

# FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



## BOARD OF DIRECTORS

**Eugene F. West, Chair**, *Director, Camrosa Water District*  
**David Borchard, Vice Chair**, *Farmer, Agricultural Representative*  
**Michael W. Mobley**, *Director, United Water Conservation District*  
**Carmen Ramirez**, *Supervisor, County of Ventura*  
**Tony Trembley**, *Councilperson, City of Camarillo*

## EXECUTIVE OFFICER

**Jeff Pratt, P.E.**

## NOTICE OF MEETING

**NOTICE IS HEREBY GIVEN** that the Fox Canyon Groundwater Management Agency (FCGMA) will hold a **VideoConference Executive Committee Special Meeting at 2:00 p.m. on Thursday, April 15, 2021.**

**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, THE HALL OF ADMINISTRATION BUILDING IS CLOSED TO THE PUBLIC. TO FIND OUT HOW YOU MAY ELECTRONICALLY ATTEND THE MEETING AND PROVIDE PUBLIC COMMENT PLEASE REFER TO "NOTICES" ON PAGE 2 OF THIS AGENDA**

## FCGMA EXECUTIVE COMMITTEE SPECIAL MEETING AGENDA

*Joint Meeting with the OPV Stakeholder Group*

**April 15, 2021**

**Members:** Chair Eugene F. West  
Vice Chair David Borchard

- A. Call to Order**
- B. Introductions**
- C. Public Comment** – Audience members may speak about FCGMA-related matters not on today's Agenda.
- D. Approval of Minutes** – Approve the minutes of the February 16, 2021, Executive Committee special meeting.
- E. OPV Stakeholder Engagement** – Receive a presentation from Hallmark Group, the Agency's facilitator, on facilitated stakeholder engagement in the Oxnard and Pleasant Valley (OPV) Basins regarding methodologies of allocation reduction, minimum allocation, and ending allocation; hold a discussion with members of the OPV stakeholder group, Hallmark Group, and Agency staff; and provide feedback and recommendations for the report to the Board at the April 28, 2021, meeting.
- F. Potential Unregistered Wells** – Receive a presentation from Agency staff on potential unregistered wells within the Agency boundary, reasons why unregistered wells may exist, past and current efforts to bring unregistered wells into compliance and provide feedback and recommendations.
- G. Future Agenda Items and Next Meeting Date**
- H. Adjourn the Executive Committee Meeting**

### **NOTICES**

*The following information is provided to help you understand, follow, and participate in the meeting:  
Public Comments – Public comment is the opportunity for members of the public to participate in meetings by addressing one or more agenda or non-agenda items.*

*The following options allow for public participation:*

1. *Join the Zoom Meeting as an Attendee*

*Please click the link below to join the webinar:*

<https://us02web.zoom.us/j/88979954328?pwd=a2FySkpKWTBGN0wzYlVnc29jd2diZz09>

*Password: 427930*

*With this option you will be able to raise your hand, and the Clerk of the Board will give you speaking abilities to make a public comment.*

2. *Call-In to listen to the meeting:*

*Telephone: 1 669 900 6833*

*Conference ID: 889 7995 4328*

*Password: 427930*

*Option 2 will not allow you to make direct speaking comments. If you wish to make a comment please follow the steps below.*

*2. If you wish to make a comment please submit your comment to the Clerk of the Board at [fcgma@ventura.org](mailto:fcgma@ventura.org). Please indicate in the Subject Line, the Agenda item number (e.g., Item No. 9). Your email will be read and placed into the record.*

*The FCGMA Board strives to conduct accessible, orderly, and fair meetings where everyone can be heard on the issues. The Board Chair will conduct the meeting and establish appropriate rules and time limitations for each item. The Board can only act on items designated as Action Items. Action items on the agenda are staff proposals and may be modified by the Board as a result of public comment or Board member input. Additional information about Board meeting procedures is included after the last agenda item.*

**Administrative Record:** *Material presented as part of testimony will be made part of the Agency's record, and 10 copies should be left with the Board Clerk. This includes any photographs, slides, charts, diagrams, etc.*

**ADA Accommodations:** *Persons who require accommodation for any audio, visual, or other disability in order to review an agenda or to participate in the Board of Directors meeting per the Americans with Disabilities Act (ADA), may request such accommodation in writing addressed to the Clerk of the FCGMA Board, 800 So. Victoria Avenue, Location #1610, Ventura, CA 93009-1610, or via telephone by calling (805) 654-2014. Any such request should be made at least 48 hours prior to the meeting so staff can make the necessary arrangements.*

