

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, Chair, Director, Camrosa Water District
Kelly Long, Vice Chair, Supervisor, County of Ventura
Michael Craviotto, Farmer, Agricultural Representative
Lynn Maulhardt, Director, United Water Conservation District
Tony Trembley, Mayor, City of Camarillo

INTERIM EXECUTIVE OFFICER

Arne Anselm

MINUTES

Minutes of the Fox Canyon Groundwater Management Agency's (FCGMA) **Board Regular Hybrid Meeting** held **Wednesday, September 25, 2024, at 12:30 P.M.**, in the **Board of Supervisor's Hearing Room and via Zoom**.

1. Call to Order

Chair Eugene F. West called the meeting to order at 12:32 P.M.

2. Pledge of Allegiance

Director Trembley led the Pledge of Allegiance.

3. Directors Present

Chair Eugene F. West
Director Kelly Long
Director Lynn Maulhardt
Director Tony Trembley
Director Michael Craviotto

Agency Staff Present

Alberto Boada, County Counsel
Jason Canger, Assistant County Counsel
Arne Anselm, Interim Executive Officer
Farai Kaseke, Assistant Groundwater Manager
Elka Weber, Clerk of the Board
Robert Hampson, Groundwater Specialist
Kathy Jones, Staff Services Specialist

4. Agenda Review

12:32 P.M.

Director Trembley moved to continue Item 17, Adoption of the 2024 FCGMA Conflict of Interest Code, to the next FCGMA Board meeting. The motion passed with all in favor.

5. Public Comments

12:33 P.M.

John Lindquist of United Water Conservation District (UWCD) provided comments on EBB project monitoring and reminded the Board that UWCD's 2024 Water Sustainability Summit hybrid event will occur on Thursday, October 17, 2024.

6. Executive Officer's Comments

12:38 P.M.

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7. Board Member Comments

12:35 P.M.

Director Trembley thanked Agency and Fiscal staff for their work on the Fiscal Year 2024-2025 budget documents. He then noted that he will be leaving for another engagement at 3:45 P.M. and requested that Alternate Director Perello, in attendance in the audience, take his place on the Board, should the meeting require it.

Director Long noted that Nancy Ojeda is the new California Department of Water Resources (DWR) local contact for the Oxnard, Pleasant Valley, and Las Posas Groundwater Basins. Her information has been filed with the Agency.

Director Craviotto formally introduced himself to the Agency and its stakeholders and thanked the Ventura County Agricultural Association and the Farm Bureau of Ventura County for jointly appointing him to the Agency Board of Directors to serve as the Farming Interest Representative.

Director Craviotto expressed his gratitude and admiration for former Director David Borchard, who served on the Agency Board of Directors for twenty years, giving voice to farming and agricultural constituents with a steadfast and observant approach at all turns, and who has stepped down to assume the Alternate Director position as of the September 13, 2024, FCGMA Board special meeting. The Board agreed and unanimously thanked Alternate Director Borchard for his service to the Board, the Agency, and its stakeholders.

CONSENT AGENDA:

12:39 P.M.

8. **Approval of Minutes** of the July 24, 2024, Board Regular meeting.
9. **Approval of Minutes** of the September 13, 2024, Board special meeting.
10. **FCGMA 2021-2022 Biennial Financial Audit Report**
11. **Approve and Authorize the Executive Officer to Execute a Services Contract with Daniel B. Stephens & Associates to Provide Policy Advisory Committee Administrator Services**

CONSENT AGENDA - Correspondence Items:

12. **Correspondence** from Laurel Servin of Berylwood Heights Mutual Water Company regarding the LPV Watermaster Budget, dated August 9, 2024.
13. **Correspondence** from Jackson Tidus regarding Allowance for Court Corrections to Allocations in Considering the Groundwater Schedule for Water Year 2024, dated September 13, 2024.
14. **Correspondence** from the Farm Bureau of Ventura County and the Ventura County Agricultural Association regarding representative appointments to the FCGMA Board of Directors, dated September 16, 2024.

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- 15. Correspondence** from Dr. Raul Ramirez of Mesa Union School District regarding Allocation under the LPV Adjudication Judgment and Del Norte Mutual Water Company, dated September 18, 2024.

