



Board of Directors  
Michael W. Mobley, President  
Bruce E. Dandy, Vice President  
Sheldon G. Berger, Secretary/Treasurer  
Mohammed A. Hasan  
Lynn E. Maulhardt  
Edwin T. McFadden III  
Daniel C. Naumann

General Manager  
Mauricio E. Guardado, Jr.

Legal Counsel  
David D. Boyer

**AGENDA**  
**REGULAR BOARD MEETING**  
**Wednesday, October 13, 2021, 12:00 P.M.**  
**Board Room, UWCD Headquarters**  
**1701 N. Lombard Street, Oxnard CA 93030**

Meeting attendees should be aware that the meetings of the Board are, as required by law, open to the public and the District has very limited powers to regulate who attends Board meetings. Therefore, attendees must exercise their own judgement with respect to protecting themselves from exposure to COVID-19, as the District cannot ensure that all attendees at public meetings will be free from COVID-19.

**BOARD MATTERS**

*Normally, Action (Motion) Items will be considered and acted upon separately; Consent Items will be considered and acted upon collectively, although a Consent Item may be considered and acted upon separately; and Information Items will be considered separately without action.  
The Board of Directors in its discretion may change the order of agenda items.*

**1. FIRST OPEN SESSION 12:00 P.M.**

Items to be discussed in Executive (Closed) Session will be announced.

**1.1 Public Comments**  
**Information Item**

Members of the public may address the Board on any matter on the Closed Session agenda or on any non-agenda item within the jurisdiction of the Board. All comments are subject to a five-minute time limit.

**1.2 EXECUTIVE (CLOSED) SESSION 12:05 P.M.**

The Board will discuss matters outlined in the attached Executive (Closed) Session Agenda (Exhibit A).

**2. SECOND OPEN SESSION AND CALL TO ORDER 2:00 P.M.**

**2.1 Pledge of Allegiance**

**2.2 Public Comment**  
**Information Item**

Members of the public may address the Board on any item on the Consent Calendar or on any non-agenda item within the jurisdiction of the Board. No action will be taken by the Board on any non-agenda item. All comments are subject to a five-minute time limit.

**2.3 Approval of Agenda**  
**Motion**

**2.4 Oral Report Regarding Executive (Closed) Session**

**Information Item**

Presented by District Legal Counsel David D. Boyer.

**2.5 Board Members' Activities Report**

**Information Item**

The Board will receive and file information regarding meeting participation provided by each of the Board Members through Monthly Activities (aka per diem) Reports.

**2.6 General Manager's Report**

**Information Item**

The General Manager will present information on his activities of possible interest to the Board and that may have consequence to the District.

**3. CONSENT CALENDAR: All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments. (ROLL CALL VOTE REQUIRED)**

**A. Approval of Minutes**

**Motion**

Approval of the Minutes for the Regular Board Meeting of September 8, 2021.

**B. Groundwater Basin Status Reports**

**Information Item**

Receive and file Monthly Hydrologic Conditions Report for the District.

**C. Monthly Investment Report**

**Information Item**

Receive and file report on the District's investments and the availability or restriction of these funds. All investments are in compliance with the District's investment policy, which is reviewed and approved annually by the Board.

**D. Fiscal Year 2020-21 Year End Financial Reports (July 1, 2020 – June 30, 2021)**

**Information Item**

The Board will review and accept the FY 2020-21 financial reports, Capital Improvement Projects status, and the Investment Benchmark report.

#### 4. MOTION ITEMS (By Department)

##### Administrative Services Department – Anthony Emmert and Josh Perez

#### 4.1 PUBLIC HEARING Combined Public Hearing regarding Proposed Orders to Cease Extraction of Groundwater at Well No. 04N19W25J06S (Water Code § 75637, subd. (b))

Water Code section 75500 *et seq.* authorizes the District to levy groundwater extraction charges upon well operators within the District's jurisdictional boundaries. An owner/operator is required to provide the District with a semi-annual (each an "Installment") groundwater production statement on or before January 31st and on or before July 31<sup>st</sup> of each year. (Wat. Code § 75611.) The groundwater production statements must include the total production in acre-feet of water for the preceding six-month period, a general description or number locating each well, and the method or basis of the computation of such water production. (*Ibid.*) The groundwater production statements are also signed under penalty of perjury.

If an owner/operator fails to file a groundwater production statement with the District for an Installment, the Water Code authorizes the District to charge interest at a rate of 1% each month on the delinquent amount of the groundwater charge and a one-time penalty of 10% of the amount found by the District to be due. (Wat. Code §§ 75615, 75616.)

Pursuant to Water Code section 75637, subdivision (b), the Board may conduct a public hearing regarding a proposed order to cease extraction of groundwater from a groundwater well until all delinquent fees and charges are paid. In order to conduct such public hearing, the District must provide notice to the operator of the well not less than 15 days in advance of the public hearing.

During this combined public hearing, the Board will allow and accept public comments on the outstanding delinquencies relating to Well No. 04N19W25J06S ("Well J06S"). The Board will first consider delinquencies from the 2nd Installment of 2015 through the 1st Installment of 2019, which the District has calculated that the owner/operator is delinquent in the amount of \$120,523.38, plus interest at the rate of 1% each month. The Board will then consider the delinquencies from the 2nd Installment of 2019 through the 1st Installment of 2021, which the District has calculated that the owner/operator is delinquent in the amount of \$87,465.02, plus interest at the rate of 1% each month. Currently, the District has calculated that the total delinquencies for Well J06S are \$207,988.40, plus interest at the rate of 1% each month.

Public comment will be accepted at this time.

No Board decisions will be made until the close of today's public hearing.

**Resolution No. 2021-20 A Resolution of the Board of Directors of United Water Conservation District Ordering the Operator(s) of Well No. 04N19W25J06S to Cease Extraction of Groundwater per Water Code Section 75637, Subdivision (b).**

**Motion**

Following the Public Hearing, the Board will consider approving Resolution No. 2021-20, which authorizes the Board to issue orders to the well operators of well No. 04N19W25J06S to cease extraction of groundwater per Water Code section 75637, subdivision (b). Such orders are authorized by the foregoing statute due to the delinquencies of the operators in the payment of groundwater charges, which the District levies per Water Code section 75500 *et seq.*

**4.2 Amendment of 2019 Period 2, 2020 Period 1 and 2020 Period 2 Estimated Groundwater Production Statements (three statements total) for Fukutomi Farms dba El Rio Berry Farms (Fukutomi)**

**Motion**

The Board will consider allowing Fukutomi Farms dba El Rio Berry Farms (Fukutomi) to amend its estimated 2019 Period 2, 2020 Period 1 and 2020 Period 2 estimated groundwater production statements (three statements total).

**4.3 Resolution 2021-19 Finding that the Governor of California issued a Proclamation of a State of Emergency on March 4, 2020 relating to the COVID-19 virus and local officials continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus and Authorizing remote teleconference meetings of the legislative bodies of United Water Conservation District for the period of October 13, 2021 through November 12, 2021, pursuant to Brown Act provisions**

**Motion**

The Board will consider adopting Resolution 2021-19, finding that the requisite conditions exist for remote teleconference meetings of the District's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

**Engineering Department – Dr. Maryam Bral**

**4.4 Authorize Contract with GEI to Develop the 60 percent Design Phase of the Santa Felicia Dam Outlet Works Improvement Project**

**Motion**

The Board will consider authorizing the General Manager to execute a Professional Services Agreement with GEI Consultants, Inc. (GEI) in the amount of \$1,715,706.00 for development of the 60 percent design of the Santa Felicia Dam (SFD) Outlet Works Improvement Project.



**4.5 Authorize Contract with GEI Consultants to Develop the 30 percent Design Phase of the Santa Felicia Dam Spillway Improvement Project**

**Motion**

The Board will consider authorizing the General Manager to execute a Professional Consulting Services Agreement with GEI Consultants, Inc. (GEI) in the amount of \$579,948.00 for development of the 30 percent design of the SFD Spillway Improvement Project.

**Environmental Services Department – Linda Purpus**

**4.6 Resolution 2021-18 Adopting the California Environmental Quality Act Initial Study-Mitigated Negative Declaration and approving Phase One of the Freeman Diversion Sediment Management Project and its Implementation**

**Motion**

The Board will consider approving Resolution 2021-18, a adopting the California Environmental Quality Act (CEQA) Initial Study-Mitigated Negative Declaration (IS-MND) for Phase One of the Freeman Diversion Sediment Management Project, approving Phase One of the Project, authorizing its implementation by the General Manager; and directing the Environmental Services Manager to file a Notice of Determination (NOD) in accordance with CEQA for the Phase One of the Freeman Diversion Sediment Management Project.

**Park and Recreation Department – Clayton Strahan**

**4.7 Approval of New Lake Piru Recreation Area Logo**

**Motion**

The Board will consider approving a new logo for the Lake Piru Recreation Area which will be used in all branding for the lake.

## **5. PRESENTATIONS AND MONTHLY STAFF REPORTS (By Department)**

### **Administrative Services Department – Anthony Emmert and Josh Perez**

#### **5.1 Monthly Administrative Services Department Report – Anthony Emmert Information Item**

Staff report and presentation on the monthly activities of the Administration Department including but not limited to issues associated with budget development, financial performance versus budget plan, financial accounting requirements and procedures, potential debt issuance and related financial services, status of District investments and reserves, updates on its capital improvement programs, human resources and safety, District property and facilities maintenance and administration, District records and reports, groundwater extraction statements administration, risk management and District liability insurance matters, management of District contracts, policy development, governance procedures, and supporting activities of Board and staff.

### **Engineering Department – Dr. Maryam Bral**

#### **5.2 Monthly Engineering Department Report Information Item**

Staff report and presentation on the various monthly activities of the Engineering Department, including but not limited to water resources, planning efforts and department programs impacting the District, such as project design and construction; dam safety; FERC license compliance; Freeman Diversion; recycled water; pipeline operations and various engineering analysis.

### **Environmental Services Department – Linda Purpus**

#### **5.3 Monthly Environmental Services Department Report Information Item**

Staff report and presentation on the various monthly activities of the Environmental Services Department, including but not limited to environmental and regulatory issues of note to the District, water releases, operations of the fish ladder at the Freeman Diversion, various monitoring efforts, study plans and issues associated with the Endangered Species Act, including the Section 10 MSHCP process, future fish passage requirements, compliance with the District's FERC license/Biological Opinion, the Santa Felicia Dam, studies and operations in and near Piru Creek, and any interactions with Rancho Temescal and Rancho Camulos.

**Operations and Maintenance Department – Brian Collins**

**5.4 Monthly Operation and Maintenance Department Report  
Information Item**

Summary report on monthly activities of the Operations and Maintenance Department, including but not limited to the District's facilities (Santa Felicia Dam and hydroplant; the Piru Groundwater Recharge facility; the Freeman Diversion; the Saticoy and El Rio Groundwater Recharge facilities; the Pleasant Valley and Pumping Trough Pipeline systems; and the Oxnard Hueneme Pipeline system), encompassing operating plans, the quantity and quality of water diverted and delivered, fish ladder operations, major maintenance problems and repairs, status of Operations and Maintenance projects and safety and training issues.

**Park and Recreation Department – Clayton Strahan**

**5.5 Monthly Park and Recreation Department Report  
Information Item**

Summary report on monthly activities of the Park and Recreation Department, including but not limited to the Lake Piru Recreation Area, encompassing camping and boating policies at the lake; operations and activities; financing and status of facility improvement projects; maintenance activities; security issues; and emergency response activities.

**Water Resources Department – Dan Detmer**

**5.6 Monthly Water Resources Department Report  
Information Item**

Summary report on the monthly activities of the Water Resources Department including but not limited to updates to the Ventura Regional Groundwater Flow Model; brackish water treatment feasibility study; upper Santa Clara River Chloride TMDL; hydrologic and well conditions statewide and locally; available Forebay storage; Ventura County well ordinance update; Fox Canyon GMA issues; City of Oxnard's recycled water program; potential water supply and recycled water projects, including use of United's terminal reservoirs; and various user groups (including but not limited to Oxnard Plain and Pumping Trough Pipeline groups).

**5.7 Update on Groundwater Sustainability Agencies (GSAs) and Sustainable Groundwater Management Act (SGMA)  
Information Item**

Summary report on the monthly activities of the three local Groundwater Sustainability Agencies (Mound Basin GSA, Fillmore and Piru Basins GSA, and the Fox Canyon Groundwater Management Agency), for which the District serves as a member director, and the Santa Paula basin (adjudicated) Technical Advisory Committee (including formation of groundwater sustainability agencies in the

UWCD Board of Directors Meeting Agenda

October 13, 2021

Page 8

District's basins, stakeholder and basin user groups, joint powers or governance agreements, development of water markets, and potential basin boundary changes). Staff may also report on state-wide issues related to the implementation of the Sustainable Groundwater Management Act of 2014.

**6. BOARD OF DIRECTORS READING FILE**

**7. FUTURE AGENDA ITEMS**

**8. ADJOURNMENT**

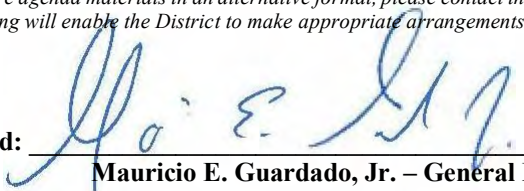
The Board will adjourn to the **Regular Board Meeting scheduled for Wednesday, November 10, 2021** or call of the President.

*All testimony given before the Board of Directors is recorded.*

*Materials, which are non-exempt public records and are provided to the Board of Directors to be used in consideration of the above agenda items, including any documents provided subsequent to the publishing of this agenda, are available for inspection at the District's offices at 1701 N. Lombard Street, Suite 200, Oxnard CA 93030 during normal business hours.*

*The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's services, programs or activities because of any disability. If you need special assistance to participate in this meeting, or if you require agenda materials in an alternative format, please contact the District Office at (805) 525-4431. Notification of at least 48 hours prior to the meeting will enable the District to make appropriate arrangements.*

Approved: \_\_\_\_\_

  
Mauricio E. Guardado, Jr. – General Manager

Posted: (date) October 8, 2021

(time) 10:30a.m.

(attest) *Kris Sofley*

At: United Water Conservation District Headquarters, 1701 N. Lombard Street, Oxnard CA 93030

Posted: (date) October 8, 2021

(time) 10:45a.m.

(attest) *Kris Sofley*

At: [www.unitedwater.org](http://www.unitedwater.org)

**EXHIBIT A**  
**EXECUTIVE (CLOSED) SESSION AGENDA**

**1. LITIGATION**

**1.1 Conference with Legal Counsel-Anticipated Litigation**

Pursuant to Government Code Section 54956.9(d)(2), two (2) case.

**1.2 Conference with Legal Counsel – Existing Litigation**

Pursuant to Government Code Section 54956.9 (d)(1)

A. City of San Buenaventura v. United Water Conservation District, et al,  
Santa Barbara County Superior Court Case No. VENCI00401714

B. City of San Buenaventura v. United Water Conservation District, et al,  
Santa Barbara Superior Court Case No. 1414739 (consolidated for  
purposes of trial with case in subsection A.)

Note: 1.2 A and B consolidated in the California Supreme Court, 2<sup>nd</sup> Civil No. S226036, Review granted on June 24, 2015 of published decision of Division Six, Second District of the Court of Appeal of the State of California, 2d Civil No. B251810.

C. City of San Buenaventura v. United Water Conservation District, et al,  
Santa Barbara County Superior Court Case No. 1467531

D. Wishtoyo Foundation, et al v. United Water Conservation District, U.S.  
District Court for the Central District of California, Case No.2:16-cv-  
03869 GHK (PLAx)

E. Josey Hollis Dorsey, a minor, through his guardian ad litem Ryan Dorsey;  
and The Estate of Naya Rivera, through its personal representative, Justin  
Stiegemeier, v. County of Ventura, a California public entity; United Water  
Conservation District, a California public entity; and Parks and Recreation  
Management, d/b/a Parks Management Company, a California corporation;  
and Does 1-20, inclusive, Superior Court of the State of California for the  
County of Ventura Case No. 56-2020-00547077-CU-PO-VTA

F. OPV Coalition v Fox Canyon Groundwater Management Agency, Superior  
Court of the State of California, County of Ventura, Case No (none listed)  
Complaint for Comprehensive Groundwater Adjudication of the Oxnard  
Groundwater Subbasin (No. 4-004.02) and Pleasant Valley Subbasin (No.  
4-006) Pursuant to Sections 830, *Et Seq.* of the Code of Civil Procedure;  
Declaratory Relief; Quiet Title; and Petition for Writs of Mandate.



**Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Kris Sofley, Clerk of the Board

**Date:** October 5, 2021 (October 13, 2021 Meeting)

**Agenda Item:** 2.5 Board Members' Activities Reports  
**Information Item**

---

**Staff Recommendation:**

The Board will receive and file information regarding meeting participation provided by each of the Board of Directors through Monthly Activities (aka per diem) Reports.

**Discussion:**

This item is provided on the agenda of each regular District Board of Directors meeting in order to allow Directors to report on non-agenda activities such as:

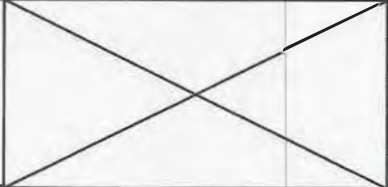
1. UWCD Committee participation – Committee Chair to report on Committee's objectives and actions to Board.
2. Meetings, workshops, conferences and functions attended during the previous month on behalf of the District.
3. Possible conflicts that Directors might have with respect to issues on the Agenda.

Attachments: A – Directors' Monthly Activities Reports (per diem)  
B - 2021 Calendar of District's Standing Committee and Outside Agency meetings  
C - 2021 AWA VC Meeting and Events Calendar

**Board of Directors**  
**Activities and Expenses for Month** September **Year** 2021

Due on last day of month

Director: Berger

<b>1. UWCD Board Meetings</b> Regular, special or emergency meetings.		<b>Date</b>	<b>Mileage</b>	
		9/8	20	
		9/17	-	
<b>2. UWCD Committee/Advisory Body Meetings</b> Environmental, Executive, Finance/Audit, Groundwater, Operations, Planning, Recreation and RiverPark JPA Committees.	<b>Committee Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	
	Recreation	9/1	20	
	Finance	9/7	20	
<b>3. Meeting with GM or District Legal Counsel (LC)</b>	<b>W/ GM or LC</b>	<b>Meeting Description &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
<b>4. Conferences/Trainings.</b> Includes conferences or educational activities organized by ACWA, AWAVC & CSDA.	<b>Event Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	
	Dr Mathis	9/22	20	
<b>5. Appointed representative to meetings of other entities' Boards.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA and GSA. Or preparatory meetings with GM regarding above meetings.	<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	
	AWA Board Meeting	9/2	-	
	AWA Committee Meeting	9/20	-	
<b>6. Meetings of other government entities at request of BoD, BP or GM.</b> Such as PVCWD, FCGMA or Oxnard City Council.	<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	
<b>7. Meetings with board members or executive management of other agencies.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA, GSA.	<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	
<b>8. Public meetings hosted by District regarding</b>	<b>Meeting Description &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	

**Board of Directors**  
**Per Diem and Expenses for Month \_\_\_\_\_ Year \_\_\_\_\_**

Due on last day of month

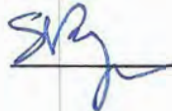
9. Meetings with state or federal legislators or officials or representatives from other entities.  At the request of the BoD, BP or GM.	Official Name/Meeting Description & Location	Date	Mileage

Other Expenses	Total
Days of out of town travel	
Lodging*	\$
Meals*	\$
Transportation*	\$
Misc.*	\$

\* attach all receipts

This section to be completed by Finance Department only			
Phone Allowance			\$50.00
Total # of meetings**	7	x \$237./per month	\$ 1,659.00
**not to exceed 10 meetings and \$2,260. per month or 1 meeting per day			
Total days of travel		x \$100.00/day	
Total # of miles	80	x \$0.56/mile	\$ 44.80
Total other expenses			\$
<b>TOTAL MILEAGE AND OTHER EXPENSES</b>			<b>\$ 1,753.80</b>

Director Signature



Date

10-4-21

General Manager Signature

Date:

**Definitions**

BoD: Board of Directors

BP: Board President

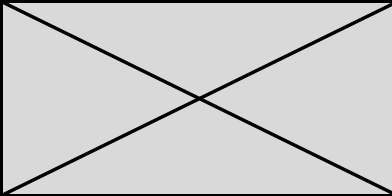
GM: General Manager



**Board of Directors**  
**Activities and Expenses for Month September Year 2021**

Due on last day of month

Director: Bruce Dandy

<b>1. UWCD Board Meetings</b> Regular, special or emergency meetings.			<b>Date</b>	<b>Mileage</b>
			9/8/21	8
<b>2. UWCD Committee/Advisory Body Meetings</b> Environmental, Executive, Finance/Audit, Groundwater, Operations, Planning, Recreation and RiverPark JPA Committees.		<b>Committee Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
		Finance	9/7/21	8
		Executive	9/17/21	6
<b>3. Meeting with GM or District Legal Counsel (LC)</b>	<b>W/ GM or LC</b>	<b>Meeting Description &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
<b>4. Conferences/Trainings.</b> Includes conferences or educational activities organized by ACWA, AWAVC & CSDA.		<b>Event Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
		CSDA	9/1/21	
		CSDA	9/2/21	314
<b>5. Appointed representative to meetings of other entities' Boards.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA and GSA. Or preparatory meetings with GM regarding above meetings.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
		VCAWA	9/30/21	62
<b>6. Meetings of other government entities at request of BoD, BP or GM.</b> Such as PVCWD, FCGMA or Oxnard City Council.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
		Palmdale Water	9/21/21	6
<b>7. Meetings with board members or executive management of other agencies.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA, GSA.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
		ACWA Region 8	9/22/21	n/a
<b>8. Public meetings hosted by District regarding District matters</b> Such as Section 10 HCP, Vern Freeman Fish Panel.		<b>Meeting Description &amp; Location</b>	<b>Date</b>	<b>Mileage</b>

**Board of Directors**  
**Per Diem and Expenses for Month September Year 2021**

Due on last day of month

9. Meetings with state or federal legislators or officials or representatives from other entities.  At the request of the BoD, BP or GM.	Official Name/Meeting Description & Location	Date	Mileage

Other Expenses	Total
Days of out of town travel	2
Lodging*	\$
Meals*	\$
Transportation*	\$
Misc.*	\$

\* attach all receipts

This section to be completed by Finance Department only			
Phone Allowance			\$50.00
Total # of meetings**	8	x \$237./per month	\$ 1,896.00
**not to exceed 10 meetings and \$2,260. per month or 1 meeting per day			
Total days of travel	2	x \$100.00/day	200.00
Total # of miles	404	x \$0.56/mile	\$ 226.24
Total other expenses			\$
<b>TOTAL MILEAGE AND OTHER EXPENSES</b>			<b>\$ 2,372.24</b>

Director Signature

*B. Bandy*

Date: 10/4/21

General Manager Signature

Date:

**Definitions**

BoD: Board of Directors

BP: Board President

GM: General Manager

**Board of Directors**  
**Activities and Expenses for Month** 9 **Year** 21

Due on last day of month

Director: Mohammed A. Hasan, P.E.

