

**Fillmore and Piru Basins Groundwater Sustainability Agency  
Special Board of Directors Meeting  
November 7, 2017 - 6:00 p.m.**

**City of Fillmore City Hall, City Council Chambers  
250 Central Avenue, Fillmore, CA 93015**

**MINUTES**

**Directors in Attendance**

Director Carrie Broggie  
Director Gordon Kimball  
Director Kelly Long  
Director Ed McFadden  
Director Candice Meneghin  
Director Glen Pace

**Staff Present**

Kris Sofley, interim executive director

**Public Present**

Zoe Carlson, Dudek  
Meredith Clement, Kennedy Jenks  
Chris Collier, Western States Petroleum Association  
Bill and Lynn Edmonds, One Step a la Vez  
Lisa Emmert  
Rachel Kimball Laenen, Fillmore and Piru Pumpers  
Bill Lindsay, RWC  
Tom Martinez, Homeowner  
Tim Moore, UWCD  
Tony Morgan, UWCD  
Janey Munoz  
Victoria Van Trees, Kentuck Trust

**1. Call to Order 6:02p.m.**

**2. Pledge of Allegiance**

### **3. Public Comments**

Chair Long asked if any members of the public wanted to address the Board or provide a public comment. Several speaker cards were submitted to the Interim Executive Director.

Janey Munoz addressed the Board, stating that wanted to request that the Board voice its opposition to the Seneca Corporation's request for "aquifer exemption expansion" for its operations in the Sespe Oil Field, injection waste water deep into the aquifer in the Sespe area. She asked the Board to submit a letter of opposition to the Federal Environmental Protection Agency and DOGER (Division of Oil, Gas and Geothermal Resources).

Chris Collier, representing Western States Petrol Association, addressed the Board refuting Ms. Munoz's comments, stating that technical experts have reviewed the permit application and found no reason for concern.

Director McFadden asked for contact details to review the studies Mr. Collier discussed, and also requested any additional information that would help the Board make an informed decision, keeping in mind that the deadline for comments was the following day, November 8.

Director Broggie said there was a 160 page technical report that was reviewed by the City of Fillmore, which contributed to the City Council's unanimous vote (5-0) to draft a letter stating its opposition to expanding Seneca's aquifer exemption the night before.

Tony Morgan said there was a digital copy of a report filed by the Union of Concerned Scientists regarding groundwater which he would share with the Board.

Victoria VanTrees addressed the Board, stating her opposition to the Seneca drilling. She said that while DOGER says it's "kinda safe," to inject wastewater into the lower aquifer and that there is little risk of contamination, there are no guarantees that it won't happen. She asked the Board to stop this action because we can't afford to risk public resources.

Chair Long said that the Board would add the Seneca injection permit request to a future agenda for more in-depth discussion, but said unfortunately, the Board didn't have enough knowledge of the situation to make an informed decision this evening.

#### **4. Interim Executive Director Update**

Ms. Sofley reported that she was still pursuing quotes for general liability insurance for the agency and that the paperwork was successfully submitted and checks were ordered for the agency's Bank of Sierra checking account.

Tony Morgan asked the Board if it could move on to item 6, the report from the Ad Hoc Legal Committee has the agency's grant writer, Meredith Clement of Kennedy/Jenks, had been detained in traffic and hadn't arrived at City Council chambers yet.

Chair Long polled the Board and all agreed to reorder the items being addressed, moving on to the Ad Hoc Legal Committee report.

#### **6. Report from Ad Hoc Legal Committee**

##### **Motion**

Director McFadden reported that he and Director Meneghin reviewed and rated each of the five proposals received by the FPB GSA, based on rates, experience, proximity to the FPB GSA and other factors. The top three candidates are the law firms of McMurtrey Hartsock & Worth, Olivarez Madruga Lemieux & O'Neill, and Young Wooldridge.

The Board agreed to accept the Ad Hoc committee's recommendations, which didn't require a motion/vote. Director Meneghin suggested that the three candidate firms participate in an interview process that would allow 20 minutes for each interview and provide a 20 minute question and answer period for each candidate as well.

