



Board of Directors Meeting
January 21, 2021, 5pm
Via Zoom

MINUTES

Directors Present

Director Kelly Long, Chair (arrived at the meeting at 5:26pm)
Director Ed McFadden, Vice Chair
Director Gordon Kimball
Director Glen Pace
Director Christina Villaseñor

Directors Absent

Director Candice Meneghin

Staff Present

Anthony Emmert, executive director
Steve O'Neill, legal counsel
Eva Ibarra, clerk of the board

Public Present

Lisa Ballin, CSUS/DBS&A
Bryan Bondy, Fillmore Basin Pumpers Association, Piru Basin Pumpers Association
Christian Brodrick, Stillwater Science
Katie Brokaw
Frank Brommenschenkel, Frank B & Associates
Matt Carpenter, FivePoint
Emilio Cervantes
Guy Cole
Dan Detmer, UWCD
Burt Handy
Dr. Zachary Hanson, UWCD
Debbie Jackson
Chris Kibler, University of California, Santa Barbara
Rachel Laenen, Fillmore Basin Pumpers Association
Murray McEachron - UWCD
Tony Morgan, DBS&A
Patrick O'Connell, DBS&A
Andrew Pechlt
Zachary Plummer, UWCD
Steve Slack, CDFW
Dr. Jason Sun, UWCD
Richard Tate
Jean Thirkettle

James Thurber
Ambry Tibay, UWCD
Jim Van de Water
Gilead Wurman
Steven Zimmer, FivePoint

1. Call to Order – First Open Session 5:00 pm

Vice Chair McFadden sitting in for Chair Kelly Long, called the meeting to order at 5:00 pm

1A. Pledge of Allegiance

Director Pace lead the group in the reciting of the Pledge of Allegiance.

1B. Directors Roll Call

Roll call: Four directors present (Kimball, Vice Chair McFadden, Pace, Villaseñor); two absent (Long, Meneghin).

1C. Public Comments

Vice Chair McFadden asked if there were any public comments; none were offered.

1D. Approval of Agenda

Motion

Motion to approve the agenda, Director Pace; Second, Director Villaseñor

Roll call vote four ayes (Kimball, Vice Chair McFadden, Pace, Villaseñor) none opposed;

Motion carries 4/0/2.

2. Director Announcements/Board Communications

**2A Fillmore Pumpers Association Stakeholder Director Update
Information Item**

Director Kimball reported the Fillmore Pumpers Association held its monthly Board of Directors meeting on January 12 and mentioned the Association is waiting for the release of the Technical Memo on Subsidence, which it intends to use to complete its comments on the Sustainable Management Criteria.

**Piru Pumpers Association Stakeholder Director Update
Information Item**

Director Pace echoed the same information as Fillmore Pumpers Association.

**Environmental Stakeholder Director Update
Information Item**

Director Meneghin continues on leave.

City of Fillmore Member Director Update

Information Item

Director Villaseñor stated she had nothing to report as she just recently assumed her office with the City of Fillmore City Council.

United Water Conservation District Member Director Update

Information Item

Vice Chair McFadden stated nothing to report.

County of Ventura Member Director Update

Information Item

Chair Long announced the Santa Clara Watershed Committee meeting on the 28th and reminded everyone to be on the lookout for the email. She stated that AWA had its WaterWise event with a guest speaker from NOAA who addressed La Nina and predicted two years of dry, hot weather. Chair Long also reported that the AWA meeting was recorded and is available on its website.

2B Executive Director Update

Information Item

Executive Director Anthony Emmert reported on the Agency's receivables, groundwater fees and DWR grant. He stated that open groundwater invoices are down for November and December. Mr. Emmert also mentioned staff is preparing grant progress report seven and invoice seven for grant compliance, both due on February 15, 2021. Mr. Emmert provided an update on the UWCD Groundwater Model and also reminded the Board of the need to complete CFPPC Form 700, due before April 2021. Mr. Emmert mentioned that staff are working on a template for waiver of late fees and completed his update by mentioning four agenda items for February's Board of Director's Meeting.

