

Las Posas Valley Groundwater Basin Technical Advisory Committee Meeting

Monday, July 15, 2024, 10:00 AM

Via Zoom:

<https://us02web.zoom.us/j/87160478635?pwd=Vqq8YlGWdyAvAbLUqC76UETWIGLDnz.1>

Meeting ID: 871 6047 8635

Passcode: 388526

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Las Posas Basin Technical Advisory Committee (TAC) will hold an initial meeting via Zoom at **10 AM on Monday July 15, 2024**.

AGENDA

A. Call to Order

B. Roll Call

C. Agenda Review

D. Public Comments

E. Watermaster Executive Office Comments

F. TAC Member Comments

G. Regular Agenda

Item 1: Election of Officers (Chair and Vice Chair) and establish Time and Place of Regular Meeting Dates (Judgment § 6.5).

Item 2: Discussion/Planning for Brown Act Compliance.
Informational presentation of Brown Act overview provided to the Borrego Basin Watermaster attached.

Item 3: Review TAC Role and Responsibilities.
Summary informational document attached.

Item 4: Discussion/Planning for TAC tasks from Judgement:

- i. GSP 5 Year Evaluation
- ii. Basin Optimization Plan
- iii. Basin Yield Optimization Study
- iv. Calleguas ASR Project Operations Plan
- v. Water Year 2024 Annual Report
- vi. Watermaster Budget

Item 5: Committee Consultation
The Las Posas Basin Watermaster Board of Directors approved a scope of work in January 2024 to prepare the Basin Optimization Plan for the Las Posas Valley Basin. The scope included six Basin Optimization Plan development tasks, the first two of which require committee consultation consistent with the

Judgement before proceeding with the latter tasks of Basin Optimization Plan development. These first two tasks are: (1) project evaluation criteria development and (2) technical evaluation of projects for inclusion in the Basin Optimization Plan.

A memorandum from the Watermaster summarizing work to date and requesting TAC consultation as soon as possible is attached along with the list of projects, a draft project evaluation checklist, and a draft project ranking sheet.

H. Items for Future Agenda

Potential items for including in future agenda will be considered by the TAC

I. Adjourn

The Ralph M. Brown Act: The People's Business and the Right of Access

Borrego Watermaster Board Meeting
March 31, 2020



Overview

- History of the Brown Act
- Purpose of the Brown Act
- Applications of the Brown Act
- Serial Meetings
- Rules Governing Meetings
- Teleconferencing
- Closed Session
- Remedies/Cure
- Alternate Board Members
- Brown Act and COVID-19 Response



The Ralph M. Brown Act

- In late 1951, San Francisco Chronicle reporter Mike Harris spent six weeks looking into the way local agencies conducted meetings. State law had long required that business be done in public, but Harris discovered secret meetings or caucuses were common. He wrote a 10-part series on “Your Secret Government” that ran in May and June 1952.



The Ralph M. Brown Act

- Out of the series came a decision to push for a new state open meeting law.
- Assembly Member Ralph M. Brown carried legislation.
- The “Brown Act”, has evolved under a series of amendments and court decisions, and has been the model for other open meeting laws—such as the Bagley-Keene Act, enacted in 1967 to cover state agencies.



The Right to Access

- Two key parts of the Brown Act have not changed since its adoption in 1953:

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”

“The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”



Purpose of Brown Act

To ensure that almost all aspects of the decision-making process of legislative bodies of local agencies are conducted in public and open to public scrutiny.

“The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” (Gov. Code 54950.)



Application

To whom does the act apply?

- Local agencies
- Legislative bodies
- Meetings
- Persons elected to legislative bodies, even prior to assuming office



Application

- *Local Agency*
 - Means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency, including Watermasters that voluntarily agree to follow the Brown Act (which is the norm)
- *Legislative Body*
 1. Governing body;
 2. Board, commission, committee created by formal action of the governing body;
 3. Private organizations (in limited circumstances).



The Key to the Brown Act

- All meetings shall be open and public except when the Brown Act authorizes otherwise.
- The Ralph M. Brown Act (Government Code sections 54950-54963).



Application



- What is a meeting?
- When is a meeting not a meeting?



Application

- *Meeting*

- Any gathering of a majority of the members at the same time and place to hear, discuss or deliberate upon any matter under their jurisdiction.
- No action needs to be taken for a meeting to occur; conversations between and among members of a legislative body about issues confronting the agency is sufficient.



Application

- *Not a Meeting*

- Individual contacts;
- Conferences and seminars;
- Community meetings;
- Purely social or ceremonial occasions;
- Attendance at standing committee meetings;
- Meetings with other legislative bodies – a majority of the governing body may attend as long as they do not discuss among themselves issues related to the agency.



Serial Meetings

- *Serial Meetings – Expressly Prohibited*
 - “Use of direct communication, personal intermediaries, or technological devices employed by a majority of the legislative body members in order to develop a collective concurrence as to action to be taken on an item by the legislative body is prohibited.”



Serial Meetings

Ways Serial Meetings Can Happen

- Personal Meeting
- Telephone
- Email
- Written Correspondence
- Use of Intermediaries
- Social Networking Sites such as Facebook and Twitter.



Social Media

- Engaging in discussion section of social media, article, etc.
- Meeting does not have to be a physical meeting
- Series of comments to a blog or news article



Serial Meetings

Elements of a Serial Meeting

- Series of Communications
- Between Less Than a Quorum
- Taken As a Whole Involves a Majority
- Concurrence
 - Advances or Clarifies the Understanding of an Issue;
 - Facilitates an Agreement or Compromise Among Members;
 - Advances the Ultimate Resolution of an Issue.



Serial Meetings

Two types of Serial Meetings

1. Chain

- Member A speaks to Member B who speaks with Member C about a particular matter and in the process they all form a collective concurrence on a matter.

2. Hub and Spoke

- An intermediary (including an alternate board member) acts as a hub of a wheel with members relaying information back and forth to each other through the hub and in the process a majority of the legislative body develops a collective concurrence.



Serial Meetings

Serial Meeting Exceptions

- While the Brown Act prohibits serial meetings, it also explicitly provides an exception for one-on-one communications by a non-member (i.e., staff) with members of the legislative body.
- Does NOT mean back and forth and sharing of views of different members
- Brown Act also allows communications to call or schedule a special meeting.



Serial Meetings

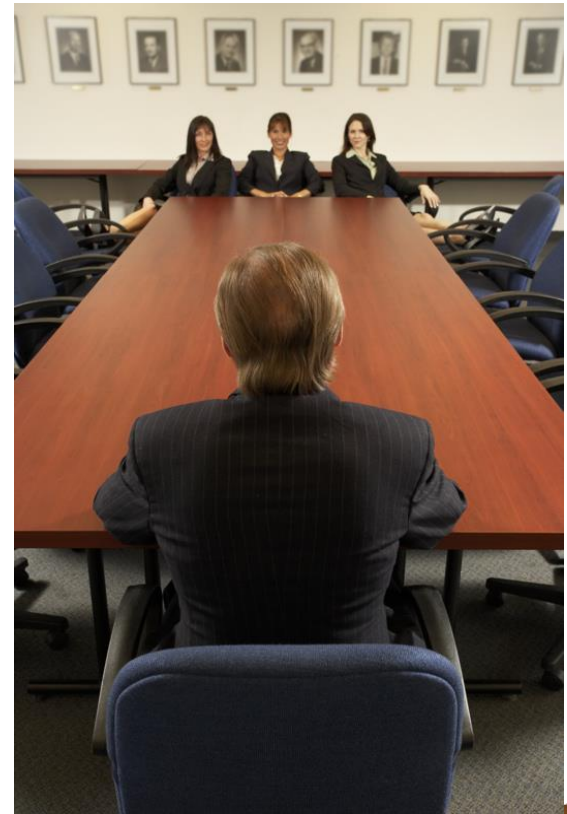
E-mail Tips

- Refrain from replying to “All” in E-mails
- Do not take a position or make a commitment
- E-mail board members for info only
- Take caution
- Ensure compliance with law



Rules Governing Meetings

- Regular meeting
- Special emergency meetings
- Adjourned meetings
- Public's right to comment



Rules Governing Meetings

REGULAR MEETINGS - Agenda Requirements:

- Post 72 hours prior to the meeting.
- Must include the time and location of the meeting.
- Must contain a brief general description of each item to be discussed or addressed, including closed session items.
- Notices available in alternative ADA formats and distributed in advance to those who request copies.



Special Circumstances at Meetings

- No public meeting shall be inaccessible to the disabled
- All public meetings shall meet the “protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990.”
- Agenda for the meeting needs to include “information regarding how, to whom, and when a request for disability related modification or accommodation, *including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.*”



Special Circumstances at Meetings

- For bilingual public speakers Brown Act requires that twice as much time to present during limited public comment
- Enough time to provide original statement in native language and translation
- Example: instead of 3 minutes should provide 6 minutes.



Rules Governing Meetings

SPECIAL MEETINGS - Agenda Requirements:

- ⑩ Posted no later than 24 hours prior to the meeting.
- ⑩ Must include the time and location of the meeting.
- ⑩ Must contain a brief general description of each item to be discussed or addressed, including closed-door items.



