



Board of Directors
Meeting ,Thursday
April 15, 2021
MINUTES

Directors Present

Director Kelly Long, Chair
Director Ed McFadden, Vice Chair/Secretary
Director Gordon Kimball
Director Candice Meneghin
Director Glen Pace
Director Christina Villaseñor

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 and Piru Pumpers Associations
Christian Braudrick, Stillwater Science
Guy Cole
Dan Detmer, UWCD
Barb Filkins
Matt Freeman
Burt Handy
Debbie Jackson
Rachel Laenen, Fillmore Basin Pumpers Association
Tony Morgan, DBS&A
Patrick O'Connell, DBS&A
Bruce Orr, Stillwater Science
Eddie Pech, DWR
Zachary Plummer, UWCD
Stacie Ann Silva
Steve Slack, CDFW
Dr. Jason Sun, UWCD
Richard Tate
Jean Thirkettle
Roy Thun
James Thurber
Ambry Tibay, UWCD
Jim Van de Water
Gilead Wurman
Steven Zimmer, Five Point

1. Call to Order – First Open Session 5:04 pm

Vice Chair McFadden called the meeting to order at 5:04 pm

1A. Pledge of Allegiance

Vice Chair McFadden lead the group in reciting of the Pledge of Allegiance.

1B. Directors Roll Call

Roll call: (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor); six present.

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 Kimball; Second, Director Meneghin.

Roll call vote: six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor), none opposed; Motion carries 6/0.

2. UPDATES

2A Director Announcements/Board Communications:

Oral Reports from the Board

Fillmore Pumpers Association Stakeholder Director Update

Director Kimball reported that the Pumpers held a Board Meeting on April 13, where they discussed subsidence and surface water depletion SMCs.

Piru Pumpers Association Stakeholder Director Update

Director Pace echoed the same expressed by the Fillmore Pumpers Association.

Environmental Stakeholder Director Update

Director Meneghin mentioned Friends of the Santa Clara River is implementing a Water Talks program on behalf of Ventura County's integrated regional water program. The program is designed to generate an increase in community involvement as well as in planning for water sustainability for the county. The group is encouraging Water Talk program participants to complete a survey on regional water issues by the end of April.

City of Fillmore Member Director Update

Director Villaseñor provided an update on the City's monthly council meeting, reporting that Councilmembers agreed to provide funding in redoing flood plain mapping around the Fillmore area's new housing development, and also offered to help the FPBGSA Board by providing any information that would be helpful. The Councilmembers also discussed the American Rescue funds and potential for infrastructure money coming into the City of Fillmore, including possible funding for municipal wells in an effort to build up or redo infrastructure within those wells.

United Water Conservation District Member Director Update

No update.

County of Ventura Member Director Update

Chair Long mentioned letters from County of Ventura regarding Stillwater Sciences draft Groundwater Dependent Ecosystems technical memo had been sent.

2B Executive Director Update

Information Item

Executive Director Tony Emmert provided an update on grant progress report number seven resubmission after changes were requested by DWR. Staff is now working on invoice and progress report number eight, with the goal of submitting before the end of April. He also mentioned Groundwater Model documentation is ongoing with a target to complete by end of this month, and staff is working on budget development and the monitoring wells project.

2C Legal Counsel Update

Information Item

Steve O'Neill, Legal Counsel for the agency, reported working on the auditor agreement, and an amendment to the bylaws regarding fee waivers that are part of action items in today's meeting. He also mentioned there has been some recent court activity that is helping in providing guidance on interpreting SGMA law. He also mentioned overlying rights in a managed basin and stated he will be providing Mr. Emmert with a report. He is also exploring guidance on interplay with the Groundwater Sustainability Plans and public trust issues related to the endangered species act.

2D GSP Consultant Update

Information Item

Mr. Tony Morgan of DBS&A stated that consultants have submitted a draft request for bid packages for the monitoring well construction activities to Mr. Emmert. The draft request included various documents and he urged agency counsel to review the documents, including the general insurance requirements for well drilling projects.