Chair West asked for a motion to approve and adopt the Consent Agenda as presented. Director Trembley so moved. Chair West seconded the motion. The motion passed with all in favor at 12:39 P.M.

REGULAR AGENDA:

Fox Canyon Groundwater Management Agency Items

- 16. Update to Groundwater Sustainability Plan Five-Year Evaluations, Workshops, and Timeline** 12:39 P.M.

Robert Hampson, Agency Hydrologist, introduced the item to the Board and noted that the presentation will be given by Agency consultant Dudek, who will provide a contextualizing status update on the ongoing Groundwater Sustainability Plan (GSP) Five-Year Evaluations (GSP Evaluation) work, including the content of the GSP Evaluations, the methodology used during development, and the state of the Basins evaluated. Mr. Hampson stated that an additional presentation will be given to the Board during its October 23, 2024, Regular meeting, to discuss the public comments received and to provide a summary of how those comments have been incorporated into the GSP Evaluations. Mr. Hampson noted that it is staff's intention to bring the 5-Year GSP Evaluations to the Board for adoption in December 2024 before their January 13, 2025, due date for submittal to the California Department of Water Resources (DWR). Mr. Hampson noted that, post DWR submittal, the GSP Evaluations will be part of the review process required for a subsequent Board action to adopt GSP Amendments in 2025. He noted that the GSP Amendments will be given a three-month notice period, and reminded the Board that a GSP Amendment requires a 90-day notice period per DWR and clarified that 91 days is required for the Las Posas Valley (LPV) Basin GSP Amendment per the LPV Adjudication Judgment (Judgment).

Mr. Hampson concluded his comments by noting that staff will present an update discussing the 5-Year Evaluation Draft documents and the public comments received regarding its content, and then he introduced presenter Dr. Trevor Jones of Dudek.

Dr. Jones presented on the timeline, content, and next steps for each Basin, including providing a summary of the Oxnard and Pleasant Valley (OPV) GSP Evaluations, and then a summary of the LPV GSP Evaluation.

Regarding the timeline, Dr. Jones reminded the Board that the project must remain compliant with the DWR submittal due date of January 13, 2025, and noted that public workshops on the development of GSP Amendments will occur in 2025 prior to Amendment submittal.

Regarding content of the GSP Evaluations, Dr. Jones noted that they are organized accordingly in to two large sections, with 10 or 11 chapters in each section:

1. Technical Components
 - a. Significant New Information
 - b. Current Groundwater Conditions

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- c. Status of Projects and Management Actions
- d. Basin Setting Review
- e. Updated Numerical Modeling
- f. Revisions to the Sustainable Management Criteria
- g. Monitoring Network
- 2. Policy and Engagement
 - a. Agency Actions
 - b. Outreach, Engagement, and Coordination
 - c. Other Information
 - i. Legal Challenges
 - ii. Consideration of Adjacent Basins
 - d. Summary of Proposed GSP Revisions or Amendments

The full presentation is available via the FCGMA website¹ at <https://fcgma.org/board-agendas-broadcasts-minutes/>. Scroll to the “Archived Meetings” section and look for the video of September 24, 2024.

At 1:16 P.M., Chair West asked for Board comments. Director Long asked why some wells are not monitored, and why they are used as data points if they are not monitored. Dr. Jones responded that the Agency has not identified suitable replacements that meet DWR requirements yet. The wells in question are not routinely monitored due to access restrictions; they cannot be monitored while in use. Dr. Jones said there is a need to construct wells in the Western Las Posas Management Area (WLPMA), but the Agency has not received funding to do so.

Regarding seawater intrusion, Director Long asked for clarification of the levels presented in the GSP Evaluation. Dr. Jones noted that the levels of seawater intrusion are monitored for increases over time, and that the hydrographs included in today’s presentation for OPV show a goal via the “measurable objective” line highlighted for each key well; this is the goal for which water levels should fluctuate around, meaning when they rise above the line, seawater would be pushed back towards the coast, and when they lower, seawater intrusion would occur, resulting in no net flow across the boundary when operating around that measurable objective line. He added that even though the area has experienced a wet period in recent years and water levels are continuing to climb, water levels are not high enough yet to be mitigating against seawater, and we will continue to see seawater intrusion as water levels rise along the coastline, around Oxnard.

