

Board of Directors Meeting Thursday June 16, 2022 5:00 p.m.

In accordance with the California Governor's Executive Stay at Home Order and the County of Ventura Health Officer Declared Local Health Emergency and Be Well at Home Order resulting from the novel coronavirus (COVID-19), the Fillmore City Hall is closed to the public. Therefore, the FPB GSA will be holding its Regular Board of Directors meeting virtually using the ZOOM video conferencing application.

To participate in the Board of Directors meeting via Zoom, please access: https://us02web.zoom.us/j/85480305580?pwd=ZnFBWGhtVU05dXd3REFkM255c0h6UT09

Meeting ID: 854 8030 5580 Password: FPBGSA

To hear just the audio portion of the meeting, phone into the toll-free number 877 853 5247 Meeting ID: **854 8030 5580**

All participants are asked to join the meeting at least five minutes in advance of the 5pm start time and be aware that all participants will be "muted" until recognized by the host. If your computer has a camera, please enable it so we can ensure better engagement between participants.

If you would like to address the Board with a question or offer a comment, please follow these simple instructions to engage the host (Clerk of the Board):

- 1. During a meeting, click on the icon labeled "Participants" at the bottom center of your computer screen.
- 2. At the bottom of the window on the right side of the screen, click the button labeled "Raise Hand."
- 3. Once you've been recognized by the Chair, please click on "Raise Hand" again to remove the signal.



Similarly, if you have a comment or question for the Board, you can use the "Chat" button to convey your question or comment to the HOST, who will put you in line to address the Board.

The Fillmore and Piru Basins GSA Board of Directors appreciates your participation and patience in using Zoom to conduct its public meeting.

AGENDA

1. CALL TO ORDER

- 1A Pledge of Allegiance
- 1B Directors Roll Cal

1C Public Comments

Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) will accept public comment concerning agenda items at the time the item is considered and on any non-agenda item within the jurisdiction of the Board during the agendized Public Comment period. No action will be taken by the Board on any non-agenda item. In accordance with Government Code § 54954.3(b)(1), public comment will be limited to three (3) minutes per speaker per issue.

1D Approval of Agenda Motion

2. UPDATES

2A Director Announcements/Board Communications:

Oral Reports from the Board

Fillmore Pumpers Association Stakeholder Director Update

Piru Pumpers Association Stakeholder Director Update

Environmental Stakeholder Director Update

City of Fillmore Member Director Update

United Water Conservation District Member Director Update

County of Ventura Member Director Update

2B Executive Director Update

Information Item

The Executive Director will provide an informational update on Agency activities since the previous Board meeting of May 19, 2022.

2C Legal Counsel Update

Information Item

Legal Counsel will provide an informational update on Agency's legal issues and concerns since the previous Board of Directors meeting of May 19, 2022.

2D GSP Consultant Update

Information Item

Representatives from Daniel B Stephens & Associates will provide an informational update on Agency's groundwater sustainability planning and reporting activities since the previous Board meeting of May 19, 2022.

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 will consider approving the Minutes from the regular Board Meeting of May 19, 2022, and Special Board Meeting of June 2, 2022.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices

Daniel B. Stephens & Associates \$6,597.00 Brucker Family Trust \$5,000.00

3C Monthly Financial Report

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

3D United Water Conservation District Labor Rates Changes for Fiscal Year 2022-2023

The Board will receive United Water Conservation District labor rates for Fiscal Year 2022-2023.

3E Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

The Board will consider adopting Resolution 2022-08 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

4. MOTION ITEMS

4A Public Hearing Regarding Proposed Fiscal Year 2022-2023 Groundwater Extraction Charge and Adoption of Resolution 2022-09 Motion

The Board will conduct a public hearing to receive stakeholder comments regarding the proposed groundwater extraction fee of \$12 per acre-foot and consider adoption of Resolution 2022-09 setting the proposed extraction fee to become effective on July 1, 2022.

4B Resolution 2022-10 Adopting Proposed Fiscal Year 2022-2023 Budget Motion

The Board will consider adoption of Resolution 2022-10 adopting the proposed Fiscal Year 2022-2023 Budget.

4C Development of Well Permitting Review Process in Compliance with California Executive Order N-7-22

Motion

The Board will receive a presentation from Legal counsel, Daniel B. Stephens and Associates, and staff regarding the development of the Agency's Well Permitting Review Process and provide comments and direction.

4D Comment letter on Assembly Bill 2201

Motion

The Board will consider approving a letter to Assemblymember Steve Bennett regarding potential amendments to Assembly Bill 2201.

4E MVP Farms LP Well Permit Application Review Motion

The Board will consider finding that the MVP Farms LP application for the construction of a replacement well located at 3117 West Telegraph Road, Fillmore California, is not inconsistent with the Agency's Fillmore Basin Groundwater Sustainability Plan and directing staff to provide a letter to the County of Ventura stating the Agency's findings.

FUTURE TOPICS FOR BOARD DISCUSSION

ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting** on Thursday, **July 21, 2022**, or call of the Chair.

Materials, which are non-exempt public records and are provided to the Board of Directors to be used in consideration of the above agenda items, including any documents provided subsequent to the publishing of this agenda, are available for inspection at UWCD's offices at 1701 N. Lombard Street in Oxnard during normal business hours.

The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's services, programs, or activities because of any disability. If you need special assistance to participate in this meeting, or if you require agenda materials in an alternative format, please contact the UWCD Office at (805) 525-4431 or the City of Fillmore at (805) 524-1500. Notification of at least 48 hours prior to the meeting will enable the District to make appropriate arrangements.

Approved:

Board Chair Kelly Long

Fillmore and Piru Basins Groundwater Sustainability Agency Board of Directors Meeting June 16, 2022

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Posted: (date) June 10, 2022 (time) 5:30pm (attest) Eva Ibarra

At: https://www.FPBGSA.org

Posted: (date) June 10, 2022 (time) 5:45pm (attest) Eva Ibarra

At: https://www.facebook.com/FPBGSA/

Posted: (date) June 10, 2022 (time) 6:00 pm (attest) Eva Ibarra

At: UWCD, 1701 N. Lombard Street, Oxnard CA 93030



Board of Directors Meeting Thursday, May 19, 2022 5:00 p.m. MINUTES

Directors in Attendance

Chair Kelly Long Vice Chair McFadden (left a 6:49pm) Director Kimball Director Meneghin Director Pace Director Villaseñor

Staff in Attendance

Executive Director Anthony Emmert Legal Counsel Alexander Lemieux Legal Counsel Steve O'Neill Clerk of the Board Eva Ibarra

Public in Attendance

Dan Detmer, UWCD
Eric Elliott, UWCD
Carole Fornoff
Burt Handy
Zachary Hanson, UWCD
Kathleen Kuepper, UWCD
Tony Morgan, DBS&A
Daryl Smith, UWCD
James Thurber
Steve Zimmer, Five Point

1. Call to Order 5:00pm

McFadden called the Board Meeting to order at 5:00 p.m.

1A Pledge of Allegiance

Director McFadden led everyone in reciting the Pledge of Allegiance.

1B Directors Roll Call

The clerk called roll. All six Directors were present (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor).

1C Public Comments

Chair Long asked if there were any public comments. None were offered.

1D Approval of Agenda

Motion

Chair Long asked if there were any changes to the agenda. She then said there was a request to move item 4B up on the agenda to follow after 1D.

Motion to approve change to agenda sequence as requested, Director McFadden; Second, Director Villaseñor. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

4B Development of Well Permitting Review Process in Compliance with California Executive Order N-7-22

Motion

The Board received a presentation from legal counsel, Daniel B. Stephens and Associates, and staff regarding the development of the Agency's Well Permitting Review Process and provided comments and direction.

Participant chat: "Carole Fornoff from public asked if the CEQA obligation lies with SGMA, the County, the GSA or landowner?" Legal Counsel Steven O'Neill replied, it would be the agency approving the project that would be subject to the CEQA challenge, as the landowner will be applying to the agency for a well permit that will then likely be subject to CEQA review, if there was a discretionary act involved in issuing or considering the permit.

DBS&A Consultant Tony Morgan asked if CEQA was determined to be needed, will the cost fall to the permittee asking for the permit? Mr. O'Neill stated that he does not know the County's procedure, but the permit applicants are usually required to pay for that action.

Director Kimball asked what could happen if the County of Ventura's well permitting process is found subject to CEQA, therefore any new well request would result in a CEQA process paid for by the landowner of the well? Mr. O'Neill stated that he is not familiar with the County's processes for this and mentioned he has seen the cost go to the applicant or developer. Director Kimball said the question is whether it will have to go through a CEQA process, which could take months or even years, as well as tens and thousands of dollars at a minimum.

Director Meneghin said one alternative would be to use a programmatic approach to the CEQA requirement for the program at the County and therefore the GSA can limit the burden on the applicants, and that will require coordination with the County of Ventura.

Director Long stated that it is her understanding that when the County of Ventura offers these programs, the fees cover the service and are not funded by the County's general fund.

Mr. O'Neill thanked Mr. Morgan for his assistance, as he brought the information forward on this case for consideration.

Director Meneghin mentioned that there is going to be legislation and a law forum in June in coordination with the Groundwater Resources Associations GSA summit, where Assemblymember Bennett is also going to be talking about AB 2201. The Agency will then be able to see if AB 2201 will be suspended or if it will move forward into 2023 or later. Mr. Emmert said it may be a wise idea for Assemblymember Bennett to wait and see how the Executive Order plays out, as it may be useful to edit the legislation. Director Long said it is a good suggestion for staff to write a letter to Assemblymember Bennett and state what we want him to look at that would be advantageous to the GSA. Mr. Emmert agreed. Director Kimball said he would support and felt strongly about writing a letter to Assemblymember Bennett. Director Long, Director Kimball, Director Meneghin and Mr. Emmert continued their discussion on this issue. Director McFadden also said he supports a letter to Assemblymember Bennett and explained his view on the subject.

Participant chat, "Carole Fornoff from the public asked if the legislation includes repairs on existing wells." She stated that she wondered if the Board would address repairs and maintenance and standard operating procedures in the letter to Assemblymember Bennett and agreed with Director Kimball's discussion points. Director Long asked Mr. Morgan if he had a response to the modification to a well question? Mr. Morgan said there is no permit required for putting a new pump or motor in your well, however, if you are going to drill a new well, you do fall into the category of permitting, but he does not believe maintenance requires a permit. Mr. O'Neill also said he agrees with Mr. Morgan and feels they need to clarify alterations.

Mr. Morgan presented a well permit review flow chart and explained how various situations could be handled by the Agency, using the flow chart.

Director Kimball said he really liked the chart and found it helpful. Director Long also thanked Mr. Morgan for the chart. Director Villaseñor concurred with the others and asked if the County is also using the same criteria that the agency is using and if not, why not? Director Meneghin said she thinks the criteria that Director Villaseñor mentioned, the Agency would have to look at the closeness to other wells and the groundwater eco-systems and if those were impacted by a new well as a criteria. Mr. Morgan stated the GDE's are included in the flow chart.