<b>1. UWCD Board Meetings</b> Regular, special or emergency meetings.			<b>Date</b>	<b>Mileage</b>
			9-8	12
<b>2. UWCD Committee/Advisory Body Meetings</b> Environmental, Executive, Finance/Audit, Groundwater, Operations, Planning, Recreation and RiverPark JPA Committees.		<b>Committee Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
		Rec	9-1	12
<b>3. Meeting with GM or District Legal Counsel (LC)</b>	<b>W/ GM or LC</b>	<b>Meeting Description &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
<b>4. Conferences/Trainings.</b> Includes conferences or educational activities organized by ACWA, AWAVC & CSDA.		<b>Event Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
		Dr. Mathis	9-18	0
		Dr. Mathis	9-19	0
		AWA water issues	9-21	0
		AWA annual	9-30	61
<b>5. Appointed representative to meetings of other entities' Boards.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA and GSA. Or preparatory meetings with GM regarding above meetings.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
		Mound Basin	9-2	0
<b>6. Meetings of other government entities at request of BoD, BP or GM.</b> Such as PVCWD, FCGMA or Oxnard City Council.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
<b>7. Meetings with board members or executive management of other agencies.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA, GSA.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
<b>8. Public meetings hosted by District regarding District matters</b> Such as Section 10 HCP, Vern Freeman Fish Panel.		<b>Meeting Description &amp; Location</b>	<b>Date</b>	<b>Mileage</b>

**Board of Directors**  
**Per Diem and Expenses for Month** 9 **Year** 21

Due on last day of month

9. Meetings with state or federal legislators or officials or representatives from other entities.  At the request of the BoD, BP or GM.	Official Name/Meeting Description & Location	Date	Mileage

Other Expenses	Total
Days of out of town travel	
Lodging*	\$
Meals*	\$
Transportation*	\$
Misc.*	\$

\* attach all receipts

This section to be completed by Finance Department only			
Phone Allowance			\$50.00
Total # of meetings**	7	x \$237./per month	\$ 1,659.00
**not to exceed 10 meetings and \$2,260. per month or 1 meeting per day			
Total days of travel		x \$100.00/day	
Total # of miles	85	x \$0.56/mile	\$ 47.60
Total other expenses			\$
<b>TOTAL MILEAGE AND OTHER EXPENSES</b>			<b>\$ 1,756.60</b>

Director Signature



Date: 9-30-21

General Manager Signature

Date: \_\_\_\_\_

**Definitions**

BoD: Board of Directors

BP: Board President

GM: General Manager

**Board of Directors**  
**Activities and Expenses for Month** September **Year** 2021

Due on last day of month

Director: Edwin T. McFadden III

<b>1. UWCD Board Meetings</b> Regular, special or emergency meetings.			<b>Date</b>	<b>Mileage</b>
			09/08/21	40
<b>2. UWCD Committee/Advisory Body Meetings</b> Environmental, Executive, Finance/Audit, Groundwater, Operations, Planning, Recreation and RiverPark JPA Committees.		<b>Committee Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
		Engineering and Operations Com.	09/02/21	40
		Meeting with Dr. Bill Mathis	09/20/21	0
<b>3. Meeting with GM or District Legal Counsel (LC)</b>	<b>W/ GM or LC</b>	<b>Meeting Description &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
<b>4. Conferences/Trainings.</b> Includes conferences or educational activities organized by ACWA, AWAVC & CSDA.		<b>Event Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
<b>5. Appointed representative to meetings of other entities' Boards.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA and GSA. Or preparatory meetings with GM regarding above meetings.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
<b>6. Meetings of other government entities at request of BoD, BP or GM.</b> Such as PVCWD, FCGMA or Oxnard City Council.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
		FPBGSA Stakeholders Workshop	09/17/21	0
		FPBGSA BOD and Workshop	09/23/21	0
<b>7. Meetings with board members or executive management of other agencies.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA, GSA.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
<b>8. Public meetings hosted by District regarding District matters</b> Such as Section 10 HCP, Vern Freeman Fish Panel.		<b>Meeting Description &amp; Location</b>	<b>Date</b>	<b>Mileage</b>

**Board of Directors**  
**Per Diem and Expenses for Month** September **Year** 2021

Due on last day of month

9. Meetings with state or federal legislators or officials or representatives from other entities.  At the request of the BoD, BP or GM.	Official Name/Meeting Description & Location	Date	Mileage

Other Expenses	Total
Days of out of town travel	
Lodging*	\$
Meals*	\$
Transportation*	\$
Misc.*	\$

\* attach all receipts

This section to be completed by Finance Department only			
Phone Allowance			\$50.00
Total # of meetings**	5	x \$237./per month	\$ 1,185.00
**not to exceed 10 meetings and \$2,260. per month or 1 meeting per day			
Total days of travel		x \$100.00/day	
Total # of miles	80	x \$0.56/mile	\$ 44.80
Total other expenses			\$
<b>TOTAL MILEAGE AND OTHER EXPENSES</b>			<b>\$ 1,279.80</b>

Director Signature

*Edwin T. McIlhenny III*

Date:

General Manager Signature

Date:

**Definitions**

BoD: Board of Directors

BP: Board President

GM: General Manager



Board of Directors  
Activities and Expenses for Month September Year 2021

Due on last day of month

Director: Michael W. Mobley

<b>1. UWCD Board Meetings</b> Regular, special or emergency meetings.			<b>Date:</b> 9/8	<b>Mileage</b> 26.0
<b>2. UWCD Committee/Advisory Body Meetings</b> Environmental, Executive, Finance/Audit, Groundwater, Operations, Planning, Recreation and RiverPark JPA Committees.		<b>Committee Name &amp; Location</b> Special Executive Committee Mtg.	<b>Date</b> 9/17	<b>Mileage</b> 0
<b>3. Meeting with GM or District Legal Counsel (LC)</b>		<b>W/ GM or LC</b>	<b>Meeting Description &amp; Location</b> Board Meeting Prep w/GM	<b>Date</b> 9/7
			FCGMA Board Meeting Prep	9/20
<b>4. Conferences/Trainings.</b> Includes conferences or educational activities organized by ACWA, AWAVC & CSDA.		<b>Event Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
<b>5. Appointed representative to meetings of other entities' Boards.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA and GSA. Or preparatory meetings with GM regarding above meetings.		<b>Entity Name &amp; Location</b> Mound Basin GSA Special Board Mtg	<b>Date</b> 9/2	<b>Mileage</b> 0
		Mound Basin GSA Board Meeting	9/16	0
		FCGMA Board Meeting	9/22	0
<b>6. Meetings of other government entities at request of BoD, BP or GM.</b> Such as PVCWD, FCGMA or Oxnard City Council.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>
<b>7. Meetings with board members or executive management of other agencies.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA, GSA.		<b>Entity Name &amp; Location</b> Meeting with Dr. Mathis	<b>Date</b> 9/21	<b>Mileage</b> 26.0
<b>8. Public meetings hosted by District regarding District matters</b> Such as Section 10 HCP, Vern Freeman Fish Panel.		<b>Meeting Description &amp; Location</b>	<b>Date</b>	<b>Mileage</b>

**Board of Directors**  
**Per Diem and Expenses for Month** September **Year** 2021

Due on last day of month

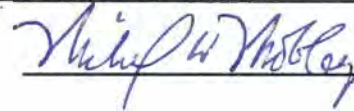
9. Meetings with state or federal legislators or officials or representatives from other entities.  At the request of the BoD, BP or GM.	Official Name/Meeting Description & Location	Date	Mileage

Other Expenses	Total
Days of out of town travel	
Lodging*	\$
Meals*	\$
Transportation*	\$
Misc.*	\$

\* attach all receipts

This section to be completed by Finance Department only			
Phone Allowance			\$50.00
Total # of meetings**	8	x \$237./per month	\$ 1,896.00
**not to exceed 10 meetings and \$2,260. per month or 1 meeting per day			
Total days of travel		x \$100.00/day	
Total # of miles	104	x \$0.56/mile	\$ 58.24
Total other expenses			\$
<b>TOTAL MILEAGE AND OTHER EXPENSES</b>			<b>\$ 2,004.24</b>

Director Signature

 Date: 10/4/21

General Manager Signature

Date: \_\_\_\_\_

**Definitions**

BoD: Board of Directors

BP: Board President

GM: General Manager



**Board of Directors**  
**Activities and Expenses for Month** September **Year** 2021

Due on last day of month

Director: Daniel Naumann

<b>1. UWCD Board Meetings</b> Regular, special or emergency meetings.			<b>Date</b>	<b>Mileage</b>	
			8	12	
<b>2. UWCD Committee/Advisory Body Meetings</b> Environmental, Executive, Finance/Audit, Groundwater, Operations, Planning, Recreation and RiverPark JPA Committees.		<b>Committee Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	
		Water Resources	Aug 31	12	
		Engineering and Operations	Sept 2	12	
<b>3. Meeting with GM or District Legal Counsel (LC)</b>	<b>W/ GM or LC</b>	<b>Meeting Description &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	NA NA
	GM	dinner meeting w Boyer & Dir Dandy	8	n/a	
	Dr. Mathis	dinner meeting	20	n/a	
	Dr. Mathis	lunch prep meeting for Palmdale dinner	21	18.6	
<b>4. Conferences/Trainings.</b> Includes conferences or educational activities organized by ACWA, AWAVC & CSDA.		<b>Event Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	
		ACWA Region 8 Update	22	12	
<b>5. Appointed representative to meetings of other entities' Boards.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA and GSA. Or preparatory meetings with GM regarding above meetings.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	NA
		FCGMA prep meeting	20	12	
		FCGMA Board meeting	22		
<b>6. Meetings of other government entities at request of BoD, BP or GM.</b> Such as PVCWD, FCGMA or Oxnard City Council.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	NA
		Regional Defense Partnership for the 21st Century	9	12	
		Dinner meeting with Palmdale Water District GM and Board	21	n/a	
<b>7. Meetings with board members or executive management of other agencies.</b> Includes FCGMA, LAFCO, RiverPark JPA, AWAVC BoD, Oxnard Chamber of Commerce Water Committee, ACWA, CSDA, GSA.		<b>Entity Name &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	NA  NA
		Tony Trembley, FCGMA	Sept 2		
		Gene West, FCGMA	Sept 23	15	
		Dave Borchard, FCGMA	Sept 24	na	
		Casey Houeling/Martinez - Houeling Nursery	Sept 27	6.8	
		Tommy Vujovich, PVCWD	Sept 23	NA	
<b>8. Public meetings hosted by District regarding District matters</b> Such as Section 10 HCP, Vern Freeman Fish Panel.		<b>Meeting Description &amp; Location</b>	<b>Date</b>	<b>Mileage</b>	

**Board of Directors**  
**Per Diem and Expenses for Month** September **Year** 2021

Due on last day of month

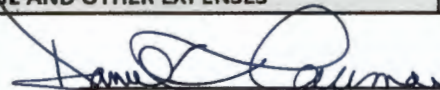
9. Meetings with state or federal legislators or officials or representatives from other entities.  At the request of the BoD, BP or GM.	Official Name/Meeting Description & Location	Date	Mileage

Other Expenses	Total
Days of out of town travel	
Lodging*	\$
Meals*	\$
Transportation*	\$
Misc.*	\$

\* attach all receipts

This section to be completed by Finance Department only			
Phone Allowance			\$50.00
Total # of meetings**	10	x \$237./per month	\$ 2,370.00
**not to exceed 10 meetings and \$2,260. per month or 1 meeting per day			
Total days of travel		x \$100.00/day	
Total # of miles	112.4	x \$0.56/mile	\$ 62.94
Total other expenses			\$
<b>TOTAL MILEAGE AND OTHER EXPENSES</b>			<b>\$ 2,482.94</b>

Director Signature

 Date: 9-30-21

General Manager Signature

Date: \_\_\_\_\_

**Definitions**

BoD: Board of Directors

BP: Board President

GM: General Manager



# United Water

## CONSERVATION DISTRICT

### 2021 UWCD Standing Committee and Outside Agencies Meeting Dates

**JANUARY:** 04 - Legislative and Outreach (9am-10:15am)

05- Water Resources (9am-11:15am)  
06- Recreation (9am-9:48am)  
07- Engineering and Operations (9am-10:05am)  
12- Finance and Audit (9:04am-10:08am)  
13- Board Meeting (12noon-4:55pm)  
20- CoLAB VC WHEEL (1pm)  
21- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)  
27- Fox Canyon GMA (1:30pm)

**FEBRUARY:** 02- Water Resources (9am-10:13am)

03- Recreation (9am-9:34am)  
04- Engineering and Operations (9am-9:48am)  
09- Finance and Audit (9am-9:52am)  
10- Board Meeting (12noon-3:08pm)  
17- CoLAB VC WHEEL (1pm)  
18- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)  
24- Fox Canyon GMA (1:30pm)

**MARCH:** 02- Water Resources (canceled)

03- Recreation (9am-9:34am)  
04- Engineering and Operations (9:04am-10:03am)  
09- Finance and Audit (9am-10:03am)  
10- Board Meeting (12noon-3:10pm)  
17- CoLAB VC WHEEL (1pm)  
18- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)  
24- Fox Canyon GMA (1:30pm)

**APRIL:** 01- Engineering and Operations (canceled)

05- Legislative and Outreach (canceled)  
07- Recreation (9am-10:03am)  
12- Water Resources (11am-12:50pm)  
13- Finance and Audit (9am-10:07am)  
14- Board Meeting (12noon-3:50pm)  
21- CoLAB VC WHEEL (1pm)  
22- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)  
28- Fox Canyon GMA (1:30pm)

**MAY:** 04 - Water Resources (canceled)

05- Recreation (9am-9:37am)  
06- Engineering and Operations (9am-10:03am)  
11- Finance and Audit (9am-11:03am)  
12- Board Meeting (12noon-3:56pm)  
19- CoLAB VC WHEEL (1pm)  
20- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)  
26- Fox Canyon GMA (1:30pm)

**JUNE:** 01 - Water Resources (9am-11:03am)

02- Recreation (canceled)  
03- Engineering and Operations (canceled)  
08- Finance and Audit (9am-9:42am)  
09- Board Meeting (12noon-3:53pm)  
16- CoLAB VC WHEEL (1pm)  
17- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)

**JUNE, continued:** 23- Fox Canyon GMA (1:30pm)

24- Special Board Meeting (9am-10:26am)  
**JULY:** 01 - Engineering and Operations (9am-11:06am)  
05- Legislative and Outreach (canceled)  
07- Recreation (canceled)  
08- Water Resources (9am-10:52am)  
13- Finance and Audit (9am-10:49am)  
14- Board Meeting (12noon-2:42pm)  
21- CoLAB VC WHEEL (1pm)  
22- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)  
28- Fox Canyon GMA (1:30pm)

**AUGUST – 18- CoLAB VC WHEEL (1pm)**

19- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)  
25- Fox Canyon GMA (1:30pm)  
30- Special Board Meeting (1pm-2:04pm)  
31- Water Resources (canceled)\*

**SEPTEMBER:** 01- Recreation (9am-9:50am)

02- Engineering and Operations (9am-10:18am)  
07- Finance and Audit (9am-9:47am)  
08- Board Meeting (12noon-3:48pm)  
15- CoLAB VC WHEEL (1pm)  
16- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)  
22- Fox Canyon GMA (1:30pm)

**OCTOBER:** 05- Water Resources (9am-10:45am)

06- Recreation (canceled)  
06- Executive Committee (9am-10:34am)  
07- Engineering and Operations (9am)  
12- Finance and Audit (9am)  
13- Board Meeting (12noon)  
20- CoLAB VC WHEEL (1pm)  
21- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)  
27- Fox Canyon GMA (1:30pm)

**NOVEMBER:** 02 - Water Resources (9am)

03- Recreation (9am)  
04- Engineering and Operations (9am)  
08- Special Board Meeting-Board Norms Workshop (12noon-)  
09- Finance and Audit (9am)  
10- Board Meeting (12noon)  
17- CoLAB VC WHEEL (1pm)  
18- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)  
30- Water Resources (9am)\*

**DECEMBER:** 01- Recreation (9am)

01- Fox Canyon GMA (1:30pm)  
02- Engineering and Operations (9am)  
07- Finance and Audit (9am)  
08- Board Meeting (12noon)  
15- CoLAB VC WHEEL (1pm)  
16- Mound Basin GSA (1pm)  
Fillmore and Piru Basin GSA (5pm)

\*scheduled to prevent dual meetings on the same day





# ASSOCIATION OF WATER AGENCIES OF VENTURA COUNTY

## 2021 CALENDAR OF EVENTS

ALL DATES ARE SUBJECT TO CHANGE

All meetings/events are confirmed by AWA via official notices sent prior to each meeting/event.

Note: All 2021 meetings/events will be via video-broadcast until further notice.

JANUARY	7	Board Meeting	3:00 pm, Thursday	
	19	Water Issues Committee	8:00 am, Tuesday	(AWA Members Only)
	21	<b>WaterWise Program</b>	<b>8:00 am, Thursday</b>	
	27	<b>Channel Counties/Water Systems</b>	<b>8:00 am, Wednesday</b>	
FEBRUARY	4	Executive Committee Meeting	3:00 pm, Thursday	
	16	Water Issues Committee	8:00 am, Tuesday	(AWA Members Only)
	18	<b>WaterWise Program</b>	<b>8:00 am, Thursday</b>	
	24	<b>Channel Counties/Water Systems</b>	<b>8:00 am, Wednesday</b>	
MARCH	4	Board Meeting (Annual Meeting-Elections)	3:00 pm, Thursday	
	16	Water Issues Committee	8:00 am, Tuesday	(AWA Members Only)
	18	<b>WaterWise Program (Installation/Directors)</b>	<b>8:00 am, Thursday</b>	
	24	<b>Channel Counties/Water Systems</b>	<b>8:00 am, Wednesday</b>	
APRIL	1	Executive Committee Meeting	3:00 pm, Thursday	
	15	<b>WaterWise Program</b>	<b>8:00 am, Thursday</b>	
	20	Water Issues Committee	8:00 am, Tuesday	(AWA Members Only)
	28	<b>Channel Counties/Water Systems</b>	<b>8:00 am, Wednesday</b>	
MAY	6	Board Meeting	3:00 pm, Thursday	
	18	Water Issues Committee	8:00 am, Tuesday	(AWA Members Only)
	20	<b>WaterWise Program</b>	<b>8:00 am, Thursday</b>	
	26	<b>Channel Counties/Water Systems</b>	<b>8:00 am, Wednesday</b>	
JUNE	3	Executive Committee Meeting	3:00 pm, Thursday	
	15	Water Issues Committee	8:00 am, Tuesday	(AWA Members Only)
	17	<b>WaterWise Program</b>	<b>8:00 am, Thursday</b>	
	23	<b>Channel Counties/Water Systems</b>	<b>8:00 am, Wednesday</b>	
Date to be Confirmed	—	<b>CC/Water Systems Workshop (Confined Space)</b>	<b>8-Noon</b>	(Fire Dept-Camarillo)
JULY	1	Board Meeting	3:00 pm, Thursday	
	15	<b>WaterWise Program</b>	<b>8:00 am, Thursday</b>	
	20	Water Issues Committee	8:00 am, Tuesday	(AWA Members Only)
	28	<b>Channel Counties/Water Systems</b>	<b>8:00 am, Wednesday</b>	
AUGUST		<b>DARK</b>		
SEPTEMBER	2	Board Meeting	3:00 pm, Thursday	
	21	Water Issues Committee	8:00 am, Tuesday	(AWA Members Only)
	22	<b>Channel Counties/Water Systems Luncheon</b>	<b>8:00 am, Wednesday</b>	
Date to be Confirmed		<b>Math Workshop: Water Distribution Exam Review</b>	<b>8:00am-Noon</b>	
Date to be Confirmed	*30	<b>Reception for Members/Elected Officials</b>	<b>4:00 pm, Thursday</b>	(AWA Members/Guests Only)
OCTOBER	7	Executive Committee Meeting	3:00 pm, Thursday	
	*21	<b>Annual Water Symposium &amp; Exposition</b>	<b>7:00am-1:00pm, Thurs.</b>	<b>Courtyard – Oxnard</b>
	*21	<b>Operators Tech Workshop &amp; Exposition</b>	<b>7:00 am-3:30pm, Thurs.</b>	<b>Courtyard – Oxnard</b>
	—	<b>Math Workshop: Water Treatment Exam Review</b>	<b>8:00am-Noon</b>	
NOVEMBER	4	Board Meeting	3:00 pm, Thursday	
	—	<b>Annual VC Water Supply Bus Tour</b>	<b>8:00 am</b>	
	16	Water Issues Committee	7:00 am, Tuesday	(AWA Members Only)
	*17	<b>Channel Counties/Water Systems Lunch</b>	<b>8:00 am, Wednesday</b>	
	18	<b>WaterWise Breakfast Program</b>	<b>8:00 am, Thursday</b>	
DECEMBER	*09	Executive Committee Meeting	3:00 pm, Thursday	
	09	<b>Holiday Mixer/Corporate Night</b>	<b>4:00 pm, Thursday</b>	(AWA Members/Guests Only)



**Staff Report UWCD**

**To:** Board of Directors

**From:** Mauricio E. Guardado, Jr., General Manager

**Date:** October 5, 2021 (October 13, 2021 meeting)

**Agenda Item:** 2.6 General Manager's Report  
**Information Item**

---

**Staff Recommendation:**

The General Manager will present information on his activities of possible interest to the Board and that may have consequences to the District.

**Discussion:**

The General Manager's primary responsibility is to ensure that the policies and directions of the Board of Directors are adhered to as he oversees and manages the efforts of the department managers and their staff in the day-to-day operation and administration of the District. All of these efforts are to be consistent with the District's Mission Statement and within the fiscal constraints set by the Board of Directors.

The District's managers provide detailed monthly updates to the Board of Directors which outline projects' statuses, accomplishments, issues of concern, projects planning, etc. The monthly General Manager's report provides an opportunity for the General Manager to discuss issues that may impact the efforts of the separate departments as they pursue their defined goals and objectives. The report also provides the Board with information on the District's efforts and involvement in local, regional and state-wide issues.

Finally, the monthly General Manager's report offers the Board of Directors an overview of how their policies and directions are being administered through discussion of the work plan and efforts of the General Manager.



Board of Directors  
Michael W. Mobley, President  
Bruce E. Dandy, Vice President  
Sheldon G. Berger, Secretary/Treasurer  
Mohammed A. Hasan  
Lynn E. Maulhardt  
Edwin T. McFadden III  
Daniel C. Naumann

General Manager  
Mauricio E. Guardado, Jr.

Legal Counsel  
David D. Boyer

**MINUTES**  
**REGULAR BOARD MEETING**  
**Wednesday, September 8, 2021, 12:00 P.M.**  
**Board Room, UWCD Headquarters**  
**1701 N. Lombard Street, Oxnard CA 93030**

**Board Members Present**

Michael W. Mobley, president  
Bruce E. Dandy, vice president  
Sheldon G. Berger, secretary/treasurer  
Mohammed A. Hasan  
Lynn E. Maulhardt  
Edwin T. McFadden, III  
Daniel C. Naumann

**Staff Present**

Mauricio E. Guardado, Jr., general manager  
David D. Boyer, legal counsel  
Dr. Maryam Bral, chief engineer  
John Carman, operations and maintenance program supervisor  
Brian Collins, chief operations officer  
Dan Detmer, water resources manager  
Anthony Emmert, assistant general manager  
Joseph Jereb, chief financial officer  
Kathleen Kuepper, hydrogeologist  
Evan Lashly, environmental scientist  
John Lindquist, senior hydrogeologist  
Randall McInvale, environmental scientist - regulatory affairs  
Craig Morgan, engineering manager  
Kevin Ortega, associate control systems programmer  
Josh Perez, human resources manager  
Zachary Plummer, IT administrator  
Linda Purpus, environmental services manager  
Robert Richardson, senior engineer  
Daryl Smith, controller  
Clayton Strahan, chief park ranger  
Dr. Jason Sun, principal hydrogeologist – modeler  
Kris Sofley, executive assistant/clerk of the board

**Public Present**

Burt Handy

**1. FIRST OPEN SESSION 12:00 P.M.**

President Mobley called the meeting to order at 12noon and asked the District's Legal Counsel David Boyer to announce what the Board will discuss in Executive (Closed) Session.

Mr. Boyer said the Board, pursuant to Government Code Section 54956.9(d)(2), would be discussing two cases of anticipated litigation and, pursuant to Government Code Section 54956.9(d)(1), would be discussing six cases of existing litigation, including three cases with the City of San Buenaventura, one case with Wishtoyo Foundation, one case brought by the Dorsey family regarding the drowning death of Naya Rivera, and one case regarding the OPV Coalition v Fox Canyon Groundwater Management Agency.

**1.1 Public Comments  
Information Item**

President Mobley asked if there were any public comments at this time; none were offered.

**1.2 EXECUTIVE (CLOSED) SESSION 12:04 P.M.**

President Mobley adjourned the meeting into Executive (Closed) session at 12:04p.m.

**2. SECOND OPEN SESSION AND CALL TO ORDER 1:07 P.M.**

President Mobley called the Second Open Session of the Board meeting to order at 1:07 p.m. and asked Director Maulhardt to lead everyone in the Pledge of Allegiance.

**2.1 Pledge of Allegiance**

Director Maulhardt led everyone in reciting the Pledge of Allegiance.

**2.2 Public Comment  
Information Item**

President Mobley asked if there were any public comments; none were offered.

**2.3 Approval of Agenda  
Motion**

President Mobley asked General Manager Mauricio Guardado if there were any changes to the agenda. Mr. Guardado responded that there were no changes.

Motion to approve the agenda, Director Naumann; Second, Director McFadden. Voice vote: seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed. Motion to approve the agenda carries unanimously 7/0.

**2.4 Oral Report Regarding Executive (Closed) Session  
Information Item**

District Legal Counsel David D. Boyer reported that no action was taken by the Board in Executive (Closed) session that is reportable under the Brown Act.

**2.5 Board Members' Activities Report**  
**Information Item**

The Board received and filed information regarding meeting participation provided by each of the Board Members through Monthly Activities (aka per diem) Reports.

**2.6 General Manager's Report**  
**Information Item**

General Manager Mauricio Guardado reported that the District had received a great letter for U.S. Congresswoman Julia Brownley in support of the District's grant application for the National Dam Safety Program. He reminded the Board that it was Brownley's amendment and language that made the Santa Felicia Dam eligible for federal funding, which will help with the high dollar costs of design. He thanked Congresswoman Brownley and her staff for their support of the District.

Mr. Guardado then stated that he was super excited to announce seven internal promotions and two new hires as well as six part time positions have been filled by the District. He credited the Board's approval of the District's succession plan and revised organizational structure which makes it possible for the professional expertise of staff to not only be recognized but rewarded.

He went on to announce the internal promotions: Dan Detmer was named Water Resources Manager; Dr. Jason Sun was promoted to Principal Hydrogeologist – Modeler; Craig Morgan was elevated to Engineering Manager; Randall McInvale was promoted to Environmental Scientist Regulatory Affairs; Cherie Windsor was named Environmental Services Lead Field Technician; Kevin Ortega, who has been driving from Cerritos to work in the District's intern program, was hired as Associate Control Systems Programmer; Clayton Strahan was named Chief Park Ranger; and Kris Sofley was promoted to executive assistant/clerk of the board. Additionally, the District has hired six part time seasonal employees, two at the Lake Piru Recreation Area and four in Environmental Services.

Mr. Guardado said that he really appreciates everyone's efforts and drive and recognizes all the hard work of these individuals, each of whom was the most qualified for the position, and it sends a strong message of the 'best in class' performance of the District's staff that so many continue to rise up the ranks within the organization.

President Mobley congratulated staff and said to keep up the good work.

**2.7 Election of Association of California Water Agencies (ACWA) Region 5 Chair, Vice Chair and Board Members for the 2022-2023 Term**  
**Motion**

The Board discussed the nominees as well as the ACWA recommended slate of candidates for the Region 5 seats as well as those individual candidates running for the Region 5 Board for the 2022-2023 term.



Motion to cast the District's vote for the recommended slate of candidates for Region 5, Director Naumann; Second, Director Dandy. Voice vote: seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed; none abstaining. Motion carries unanimously 7/0.

3. **CONSENT CALENDAR: All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments. (ROLL CALL VOTE REQUIRED)**

Motion to approve the Consent Calendar items, Director Naumann; Second, Director Hasan. Roll call vote: seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed; none abstaining. Motion carries unanimously 7/0.

A. **Approval of Minutes**

**Motion**

Approval of the Minutes for the Regular Board Meeting of July 14, 2021 and Minutes from the Special Board Meeting of August 30, 2021.

B. **Groundwater Basin Status Reports**

**Information Item**

Receive and file Monthly Hydrologic Conditions Report for the District.

C. **Monthly Investment Reports**

**Information Item**

Receive and file report on the District's investments and the availability or restriction of these funds. All investments are in compliance with the District's investment policy, which is reviewed and approved annually by the Board.

4. **MOTION ITEMS (By Department)**

**Environmental Services Department** – Linda Purpus

4.1 **Resolution 2021-17 Approving the California Environmental Quality Act (CEQA) Initial Study-Mitigated Negative Declaration (IS-MND) and issuance of the Notice of Determination (NOD) for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project**

**Motion**

Linda Purpus addressed the Board regarding Resolution 2021-17, approving and adopting the Initial Study-Mitigated Negative Declaration (IS-MND) and accompanying Mitigation Monitoring and Reporting Program (MMRP), approving the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project (Project) and authorizing its implementation by the General Manager; and directing the General Manager to file a Notice of Determination in accordance with CEQA.

Director Naumann stated that the Engineering and Operations Committee had reviewed the Resolution and had agreed to recommend the approval of the Resolution to the full board.

Director Berger asked if he could see the presentation that was prepared for this motion item. Ms. Purpus introduced Randall McInvale who walked the Board through the presentation of the CEQA analysis and findings and added that the final CEQA documents included in the Board's packet covering pre-project, project, and post-project mitigation measures was conducted by Environmental Services in-house staff.

Motion to approve Resolution 2021-17 adopting the CEQA IS-MND and direct staff to issue the NOD for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project, Director Maulhardt; Second, Director Hasan. Roll call vote: seven ayes seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed; none abstaining. Motion carries unanimously 7/0.

#### **Engineering Department – Dr. Maryam Bral**

#### **4.2 Geotechnical Investigation at the Freeman Diversion Contract Award to GEI Consultants, Inc.**

##### **Motion**

Dr. Maryam Bral addressed the Board and then introduced Craig Morgan who walked the Board through a presentation (see attached) of the work that GEI would be conducting if the Board approves the motion. This includes various tests that will help Engineering determine how the hardened ramp fish passage would be constructed.