The Board agreed to schedule these interviews at the next Regular Board Meeting, now scheduled for December 11, but that the meeting start time should be at 5p.m. Chair Long tasked Ms. Sofley with notifying the three candidates as to the date, time and format for the interviews.

Tony Morgan offered to prepare suggested questions for the Board to use as it wished, based on the questions and format recently used by UWCD in interviewing its legal counsel candidates. Director McFadden agreed that the questions and format used by UWCD was good and effective.

Director Kimball asked Ms. Sofley if she would circulate the dates, times and locations of the Board's various meetings and workshops in December and January, as discussed at the previous meeting. Ms. Sofley said she would circulate an email to the Board with all of the meeting and workshop dates voted on and confirmed at the October 30 Board meeting.



Meredith Clement of Kennedy/Jenks arrived during the Board discussion of the Ad Hoc committee recommendations.

**5. Review and Approve Grant Application for the Proposition 1 Groundwater Sustainability Grant Program**  
**Motion**

Mr. Morgan had shared the draft grant application with Directors in advance of the meeting and had received comments from a couple of the Directors.

Director McFadden asked Mr. Morgan to explain the purpose of “nesting” test wells, which Mr. Morgan explained as the placement of one well, but with a number of pipes at varying depths, to measure shallow water (less than 75’ deep) versus deeper aquifer measurement and the impact of the groundwater management plan on those various elevations. Mr. Morgan also said there are “cluster” wells, more than one well in close proximity, which requires more drilling and is therefore more expensive than the nesting approach.

Director Broggie asked Mr. Morgan if that type of monitoring had been done in the Fillmore Basin before. Mr. Morgan said that type of monitoring had not been used in the Fillmore Basin before. The decision before the board, as far as the grant application goes, was whether to include the monitoring wells, and reminded the Board that it had the option of looking at the scope of the project and negotiating the dollar amount based on the number of monitoring wells used. Director Broggie said the purpose of the GSP was to ensure groundwater sustainability and knowing the impact of pumping is a key piece of information, asking if there was any other way other than monitoring wells to garner this information. Mr. Morgan said no, not really.

The discussion moved on to groundwater model development and Director McFadden asked why the FPB GSA should fund something already in progress by UWCD. Mr. Morgan explained that the UWCD groundwater model exceeds the scope of the GSA in forecasting future conditions and pumping impact. Director Pace asked if all of the UWCD rate payers – Santa Paula, Oxnard Plain – were paying a pro-rated share of the groundwater model development or was it being funded by the grant application.

Mr. Morgan said roughly a quarter to a third of the cost from rate payers, and three quarters of the development costs were funded by the State's Department of Water Resources (DWR).

Chair Long asked if the grant included information regarding the disadvantage communities included in the Fillmore and Piru basins which would have an impact on the amount of match funding required by the FPB GSA. Mr. Morgan said that information was being included and could reduce the matching funds to as low as 27 percent of the grant award.

Director Kimball asked if the FPB GSA funds the groundwater model, would it own all or part of the model or does UWCD own it and charge the FPB GSA for its use.

Director Meneghin stated that since the government is actually funding the groundwater model development there is no ownership. Mr. Morgan agreed stating that it was not proprietary if a public agency used public funds to develop the model.

Mr. Morgan recapped that for the grant application, the FPB GSA's Groundwater Sustainability Plan (GSP), included four monitoring wells and a cost share at 27 percent, instead of the typical 50 percent, due to disadvantage communities being served by the GSA.

Director Meneghin asked if the model was co-funded by UWCD and the participating GSAs or was the FPB GSA grant funding a new portion of the model.

Mr. Morgan said there is a new model for the basins, separate from the USGS and the UWCD Board made the decision to carry the burden for modeling on the Oxnard Plain while the Mound Basin is paying for costs of its modeling through its grant.

