

**Fox Canyon Groundwater Management Agency**

# **EXECUTIVE COMMITTEE**

**Agenda Packet  
of  
July 15, 2019**



# 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  
**Steve Bennett**, Supervisor, County of Ventura  
**Charlotte Craven**, Councilperson, City of Camarillo  
**Robert Eranio**, Director, United Water Conservation District

## EXECUTIVE OFFICER

**Jeff Pratt, P.E.**

## NOTICE OF MEETING

**NOTICE IS HEREBY GIVEN** that the Fox Canyon Groundwater Management Agency (FCGMA) will hold an **Executive Committee Meeting** at **10:00 a.m.** on **Monday, July 15, 2019**, in the **Multi-Purpose Room**, Ventura Government Center, Hall of Administration, Third Floor, 800 S. Victoria Ave, Ventura, CA 93009.

## FCGMA EXECUTIVE COMMITTEE MEETING AGENDA

July 15, 2019

- Members:** Chair Eugene F. West  
Co-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. Proposed Ordinance for a New Pumping Allocation System for the Oxnard and Pleasant Valley Basins** – Discuss plan to address remaining issues regarding a new pumping allocation ordinance, particularly the proposed Santa Clara River Water Flex Allocation for United Water Conservation District and Pleasant Valley County Water District, and return to the full Board for consideration of adoption of the proposed ordinance.
  - E. New Pumping Allocation System Variance Request Processing** – Develop policy recommendations for Board consideration regarding variance requests including addressing unreported extractions during the proposed 2005-2014 base period.
  - F. Future Agenda Items and Next Meeting Date**
  - G. Adjourn the Executive Committee Meeting**

## NOTICES

*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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**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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**Charlotte Craven**, *Councilperson, City of Camarillo*  
**Michael W. Mobley**, *Director, United Water Conservation District*

## EXECUTIVE OFFICER

**Jeff Pratt, P.E.**

## MINUTES

Minutes of the Fox Canyon Groundwater Management Agency's (FCGMA) Executive Committee Special meeting held Monday, July 15, 2019, at 10:00 a.m. in the Multi-Purpose Room at the Ventura County Government Center, Hall of Justice, 800 South Victoria Avenue, Ventura California.

**Members:** Chair Eugene F. West  
Co-Chair David Borchard

### **A. Call to Order**

Chair West called the meeting to order at 10:00 a.m.

### **B. Introductions**

Chair West made no introductions. In attendance were: (1) Eugene West, Chair; (2) David Borchard, Vice Chair; (3) Kim Loeb, FCGMA; (4) Kathleen Riedel, FCGMA; (5) Keely Royas, FCGMA.

### **C. Public Comments**

No public comments were made.

### **D. Proposed Ordinance for a New Pumping Allocation System for the Oxnard and Pleasant Valley Basins**

Mr. Kim Loeb introduced the three issues for the proposed new allocation ordinance for the Oxnard and Pleasant Valley Basins, how the committee might want to approach the issues, how to revise the ordinance based on the committee's recommendations, and how to return to the Board with the consideration of adoption. He introduced the three issues: The Navy's language on Federal Reserve water rights, the allocation carryover transfer for commonly owned and operated facilities, and the Santa Clara River Flex Allocation.

Mr. Loeb discussed that the Navy asked to include language in the ordinance regarding its federal reserve water right. He said that the ordinance contains language from the Sustainable Groundwater to Management Act (SGMA) that was negotiated with the federal government. Also, language provide by the Navy will be in the draft GSP for the Oxnard Subbasin. He said that Staff did not believe the additional language was not needed in the ordinance.

No public comments were made.

Chair West agreed that the language was adequate and allocation reductions were not going to be an issue at this time. He said that the matter could be addressed when that happened. Vice Chair

Borchard spoke that he understood the Navy's position and agreed with Chair West. Chair West said they would take this recommendation to the Board.