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**Availability of Complete Agenda Package:** *A copy of the complete agenda package is available for examination at the FCGMA office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning Three days before the Board meeting. Agenda packet contents are also posted on the FCGMA website as soon as possible, and left there for archival retrieval in case reference is needed on previously considered matters. Questions about specific items on the agenda should be directed to the Agency's Executive Officer.*

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FCGMA Executive Committee Special Meeting Agenda

April 15, 2021

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**Continuance of Items:** *The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried over to the next Board meeting or to a future Board meeting. Participating individuals or parties will be notified of the rescheduling of their item prior to the meeting. Please contact the FCGMA staff to find out about rescheduled items.*

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**Electronic Information and Updates:** *Our web site address is <http://www.fcgma.org>. Information available online includes the Board's meeting schedule, a list of the Board members and staff, general information, and various Agency forms. If you would like to speak to a staff member, please contact the FCGMA Clerk of the Board at (805) 654-2014.*

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**Jeff Pratt, P.E.**

## MINUTES

Minutes of the Fox Canyon Groundwater Management Agency's (FCGMA) Executive Committee Special Meeting held **Tuesday, February 16, 2021** through **Video Conference Via Zoom** in the Hall of Administration, Main Plaza Level, Ventura, CA 93009.

### A. Call to Order

Chair West called the meeting to order at 2:00 p.m.

### B. Introductions

Attendees were: (1) Eugene West, Chair; (2) David Borchard, Vice Chair; (3) Kim Loeb, FCGMA; (4) Keely Royas, FCGMA; (5) Glenn Shephard, WPD; (6) Arne Anselm, FCGMA; (7) Jason Canger, Assistant County Counsel; (8) Greg Lewis, Duda Farms; (9) Martin Gramckow, Southland Sod; (10) Jurgen Gramckow, Southland Sod; (11) Bryan Bondy, Alta MWC; (12) E.J. Remson, The Nature Conservancy; (13) Dan Detmer, United Water Conservation District (UWCD); (14) Jared Bouchard, PVCWD; (15) Ian Pritchard, Camrosa; (16) Stan Powell, Self; (17) Jim Beck, Hallmark; (18) Taylor Blakslee, Hallmark; (19) Alden Broome, Broome Ranches; (20) Paul Early, Self; (21) John Lindquist, UWCD; (22) Elizabeth Ewens, Stoel Rives; (23) Eric Robinson, Stoel Rives; (24) Henry Graumlich, CMWD; (25) Frank Brommenschenkel, Self; (26) Jodi Switzer, VC Farm Bureau; (27) Lucia McGovern, City of Camarillo; (28) Robert Saperstein, Self; (29) Kirby Brill, City of Oxnard; (30) Shiri Klima, City of Oxnard; (31) Nancy Broschart, City of Oxnard; (32) Neal Maguire, Self.

### C. Approval of Minutes

Vice Chair Borchard made a motion to approve the minutes of the January 21, 2021 Executive Committee special meeting. Chair West seconded the motion, and the motion was approved.

### D. Public Comments

There were no public comments.

### E. OPV Stakeholder Engagement

Kim Loeb introduced the item and presented an updated OPV Stakeholder Group Workplan chart. He presented the items that have been discussed with the OPV Stakeholder Group meetings, including the OPV Basins Initial Allocation and Variances.

Chair West asked if any of the variances have been given to the OPV Variance Review Committee. Mr. Loeb said no, but hopefully soon.

Chair West asked Mr. Loeb if he had a sense of how much “New Water” was supplied by a purveyor. Mr. Loeb said that he doesn’t have the breakdown, but suspects a lot.

Next, he discussed the OPV Basins Sustainable yield, Ramp-Down and Minimum Allocations. He said that potential options on the Ramp-Down have been discussed and the Stakeholder Group seemed to lean for a more linear path.

Jim Beck stated his view on what has been discussed and accomplished at the Stakeholder Group meetings. He said that moving forward the main task will be getting a consensus on the issues.

Chair West asked if there was any discussion on when projects and ramp down will start. Mr. Loeb stated that the timeline was specifically addresses, but that there were some who said that the sooner the better.