2C Legal Counsel Update

Information Item

Legal Counsel Steve O'Neill reported on his ongoing coordination with the County's legal counsel, exploring authorities that the County has regarding property taxation that could be utilized by the Agency for collection of delinquent groundwater fees. He stated that, in the end, County Counsel did not agree that any of the County's taxation authorities would be appropriate for the collection of delinquent groundwater fees. Mr. O'Neill stated that the tools available to the Agency to collect delinquent fees would be ordering the operator to cease extractions and then to file a lawsuit against the groundwater pumper.

Director Villaseñor asked Mr. O'Neill if he has reached out to other GSAs to see what they are doing to resolve delinquent collections. Mr. O'Neill stated he has not reached out to other GSAs, as this is a very new issue.

2D. GSP Consultant Update
Information Item

Mr. Tony Morgan, representing DBS&A, made a presentation to the Board (see attached slides). Mr. Morgan mentioned he had hoped to distribute the Subsidence Technical Memo but discovered a bug in the university's screening tool that DBS&A was using to analyze potential subsidence. He stated that DBS&A is using other tools to analyze subsidence potential and expects to release the memo prior to February's Board Meeting.

Director Pace asked about the next Stakeholder Workshop and Mr. Morgan explained the plan for the next workshop. Director Pace also mentioned that dates keep slipping every month and the delay in the Subsidence Technical Memo release is holding up the process. Mr. Morgan explained the reason for the delay and stated that the consultant team was moving as quickly as possible.

A meeting participant asked via Zoom Participant Chat if both Groundwater Sustainability Plans are due at the same time and Mr. Morgan replied that yes, they are both working on the same timeline and due date.

3. CONSENT CALENDAR

3A Approval of Minutes

The Board will consider approving the Minutes from the Board Meeting of December 17, 2020. [Director Kimball requested a correction be made to the Minutes for November, changing his abstain to a vote of approval, which the Clerk had not heard.]

3B Approval of Warrants

The Board will consider approving the following invoices for payment:

- Daniel B. Stephens & Associates \$36,831.73
- Olivares Madruga Lemeiux O'Neill LLP \$2,445.00
- Insure Cal \$2,115.73
- County of Ventura IT \$219.60

3C Monthly Financial Report

The Board will receive a monthly profit and loss statement and balance sheet for the FPBGSA from UWCD's accounting staff.

Motion to approve the Minutes as amended per Director Kimball's request Vice Chair McFadden; Second, Director Pace. Roll call vote: Five ayes (Kimball, Chair Long, Vice Chair McFadden, Pace, Villaseñor); none opposed; one absent (Meneghin) Motion carries 5/0/1.

4. MOTION ITEMS

4A **Bartolotto & Breyfogle Request for Payment Plan and Waiver of Late Fees and Interest**

Motion

The Board considered Bartolotto & Breyfogle's request for a payment plan and waiver of late fees and interest at completion of the payment plan and bringing the account current.

Executive Director Tony Emmert explained the circumstances of the request for a payment plan and waiver of interest fees.

Vice Chair McFadden asked if pumping was ongoing for this user. Mr. Emmert confirmed that pumping is ongoing.

Motion to approve, Director Villaseñor; Second, Vice Chair McFadden. Roll call vote: Five ayes (Kimball, Chair Long, Vice Chair McFadden, Pace, Villaseñor); none opposed; one absent (Meneghin) Motion carries 5/0/1.

4B. **Monitoring Wells Project**

Motion

The Board received a report from Dan Detmer of United Water Conservation District detailing desirable locations for new monitoring locations and existing private wells that appear to be good candidates for water level measurements (see attached slides).

Chair Long asked Mr. Detmer to share the dollar amount of the Agency's budget for the monitoring wells, for Director Villaseñor's information. Mr. Morgan and Mr. Emmert explained the details of the \$800,000 grant.