Rules Governing Meetings

ADJOURNED MEETINGS - Agenda Requirements:

- Not necessary to post a new agenda if legislative body adjourns meeting to a time and place in the order of adjournment that is less than 5 days as long as no additional business is transacted.



Rules Governing Meetings

EMERGENCY MEETINGS - Agenda Requirements:

- ⑩ Requires severe impairment to public health and safety.
- ⑩ Absent a “dire emergency,” at least one hour prior to the meeting, telephonic notice to media organizations.
- ⑩ If a dire emergency, notice given when members of the body are notified.
- ⑩ Generally, emergency meetings may not be held in closed session. The AG’s office encourages bodies to give the public an opportunity to comment on closed-session items prior to the body adjournment into closed session.



Rules Governing Meetings

Distribution of Agenda Packet to Public

In addition to posting an agenda, a local agency must also make the agenda packet available to the public when the materials are distributed to all or a majority of the legislative body, whichever is first.



Rules Governing Meetings

The Public's Right to Comment

- ⑩ At every regular meeting, members of the public have the right to directly address the body on any item of public interest if that item is under the jurisdiction of the body.
- ⑩ For agenda items, the public must be given an opportunity to comment before or during the body's consideration of the item.
- ⑩ At special and emergency meetings, members of the public have the right to address the body about any item that is listed on the agenda.



Willful Interruptions

- The legislative body may remove persons from a meeting who willfully interrupt proceedings.
- Ejection is justified only when audience members actually disrupt the proceedings.
 - Board may not prohibit “insolent” remarks by members of the public absent actual disruption
 - § If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may establish a procedure to re-admit an individual or individuals not responsible for the disturbance.



Rules Governing Meetings

Public Recording of Meetings

- The public must be allowed to audio or video tape a meeting unless the agency can make a reasonable finding that the recording would constitute a persistent disruption of the proceedings
- Recordings of public meetings by the agency are public records



Rules Governing Meetings

No action or discussion allowed for any item not listed on agenda except for:

- Adding items by majority vote for emergency situations
- Adding Items of Subsequent Need. Adding items by 2/3 vote because of need for immediate action that came to the attention after the agenda is posted
- Consideration of items continued to another meeting within 5 calendar days



Rules Governing Meetings

- Brief responses to statements or questions from public
- Questions to staff for clarification of matters based upon public comments
- Brief announcements or reports on member's or staff's own activities
- Providing references or information to staff
- Asking staff to report back at a future meeting on any matter



Teleconferencing

- Teleconferencing may be used for any meeting of the legislative body.
- All votes by roll call.
- Agendas posted at all teleconference locations and teleconference locations identified.
- Teleconference locations must be accessible to the public.
- Normally, at least a quorum of the board must be within the boundaries of the local agency, but the Judgment provides an exception to state that at least two Board members must be physically in Borrego during a meeting.



Closed Sessions

CONFIDENTIAL

- Must be expressly authorized by law
- Must be briefly described in agenda
- Must verbally announce items
- If action is taken, may need to report to the public



Closed Sessions

- Real Property Transactions
- Litigation--Existing, Anticipated and Initiation
- Personnel Issues--Appointment, Performance, Evaluation, Discipline/Dismissal/Release
- Labor Negotiations
- Threats to Public Services of Facilities
- Joint Powers Authority
 - ⑩ Can disclose closed session discussions with authorizing legislative body in closed session



Closed Session

- Brown Act Agenda Safe Harbor Language
- Requires specific wording for each specific instance
- Consult with your attorney for language requirements
- Subject to any advice from the future WM legal counsel, Board member alternates should not attend closed session unless the regular board member is absent



The Confidentiality of Closed Session Discussions

- The Brown Act explicitly prohibits the unauthorized disclosure of confidential information acquired in a closed session by any person present, and offers various remedies to address breaches of confidentiality.
- Only the legislative body acting as a body may agree to divulge confidential closed session information; regarding attorney/client privileged communications, the entire body is the holder of the privilege and only the entire body can decide to waive the privilege.

Remedies for Disclosure

- Employee
 - Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section; up to dismissal
- Member of the Legislative Body
 - Referral of the member who willfully disclosed confidential information in violation of this section to the Grand Jury



Remedies for Violations

- Any interested person, including the district attorney, may seek to invalidate certain actions of a legislative body on the ground that they violate the Brown Act. Violations of the Brown Act, however, **cannot be invalidated** if they involve the following types of actions:
 - Those taken in substantial compliance with the law.
 - Those involving the sale or issuance of notes, bonds or other indebtedness, or any related contracts or agreements; [?]
 - Those creating a contractual obligation, including a contract awarded by competitive bid for other than compensation for professional services, upon which a party has in good faith relied to its detriment; [?]
 - Those connected with the collection of any tax; or [?]
 - Those in which the complaining party had actual notice at least 72 hours prior to the regular meeting or 24 hours prior to the special meeting, as the case may be, at which the action is taken.



Brown Act Cure

- The remedy is available to “[t]he district attorney or any interested person” who must first mail or fax a “cease and desist letter” “to the clerk of secretary of the legislative body being accused of the violation” “clearly describing the past action of the legislative body and nature of the alleged violation.”
- Such a demand must be made within nine months of an alleged violation.
- The legislative body has 30 days to respond to a cease-and-desist letter although a later response may still obviate subsequent suit, but will oblige the agency for the plaintiff’s attorneys’ fees and costs.
- Such a response may be “an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate this chapter” in substantially the form specified in section 54960.2, subdivision (c)(1)
- Such an unconditional commitment “shall be approved by the legislative body in open session at a regular or special meeting as a separate item of business, and not on its consent agenda.”



Brown Act Exceptions During the Covid-19 Crisis

- By executive orders issued in March 2020, the Governor suspended various parts of the Brown Act, including:
 - Local Agency Executive Director or other qualified representative of the agency can give Board updates on COVID issues outside of a public meeting
 - Board meetings can be held telephonically only, with no physical meeting room
 - Dial in number for the public must be provided



LAS POSAS VALLEY GROUNDWATER BASIN TECHNICAL ADVISORY COMMITTEE (TAC) ROLE AND RESPONSIBILITIES

A. From Judgement:

1. DEFINITIONS

1.22 Basin Optimization Yield Study

The process to be undertaken by Watermaster, following Committee Consultation, every five years in coordination with the GSP Updates (Wat. Code, § 10728.2), or at Watermaster's discretion in response to material changing or changed Basin conditions, beginning with the Basin Optimization Yield Study to be finalized in 2025, which will set the Basin Optimization Yield, and thus the Operating Yield and the Rampdown Rate for Water Year 2025 and subsequent Water Years.

1.34 Committees

The Policy Advisory Committee or the Technical Advisory Committee, or both, as the context demands.

1.35 Committee Consultation

The process by which Watermaster shall consult either with the Policy Advisory Committee or Technical Advisory Committee, or both as specified in the Judgment or Watermaster Rules, or in Watermaster's discretion as may be appropriate under the circumstances, pursuant to Article VI.

1.90 Recommendation Report

A written report setting forth a Committee's recommendation on a Basin Management Action pursuant to the Committee Consultation process, as provided for in Section 6.8.

1.92 Response Report

A written report prepared by Watermaster responding to a recommendation and contentions in support thereof set forth in a timely submitted Recommendation Report from a Committee, as provided for in Section 6.3.

1.103 Technical Advisory Committee (TAC)

The advisory body established pursuant to Section 6.1 and 6.11 to study technical aspects of the Basin and to issue Recommendation Reports to Watermaster based on such technical study for the purpose of achieving Sustainable Groundwater Management in the Basin in an effective and efficient manner, consistent with this Judgment.

4. DECLARATION OF RIGHTS AND OBLIGATIONS

4.2 Allocation Basis and Determination of Annual Allocations.

The Groundwater Allocation Schedule sets forth an Allocation Basis for each Landowner pursuant to which Annual Allocations are determined. The amount of each Water Right Holder's Annual Allocation(s) depends, in part, on the Operating Yield in effect in any particular Water Year. Exhibit D sets forth the protocols and formulas to be used to quantify each Water Right Holder's Annual Allocation, as well as an example calculation to illustrate the application of such protocols and formulas. Watermaster, following Committee Consultation, shall annually calculate the Annual Allocations using the protocols and formulas set forth in Exhibit D (the "Annual Allocations Calculation") and publish the Annual Allocations Calculation in a chart to be included within the Annual Report and maintained on the FCGMA website. The Operating Yield may be adjusted year to year to ensure Sustainable Groundwater Management of the Basin consistent with Water Code section 10737.8. Because Annual Allocations are tied to the Operating Yield pursuant to the protocols and formulas set forth in Exhibit D, as the Operating Yield decreases or increases, the Annual Allocations will adjust concurrently.