Director Maulhardt said that the issue of access to the Lloyd Butler property came up in the Engineering and Operations Committee meeting and he asked that staff please follow-up with the Lloyd Butler Trust to get a memo of understanding regarding access to the property to complete this work. He then asked Mr. Morgan how the data compared to the studies that were done for the Freeman Diversion. Mr. Morgan said that the mid 1980s data was supplemented by more current data and that the data can be shared with the new designers so they are cognizant of the information.

Motion to award a consulting engineering contract to GEI Consultants, Inc., in the amount of \$499,724, including a 9 percent contingency to be used upon the District's written authorization only, and authorize the General Manager to execute the contract with GEI Consultants, Inc. for the Geotechnical Investigation at the Freeman Diversion, Director Maulhardt; Second, Director McFadden. Roll call vote: seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed; none abstaining. Motion carries unanimously 7/0.

**4.3 Authorize Execution of an Agreement with California American Water to Establish an Emergency Use Interconnection to the Oxnard Hueneme Pipeline for providing additional System Reliability to the El Rio Service Area.**

**Motion**

Dr. Bral addressed the Board and stated that this motion item was presented at the Engineering and Operations Committee meeting the previous week. She explained that Division of Drinking Water requires water companies to have back-up. The high nitrate levels in the wells for Vineyard Avenue Acres can be remedied by this agreement which involves CalAm, Cloverdale, and Vineyard Avenue Acres connecting to the OH system. Rio Plaza Municipal Water Company has been acquired by CalAm and will merge connections at Simon Way (Rio Plaza) and North Road at Collins (Vineyard Avenue and Cloverdale).

Director Maulhardt stated that he thought this is a great solution to the problem and reminisced about an event where Brian Collins and the Operations team worked diligently to resolve an emergency situation by running a portable line tapped into the UWCD system. That was a short term fix, this is a long term solution, he said.

Director Dandy asked if there would be an issue regarding the potential adjudication and where does this agreement fall in line with water rights? Mr. Guardado explained that there are already provisions within the OH agreement relating to water outage or quality, and those provisions are limited to 15 days per year. President Mobley asked if there were liability issues and Mr. Guardado answered that OH users are the priority.

Motion to authorize the General Manager to execute an agreement with California American Water to establish an emergency use interconnection to the Oxnard Hueneme Pipeline for providing additional System Reliability to the El Rio Service Area, Director Maulhardt; Second, Director McFadden. Roll call vote: seven ayes (Berger, Dandy, Hasan, Maulhardt, McFadden, Naumann, Mobley); none opposed; none abstaining. Motion carries unanimously 7/0.

At 1:46 p.m. Director Dandy left the meeting

**5. PRESENTATIONS AND MONTHLY STAFF REPORTS (By Department)**

**Operations and Maintenance Department – Brian Collins**

**5.1 Monthly Operation and Maintenance Department Report**

**Information Item**

Chief Operations Officer Brian Collins presented a staff report and presentation on monthly activities of the Operations and Maintenance Department (see attached slides. When reporting on the physical modeling being done by the Bureau of Reclamation on the hardened ramp alternative fish passage, Director Maulhardt asked about permitting and Mr. Guardado replied that staff is working through issues with the regulatory agencies, including CA Department of Fish and Wildlife on streambed alteration agreements.

Director McFadden recalled the debris that has come down the Santa Clara River after storms and asked how that is being replicated. Mr. Collins replied that the Bureau has a world class team and they will introduce some of those challenges in the fourth phase of the modeling to determine if the hardened ramp design would work. Director McFadden reminded Mr. Collins that he has seen “rocks the size of pickup trucks” come down that river. There was more discussion of the debris issue among the Board and Mr. Collins concluded by saying that staff would continue to update the Board with photos from the Bureau of Reclamation modeling as well as updates from the University of Iowa modeling.

**Park and Recreation Department – Clayton Strahan**

**5.2 Monthly Park and Recreation Department Report**

**Information Item**

Chief Park Ranger Clayton Strahan addressed the Board and shared a presentation on monthly activities of the Park and Recreation Department (see attached slides). Chief Strahan reported on the Recreation Areas revenue and visitation numbers and reminded the Board that this was without any filming revenue. Director Naumann asked if the filming was coming back yet and Chief Strahan said California is getting a lot of competition from places like New Mexico and North Carolina, states that are offering incredible incentives to film crews. He also said that Lake Piru only has nine full hook-up sites and if upgrades could be made to offer more full hook-up sites, he’s sure the revenue would continue to increase.

Director Berger said the Recreation Committee has discussed increasing the number of full hook-up sites at the lake, and sees it as a return on investment. He said that the priority moving forward will be on increasing the number of full hook-up sites. Director Maulhardt reviewed the revenue increases and improvements made to the recreation area and Director Berger added that Chief Strahan and his staff are managing the recreation area well and should be commended for all of their hard work.

Chief Strahan reported that the average visit to Lake Piru is four and a half nights, and that of the 13,000 reservations since installing MySites, the online reservation system, the District has been able to track data and discovered that a large percentage of visitors are repeat customers. The reservation system also generates emails thanking customers after their visit. Chief Strahan concluded by stating that it has been a steep learning curve for him and his staff, and that the Engineering, Operations, Administration and Finance teams have all been part of the success. He added that Lake Piru has a really good story to tell.

Mr. Guardado reminded the Board that when the weather is cooler, perhaps in November, staff will arrange for a Special Board meeting at the lake so the Board may see for itself the number of improvements since Chief Strahan and his team have taken over management of the Recreation area.

**Water Resources Department – Dr. Maryam Bral**

**5.3 Monthly Water Resources Department Report**

**Information Item**

Dr. Bral introduced Dr. Jason Sun to present an update on the District's groundwater model review (see attached slides). Dr. Sun reported that the expert panel reviewing the model found it to be technically sound and defensible. Dr. Sun reported that it took one year to build, test and review the updated model.

Director Maulhardt it is a huge compliment that everyone had input to the process and that it is important for the Board to acknowledge to the public that it takes this process very seriously. The level of review and scrutiny makes him proud of what the District does and that the model is used wisely to make decisions. He added that the new buzz phrase is "follow the science," and that is exactly what the District is doing. It's finding, looking at and following the science.

John Lindquist then addressed the Board, sharing his presentation on climate change and drought cycles which will be used to introduce the projects presented at the Water Sustainability Summit II in October (see attached slides).

**5.4 Update on Groundwater Sustainability Agencies (GSAs) and Sustainable Groundwater Management Act (SGMA)**

**Information Item**

Dan Detmer provided the Board with an oral update on the monthly activities of the three local Groundwater Sustainability Agencies (Mound Basin GSA, Fillmore and Piru Basins GSA, and the Fox Canyon Groundwater Management Agency), for which the District serves as a member director, and the Santa Paula basin (adjudicated) Technical Advisory Committee.

**Administrative Services Department – Joseph Jereb and Josh Perez**

**5.5 Monthly Administrative Services Department Report – Anthony Emmert**

**Information Item**

The Board received a summary report on the monthly activities of the Administration Department.

**Engineering Department – Dr. Maryam Bral**

**5.6 Monthly Engineering Department Report**

**Information Item**

The Board received a summary report on the various monthly activities of the Engineering Department.,

**Environmental Services Department – Linda Purpus**

**5.7 Monthly Environmental Services Department Report**

**Information Item**

The Board received a summary report on the various monthly activities of the Environmental Services Department.

Director McFadden asked if the resurgence caused by the Delta variance of Covid would have any impact on the Water Sustainability Summit. Mr. Guardado responded that the October event would be a hybrid with participants accessing the event virtually and speakers attending in person, and that social distancing, masking and other public health guidelines would be observed.

**6. BOARD OF DIRECTORS READING FILE**

**7. FUTURE AGENDA ITEMS**

President Mobley asked if there were any future agenda items. None were offered.

**8. ADJOURNMENT 3:48p.m.**

President Mobley adjourned the meeting at 3:48p.m. until the next regular board meeting scheduled for Wednesday, October 13, 2021.

I certify that the above is a true and correct copy of the minutes of the UWCD Board of Directors meeting of September 8, 2021.

**ATTEST:** \_\_\_\_\_  
Sheldon G. Berger, Secretary/Treasurer

**ATTEST:** \_\_\_\_\_  
Kris Sofley, Clerk of the Board



## Board of Directors Meeting

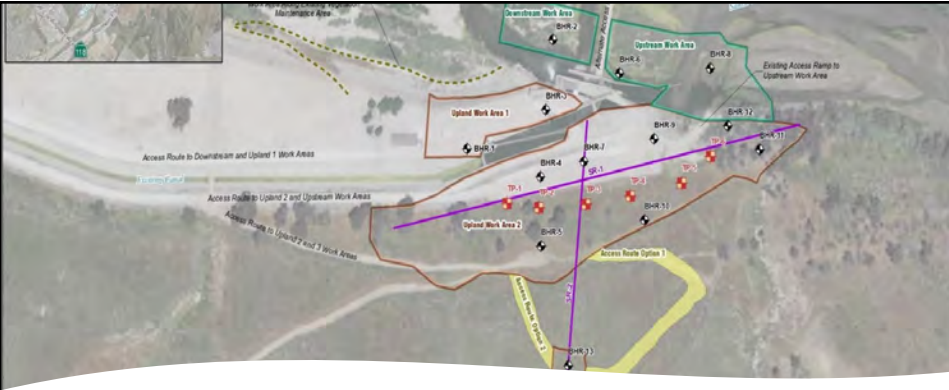
### Agenda Item 4.1 RESOLUTION 2021-17

Recommendation for Board consideration in adopting the CEQA Initial Study-Mitigated Negative Declaration and directing staff to Issue the Notice of Determination for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project

**United Water**  
CONSERVATION DISTRICT


September 8, 2021

1



## CEQA Evaluation

- Both in-river and upland exploration locations
- Utilizing existing access routes to the extent feasible
- Scheduling work to minimize resource interactions

 United Water Conservation District

2

2

## CEQA Findings

### Potentially significant impacts identified in the CEQA analysis:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology/ Soils
- Hazards and Hazardous Materials
- Hydrology/ Water Quality

All mitigated to less than  
significant impact

### Significance findings:

- The project will not have a significant impact on the environment
- The project will not make or contribute to significant cumulative impacts
- The project would not have a significant impact on humans



United Water Conservation District

3

3



## Mitigation Measures



United Water Conservation District

4

4




Request to  
the Board of  
Directors

Consider adopting a  
Resolution to approve the  
CEQA findings and direct staff  
to issue a Notice of  
Determination

?

*Questions*

 United Water Conservation District

5

# Motion Item







## 4.2

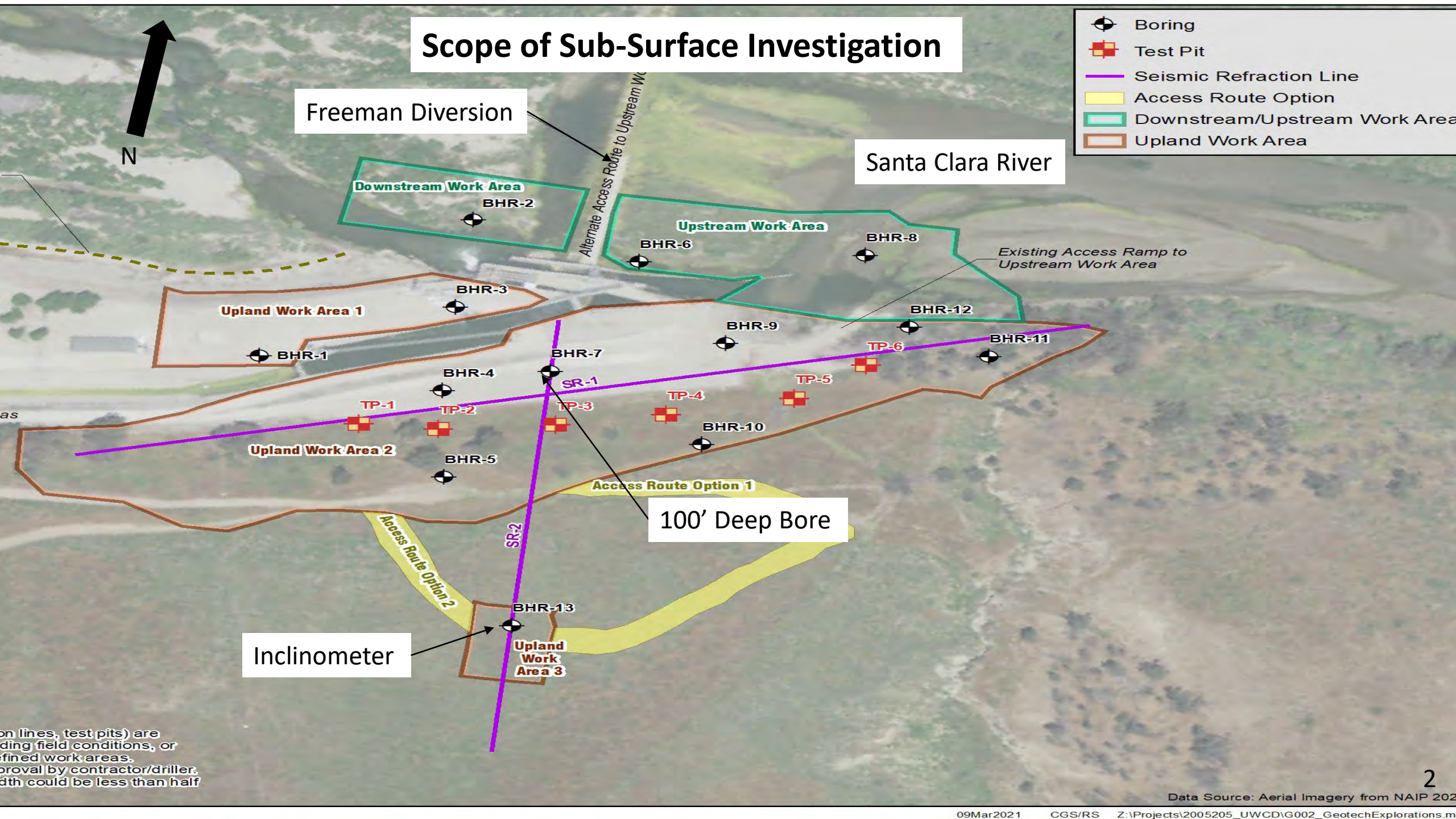
### **Geotechnical Investigation for the Hardened Ramp Design at the Freeman Diversion**

- ☐ GEI will perform a sub-surface investigation of the area in and around the Freeman Diversion
- ☐ Duration of the Geotechnical Investigation will be 5 months
- ☐ Geotechnical Investigation will inform the placement of the Hardened Ramp features on the bedrock/siltstone.



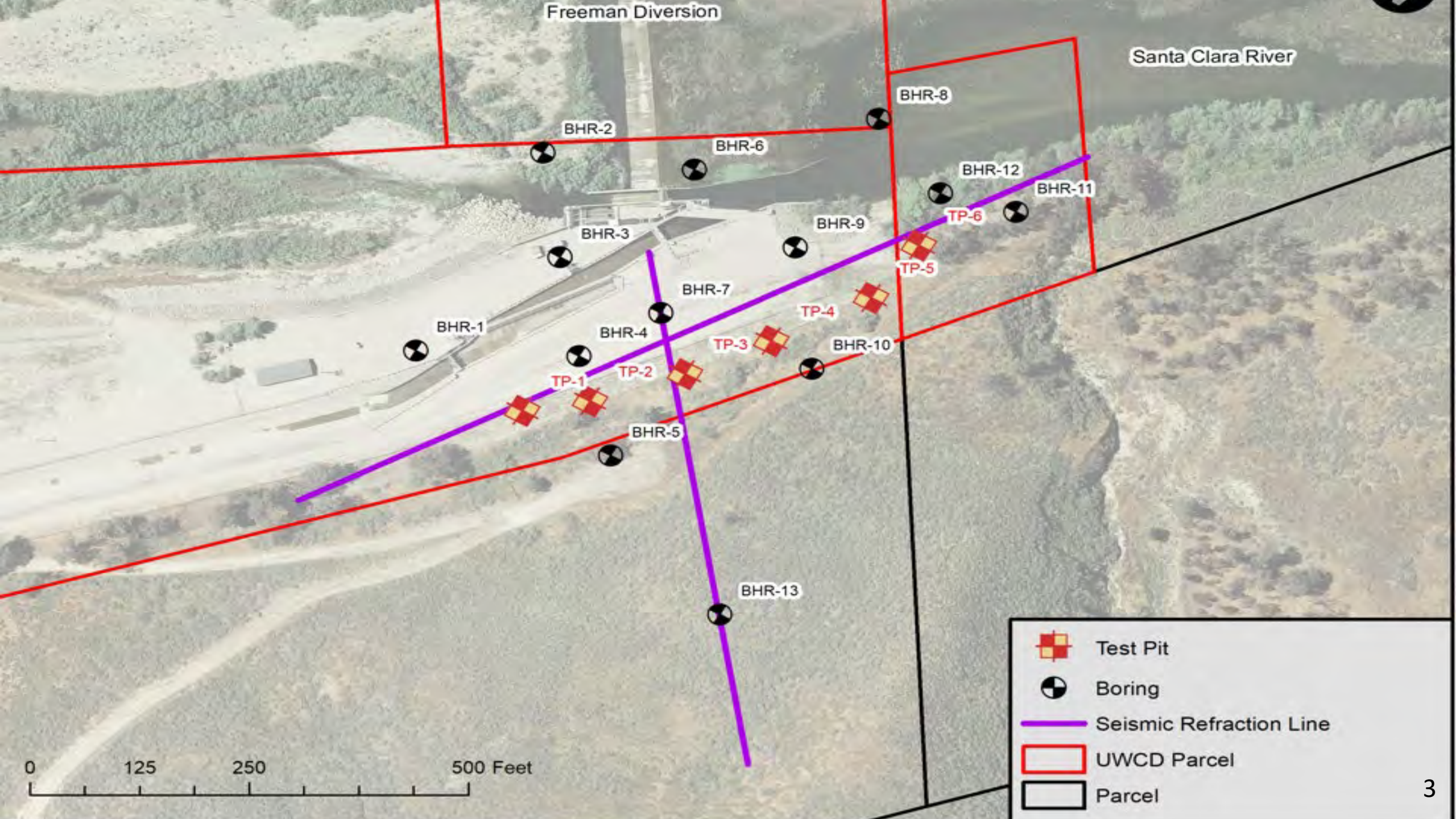
# Scope of Sub-Surface Investigation

-  Boring
-  Test Pit
-  Seismic Refraction Line
-  Access Route Option
-  Downstream/Upstream Work Area
-  Upland Work Area



on lines, test pits) are  
ding field conditions, or  
efined work areas.  
proval by contractor/driller,  
dth could be less than half





# Motion Item

## 4.2

### **Geotechnical Investigation for the Hardened Ramp Design at the Freeman Diversion**

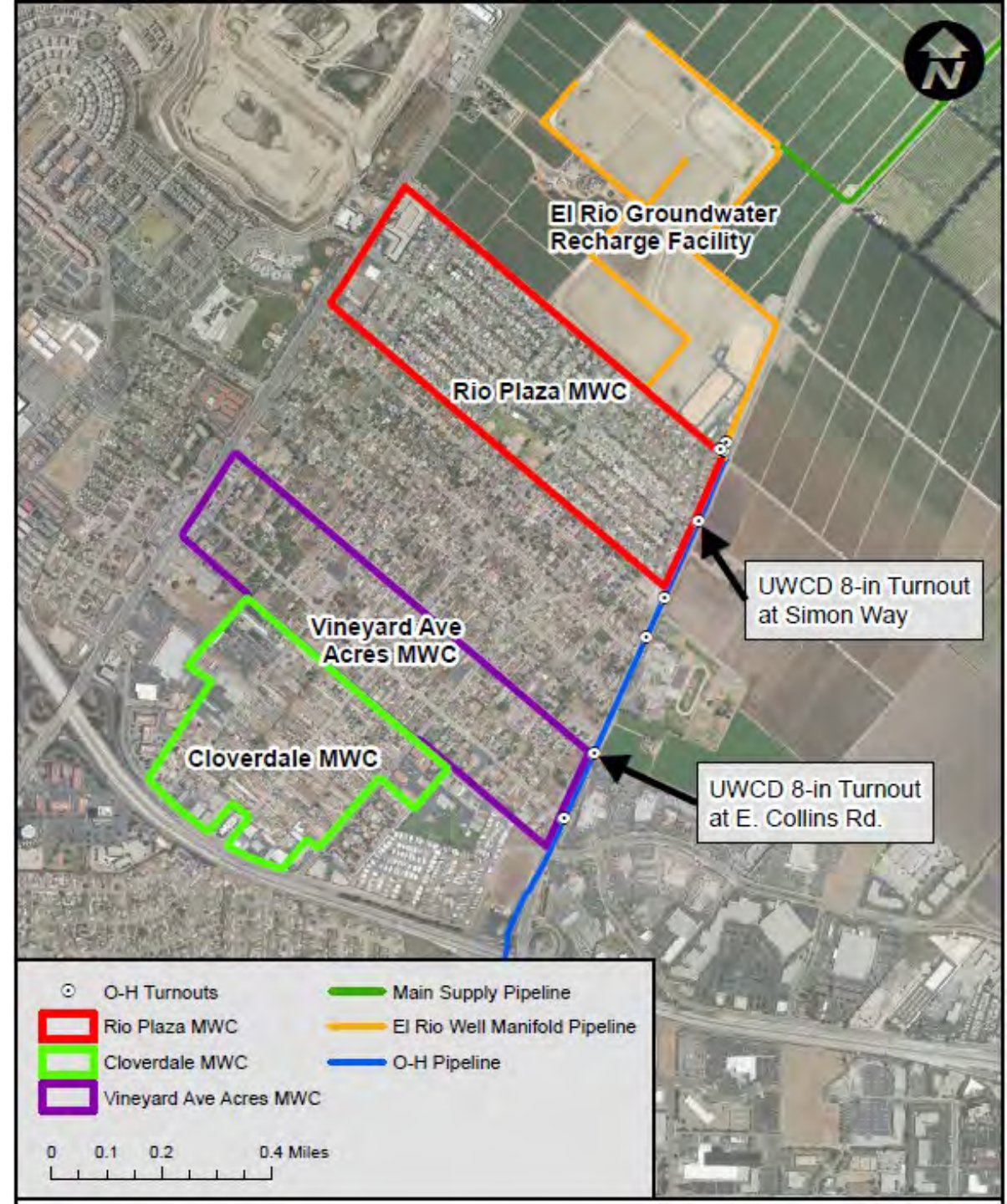
- ☐ Laboratory Testing
- ☐ Geotechnical Data Report
- ☐ Geotechnical Evaluation Report
- ☐ Contract Amount: \$499,724 (including 9% contingency equating to \$41,403)