Robert Saperstein stated that it would be good for the Agency to get with Jared Bouchard soon to discuss how variance requests would be handled that deal with PVCWD.

Greg Lewis recommended using the term “Ending Point” instead of ramp down.

Vice Chair Borchard asked if the meetings between the OPV Stakeholder Group were worthwhile. Committee members expressed happiness for the opportunity and said that there is potential for equitable outcomes.

**F. “One” Water Proposal**

Martin Gramckow presented a proposal that came from stakeholders with a method to share cost and benefits from replenishment fees and water purchases. He presented four example years based on projects in specific locations, assumptions, basic data, and a starting allocation.

Chair West and Vice Chair Borchard stated that the presentation was very helpful.

**G. Future Agenda Items and Meeting Date(s)**

Chair West stated that the next meeting date is scheduled for March 18, 2021 at 2:00 pm.

**H. Adjourn**

Chair West adjourned the Executive Committee meeting at 4:02 p.m.

Submitted by:

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Keely Royas  
Clerk of the Board

# FOX CANYON GROUNDWATER MANAGEMENT AGENCY



## MEMORANDUM

**Date:** April 15, 2021 (rev)  
**To:** Executive Committee  
**From:** Kim Loeb, Groundwater Manager *KL*  
**Subject:** Item F – Potential Unregistered Wells

During a discussion at the March 24, 2021, Board meeting, Board members asked about the potential existence of unregistered wells within the Agency boundary. This memo provides background on the Agency's well registration program, both historical and current, provides an analysis of potential unregistered wells, and discusses recent changes implemented to help assure timely registration of new wells.

The Agency Ordinance Code requires that "all groundwater extraction facilities within the boundaries of the Agency shall be registered with the Agency." Prior to July 2005, the Ordinance Code required that the Agency notify owners/operators of groundwater extraction facilities to register their wells.

In the early days of the Agency, significant efforts were made to search for wells and register them especially in 1989 and 1990. Another period of significant Agency effort to identify and register wells occurred in 2007 through 2009 when 70 additional potentially active unregistered wells were identified and registered as appropriate. Legal action to force the owner to register their wells with the Agency has been required on occasion. Another major effort was conducted in 2010 and 2012 when the Agency was transitioning to the current FCGMA Online database.

Under California law and County regulations, the Ventura County Public Works Agency (PWA) is the authorized well permitting agency everywhere within the Agency boundary, except for the City of Oxnard which issues permits within the City boundary. The Ventura County Well Ordinance requires an applicant to apply for and obtain an FCGMA well permit prior to issuing a permit. FCGMA well permits are no-fee permits which presently never expire in contrast to County permits which are valid for six months. Well owners are required under the Agency Ordinance Code to register a new well within 30 days of completion of drilling activities. To identify potential unregistered wells, FCGMA staff periodically compares wells in the FCGMA Online database with the County PWA well database.

Following the March 24, 2021, Board meeting, staff conducted a comparison of the FCGMA and County PWA well databases. There are 677 active wells, 251 inactive, and 435 destroyed wells identified in the FCGMA database. Eleven potential unregistered wells were identified in the comparison and are listed in the attached table. The Agency has sent, or is in the process of sending, notifications to the owners of these wells in an effort to confirm the wells still exist, and if so, to bring them into compliance through registration. If it is determined that there have been unreported extractions from any of these wells, the Agency will initiate appropriate enforcement actions.

In an effort to identify potential areas for improvement, staff reviewed the current well registration process. Because it is essentially an honor system for owners to register new wells in compliance with permit conditions after a well is drilled, staff found the process for tracking permits when the applicant delays drilling a permitted well for an extended time, which often can be several years, needs improvement. Additionally, there is often a significant delay following drilling a well before the electrical connection, pump, and flowmeter are installed. Agency staff has allowed well owners a grace period to delay registering their wells until installation of pump and/or flowmeter.

The following new procedures are being implemented to help assure that no new well registrations are overlooked:

1. Agency staff will request that County PWA provide notification to FCGMA upon completion of well seal on all new wells installed within the Agency boundary.
2. Agency staff will require registration of new wells within 30 days of completion of well seal with no grace period for installation of electrical connection, pump, and/or flowmeter.

Additionally, staff recommends consideration of revision of the Agency Ordinance Code to implement an expiration on Agency well permits.