Mr. Emmert said he would like to recap the actions from this discussion as Executive Order N-7-22 is applicable today and that staff will incorporate the comments received from the Board and stakeholders into an updated flow chart and will report back to the Board at a future meeting. The second action will be for staff to draft a comment letter to Assemblymember Bennett on AB 2201 for Board consideration at the June 2022 Board meeting.

He also mentioned that the Agency just received a well permit application from the County for a proposed well drilling in one of the Agency's basins. He stated that United Water Conservation District staff provided the well permit applicant with the Executive Order N-7-22 and requested information by which the Agency could review the application. Mr. Emmert said that he will bring back more information on the well permit review request.

Director Kimball asked what is the term of the Executive Order? Mr. Morgan said it expires when the drought is over. Mr. O'Neill also said it is contingent with the state of emergency. Mr. O'Neill said he will get back to the Board with additional details of the Executive Order.

Motion for staff to incorporate comments into the flowchart and bring back for Board consideration, and for staff to prepare a letter to Assemblymember Bennett regarding AB 2201 for Board consideration, Director Kimball; Second, Director McFadden. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

2. UPDATES

2A Director Announcements/Board Communications:

Oral Reports from the Board

Fillmore Pumpers Association Stakeholder Director Update

Director Kimball stated the Fillmore Basin Pumpers Association Board of Directors had their monthly meeting on May 10, and will have their annual meeting on June 14 at 9:00am, via Zoom. He explained that at this meeting they will conduct their legally required business and hopes to get updates from Mr. Emmert on the GSA and have also asked Bryan Bondy, the association's consultant to provide an update on other GSAs that he is involved with. Director Kimball also said he would like to get an update from United on their climate cycles study.

Piru Pumpers Association Stakeholder Director Update

Director Pace said the Piru Pumpers reiterated the update from the Fillmore Pumpers with the only difference being that the Piru association is working on a replacement for his seat, which should take place in July.

Environmental Stakeholder Director Update

Director Meneghin reported the Friends of the Santa Clara River met on May 12 and commented before the Los Angeles Regional Water Control Board on the Valencia Water Reclamation Plant, during the hearing on the plant's National Pollutant Elimination System (NPDES) permit and explained the discussion from the hearing. She also mentioned she has registered to attend GSA Summit event in Sacramento in June and is looking forward to attending.

City of Fillmore Member Director Update

Director Villaseñor provided an update from the last City Council meeting, reporting that the City of Fillmore is building homes at the Bridges project, and the City will review and approve the Northeast project. She also mentioned that staff is growing and the City will soon hire a Senior Planner.

United Water Conservation District Member Director Update

Director McFadden had nothing to report.

County of Ventura Member Director Update

Chair Long thanked both Director McFadden and Director Pace for all their hard work and dedication to the Agency. She also mentioned the Santa Clara Watershed Committee met today, hosted by United Water. She also mentioned Governor Newson has now delivered \$47.1 billion dollars in climate commitment. She stated that Lynn Rodriguez, with the Watersheds Coalition of Ventura County, sent out an email regarding Proposition 1, Round 2 of integrated water management grants, and disadvantaged community grants. She said the Agency should be looking at those and other available grants. She also shared other discussions from that meeting. On May 10, the Board of Supervisors had a meeting that included a presentation on water supply for Ventura County, in response to the drought.

2B Executive Director Update Information Item

The Executive Director provided an update and stated the Agency has submitted grant progress report and invoice 12 to DWR. He also mentioned that DWR received comments on the Agency's submitted GSPs that were from California Department of Fish and Wildlife, National Marine Fish Services, and a coalition of environmental and disadvantaged community advocates. He stated that DWR will review these comment letters as part of its review process. Mr. Emmert also mentioned the GSA is planning a gathering at El Pescador in Fillmore for the Board and staff on June 3 at 5pm to celebrate the adoption of the GSPs and Director McFadden's retirement.

2C Legal Counsel Update

Information Item

Legal Counsel reported working on a presentation to be shared today, the execution of a couple of resolutions, and review and execution of an amendment to the DBS&A agreement for GSP implementation. He also mentioned as a result of the events in the Ukraine, the Agency has to comply with reporting if there are any Russian entities in any of our contracts.

2D GSP Consultant Update

Information Item

Mr. Tony Morgan provided a short presentation to the Board of Directors. Director Meneghin said she would support that we add a discussion for projects in our upcoming agendas. She mentioned the disadvantaged community grant they received for funding for upstream arundo removal, and it would be ideal to receive funds for arundo removal in our basin. She also mentioned interest on the construction of shallow wells, with a discussion on how to bring partners in. She also mentioned the Agency needs to submit for grants and try to get some funding while it is available, in an effort to save the pumpers money by taking advantage of these funding opportunities.

Director Kimball said under other projects, he would like to add a project that can evaluate wells that would be most vulnerable to going dry during extended drought periods.

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 will consider approving the Minutes from the regular Board Meeting of April 21, 2022.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoice

County of Ventura IT Services \$847.93

Daniel B Stephens \$23,945.97

UWCD \$25,358.65

3C Monthly Financial Report

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

3D Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

The Board adopted Resolution 2022-06 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

Motion to approve consent calendar, Director McFadden; Second, Director Villaseñor. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

4. MOTION ITEMS

4A Agreement with Brucker Family Trust for Perpetual Easement for East Grove Monitoring Well

Motion

The Board considered approving an agreement with the Brucker Family Trust for a perpetual easement on the Mike Brucker Ranch property, APN 0460250180, located near South Mountain Road, for the construction, maintenance, and operation of the East Grove Monitoring Well. UWCD's Associate Hydrogeologist Eric Elliott stated he would like to have this paid from the June payment cycle. Mr. Emmert stated the Agency has completed an access agreement from the State of California Fish and Wildlife for three other shallow monitoring sites that are ready to go.

Motion to approve agreement with the Brucker Family Trust for Perpetual Easement for East Grove Monitoring Well, Director Meneghin; Second, Director Kimball. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

4C Draft Fiscal Year 2022-2023 Budget and Groundwater Charges Motion

The Board received an update from staff on the draft Fiscal Year 2022-2023 Budget and provided comments and direction.

Director Long hopes the Agency can continue to keep the rates as the Agency promised to the pumpers as the budget is being reviewed.

Director Meneghin asked with the IRWM program, DWR took about six months to reimburse, is it the same with progress reporting and invoicing with the SGMA program? Mr. Emmert said we have been invoicing on a quarterly basis and payments have been at least six months following invoices submittals.

Motion to receive and file, Director Villaseñor; Second, Director Meneghin. Roll call vote: Five ayes (Kimball, Long, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 5/0/1. Mcfadden unavailable to vote.

4D Special Board Meeting for Budget Adoption and Setting Groundwater Charges

Motion

The Board set a date and time for a Special Board Meeting to adopt the Fiscal Year 2022-2023 Budget and associated groundwater extraction charges for June 2, 2022, at 5pm, via Zoom.

Motion to approve date and time for Special Board Meeting, Director Meneghin; Second, Director Pace. Roll call vote: Five ayes (Kimball, Long, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 5/0/1. Mcfadden unavailable to vote.

FUTURE TOPICS FOR BOARD DISCUSSION

Grants

Budget

Letter to be presented to Assembly Member Bennett

ADJOURNMENT 6:51 p.m.

Director Long adjourned the Board meeting at 6:51p.m. to the next **Regular Board Meeting** on Thursday, **June 16, 2022,** or call of the Chair.

ATTEST:
Ed McFadden, Vice 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 May 19, 2022.
ATTEST:
Eva Ibarra, Clerk of the Board



Special Board of Directors Meeting Thursday, June 2, 2022 5:00 p.m. MINUTES

Directors in Attendance

Chair Kelly Long Vice Chair McFadden Director Kimball Director Meneghin Director Pace Director Villaseñor

Staff in Attendance

Executive Director Anthony Emmert Legal Counsel Steven O'Neill Clerk of the Board Eva Ibarra

Public in Attendance

Daryl Smith, UWCD James Thurber

1. Call to Order 5:00pm

Vice Chair McFadden called the Special Board Meeting to order at 5:00 p.m.

1A Pledge of Allegiance

Director Meneghin led everyone in reciting the Pledge of Allegiance

1B Directors Roll Call

The clerk called roll. All six Directors were present (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor).

1C Public Comments

Chair Long asked if there were any public comments. None were offered.

1D Approval of Agenda

Motion

Chair Long asked if there were any changes to the agenda. None were mentioned. Motion to approve agenda, Director McFadden; Second, Director Meneghin. Roll call vote: Six ayes (Kimball, Long, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 6/0.

2. MOTION ITEMS

2A Fiscal Year 2022-2023 Budget and Groundwater Charges Motion

The Board received a presentation from staff on the updated draft Fiscal Year 2022-2023 Budget and proposed groundwater extraction charges and provided comments in support of the draft budget.

Director McFadden stated he was very impressed with Executive Director Anthony Emmert's presentation and explanation provided for the budget and groundwater charges. Director Meneghin also thanked Mr. Emmert for his great work on the presentation and being able to maintain the rate as promised to the pumpers.

Director Kimball expressed his appreciation for all of Director McFadden's contributions and hard work, stating that Director McFadden would be missed, and wished him well. Director McFadden replied by thanking all of the Directors and staff for their professionalism and said his leaving is bittersweet. Chair Long said she wanted to thank Director McFadden for his dedication and all the hard work he provided to the agency.

Chair Long then asked if there were any public comments. None were offered.

The Board agreed to carry the motion forward to a noticed public hearing as part of the FPBGSA Regular Board meeting on June 16, 2022, at which time the Directors will hear public comments and consider adoption of the FY 2022-2023 budget and the setting of groundwater extraction charges.

FUTURE TOPICS FOR BOARD DISCUSSION

None mentioned.

ADJOURNMENT 5:28 p.m.

Chair Long adjourned the Board meeting at 5:28p.m. to the next **Regular Board Meeting** on Thursday, **June 16, 2022,** or call of the Chair.