Mr. Loeb discussed allocation carryover transfers. He said that originally, the Board was not in favor of allocation carryover because they did not want it to become a new conservative credit. He spoke that UWCD and Pleasant Valley County Water District (PVCWD) argued that their water systems operate as connected wells, so transfer of carryover could apply. He said that their argument made sense and the language to all applied water purveyors with an interconnected system.

Mr. Loeb discussed possibly allowing transfer of allocation carryover for CombCodes with the same well owner and operator. Chair West recommended that the allocation carryover be prorated across wells by the number of wells.

Mr. Loeb discussed the Santa Clara River flex allocation issue. This allocation allows PVCWD and UWCD to get Santa Clara River water by pipeline when pumping is not available. The concern was how this would work, UWCD asked about extended dry or wet years and if the method would over or under-allocate, and PVCWD said the method was too complicated.

Chair West asked the Staff to look into if the "one-water" approach would be appropriate.

#### **E. New Pumping Allocation System Variance Request Processing**

Mr. Loeb discussed how there are many wells in the GMA with one or more missing reports or "0" for extractions. He said that there are many legitimate reasons for "0" reporting. He said there are years of non-reporting from operators due to change in owners or operators, bankruptcy, willful non-reporting or other issues. He asked the Board to give recommendations on when to allow unreported extractions into the base period and when to assess penalties, surcharges, or interest.

Mr. Loeb discussed creating a variance process for well owners and operators. Vice Chair Borchard discussed that willful non-reporters should not get an option for appeal.

Mr. Loeb explained that well owner and operators will have to support their claims that they used water but did not report the usage. Chair West said that priority should be given to variance requests based on production data where there are reasonable explanations for data gaps. He added that if a variance request is granted, it should be granted with a surcharge rate of the entire volume of water for the missing data for every year before they get the allocation.

Chair West added that this penalty should not apply to new owners such as if they reported every year but owned a well for 5 of the 10-year base period. In that case, he said it would make sense to adjust the allocation for the volume pumped during the reporting years. He said it didn't make sense to penalize the owner or operator for something done before he owned the property.

Mr. Loeb asked about interest. Vice Chair Borchard said that there was policy in the ordinance for non-reporting. Mr. Loeb said that Staff would create a matrix for different scenarios for variances and penalty structure. Vice Chair Borchard asked to only look back 10 years in the ordinance. Mr. Loeb said it would be important to look back to 2005 but not further. Chair West said that a pumper would not need to look back before 2005 to get an allocation. He said the main distinction was justified non-reporting and unjustified.

#### **F. Future Agenda Items and Next Meeting Date**

Future agenda items and next meeting date were decided to be discussed at a future date. Mr. Loeb said that the Santa Clara River flex allocation would be considered with the “one-water” approach. He said that further stakeholder meetings would need to be held before then. Chair West said that he understood.

**G. Adjourn Operations Committee Meeting**

Chair West adjourned the Operations Committee meeting at 11:39 a.m.

# FCGMA Executive Committee Meeting

July 15, 2019



**A. Call to Order**

**B. Introductions**

**C. Public Comment**



# **D. Proposed Ordinance for a New Pumping Allocation System for the Oxnard and Pleasant Valley Basins**

# Plan to Address Remaining Issues

- Identify new concerns about old issues
- Develop committee workplan and timeline to address issues
- Revise proposed ordinance based on Executive Committee recommendations
- Return to full Board for consideration of adoption

# Issues

- U.S. Navy language regarding Federal Reserve Water Rights
- Allocation carryover transfer for commonly owned and operated facilities
- Santa Clara River Flex Allocation

# U.S. Navy Language

- Request to include Federal Reserve Water Right language in allocation ordinance
- Navy language included in draft GSP for Oxnard Subbasin