Chair Long explained that the reason the Board was asking so many questions about the grant application was that the Directors know the public will be asking them the same questions and the Board wants to be certain that the money it is requesting in the grant is what is really needed, and asked if the GSA needs monitoring wells.

Director Meneghin said that while the rate per acre foot proposed could be cheaper if there were no monitoring wells, but that by adding the monitoring wells the GSA would have more valuable information as to the impact on aquifers as well as on endangered



species and that the economic depressed areas will offset the matching funds and all of that combines to make the grant request more competitive.

Director Kimball said the grant didn't say any of that. Director Pace asked if two monitoring wells would be enough for two large basins. Mr. Morgan responded that the wells were designed only for basin boundaries between Fillmore and Piru and between Fillmore and Santa Paula.

Director Meneghin mentioned a UCSB study, and reminded the board that there is also funding available from other sources and that the costs shouldn't all be placed on the pumpers. She suggested that at a later stage the FPB GSA could bring in partners and other funding mechanisms to help with the costs.

Chair Long said the grant didn't state information regarding the importance of monitoring regarding endangered species or groundwater interdependence. She recapped that the Board had discussed the work plan, the budget and timeline and asked the Directors if there were any other items that needed to be discussed to ensure that the grant application contained everything required to meet the FPB GSA needs.

Director Kimball asked the Board to consider stakeholder confidence, and that funding for an outside consultant to review United's work could assure stakeholders that everything was fair, open and equitable.

Mr. Morgan responded that technical and peer review panels were not unusual. He also reminded the Board that the application had to be submitted by November 13 and that there is some ability to negotiate regarding rank, and award and the percentage of matching funds.

Ms. Clement said that there is some flexibility and peer review is good, all of the Board's suggestions are within the scope of work. She stated that she intentionally keeps the application general so as not to commit to tasks that may want to be changed once work begins. Mr. Morgan also said that if you don't need a portion of the grant award, the GSA can give it back.

Director Kimball said that 75 percent of the funding to do the model, not required pumpers to pay for that was good and seeking new funding sources is also the right thing to do. He also thought it was good for the FPB GSA to negotiate for services provided.

Chair Long added that the FPB GSA wants everyone to feel comfortable with easements, support and budget for obtaining a GSP.

Mr. Morgan reminded the Board that the grant shouldn't reach too far and be obligated to deliver and complete tasks that are beyond the scope of the GSP.

Director Meneghin asked if Ms. Clement had included information on the ecological impact and if the plan will know when triggers for negative impact are reached or whether the plan will identify triggers impacting Groundwater Dependent Ecosystems (GDE).

Mr. Morgan said The Nature Conservatory guidelines are a good framework for evaluating steps to go through in evaluating GDE.

Director Meneghin said while the FPB GSA is developing its sustainability plan, is there money to include biological assessment of natural springs and water habitats and wondered if all of the areas' springs were included. Mr. Morgan said no, to which Director Meneghin replied that the grant doesn't have the information needed as it should include monitoring spring vegetation, wetlands, it's all part of what is needed to assess groundwater impact and has to be funded.

Mr. Morgan said that the GSP guidelines don't go into that level of detail. Whatever plan the agency puts forward, it's the Board's decision based on if it is significant or unreasonable and then what can be done about it.

Director Pace said that the FPB GSA doesn't have the staff or the budget available for that level of technical expertise and asked if UWCD staff could answer those questions and guide the FPB GSA. Mr. Morgan said yes. Director Pace said groundwater guys versus biologist. Chair Long said the grant application should look at the area as a whole. Director Pace asked if the grant was all encompassing or more simplified, what would the impact be.

Mr. Morgan said he wanted to distinguish between significant and unreasonable impact as long as it gets to *sustainable* guided by technical impact. Chair Long asked if a little money were added to cover that option and Director McFadden added if the grant could be tweaked.

Director Meneghin said there are seven steps identified, identifying springs, the effect, assessment, no groundwater development on estuary assessment. Implement money to do this properly. Director McFadden said it depends on how much grant funding the FPB GSA gets. Chair Long asked how many hours it would take to map the areas of concern.