He noted that the GSP Evaluations do provide maps that show where concentrations of chloride have increased, how those relate to well locations as well as to the key wells in Oxnard, which are more focused along the coastline and are monitoring groundwater elevation along the coast.

Regarding the lack of monitoring wells in WLPMA as a potential data gap, Director Craviotto asked if the 3 wells in this area provides a sample size that is both reliable and representative enough to take management actions on based on that data. Dr. Jones agreed responded that the amount of data is challenging in West Las Posas. He noted that part of the motivation for FCGMA staff to pursue grant funding for additional wells was largely driven by the fact that our understanding of groundwater conditions is largely impacted by the amount of data we have in WLPMA. How funding gets filled is more opaque now, due to how the LPV Adjudication Judgment implementation and the requirements of the Judgment, and how that impacts funding for projects.

¹ Direct link to September 25, 2024, meeting materials:
<https://ventura.primegov.com/Portal/Meeting?meetingTemplateId=19261>

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Dr. Jones added that while additional monitoring of groundwater conditions in this area is needed especially farther east, a recently constructed Agency monitoring well in Oxnard is located along the boundary of Oxnard and West Las Posas and is a depth-discreet monitoring well that will provide an improved understanding and characterization of how West Las Posas and Oxnard interact over time.

Regarding sufficient sample sizes, Dr. Jill Weinberger of Dudek stated that the number of wells identified as key wells in West Las Posas would still meet DWR's criteria for the density of monitoring wells required in an area of a basin. So, while the Agency is compliant with the DWR for the amount of monitoring wells it currently has, Dudek definitely recommends additional depth-discreet monitoring wells in targeted locations so that we can fill in data gaps.

Director Maulhardt asked about the submittal deadline. Dr. Jones responded that the deadline is firm for the DWR for 5-Year GSP Evaluations. Dr. Jones noted that additional reviews can be provided during a GSP Amendment submittal, which has a more flexible deadline. He noted that the evaluation submittal deadline provides an opportune time for submitting a GSP Amendment, as the review work has already been done and the evaluation of the GSP has already been completed. Agency Interim Executive Officer Arne Anselm noted that any GSP Amendment requires that an evaluation be included with it when submitted, so if the Agency waits too long, we will have to go through the entire process again. Mr. Anselm continued by saying that while this particular evaluation is being driven by the regulations required for a 5-Year Evaluation, additional evaluations would not have the same deadlines.

At 1:32 P.M., Chair West asked for public comment. Public comment was given by:

Darryl Smith, Grower in the Epworth Gravel area,
John Grether, Grower in the West Las Posas area, and
John Lindquist, United Water Conservation District

As this Item was presented for information only, no Board action was taken.

17. Adoption of the 2024 FCGMA Conflict of Interest Code

This Item was deferred to the October 25, 2024, Board Regular meeting during Item 4, Agenda Review.

18. Public Hearing on and Adoption of Resolution 2024-05 Extending a Groundwater Extraction Fee at the Current Rate of \$20 per Acre-Foot to Maintain a Reserve Fund to be Used to Pay the Cost and Expenses of Actions and Proceedings Related to the Agency's Groundwater Sustainability Program

1:41 P.M.

Chair West convened the Public Hearing on the Adoption of Resolution 2024-05. Interim Executive Officer Arne Anselm presented the Item and discussed the history and utility of the Designated Groundwater Extraction Management Enforcement Surcharge (GEMES) Account, established by Resolution 2006-04² by the Board to fund litigation costs including Agency counsel;

² Resolution 2006-04: <https://s42135.pcdn.co/wp-content/uploads/2022/09/Resolution-2006-04.pdf>

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the reserve fee adopted by the Board with Resolution 2020-05³ provides revenue to the Designated GEMES Account to fund special counsel to represent the Agency. Initially, the fee became effective January 1, 2021, with small domestic pumpers extracting 2 acre feet (AF) or less per year exempt from paying the fee. When Resolution 2020-05 was adopted in October 2020, revenue projections showed the Designated GEMES Account would carry a negative balance through Fiscal Year 2022-2023.