Mr. Emmert stated the DWR grant is providing seventy five percent of that amount, so the Agency is only responsible for twenty five percent of the cost.

Mr. Morgan provided a summary of cost for the monitoring wells and explained the process and draft schedule.

Mr. O'Neill mentioned that legal counsel will be involved in the preparing the contractual documents for the well drillers. He also stated that California Environmental Quality Act (CEQA) issues will need to be addressed, as well.

Director Villaseñor asked if the grant agreement allows any flexibility in the project schedule. Mr. Morgan replied yes, although the money needs to be spent by the end of the 2021 year.

Motion to approve the Monitoring Wells project, Vice Chair McFadden; Second, Director Pace. Roll call vote: Five ayes (Kimball, Chair Long, Vice Chair McFadden, Pace, Villaseñor); none opposed; one absent (Meneghin) Motion carries 5/0/1.

4C. Sustainable Management Criteria

Motion

The Board received a report from Mr. Morgan of Daniel B. Stephens & Associates, who asked Mr. Detmer to provide information at the beginning of the presentation. (see attached slides).

Mr. Detmer provided introductory comments on how United's groundwater flow model is being used to forecast a likely range of future groundwater conditions, including future climate change factors for rainfall and streamflow as determined by DWR.

Mr. Morgan continued the presentation with an explanation of all remaining slides.

Vice Chair McFadden asked how the cumulative departure red line on the graph relates to the actual basin water levels during the periods shown. Mr. Morgan clarified that the graph is depicting past trends in precipitation, not groundwater levels.

Zoom Participant chat asked "Is there any way to add a trend line to the cumulative mean?" Mr. Morgan stated yes, although not at this moment.

Mr. Detmer responded that adding a trend line would be inappropriate for this type of analysis.

Participant chat asked, "Is there a version of these slides available as they are different from the two emailed prior to the meeting?" Mr. Morgan stated this slide is different as he added the historic equivalent data and the analogous years to make it clearer, but that is the only difference.

Chair Long asked about the graph presented and requested an explanation of the red line. Mr. Morgan stated the red line represents the cumulative departure from the mean.

Participant chat asked "Did you consider the SPI?" Another participant asked "Was the Standard Precipitation Index used?" Mr. Morgan answered no, the SPI was not considered, just straight precipitation.

DBS&A's Patrick O'Connell continued with the presentation of slides related to the 2070 Modeling scenario files.

Vice Chair McFadden commented on how water users have become much more sophisticated and so much more efficient with how water is used in so many ways compared to a generation ago.

Director Kimball mentioned the various ways that water use has become more efficient with technology and that we expect to see more improvements to come, although less dramatic.

Participant chat asked, “Could we also see a trend line on these graphs?” Mr. O’Connell stated if he were to draw a trend line at this time, it would be a very flat line and explained why.

Mr. O’Connell mentioned that some Directors have asked about how many wells would go dry with the 2070 model run and he explained why DBS&A believes there is little risk of any production wells going dry and completed his presentation.

Mr. Morgan took over and presented additional slides relating to Sustainable Management Criteria (see attached slides).

Chair Long asked about GDE’s (groundwater dependent ecosystems) that need to be considered and wanted Mr. Morgan to address. Mr. Morgan confirmed the information she shared and discussed in more detail.

Mr. Morgan asked Stillwater Science’s Christian Broadrick for input. Mr. Broadrick stated that for most riparian trees, the roots are much shallower, more like 10 to 15 feet maximum, whereas oaks are the exception with roots at 30 feet, for clarification.

Vice Chair McFadden stated he believes the Fish Hatchery is one of the largest pumpers and uses the wells to pump water into the hatchery ponds. He also mentioned that he is curious to see what Stillwater has to say about the 270 acres of the Sespe Cienega Project development.

Chair Long wanted to ensure everyone is aware that the hatchery is pumping the water it uses and is not using surface water.