ATTEST: Kelly Long Chair, FPB GSA Board of Directors
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 June 2, 2022.
ATTEST: Eva Ibarra, Clerk of the Board



Fiscal Year 2022-2023 Budget

02 Jun 2022

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AGENCY ACTIVITIES FISCALYEAR 2021-2022



- Initial Groundwater Sustainability Plans
- Annual Reports for Water Year 2020-2021
- Online Groundwater Database
- Monitoring Wells Project
- Managed \$1.5 Million Grant from California DWR

WORK PLAN FOR FISCALYEAR 2022-2023	Groundwater Sustainability Agu
Monitoring Wells Project	\$600,000
GSP Grant from California DWR Completion	
 Annual Reports for Water Year 2021-2022 	50,000
Online Groundwater Database Update	
Cienega Springs Enhancement Project	50,000

Subsidence Evaluation	\$25,000
Well Permitting Review Process	20,000
Shallow Domestic Wells Identification	20,000
Grant Applications (SGM Grants, Others)	20,000
Receivables Collections	30,000

GROUNDWATER EXTRACTION CHARGES



Current Groundwater Charges

\$12.00 Per Acre-Foot

Proposed FY 2022-2023 Charges

\$12.00 Per Acre-Foot

	FY 22-23	FY 21-22
	Accrual Basis	Accrual Basis
	Proposed Budget	Adopted Budget
Income		
40001 · Groundwater Extraction Charge*	638,031	540,000
41001 · State Grants	400,058	537,970
Total 41000 · Grant Revenue	400,058	537,970
Total Income	1,038,089	1,077,970
Gross Profit	1,038,089	1,077,970
Expense		
52200 · Professional Services		
52240 · Prof Svcs - IT Consulting	1,700	1,700
52250 · Prof Svcs - Groundwtr/GSP Prep		
52251 · Prof Svcs - UWCD GW Services	-	-
52252 · Prof Svcs - GSP Consultant	165,000	430,000
Total 52250 · Prof Svcs - Groundwtr/GSP Prep	165,000	430,000
52270 · Prof Svcs - Accounting	24,200	24,200
52275 · Prof Svcs - Admin/Clerk of Bd	25,000	25,000
52280 · Prof Svcs - Executive Director	50,000	40,000
52290 · Prof Svcs - Other	20,000	
Total 52200 · Professional Services	285,900	520,900
52501 · Legal Counsel	60,000	30,000
Total 52500 · Legal Fees	60,000	30,000
Total 53000 · Office Expenses	7,500	7,500
53510 · Liability Insurance	2,500	2,500
Total 53500 · Insurance	2,500	2,500
81000 · Capital Expenditures	600,000	505,000
Total Expense	955,900	1,065,900
Net Income	82,189	12,070
		1. 4. 1.

COMMENTS & INPUT



- Work Plan
- Budget
- Proposed Groundwater Extraction Charge

7

NEXT STEPS



- Post Budget & Groundwater Charges on District Website
- 16 Jun 2022 Regular Board Meeting
 - Hold Public Hearing
 - Adopt Budget for Fiscal Year 2022-2023
 - Adopt Groundwater Extraction Charges

Fillmore and Piru Basins GSA Check Detail

June 1 - 7, 2022

Туре	Num	Date	Name	Account	Original Amount
Bill Pmt -Check	11158	06/07/2022	Brucker Family Trust	10000 · Bank of the Sierra	-5,000.00
Bill Pmt -Check	11159	06/07/2022	Daniel B Stephens & Associates, Inc.	10000 · Bank of the Sierra	-6,597.00
					-11,597.00



Item No. 3C Consent Calendar

DATE: June 6, 2022

TO: Board of Directors

SUBJECT: Monthly Financial Report

SUMMARY

The Board will receive the monthly financial report for the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency).

BACKGROUND

United Water Conservation District accounting staff has prepared financial reports based on the Agency revenue and expenses for the month of May 2022.

FISCAL IMPACT

None

Attachments: May 31, 2022 P/L Budget Performance

May 31, 2022 Balance Sheet

Fillmore and Piru Basins GSA Profit & Loss Budget Performance July 2021 through May 2022

	Jul '21 -May '22	Annual Budget	Budget
Income			
40001 · Groundwater Extraction Charge	366,361.29	540,000.00	67.84%
41000 · Grant Revenue	000,001.20	0.10,000.00	0.10.70
41001 · State Grants	179,446.09	537,970.00	33.36%
Total 41000 · Grant Revenue	179,446.09	537,970.00	
47000 · Other Revenue	,	,	
47001 · Late Fees	63,450.84	0.00	
47012 · Returned Check Charges	0.00	0.00	
Total 47000 ⋅ Other Revenue	63,450.84	0.00	
Total Income	609,258.22	1,077,970.00	56.52%
Gross Profit	609,258.22	1,077,970.00	56.52%
Expense	009,230.22	1,077,970.00	30.32 /
52200 · Professional Services			
52240 · Prof Svcs - IT Consulting	1,381.71	1,700.00	81.28%
52250 · Prof Svcs - Groundwtr/GSP Prep	1,301.71	1,700.00	01.20%
52251 · Prof Svcs - UWCD GW Services	13,413.35	0.00	
52251 · Prof Svcs - GWCD GW Services	277,208.04	430,000.00	64.47%
	·	·	
Total 52250 · Prof Svcs - Groundwtr/GSP Prep	290,621.39	430,000.00	67.59%
52270 · Prof Svcs - Accounting	19,632.70	24,200.00	81.13%
52275 · Prof Svcs - Admin/Clerk of Bd	11,393.50	25,000.00	45.57%
52280 · Prof Svcs - Executive Director	48,383.64	40,000.00	120.96%
52290 · Prof Svcs - Other	0.00	0.00	
Total 52200 · Professional Services	371,412.94	520,900.00	71.30%
52500 · Legal Fees			
52501 · Legal Counsel	9,756.00	30,000.00	32.52%
Total 52500 · Legal Fees	9,756.00	30,000.00	32.52%
53000 · Office Expenses			
53010 · Public Information	574.04	1,000.00	57.40%
53020 · Office Supplies	604.16	500.00	120.83%
53026 · Postage & Mailing	674.44	2,000.00	33.72%
53040 · Membership Dues	0.00	0.00	
53060 · Computer Software	0.00	0.00	
53110 · Travel & Training	83.15	4,000.00	2.08%
Total 53000 · Office Expenses	1,935.79	7,500.00	25.81%
53500 · Insurance			
53510 · Liability Insurance	2,287.12	2,500.00	91.48%
Total 53500 · Insurance	2,287.12	2,500.00	91.48%
70130 · Bank Service Charges	0.00	0.00	
81000 · Capital Expenditures	0.00	505,000.00	0.00%
Total Expense	385,391.85	1,065,900.00	36.16%
t Income	223,866.37	12,070.00	1854.73%

Fillmore and Piru Basins GSA Balance Sheet

As of May 31, 2022

	May 31, 22
ASSETS	
Current Assets	
Checking/Savings	
10000 ⋅ Bank of the Sierra	788,107.30
Total Checking/Savings	788,107.30
Accounts Receivable	
11000 · Accounts Receivable	763,600.48
Total Accounts Receivable	763,600.48
Total Current Assets	1,551,707.78
TOTAL ASSETS	1,551,707.78
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	11,597.00
Total Accounts Payable	11,597.00
Total Current Liabilities	11,597.00
Total Liabilities	11,597.00
Equity	
32000 · Retained Earnings	1,316,244.41
Net Income	223,866.37
Total Equity	1,540,110.78
TOTAL LIABILITIES & EQUITY	1,551,707.78



Item No. 3D Informational

DATE: June 6, 2022 (for June 16, 2022 meeting)

TO: Board of Directors

SUBJECT: United Water Conservation District Labor Rates for Fiscal Year 2022-2023

SUMMARY

The agreement between the Fillmore and Piru Basins Groundwater Sustainability Agency and the United Water Conservation District makes provision for periodic changes in labor rates and requires the District to provide the Agency with notice of those changes. The required notice to the Agency is provided via this report.

RECOMMENDED ACTION

The Board will receive the United Water Conservation District labor rates for Fiscal Year 2022-2023.

BACKGROUND

The professional services agreement between the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) and the United Water Conservation District (District) for staff services, executed on April 19, 2018 and amended on August 23, 2018, makes provision for the District to periodically change the labor rates it charges to the Agency, and requires the District to provide the Agency with notification of such changes. With the adoption of its Fiscal Year 2022-2023 Budget on June 8, 2022, the District's overall hourly labor rates increased. The District is providing the Agency with an updated labor rates document for the staff members that may be utilized by the Agency. A copy of the District's Labor Rates Sheet for Fiscal Year 2022-2023 is attached to this report.

The anticipated labor rates were incorporated into the Agency's proposed Fiscal Year 2022-2023 budget, scheduled to be adopted by the Board of Directors during its June 16, 2022, regular meeting.

FISCAL IMPACT

There are sufficient funds included in the Agency's proposed Fiscal Year 2022-2023 budget to accommodate the labor rate change from the District.

ATTACHMENTS

Attachment 1 United Water Conservation District Labor Rates Sheet for Fiscal Year 2022-2023

United Water Conservation District

FY 2022-23 Rates Step 5

Position	FY 22-23 Billing Rates	FY 21-22 Billing Rates	% Change
Accountant II	72.28		
Accounting Technician	58.23	_	
Administrative Assistant II	58.43	- 57.47	1.67%
Assistant Engineer / Associate Engineer	92.00	90.68	1.46%
Assistant Engineer / Associate Engineer Assistant General Manager	196.20	186.99	4.92%
Associate Hydrogeologist	80.73	79.01	2.18%
Associate Environmental Scientist	75.67	74.79	1.18%
Chief Engineer	174.38	157.47	10.74%
Chief Financial Officer	173.99	156.99	10.74%
Chief Park Ranger	120.69	121.63	-0.77%
Chief Water Treatment Operator	112.31	100.94	11.26%
Controller	125.84	122.99	2.32%
Chief Operations Officer	173.99	160.67	8.29%
Dam Operator	88.38	87.20	1.35%
Engineer	107.53	104.82	2.59%
Engineering Manager	140.98	130.66	7.90%
Engineering Manager Engineering Technician/ GIS Analyst	71.00	70.22	1.11%
Environmental Scientist - Regulatory affairs	89.99	88.76	1.39%
Environmental Services Lead Field Technician	68.11	67.18	1.38%
Executive Assistant/Clerk of the Board	119.41	-	1.50%
Facilities Maintenance Worker	57.70	56.54	2.05%
Field Technician	53.25	52.75	0.95%
General Manager	288.17	269.00	7.13%
Human Resources Specialist	80.25	203.00	7.1370
Chief Human Resources Officer	172.60	_	
Hydrogeologist	91.79	89.78	2.24%
Senior Technology Systems Specialist	93.25	-	2.2470
Lead Recharge O&M Worker	90.50	88.39	2.39%
Park Ranger IV	77.74	76.05	2.22%
Park Ranger - Cadet	46.79	70.03	2.22/0
Principal Hydrogeologist/ Modeler	124.59	121.25	2.75%
Recharge O&M Worker I	70.95	69.32	2.35%
Recharge O&M Worker II	79.01	77.23	2.30%
Senior Accountant	85.54	83.97	1.87%
Senior Engineer	122.61	119.17	2.89%
Environmental Services Manager	141.85	-	2.0370
Senior Hydrologist	107.42	114.03	-5.80%
Senior Hydrogeologist	119.15	116.12	2.61%
Senior Water Treatment Operator	98.26	96.07	2.28%
Supervising Hydrogeologist	119.15	-	2.2070
Associate Hydrogeologist	80.73	79.01	2.18%
Supervising I&E Technician	109.51	102.60	6.73%
Water Resources Manager	140.85	127.99	10.05%
Water Resources Ivaliager Water Resources Technician	68.08	66.67	2.11%
Water Treatment Operator III	80.66	78.95	2.11%
vvater freatment Operator III	60.00	76.95	2.1/%



Item No. 3E Motion

DATE: June 6, 2022 (for June 16, 2022 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act

Teleconferencing Requirements

SUMMARY

In response to the COVID-19 pandemic, the California Governor signed Assembly Bill 361 (AB 361) on September 16, 2021, that temporarily exempts agencies from certain requirements of the Brown Act and adds additional requirements for public meetings held by teleconference. This staff report provides an analysis of the changes to the Brown Act per AB 361. During its October 21, 2021 meeting, the Agency's Board adopted Resolution 2021-06 authorizing the use of the AB 361 provisions for its meetings. Adoption of Resolution 2022-07 continues the authorization of the use of AB 361 provisions for the coming 30 days.