Mr. Morgan said The Nature Conservancy could be prevailed upon and ask them to help with baseline work using its technical experts.

Director Meneghin reiterated the need for assessment for monitoring pockets of steelhead habitat, NOAA and Fish and Wildlife sustainability goal.

Director Broggie said there is a line item strictly for what Director Meneghin is talking about, so enter X amount of money for 20 hours to identify GDEs and adjust later after the FPB GSA knows the award amount.

Ms. Clements again stated that the grant application was developed so that the FPB GSA could shift money around to cover tasks. DWR mechanism providing for maps but it is very broad in purpose. She cautioned the Board that this could become a miserable process if it is too detailed. Some flexibility is designed into the application and that she has tried to do that within the structured work plan.

Chair Long said that language is woven into the plan but don't add a dollar amount specifically. Use the budget as is as fluctuation is built in. Director Meneghin said that some of this is not included in the scope of work. Ms. Clements said that every dollar goes to cost share so it needs to be reasonable.

Director Kimball asked if it could include a survey identifying GDE in the description. Director Pace asked if that would be \$10,000 to \$20,000 or \$100,000 – just a gut feel. Director Meneghin said for the information it could be \$80,000 to \$100,000 for an initial assessment of actual late sustainable flows, triggers and thresholds. Director McFadden asked that the budget not be changed. Chair Long reminded that pumpers, ecosystems, UWCD and the City were all involved.

Mr. Morgan than said it is his last request for outstanding letters of support for inclusion in the grant application.

Director Meneghin said she wants to see that comments have been incorporated into grant proposal. Chair Long asked Ms. Clements if there was any way to summarize Director Meneghin's comments and send that version of the grant application out to all of the Board so each Director would have the latest version of the grant application. She then asked Director Meneghin if she wanted to see the revised grant proposal before submitting the environmental groups' letter of support.



Director Pace asked about the inter-basin agreements and Mr. Morgan said that would be covered later during a basin boundary modification workshop. Director Kimball asked about the development of the FPB GSA bylaws and GSP bylaws. Mr. Morgan said the development of bylaws are reimbursable from DWR.

Chair Long reiterated that the proposal was going with two monitoring wells, not four, and then asked the Board if they had any additional questions or comments.

Ms. Clements said she would follow-up with Mr. Morgan regarding the schedule for monitoring wells in place to do management actions. She also said that the grant application needs data and to have some flexibility in schedule.

Mr. Morgan reviewed things on the schedule to modify.

Chair Long commended Ms. Clements for the work already done. Director Kimball also thanked Ms. Clements for her efforts in turning the proposal around in such a short time and that he and the rest of the Board really appreciate her efforts.

Chair Long said it was a good first pass, combining all the different angles and that her passion for this is evident and she also thanked Ms. Clements again.

Director Kimball then said that he wanted to insure the grant reflected the Board's best efforts so that Director Meneghin could get her letter of support and wondered if the GED survey and ecosystem monitoring could be woven into the narrative of the grant proposal and the Board could work on the budget appropriations accordingly.

Director Meneghin asked how it would meet the identifying requirements. Chair Long asked for help in figuring out how much it would cost to do that.

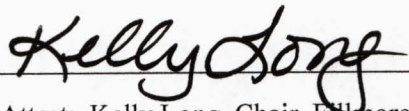
## **7. ADJOURNMENT 7:39p.m.**

The Board adjourned to the next **Regular Board Meeting** on Monday, **December 11, 2017** or call of the Chair.

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I certify that the above are a true and correct copy of the minutes of the Special Board of Directors Meeting of November 7, 2017.

A handwritten signature in black ink, reading "Kelly Long", written over a horizontal line.

Attest: Kelly Long, Chair, Fillmore and Piru Basins Groundwater Sustainability Agency (FPB GSA)

A handwritten signature in blue ink, reading "K Sofley", written over a horizontal line.

Attest: Kris Sofley, Interim Executive Director, FPB GSA