3. 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. (ROLL CALL VOTE REQUIRED)

3A Approval of Minutes

The Board approved the Minutes from the Board Meetings of March 18, 2021 and April 1, 2021.

3B Approval of Warrants

The Board approved payment of outstanding vendor invoices:
United Water Conservation District \$28,058.48

3C Monthly Financial Report

The Board received the Agency's monthly profit and loss statement and balance sheet.

Motion to approve consent calendar, Director Pace; Second, Director Villaseñor. Roll call vote: five ayes (Kimball, Vice Chair McFadden, Meneghin, Pace, Villaseñor), none opposed; one absent. Motion carries 5/0. (Chair Long was out of coverage area during the vote.)

4. MOTION ITEMS

4A Resolution 2021-01 Waiver of Late Fees and Interest on Groundwater Charges

Motion

The Board reviewed Resolution 2021-01, amending the Agency Bylaws to authorize the Executive Director to approve waiver of certain late fees and interest charges associated with groundwater pumping fees.

Motion to adopt Resolution 2021-01, Director Meneghin; Second, Director Kimball. Roll call vote: six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor), none opposed. Motion carries 6/0.

4B California Department of Fish and Wildlife Request for Waiver of Late Fees and Interest

Motion

The Board approved California Department of Fish and Wildlife's request for waiver of late fees and interest in the amount of \$1,687.99 for groundwater pumping associated with its Fillmore Fish Hatchery facility.

Board reviewed California Department of Fish and Wildlife's request for a waiver of late fees and interest regarding its outstanding balance on fees.

Motion to approve waiver, Director Villaseñor; Second, Director Pace. Roll call vote: six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor), none opposed. Motion carries 6/0.

4C Four Oaks Ranch Request for Waiver of Late Fees and Interest

Motion

Board reviewed Four Oaks Ranch's request for a waiver of late fees and interest regarding its outstanding balance on fees.

Motion to approve waiver, Director Villaseñor; Second, Director Pace. Roll call vote: six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor), none opposed. Motion carries 6/0.

4D City of Fillmore Request for Waiver of Late Fees and Interest

Motion

Board reviewed the City of Fillmore's request for a waiver of late fees and interest regarding its outstanding balance on fees.

Motion to approve waiver, Director Villaseñor; Second, Director Pace. Roll call vote: six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor), none opposed. Motion carries 6/0.

4E Rogers, Anderson, Malody & Scott, LLP Audit Amendment 1

Motion

The Board reviewed the amendment number one to the 2019-08-21 agreement for auditing services with Rogers, Anderson, Malody & Scott, LLP for the Fiscal Years 2019-2020 and 2020-2021.

Motion to approve Amendment number one to the 2019-08-21 agreement for auditing services with Rogers, Anderson, Malody & Scott, LLP for the Fiscal Years 2019-2020 and 2020-2021, Director Pace; Second, Director Meneghin. Roll call vote: six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor); none opposed. Motion carries 6/0.

4F Sustainable Management Criteria (SMC) Development

Motion

The Board received stakeholder input regarding the Agency's Sustainable Management Criteria (SMC) matrix with a focus on finalizing the Land Subsidence criteria and the Streamflow criteria and provide direction to Agency staff and consultant team toward development of the draft Groundwater Sustainability Plans.

Director Meneghin stated white water rafting is a recreational use that must be considered on Piru Creek and Santa Clara River and wondered why the slide states no recreational impact.

Mr. Morgan requested clarification from United Water.

Mr. Emmert provided an explanation of recreational use and mentioned it should be noted in the plan.

Director Meneghin mentioned that property around the Fish Hatchery has been purchased and that it will be used as an access point for the Santa Clara River for nature-based recreation that may impact the Groundwater Dependent Ecosystems and asked if that was being factored into the SMC.

Vice Chair McFadden asked Mr. Morgan about bringing in outside water and some kind of supplemental fee as well as rearranging water by pumping water into critical areas.