RECOMMENDED ACTION

The Board will consider adopting Resolution 2022-07 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

BACKGROUND

In March of 2020, the Governor of California issued Executive Order N-29-20, which waived Brown Act requirements found in Gov. Code § 54953(b)(3) for teleconference participation in public meetings. In particular, this Order waived:

- The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- b) The requirement that each teleconference location be accessible to the public;
- C) The requirement that members of the public may address the body at each teleconference location;
- d) The requirement that state and local bodies post agendas at all teleconference locations; and
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Executive Order N-29-20 expired on September 30, 2021. However, AB 361 was signed by the Governor to extend the provisions of N-29-20, subject to certain conditions to be met by the local legislative body utilizing its exemptions. AB 361 also imposes certain new requirements, detailed below.

ANALYSIS

AB 361 exempts local legislative bodies from certain Brown Act requirements currently governing teleconferencing. These exemptions may be used only in one of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- C) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Currently, the Governor's state of emergency regarding COVID-19 is still in effect, and the Ventura County Health Officer has recommended that legislative bodies in the County continue to follow social distancing measures to prevent the spread of COVID.

Further, AB 361 requires the Agency to reconsider the state of emergency and make such determination every 30 days after commencing use of its exemptions. However, if during the 30-day period the Agency wishes to meet in person, they may choose to do so despite adopting the proposed Resolution. The intent of the Resolution is merely to allow the Board members to avail themselves of the AB 361 teleconferencing conveniences if they so choose.

Finally, in addition to allowing for the above exemptions, AB 361 adds the following requirements:

- a) The legislative body must give notice of the meeting and post agendas as otherwise required by the Brown Act.
- b) The legislative body must allow members of the public to access the meeting, and the agenda must provide an opportunity for members of the public to address the legislative body directly pursuant to Brown Act requirements. In each instance where notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body must also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend via call-in option or an internet-based service option. The legislative body need not provide a physical location from which the public may attend or comment.
- C) The legislative body must conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.
- d) In the event of a disruption that prevents the public agency from broadcasting the meeting to members of the public using the call-in or internet-based service options, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in or internet-based service options, the legislative body must take no further action on items appearing on the meeting agenda until public access to the meeting is restored. Actions taken on agenda items during a disruption preventing the broadcast of the meeting may be challenged as provided in the Brown Act.
- e) The legislative body may not require public comments to be submitted in advance of the meeting, and it must provide an opportunity for the public to address the legislative body and offer comment in real time.

Item No: 3E: Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

- f) The legislative body may use an online third-party system for individuals to provide public comment that requires an individual to register with the system prior to providing comment.
- g) If a legislative body provides a timed public comment period, it may not close the comment period or the time to register to provide comment under f) until the timed period has elapsed. If the legislative body does not provide a time-limited comment period, it must allow a reasonable time for the public to comment on each agenda item and to register as necessary under f).

Accordingly, staff recommends that the Board adopt Resolution 2022-07. Doing so will enable the Agency's continued use of the AB 361 exemptions to Brown Act teleconferencing requirements, while allowing the Board to hold in person meetings at its discretion.

FISCAL	IMPACT
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No fiscal impacts.

ATTACHMENTS

Resolution 2022-08

Proposed Motion: A	doption of Resolution 2022	2-08.	
1 st : Director		2 nd : Director	
Voice/Roll call vote:	Director Kimball:	Director Long:	Director McFadden:
Director Meneghin:	Director Pace:	Director \	/illasenor:

RESOLUTION NO. 2022-08

A RESOLUTION OF THE BOARD OF DIRECTORS OF FILLMORE & PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY AUTHORIZING THE USE OF TELECONFERENCING FOR PUBLIC MEETINGS

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FILLMORE & PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY as follows:

WHEREAS, the Governor of the State of California ("Governor") proclaimed a State of Emergency to exist as a result of the threat of COVID-19. (Governor's Proclamation of a State of Emergency (Mar. 4, 2020).)

WHEREAS, the Governor's Exec. Order No. N-25-20 (Mar. 12, 2020); Governor's Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor's Exec. Order No. N-08-21 (Jun. 11, 2021) provided that local legislative bodies may hold public meetings via teleconferencing and make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body and waived the Brown Act provisions found in Govt. Code section 54953(b)(3) which require the physical presence of the members, the clerk, or other personnel of the body, or the public, as a condition of participation in, or quorum for, a public meeting, including:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting.
- b) The requirement that each teleconference location be accessible to the public.
- c) The requirement that members of the public may address the body at each teleconference location.
- d) The requirement that state and local bodies post agendas at all teleconference locations.
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

WHEREAS, the provisions of Governor's Exec. Order No. N-25-20 (Mar. 12, 2020); Governor's Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor's Exec. Order No. N-08-21 (Jun. 11, 2021) expired on September 30, 2021 and are no longer in effect thereafter;

WHEREAS, the Center for Disease Control is currently contending with the Delta Variant of the COVID-19 virus and anticipates the development of potential other strains which may further impede public agency operations and prolong the need for social distancing requirements; and

WHEREAS, recent legislation (A.B. 361) authorizes a local legislative body to use teleconferencing for a public meeting without complying with the Brown Act's teleconferencing quorum, meeting notice, and agenda requirements set forth in Government Code section 54953(b)(3), in any of the following circumstances:

a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

RESOLUTION No. 2022-08 (continued)

- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fillmore & Piru Basins Groundwater Sustainability Agency as follows:

- <u>Section 1.</u> <u>Incorporation of Recitals</u>. All of the foregoing Recitals are true and correct, and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.
- <u>Section 2.</u> <u>Adoption of AB 361.</u> The Board has determined by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- Section 3. Continued Implementation of AB-361. If the state of emergency remains active, or state or local officials have imposed measures to promote social distancing, the Board of Directors of the Fillmore & Piru Basins Groundwater Sustainability Agency shall, in order to continue meeting subject to this exemption to the Brown Act, no later than 30 days after it commences using the exemption, and every 30 days thereafter, make the following findings by majority vote:
- a) The legislative body has reconsidered the circumstances of the state of emergency; and
- b) Either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing.
 - <u>Section 4.</u> <u>Applicability</u>. The health and safety findings and determination that teleconference meetings are appropriate applies to all District committees and legislative bodies subject to the Brown Act.

PASSED, APPROVED AND ADOPTED on June 16, 2022.

ATTEST:	President	
Secretary		
APPROVED AS TO FORM:		
General Counsel		



Item No. 4A Public Hearing

DATE: June 6, 2022 (for June 16, 2022 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: Public Hearing Regarding Proposed Fiscal Year 2022-23 Groundwater Extraction

Charge and Adoption of Resolution 2022-09

RECOMMENDED ACTION

The Board will conduct a public hearing to receive stakeholder comments regarding the proposed groundwater extraction fee of \$12 per acre-foot and consider adoption of Resolution 2022-09 setting the proposed extraction fee to become effective on July 1, 2022.

FISCAL IMPACT

The adoption of the groundwater extraction fee allows the Agency to collect groundwater extraction charges from pumpers within Agency boundaries as revenue to support the Agency's activities mandated by the Sustainable Groundwater Management Act, and as represented in the proposed budget reviewed by the Board of Directors during its June 2, 2022 meeting. The proposed groundwater extraction fee of \$12 per acre-foot for the coming fiscal year is the same as the existing fee.

ATTACHMENTS

Resolution 2022-09

Proposed Motion: Provide comments and d	irection regarding the p	proposed edits to the Agen	cy Bylaws.
1st: Director	2 nd : Director		_
Voice/Roll call vote: Director Kimball:	Director Long:	Director	:
Director Meneghin:	Director Pace:	Director Villasenor:	

RESOLUTION NO. 2022-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY DETERMINING AND ESTABLISHING GROUNDWATER EXTRACTION CHARGES AGAINST ALL PERSONS OPERATING GROUNDWATER PRODUCING FACILITIES WITHIN THE FILLMORE AND PIRU BASINS

WHEREAS, pursuant to the Sustainable Groundwater Management Act (SGMA), Groundwater Sustainability Agencies (GSA) are authorized to collect fees to fund the cost of preparing a Groundwater Sustainability Plan (GSP), including the preparation and amendment of a sustainability plan, investigation of groundwater conditions, compliance assistance, enforcement, and program administration (California Water Code Section 10730); and

WHEREAS, the type of fees that can be imposed to fund the cost of preparing a GSP include permit fees, fees on groundwater extraction, and fees on other regulated activity; and

WHEREAS, the Agency has provided notice of the pending adoption of these fees through publication of a notice in the Fillmore Gazette on June 2, 2022, through June 9, 2022.

WHEREAS, the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) posted this information on the Internet Website of the Agency and the Agency's Social Media platforms beginning on May 31, 2022.

WHEREAS, the Agency provided notice by mail to all interested parties who filed a written request with the Agency: and

WHEREAS, the Agency made the data upon which the fee is based available to the public 15 days prior to the public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fillmore and Piru Basins Groundwater Sustainability Agency that groundwater extraction charges should be levied pursuant to Water Code Section 10730 as follows:

BE IT FURTHER RESOLVED that groundwater extraction charges be levied pursuant to Water Code Section 10730 as described herein.

RESOLUTION No. 2022-09 (continued)

BE IT FURTHER RESOLVED that the Board of Directors of the Fillmore and Piru Basins Groundwater Sustainability Agency does hereby affirm its establishment of a groundwater extraction charge of \$12.00 per acre foot. The Agency does hereby affirm its levy, assessment and fixing of this groundwater extraction charge in compliance with law against all persons operating groundwater producing facilities within the Agency boundary commencing July 1, 2022 through June 30, 2023.

BE IT FURTHER RESOLVED that the Board of Directors of the Fillmore and Piru Basins Groundwater Sustainability Agency has elected to bill for these groundwater extraction charges semiannually with billing periods covering January through June and July through December.

BE IT FURTHER RESOLVED that based on the testimony and evidence (including exhibits) presented at said meetings and public hearing, for purposes of calculating the groundwater extraction charge, the Board of Directors of Fillmore and Piru Basins Groundwater Sustainability Agency hereby establishes the following methods to be used in computing with reasonable accuracy the amount of water produced from a water-producing facility: (a) a permitted water flow meter; or (b) Edison electrical meter with such calculations made pursuant to the United Water Conservation District's Groundwater Extraction Reporting Policy adopted by its Board on May 15, 2013.