Resolution 2020-05 requires the Agency to hold a public meeting every 12 months to review the fee; three annual reviews have been held since its adoption. The fee will terminate on October 1, 2024, unless the Board acts to extend it.

Mr. Anselm noted that considerable resources have been expended over the past 4 years responding to legal challenges, including the LPV adjudication, the OPV adjudication, a challenge to the OPV allocation ordinance, and challenges to the Agency's adoption of groundwater sustainability plans. He walked the Board through projected revenue, cash flow, and fund balances for future fiscal years should the fee be extended.

Mr. Anselm asked the Board to consider adopting Resolution 2024-05 extending a fee of \$20.00 per acre-foot on groundwater extractions to maintain a reserve fund to be used to pay the cost and expenses of legal actions and proceedings related to the implementation of the Agency's Groundwater Sustainability Program. Mr. Anselm noted that Resolution 2024-05 will extend the existing fee of \$20 without increasing it, that the Resolution will require the Agency to hold a public meeting annually to consider the continued need for the fee, at which point the Board may take action to adjust or terminate the fee, and that the fee terminates automatically under Resolution 2024-05 on October 1, 2028.

Hearing no Board or public comments, Chair West asked for a motion to adopt Resolution 2024-05. Director Maulhardt so moved. Director Trembley seconded the motion. At 1:45 P.M., via roll call vote, the motion passed unanimously.

19. Fiscal Year 2024-2025 FCGMA Work Plan and Budget

1:45 P.M.

Interim Executive Officer Arne Anselm presented the Item and its materials, including the Agency budget itself, the Work Plan and budgeting for staffing levels, and the inaugural edition of the Proposed Budget Report, as requested and reviewed by the Fiscal Committee.

At 1:57 P.M., Chair West asked for Board comments. Chair West and Director Trembley commended Agency staff, PWA Fiscal staff, and all involved for their work on the Proposed Budget Report; Chair West thanked Director Trembley for his expert guidance and the Fiscal Committee and stakeholders who attended meetings over the summer during the development of the report.

Regarding the Proposed Budget Report, Director Trembley applauded its quality in terms of explaining the FCGMA work product with increased clarity and transparency. He directed the Board and stakeholders in attendance to review page 73 of the report, regarding planning and strategic development; Director Trembley expressed interest in having the Fiscal Committee follow up on each one of the included recommendations.

³ Resolution 2020-05: <https://s42135.pcdn.co/wp-content/uploads/2023/03/Resolution-2020-05.pdf>

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Director Trembley then noted a slight deviation listed in the report verses what is listed in the budget as Exhibit 19C regarding the projected fund balance listed at the bottom of page 204 of the report; total expenditures, and net operating results also need to update to sync with the budget exhibit. He requested that staff update the proposed report to sync up with Exhibit 19C and requested that the Board approve Exhibit 19C as the budget in its motion to adopt.

Director Long appreciated the expanded organization charts in the Proposed Budget Report and noted that the County has been stepping up to fill positions. She reminded the Board and stakeholders that they can bring any questions about staffing to County CEO Dr. Sevet Johnson, to HR managers, and to herself.

Director Maulhardt noted that he does not recall, over his years on the Board of Directors, ever going into this level of detail or fidelity; he applauded the level of production and detail, and the collaboration exercised by the Fiscal Committee to develop the Proposed Budget Report with staff.

At 2:06 P.M., Chair West asked for public comment. Public comment was given by:
Bert Perello, City of Oxnard City Council and FCGMA Board Alternate.

Interim Executive Officer Anselm stated that the Fiscal Committee has recommended monthly reporting of expenditures to the Board and noted that the inaugural report is included with this Agenda. Director Long suggested that the monthly report be included in the Consent Agenda as an ongoing procedure, not as an attachment to the Executive Officer's report, moving forward. Director Trembley agreed and noted that this was the Fiscal Committee's recommendation as well.

Director Trembley moved that the Board adopt the Fiscal Year 2024-2025 Work Plan and Budget as set forth in Exhibit 19C. Director Craviotto seconded the motion, and via roll call vote at 2:09 P.M., the motion passed unanimously.