Mr. Morgan said the topic did come up a couple of meetings ago, and the need to have multiple wells located near the river, which could then add water from a deeper aquifer. He explained when the river starts to dry and shrink, the GSA could pump water to sustain some areas of surface flow. He added that surface sediments are very porous and have a very high percolation, so flow may or may not stay on the surface in a drought, and therefore it would take a significant amount of money to implement this type of program.

Chair Long asked if the GSA were to purchase water, how would it be equal when charging for the water purchased.

Mr. Morgan answered by saying the GSA could implement a surcharge added to the regular fees, per acre foot, where all pumpers would be charged equally.

Legal Counsel mentioned the agency would need to consider a Proposition 218 analysis, to assess benefit to all payers.

Director Pace said the discussion was moving off target or was premature and went on to share the Pumpers discussions on the resolutions for SMCs for subsidence. He mentioned the pumpers rethought the change they requested for the Minimum Threshold and now were requesting it be changed to a less restrictive one-foot per year. He also mentioned the pumpers need more information in order to make a decision.

Director Kimball suggested a five-year study, it could be used to identify sensitive infrastructure and conduct a survey to help understand what infrastructure might be impacted and how it would be impacted. That information would provide a better understanding of how the limits for subsidence should be set at.

Vice Chair McFadden asked Director Pace and Director Kimball if the idea is that part of the GSP implementation period is used for analysis and gathering information, and would we also determine if there is subsidence and the cause of subsidence, or change of elevation, as there can be more than one cause for these changes.

Director Pace said that with new information available when the study is done, the pumpers can review the information obtained and adjust accordingly.

Director Kimball also stated that once critical infrastructure or locations are identified, then the placement of monitors can be emphasized, but that at present, there is not enough information or historical data.

Director Meneghin requested more details on the study idea from the pumpers.

Director Pace explained the pumpers' ideas for the study on surface water depletion and study MT and MO's we need to address the technical memo, as there are deficiencies in the memo. He added that the memo needs to be updated based on the responses that have been received. He said that would help determine what the key issues are.

Director Meneghin said there are data gaps and asked Legal Counsel if there is a timeline as far as the legal memo he is to write up.

Legal Counsel stated he plans on getting it out within the next two weeks.

Director Meneghin called on Department of Water Resources representative Eddie Pech from the audience, inquiring as to the status of the guidance document, regarding setting criteria for groundwater dependency.

DWR's Eddie Pech replied that the department is moving away from guidance documents on this round of GSPs and he had not heard of any updates or new documents for this round of submittals. He also said not to expect anything from DWR before the plans are due.

Director Kimball noted that most of the comments received focus on aquatic species and mentioned the draft GDE Technical Memo is focused primarily on plant species and not aquatic species. He said there is no clear definition that defines aquatic habitat, which is a weakness that needs to be corrected for the final versions of the Technical Memo and GSP. He also mentioned that the GSA could get help from Stillwater if they would provide backup information for the directors to focus on. He added that Mr. Morgan has identified two rising groundwater reaches as the two aquatic GDE habitats of interest, but he thinks the GSA needs to strengthen the information for better clarification.

Director Meneghin asked Mr. Emmert if the Agency had received a response from Department of Fish and Wildlife regarding the Technical Memo.

Mr. Emmert replied that he would look into it but did not recall receiving any response from them.

Director Meneghin asked if the proposed study updates will be done in five-year intervals or within a year or two, and will it be a supplemental document? She also asked if a matrix would be developed for management prior to the five-year update.

Director Pace said the Board did not get into details, although they agreed it would be done within the five years, if not sooner.

Vice Chair McFadden asked Mr. Morgan what his thoughts were regarding the two remaining SMCs that have yet to be established, and what needs to be done to have a placeholder at this point.

Mr. Morgan replied that he would rather see a placeholder that can be dealt with now and there could be studies done within the five-year period with projects that can be implemented in the five-year update in 2027.