<b>SWN</b>	<b>FCGMA Well Permit</b>	<b>Well Drilling Completion Date</b>	<b>DWR Basin</b>	<b>Owner Name</b>	<b>Main Use</b>
01N21W06F02S		1929	OXNARD	William E Lenox Trust	Domestic
01N22W36K01S		1946	OXNARD	Ventura County Game Preserve	Domestic
01S21W08H01S			OXNARD	Naval Base Ventura County	Domestic
01S21W09D01S			OXNARD	Naval Base Ventura County	Agricultural
01S22W01C01S			OXNARD	Naval Base Ventura County	Agricultural
02N20W14H01S	188	7/9/2018	LAS POSAS VALLEY	Soorick-Clara Hacobian Trust	Agricultural
02N22W13N08S	283	10/18/2019	OXNARD	Oxnard Union High School Dist., Rio Mesa High School	Municipal
02N22W25A04S		1964	OXNARD	Darren-Laura C Huebner Trust	Domestic
02N22W32M04S	286	6/6/2020	OXNARD	Alma Borchard Trust Estate ET AL	Agricultural
03N19W30K01S		pre 5/1931	LAS POSAS VALLEY	Thermic Mutual Water Company	Agricultural
03N20W34G02S	174	6/25/2020	LAS POSAS VALLEY	Jared C. Gedney ET AL	Agricultural





**FOX CANYON  
GROUNDWATER**  
FACILITATED PROCESS

# OPV STAKEHOLDER GROUP FACILITATION EFFORT SUMMARY

April 15, 2021

# FACILITATION PURPOSE

- Fox Canyon GMA issued an RFP in January 2021
- Hallmark Group was hired in February 2021 to perform facilitation services for the FCGMA OPV Stakeholder Group
- The schedule identified in the RFP was:
  - OPV Basin Starting Yield – January – Executive Committee (Policy)
  - Sustainable Yield – February – Operations Committee (Technical)
  - Ramp Down/Minimum Allocation – Two Meetings – February/March – Executive Committee (Policy)
  - Prepare for Agency Board Meeting – April – Executive Committee
  - Report to Agency Board – April

# FACILITATION PURPOSE

- Facilitated Stakeholder process goal/scope:
  - Facilitate OPV Stakeholder Group meetings
  - Identify areas where consensus was able to be reached and to describe the varying perspectives on issues where consensus was not able to be met
  - Develop a report identifying the outcome of this effort to the FCGMA Board on April 28, 2021

# MEETINGS SUMMARY

- Hallmark facilitated Stakeholder Group meetings on:
  - February 2, 2021
  - February 16, 2021
  - March 2, 2021
  - March 16, 2021
  - March 30, 2021
- Meetings were well attended by the Members (typically 15 of 17) and 10-15 non-members attended on average

# MEETINGS SUMMARY

- The Stakeholder Group members actively participated in discussions and contributed their knowledge as we discussed the allocation issues in the basin
- Stakeholder Group members expressed a desire to seek a means to resolve differences
- Discussions started with an overview of the sustainable yield and the separate process for evaluating projects to increase the yield in the basin

# INITIAL ALLOCATION

- The initial allocation was reviewed by the OPV Stakeholder Group which was adopted in the OPV Allocation Ordinance
- Issues discussed by the Stakeholder Group members and FCGMA staff included:
  - Santa Clara River Flex (no additional allocation to the basin)
  - Concern that the variance process may result in double counting
  - Ag and M&I proportions – will the roughly 60/40 split be preserved in the minimum allocation?

# RAMP DOWN

- The OPV Stakeholder Group reviewed options that were previously developed by the group for the ramp-down methodology
- A linear ramp-down was supported by the OPV Stakeholder Group

# MINIMUM ALLOCATION

- The OPV Allocation Ordinance identifies the intent to establish minimum allocations
- The minimum allocation is closely related to the ending allocation and there was confusion on the relationship between these two items



# MINIMUM ALLOCATION

- The OPV Allocation Ordinance identifies the Board's intent to establish a minimum allocation for agricultural operators based on the sustainable yield that would be exempt from reductions until such time as the Board determines that a reduction of minimum yield is necessary to facilitate implementation of the Groundwater Sustainability Plan

# ENDING ALLOCATION

- Two potential methodologies for implementing an ending allocation were discussed at length
- The first methodology discussed was basing the ending allocation on historic water use during the initial allocation base period (2005-2014) based on the sustainable yield of the basin
- Some Stakeholder Group Members referred to this as “proportional ramp-down” or “equal sharing”