4.6 New Uses.

No Person may commence or maintain a New Use of Groundwater unless the Person: (i) already is or becomes a Party to this Comprehensive Adjudication; (ii) agrees to participate in a Subscription Project that is approved by Watermaster following a finding, made subject to Committee Consultation, that the Subscription Project will not cause reductions to the Operating Yield, impair or reduce the amount of replenishment water available to maintain the Operating Yield, cause Material Injury or Undesirable Results, or interfere with the achievement of Sustainable Groundwater Management; (iii) is in good standing under the terms of the applicable Subscription Project agreement; (iv) has paid and is current on all applicable Subscription Project Assessments and Basin Assessments; and (v) obtains approval from Watermaster to commence the New Use after affirmatively demonstrating that the New Use will not cause reductions to the Operating Yield, impair or reduce the amount of replenishment water available to maintain the Operating Yield, interfere with the achievement of Sustainable Groundwater Management, or otherwise cause Material Injury or Undesirable Results.

4.9 Technical Approach to Basin Management.

4.9.1. SGMA Compliance.

The FCGMA, acting in its role as the GSA and as Watermaster appointed under this Judgment, shall comply with the requirements of SGMA, including developing an Annual Report each year and undertaking the GSP Updates. (Wat. Code, §§ 10728, 10728.2). The Annual Report shall include all information required by SGMA and SGMA's corresponding regulations, together with the additional information required by Watermaster Rules. The GSP Updates (to be undertaken every five years) will focus on determining whether the actions under the GSP and the Judgment are meeting the GSP's management objectives, are in substantial compliance with SGMA, and are being implemented in a manner that will achieve Sustainable Groundwater Management in the Basin by 2040, as required by Water Code section 10728.2 and California Code of Regulations, title 23, section 356.4. In its role as the GSA, the FCGMA shall file each Annual Report and each GSP Update to DWR, and in its role as Watermaster, the FCGMA shall file each Annual Report and each GSP Update with the Court as part of the technical data to be

considered and as a material component of the initial Basin Optimization Yield and all future Reassessments of the Basin Optimization Yield as set forth in Section 4.10. The FCGMA shall undertake Committee Consultation in developing the Annual Reports and GSP Updates.

If Watermaster determines, following Committee Consultation, that the Judgment is failing, or is likely to fail, to achieve Sustainable Groundwater Management, Watermaster shall petition the Court for an order modifying the Judgment sufficient to implement Adaptive Management as necessary and appropriate to achieve Sustainable Groundwater Management. Implementation of the Judgment will achieve Sustainable Groundwater Management by 2040 in accordance with SGMA, subject to the following:

4.9.1.1. The initial Operating Yield will be 40,000 AFY through at least Water Year 2024.

4.9.1.2. To the extent that it is feasible and cost-effective, Watermaster shall seek to augment the Basin Optimization Yield, and ultimately the Sustainable Yield, to be no less than 40,000 AFY.

4.9.1.3. Beginning in Water Year 2025, following the first Basin Optimization Yield Study, Rampdown of the Operating Yield will commence in annual steps, if necessary, so that the Operating Yield in Water Year 2040 is equal to both the Sustainable Yield and the Basin Optimization Yield, and as a result Sustainable Groundwater Management is achieved by 2040. The rate of Rampdown of the Operating Yield after Water Year 2024 will be established through each Basin Optimization Yield Study pursuant to Section 4.10.

4.9.1.4. The Basin Optimization Yield Study shall occur at least every five years in coordination with the GSP Updates (Wat. Code, § 10728.2), or at Watermaster's discretion in response to material changing or changed Basin conditions.

4.10. Five-Year Basin Optimization Yield Study and Rampdown.

4.10.1. 2025 Basin Optimization Yield Study

4.10.1.1. Within six months after the Effective Date, Watermaster shall, following Committee Consultation and on or before December 8, 2023, approve a scope of work and budget for a technical study to assess and establish the Basin Optimization Yield. The scope of work and budget may be informed by, and coordinated with, the work and budget developed in conjunction with the GSP Updates. Watermaster shall complete a draft of the technical study and refer it for Committee Consultation by August 30, 2024. Watermaster may, following Committee Consultation, file a noticed motion with the Court to amend the schedule set forth in this paragraph, if necessary, which shall be granted upon a showing of good cause.

4.10.1.2. Watermaster will adopt a schedule, following Committee Consultation, for deadlines for parties to submit Groundwater Use reports that will allow PAC/TAC and Watermaster adequate time to meet the deadlines provided herein.

4.10.1.3. By February 1, 2025, Watermaster will, following Committee Consultation, set the Basin Optimization Yield, which will in turn establish the Operating Yield in each Water Year for the period from Water Year 2025 through Water Year 2029.

4.10.1.4. The 2025 Basin Optimization Yield will establish the Rampdown Rate for the period from Water Year 2025 through Water Year 2039 (subject to modification as a result of the subsequent Basin Optimization Yield Study to be performed in 2030 and again in 2035). The amount of annual Rampdown will be calculated by dividing the amount of any deficit between the then-effective Operating Yield (*e.g.*, 40,000 AFY) and the Basin Optimization Yield by fifteen (*i.e.*, fifteen annual increments). The Operating Yield during each Water Year will be reduced by the annual increment of necessary Rampdown.

4.10.2. 2030 and 2035 Basin Optimization Yield Study.

Watermaster will perform, following Committee Consultation, a similar process so that Watermaster can reassess the Basin Optimization Yield on or before February 1, 2030, to establish the Rampdown Rate for the period from Water Years 2030 through 2034 (estimated annual overdraft divided into ten increments) and again on or before February 1, 2035, for the period from Water Years 2035 through 2039 (estimated annual overdraft divided into five increments). This process shall achieve Sustainable Groundwater Management by 2040.

4.10.3. Localized Restrictions on Extractions.

Watermaster may order Water Right Holders within a Management Area or other localized area of the Basin in which Undesirable Results is occurring to reduce or cease Extractions in the Management Area or other localized area of the Basin in which Watermaster has determined, following Committee Consultation, that Undesirable Results are occurring or are likely to develop absent reductions in Extractions (“Restriction Area”) and all of the following requirements are satisfied:

4.10.3.1. Following Committee Consultation, Watermaster has made the following findings:

4.10.3.1.1. Any planned reductions in the Operating Yield resulting from Section 4.10 are or will be insufficient to timely avoid or mitigate the Undesirable Results;

4.10.3.1.2. Reasonably foreseeable implementation of Basin Optimization Projects is or will be insufficient to timely avoid or mitigate the Undesirable Results;

4.10.3.1.3. In Lieu Water pursuant to Section 5.6 is not available in sufficient quantity or practical to timely avoid mitigate the Undesirable Results; or in the alternative, it is neither feasible nor cost effective to plumb the Water Right Holders in the area of concern with facilities sufficient to deliver them In Lieu Water pursuant to Section 5.6; and

4.10.3.1.4. Watermaster has determined that it is unreasonable to avoid or mitigate the Undesirable Results through the voluntary acquisition of Allocation pursuant to Section 5.5.

4.10.3.2. The Water Right Holder is not ordered to reduce or cease Extractions in excess of other Water Right Holders within the Restriction Area.

4.10.3.3. The Water Right Holder ordered to reduce or cease Extractions may: (i) Extract its Annual Allocation in an area of the Basin that it outside of the Restriction Area and any other Restriction Area within the Basin; or (ii) Transfer its Allocation Basis pursuant to provisions of Section 4.12, so long as the Water Right Holder abides by all restrictions on Extractions within the Restriction Area.

4.10.4. Interim Increase to Rampdown Rate.

Notwithstanding the provisions above, if, following Committee Consultation, Watermaster determines that further adjustment to the Rampdown Rate is necessary and appropriate before the next five-year adjustment due to unique circumstances (*e.g.*, to prevent imminent Undesirable Results), Watermaster may file a motion to request that the Court order an increase to the Rampdown Rate in an amount necessary.

4.11 Carryover

4.11.2. Adjustment of Carryover Parameters.

If Watermaster determines, following Committee Consultation, that it is necessary to adjust the maximum amount of individual Carryover or the duration that Carryover may be held within the Basin to prevent Undesirable Results, Watermaster shall so advise the Court through a noticed motion for a subsequent order amending the Judgment's terms concerning Carryover.

4.12 Transfers

4.12.4 Watermaster Approval

4.12.4.1. No Transfer shall be effective until Watermaster: (i) finds that the Parties have complied with all applicable provisions of this Section 4.12; (ii) finds that the Transfer will not cause Material Injury or Undesirable Results; (iii) confirms that all parties to the Transfer are in Good Standing; and (iv) confirms that the parties to the Transfer have executed and recorded an instrument as required by Watermaster to give successors-in-interest constructive notice of the Transfer. To protect the Basin and protect against Undesirable Results, Watermaster, in consultation with TAC, may restrict Transfers to specific areas of the Basin based on reasonable evidence that the Transfer will cause or exacerbate Undesirable Results. Watermaster shall consider requests to approve a Transfer as expeditiously as possible under the circumstances. Watermaster may only restrict or condition a Transfer to enforce the provisions of this Section or as is reasonably necessary to protect against Material Injury or Undesirable Results. Watermaster may require further procedures, documents, and information as is reasonably necessary for Watermaster to perform its responsibilities in reviewing Transfers.