Mr. Morgan asked Mr. Emmert if the metrics that come from National Marine Fisheries Services (NMFS) are there for passage flows? Mr. Emmert confirmed yes, that is correct.

Chair Long asked what the state or federal regulations are for passage flow numbers, and can the GSA use those numbers, or can the GSA use below the thirty feet and set a trigger. Mr. Morgan said NMFS sets the flow requirements for passage and United complies with those numbers and provided explanation of other scenarios.

Vice Chair McFadden asked if United maintains flows at critical times regardless of critical conditions. Mr. Emmert replied yes and provided an explanation with more detail.

Director Meneghin asked Mr. Christian Braudrick from Stillwater Science, if, in his technical opinion, the matrix is sufficient to capture the over summer rearing habitat conditions that is required? Mr. Braudrick replied that as temperatures make it unsuitable, that would be an important metric and mentioned there is no data on fish observations at the basin boundaries.

Director Kimball, Director Meneghin, Vice Chair McFadden, Mr. Emmert, Mr. Detmer and Mr. Morgan had an extensive conversation regarding steelhead fish, water temperature and water flows.

Participant posted question, "Have the majority of the GDEs been eliminated based on 30-foot depth to groundwater?" Mr. Broderick replied no, the GDE's that were mapped where there is data, sometimes the groundwater is shallow enough that it might be at the rooting depth of the plants. Other areas are not areas of rising groundwater, although they do have vegetation.

Participant posted comment, “Remember, there are substantial amounts of invasive vegetative species that are using tremendous amounts of surface water daily which are negatively affecting surface water flows for beneficial users. If invasive species could be eliminated, it would probably have the greatest impact on rising ground water in the GDEs benefitting aquatic species.” Mr. Broderick replied in the Cienega area there is quite a bit of arundo mapped there, but no calculations have been made that we know about and it is known that arundo uses a lot of water, but the amount is not certain and therefore the increase in surface water flow is unknown.

Director Meneghin mentioned that at a previous meeting, a report was shared regarding arundo and posted on the FPBGSA website.

Motion to approve the Land Subsidence criteria with a note to set the minimum threshold for land subsidence at one foot of inelastic subsidence, add additional information in the text about the condition of basins being low and very low risk for subsidence and plan with the data gap analysis to have further studies to identify the susceptible infrastructure, and have an update within the first five years, by Director Pace; Second, Director Villasenor. Roll call vote: six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor), none opposed. Motion carries 6/0.

Director Pace asked Mr. Morgan to confirm what it means to be sustainable. Mr. Morgan said DWR gives the GSAs the authority to define sustainability and DWR wants the GSAs to avoid significant and unreasonable impacts to beneficial uses and users and make progress towards meeting the Agency’s Measurable Objectives (MO).

Vice Chair McFadden asked Mr. Morgan to please define MO. Mr. Morgan replied that it would be addressed in future desired conditions.

4G Special Board Meeting on Sustainable Management Criteria

Motion

The Board discussed dates for holding a Special Board Meeting for approval of the Sustainable Management Criteria matrix and agreed to May 6, 2021.

Motion to approve a Special Board Meeting to be held on May 6, 2021, at 5pm for the purpose of approving the Sustainable Management Criteria matrix, Director Pace; Second, Director Kimball. Roll call vote: six ayes (Kimball, Chair Long, Vice Chair McFadden, Meneghin, Pace, Villaseñor), none opposed. Motion carries 6/0.


FUTURE TOPICS FOR BOARD

Groundwater depletion, SMC’s

DISCUSSION ADJOURNMENT: 8:04 pm

Chair Long adjourned the meeting at 8:00 p.m. to the next **Regular Board Meeting** Thursday, **May 20, 2021** or call of the Chair.

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 April 15, 2021.

ATTEST: 

Kelly Long, Chair, FPB GSA Board of Directors

ATTEST: 

Eva Ibarra, Clerk of the Board