BE IT FURTHER RESOLVED that in levying groundwater charges within the Agency as set forth herein, the Board of Directors of Fillmore and Piru Basins Groundwater Sustainability Agency, makes the following findings, based upon the testimony and evidence (including exhibits) presented at said meetings and public hearing:

- (a) Revenues derived from the groundwater extraction charges will not exceed the funds required to provide the Agency's Groundwater Sustainability Plan and related administrative services.
- (b) Revenues derived from the groundwater extraction charges shall not be used for any purpose other than that for which the groundwater charges are imposed.

We, the undersigned, being the duly qualified and current Chair and Secretary, respectively, of the Board of Directors of Fillmore and Piru Basins Groundwater Sustainability Agency, do hereby certify that the above and foregoing resolution was duly and regularly adopted and passed by resolution of the Board of Directors of said groundwater sustainability agency at a meeting thereof held on the 16th day of June 2022, by the following vote:

RESOLUTION No. 2022-09 (continued)

Abstain, Directors:
Not in favor, Directors:
Absent, Directors:
ATTEST: Kelly Long, Chair, FPB GSA Board of Directors
ATTEST: Vice Chair/Secretary/Treasurer_EPR GSA Board of Directors



Item No. 4B Motion

DATE: June 6, 2022 (for June 16, 2022 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: Resolution 2022-10 Adopting Fiscal Year 2022-2023 Budget

RECOMMENDED ACTION

The Board will consider adoption of Resolution 2022-10 adopting the proposed Fiscal Year 2022-2023 Budget.

DISCUSSION

During its June 2, 2022 meeting, the Agency Board of Directors held a budget workshop to review and provide comments on the proposed Fiscal Year 2022-2023 Budget. The proposed budget is attached.

FISCAL IMPACT

The adoption of an annual budget provides authorization for the planned revenues and expenditures of the Agency as it fulfills the requirements of the Sustainable Groundwater Management Act.

ATTACHMENTS

Proposed FY 2022-23 Budget

Resolution 2022-10

Proposed Motion: Pr	ovide comments and direc	tion regarding the p	proposed edits to the Agency Bylaws
1st: Director		2 nd : Director	
Voice/Roll call vote:	Director Kimball:	Director Long:	Director:
Director Meneghin:	Director Pace:	Director V	'illasenor:
J			

Fillmore and Piru Basins GSA FY 22-23 Proposed Budget

	FY 22-23 Accrual Basis	FY 21-22 Accrual Basis	
	Proposed Budget	Adopted Budget	
Income			
40001 · Groundwater Extraction Charge*	638,031	540,000	
41000 · Grant Revenue			
41001 · State Grants	400,058	537,970	
Total 41000 ⋅ Grant Revenue	400,058	537,970	
47000 · Other Revenue			
47001 · Late Fees	-		
47012 · Returned Check Charges	-		
Total 47000 ⋅ Other Revenue			
Total Income	1,038,089	1,077,970	
Gross Profit	1,038,089	1,077,970	
Expense			
52200 · Professional Services			
52240 · Prof Svcs - IT Consulting	1,700	1,700	
52250 · Prof Svcs - Groundwtr/GSP Prep			
52251 · Prof Svcs - UWCD GW Services	-	-	
52252 · Prof Svcs - GSP Consultant	165,000	430,000	
Total 52250 · Prof Svcs - Groundwtr/GSP Prep	165,000	430,000	
52270 · Prof Svcs - Accounting	24,200	24,200	
52275 · Prof Svcs - Admin/Clerk of Bd	25,000	25,000	
52280 · Prof Svcs - Executive Director	50,000	40,000	
52290 · Prof Svcs - Other	20,000	-	
Total 52200 ⋅ Professional Services	285,900	520,900	
52500 · Legal Fees			
52501 · Legal Counsel	60,000	30,000	
Total 52500 · Legal Fees	60,000	30,000	
53000 · Office Expenses			
53010 · Public Information	1,000	1,000	
53020 · Office Supplies	500	500	
53026 · Postage & Mailing	2,000	2,000	
53110 · Travel & Training	4,000	4,000	
Total 53000 ⋅ Office Expenses	7,500	7,500	
53500 ⋅ Insurance			
53510 ⋅ Liability Insurance	2,500	2,500	
Total 53500 ⋅ Insurance	2,500	2,500	
70000 · Interest & Debt Service			
70120 · Interest Expense			
Total 70000 · Interest & Debt Service	-	-	
70130 ⋅ Bank Service Charges	-		
81000 · Capital Expenditures	600,000	505,000	
Total Expense	955,900	1,065,900	
Income	82,189	12,070	

RESOLUTION NO. 2022-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY ADOPTING THE PROPOSED FISCAL YEAR 2022-23 BUDGET

WHEREAS, the Board of Directors of the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency), as the sole Groundwater Sustainability Agency (GSA) for the Fillmore and Piru basins; on June 16, 2022, approves the proposed Budget for the Fiscal Year 2022-2023, commencing on July 1, 2022, and ending on June 30, 2023; and

WHEREAS, as recommended by the Sustainable Groundwater Management Act, the following activities were undertaken by the Agency:

- 1. A preliminary draft of the Agency's Fiscal Year 2022-2023 Budget Plan was shared with pumpers within the two basins (Fillmore and Piru) and the general public at a Board of Directors Meeting on June 2, 2022;
- 2. The Agency held a Public Hearing regarding the Fiscal Year 2022-2023 Groundwater Extraction Charges and Budget during its June 16, 2022, meeting; and

WHEREAS, the Board of Directors carefully reviewed and considered the proposed FY 2022-2023 Budget as originally submitted, along with the recommended revisions resulting from the above mentioned activities, at its Board Meeting on June 16, 2022

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Fillmore and Piru Basins Groundwater Sustainability Agency hereby approves and adopts the Fiscal Year 2022-2023 Budget for the period of July 1, 2022 through June 30, 2023, as proposed to the Board of Directors on June 16, 2022.

ADOPTED AND PASSED this 16 day of June, 2022.

In favor thereof, Directors:	
Abstain, Directors:	
Not in favor, Directors:	
Absent, Directors:	
ATTEST:	
Kelly Long, Chair, FPB GSA Board of Directors	
ATTEST: Vice Chair/Secretory/Terescovery EDD CS A Decord of Directors	
Vice Chair/Secretary/Treasurer FPR GSA Board of Directors	



Item No. 4C Motion

DATE: June 8, 2022 (for June 16, 2022 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: Development of Well Permitting Review Process in Compliance with California

Executive Order N-7-22

RECOMMENDED ACTION

The Board will receive a presentation from legal counsel, Daniel B. Stephens and Associates, and staff regarding the development of the Agency's Well Permitting Review Process and provide comments and direction.

BACKGROUND

On March 28, 2022, Governor Gavin Newsome issued Executive Order N-7-22 (see Attachment 1) mandating certain actions in response to California's worsening drought conditions. Item 9 establishes actions that must be undertaken by the local well permitting agencies and the applicable groundwater sustainability agency:

To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:

- A. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium-or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or
- B. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

Development of Well Permitting Review Process in Compliance with EO N-7-22 June 8, 2022 Page 2 of 3

The California Department of Water Resources, on April 4, 2022, also issued *Drought Well Permitting Requirements: Drought Executive Order N-7-22* (See Attachment 2), which provided guidance on the well permitting requirements of EO N-7-22.

For the Fillmore basin and the Piru basin, both designated by the state as high priority basins, the local agency that issues well permits is the County of Ventura Public Works Agency Watershed Protection District Water Resources Division (County Water Resources), and the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) is the responsible groundwater sustainability agency. EO N-7-22 applies to how the two agencies interact regarding any well permits received after the March 28, 2022, Executive Order. The Agency and County Water Resources already have a good working relationship and have been coordinating on well permits over the past several years. Staff has met with representatives from the County Water Resources on this issue and are developing a well permitting review process that meets the requirements of EO N-7-22, is consistent with the Agency's groundwater sustainability plans, is understandable to well project proponents, and is as efficient as possible.

DISCUSSION

At the May 19, 2022, Board meeting, staff, legal counsel, and Daniel B. Stephens & Associates (DBS&A) presented a draft flowchart and discussed several examples of different types of well projects that might be submitted to the County Water Resources for permitting consideration and what level of review would be appropriate and in compliance with EO N-7-22. The Board expressed general agreement with the review process described in the flowchart and provided comments and recommendations for improvements. The primary type of well project that was noted as missing was a replacement well that would be used to irrigate an existing agricultural parcel, with no acreage or crop change. DBS&A has added the replacement well example to the flowchart (See Attachment 3). Following discussion with the Agency Board, the team will finalize the flowchart and develop a written policy for Board consideration at a future meeting.

FISCAL IMPACT

None.

ATTACHMENTS

Attachment 1 – Executive Order N-7-22

Attachment 2 – DWR Guidance Regarding Executive Order N-7-22

Attachment 3 – Updated Draft Agency Well Permitting Review Process Flowchart

Development of Well Permitting Review Process in Compliance with EO N-7-22 June 8, 2022 Page $\bf 3$ of $\bf 3$

Proposed Motion: Provide compermitting Review Process in co		• •	development of the Agency's Well -22.
1 st : Director		2 nd : Director	
Voice/Roll call vote: Director K	imball:	Director Long:	Director:
Director Meneghin:	Director Pace:	Director V	illasenor:

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

whereas since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

UNION LABEL

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
- 2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at SaveOurWater.com provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
- 3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

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- protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
- 6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
- 7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
- 8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
- 9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:

ONION LABEL

a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

- 10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
- 11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
- 12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
- 13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

- 14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
- 15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D. Secretary of State

Updated: April 4, 2022



Drought Well Permitting Requirements

Drought Executive Order N-7-22

On March 28, 2022 Governor Newsom issued <u>Drought Executive Order N-7-22</u> that included new well permitting requirements for local agencies to prepare for and lessen the effects of drought conditions (Action 9).

Well Permitting Authority and Groundwater Management Oversight

In California, regulatory authority over well construction, alteration, and destruction activities resides with local agencies (cities, counties, or water agencies), who have the authority to adopt a local well ordinance. Well permits are administered and enforced by local agencies (or local enforcing agencies, <u>LEAs</u>), often the Department of Environmental Health within a given county.

With the enactment of the Sustainable Groundwater Management Act (SGMA) in 2014, local public agencies – called groundwater sustainability agencies or GSAs – formed to provide specific oversight and management of groundwater resources, and to achieve sustainable groundwater management within 20 years through the development and implementation of groundwater sustainability plans (GSPs) and associated projects and management actions. The local GSAs are required to include in their GSPs a discussion of how they will coordinate these efforts with local land use authorities, including local well permitting agencies.

Drought Well Permitting Requirements

Local well ordinances authorize the conditions for agencies to issue a well permit or permit modification. Given the record drought conditions the state has faced over the last three years, Drought Executive Order N-7-22 requires additional actions be taken by local well permitting agencies prior to issuing a well permit.