REGULAR AGENDA - Las Posas Valley Watermaster Items

20. Approve and Authorize the Executive Officer to Execute a Professional Services Contract with Regional Government Services to Provide Groundwater Extraction and Use Reporting Services

2:09 P.M.

Dr. Farai Kaseke, Assistant Groundwater Manager, presented the Item to the Board, and noted that the existing contract the Agency has with Regional Government Services (RGS) will meet its "not to exceed" limit of \$25,000 at the end of September 2024. Dr. Kaseke requested that the Board approve and authorize the Interim Executive Officer to execute a Professional Services Contract with Regional Government Services to administer the LPV Adjudication Groundwater Extraction and Use Reporting requirements⁴ and related administrative services.

At 2:15 P.M., Chair West asked for Board comments. Director Craviotto asked how much time and effort by Agency staff is needed having to train and manage this consultant, and whether it might be plausible to expand the contract to include Basin Assessment invoicing, or perhaps

⁴ LPV Judgment § 5.5.2: <https://s42135.pcdn.co/wp-content/uploads/2023/08/Judgment-w-Exhibits.cleaned.pdf>

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Semi-Annual Extraction Reporting (SAES) for FCGMA. Dr. Kaseke noted that invoicing and SAES reporting are too nuanced; he clarified that the LPV Judgment makes allocation reporting more simple under its terms. Director Craviotto noted that forms for LPV Watermaster and for FCGMA seem very similar, and asked if the Watermaster can sync and merge the reporting, so LPV users do not have to report twice. He stated that reporting for both entities would be too complicated at this point to merge. Dr. Kaseke noted that reporting requirements are different under FCGMA legislation versus under the LPV Judgment; under the LPV Judgment, reporting is parcel-based while FCGMA reporting is based on the well head.

Director Craviotto moved to approve and authorize the Interim Executive Officer to execute a Professional Services Contract with Regional Government Services to administer the LPV Adjudication Groundwater Extraction and Use Reporting requirements⁵ and related administrative services. Director Long seconded the motion. Via roll call vote at 2:20 P.M., the motion passed unanimously.

21. Las Posas Valley Watermaster Fiscal Year 2024-2025 Budget and Basin

Assessment for Water Year 2024

2:21 P.M.

Interim Executive Officer Arne Anselm presented the Item to the Board, providing background and context on the proposed Budget and Basin Assessment for Water Year (WY) 2024. Per the LPV Judgment requirements⁶, LPV Watermaster must take Management Actions by certain dates, and must set, levy, and collect Basin Assessments and fees from Water Rights Holders to fund Management Actions and Basin Optimization Projects. Thus, the proposed Watermaster Budget acts as a basis for the proposed Basin Assessment to be levied in WY 2024.

Mr. Anselm asked the Board to approve the FY 2024-2025 Las Posas Valley Watermaster Budget as set forth in Exhibit 21B, with the addition of the \$200,000 reimbursement for legal fees as approved by the Board during the September 13, 2024⁷, Board special meeting⁸, and asked that the Board approve an Annual Basin Assessment of \$64.58 for Water Year 2024 to be invoiced quarterly.

At 2:30 P.M., Chair West asked for Board comments. Director Craviotto asked if operating reserves, currently set at 10%, will raise when costs and the budget raise, and Mr. Anselm agreed that it will. Director Craviotto then asked if cost for transfers is included and whether a process for transfers is in place, and Dr. Kaseke noted that the LPV Judgment includes a transfer process.

Director Long moved to adopt the Watermaster Budget, with total expenditures of \$2,583,095, with the amendment of Exhibit 21B to reflect the \$200,000 reimbursement to FCGMA of legal fees, and to approve an Annual Basin Assessment of \$64.58 for WY 2024 to be invoiced quarterly.