# Agenda Item 4.3

## Authorize an Emergency Use Interconnection with California American Water for the El Rio Service Area





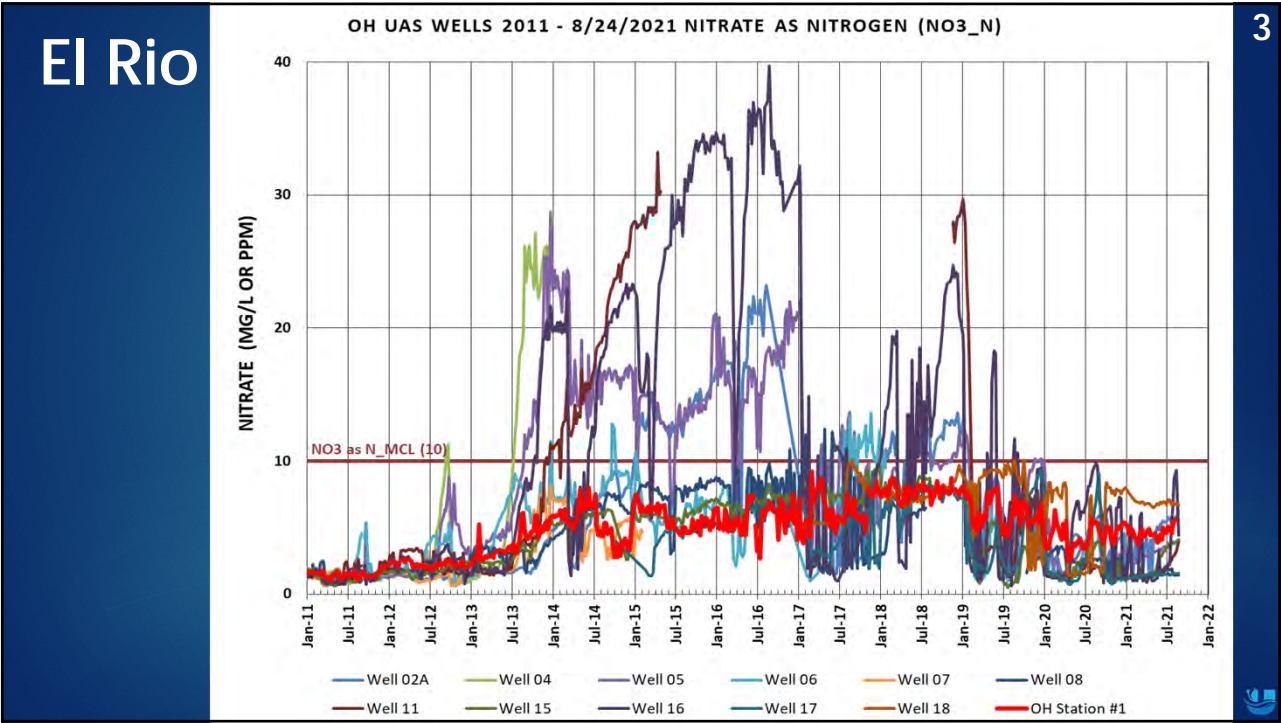


1

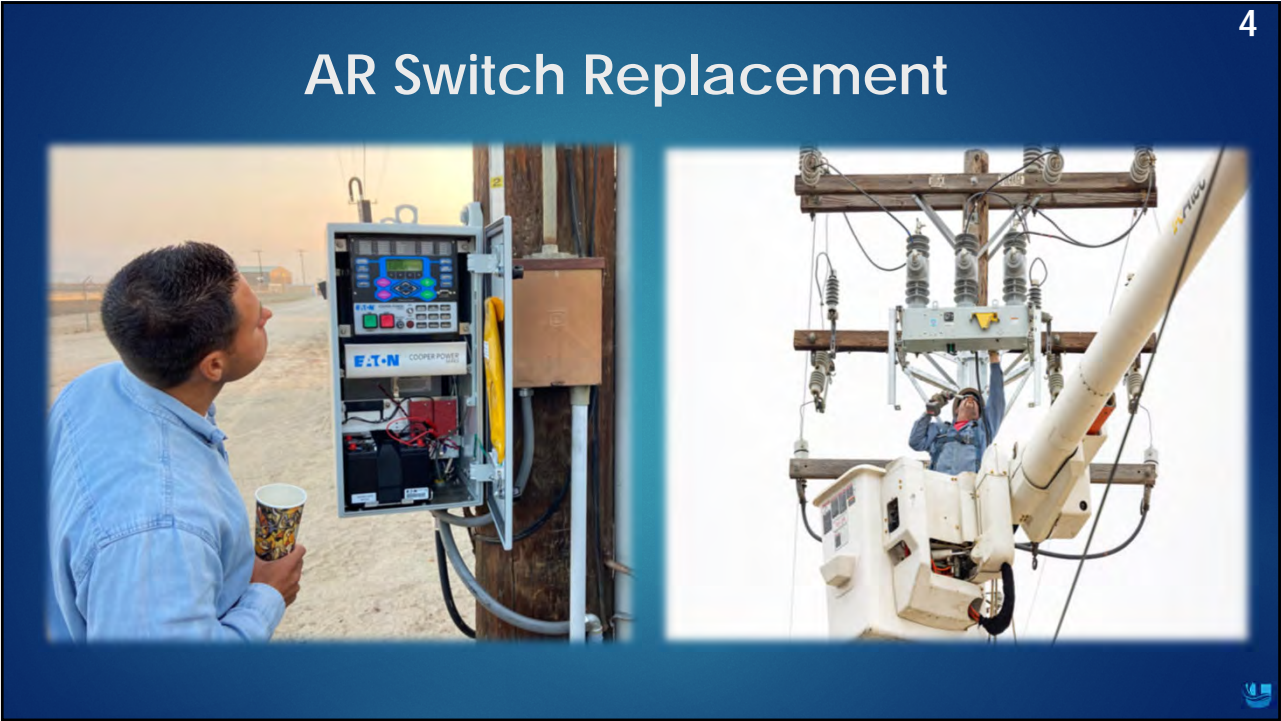


2





3



4



5



6



# PTP Reservoir Fill Valve



7

7

# PV Reservoir 42-inch Valve Replacement



8

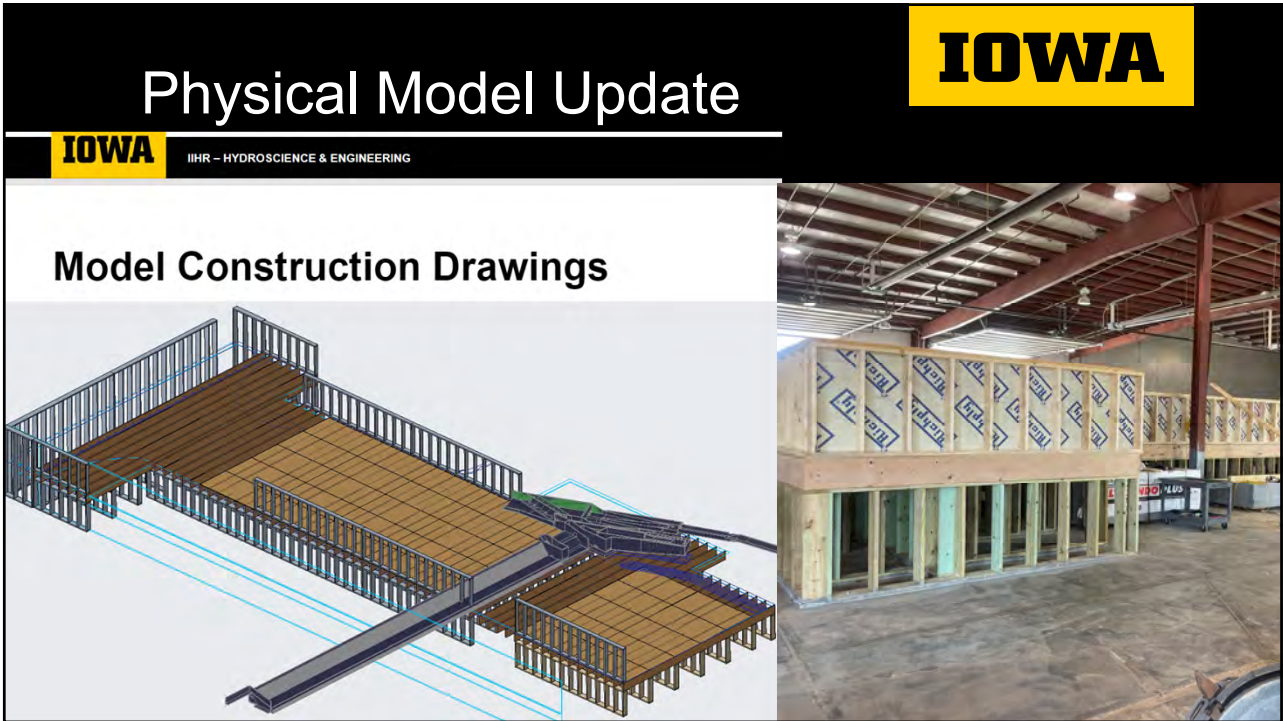
8







11



12





1

#4 Economic Update

2021 vs. 2019  
Day Use plus Camping Revenue and Visitation Comparison

Year	Day Use Revenue	Camping Revenue	Combined Revenue	Persons	Vehicles	Vessels
2021	\$274,111.20	\$389,198.40	\$663.309.60	34,893	18,357	3,778
2019	\$174,665.60	\$420,642.57	\$595,308.17	55,936	20,495	3503

2021 revenue and visitation figures are current through August 17, 2021.

2019 figures are for entire month and were provided by PMC.

57% increase in Day Use Revenue between January 1 and August 17(2021 vs. same period 2019)

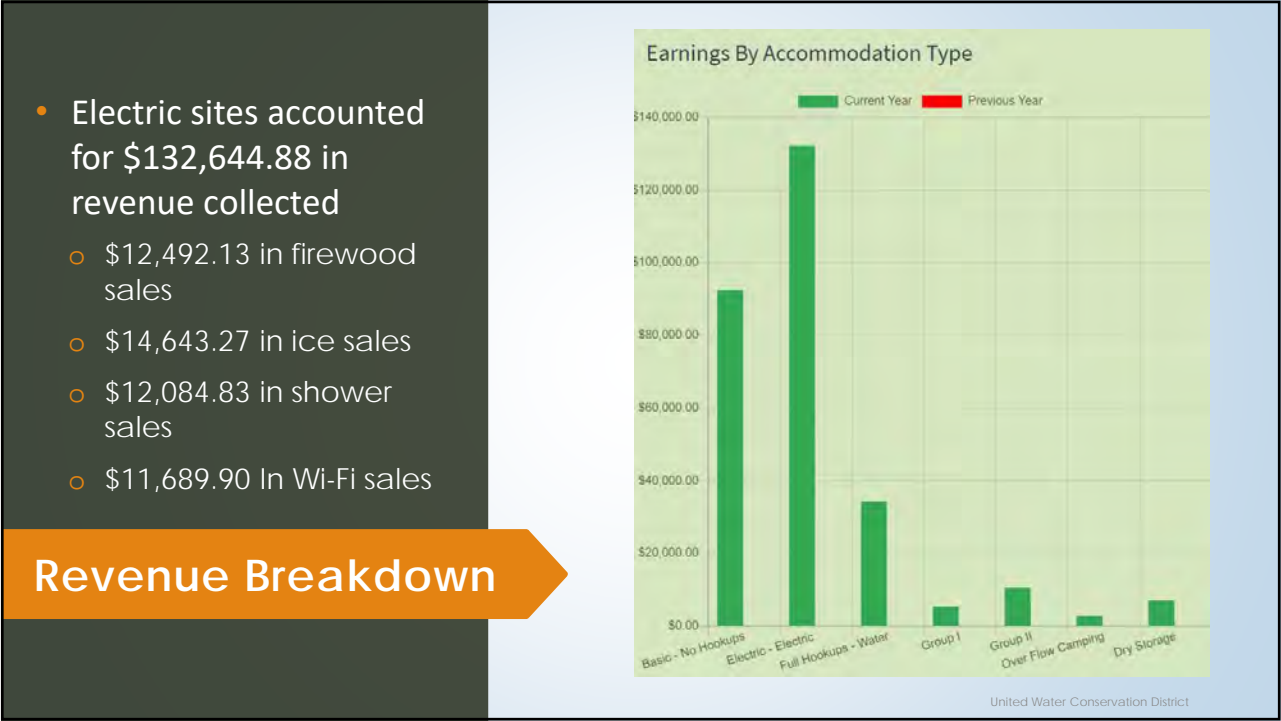
11% increase in total revenue between January 1 and August 17 (2021 vs. same period 2019)

11% increase in daily revenue collected January to August (2019 vs. 2021 collection period – \$2,611/day 2019 vs. \$2,909/day 2021)

United Water Conservation District

2





3



4

#5 Operational Update – General





- Irrigation Systems Overhaul & Repair:
  - One main line leak repair
    - Two lateral main line repairs
  - Pressure tested & repaired backflow devices.
  - Installation of an isolation valve and blow off (Long term improvements).
- Day Use irrigation system overhaul-CIP project (\$45,000.00). Completed August 3.

5

Operational Update

Facilities Maintenance

- Installed 15 site markers in overflow camping.
- Conducted annual fire clearance grading at Lisk Ranch and Pothole Trailhead.
- Partnered with Troop 126 of the Boy Scouts to rebuild & replace information kiosk at park entrance.
- Began mid-season repairs of picnic tables within the park.




United Water Conservation District

6

## Operational Update

### Travel, Training and Meetings

- Chief Strahan completed FEMA IS 29 PIO Awareness Training.
- All entry Kiosk staff completed Quagga Inspection Training.
- Staff participated in the District's annual FERC law enforcement security consultation for the Santa Felicia Dam.
- Participated in facility inspection at Lake Piru with Insurance Counsel (Dorsey litigation).
- Staff facilitated training with Ventura County Sheriff's and Fire on insertion of rescue personnel from helicopters and boats.
- Chief Strahan participated in an interview with KCLU and NPR for a story related to drought and reservoir levels in Southern California.



United Water Conservation District

## Operational Update

### Marketing, Outreach and Master Planning

- CV Strategies began a Facebook ad for camping July 1 (full report to come).
- Secured a full-page ad in the Santa Clarita Visitors Guide.
- Secured an ad in the Central Coast Tourism Council's Original Road Trip guidebook.
- Chief Strahan participated in an interview with SEPI's Mobile RV-ing podcast reaching nearly half a million RV podcast listeners.
- Staff and CV Strategies began efforts to design a new logo and brochure for Lake Piru.
- Awarded a contract to RRM Design Group, on July 26, 2021, for the Lake Piru Recreation Area's Master Plan, with a completion date of October 4, 2021.

### HERITAGE VALLEY

Scenic Highway 126 through Heritage Valley offers the ultimate escape! Between Ventura and Valencia, discover the historic towns of Santa Paula, Fillmore and Piru, and the Rancho Camulos National Historic Landmark. Enjoy our natural bounty of produce, honey, and wine. Visit unique shops, restaurants and boutique hotels, ride a vintage railway or hot air balloon, discover outdoor adventures and ExploreLakePiru.com!

[Heritagevalley.net](http://Heritagevalley.net) | 805/524-7500





United Water Conservation District



#6 Proposed New Hiking Trail



United Water Conservation District



- Staff proposes a new hiking trail emanating from the existing Pothole Trailhead parking area:
  - 2-3 mile hiking trail on the District's Lisk Ranch property directly South of the Pothole Trailhead Parking area.
- Staff is planning to consult with a trail design firm to identify potential trail alignments.
- Develop interpretive signs to provide wilderness, historical and cultural designations
  - This could provide opportunities to collaborate with the Tataviam tribal community and Heritage Valley Historical Society

9

Interpretive Features

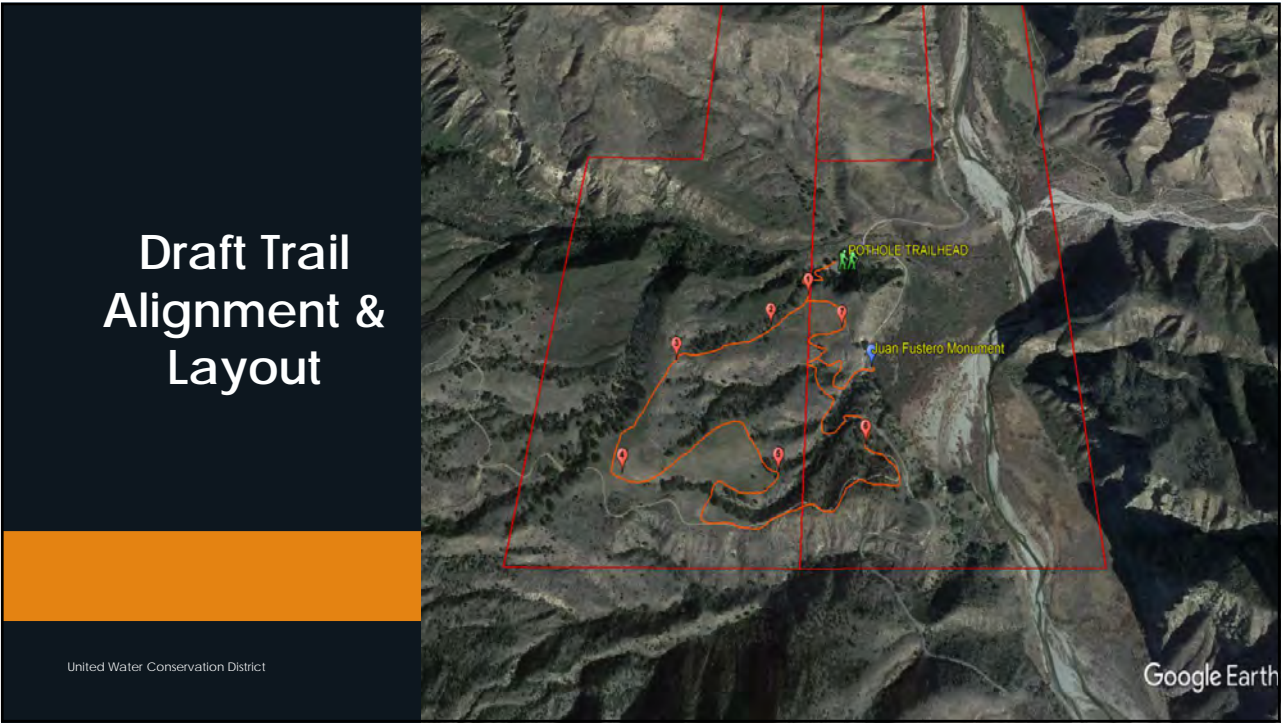
Trail Signage & Locations


- Staff is proposing to install Interpretive signage at key locations along the proposed trail
- Signage will focus on native cultural resources and historical activity within Piru Canyon
- Recreational features such as benches made of natural features like stone will be constructed at several key locations along the trail
- Information and Directional signage will lead visitors through an experience as they walk, making them feel as if they were visiting a time and place long forgotten



United Water Conservation District

10







# When Will the Current Local Dry Cycle End?

*A Brief Review of Historical Data and a Peek at What the National Weather Service Expects in 2022*


Presented by John Lindquist, Senior Hydrogeologist  
Board of Directors Meeting  
September 8, 2021



1



*“The length of a complete wet and dry period during the time rainfall has been measured and recorded at Santa Paula...is in the order of twenty to thirty years.”*

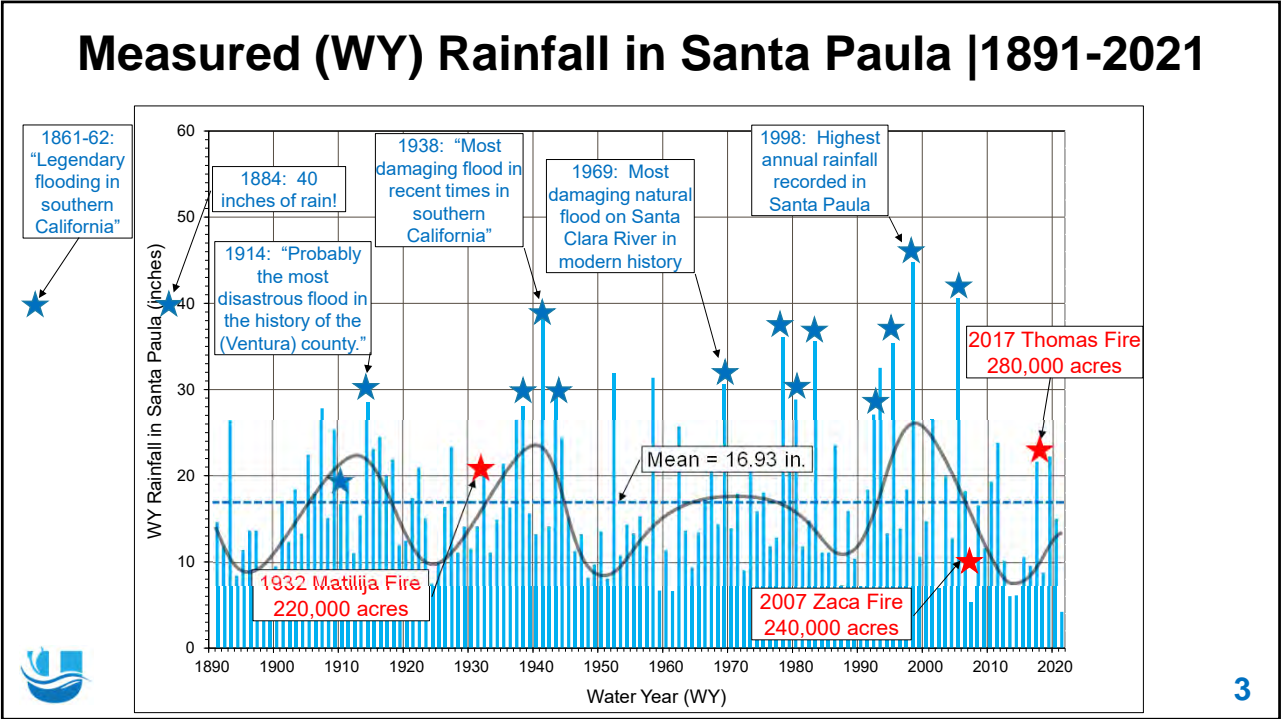


Vernon Freeman, “People – Land – Water” (1968)