Excerpt of Action 9 from Drought Executive Order N-7-22:

- 9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
- a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first written verification obtaining from Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or
- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

Local well permitting agencies retain existing well permitting authorities, including reviewing and administering well permits. Under the Executive Order Action 9, local well permitting agencies must take the following steps during the well permitting process for wells intending to extract groundwater:

- Consultation with the GSA If the proposed well would be in a high or medium priority groundwater basin, the well permitting agency must consult with the GSA and receive written verification from the GSA that the proposed well location is generally consistent (not inconsistent) with the applicable GSP and will not decrease the likelihood of achieving the sustainability goals that the GSAs have developed under SGMA.
- Permit Evaluation For every well permit application, the local well permitting agency
 must determine before issuing a well permit that extraction of groundwater from the
 proposed well is not likely to interfere with the production and functioning of existing
 nearby wells and is not likely to cause subsidence that would adversely impact or
 damage nearby infrastructure.

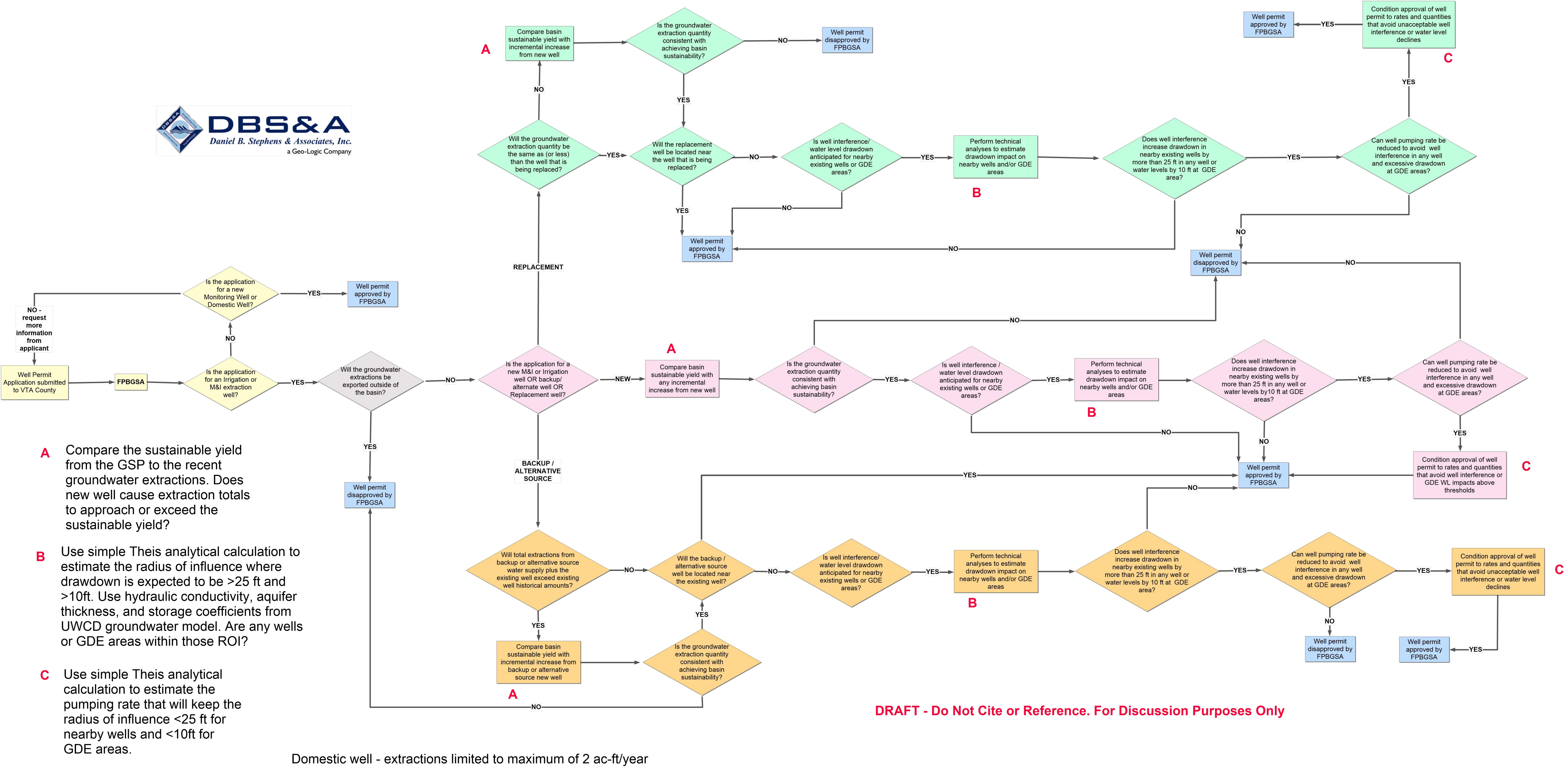
These requirements do not apply to wells that pump less than 2 acre-feet per year (de minimus users) and wells that exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

State Resources Available to Local Agencies

The California Department of Water Resources (DWR) provides technical and other support services to local agencies to support decision-making. The following resources are available to help local agencies navigate the well permitting requirements in this Drought Executive Order:

- To find the groundwater basins subject to SGMA and classified as medium or high priority: <u>Basin Prioritization Dashboard</u>
- To find the **Groundwater Sustainability Agency** managing the applicable basin or area of the basin: GSA Map Viewer
- To find the Groundwater Sustainability Plan adopted by the local Groundwater Sustainability Agency: <u>GSP Map Viewer</u>
- To view **existing nearby wells** (domestic, irrigation, public supply and reported dry wells): California's Groundwater Live Well Infrastructure
- To view groundwater levels and trends: <u>California's Groundwater Live Groundwater</u> Levels
- To view subsidence data and nearby infrastructure: <u>California's Groundwater Live</u> <u>Subsidence Data</u>

For more information or questions, please contact DWR's Sustainable Groundwater Management Office at: <u>SGMPS@water.ca.gov</u>.



Backup or alternative water supply well - extractions from the backup or alternative well and the existing well cannot total more than historical extraction quantities of existing well



Item No. 4D Motion

DATE: June 10, 2022 (for June 16, 2022 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: Comment Letter on Assembly Bill 2201

RECOMMENDED ACTION

The Board will consider approving a letter to Assemblymember Steve Bennett regarding potential amendments to Assembly Bill 2201.

DISCUSSION

Assembly Bill 2201, the Groundwater Sustainability Agency: Groundwater Extraction Permit Verification bill (See Attachment 1), if passed into law, would make permanent many of the well permitting requirements contained in Executive Order N-7-22, which is detailed in the agenda staff report for Item 4d. AB 2201 has passed the Assembly and is scheduled to be considered by the Senate Committee on Natural Resources and Water on June 14, 2022. The Senate Committee on Governance and Finance will also consider the bill, but has not yet agendized it.

FISCAL IMPACT

None.

ATTACHMENTS

Attachment 1 – AB 2201 Groundwater Sustainability Agencies: Groundwater Extraction Permit Verification

Attachment 2 – Draft Agency Comment Letter to Assemblymember Bennett

Attachment 3 - Draft Agency Comment Letter to Senate Committee on Natural Resources and Water

Attachment 4 - Draft Agency Comment Letter to Senate Committee on Governance and Finance

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AB-2201 Groundwater sustainability agency: groundwater extraction permit: verification. (2021-2022)

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Date Published: 04/27/2022 09:00 PM

AMENDED IN ASSEMBLY APRIL 27, 2022 AMENDED IN ASSEMBLY MARCH 17, 2022

CALIFORNIA LEGISLATURE - 2021-2022 REGULAR SESSION

ASSEMBLY BILL NO. 2201

> **Introduced by Assembly Member Bennett** (Coauthors: Assembly Members Bauer-Kahan and Kalra)

> > February 15, 2022

An act-to-amend Section 10728 of, and to add Section 10725.7-to, to the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 2201, as amended, Bennett. Groundwater sustainability agency: groundwater extraction-permit. permit: verification.

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Existing law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin and imposes specified duties upon that agency or combination of agencies, as provided. Existing law also authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin under certain conditions for specified purposes.

This bill would, on and after July 1, 2023, prohibit, except as specified, a groundwater extraction facility in a basin that is designated by the department as a basin that is subject to critical conditions of overdraft from extracting water without a valid groundwater extraction permit issued by the groundwater sustainability agency pursuant to the requirements of the bill. The bill would also require a groundwater sustainability agency responsible for managing a basin designated by the department as being subject to critical conditions of overdraft to develop, on or before June 30, 2023, a process for the issuance of a groundwater extraction permit, as specified. The bill would also prohibit the issuance of a groundwater extraction permit for a new or expanded groundwater facility in a probationary basin, unless the state board determines that all or part of a probationary basin is being adequately managed, as specified. The bill would also authorize a groundwater sustainability agency overlying a basin that is not designated as being subject to critical conditions of overdraft to adopt an ordinance establishing a process for the issuance of a groundwater extraction permit in accordance with the requirements of the bill.

This bill would prohibit a local agency, as defined, from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as medium- or high-priority until it obtains a written verification, from the groundwater sustainability agency that manages the basin or area of the basin where the well is proposed to be located, determining that certain factors are present. The bill would prohibit a groundwater sustainability agency from providing the above-described written verification unless it determines that certain factors are present, including, but not limited to, that the extraction by the proposed well is consistent with any sustainable groundwater management program established in any applicable groundwater sustainability plan adopted by that groundwater sustainability agency.

The bill would authorize a groundwater sustainability agency to impose a fee upon an applicant for a groundwater extraction permit in an amount that does not exceed the reasonable costs incurred by the agency in regulating a permit pursuant to the requirements of the bill. The bill would also require the department to review the effectiveness of permitting decisions by the groundwater sustainability agency, as specified. a local agency that does not exceed the reasonable cost of making the determinations required for a written verification, issuing the written verification, or both. The bill would also require a groundwater sustainability agency to post a notification of the well permit application on its internet website to allow the public to comment on the well permit application for at least 30 days before issuing the above-described determinations. By imposing additional requirements on groundwater sustainability agencies, the bill would impose a state-mandated local program.

This bill would exempt any well that provides less than 2 acre-feet of water annually for domestic use or any well used by a public water supply system from these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

(a)Groundwater provides substantial water supplies for many farms and communities across the state, particularly in drier years. While in some parts of the state groundwater is very well managed, in other parts of the state there has been substantial groundwater overdraft.

(b)During California's recent droughts, there has been a substantial increase in the extraction of groundwater resulting in impacts to aquifers.

(c)Despite the drought, there has been a substantial and dramatic increase in conversion of existing pastureland and nonirrigated lands to new permanent crops irrigated by new deep groundwater wells. In many parts of the central valley, these new orchards and groundwater wells have caused or contributed to existing groundwater wells drying up. These new groundwater wells exacerbate overdraft in some regions of the state and have harmed and will continue to harm groundwater supplies for existing farms and rural communities and the long-term viability of aquifers.

(d)The number of new wells supplying significant new demands for groundwater has resulted in alarming subsidence in many areas of California. Subsidence threatens statewide resources and infrastructure, such as roads, highways, and aqueducts. Importantly, subsidence may also cause permanent damage to aquifers, threatening groundwater resources for future generations.