# ENDING ALLOCATION

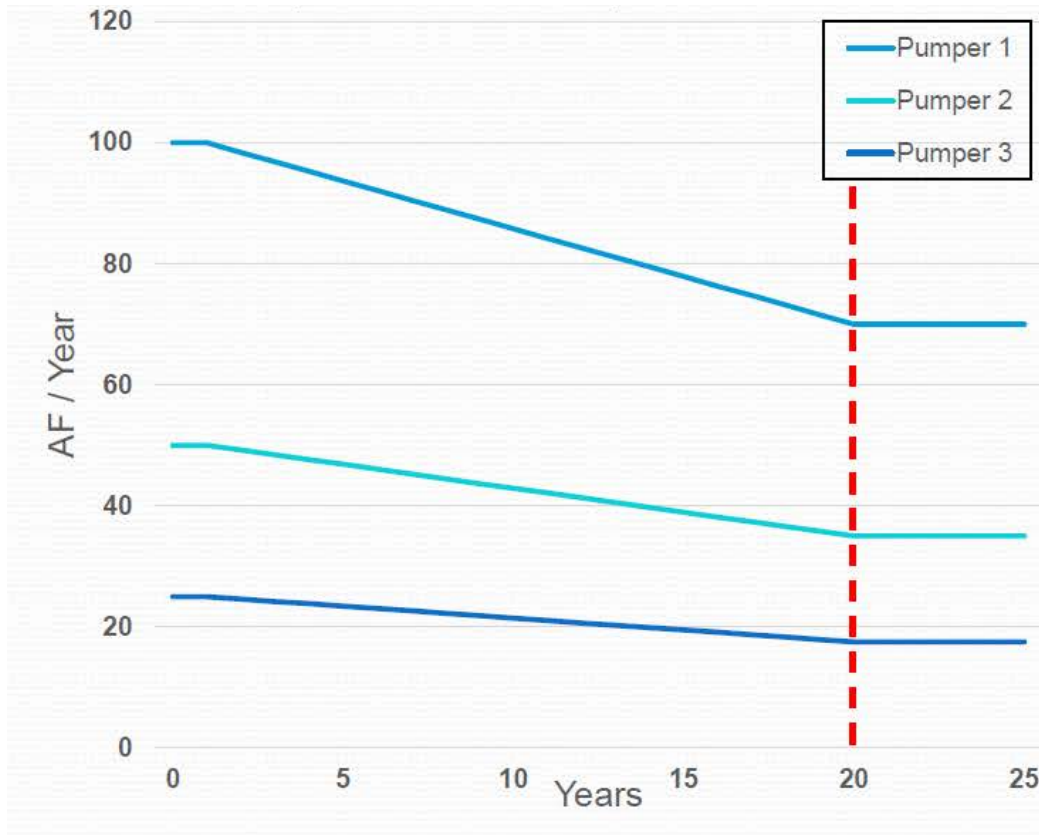
- Those that supported a historic use basis offered a number of reasons for supporting this methodology including:
  - Recognizes the economic value of water and the crop being produced
  - Recognizes significant capital investment made by those water users