⁵ LPV Judgment § 5.5.2: <https://s42135.pcdn.co/wp-content/uploads/2023/08/Judgment-w-Exhibits.cleaned.pdf>

⁶ Judgment § 7: Assessments and Funding

⁷ September 13 recording: <https://ventura.primegov.com/Portal/Meeting?meetingTemplateId=19193>

⁸ September 13, 2024, Minutes available under “Archived Meetings” at: <https://fcgma.org/board-agendas-broadcasts-minutes/>

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Director Trembley seconded the motion. Via roll call vote at 2:33 P.M., the motion passed unanimously.

22. Review and Approval of Requested Corrections or Changes to the Las Posas Valley Adjudication Judgment Groundwater Allocation Schedule 2:33 P.M.

As a party in the Las Posas Valley Basin, Director Craviotto recused himself from voting on this Item at 2:33 P.M.

Dr. Kaseke presented the Item to the Board. Agency Counsel Jason Canger confirmed that none of the approvals or denials presented to the Board as part of the Requested Corrections or Changes to the Las Posas Valley Adjudication Judgment Groundwater Allocation Schedule change allocations in any way.

Director Craviotto asked whether a reason is included with a tentative denial when a WMID's requested corrections are denied. Mr. Canger responded yes, and should a Water Rights Holder wish to contest, they may do so with the Court. Mr. Canger noted that the recommended actions are based on staff and Committee review. With respect to tentative approval of requested corrections, Watermaster has exercised its authority under the Judgment.

Director Maulhardt moved to approve staff recommendations to approve or deny requested changes to the Groundwater Allocation Schedule. Director Long seconded the motion. Via roll call vote at 2:50 P.M., the motion passed with all in favor apart from Director Craviotto, who abstained from voting.

23. Approval of Las Posas Valley Basin Annual Water Right Allocations for Water Year 2024 (October 1, 2024 – September 30, 2025) 2:50 P.M.

Dr. Kaseke presented the Item to the Board, including an overview of the calculations of Water Right Allocations under the LPV Judgment for WY 2024, and requested that the Board adopt the Water Right Allocation Calculations for the LPV Basin for WY 2024.

With regards to correspondence attached as Exhibits to Items 22 and 23, Director Trembley asked for clarification regarding WMID 4242 and its allocation. Dr. Kaseke clarified that Watermaster denied adding additional parcels to WMID 4242 because Watermaster does not have the authority to approve the addition of parcels to a WMID under the Judgment. Dr. Kaseke noted that WMID has an allocation under the Judgment regardless of their request for changes to the Groundwater Allocation Schedule, and that is what has been carried over under this Item for WMID 4242.

Chair West asked for public comment at 3 P.M. Public comment was given by:
Darryl Smith, grower.

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Chair West reminded those in attendance that the Board does not have any authority to change allocations.

Director Maulhardt moved to adopt the Water Right Allocation Calculations for the LPV Basin for WY 2024 as presented. Director Long seconded the motion. Via roll call vote at 3:03 P.M., the motion passed unanimously.

24. Presentation on Las Posas Valley Adjudication Technical Advisory Committee Recommendation Report and Watermaster's Response Report on Projects to be Considered in the Basin Optimization Yield Plan and Study 3:03 P.M.

Dr. Kaseke presented the Item to the Board for information and noted that the reports on projects to be considered in the Basin Optimization Yield Plan and Study will go back to the Policy Advisory Committee (PAC) and the Technical Advisory Committee (TAC) for final review.

Chair West remarked that the TAC and the Watermaster Board are in accordance with regards to this Item.

As this Item was presented for information only, no Board action was taken.

25. Presentation on Las Posas Valley Adjudication Technical Advisory Committee Recommendation Report and Watermaster's Response Report on Draft Scope of Work to Prepare the Las Posas Valley 2025 Basin Optimization Yield Study 3:10 P.M.

Dr. Kaseke presented the Item to the Board for information and noted that the reports on draft Scope of Work to prepare the LPV 2025 Basin Optimization Yield Study will be sent to TAC.

Chair West asked for Board comments at 3:14 P.M. and noted that it may be good for Watermaster staff to contact impacted pumpers regarding the supplemental cost with Calleguas.

As this Item was presented for information only, no Board action was taken.

26. Adjournment 3:16 P.M.

Chair West adjourned the meeting at 3:16 P.M.

Submitted by:

Elka Weber
Clerk of the Board