\$13,165	\$0	\$13,165	\$0	\$0	\$13,165
<b>All Phases Total</b>	6	21	0	4	51	0	0	4	0	86	\$17,745	\$0	\$17,745	\$0	\$0	\$17,745