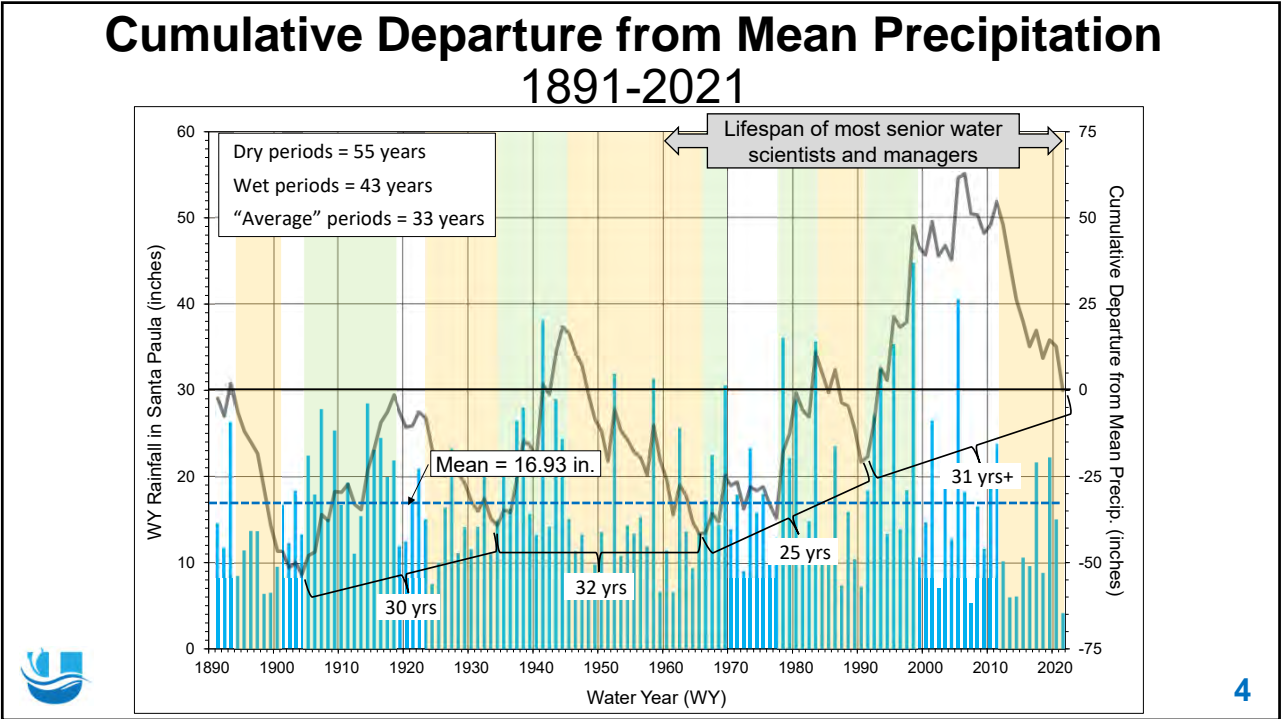
2

2



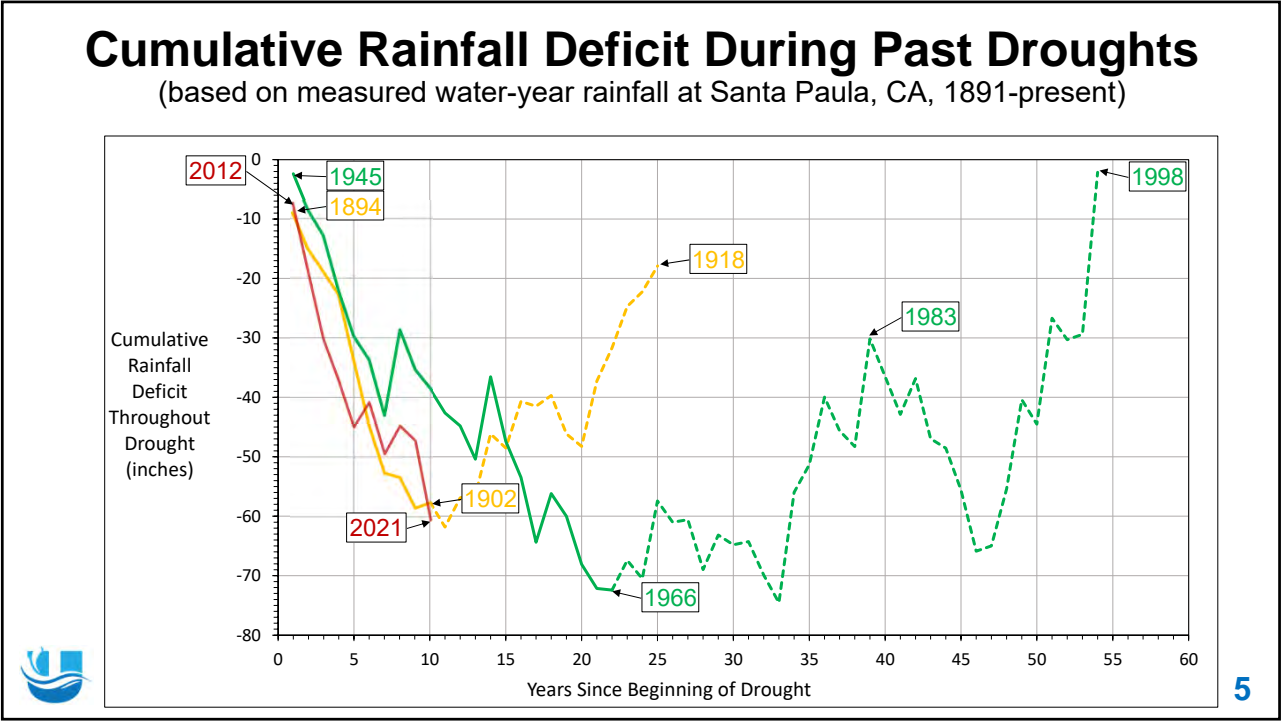


3

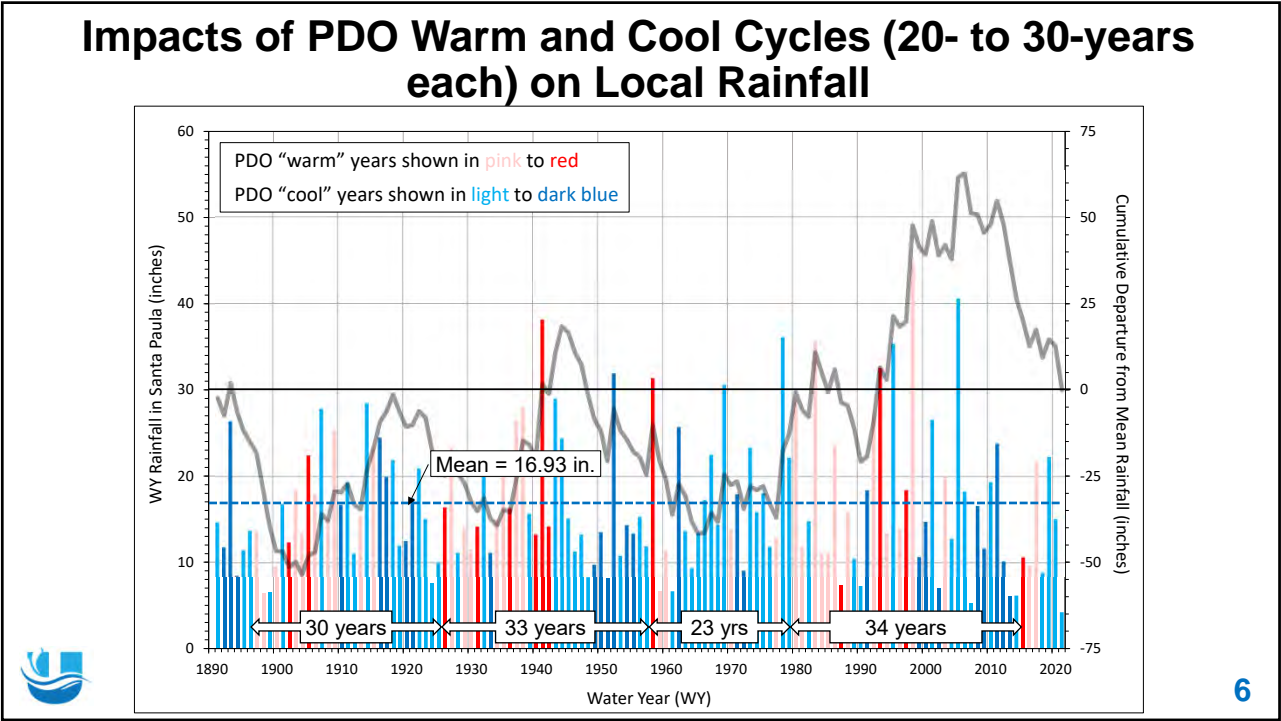


4



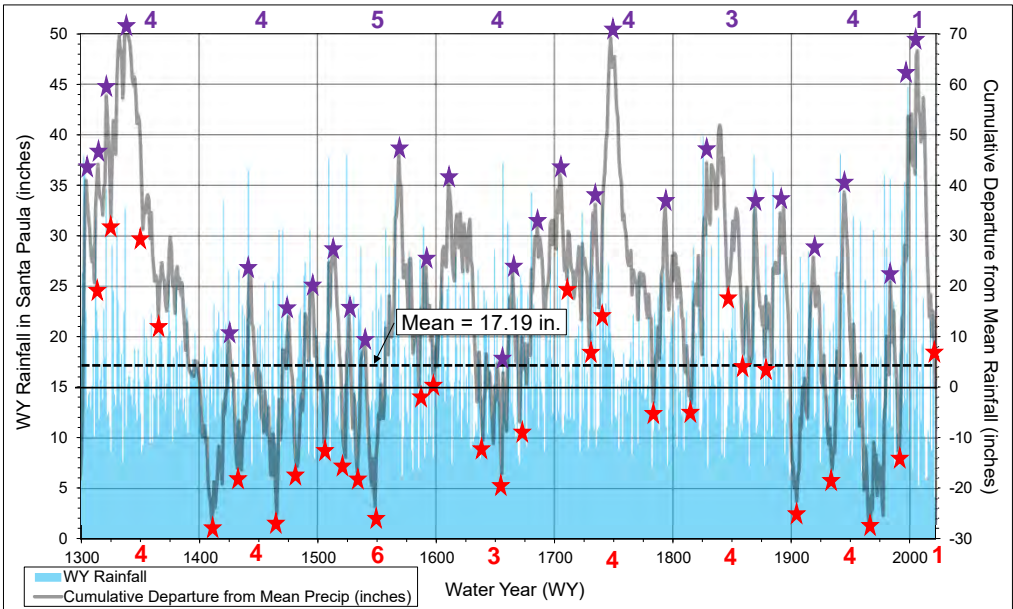


5



6

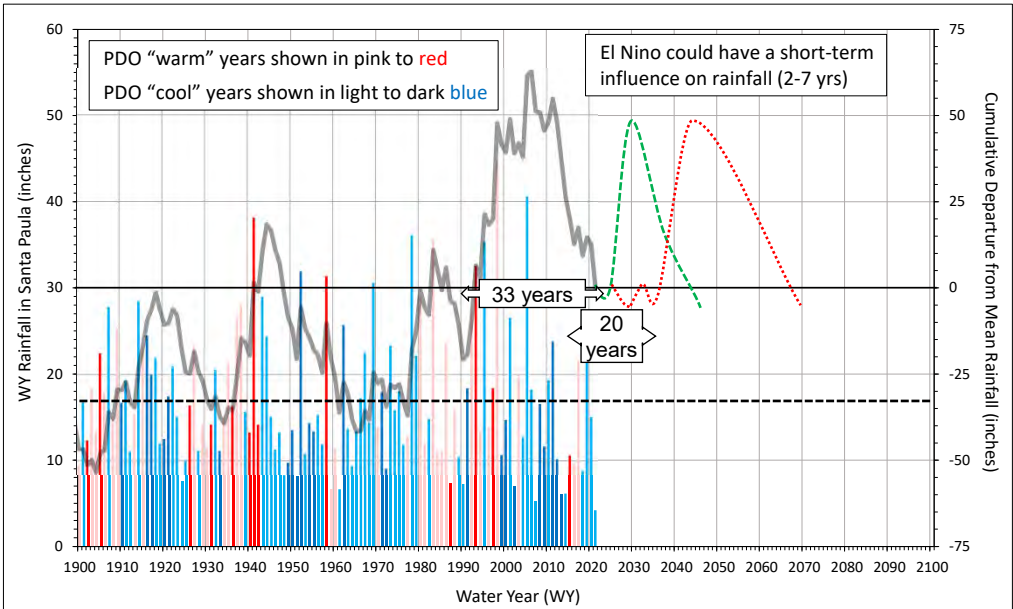
Cumulative Departure from Mean Precipitation, WY 1300-2021



7

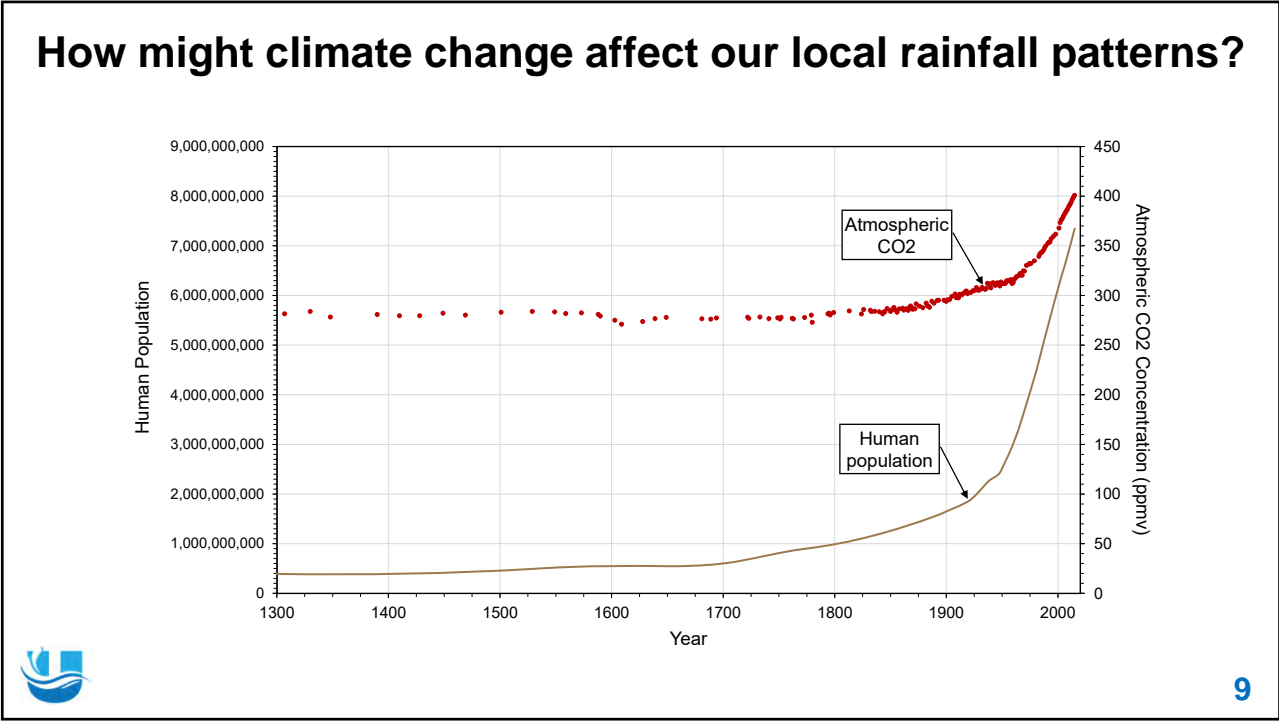
7

When Will the Next PDO Warm Cycle Arrive?

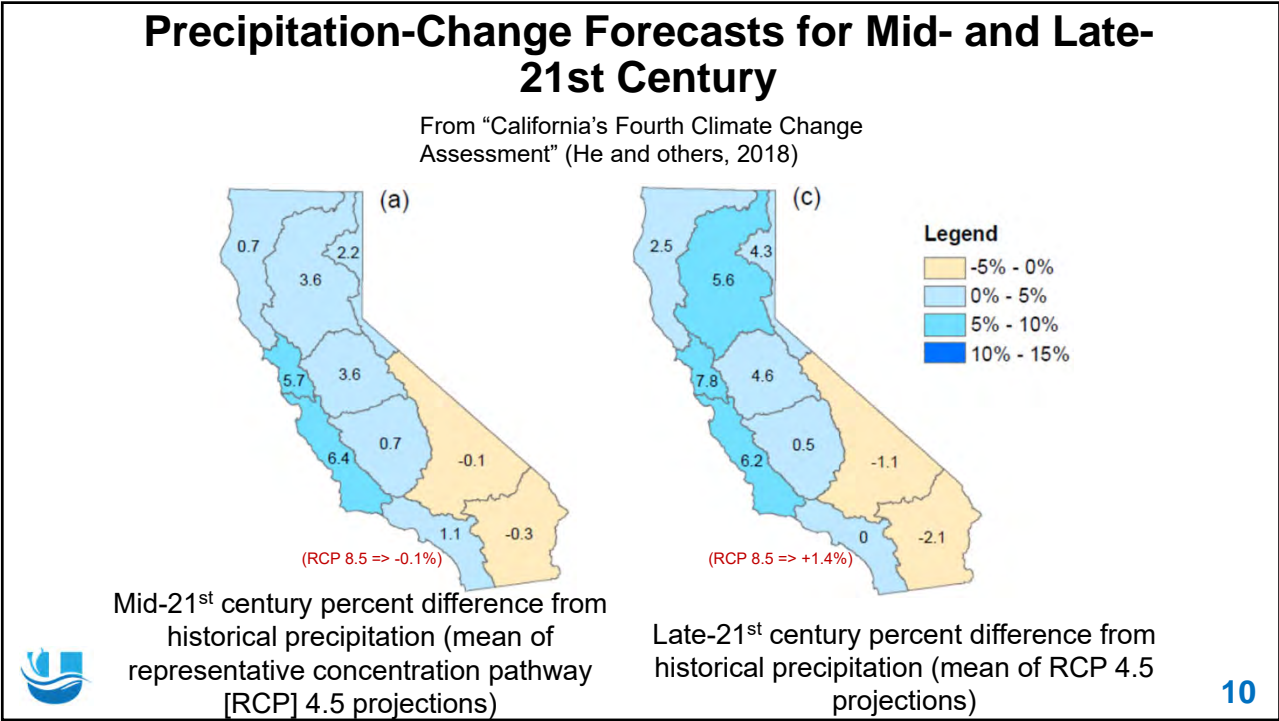


8

8



9



10

## In Summary

The past 10 to 20 years have been rough:

- Following the wettest decade in recorded history (1990s), we had an average decade (2000s) and then a very dry decade (2010s)
  - Extreme dry years in 2002, 2007, 2013, 2014, 2018, and 2021
- Not surprisingly, we've also seen major wildfires in the past 10 years

The 2000s and most of the 2010s coincided with a PDO cool phase:

- Drier conditions consistent with historical climate cycles
- **However**—Most climate scientists now recognize some degree of amplification of the impacts of the PDO, ENSO, and other ocean/atmosphere circulation cycles resulting from anthropogenic climate change

We likely will enter a warm (and wet) PDO phase sometime in the next decade (or two?)

- Be prepared for further “amplification” and uncertainty



11

11

## Questions?

*“It never rains in California  
But girl, don't they warn ya?  
It pours, man, it pours”*

--Albert Hammond, 1972



12

12



# Update on Groundwater Flow Model

Expert Panel Technical Review Memo

Coastal Brackish Groundwater Simulation with MODFLOW-USG

Presented by Dr. Jason Sun, Ph.D., P.E, Senior Groundwater Modeler

Board of Directors Meeting

September 8, 2021





## Expert Panel Technical Review Memo

*UWCD Regional Groundwater Flow Model*

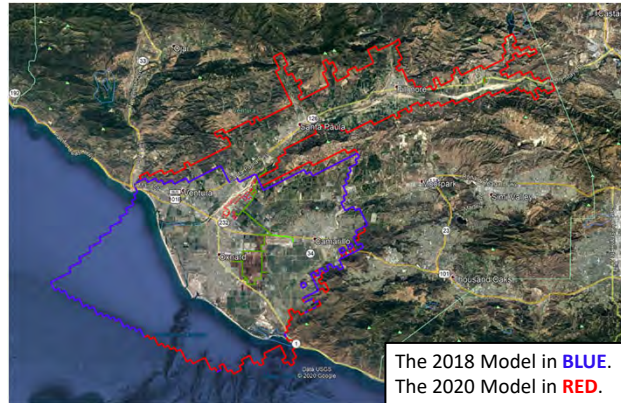
2

## Expert Review Panel

- **Jim Rumbaugh**  
Developer of the widely used  
MODFLOW pre- and post-processor,  
Groundwater Vistas
- **Dr. Sorab Panday**  
Co-author of MODFLOW  
Author of MODFLOW-USG  
Member of National Academy of  
Engineering
- **John Porcello**  
Licensed Geologist and Hydrogeologist  
Principal groundwater hydrologist, with  
focus on western U.S.

The expert panel started to review  
in 2016

The expert panel has reviewed the  
2018 and 2020 GW models



3

3

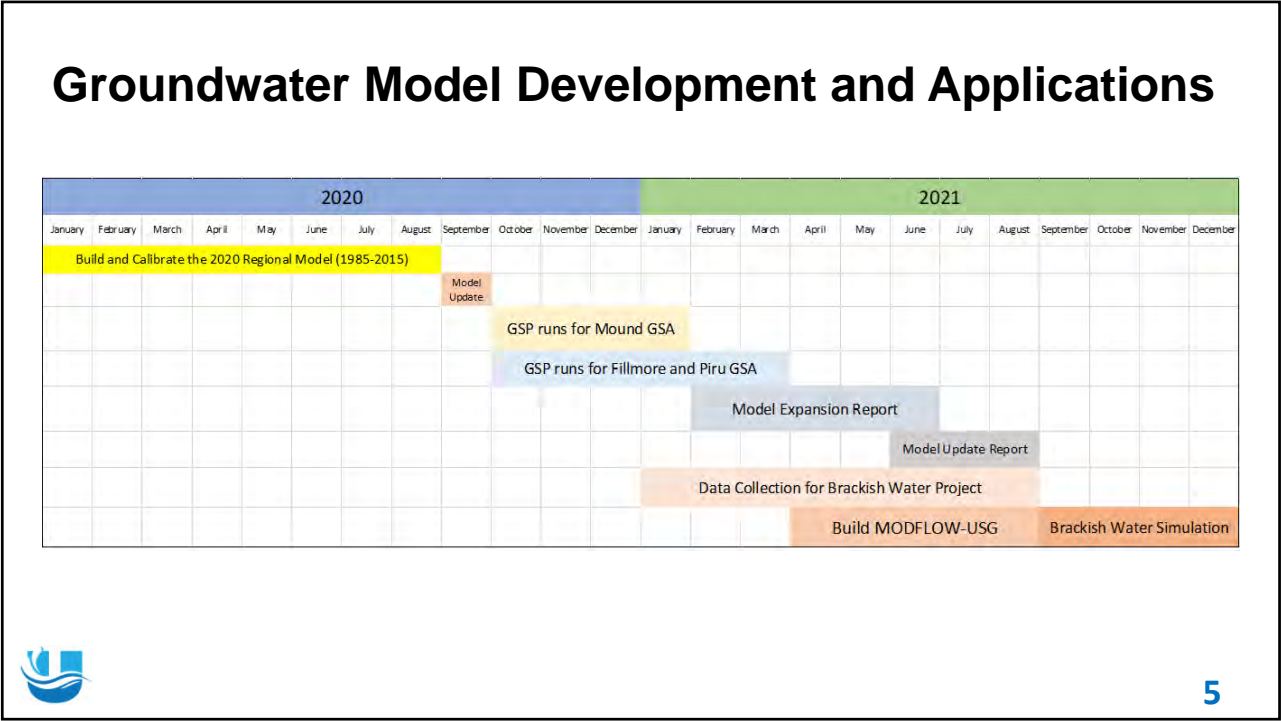
## GW Model Review

- **Paper Review:** Read the model report
- **In Depth Review:**
  - Review the GW model input/output files
  - Review the report
- **Thorough Review (UWCD):**
  - Review the GW model input/output files
  - Receive the WL measurements and independently verify the model calibration with data
  - Review the model report
- The 2020 Regional Model was built and calibrated in August 2020
- The expert panel releases the tech memo on the model on August 19, 2021

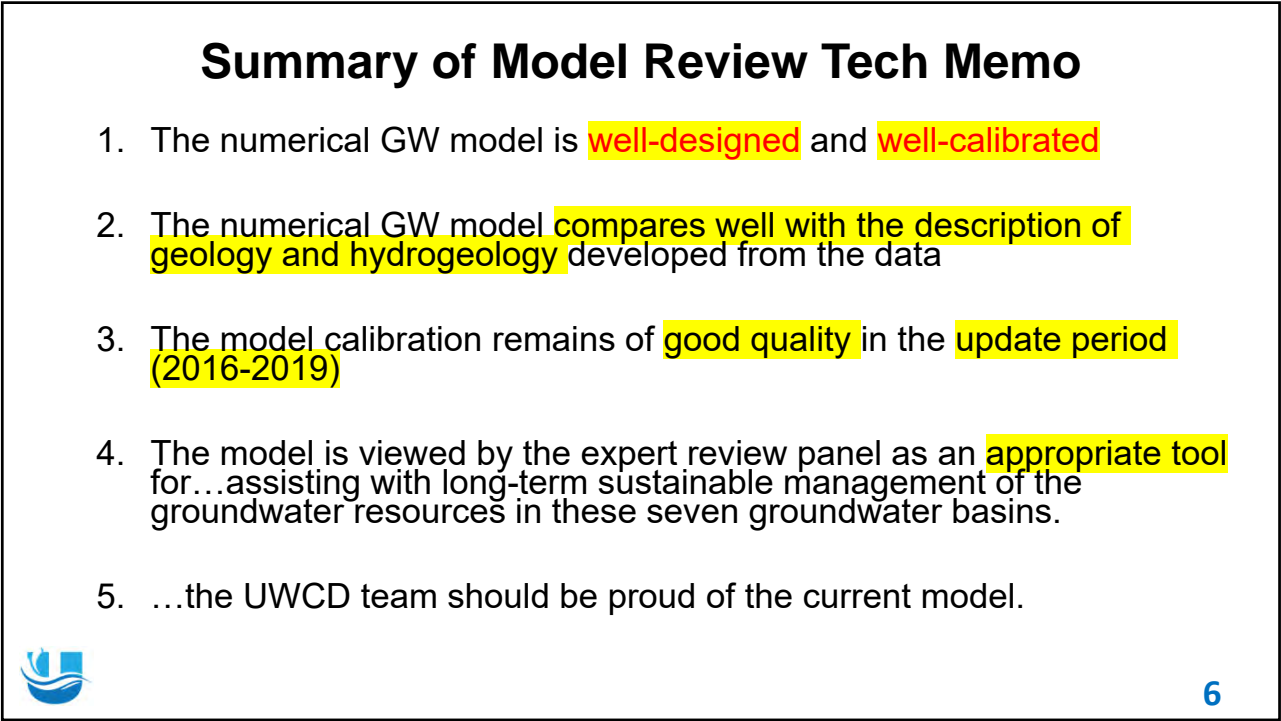


4

4



5



6





## Acknowledgement:

### Management:

General Manager  
- Mauricio Guardado  
Chief Engineer  
- Dr. Maryam Bral

### Water Resources Department:

Dan Detmer  
Eric Elliot  
Murray McEachron  
Dr. Bram Sercu  
Dr. Zach Hanson  
John Lindquist  
Kath Kuepper  
Robert Marshall



7

7

## Battle-Tested Model

- The model has been reviewed internally by UWCD surface water hydrologists and hydrogeologists
- The model has been reviewed externally by an expert panel composed of nationally recognized modelers (Dr. Sorab Panday, Mr. John Porcello, and Mr. Jim Rumbaugh)
- The model has been reviewed by Stanford professor, Dr. Daniel Tartakovsky
- City of Oxnard hires a consultant to review the model



8

8

## Questions/Comments



9

9

## Coastal Brackish Groundwater Simulation with MODFLOW-USG



10

10


➤ Prop 1 Grant

➤ The 2018 Model (Coastal Plain Model) has been converted into MODFLOW-USG

➤ Model refinement (model layers and grids) has been applied

➤ Flow model calibration is analyzed to be good

➤ Transport model (seawater intrusion) is calibrated preliminarily




11

11

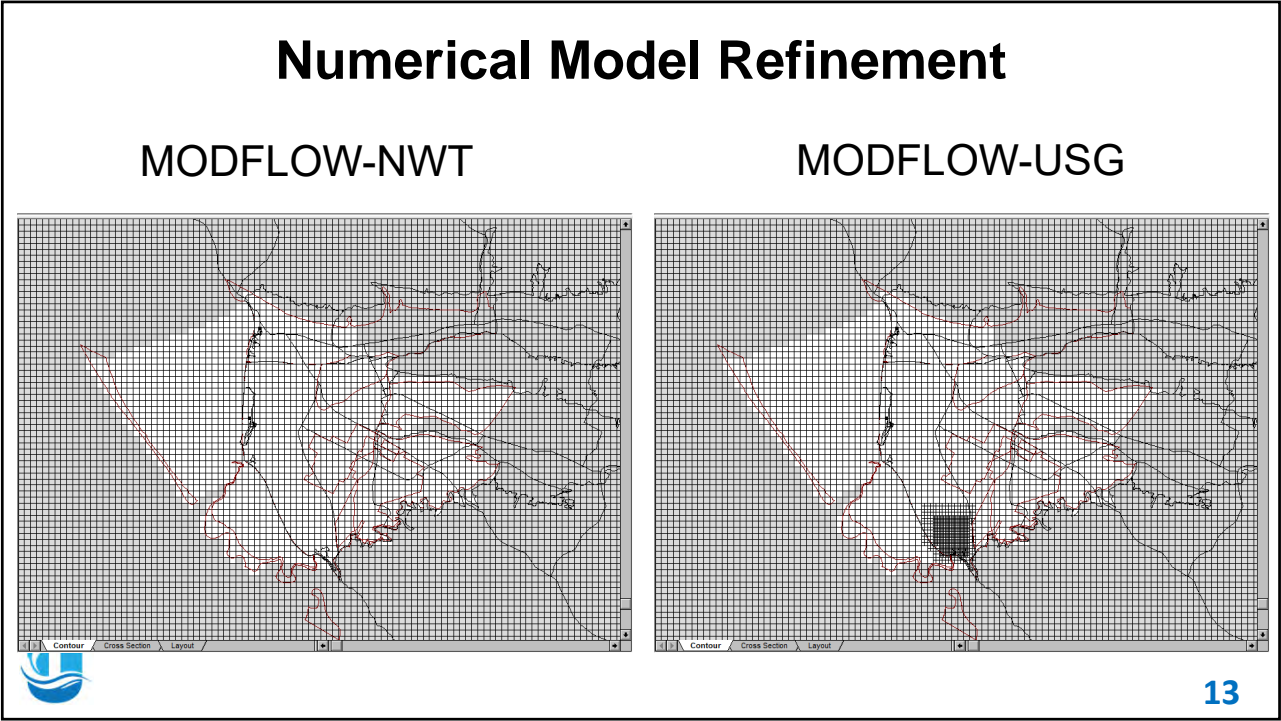
Coastal Basins (Oxnard Basin, PV, Mound, and West LP)

Aquifer System	Hydrostratigraphic Unit	Model Layer
Shallow	Ground Surface to the bottom of Semi-Perched Aquifer	1
UAS	Semi Perched-Oxnard Aquitard	2
	Oxnard Aquifer	3
	Oxnard-Mugu Aquitard	4
	Mugu Aquifer	5
LAS	Mugu-Hueneme Aquitard	6
	Hueneme Aquifer	7
	Hueneme-Fox Canyon Aquitard	8
	Fox Canyon Aquifer - upper	9
	Fox Canyon upper - basal Aquitard	10
	Fox Canyon Aquifer - basal	11
	Santa Barbara and/or other Formation - upper	12
	Grimes Canyon Aquifer	13
Deep	Older sedimentary rocks and Conejo Volcanics	Boundary