# ENDING ALLOCATION

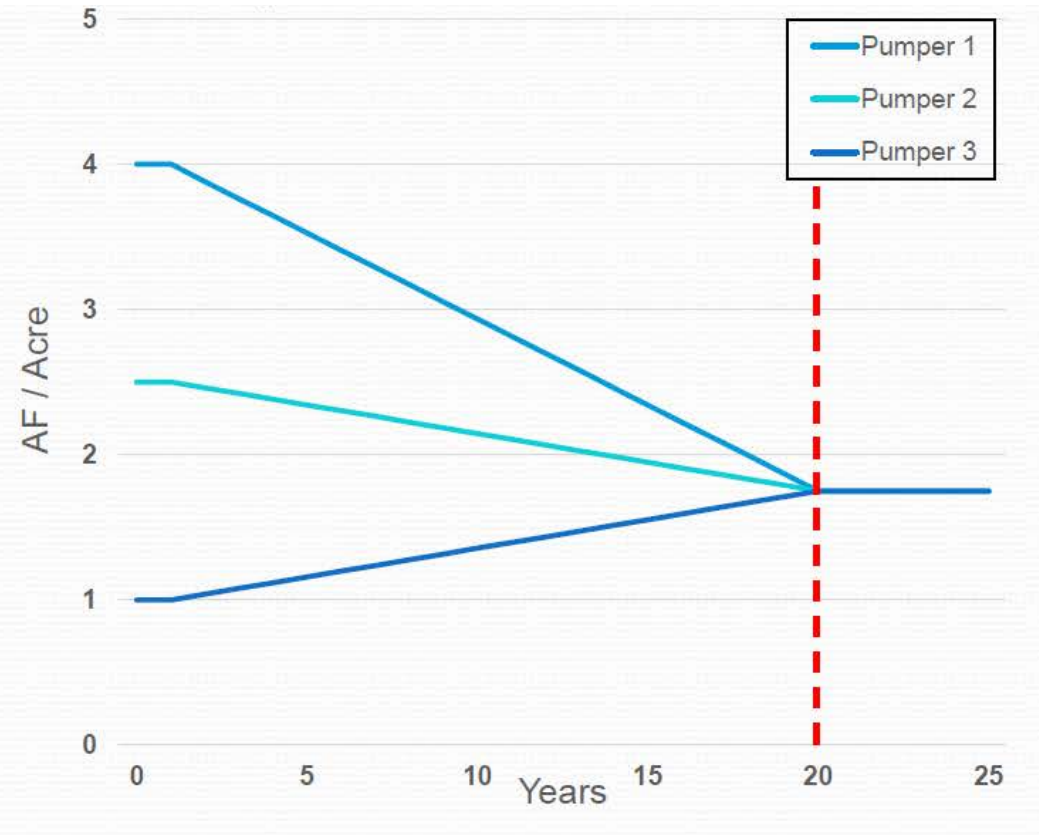
- The second methodology discussed was basing the ending allocation on a uniform per acre allocation based on the sustainable yield of the basin
- Those that supported a uniform per acre allocation offered a number of reasons for supporting this methodology including:
  - Being more equitable for current water users
  - Does not reward high water users
  - Does not penalize early adopters of efficient irrigation practices

# ENDING ALLOCATION

## Historic Water Use Basis



## Uniform Per Acre Rate



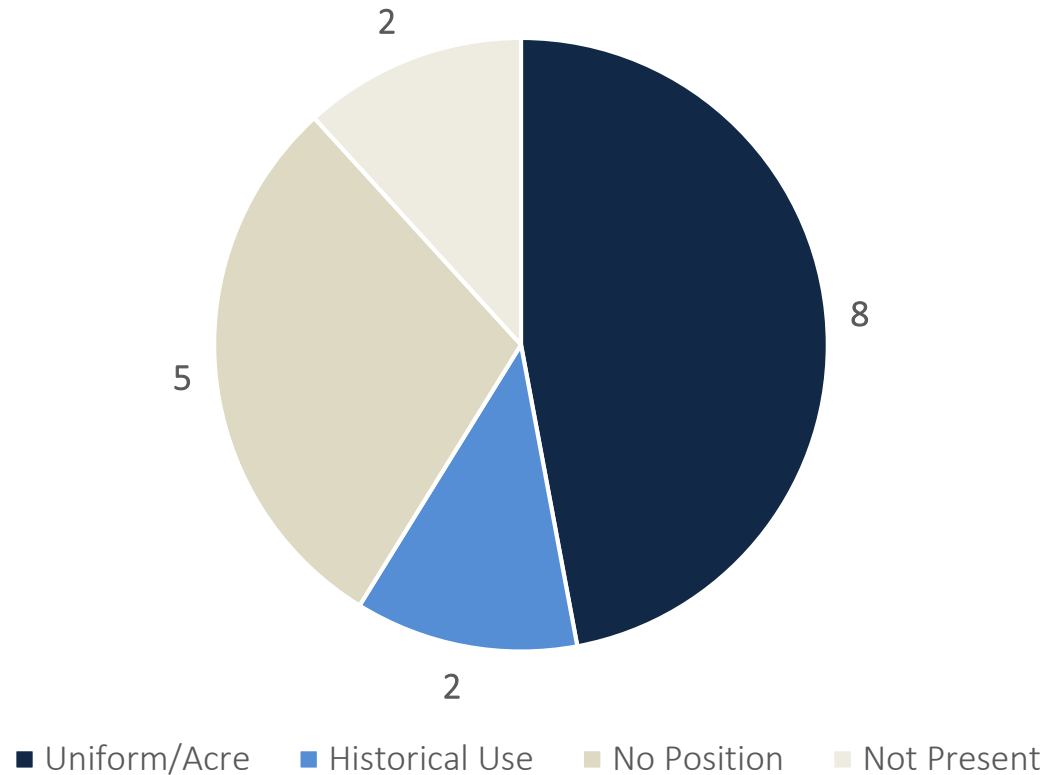
# ENDING ALLOCATION

- Following discussions on these two potential methodologies, Hallmark polled Stakeholder Group members on their perspective for these two options as summarized on the following slide