4.15 Overuse.

4.15.3. Overuse Assessment.

Watermaster shall establish, following Committee Consultation, the amount of the Overuse Assessment. All Overuse Assessments will be used by Watermaster to: (i) obtain Replenishment to offset the Overuse; or (ii) add to or supplement the funds available through the Basin Assessment. Failure to pay the Overuse Assessments will incur interest on the amount owed and further enforcement terms, as permitted by law, including the right of Watermaster to seek injunctive relief and the right to lien the associated real property for unpaid Overuse

Assessments. The Party or Mutual Water Company assessed the Overuse Assessment is responsible the payment of the Overuse Assessment. This Judgment does not affect any internal allocation of an Overuse Assessment by a Mutual Water Company among its Mutual Exclusive Shareholders pursuant to the internal governance of the Mutual Water Company.

5. BASIN ADMINISTRATION

5.2. Watermaster Powers and Responsibilities

5.2.3. Annual Report.

The FCGMA shall prepare a draft of the Annual Report and refer it for Committee Consultation as provided in the Watermaster Rules. The Annual Report shall include the information set forth in Water Code section 10728, California Code of Regulations title 23, section 356.2, and all additional information required by the Watermaster Rules. The FCGMA shall, after considering any Recommendation Report issued by the PAC or TAC and issuing a Response Report, submit the Annual Report to DWR and file it with the Court no later than April 1 of each Water Year.

5.2.9. Watermaster Rules.

Watermaster shall implement the Judgment consistent with the Watermaster Rules attached to this Judgment as **Exhibit A**. Watermaster may, following Committee Consultation, file a noticed motion with the Court to amend Watermaster Rules, which shall be granted upon a showing of good cause.

5.3 Basin Optimization Plan and Projects

5.3.1. Development of Basin Optimization Plan.

Consistent with Section 4.10, Watermaster shall, following Committee Consultation, develop and maintain a Basin Optimization Plan.

5.3.2. Elements.

The Basin Optimization Plan must contain the following elements:

5.3.2.1. The criteria for determining the priority and feasibility of each Basin Optimization Project. Such criteria shall include, but not be limited to, the estimated amount of yield augmentation, cost effectiveness, cost feasibility, technical/engineering feasibility, project implementation timing, benefits relative to the achievement of Sustainable Groundwater Management, and whether the collaboration, cooperation, or participation of the FCGMA, Calleguas, WWDs, United Water Conservation District, or the Water Right Holders is necessary or desirable for implementation of the Basin Optimization Project. Using the approved project criteria following Committee Consultation, Watermaster shall select Basin Optimization Projects for consideration in the Basin Optimization Plan;

5.3.2.2. A description of Basin Optimization Projects that are likely to be practical, reasonable, and cost-effective to implement prior to 2040 to maintain the Operating Yield at 40,000 AFY or as close thereto as achievable. Any additional projects to be included in the Basin Optimization Plan, or any amendment thereto, must satisfy the criteria established under Section 5.3.2.1 as determined in Watermaster's discretion, subject to Committee Consultation;

5.3.2.3. An analysis of whether any of the Basin Optimization Projects (i) are consistent with SGMA and the achievement of Sustainable Groundwater Management, and (ii) will prevent or alleviate, or cause or exacerbate, Undesirable Results or Material Injury;

5.3.2.4. A prioritization schedule of the Basin Optimization Projects to be implemented;

5.3.2.5. A schedule for the Basin Optimization Projects which are to be implemented to be evaluated, scoped, designed, financed, and developed. If the collaboration, cooperation, or participation of the FCGMA, Calleguas, WWDs, United Water Conservation District, or the Water Right Holders is necessary or desirable for any evaluation, scoping, design, financing, and development of any Basin Optimization Project, the schedule shall so consider the time necessary for such collaboration or cooperation; and

5.3.2.6. A five-year budget for the costs of capital improvements, and the operation and maintenance, of the Basin Optimization Projects. The five-year budget shall include a determination of the annual costs of Basin Optimization Projects implemented or in the process of being implemented.

5.3.4. Review of Basin Optimization Plan.

At least every five years concurrently with the reassessment of the Basin Optimization Yield and the GSP Updates, Watermaster shall, following Committee Consultation, update and publish the Basin Optimization Plan, including the five-year budget for the costs of capital improvements, and the operation and maintenance, of the Basin Optimization Projects. On a regular basis, Watermaster shall, following Committee Consultation, review the five-year budget and make any necessary interim adjustments to the budget.

5.3.5. Implementation of Basin Optimization Plan

Following the adoption of the Basin Optimization Plan in accordance with procedures set forth herein, and following Committee Consultation, Watermaster shall approve Basin Optimization Projects for development and implementation, and implement the Basin Optimization Plan in accordance with established priorities and procedures set forth herein.

5.5 Watermaster Purchase or Sale of Allocation or Carryover.

Watermaster, following Committee Consultation, may develop a program to purchase and permanently retire Allocation Basis or Carryover as part of implementing the Physical Solution, including to achieve Sustainable Groundwater Management. Watermaster, following Committee Consultation also may sell Allocation Basis or Carryover as necessary in furtherance of the Physical Solution.

5.6 In Lieu Water Delivery to Facilitate the Physical Solution.

As a component of a Basin Optimization Project and to further Sustainable Groundwater Management under the Physical Solution, Watermaster may compel a Water Right Holder to take delivery of In Lieu Water as a substitute for the Use of the Water Right Holder's Annual Allocation: (i) if Watermaster determines, following Committee Consultation, that the Use of In Lieu Water will facilitate the Physical Solution and Sustainable Groundwater Management; (ii) use of In Lieu Water in lieu of the Water Right Holder's Annual Allocation must result in a net reduction of annual Allocated

Groundwater pumping; and (iii) provided that Watermaster may not compel a Water Right Holder to Use In Lieu Water as a substitute for the Use of the Water Right Holder's Annual Allocation unless Watermaster affirmatively demonstrates that such substitution will not adversely and materially affect the quality of the Party's water supply or their cost of operation, unless such adverse effects are mitigated, or the Party otherwise agrees to such adverse effects. Upon request, a Landowner shall provide Watermaster with information sufficient for Watermaster to assess the Landowner's operational costs affected by receipt of an In Lieu Water delivery. Watermaster may determine, following Committee Consultation, to mitigate such adverse effects or provide payments or in-kind benefits to entice a Party to agree to such adverse effects using Basin Assessment funds. For purpose of clarity, this provision does not apply to, and shall not prohibit: (i) a Water Right Holder acquiring water delivered for Use in lieu of the Water Right Holder's Use of its Annual Allocation, which will in turn cause the Water Right Holder to accrue Carryover as a result of the forgone Use of its Annual Allocation; or (ii) Calleguas ASR In Lieu, which is governed by Section 8.1.

6. STAKEHOLDER PARTICIPATION

6.1 Creation of Standing Advisory Committees.

There will be a Policy Advisory Committee (PAC) and Technical Advisory Committee (TAC), in addition to any other committees created by Watermaster. The PAC and the TAC (each, a Committee and collectively, Committees) will each be a standing committee of Watermaster. Pursuant to this Judgment, Watermaster, PAC, and TAC shall conduct their meetings in a manner consistent with Government Code sections 54950 *et seq.* (otherwise known as the "Brown Act"), except that a Committee meeting may be held by video conference without a quorum being physically present. A request to adopt any other procedure that is inconsistent with Brown Act requirements must be submitted to the Court through a noticed motion subject to the ongoing requirements that all Watermaster, PAC, and TAC meetings shall be open public meetings with advance notice to the Parties and the community at large, and serial communications under the Brown Act are prohibited.

6.2 Purpose and Objectives.

The purpose of the Committees is to establish a specific and formal process to obtain policy and technical recommendations from stakeholders on matters related to Basin management and to ensure that decisions by Watermaster are made following full consideration of diverse policy and technical views. The FCGMA shall consult with PAC and TAC on matters of Basin management consistent with the Judgment and Watermaster Rules. More specific purposes and objectives of the PAC and TAC are set forth in Sections 6.10 and 6.11.

6.3 Assignment from Watermaster and Watermaster Action.

Watermaster will assign those Basin Management Actions specified in this Judgment for Committee Consultation, and may also assign other tasks to a Committee as Watermaster deems appropriate. In issuing such assignments, Watermaster will include the timeline for completion of the assignment, and a summary of the resources (including staff or consultant support) available to the Committee in performing the assignment. Watermaster shall devote reasonable and sufficient resources for the Committees to perform such assignments. Before taking action on any Basin Management Action or other matter assigned to a Committee or which the Committee is considering pursuant to Section 6.4, Watermaster shall consider any timely Recommendation Report. A Committee may not prevent Watermaster from acting within a reasonable amount of time by withholding a recommendation. If

Watermaster takes an action different from a Recommendation Report, it shall respond in a Response Report to the Committee's Recommendation Report in detail giving reasons why specific Committee recommendations, comments, or suggestions set forth in the Committee's Recommendation Report were not accepted. There must be good faith, reasoned analysis in Watermaster's Response Report. The level of detail in the Response Report, however, may correspond to the level of detail provided in the Recommendation Report. If the Watermaster's decision on the Basin Management Action is consistent with each Committee's recommendation, then no Response Report is required. Watermaster's Response Report will become part of the Watermaster record maintained on the FCGMA's website.