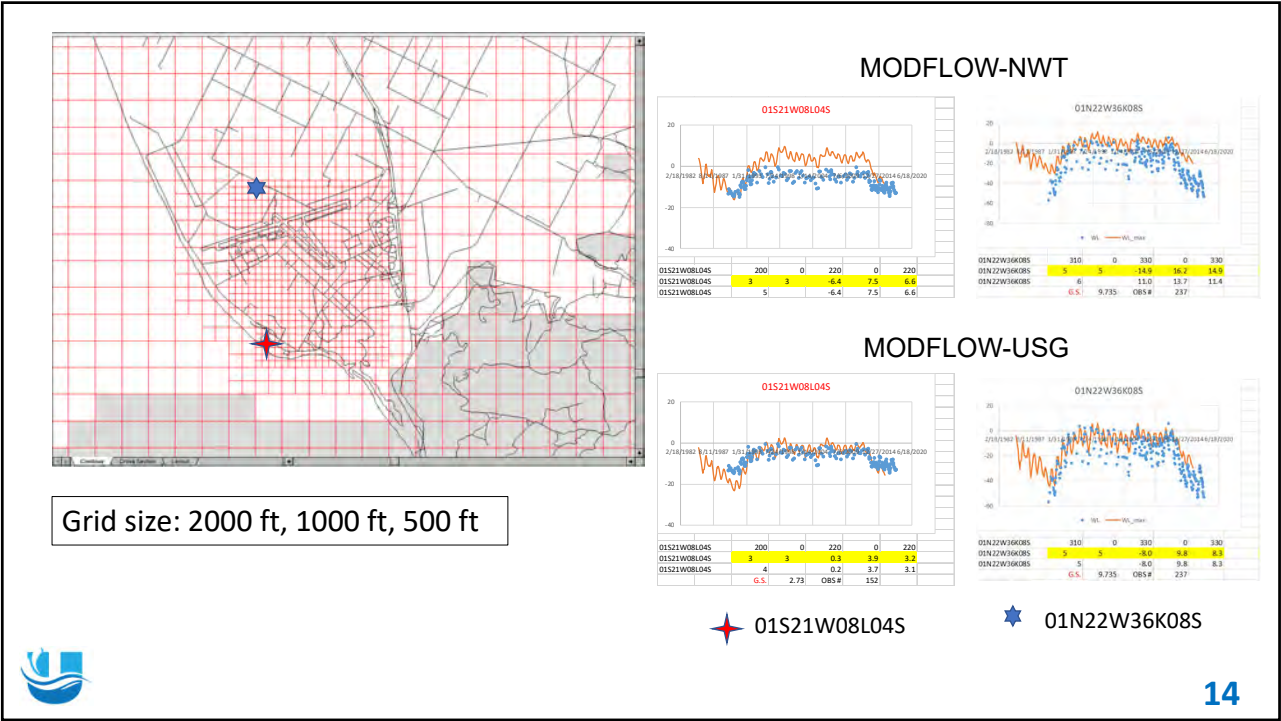


12

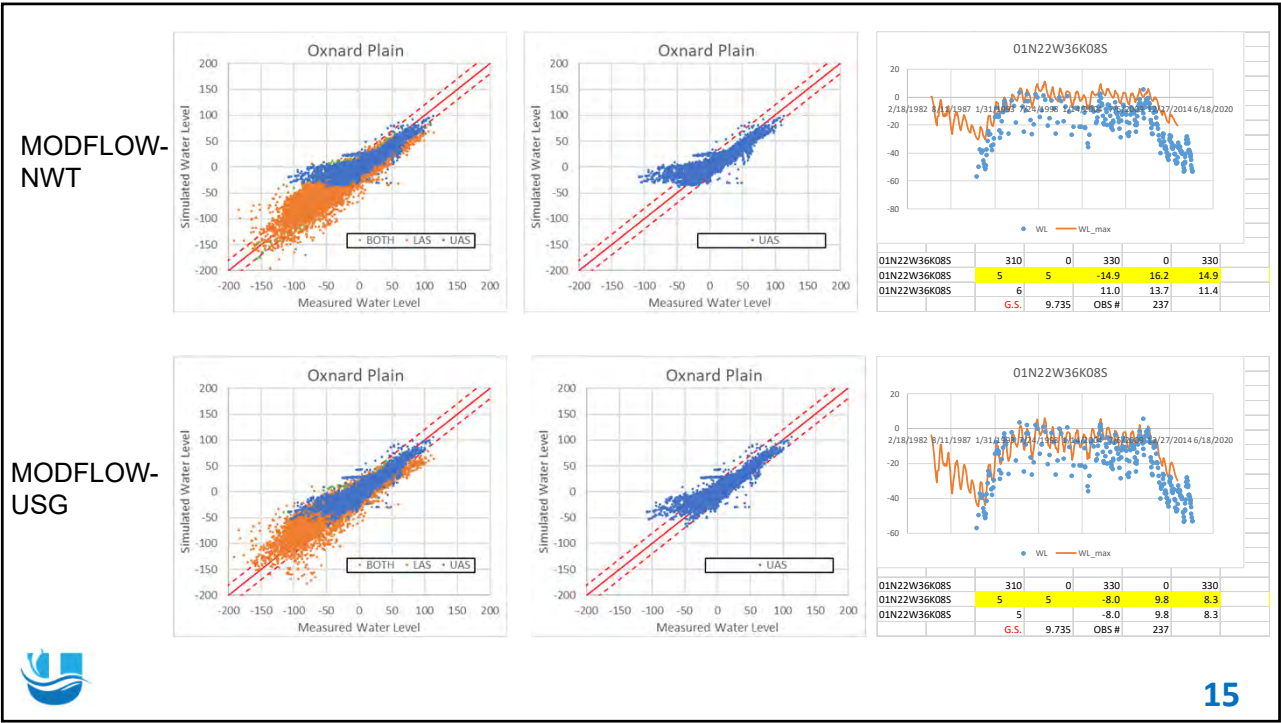
12



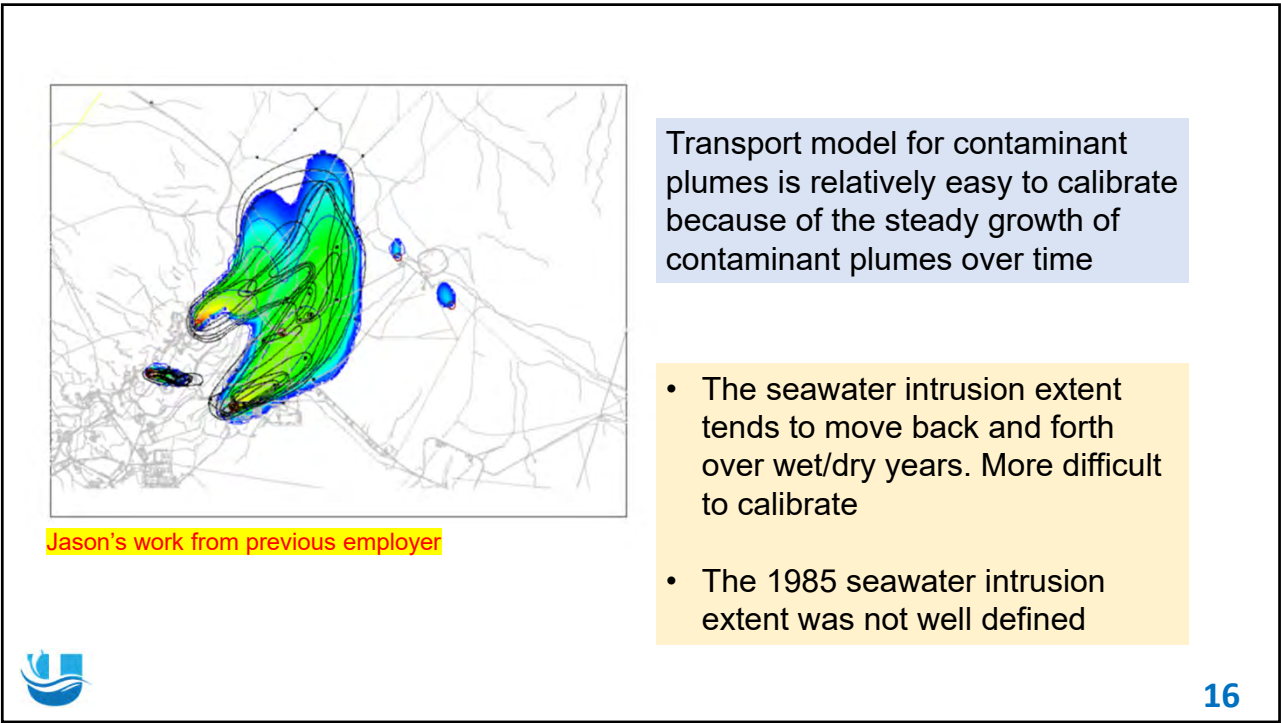
13



14

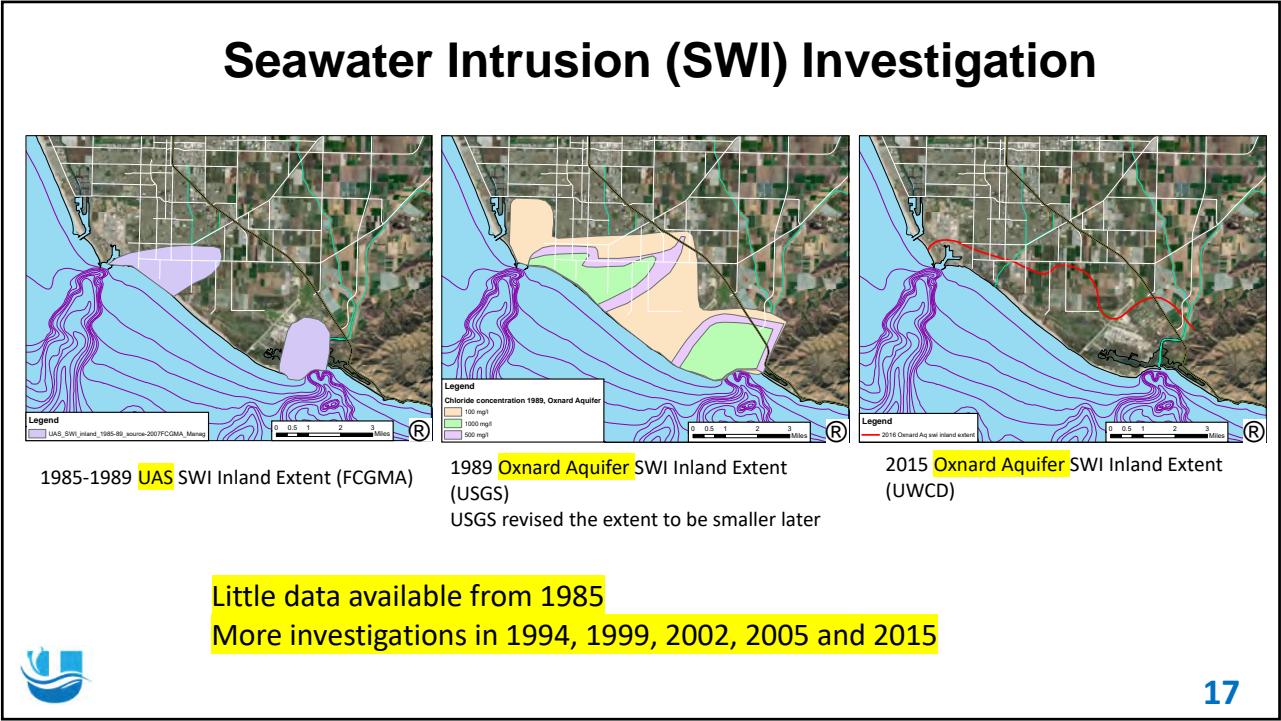


15

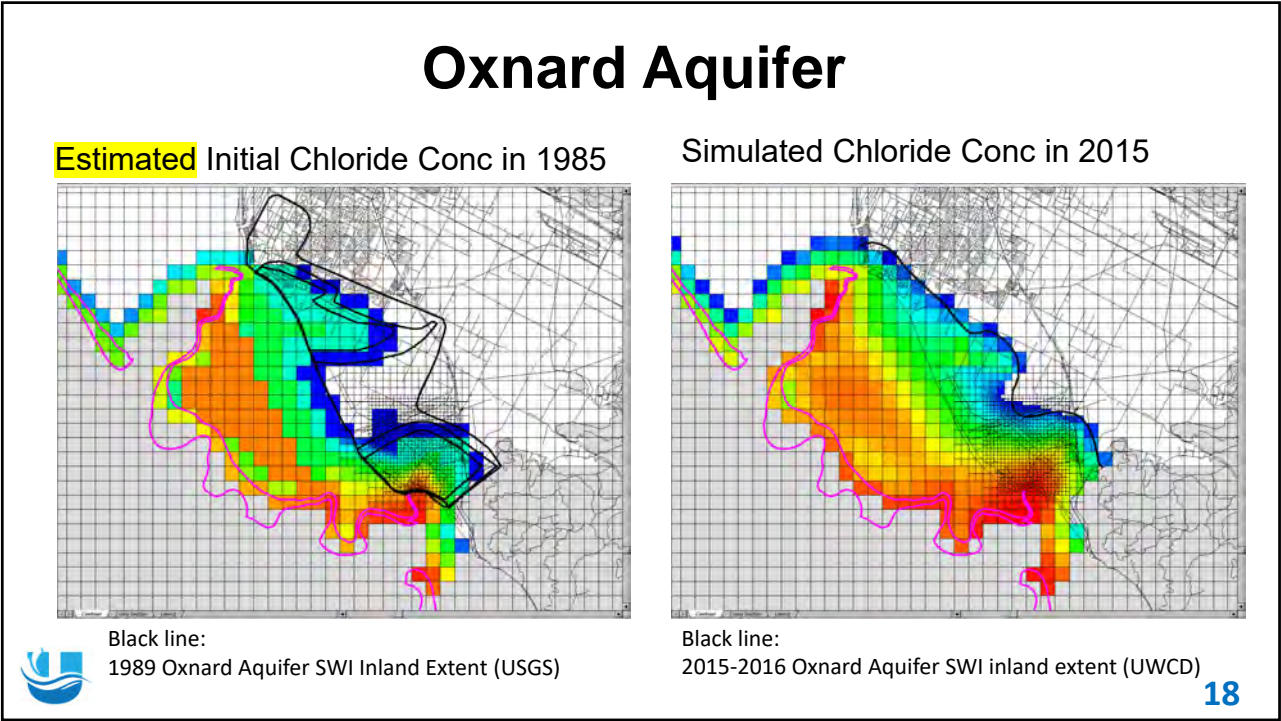


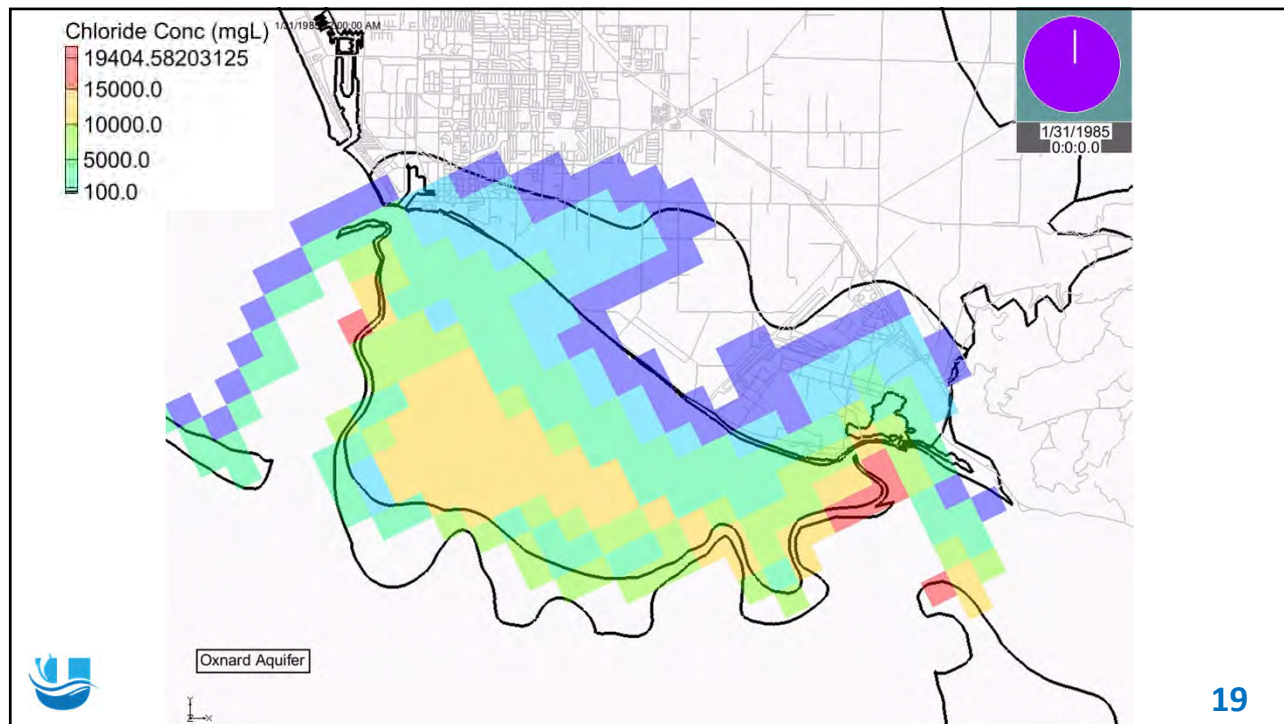
16





17





19

## Conclusions

- A detailed analysis on the seawater intrusion data from 1985 to 2015 may be beneficial
- The MODFLOW-USG model is ready for the brackish water project
- The MODFLOW-USG model will be sent to the Expert Panel for review
- The MODFLOW-USG model may continue to be improved while simulating the brackish water project in parallel



20

20

Questions/Comments



21



**Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager  
Maryam A. Bral, Chief Engineer

**From:** Kathleen Kuepper, Hydrogeologist  
Bram Sercu, Senior Hydrologist

**Date:** October 4, 2021 (October 13, 2021, meeting)

**Agenda Item:** 3.B Groundwater Basin Status Report  
**Informational Item**

---

**Staff Recommendation:**

The Board will receive and file the Monthly Hydrologic Conditions Report for the District for the month of September 2021.

**Summary:**

Spreading and Pipeline Deliveries for Month of September 2021

Location	Amount (acre-feet)
Saticoy	0
Noble and Rose Pits	0
El Rio	0
Piru	0
Diverted at Freeman for Pipeline Deliveries	0
Saticoy/O-H Deep Wells Pumped for Ag Pipeline Deliveries	0
Lloyd-Butler Diversion	0

Groundwater Basin Available Storage at End of Month of September 2021

Basin	Available Storage (acre-feet)
Oxnard Forebay	121,000

Precipitation for Month of September 2021

Location	Precipitation (inches)
Lake Piru	0.00
Santa Paula	0.00
El Rio	0.00



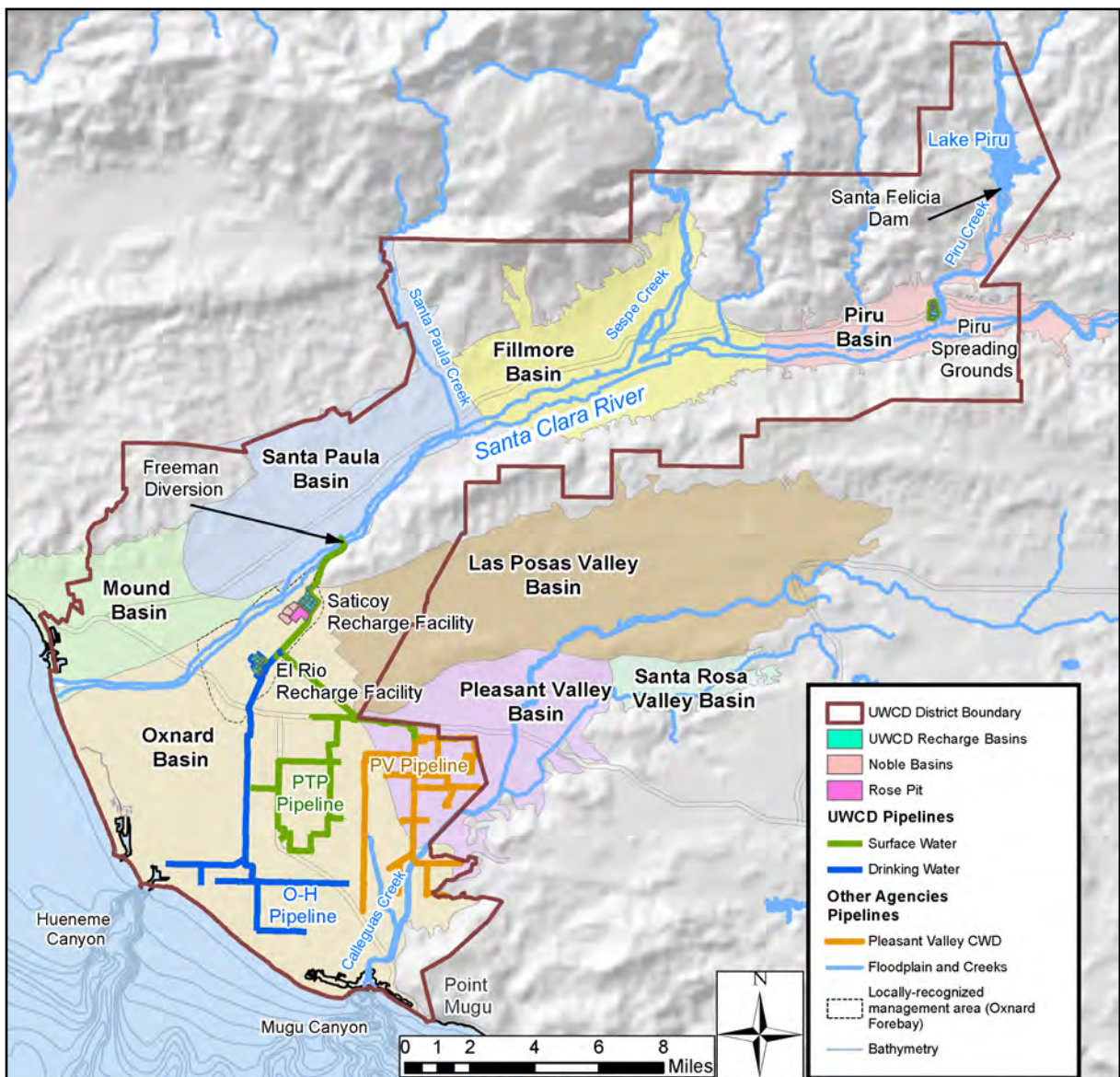


# United Water

## CONSERVATION DISTRICT

### September 2021 Hydrologic Conditions Report 2020/21 Water Year

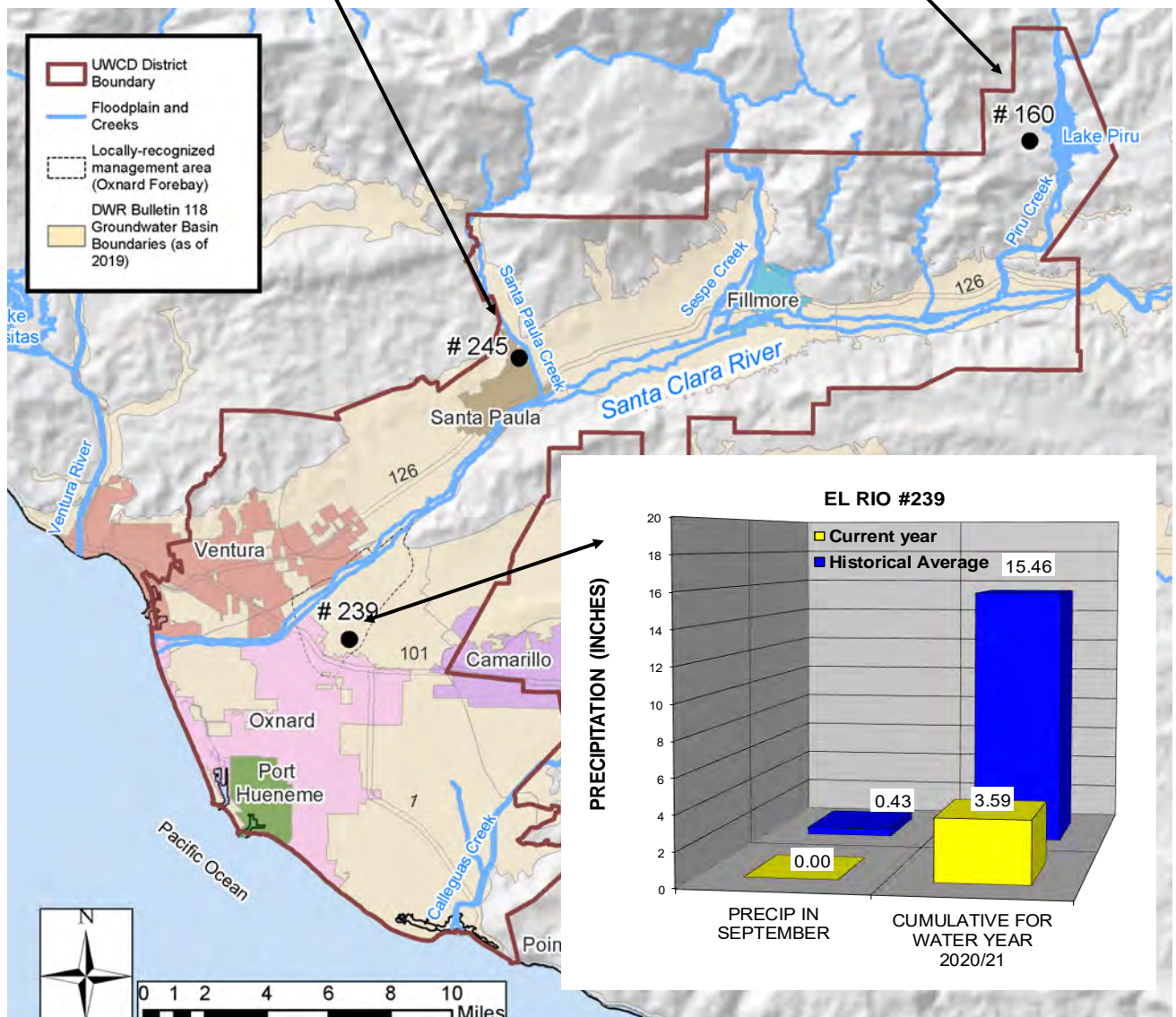
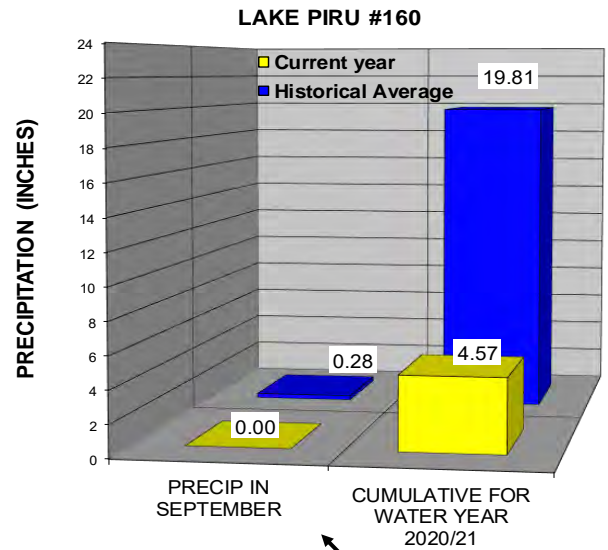
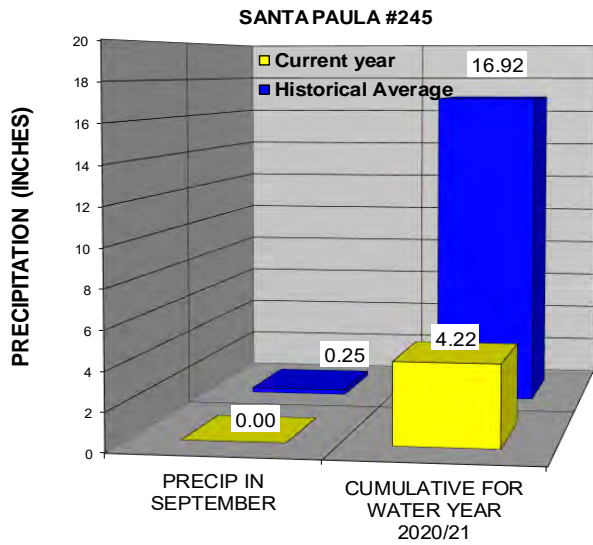
October 4, 2021



*Note: This report may contain provisional data until final review at the end of the water year.*

