



Post Office Box 3544
Ventura, CA 93006-3544
(805) 525-4431
<https://moundbasingsa.org>

**NOTICE IS HEREBY GIVEN that the
Mound Basin Groundwater Sustainability Agency (“Agency”)
Board of Directors (“Directors”) will hold a
SPECIAL BOARD MEETING
at 1:00 p.m. on Thursday, October 6, 2022**

*This is a special meeting of the Board of Directors called in accordance with Government Code 54956.
Other than the listed agenda items, no other business will be considered by the Board of Directors.*

To participate in the Board of Directors Special Board Meeting, please access:

<https://us02web.zoom.us/j/9997307537?pwd=QUU0SjhqWktSN3UxSk1ZVm5RbnlrQT09>

Meeting ID: 999 730 7537 | Passcode: 2022-10-06

To call into the meeting (audio only), call: (877) 853-5247 (US Toll-free)

Meeting ID: 999 730 7537

**MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY
BOARD OF DIRECTORS SPECIAL BOARD MEETING AGENDA**

CALL TO ORDER 1:00 p.m.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. Adoption of Alternative Teleconferencing Requirements Under AB 361

Motion

The Board will make the findings that the requisite conditions continue to exist authorizing the Board to meet via teleconference under AB 361’s alternative teleconferencing requirements.

4. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

In accordance with Government Code §54954.3; every notice for a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the notice for the meeting before or during consideration of that item. All comments are subject to a five-minute time limit.

5. MOTION ITEM

5a. Adoption of Resolution No. 2022-08 – Resolution of the Board of Directors of the Mound Basin Groundwater Sustainability Agency Adopting a Groundwater Well Consistency Policy for Replacement Groundwater Wells and Well Alterations

Motion

The Board will review and consider adopting Resolution 2022-08 to adopt a Groundwater Well Consistency Policy for Replacement Groundwater Wells and Well Alterations. This policy would require an applicant for a groundwater well permit to execute the acknowledgement form (Exhibit A).



MoundBasin

GROUNDWATER SUSTAINABILITY AGENCY

Motion Item No. 5a.

DATE: October 6, 2022

TO: Board of Directors

FROM: Legal Counsel

SUBJECT: Adoption of Resolution No. 2022-08 – A Resolution of the Board of Directors of the Mound Basin Groundwater Sustainability Agency Adopting a Groundwater Well Consistency Policy for Replacement Groundwater Wells and Well Alterations

RECOMMENDATION

On March 28, 2022, Governor Gavin Newsom adopted Executive Order N-7-22 (Executive Order). Section 9(a) of the Executive Order requires the applicable groundwater sustainability agency (GSA) to provide written verification to the applicable county that groundwater extraction from a well proposed under a groundwater well permit: (1) would not be inconsistent with any sustainable groundwater management program established in that GSA's groundwater sustainability plan (GSP); and (2) would not decrease the likelihood of achieving the sustainability goal for the basin covered by the GSP.

On September 14, 2022, staff was informed that a landowner within Mound Basin GSA's (Agency) boundary is in need of a replacement groundwater well. Staff was also informed that the County of Ventura would not accept an application for a groundwater well permit unless that application included written verification from the Agency, in accordance with section 9(a) of the Executive Order.

To comply with section 9(a) of the Executive Order, and to address this pending application for a groundwater well permit, staff recommends that the Board of Directors adopt Resolution 2022-08. This policy would require an applicant for a groundwater well permit to execute the acknowledgement attached to Resolution 2022-08 as Exhibit A. Among other things, this acknowledgement requires the applicant to indemnify and hold the Agency harmless from liability associated with a groundwater well permitted by the County of Ventura. Importantly, this policy is specific to (1) "Replacement Groundwater Wells," as defined within Resolution 2022-08; and (2) alterations to existing groundwater wells that would not increase the extraction capacity of the existing well and or any increased groundwater pumping or use on the property served by the well. Staff and counsel intend to return to the Board at a later date to recommend a process for addressing well permit applications that do not meet these criteria.

FISCAL SUMMARY

There is no fiscal impact.

ATTACHMENT

Resolution No. 2022-08; Exhibit A to Resolution No. 2022-08

RESOLUTION NO. 2022-08

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY
ADOPTING A GROUNDWATER WELL CONSISTENCY POLICY FOR
REPLACEMENT GROUNDWATER WELLS AND WELL ALTERATIONS**

WHEREAS, the California Legislature passed a statewide framework for sustainable groundwater management, known as the Sustainable Groundwater Management Act (Wat. Code, § 10720 et seq.) that went into effect on January 1, 2015; and

WHEREAS, the Sustainable Groundwater Management Act (SGMA) requires all medium- and high-priority groundwater basins, as designated by the California Department of Water Resources (DWR) Bulletin 118, to be managed by a groundwater sustainability agency (GSA); and

WHEREAS, the Mound Subbasin (Subbasin) has been designated by DWR as a high-priority subbasin of the Santa Clara River Basin (DWR Bulletin 118 Groundwater Basin: 4-004.03); and

WHEREAS, on June 22, 2017, the City of San Buenaventura, the County of Ventura, and the United Water Conservation District elected to become a GSA for the Subbasin; and

WHEREAS, SGMA requires that all basins designated as high- or medium-priority basins and not subject to critical conditions of overdraft be managed by a groundwater sustainability plan (GSP) by January 31, 2022; and

WHEREAS, on November 18, 2021, Mound Basin Groundwater Sustainability Agency (Agency) adopted and approved a groundwater sustainability plan (GSP) for the Subbasin; and

WHEREAS, on March 28, 2022, Governor Gavin Newsom adopted Executive Order N-7-22 (Executive Order); and