6.4 Action Independent of Watermaster Direction.

Independent of any tasks assigned by Watermaster to either Committee, upon a vote of a majority of all PAC members, the PAC may do any of the following: (i) issue a policy recommendation and Recommendation Report to Watermaster, as specified in Section 6.8; or (ii) request that the Watermaster assign a matter involving a technical question to TAC for review and the issuance of a Recommendation Report to Watermaster. If the presiding officer of Watermaster agrees to refer a technical matter to TAC at the request of the PAC, the presiding officer of Watermaster shall also modify the timeline as is reasonable and necessary for completion of the Committee Consultation, provided that nothing in this paragraph shall preclude the FCGMA from timely complying with its obligations under SGMA, and in no instance may a Committee prevent Watermaster from acting within a reasonable amount of time.

6.5 Committee Governance.

The Committee shall elect from its members a Chair and a Vice Chair. The Chair will, and in his or her absence the Vice Chair will, (i) preside over all Committee meetings and (ii) serve as the spokesperson for the Committee with Watermaster when called upon to do so. The positions of Chair and Vice Chair will have terms of two years. 6.5.1. Meetings. Each Committee shall establish a time and place for its regular meetings. The presiding officer of the Committee may call a special meeting of that Committee. A majority of a Committee may ask Watermaster's presiding officer to call a special meeting of the Committee. Each committee will hold meetings at such occurrence as is necessary for the Committee to timely perform its consultation responsibilities and issue recommendations and Recommendation Reports to Watermaster as provided in the Judgement and Watermaster Rules. All Committee meetings must occur remotely using an electronic format that allows for public participation unless an in-person meeting is requested by a majority of members. In the event that an in-person meeting is requested by a majority of the Committee's members, the Committee must always provide an option for remote appearance. Each Committee shall take and maintain meeting minutes and, upon approval of each set of minutes, they shall be distributed to Watermaster for informational purposes at the next regular Watermaster meeting and shall be maintained as a part of Watermaster records. Committee meetings shall generally follow Robert's Rules of Order.

6.6 Attendance and Participation.

Members of the Committee must regularly attend all Committee meetings. Any Committee member who fails to attend at least 75 percent of regular Committee meetings in a calendar year shall be removed by action of Watermaster. Committee members must:

6.6.1.1. Arrive at each Committee meeting fully prepared to discuss the issues on the agenda, where such preparation includes reviewing meeting minutes, policy information, and draft documents distributed in advance of the meeting; 6.6.1.2. Develop a problem-solving approach in which he or she considers the interests and viewpoints of all stakeholders in the Basin;

6.6.1.3. For PAC members, present and represent the views of his or her Constituency Group on the issues being discussed and be willing to engage in respectful, constructive dialogue with the other members of the Committee; and 6.6.1.4. For PAC members, keep his or her constituent group informed about ongoing issues and actively seek their input.

6.7 Quorum and Voting.

A majority of the members of a Committee constitutes a quorum of the Committee. No meeting of a Committee may occur without a quorum of its members being present. The affirmative vote of a majority of the members present at a Committee meeting is necessary for any motion to pass, except as otherwise provided. Voting on all matters, including minute orders, resolutions, and Recommendation Reports, must be reported in the minutes and described in a manner explaining the action taken as well as the vote or abstention of each member present for the action.

6.8 Recommendations from Committee.

Recommendations by a Committee must be reported to Watermaster within a written report ("Recommendation Report"), which will state the policy or technical rationale, as applicable, for the recommendation together with a summary of the factual support for the recommendation. The Recommendation Report shall also state whether the recommendation is supported unanimously or supported with a split vote, together with a tally of the votes of members with a report of the bases for the votes (i.e., majority and minority positions). Members will have a reasonable opportunity to review and edit the summary of the basis of their vote and submit accompanying documents. Watermaster shall maintain Committee records, including meeting minutes, Recommendation Reports, and accompanying reports and other documents. If requested to do so by the presiding officer of Watermaster, a spokesperson from a Committee shall attend any Watermaster meeting where a Committee Recommendation Report will be considered by Watermaster.

6.11 Technical Advisory Committee.

6.11.1. Purpose.

The TAC is the primary advisory body to Watermaster on all matters requiring technical expertise to be considered by Watermaster relating to Groundwater management and sustainability of the Basin, including implementation and any modification of the Groundwater Sustainability Plan and Physical Solution governing the Basin. The TAC reports directly to Watermaster. The objectives of the TAC are to:

6.11.1.1. Provide independent and unbiased technical review and recommendations, based on best available science, on matters referred to it by Watermaster; and

6.11.1.2. Work collaboratively and in good faith for the benefit of the Basin as a whole, rather than advocate exclusively for one constituency, to achieve consensus

and make unified technical recommendations to the extent possible on Basin water management and Groundwater sustainability.

6.11.2. Technical Advisory Committee Membership.

TAC shall have three voting permanent members, which shall be: (i) the TAC Administrator; (ii) a technical representative appointed by the Constituency Groups in the East Las Posas Management Area; and (iii) a technical representative appointed by the Constituency Groups in the West Las Posas Management Area. The three voting permanent members shall be professional consultants with qualifications set forth in Section 6.11.2.1 and the consulting fees charged by these professionals shall be paid from the funds raised from the Basin Assessment. The TAC shall also have one non-voting Watermaster representative. In addition to the three permanent voting members and Watermaster representative, each PAC member may also appoint a non-voting member to the TAC at their discretion who will not be compensated from the Basin Assessment. Each member of the TAC (whether permanent or not) shall meet the requirements under Section 6.11.2.1 and shall, as part of their contract with Watermaster, annually submit a statement of economic interests in a form approved by Watermaster.

6.11.2.1. All voting TAC members must:

- (i) receive consent to appointment by Watermaster, which consent shall not be withheld absent a demonstration of cause;
- (ii) have at least 10 years of relevant technical experience that will assist Watermaster with Basin management; and
- (iii) be licensed as a professional geologist or registered civil engineer in the State of California in accordance with the California Business and Professions Code.

6.11.2.2. To maintain institutional knowledge and enhance efficiency, all TAC members shall serve for two-year terms and may serve for more than one term.

6.11.2.3. Removal or Replacement. Voting TAC members, including the TAC Administrator, may only be removed in the following circumstances: (i) by a majority vote of the PAC, and with the consent of Watermaster, which shall not be withheld absent a demonstration of cause; and (ii) by Watermaster for cause, following Committee Consultation. In the event a voting TAC member resigns or is removed, the successor voting TAC member shall be appointed pursuant to Section 6.11.2.1.

6.11.2.4. In addition to providing Recommendation Reports on topics assigned by Watermaster or PAC, TAC may issue recommendations on any other topic requiring technical expertise to PAC or Watermaster on a majority vote. Such recommendations may include recommended technical studies or tests to be funded by the Basin Assessment.

6.11.3. TAC Administrator.

6.11.3.1. Appointment. The PAC shall appoint a TAC Administrator. Consistent with Section 6.11.2.1, Watermaster must consent to the approval of the appointment of

the TAC Administrator, which consent shall not be withheld absent a demonstration of cause.

6.11.3.2. TAC Administrator Duties and Responsibilities. In addition to its responsibilities as a voting member of the TAC, the TAC Administrator shall have primary responsibility for: organizing meetings of the TAC; preparing agendas for the TAC; taking and producing minutes of TAC meetings; drafting TAC Recommendation Reports; circulating those Recommendation Reports for comment within the TAC; integrating comments and producing final Recommendation Reports to be provided to Watermaster; and presenting Recommendation Reports to the Watermaster Board during Watermaster meetings as instructed by TAC; and any other responsibilities assigned by the TAC or as provided within the Watermaster Rules.

6.12 Watermaster Staff and Consultants.

Nothing herein shall prevent Watermaster from relying on technical staff and/or independent consultant(s) for the purpose of obtaining technical advice, provided that Watermaster follows the procedures provided herein regarding Committee Consultation. Watermaster consultant(s) and/or Watermaster staff may participate in TAC meetings at Watermaster's discretion.

7. ASSESSMENTS AND FUNDING

7.2 Need for and Administration of Basin Assessment.

Management of the Basin will require funding through periodic assessments of the beneficiaries of the water delivered to the Basin. Accordingly, Watermaster, following Committee Consultation and at all times acting as an agent of the Court, shall assess all Water Right Holders a uniform Basin Assessment per acre-foot of Annual Allocation held by the Water Right Holder. Notwithstanding any other term of this Section 7.2, Watermaster need not engage in Committee Consultation for the initial Basin Assessment levied in calendar year 2023. Watermaster's ability to impose such Basin Assessment, acting as an agent of the Court and under its auspices and oversight, does not modify or amend the FCGMA's separate, existing authority to adopt assessments or pursue funding including under SGMA and/or deriving from the FCGMA's enabling legislation (collectively, "FCGMA Assessments"), provided that the FCGMA shall implement changes to the FCGMA Assessments to avoid inequitable, duplicative, or disproportionate financial burdens upon Groundwater users in the Las Posas Basin after taking into account funds raised for administration of the Basin through the Basin Assessment.