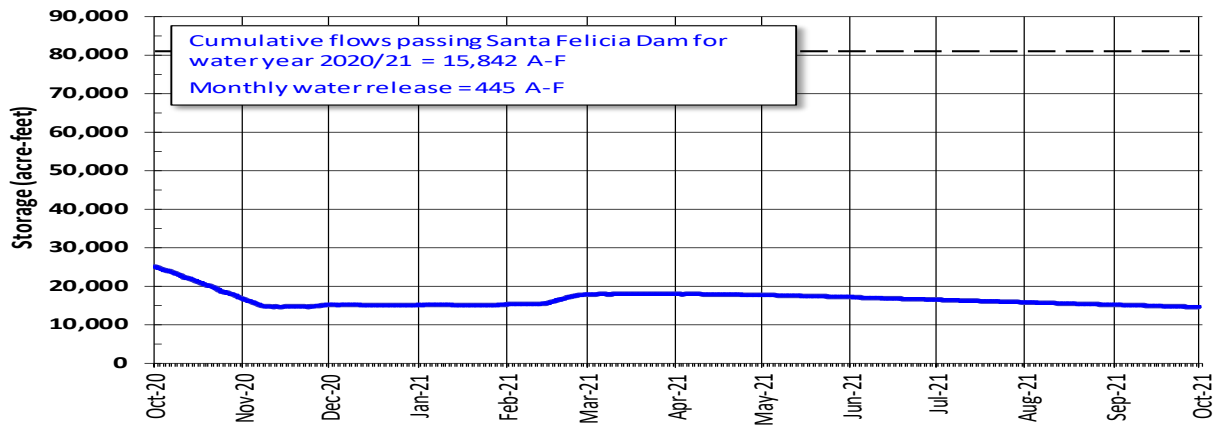


**Page Intentionally  
Left Blank**



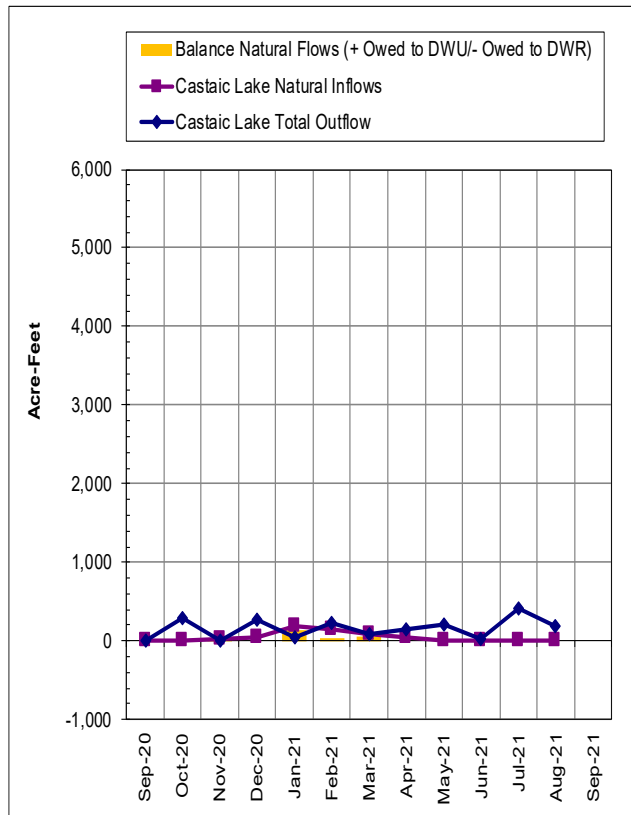
**District-wide percent of normal precipitation = 24%**

### Lake Piru storage and outflow

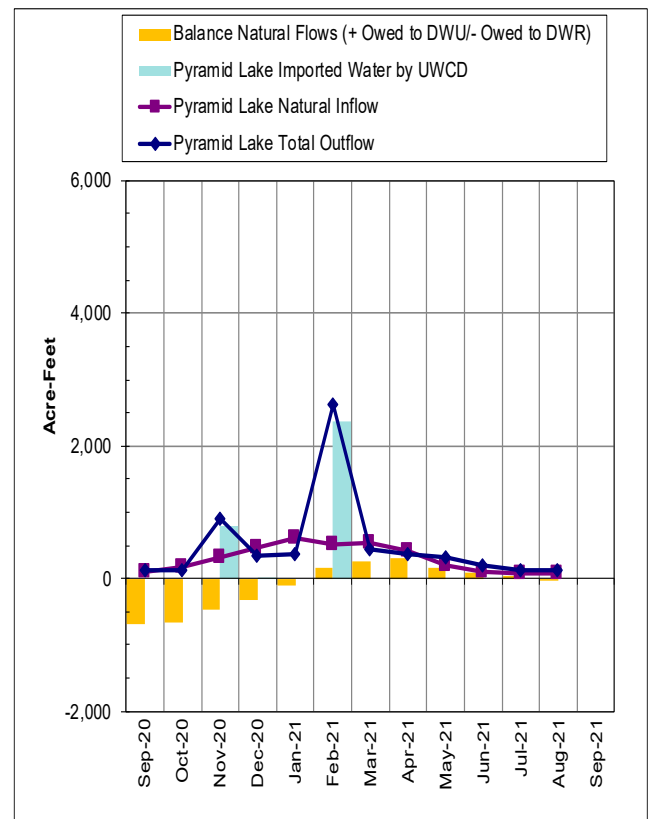


	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Hydro Plant Outflow (Acre-Feet)	4,345	214	0	0	0	0	0	0	0	0	0	0
Cumulative Hydro Plant Outflow (A-F)	4,345	4,559	4,559	4,559	4,559	4,559	4,559	4,559	4,559	4,559	4,559	4,559

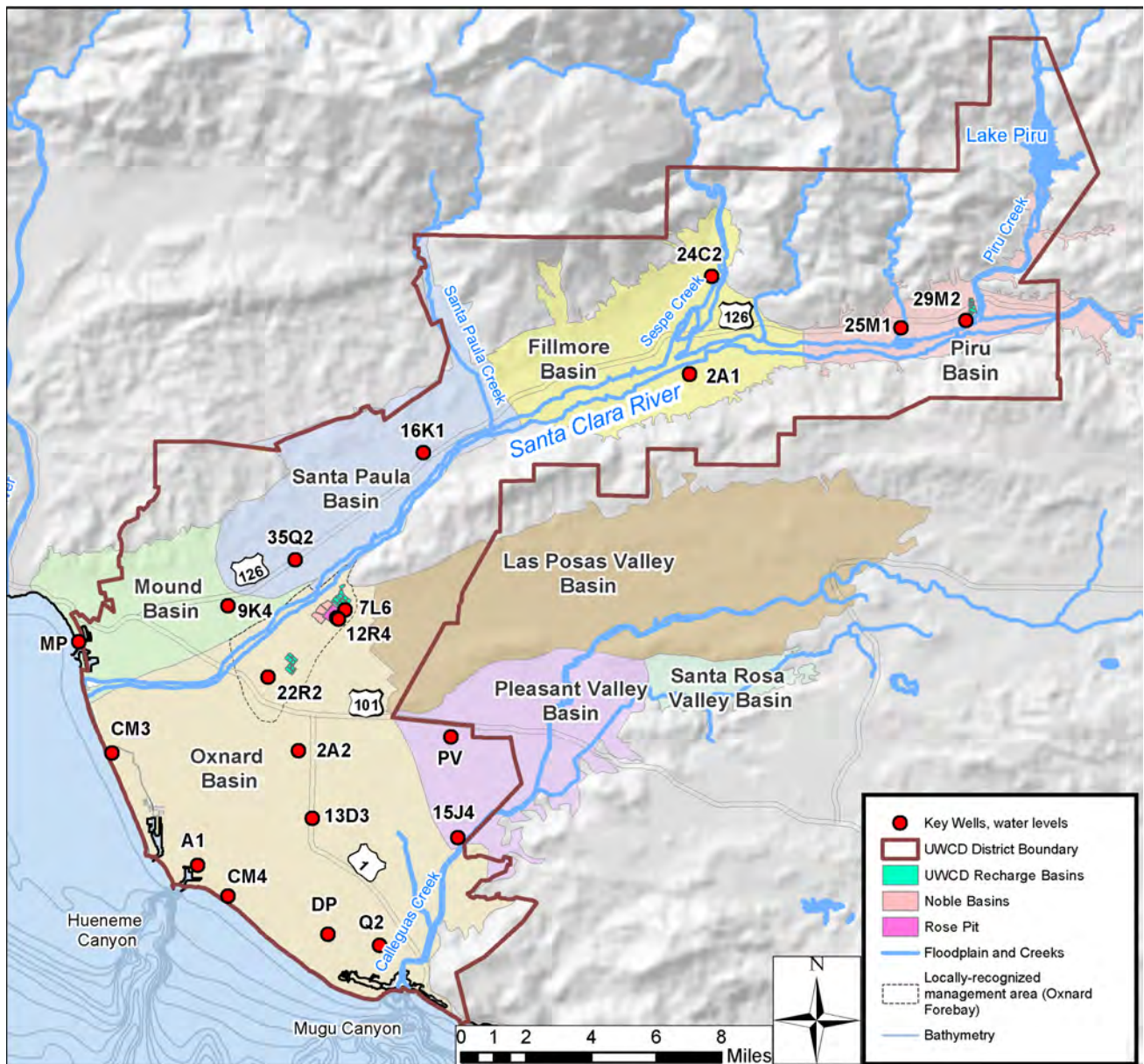
### Castaic Lake releases to downstream water users (DWU)



### Pyramid Lake releases to UWCD

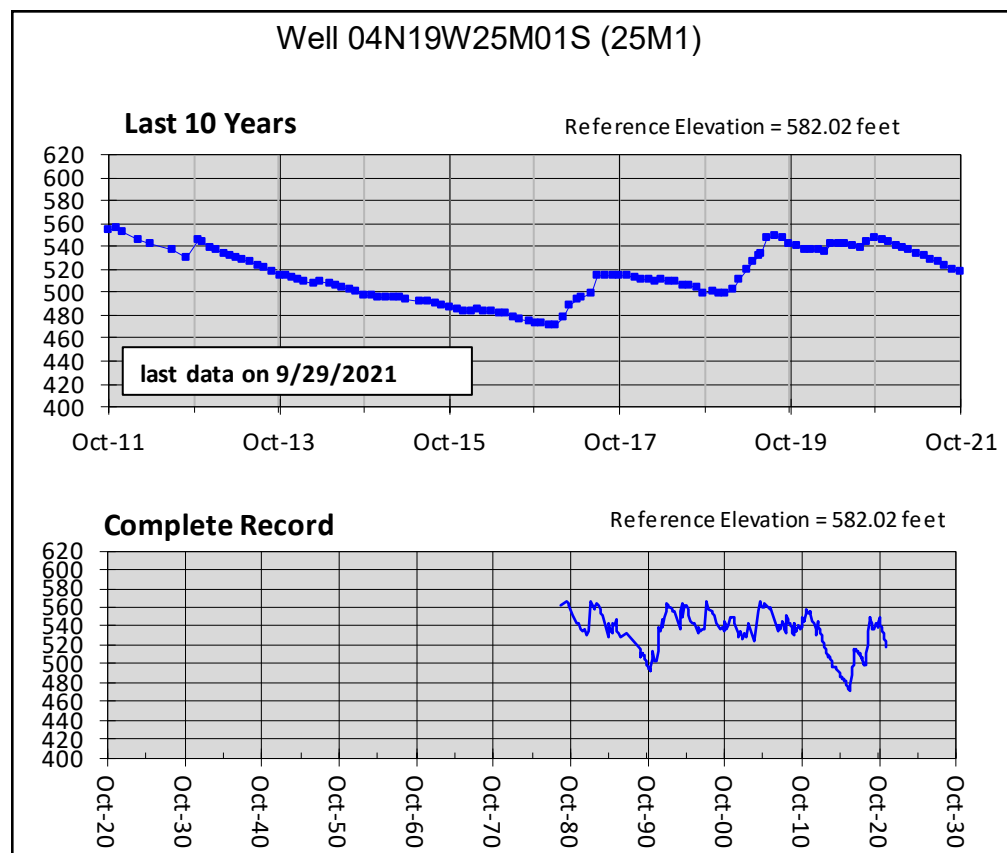
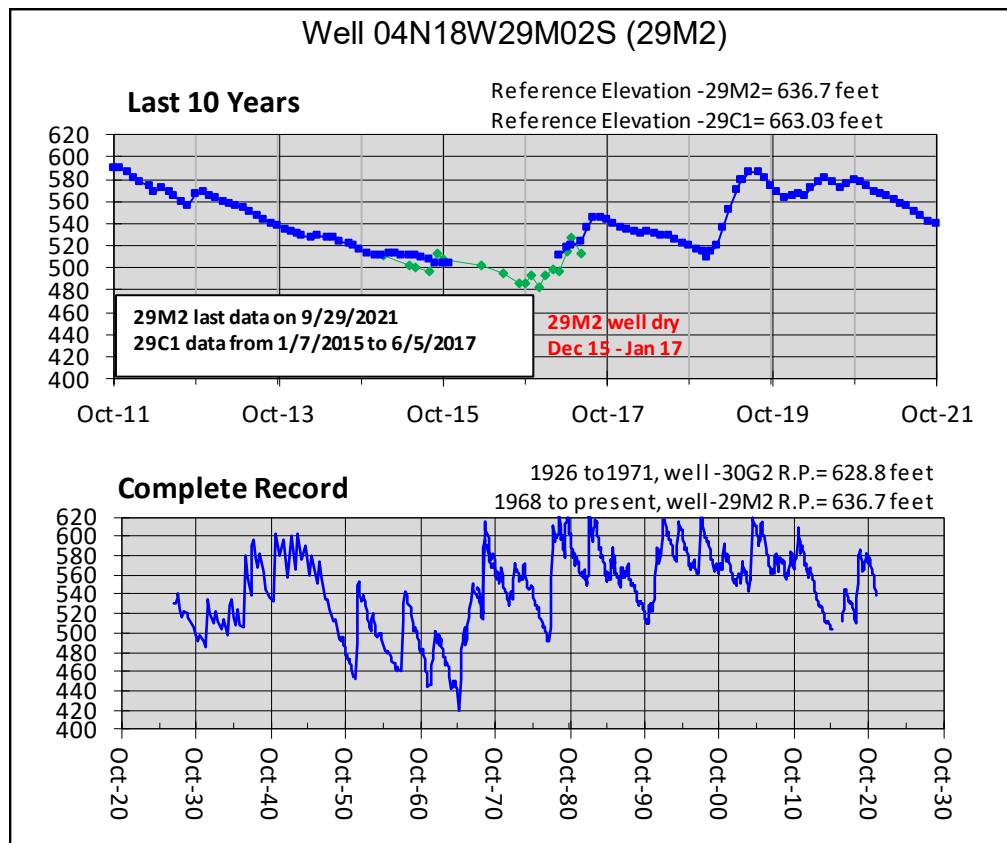


## Locations of key wells, monthly groundwater elevation monitoring



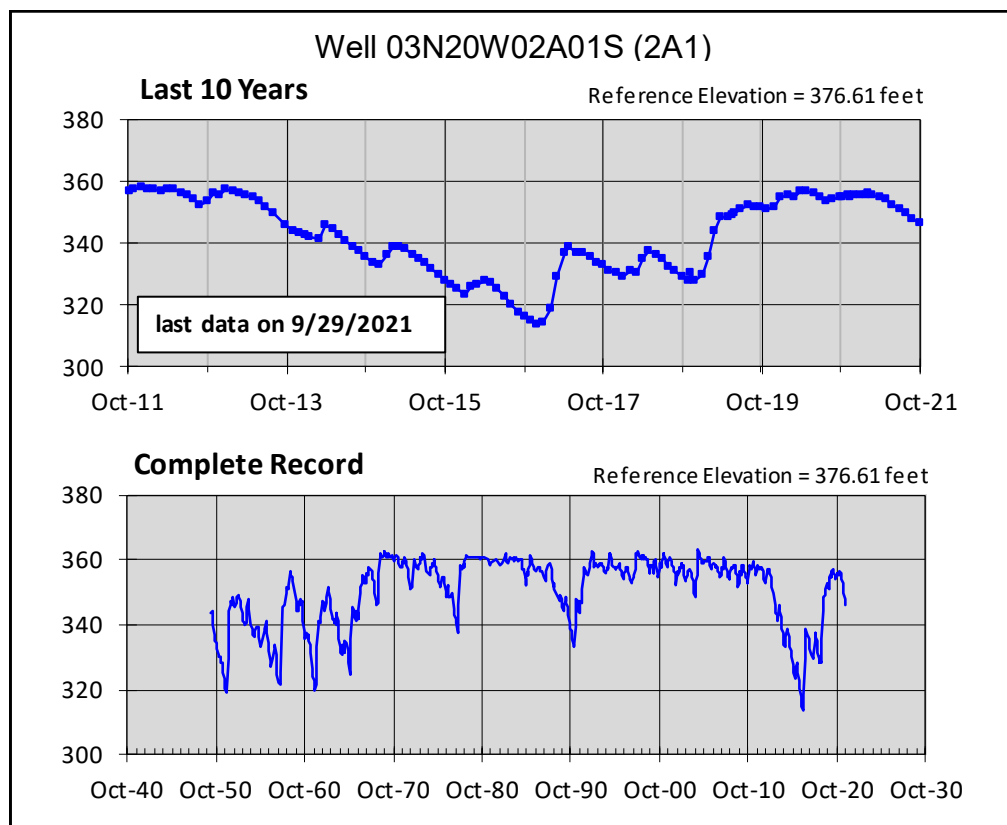
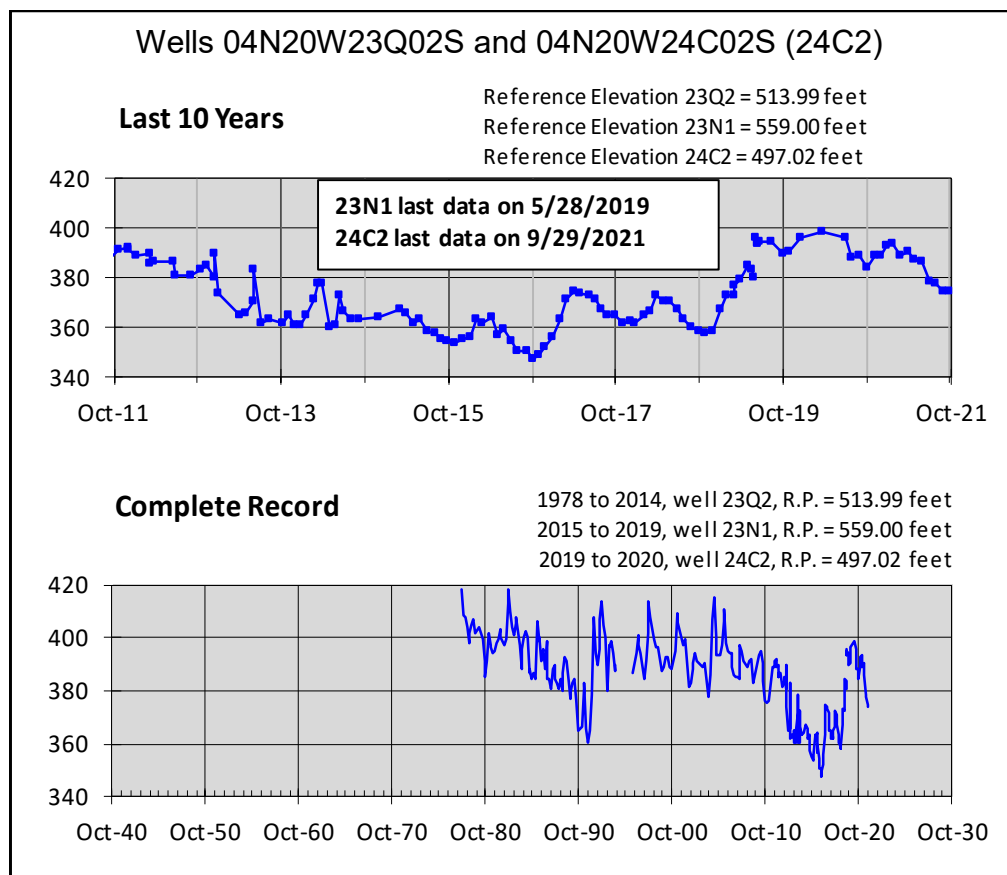


## Piru Basin Key Wells Groundwater Elevation Records



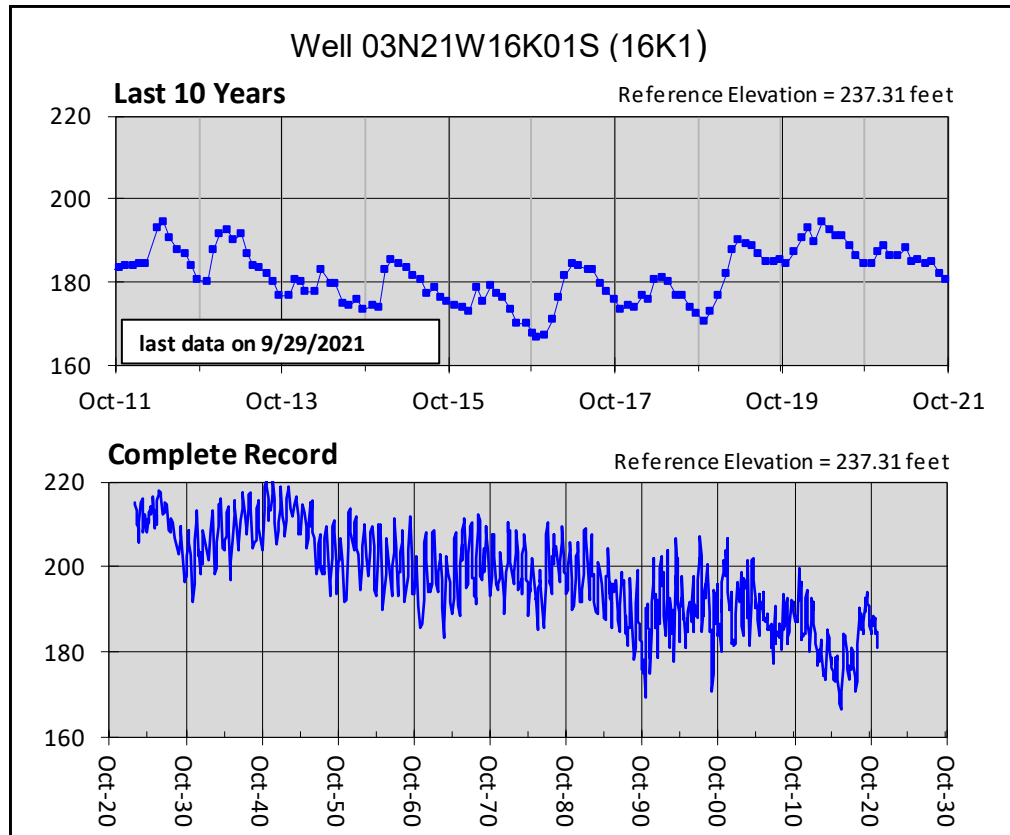


## Fillmore Basin Key Wells Groundwater Elevation Records

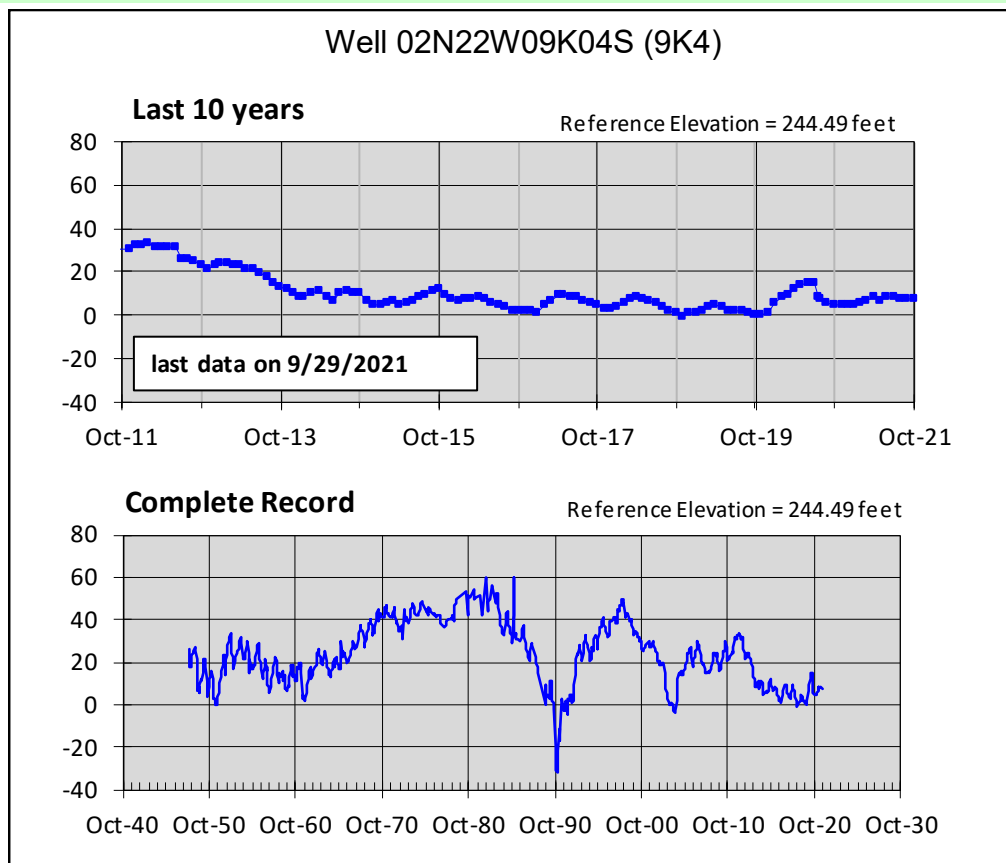


# Groundwater Elevation Records

## Santa Paula Basin Key Well



## Mound Basin Key Well



## Oxnard Basin—Forebay Key Wells Groundwater Elevation Records

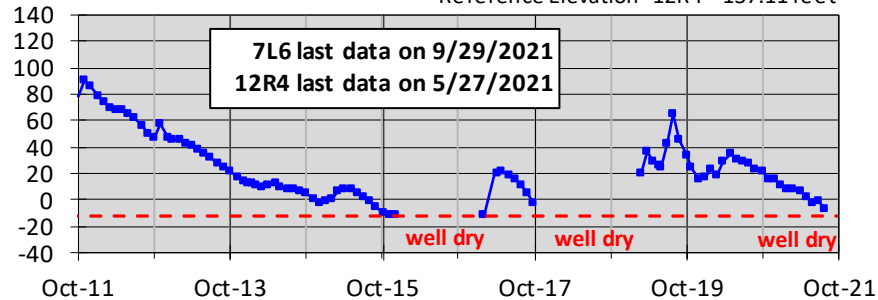
### Wells 02N22W12R04S (12R4) and 02N21W07L06S (7L6)