Mr. Detmer stated that the Fish Hatchery may currently be out of service due to construction. He stated that the wells used by the hatchery are more reflective of shallow water levels than might be expected. He added that he feels that using water levels from the Fish Hatchery wells may not have been the best to use as an example, although it is one of the closest wells to the Cienega.

Participants chat asked, “Has surface water in the fish hatchery area ever ceased during historical droughts and if so, for how long?” Mr. Morgan stated he did not have an answer for that question. UWCD’s Principal Hydrologist Murray McEachron stated that he recalled the flow in the Fish Hatchery area did go dry in the early 1950’s drought and recalled seeing some notes of zero flow. He stated that the flow in the river near Willard Road east of Santa Paula did not go dry during the same 1950s drought.

Participant chat asked, “Would the hatchery’s well have gone dry with the recent droughts, without the United Water releases?” Mr. McEachron stated the river flow in the Sespe Cienega area did go dry in the recent drought, but that releases from the Santa Felicia Dam always help Piru basin groundwater levels. Mr. Detmer noted that the hatchery wells are deep wells and will not go dry.

Vice Chair McFadden asked Mr. McEachron if he had any idea how much the Fish Hatchery releases back to the river in normal production? Mr. McEachron stated he did not have those numbers but mentioned UWCD's Dr. Jason Sun should have those numbers.

Vice Chair McFadden stated the Board will have to decide what the undesirable result is, and Mr. Morgan agreed.

There was a lengthy discussion among Board members, consultants, staff and meeting participants regarding the variables of sustainable management criteria.

Motion to receive and file, Vice Chair McFadden; Second, Director Pace. Roll call vote: Five ayes (Kimball, Chair Long, Vice Chair McFadden, Pace, Villaseñor); none opposed; one absent (Meneghin) Motion carries 5/0/1.

5. INFORMATION ITEMS

5A. Santa Clara River Riparian Vegetation Response to Drought Information Item

University of California Santa Barbara PhD candidate Christopher Kibler provided a presentation regarding the effects of drought on riparian vegetation (see attached slides).

Chair Long had various questions regarding Dr. Kibler's presentation as did many of the participants and Dr. Kibler provided detailed responses for a clearer understanding.

Mr. Bryan Bondy mentioned the *Arundo donax* (giant reed) in the upper Ventura River, and said he is trying to estimate the water saving that could be achieved by removing it and wondered if *Arundo* is not using as much groundwater as is commonly perceived because the numbers are not adding up and asked if perhaps something else is going on with soil moisture. He continued, stating that there was a project in the upper Ventura River watershed that was to save up to 7,000 acre feet of water per year but he could not see it in the stream hydrograph, and the basin is small enough to where he should be able to see it. Mr. Bondy also stated that everyone needs to put their heads together and figure this out.

5B. United Water Conservation District 2020 Groundwater Recharging Release from Santa Felicia Dam.

Information Item

UWCD Principal Hydrologist Murray McEachron provided a presentation on UWCD's recent three-month release from the Santa Felicia Dam and groundwater recharging efforts. (see attached slides).

Chair Long asked Mr. McEachron if the water mentioned was separate from State Water Project Table A water. Mr. McEachron explained that the majority of the released water was natural runoff from the Piru watershed.

FUTURE TOPICS FOR BOARD DISCUSSION - None requested

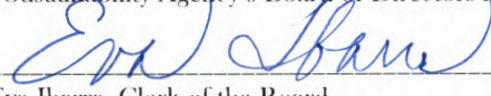
ADJOURNMENT: 8:45 p.m.

Chair Long adjourned the meeting at 8:45 p.m. to the next **Regular Board Meeting** on Thursday, **February 18, 2021** or call of the Chair.

ATTEST: 

Kelly Long, Chair, FPB GSA Board of Directors

I certify that the above is a true and correct copy of the minutes of the Fillmore and Piru Basins Groundwater Sustainability Agency's Board of Directors meeting of January 21, 2021.

ATTEST: 

Eva Ibarra, Clerk of the Board