7.3 Initial Assessment.

Any initial Basin Assessment that Watermaster makes pursuant to this Judgment shall not exceed \$200 per acre-foot of Annual Allocation. Watermaster, following Committee Consultation, and at all times acting as an agent of the Court, may thereafter reduce or increase the Basin Assessment as necessary to fund the Watermaster Budget. Watermaster may take any necessary actions to ensure the collection of any delinquent assessments pursuant to Watermaster's enforcement powers set forth in Section 5.2.6.

7.5 Watermaster Budget.

Watermaster shall, pursuant to the process set forth in Watermaster Rules and following Committee Consultation, annually determine and prepare a Watermaster Budget which includes: (i) the

estimated annual costs of administrative management of the Basin, investigations, inspections, compliance with and enforcement of the Judgment, personnel costs, infrastructure maintenance, utilities, general operation and maintenance, and costs arising from services identified in Section 5.2.2; (ii) the estimated annual costs of the construction, operation, maintenance, and administration of Groundwater enhancement or Basin Optimization Projects and reference to the five-year budget included within the Basin Optimization Plan as identified in Section 5.3.2.6; and (iii) any adjustments to the Basin Assessment. The Watermaster Budget will be funded by the Basin Assessment.

7.9 Adjustments to Basin Assessments for UWCD Assessments.

Water Right Holders located in the western portion of the Basin within the UWCD's service area presently pay assessments to UWCD, a portion of which is used to finance UWCD's ongoing activities that are designed to replenish the Basin and neighboring basins. Watermaster may reduce the amount of the Basin Assessments levied on Water Right Holders that pay an assessment to UWCD if Watermaster determines, following Committee Consultation, that such a reduction is appropriate as a matter of equity.

8. CALLEGUAS AQUIFER STORAGE & RECOVERY PROJECT

8.4 Calleguas ASR Project Operations Study

8.4.8. Timing. The Calleguas ASR Study Group shall endeavor to complete its evaluation and report on their recommended Calleguas ASR Project Operations Plan within 18 months of the Court's order approving the Judgment and Physical Solution. If the TAC has been formed and is functioning when the Calleguas ASR Project Operations Plan is submitted to the Court, the TAC shall review and comment on it. Once the Court has issued its order regarding the Calleguas ASR Project Operations Plan, the Calleguas ASR Study Group shall continue to exist in an advisory capacity for two years after the Court's order approving the Calleguas ASR Project Operations Plan and incorporating it into the Physical Solution. Calleguas shall provide regular reporting to the TAC and Watermaster as required in the Calleguas ASR Project Operations Plan approved by the Court.

9. CONTINUING JURISDICTION

9.2 Judicial Review of Watermaster Basin Actions.

9.2.1. Any Party may seek judicial review of a Basin Management Action upon motion, provided that:

9.2.1.1. Any Party seeking judicial review of a Basin Management Action must have timely exhausted opportunities for relief through the submission of written comment(s) to Watermaster, either individually or through a written report submitted by PAC or TAC, concerning the Basin Management Action; and

9.2.1.2. Prior to seeking judicial review of a Basin Management Action, Watermaster and the disputing Party(ies) shall first engage in mediation unless both Watermaster and the disputing Party(ies) agree in writing to forego mediation. Watermaster may waive the requirement to engage in mediation in which case a Party that has exhausted its administrative remedies with Watermaster and may seek judicial

review without having engaged in mediation. A Party must request mediation within 60 days of Watermaster taking a Basin Management Action. A Party must seek judicial review of a Basin Management Action within 30 days after the mediation is concluded, waived, or the mediator issues a notice of impasse.

9.2.2. Upon such motion the Court shall review the Basin Management Actions as follows:

9.2.2.1. The standard of review shall be de novo.

9.2.2.2. Unless otherwise requested, sua sponte, by the Court, the Court's review of any decision by Watermaster will be made exclusively on the Watermaster record, which will include all Recommendation Reports and any other documents and reports concerning the subject that are produced from the PAC or TAC, Watermaster's Response Report responding to any Recommendation report issued by the PAC or TAC, all minutes and recordings of the PAC, TAC, and Watermaster, and all staff reports of Watermaster.

9.2.2.3. The decision of the Court in such proceeding shall be an appealable supplemental order in this case. When the same is final, it shall be binding.

9.2.3. If the dispute involves Watermaster and Watermaster prevails, the Court will require the losing Party(s) to reimburse Watermaster for its reasonable fees and costs arising from the motion if the Court determines that the motion is frivolous.

B. From Las Posal Watermaster Rules:

ARTICLE 2 WATERMASTER ADMINISTRATION

2.7 Powers and Duties of Watermaster

2.7.3 Committee Consultation on GSP Updates.

Pursuant to Section 4.9.1 of the Judgment, Watermaster shall share a draft GSP Update with PAC and TAC before Watermaster submits the GSP Update to the Court and the Department of Water Resources. Consistent with the Judgment, Watermaster shall consider and respond in writing to any recommended edits to the draft GSP Update by PAC and TAC before finalizing the GSP Update. 2.7.7 Liability Insurance. Watermaster shall be authorized to obtain and maintain such insurance policies as Watermaster deems appropriate. Watermaster may obtain and maintain directors' liability insurance that includes coverage for PAC and TAC members.

2.9. Basin Management Action Referral.

Before rendering a decision on a Basin Management Action for which the Judgment requires Committee Consultation, Watermaster shall set a reasonable deadline for completion of the Committee Consultation consistent with Section 6.3 of the Judgment and Section 2.11 of these Rules. Watermaster may also elect to provide a written analysis and recommendation at the same time. The Basin Management Actions described in the following sections of the Judgment concern technical questions and shall be referred to the TAC for Committee Consultation prior to a Watermaster decision on the subject: 4.2, 4.6, 4.9.1, 4.10.1, 4.10.2, 4.10.3, 4.10.4, 4.11.2, 4.15.3, 5.2.3, 5.3.1, 5.3.2, 5.3.4, 5.3.5, 5.5, and 5.6. Watermaster may refer Basin Management Actions that do not involve a technical question only to the PAC. Watermaster shall inform both the PAC and TAC of all referrals.

2.10. Watermaster Consideration Following Committee Consultation.

Watermaster may not make a decision on a Basin Management Action under consideration by a Committee pursuant to Section 6.3 and Section 6.4 of the Judgment until: (i) either all Committees considering the Basin Management Action have provided their Recommendation Report to Watermaster or the deadline set pursuant to Section 2.9 has expired; and (ii) Watermaster has developed a Response Report, if required by Section 6.3 of the Judgment, that is approved by Watermaster concurrently with Watermaster's decision on the Basin Management Action. Watermaster shall include its Response Report in the agenda packet of the meeting at which the matter is to be considered for decision by Watermaster and shall include a brief summary of any Recommendation Report and any Response Report within the minutes of the meeting.

2.10.1 Important Dates.

The table below presents important dates related to Basin Management Actions.

Basin Management Actions - Important Dates			
Item	Subtask	Approval or Due Date	Period
Annual Report (§ 5.2.4)	Groundwater Extraction & Use Reports (§ 4.10.1.2)	November 1	
	Interim Draft to PAC & TAC	January 15	~36 days
	Revised Draft to PAC & TAC	February 1	
	PAC & TAC Recommendation Reports to Watermaster	February 20	
	Recommendation Reports Discussed by Watermaster	February Board Meeting	~36 days
	Watermaster Board Adoption	March Board Meeting	
	Final Submitted to DWR	By April 1	
Watermaster Budget (§ 7.4)	Draft Referred to PAC & TAC	March 1	~60 days
	PAC & TAC Recommendation Reports to Watermaster	April 30	
	Recommendation Reports Discussed by Watermaster	May Board Meeting	~57 days
	Watermaster Board Adoption	June Board Meeting	
Initial Basin Optimization Plan (§ 5.3.3)	Draft Referred to PAC & TAC	February 2, 2024	73 days
	PAC & TAC Recommendation Reports to Watermaster	April 15, 2024	
	Recommendation Reports Discussed by Watermaster	April 24 and/or May 29, 2024 Board Meeting	72 days
	Watermaster Board Adoption	June 26, 2024 Board Meeting	
Calleguas ASR Project Operations Plan (§ 8.4)	Draft Plan Referred to PAC & TAC	July 1, 2024	77 days
	PAC & TAC Recommendation Reports to Watermaster	September 16, 2024	
	Recommendation Reports Discussed by Watermaster	September 25 and/or October 30, 2024 Board Meeting	81 days
	Watermaster Board Adoption of ASR Project Operations Plan	December 6, 2024 Board Meeting	
GSP Update (§ 5.3.4)	Draft Referred to PAC & TAC	June 7, 2024	91 days
	PAC & TAC Recommendation Reports to Watermaster	September 6, 2024	
	Recommendation Reports Discussed by Watermaster	September 25 and/or October 30, 2024 Board Meeting	91 days
	Watermaster Board Adoption	December 6, 2024 Board Meeting	
	Final Submitted to DWR	By December 31, 2024	
2025 Basin Optimization Yield Study (§ 4.10.1)	Draft Scope of Work & Budget for Study Referred to TAC	September 7, 2023	46 days
	PAC & TAC Recommendation Reports to Watermaster	October 23, 2023	
	Recommendation Reports Discussed by Watermaster	October 25, 2023 Board Meeting	46 days
	Approval of Scope of Work & Budget for Study	December 8, 2023 Board Meeting	
	Draft Study Discussed by Watermaster Board	August 28, 2024 Board Meeting	264 days for draft
	Draft Study Referred to PAC and TAC	August 30, 2024	76 days
	PAC & TAC Recommendation Reports to Watermaster	November 14, 2024	
	Recommendation Reports Discussed by Watermaster	December 6, 2024 Board Meeting	76 days
Watermaster Adoption of Study and 2025 Basin Optimization Yield	January 29, 2025 Board Meeting		