WHEREAS, section 9(a) of the Executive Order requires the applicable GSA to provide written verification to the applicable county that groundwater extraction from a proposed groundwater well (1) would not be inconsistent with any sustainable groundwater management program established in that GSA's groundwater sustainability plan; and (2) would not decrease the likelihood of achieving the sustainability goal for the basin covered by the GSP; and

WHEREAS, to comply with section 9(a) of the Executive Order, the Agency desires to adopt a policy specific to replacement groundwater wells and alternations to existing groundwater wells.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Mound Basin Groundwater Sustainability Agency as follows:

- (1) The foregoing recitals are true and correct.
- (2) The Acknowledgement Form, attached hereto and incorporated herein as **Exhibit A**, shall apply to:
- a. Any permit for the construction of a Replacement Groundwater Well within the Agency’s boundaries. “Replacement Groundwater Well” means “a new well that (i) has the same or lesser extraction capacity than the well it is replacing; (ii) does not result in any increased groundwater pumping or groundwater use on the property served by the well; and (iii) is within 1,000 feet of the well it is replacing.
 - b. Any permit for the alteration of an existing groundwater well as long as the proposed alterations will not increase the extraction capacity of the existing well, and the altered well will not result in any increased groundwater pumping or use on the property served by the well.
- (3) If an applicant executes the Acknowledgement Form, the Agency shall provide the County of Ventura Public Works Department with written verification that the proposed groundwater well or the proposed alterations to a groundwater well, as applicable, (1) would not be inconsistent with any sustainable groundwater management program established in the Agency’s GSP; and (2) would not decrease the likelihood of achieving the sustainability goal for the Mound Subbasin.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of Mound Basin Groundwater Sustainability agency this ____ day of October 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Michael W. Mobley, Board Chair

ATTEST:

Bryan Bondy, Executive Director

SECRETARY'S CERTIFICATE

I HEREBY CERTIFY that the foregoing is a true copy of the resolution of the Board of Directors of Mound Basin Groundwater Sustainability Agency as duly passed and adopted by said Board of Directors on the ___ day of October 2022.

WITNESS my hand and official seal of said Board of Directors this ___ day of October 2022.

(Seal)

[NAME]

EXHIBIT A

MOUND BASIN GROUNDWATER SUSTAINABILITY AGENCY

Pursuant to Executive Order N-7-22, Mound Basin Groundwater Sustainability Agency (Agency) provides the following acknowledgment which, if executed by the applicant submitting the attached Application for Well Permit with the County of Ventura (Application), would allow the Agency to conclude that extraction from the well proposed under the Application (1) would not be inconsistent with any sustainable groundwater management program established in the Agency's groundwater sustainability plan; and (2) would not decrease the likelihood of achieving the sustainability goal for the Mound Subbasin.

GROUNDWATER WELL CONSTRUCTION ACKNOWLEDGEMENT

I, _____ (Applicant), understand, acknowledge, and agree:

_____ The Sustainable Groundwater Management Act requires Mound Basin Groundwater Sustainability Agency (Agency) to manage groundwater in the Mound Subbasin (Subbasin) and that the Agency has groundwater management authority over the land on which any well permitted pursuant to the Application may be located.

_____ The Agency has the authority to limit extractions within its jurisdiction, including extractions from any groundwater well permitted pursuant to the Application, regardless of any proposed or anticipated use.

_____ A groundwater well permit considered by the Agency and issued by the County of Ventura does not guarantee the extraction of any specific amount of water now or in the future.

_____ My groundwater use will comply with those groundwater requirements established through minimum thresholds, measurable objectives, and management actions in the Agency's adopted groundwater sustainability plan for the Subbasin.

_____ The Agency cannot guarantee the maintenance of any defined water level or level of water quality in the Subbasin.

_____ The Agency is not responsible for or otherwise liable for any costs, investments or payments related to any groundwater well permitted pursuant to the Application, including pumping fees, extraction limits, costs related to well failure, well deepening, increased maintenance, replacement, or operational costs.

_____ If the permit is for a new groundwater well, the new well: (i) is a replacement well of the same or lesser extraction capacity than the well it is replacing; (ii) will not result in any increased groundwater pumping or groundwater use on the property served by the well; and (iii) is located within 1,000 feet of the well it is replacing.

_____ If the permit is for alteration of an existing groundwater well, the alteration will not increase the extraction capacity of the existing well, and the altered well will not result in any increased groundwater pumping or groundwater use on the property served by the well.

_____ To hold the Agency harmless and indemnify the Agency for any liability stemming from or related to the County of Ventura issuing a groundwater well permit in response to the Application.

_____ To not operate any groundwater well issued pursuant to the Application in a manner that is inconsistent with the Agency's groundwater sustainability plan, as amended from time to time, and that the County of Ventura will be issuing a permit in reliance upon my agreement herein.

By initialing the above provisions and signing below, the Applicant certifies that the statements above that are marked are understood, acknowledged, and accepted and that the above Acknowledgement will be incorporated into the terms and conditions of any groundwater well permit issued pursuant to the Application.

Name of Applicant

Name of GSA Representative

Relationship of Applicant to Landowner

Signature of GSA Representative

Signature of Applicant

Date

Date

If the Applicant is not the owner of land on which a well permitted pursuant to the Application may be located, then the owner of land must sign below, in addition to the Applicant's signature, above.

Name of Landowner

Signature of Landowner

Date

MOUND BASIN GSA USE ONLY

Based on the Applicant's acknowledgement above, the proposed well that is the subject of the attached Application is consistent with Mound Basin Groundwater Sustainability Agency's adopted groundwater sustainability plan.

The determination set forth herein is based on the information contained in the attached Application and its accompanying documents, including but not limited to this acknowledgement. The determination is made upon information known at the time of this acknowledgement only.

Signature: _____

Print: _____

Title: _____

Date: _____