(e)Furthermore, new wells are being drilled too close to drinking water wells. This action can dewater wells entirely or move plumes of contamination towards these sources of drinking water.

(f)In 2012, California adopted the human right to water policy, establishing that it is state policy that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary nurnoces.

(g)In 2014, California adopted landmark legislation, the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code) (SGMA), to sustainably manage groundwater resources. Under the act, sustainability will not be fully achieved for many years, allowing groundwater overdraft to continue in some regions.

(h)In 2020, groundwater sustainability agencies (GSAs) managing critically overdrafted groundwater basins submitted plans to the Department of Water Resources. In 2022, 34 out of 42 plans were found to be incomplete, in part for failing to adequately protect drinking water supplies. This means that proactive management of groundwater needed to protect drinking water and fulfill the human right to water policy could be delayed for years while groundwater sustainability plans are amended to meet the requirements of SGMA.

(i)There is a need to empower GSAs across the state's critically overdrafted basins to begin registering new wells and regulating their use to be in compliance with SGMA.

SEC. 2.Section 10725.7 is added to the Water Code, to read:

10725.7.(a)(1)On and after July 1, 2023, a groundwater extraction facility in a basin that is designated by the department as a basin that is subject to critical conditions of overdraft shall not extract water without a valid groundwater extraction permit issued by the groundwater sustainability agency pursuant to this section.

(2)Notwithstanding paragraph (1), a groundwater extraction permit is not required for any of the following:

(A)A de minimis extractor, as defined in subdivision (e) of Section 10721.

(B)The replacement of an existing groundwater extraction facility with a new groundwater extraction facility with the same or a lesser extraction capacity.

(C)A groundwater extraction facility constructed to provide drinking water to a water system for the purposes of public health.

(D)A groundwater extraction facility necessary for habitat or wetlands conservation.

(E)A groundwater extraction facility for a photovoltaic or wind energy generation facility that demands fewer than 75 acrefeet of groundwater annually.

(F)A groundwater extraction facility integral to a groundwater conjunctive use or storage program operating under an approved California Environmental Quality Act document.

(G)A groundwater extraction facility constructed to ensure a sustainable water supply to a consolidated public water system.

(b)Notwithstanding any other law, a groundwater sustainability agency responsible for managing a basin designated by the department as being subject to critical conditions of overdraft shall do both of the following:

(1)On or before June 30, 2023, develop a process for the issuance of a groundwater extraction permit, as follows:

(A)The permit shall require an applicant to demonstrate, supported by substantial evidence, all of the following:

(i)Extraction of groundwater from a proposed groundwater extraction facility is consistent with the groundwater sustainability plan developed by the groundwater sustainability agency.

(ii)Extraction of groundwater from a proposed groundwater extraction facility will not contribute to or create an undesirable result.

(iii)The owner of the proposed groundwater extraction facility is participating in any programs or other requirements of users of groundwater within that basin.

(B)Upon filing an application for a groundwater extraction permit, the applicant shall provide written notice and a copy of the application to both of the following:

(i)All users of groundwater within one mile of the proposed groundwater extraction facility.

(ii)The department and the state board, when the proposed groundwater extraction facility is located within one mile of a disadvantaged community or a domestic well user.

(C)The groundwater sustainability agency shall post the permit application on its internet website to allow the public to comment on the groundwater extraction permit application for at least 30 days before making a decision to approve or deny the permit.

(2)Prohibit the issuance of a groundwater extraction permit for a new or expanded groundwater facility in a probationary basin, unless the state board determines that all or part of a probationary basin is being adequately managed, in which case the prohibition on the issuance of a groundwater extraction permit shall apply only to those portions of the probationary basin that are not adequately managed, as determined by the state board.

(c)A groundwater sustainability agency overlying a basin that is not designated as being subject to critical conditions of overdraft may adopt an ordinance establishing a process for the issuance of a groundwater extraction permit for a groundwater extraction facility in accordance with this section.

(d)A groundwater sustainability agency may impose a fee upon an applicant for a groundwater extraction permit in an amount that does not exceed the reasonable costs incurred by the agency in regulating a permit pursuant to this section.

(e)To the extent funding is available, the department shall offer technical assistance to groundwater sustainability agencies to implement this section.

(f)The department shall review the effectiveness of permitting decisions by the groundwater sustainability agency in furthering achievement of the sustainability goal of that basin as part of the review of groundwater sustainability plans

pursuant to Section 10733.8.

SEC. 3. Section 10728 of the Water Code is amended to read:

10728.On the April 1 following the adoption of a groundwater sustainability plan and annually thereafter, a groundwater sustainability agency shall submit a report to the department containing the following information about the basin managed in the groundwater sustainability plan:

(a) Groundwater elevation data.

(b)Annual aggregated data identifying groundwater extraction for the preceding water year.

(c)Surface water supply used for or available for use for groundwater recharge or in-lieu use.

(d)Total water use.

(e)Change in groundwater storage.

(f)The number, location, and volume of groundwater extraction permits issued pursuant to Section 10725.7.

SECTION 1. Section 10725.7 is added to the Water Code, to read:

10725.7. (a) For purposes of this section, the following terms have the following meanings:

- (1) "Local agency" means any city, county, district, agency, or other entity with the authority to issue a permit for a new groundwater well or for an alteration to an existing well.
- (2) "Public water system" has the same meaning as defined in Section 116275 of the Health and Safety Code.
- (3) "Well" has the same meaning as defined in Section 13710.
- (b) Notwithstanding Sections 10726.4 and 10726.8, a local agency shall not approve a permit for a new groundwater well or for an alteration to an existing well in a basin subject to this part and classified as medium- or high-priority until it obtains a written verification from the groundwater sustainability agency that manages the basin or area of the basin where the well is proposed to be located determining that the factors listed in paragraphs (1) to (3), inclusive, of subdivision (c) are present.
- (c) The ground water sustainability agency shall not provide the written verification unless it determines all of the following factors are present:
- (1) The extraction by the proposed well is consistent with any sustainable groundwater management program established in any applicable groundwater sustainability plan adopted by that groundwater sustainability agency.
- (2) The extraction by the proposed well would not decrease the likelihood of achieving a sustainability goal for the basin covered by a plan.
- (3) The extraction by the proposed well is not likely to interfere with the production and functioning of existing nearby wells and is not likely to cause subsidence that would adversely impact or damage nearby infrastructure.
- (d) A groundwater sustainability agency may impose a fee upon a local agency in an amount that does not exceed the reasonable costs incurred by the groundwater sustainability agency in making the determinations required for the written verification, issuing the written verification, or both.
- (e) The groundwater sustainability agency shall post notification of the well permit application on its internet website to allow the public to comment on the well permit application for at least 30 days before issuing the determinations required by subdivisions (b) and (c).
- (f) This section does not apply to a well that provides less than two acre-feet of water annually for domestic use or a well used by a public water supply system.

SEC. 4.SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



Post Office Box 1110, Fillmore, CA 93016 (805) 525-4431 http://fpbgsa.org

June 16, 2022

Assemblymember Steve Bennett State Capitol P O Box 942849 Sacramento CA 94249-0037

Subject: Assembly Bill 2201

Honorable Assemblymember Steve Bennett:

The Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) provides this letter urging amendment of Assembly Bill 2201 Groundwater sustainability agency: groundwater extraction permit: verification (AB 2201). The Agency is supportive of the intent of AB 2201, to require well permitting agencies to coordinate with the applicable groundwater sustainability agencies (GSA); however, it should be simplified to minimize the regulatory burden on permitting agencies, GSAs and well permittees.

The Agency is a local groundwater sustainability agency representing the Fillmore groundwater basin and the Piru groundwater basin, located in the Santa Clara River watershed in Ventura County. The primary land use within the Agency's boundaries is agriculture. The agriculture within the Agency's boundaries utilizes groundwater as its primary water source. The City of Fillmore, population 15,566, and unincorporated community of Piru, population 2,063, are the primary urban areas within the service area, and both are 100% dependent upon groundwater as their water source. Both communities have been designated by the State as disadvantaged communities. Because of the dependence of water users on groundwater, the California Department of Water Resources has designated the two basins as high priority. The Santa Clara River spans the center of the service area and supports numerous sensitive species. The Agency has completed and submitted groundwater sustainability plans for the two basins and is awaiting review by the California Department of Water Resources. Within the Agency service area, the well permitting agency is the County of Ventura, Water Resources Division (County Water Resources). The Agency has a good working relationship with County Water Resources and has been coordinating regarding well permits for the past several years.

AB 2201, in its current form, would apply to both new wells and alterations to existing wells. The Agency recommends that the bill focus review efforts on new wells, and the removal of the requirement to review and condition alterations of wells from the bill, as it would add significant

Assemblymember Steve Bennett June 16, 2022 Page 2

regulatory burden to the permitting agencies, the GSAs and the well owners, with little or no effect on the groundwater basins. The primary limitation to a well's production capacity is its initial design and construction. It is common to make slight adjustments to wells through typical routine maintenance over the lifespan of a well. In many areas, this type of well maintenance, or well alteration, does not even require a permit. It is uncommon and impractical to make major modifications to a well after initial construction. Removal of the requirement to review well permits for alterations would greatly reduce the regulatory burden, at no or minimal risk to the groundwater basins. Additionally, requiring the GSA to post a notification of the well permit for 30 days for a well alteration activity should be removed from the bill.

The Agency also recommends that new public water supply wells should not be exempt from review by the groundwater sustainability agencies, as they are typically larger wells and have the same potential as agricultural wells to have effects that would negatively affect the groundwater basins.

Thank you for affording the Fillmore and Piru Basins Groundwater Sustainability Agency's Board of Directors the opportunity to offer its opinion on this matter.

Respectfully,

Kelly Long, Chair



Post Office Box 1110, Fillmore, CA 93016 (805) 525-4431 http://fpbgsa.org

June 16, 2022

State of California Senate Governance and Finance Committee State Capitol Room 407 Sacramento CA 95814

Subject: Assembly Bill 2201

Honorable Senator Anna Caballero:

The Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) provides this letter urging amendment of Assembly Bill 2201 Groundwater sustainability agency: groundwater extraction permit: verification (AB 2201). The Agency is supportive of the intent of AB 2201, to require well permitting agencies to coordinate with the applicable groundwater sustainability agencies (GSA); however, it should be simplified to minimize the regulatory burden on permitting agencies, GSAs and well permittees.

The Agency is a local groundwater sustainability agency representing the Fillmore groundwater basin and the Piru groundwater basin, located in the Santa Clara River watershed in Ventura County. The primary land use within the Agency's boundaries is agriculture. The agriculture within the Agency's boundaries utilizes groundwater as its primary water source. The City of Fillmore, population 15,566, and unincorporated community of Piru, population 2,063, are the primary urban areas within the service area, and both are 100% dependent upon groundwater as their water source. Both communities have been designated by the State as disadvantaged communities. Because of the dependence of water users on groundwater, the California Department of Water Resources has designated the two basins as high priority. The Santa Clara River spans the center of the service area and supports numerous sensitive species. The Agency has completed and submitted groundwater sustainability plans for the two basins and is awaiting review by the California Department of Water Resources. Within the Agency service area, the well permitting agency is the County of Ventura, Water Resources Division (County Water Resources). The Agency has a good working relationship with County Water Resources and has been coordinating regarding well permits for the past several years.