ARTICLE IV TECHNICAL ADVISORY COMMITTEE

4.1. Initial Consideration Meeting.

The TAC shall take one of the following actions at the TAC meeting where TAC initially considers a Basin Management Action: 4.1.1 If Watermaster provides a recommendation, the TAC may vote to support Watermaster's recommended action and instruct the TAC Administrator to notify Watermaster, by email to the FCGMA's Executive Officer, of TAC's concurrence with Watermaster's recommendation. Watermaster, may, but need not, submit a Recommendation Report if it concurs with Watermaster's recommended action;

4.1.2 The TAC may postpone its action in order to obtain more information or conduct further research or due diligence, but such postponement shall not exceed the deadline provided in Section 2.9 of these Rules.

4.1.3 The TAC may instruct the TAC Administrator to draft a Recommendation Report for the Basin Management Action. The TAC may approve a Recommendation Report by majority vote or approve a Recommendation Report subject to the TAC Administrator making any changes to the written Recommendation Report instructed by the TAC.

4.1.4 The TAC may instruct the TAC Administrator to submit a request to Watermaster for an extension of time to provide its Recommendation Report.

4.2. Further Consideration Meetings.

At all further TAC meetings where a referred Basin Management Action is considered, the TAC may take any of the actions specified above, as remain applicable, and may also request that the TAC Administrator edit any draft Recommendation Report.

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

LAS POSAS VALLEY WATERMASTER



MEMORANDUM

Date: July 10, 2024
To: Las Posas Valley Watermaster Technical Advisory Committee
From: Kudzai F. Kaseke, Assistant Groundwater Manager
Subject: Draft Las Posas Valley Basin Project Evaluation Criteria and Technical evaluation of projects that will be included in the Basin Optimization Plan.

Dear Las Posas Valley Watermaster Technical Advisory Committee (TAC):

As the Watermaster for the Las Posas Valley Basin (LPVB), Fox Canyon Groundwater Management Agency (FCGMA) is responsible for preparing the Basin Optimization Plan for the LPVB. The Judgement in *Las Posas Valley Water Rights Coalition v. Fox Canyon Groundwater Management Agency VENC100509700* (Judgement) requires LPVB committee consultation during development of the Basin Optimization Plan.

On January 12, 2024, the FCGMA Board of Directors approved a scope of work to prepare the LPVB Basin Optimization Plan. The scope of work included six (6) tasks that support development of the Basin Optimization Plan. As outlined in the Judgement and described in the approved scope of work, the first two tasks require committee consultation prior to the development of the remainder of the Basin Optimization Plan. These tasks are: (i) development of Project Evaluation Criteria and (ii) technical evaluation of projects that will be included in the Basin Optimization Plan. Watermaster referred these tasks to the Policy Advisory Committee (PAC) for committee consultation and currently awaits feedback from the PAC. Below is a summary of work completed on these tasks as of March 27, 2024.

Project Evaluation Criteria:

Dudek, in coordination with FCGMA staff, has developed a draft set of Project Evaluation Criteria for committee review. These criteria are based on the current FCGMA project evaluation process used in the Oxnard and Pleasant Valley Basins (OPV). The draft criteria developed for the LPVB consist of two forms: a project evaluation checklist, which is used to solicit information from the Project proponent, and a project evaluation ranking sheet. These forms will be used to assess the priority and feasibility of each project.

Project Evaluation Criteria

The draft set of Project Evaluation Criteria are separated into four distinct categories:

- 1) Water Supply benefits
- 2) Timing / Feasibility
- 3) Cost and Funding
- 4) Additional Project Considerations

The criteria included in categories 1 through 3 are the same as the current FCGMA project evaluation process used in the OPV.

Category 4 – Additional Project Considerations – includes Judgment-specific information, such as a description of collaborations necessary to implement the project and a description of any anticipated material and unreasonable impact, as defined in the Judgement, that cannot be fully mitigated.

Project Ranking Sheet

The project ranking sheet introduces a set of points associated with each category defined in the draft project evaluation criteria. Using the information provided by individual project proponents, each project will be scored using the proposed ranking sheet. The points awarded for water supply benefits, timing/feasibility, and cost and funding are the same as the current FCGMA project evaluation process used in the OPV.

The proposed points for the Additional Project Considerations are as follows:

- 1) Collaboration / Cooperation requirements do not impact project scoring.
- 2) If a project is anticipated to cause material and unreasonable impact, as defined in the Judgement, that cannot be fully mitigated, twenty-five (25) points will be subtracted from the overall project score.
 - The twenty-five (25) point reduction was selected to be equivalent to the maximum points awarded under the water supply category.

Technical Project Evaluation

Following the development of the Project Evaluation Criteria, Dudek, in coordination with FCGMA, will begin technical review of the projects outlined in the Judgement. The scope of work approved by the FCGMA Board on January 12, 2024, identified nine (9) projects, each of which are identified in the Judgement, for inclusion in the Basin Optimization Plan.

To ensure that each project is appropriately evaluated, Dudek and FCGMA are requesting that LPVB committees:

- 1) Confirm that each project is appropriate for inclusion in the Basin Optimization Plan.
- 2) Confirm that the assumed project proponents are appropriate.
- 3) Provide input on the appropriate project proponent for Project 6.

Please provide feedback via email at LPV.Watermaster@ventura.org or contact me at 805 654 2010 with any questions or concerns.

Projects Identified in the Judgement for Inclusion in the Basin Optimization Plan

Project No.	Project Title	Project Assumptions		
		Project Proponent	Project Type	Project Details
1	Removal, and periodic removal maintenance, of Arundo Donax from the Las Posas Valley watershed in an environmentally safe manner	FCGMA	Water Supply	Dudek assumes that the project details and benefits are the same as those developed during FCGMA's application for DWR's SGM Round 2 SGMA Implementation funding opportunity. Dudek will update the project description, as necessary, based on revised project evaluation criteria developed in Task 1.
2	Importing of surplus water	CMWD	Water Supply	Dudek assumes that CMWD will develop the project description, cost estimates, and timing for implementation of this project.
3	Arroyo Las Posas storm water capture and recharge	VCWWD-1	Water Supply	Dudek assumes that the project details and benefits are the same as those provided by VCWWD-1 during the project solicitation undertaken by FCGMA during development of the 2022 GSP Annual Report. Dudek assumes that VCWWD-1 will, as necessary and appropriate, update the project description based on the revised project evaluation criteria developed in Task 1.
4	Constructing desalter(s) to address water quality issues in the Arroyo Simi Creek	VCWWD-1	Water Quality	Dudek assumes that the project details and benefits are the same as those provided by VCWWD-1 during the project solicitation led by FCGMA during development of the 2022 GSP Annual Report. Dudek assumes that VCWWD-1 will, as necessary and appropriate, update the project description based on the revised project evaluation criteria developed in Task 1.
5	Formalizing an agreement with the City of Simi Valley ("City") to maintain up-stream wastewater treatment plant discharges, or treated effluent, into the Arroyo Simi Creek, which shall include cooperation with and support of the City, as necessary, in its interactions with the Los Angeles Regional Water Quality Control Board ("LA Waterboard") on this issue of treated effluent discharge into Arroyo Simi Creek	FCGMA	Water Supply	Dudek assumes that the project details and benefits will be developed in coordination with FCGMA.
6	Formalizing an agreement with the City for recycled water deliveries to Las Posas Valley users via pipeline, which shall include cooperation with and support of the City, as necessary, in its interactions with the LA Waterboard on this issue of recycled water	Unknown	Feasibility Study	Dudek assumes that the project proponent will be identified by the PAC, TAC, and FCGMA during development of the Basin Optimization Plan. The project proponent will be responsible for developing the project description and providing all relevant information to FCGMA.
7	Designing and constructing new or modified infrastructure in order to deliver In Lieu Water to water deficit areas for Use in lieu of Extracted Groundwater and to increase water conveyance within the Basin	Zone MWC	Water Supply	Dudek assumes that the project details and benefits are the same as those provided by Zone MWC during the project solicitation led by FCGMA during development of the 2022 GSP Annual Report. Dudek assumes that Zone MWC will, as necessary and appropriate, update the project description based on the revised project evaluation criteria developed in Task 1.
8	Developing a program for the least cost acquisition of Allocation Basis or Annual Allocations, or Carryover as an alternative to Replenishment	FCGMA	Water Supply	Dudek assumes that the project proponent will be identified by the PAC, TAC, and FCGMA during development of the Basin Optimization Plan. The project proponent will be responsible for developing the project description and providing the project details and benefits will to the FCGMA.
9	Using Calleguas facilities for Replenishment	CMWD	Water Supply	Dudek assumes that this project will be led by CMWD and that the project description, cost, and benefits will be provided by CMWD as part of the Basin Optimization Plan development.