# U.S. Navy Requested Language

*Allocations assigned to Armed Forces Operators are bound by federal law and therefore not subject to the requirements of this ordinance, including but not limited to allocation carryovers, borrowing, transfers, reductions and/or variances. Allocations for groundwater used by the Armed Forces will be assigned directly to the Armed Forces Operators, including all groundwater pumped directly, and groundwater pumped by other agencies on behalf of the Armed Forces Operator. Armed Forces Operators in this basin will work cooperatively with the Board and staff to help the basin achieve its Sustainable Yield under SGMA while ensuring mission accomplishment.*

# Allocation Carryover Transfers

- Board concern not to create a new conservation credit and initially directed that carryover transfers be prohibited
- Proposed ordinance allows transfer between commonly owned facilities operated by a water purveyor as recently directed by Board
- Other owners requested ability to transfer allocation carryover
- Staff recommends consideration of allocation carryover transfer be limited to commonly owned and operated wells in same basin and CombCode
- Transferred (pooled) carryover allocation should not be transferable if a well changes ownership or operator

# Santa Clara River Water Flex Allocation

- UWCD concern that proposed method over-allocates during extended wet years and under-allocates during extended dry years
- PVCWD concern that proposed method is too complicated

# SCR Water Policy Issues

- Should allocation be based on groundwater extraction with flexibility to increase or decrease extractions based on SCR surface-water availability, i.e., “Groundwater” approach?
- Or should allocation be based on both groundwater extraction and SCR surface-water, i.e., “One Water” approach?



# SCR Water – Groundwater Approach

- Consistent with past FCGMA allocation practice
- Ability to reconcile UWCD PTP and PVCWD extractions to base period extractions
- UWCD's concern with proposed SCR Water Flex Allocation addressed with annual minimum and maximum allocation limits

# SCR Water – One Water Approach

- Consistent with FCGMA policy that SCR surface-water would be groundwater if it were not delivered in lieu of pumping
- UWCD and PVCWD purveyors, not end users
- Best to account for total pumping by both purveyors and customers
- These data should be available in the future under new ordinance reporting requirements

# Committee Recommendations

- Review of Executive Committee recommendations regarding allocation ordinance issues
  - Navy language
  - Allocation carryover transfers
  - SCR Water Flex Allocation
- Executive Committee workplan for addressing any remaining issues

# **E. New Pumping Allocation System Variance Request Processing**

# Implementation Challenges

- Issue of significant number of wells with one or more years of zero record of extraction during base period
- For example, about half of AG wells would have more than 10% reduction in allocation
- *However*, two-thirds of these have one or more years of zero extractions reported in the FCGMA data management system

# Variance Request Processing

- Anticipate that owners/operators of wells with missing years of reported extractions will apply for variances
- Legitimate reasons for zero extractions may include:
  - Land was fallowed for one or more years during base period to convert to organic operation
  - Well was replaced during base period
- Significant time and effort will be required to research variance requests

# Non-Reported Extractions

- Some of the missing base-period years of extraction data may due to non-reporting by owners/operators
- Example scenarios:
  - Leased land operators with remote and/or inattentive owners
  - Recent purchase of land with past unreported extractions
  - Defunct former operators
  - Owners or operators with willful or negligent non-reporting

# Policy Issues

- Under what circumstances, if any, should variance allow unreported extractions to be included in base period allocation?
- What penalties should be assessed?
  - Civil penalties
  - Surcharges
  - Interest
- Other policy issues?



# Accounting for Missing Years

- If majority of years reported, then can average reported years during base period
- If majority of base-period years unreported, then burden of proof is on owner to provide documentation of volume of water used such as:
  - Pumping records
  - SCE records
  - Crop records

# Committee Recommendations

- Review of Executive Committee recommendations regarding variance procedures

# F. Future Agenda Items and Next Meeting Date

# Future Agenda Items & Meeting Schedule

- Executive Committee workplan and future agenda items
- Executive Committee meeting schedule

# G. Adjourn the Executive Committee Meeting