AB 2201, in its current form, would apply to both new wells and alterations to existing wells. The Agency recommends that the bill focus review efforts on new wells, and the removal of the requirement to review and condition alterations of wells from the bill, as it would add significant

California Senate Governance and Finance Committee June 16, 2022 Page 2

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The Agency also recommends that new public water supply wells should not be exempt from review by the groundwater sustainability agencies, as they are typically larger wells and have the same potential as agricultural wells to have effects that would negatively affect the groundwater basins.

Thank you for affording the Fillmore and Piru Basins Groundwater Sustainability Agency's Board of Directors the opportunity to offer its opinion on this matter.

Respectfully,

Kelly Long, Chair



Post Office Box 1110, Fillmore, CA 93016 (805) 525-4431 http://fpbgsa.org

June 16, 2022

State of California Senate Committee on Natural Resources and Water 1021 O Street Room 3220 Sacramento CA 95814

Subject: Assembly Bill 2201

Honorable Senator Stern:

The Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) provides this letter urging amendment of Assembly Bill 2201 Groundwater sustainability agency: groundwater extraction permit: verification (AB 2201). The Agency is supportive of the intent of AB 2201, to require well permitting agencies to coordinate with the applicable groundwater sustainability agencies (GSA); however, it should be simplified to minimize the regulatory burden on permitting agencies, GSAs and well permittees.

The Agency is a local groundwater sustainability agency representing the Fillmore groundwater basin and the Piru groundwater basin, located in the Santa Clara River watershed in Ventura County. The primary land use within the Agency's boundaries is agriculture. The agriculture within the Agency's boundaries utilizes groundwater as its primary water source. The City of Fillmore, population 15,566, and unincorporated community of Piru, population 2,063, are the primary urban areas within the service area, and both are 100% dependent upon groundwater as their water source. Both communities have been designated by the State as disadvantaged communities. Because of the dependence of water users on groundwater, the California Department of Water Resources has designated the two basins as high priority. The Santa Clara River spans the center of the service area and supports numerous sensitive species. The Agency has completed and submitted groundwater sustainability plans for the two basins and is awaiting review by the California Department of Water Resources. Within the Agency service area, the well permitting agency is the County of Ventura, Water Resources Division (County Water Resources). The Agency has a good working relationship with County Water Resources and has been coordinating regarding well permits for the past several years.

AB 2201, in its current form, would apply to both new wells and alterations to existing wells. The Agency recommends that the bill focus review efforts on new wells, and the removal of the requirement to review and condition alterations of wells from the bill, as it would add significant

California Senate on Natural Resources and Water June 16, 2022 Page 2

regulatory burden to the permitting agencies, the GSAs and the well owners, with little or no effect on the groundwater basins. The primary limitation to a well's production capacity is its initial design and construction. It is common to make slight adjustments to wells through typical routine maintenance over the lifespan of a well. In many areas, this type of well maintenance, or well alteration, does not even require a permit. It is uncommon and impractical to make major modifications to a well after initial construction. Removal of the requirement to review well permits for alterations would greatly reduce the regulatory burden, at no or minimal risk to the groundwater basins. Additionally, requiring the GSA to post a notification of the well permit for 30 days for a well alteration activity should be removed from the bill.

The Agency also recommends that new public water supply wells should not be exempt from review by the groundwater sustainability agencies, as they are typically larger wells and have the same potential as agricultural wells to have effects that would negatively affect the groundwater basins.

Thank you for affording the Fillmore and Piru Basins Groundwater Sustainability Agency's Board of Directors the opportunity to offer its opinion on this matter.

Respectfully,

Kelly Long, Chair



Item No. 4E MOTION

DATE: June 9, 2022 (for June 16, 2022 meeting)

TO: Board of Directors

VIA: Anthony A. Emmert, Executive Director

FROM: United Water Conservation District Water Resources

SUBJECT: MVP Farms LP Well Permit Application Review

SUMMARY:

MVP Farms has submitted a well permit application for a new well located west of the City of Fillmore, west of Boulder Creek and near Hwy 126. The new well will serve as a back-up to irrigate existing orchard land within the GSA management area. Executive Order N-7-22, item 9, requires the local groundwater sustainability agency to review the permit application and provide findings to the permit issuing agency. Given the proposed well use, location, and construction, staff recommends that the Board consider authorizing staff to provide a written findings to the permitting agnecy.

RECOMMENDED ACTION

The Board will consider finding that the MVP Farms LP application for the construction of a replacement well located at 3117 West Telegraph Road, Fillmore, California, is not inconsistent with the Agency's Fillmore Basin Groundwater Sustainability Plan and directing staff to provide a letter to the County of Ventura stating the Agency's findings.

DISCUSSION

MVP Farms LLC (MVP) has submitted a well permit application to the County of Ventura (County) for construction of a replacement well on its property located at 3117 West Telegraph Road, west of the City of Fillmore, in the Fillmore groundwater basin. In compliance with Executive Order N-7-22, the County has requested review by the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency), prior to issuing the permit.

The proposed well will produce water to irrigate existing, actively farmed agricultural land. It will not be used to irrigate additional parcels. The existing primary source of irrigation water is a shared well owned by the Sespe Agricultural Irrigation Company; however, scheduling conflicts occasionally occur, leading to MVPs request. The two wells that could be potentially negatively impacted by the proposed new well are located on the same parcel and are also operated by MPV. The proposed replacement well is located sufficient distance away from other nearby wells to minimize or eliminate concerns related to pumping interference. Attachment A shows two potential wellsite locations, along with the total reported pumping from nearby wells in 2021.

MVP Farms LP Well Permit Application Review

June 8, 2022 Page **2** of **3**

The proposed well construction and depth is similar to the nearby wells also owned by MVP farms; well production capacity is expected to be similar. The proposed construction is a well depth of 500 ft below ground surface (bgs), and perforated casing installed from 300-500 ft bgs. For reference, the nearby wells 04N20W34M01S and -34M02S are perforated from 220-480 ft and 380-480 ft bgs, respectively.

Attachment B shows the stratigraphy of the nearby area as mapped by United, and nearby geophysical logs. These logs suggest that there are limited fine-grained materials in the targeted drilling area, and there are little to no concerns related to subsidence issues.

The wells are located approximately one-half mile from the floodplain of the Santa Clara River are not expected to interfere with surface water flows in the river.

Staff finds the proposed well is not inconsistent with the Fillmore Basin Groundwater Sustainability Plan, and that it would not decrease the likelihood of achieving the Agency's sustainability goals. Staff also finds that it would not interfere with the production and functioning of existing nearby wells, and would not be likely to cause subsidence that would adversely impact or damage nearby infrastructure.

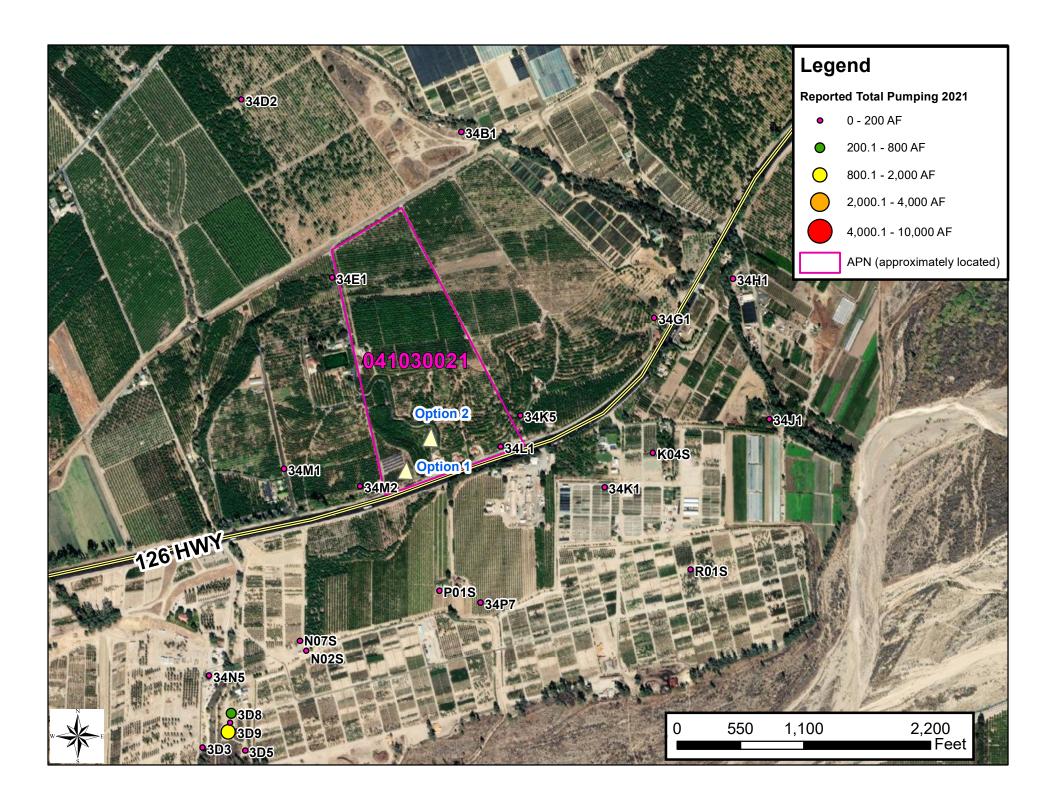
FISCAL IMPACT

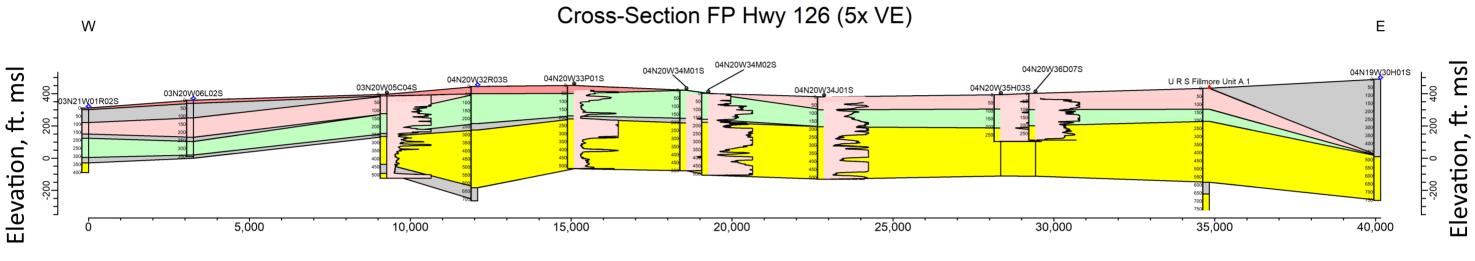
None.

ATTACHMENTS

Attachment 1 – MVP Proposed Well Location Diagram

Attachment 2 – Stratigraphy in Vicinity to Proposed MVP Well





Horizontal Distance Between Wells, ft.