Notes

FCGMA = Fox Canyon Groundwater Management Agency, City = City of Simi Valley, VCWWD-1 = Ventura County Water Works District No. 1, Zone MWC = Zone Mutual Water Company, CMWD = Calleguas Municipal Water District

"Project Benefits" will be characterized by each project proponent in a manner consistent with the Judgement and SGMA, including through an estimate of impact to groundwater levels, groundwater quality, groundwater in storage, interconnected surface water, and material injury

LAS POSAS VALLEY WATERMASTER

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Project Evaluation Checklist

BACKGROUND INFORMATION	
Project Name:	(Please fill in)
Purpose of Project:	(Please select one)
Project Type:	(Please select one)
Sponsoring Agency:	(Please fill in)
Groundwater Basin:	(Please fill in)
Location:	(Please fill in)
Project Description:	(Please fill in)
Implementation Trigger (if applicable):	(Please fill in)
Evaluation Criteria	Response (Applicant to Complete)
Water Supply	
Annual increase in Sustainable Yield (AFY):	(Please fill in)
Annual increase in supplemental water in lieu of pumping (AFY):	(Please fill in)
Groundwater demand reduction (AFY):	(Please fill in)
Sustainability indicators addressed:	(Please fill in)
Project documentation included?	(Please select one)
Timing/Feasibility	
Project Implementation Timeframe	
Current Project status:	(Please select one)
Estimated time to Project completion (years):	(Please fill in)
Timeline / feasibility documentation included?	(Please select one)
Environmental	
CEQA/NEPA type:	(Please select one)
Status of CEQA/NEPA review and permitting:	(Please select one)
Will the Project likely be permitted?	(Please select one)
Sensitivity of location:	(Please fill in)
Permitting	
Permits required:	(Please fill in)
Status / time required:	(Please fill in)
Likelihood of Project being permitted:	(Please select one)

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Project Evaluation Checklist

Project Complexity	
Does the Project use new technology:	(Please select one)
Does the Project require land acquisition:	(Please select one)
Status of the land acquisition process:	(Please select one)
Is the Project dependent on other unbuilt or unfunded projects:	(Please select one)
Is the Project dependent on funded projects currently under construction:	(Please select one)
Description of Operation and Maintenance (if applicable):	(Please fill in)
Project Lifespan	
What is the projected lifespan of the Project:	(Please fill in)
Project Phasing	
<i>Please provide documentation of anticipated project phasing, including schedules and costs (capital and O&M) for each phase, as an attachment to this form.</i>	
Does Project require multiple phases of construction?	(Please select one)
No. of anticipated construction phases:	(Please fill in)
Description of phases:	(Please fill in)
Phasing timeline:	(Please fill in)
Total cost per phase:	(Please fill in)
Project phasing documentation attached?	(Please select one)
Cost and Funding	
Total capital cost:	(Please fill in)
Total annual Operations & Maintenance (O&M) Cost:	(Please fill in)
Is the project Proponent providing a funding match to construct the project?	(Please fill in)
Is there a funding source other than FCGMA for ongoing operation and maintenance costs?	(Please fill in)
Additional Project Considerations	
Is it necessary to collaborate and/or coordinate with FCGMA, Calleguas, WWDs, United Water Conservation District, or the Water Rights Holders for project implementation?	(Please select one)
If yes, please describe the anticipated collaboration/coordination.	(Please fill in)
Is the project anticipated to cause material and unreasonable impact, as defined in the Judgement, that cannot be fully mitigated?	(Please select one)
If yes, please describe the anticipated material and unreasonable impacts.	(Please fill in)

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Project Evaluation Checklist

Project Proponent Contact Information	Response (Applicant to Complete)
Name:	(Please fill in)
Title:	(Please fill in)
Organization:	(Please fill in)
Email:	(Please fill in)
Phone:	(Please fill in)
Date:	(Please fill in)

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Project Ranking Sheet

Project Name _____ **Project Type** _____

Sponsoring Agency _____ **Basin** _____

WATER SUPPLY

1. Total Sustainable Yield / Supplemental Water / Reduced Demand

Total additional water supplied by the project for the benefit of the basin through increase to sustainable yield, supplemental water to be delivered in lieu of pumping, or reduction in groundwater demand.

_____ AFY increased sustainable yield

_____ AFY supplemental water in lieu of pumping

_____ AFY groundwater demand reduction

Points Awarded

5	10	15	20	25
<500 AFY	≤500 AFY <2,500 AFY	≤2,500 to AFY <5,000 AFY	≤5,000 AFY <7,500 AFY	≥7,500 AFY

2. Sustainable Yield / Supplemental Water / Reduced Demand Documentation

Project documentation includes verifiable quantified estimate of increased sustainable yield, supplemental water, and/or reduced groundwater demand.

Points Awarded

5	10	15	20	25
Conceptual estimate - no supporting documentation	Conceptual estimate - limited supporting documentation	Initial feasibly study supporting estimate	Preliminary design and/or modeling supporting estimate	Detailed design and/or modeling supporting estimate

TIMING / FEASIBILITY

3. Project Implementation Timeframe

What is the project implementation timeframe?

Points Awarded

1	5	10	15	20
Cannot be implemented prior to 2040	May be operational by 2040, but uncertain	Can be operational by 2040	Can be operational in 10 years or less	Can be operational in 5 years or less

4. Development Phase

How far along is the definition, feasibility, design, and development of the project?

Points Awarded

1	2	3	4	5
Conceptual – no feasibility or	Feasibility study in progress,	Initial feasibly study completed	30% engineering design	60% or greater engineering

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design, project not well defined	project well defined			design
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5. Status of Approvals, Permits, and Environmental Review

What is the status of NEPA/CEQA review and permitting?

Points Awarded

1	2	3	4	5
Permit requirements not identified or unknown	Expected to take >5 years	Underway and approvals expected <3 years	Underway and approvals expected ≤1 year	Permitting and CEQA / environmental review complete

6. Project Complexity

How complex is the project? For example, does it require multiple phases of construction; does it use proven technology; does it require land acquisition; is dependent upon other projects; and/or does it require complex permitting?

Points Awarded

1		3		5
Very complex, relies on unproven technology		Moderately complex		Low complexity, uses readily available proven technology

7. Land Acquisition

Does the project require land acquisition or easements, and if so, what is the status?

Points Awarded

1	2	3	4	5
Required, not started and/or potential eminent domain	Process started, but less than 25% complete	>25% but <50% complete	More than 50% complete	Not required or all acquisitions and/or easements complete

8. Dependency on Other Projects

Is the project dependent upon other projects?

Points Awarded

1		3		5
Project is dependent on other unbuilt and unfunded projects		Project is dependent on funded projects under construction		Not dependent on other unbuilt projects

9. Project Lifespan

What is the projected lifespan of the project?

Points Awarded

1	2	3	4	5
≤5 years		10 years		≥20 years

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COST & FUNDING

10. Water Cost

Projected total cost of water produced, saved, or increase in sustainable yield.

\$ _____ Total capital cost

\$ _____ Total annual O&M cost

\$ _____ Annual O&M cost per AF

\$ _____ Annual cost (all costs including capital and O&M) per AF

Points Awarded

1	5	10	15	20
≥\$3,000 / AF	≤\$2,000 / AF <\$3,000 / AF	≤\$1,000 / AF <\$2,000 / AF	>\$500 / AF <\$1,000 / AF	≤\$500 / AF

11. Funding Match for Construction

Is the project proponent providing a funding match to construct the project?

Points Awarded

1	4	8	12	15
No match	<10% match	10 to 25% match	25 to 50% match	>50% match

12. O&M Funding

Is there a funding source other than FCGMA for ongoing operation & maintenance costs?

Points Awarded

1	4	8	12	15
No funding identified	25%	50% of funding committed	75%	100% of funding committed

ADDITIONAL PROJECT CONSIDERATIONS

13. Collaboration/Cooperation/Participation

Is it necessary or desirable to collaborate and/or coordinate with FCGMA, Calleguas, WWDs, United Water Conservation District, or the Water Right Holders for project implementation?

Points Awarded

N/A
Coordination requirements will not impact final project scoring.

14. Undesirable Results/Material Injury

Is the project anticipated to cause material and unreasonable impact, as defined in the Judgement, that cannot be fully mitigated?

Points Awarded

-25	0
The project is likely to cause material and unreasonable impacts that cannot be mitigated, as defined in the Judgement.	The project is unlikely to cause material and unreasonable impacts as defined in the Judgement.

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Ranked by _____

Date _____

DRAFT