# ENDING ALLOCATION

- Results of Stakeholder Group Member Polling on two potential methodologies for the ending allocation

Basis for Ending Allocation of Groundwater Pumping



# CONCLUSION

- Stakeholder Group Members expressed a:
  - Desire to develop an equitable solution for the basin
  - Willingness to compromise
- Two common Stakeholder Group Member requests that have been raised that are outside of the scope of this facilitation effort are:
  - A desire for a legal framework in discussing the minimum and ending allocations
  - Consider minimum and ending allocations within the context of determining if projects are viable to significantly increase the basin yield which would reduce the tension of determining the minimum and ending allocations



# CLOSING

- The Hallmark team thanks the FCGMA Board of Directors, staff and OPV Stakeholder Group Members for the opportunity to facilitate the Stakeholder Group process and is encouraged by the passion and engagement of the Stakeholder Group to develop solutions for the OPV basins

# E. Potential Unregistered Wells



FCGMA Executive Committee  
Special Meeting  
April 15, 2021

# Well Registration Requirement

- Agency Ordinance Code:

*All groundwater extraction facilities within the boundaries of the Agency shall be registered with the Agency within 30 days of the completion of drilling activities or within 30 days after notice is given to the operator of such facility*

- Prior to July 2005, Ordinance Code required Agency to notify owners/operators to register wells

# Well Registration Campaigns

- 1989-1990 – Initial effort to search for wells and register them
- 2007-2009 – Additional 70 potential active wells identified and registered as appropriate
- 2010-2012 – Major registration effort during transition to current data management system

# County and FCGMA Well Registration

- VC Public Works Agency permits all wells except in City of Oxnard
- VC Well Ordinance requires applicant to obtain FCGMA well permit prior to approval
- FCGMA well permit
  - No fee
  - Non-transferable
  - No expiration

# Potential Unregistered Wells

- Staff compared FCGMA and County well databases
- 11 potential unregistered wells identified
  - Subsequently determined SWN 01N22W36K01 Ventura County Game Preserve was destroyed
- Agency sending notifications to the owners of these wells
- One is in the process of being registered

# Areas for Improvement

- Tracking of permits when applicant delays drilling for extended period (sometimes years)
- Grace period for registration when there is a delay installing electrical connection, pump, and/or flowmeter

# New Procedures Implemented

1. Requested that VCPWA notify Agency upon completion of well seal
2. Registration will be required within 30 days of completion of well seal with no grace period for installation of electrical connection, pump, and/or flowmeter
3. Additional recommendation: consider revision to Ordinance Code to implement expiration on Agency well permits



SWN	FCGMA Well Permit	Well Drilling Completion Date	DWR Basin	Owner Name	Main Use
01N21W06F02S		1929	OXNARD	William E Lenox Trust	Domestic
01N22W36K01S	-	1946	OXNARD	Ventura County Game Preserve	Domestic
01S21W08H01S			OXNARD	Naval Base Ventura County	Domestic
01S21W09D01S			OXNARD	Naval Base Ventura County	Agricultural
01S22W01C01S			OXNARD	Naval Base Ventura County	Agricultural
02N20W14H01S	188	7/9/2018	LAS POSAS VALLEY	Soorick-Clara Hacobian Trust	Agricultural
02N22W13N08S	283	10/18/2019	OXNARD	Oxnard Union High School Dist., Rio Mesa High School	Municipal
02N22W25A04S		1964	OXNARD	Darren-Laura C Huebner Trust	Domestic
02N22W32M04S	286	6/6/2020	OXNARD	Alma Borchard Trust Estate ET AL	Agricultural
03N19W30K01S		pre 5/1931	LAS POSAS VALLEY	Thermic Mutual Water Company	Agricultural
03N20W34G02S	174	6/25/2020	LAS POSAS VALLEY	Jared C. Gedney ET AL	Agricultural