#### Last 10 Years

Reverence Elevation - 12R1 = 134.19 feet

Reference Elevation - 7L6 = 145.75 feet

Reference Elevation - 12R4 = 137.11 feet

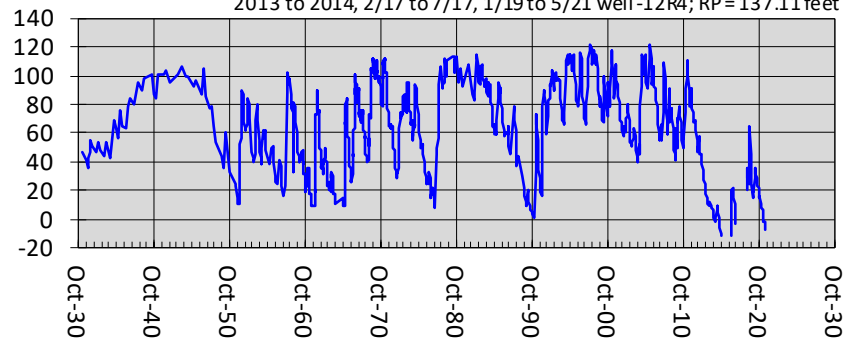


#### Complete Record

1931 to 2013, well -12R1; RP = 134.19 feet

2014 to 1/17, 8/17 to 1/19, 6/21 to present well - 7L6; RP = 145.75 feet

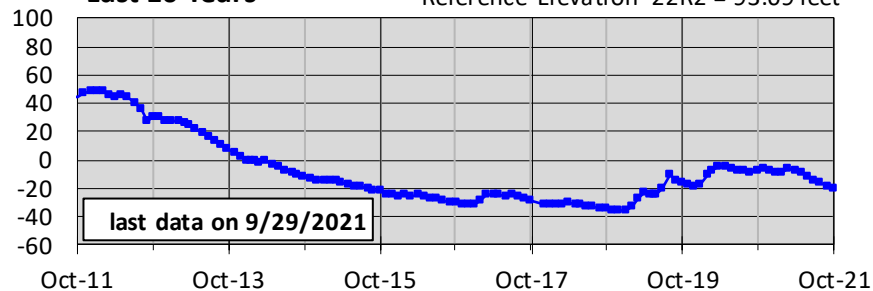
2013 to 2014, 2/17 to 7/17, 1/19 to 5/21 well -12R4; RP = 137.11 feet



### Wells 02N22W22R01S and 02N22W22R02S (22R2)

#### Last 10 Years

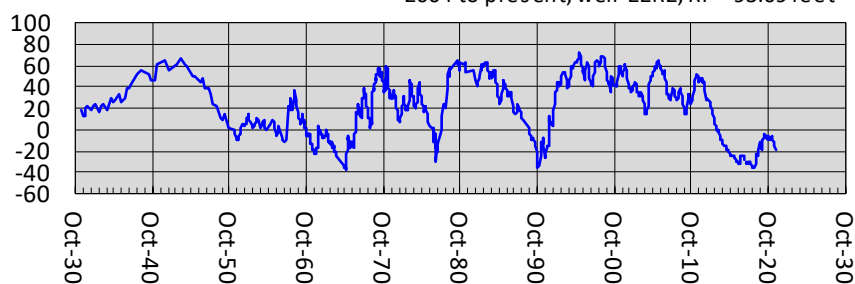
Reference Elevation - 22R2 = 93.09 feet



#### Complete Record

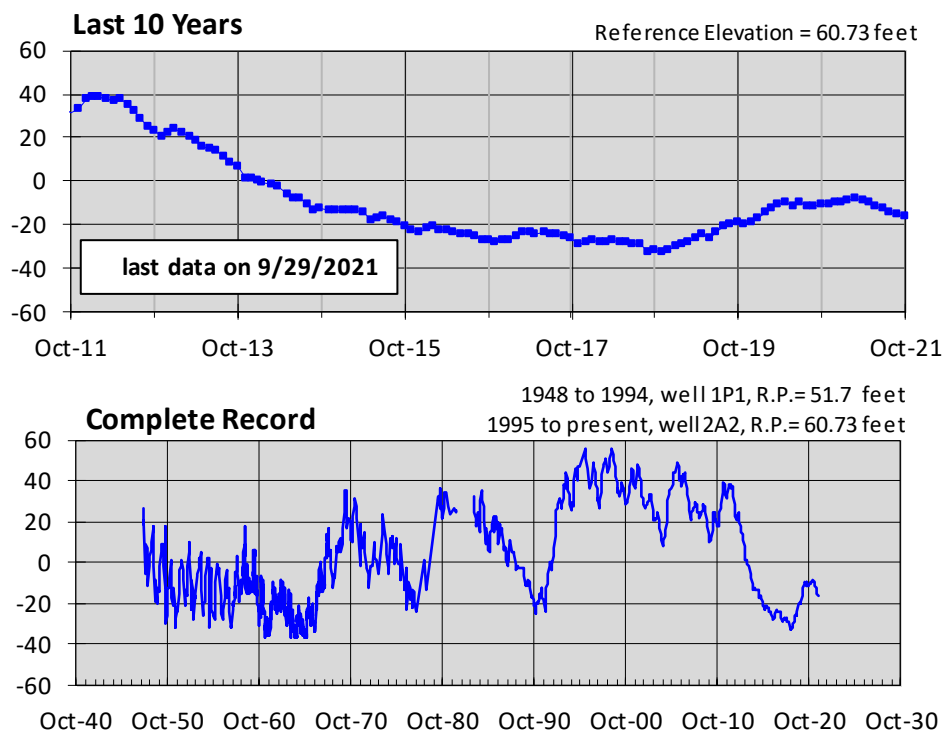
1931 to 2004, well -22R1, RP = 93.6 feet

2004 to present, well -22R2, RP = 93.09 feet

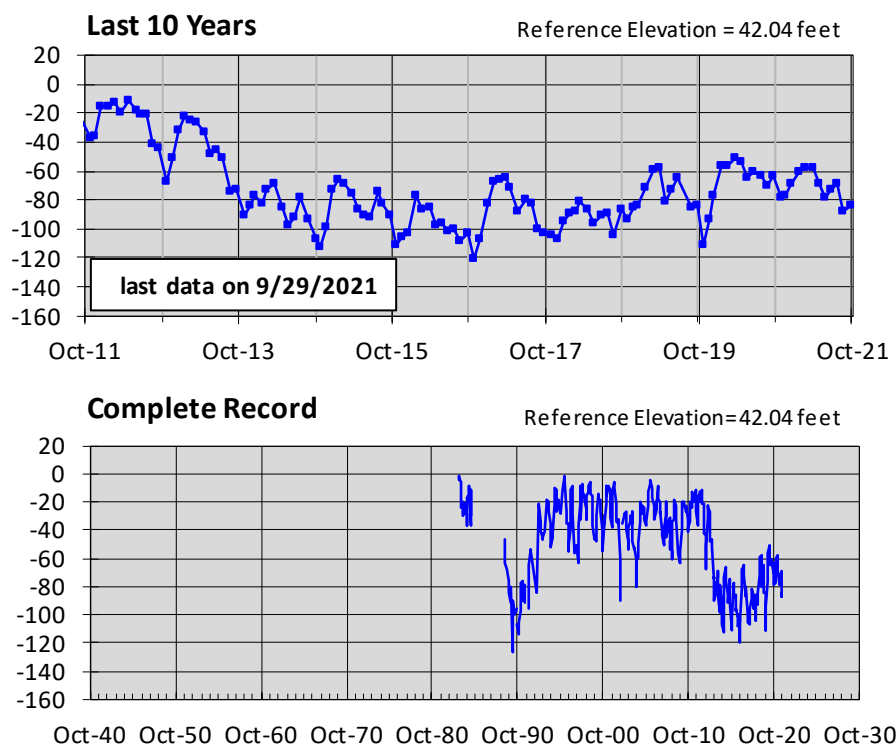


## Oxnard Basin Key Wells Groundwater Elevation Records

UAS Well 01N22W02A02S (2A2)

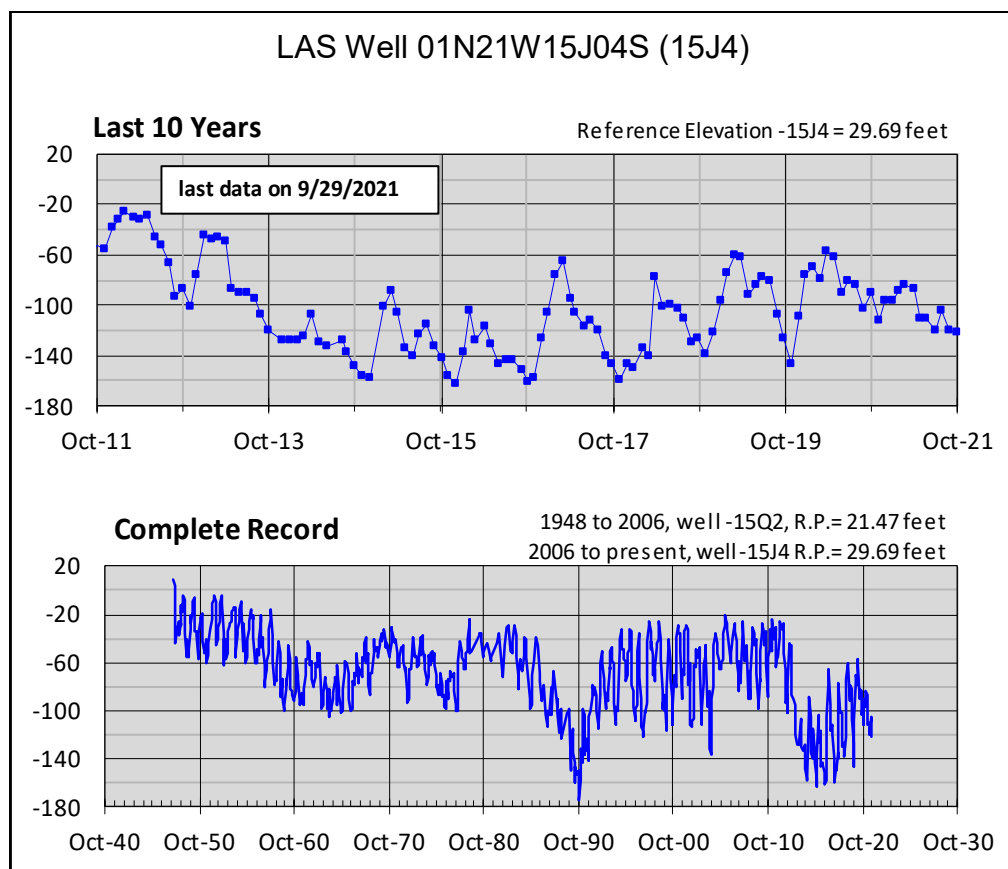
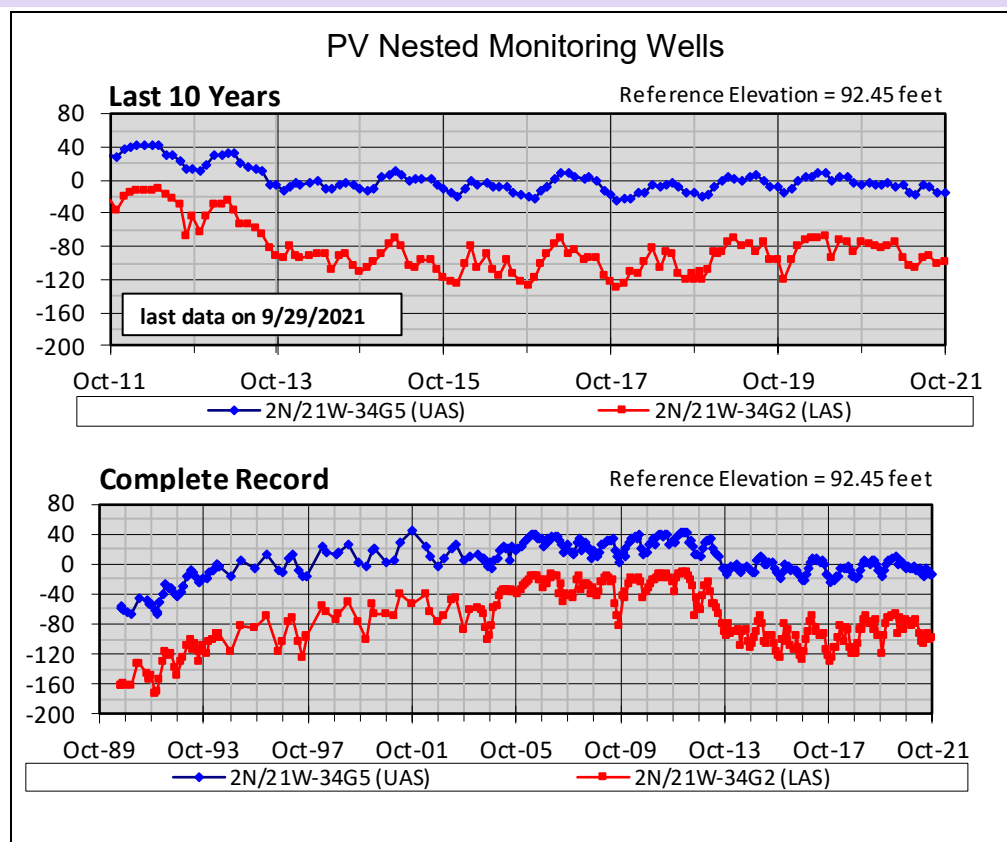


LAS well 01N22W13D03S (13D3)

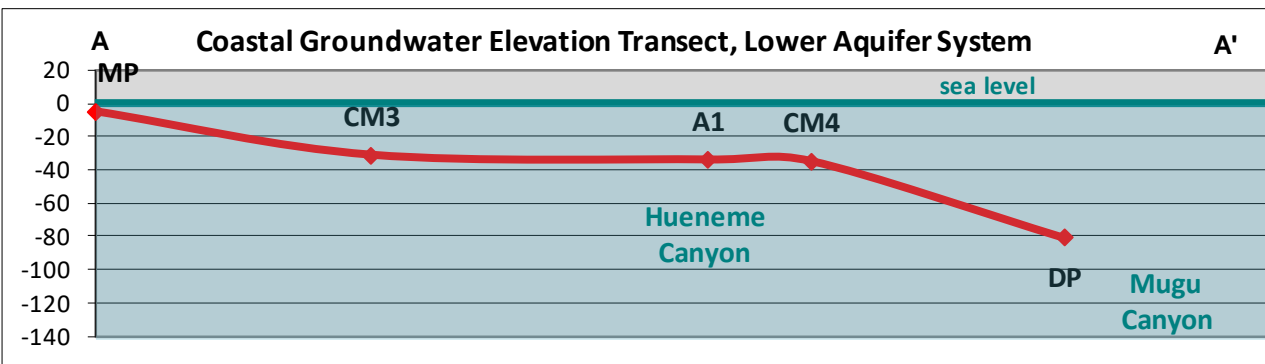
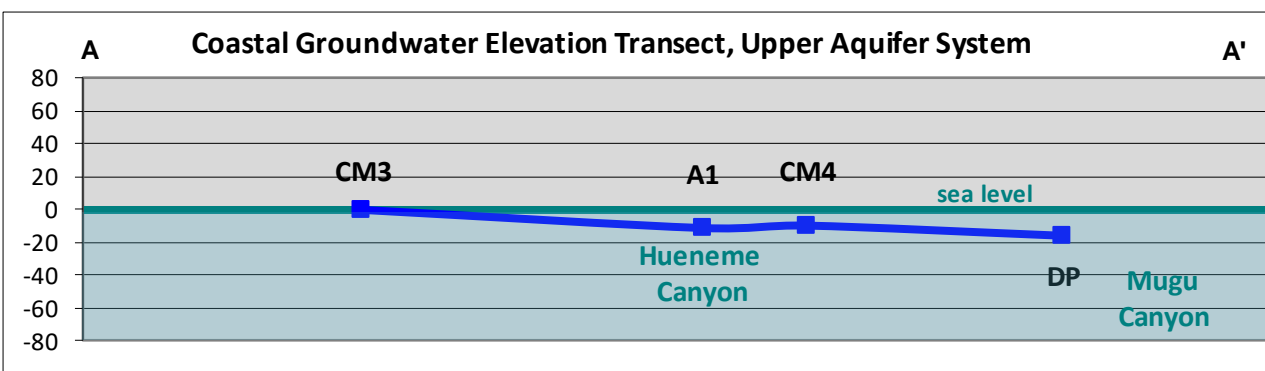
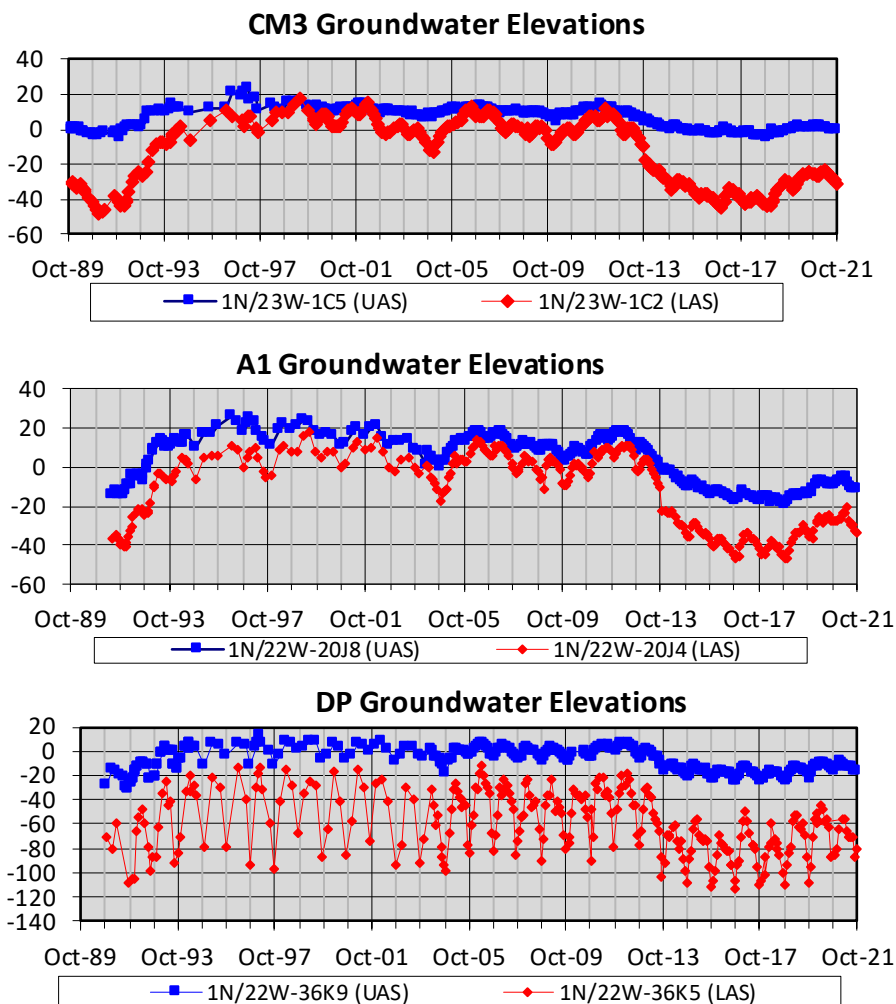




# Pleasant Valley Basin Key Wells Groundwater Elevation Records



## Oxnard Plain Coastal Key Wells—Nested Monitoring Wells



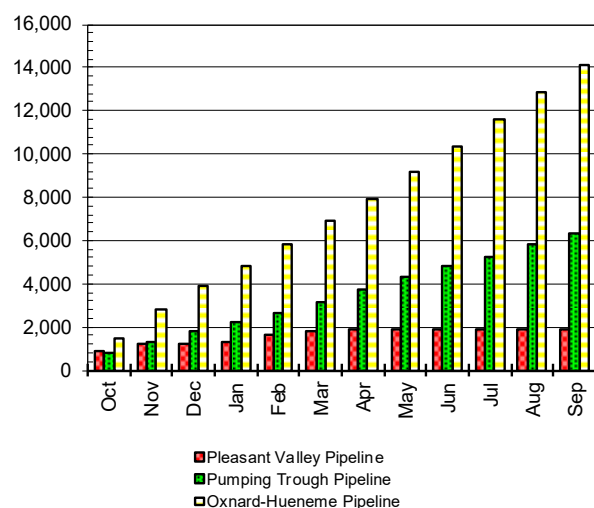
## Monthly Water Deliveries, acre-feet (Water Year 2020/21)

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
PV Pipeline (surface water)	902.5	329.0	13.4	16.9	372.0	174.2	64.7	0.0	0.0	0.0	0.0	0.0
PV Pipeline (saticoy well field)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total to Pleasant Valley Pipeline	902.5	329.0	13.4	16.9	372.0	174.2	64.7	0.0	0.0	0.0	0.0	0.0
Saticoy Well Field	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
PTP (surface water)	783.7	422.6	483.9	390.7	410.6	473.4	459.5	343.1	55.2	0.0	0.0	0.0
PTP (groundwater)	24.8	92.3	19.0	0.6	4.9	9.4	164.7	265.0	448.5	391.7	595.4	496.9
PTP (Saticoy well field)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total PTP	808.5	514.9	502.9	391.3	415.5	482.8	624.2	608.1	503.7	391.7	595.4	496.9
O-H Pipeline (groundwater)	1,503.0	1,296.0	1,063.0	936.0	1,012.0	1,107.4	1,003.3	1,276.3	1,187.0	1,233.4	1,260.0	1,238.1
Total Surface Water Delivery (PTP & PV)	1,686.2	751.6	497.3	407.6	782.6	647.6	524.2	343.1	55.2	0.0	0.0	0.0
Total Groundwater Delivery (OH & PTP)	1,527.8	1,388.3	1,082.0	936.6	1,016.9	1,116.8	1,168.0	1,541.3	1,635.5	1,625.1	1,855.4	1,735.0
Total Delivery, Surface Water & GW	3,214.0	2,139.9	1,579.3	1,344.2	1,799.5	1,764.4	1,692.2	1,884.4	1,690.7	1,625.1	1,855.4	1,735.0

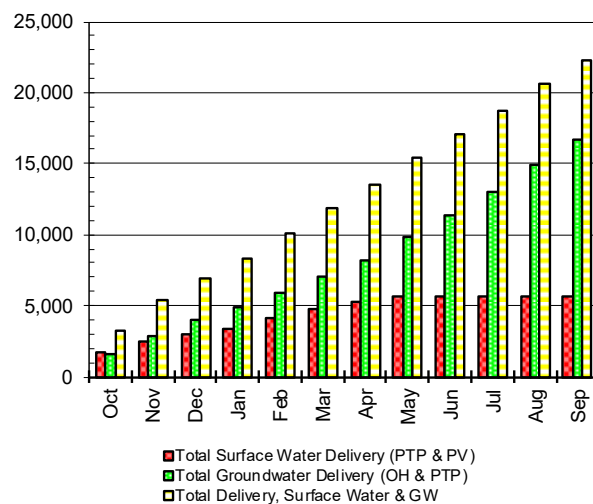
## Cumulative Water Deliveries, acre-feet (Water Year 2020/21)

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
PV Pipeline (surface water)	902.5	1,231.5	1,244.9	1,261.7	1,633.7	1,807.9	1,872.6	1,872.6	1,872.6	1,872.6	1,872.6	1,872.6
PV Pipeline (saticoy well field)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total to Pleasant Valley Pipeline	902.5	1,231.5	1,244.9	1,261.7	1,633.7	1,807.9	1,872.6	1,872.6	1,872.6	1,872.6	1,872.6	1,872.6
Saticoy Well Field	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
PTP (surface water)	783.7	1,206.3	1,690.2	2,080.9	2,491.5	2,964.9	3,424.4	3,767.5	3,822.7	3,822.7	3,822.7	3,822.7
PTP (groundwater)	24.8	117.1	136.1	136.7	141.6	151.0	315.7	580.7	1,029.2	1,420.9	2,016.3	2,513.2
PTP (Saticoy well field)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total PTP	808.5	1,323.4	1,826.3	2,217.6	2,633.1	3,115.9	3,740.1	4,348.2	4,851.9	5,243.6	5,839.0	6,335.9
O-H Pipeline (groundwater)	1,503.0	2,799.0	3,862.0	4,798.0	5,810.0	6,917.4	7,920.7	9,197.0	10,384.0	11,617.4	12,877.4	14,115.5
Total Surface Water Delivery (PTP & PV)	1,686.2	2,437.8	2,935.1	3,342.6	4,125.2	4,772.8	5,297.0	5,640.1	5,695.3	5,695.3	5,695.3	5,695.3
Total Groundwater Delivery (OH & PTP)	1,527.8	2,916.1	3,998.1	4,934.7	5,951.6	7,068.4	8,236.4	9,777.7	11,413.2	13,038.3	14,893.7	16,628.7
Total Delivery, Surface Water & GW	3,214.0	5,353.9	6,933.2	8,277.4	10,076.9	11,841.3	13,533.5	15,417.9	17,108.6	18,733.7	20,589.1	22,324.1

### Cumulative deliveries by system



### Cumulative deliveries by source/type



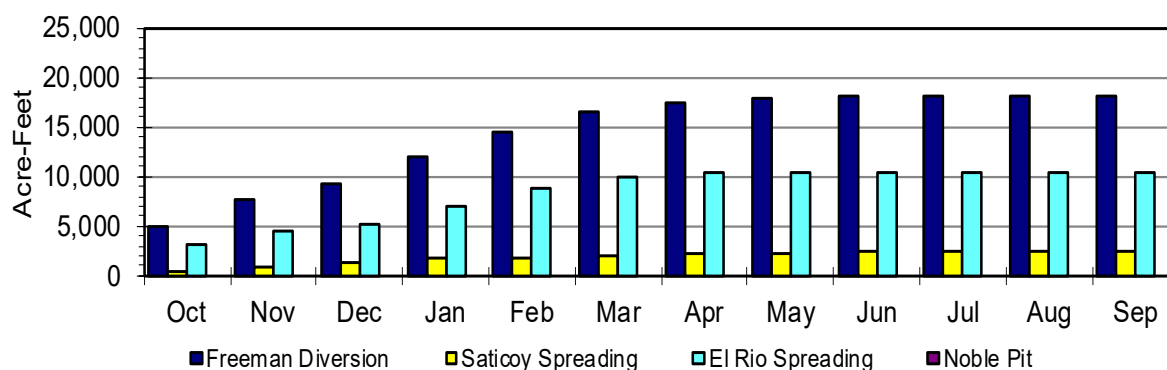
### Monthly diversion and recharge totals by facility, 2020/21, in acre-feet

Month	Piru Spreading	Freeman Diversion	Saticoy Spreading	El Rio Spreading	Noble Pit
Oct	0	5,073	365	3,155	0
Nov	0	2,661	611	1,366	0
Dec	0	1,477	392	634	0
Jan	0	2,702	373	1,960	0
Feb	0	2,620	47	1,798	0
Mar	0	2,005	311	1,092	0
Apr	0	869	66	317	0
May	0	514	90	91	0
Jun	0	235	143	0	0
Jul	0	9	9	0	0
Aug	0	0	0	0	0
Sep	0	0	0	0	0

### Cumulative diversion and recharge totals by facility, 2020/21, in acre-feet

Month	Piru Spreading	Freeman Diversion	Saticoy Spreading	El Rio Spreading	Noble Pit
Oct	0	5,073	365	3,155	0
Nov	0	7,734	976	4,521	0
Dec	0	9,211	1,368	5,155	0
Jan	0	11,913	1,741	7,115	0
Feb	0	14,533	1,788	8,913	0
Mar	0	16,538	2,099	10,005	0
Apr	0	17,407	2,165	10,322	0
May	0	17,921	2,255	10,413	0
Jun	0	18,156	2,397	10,413	0
Jul	0	18,165	2,406	10,413	0
Aug	0	18,165	2,406	10,413	0
Sep	0	18,165	2,406	10,413	0

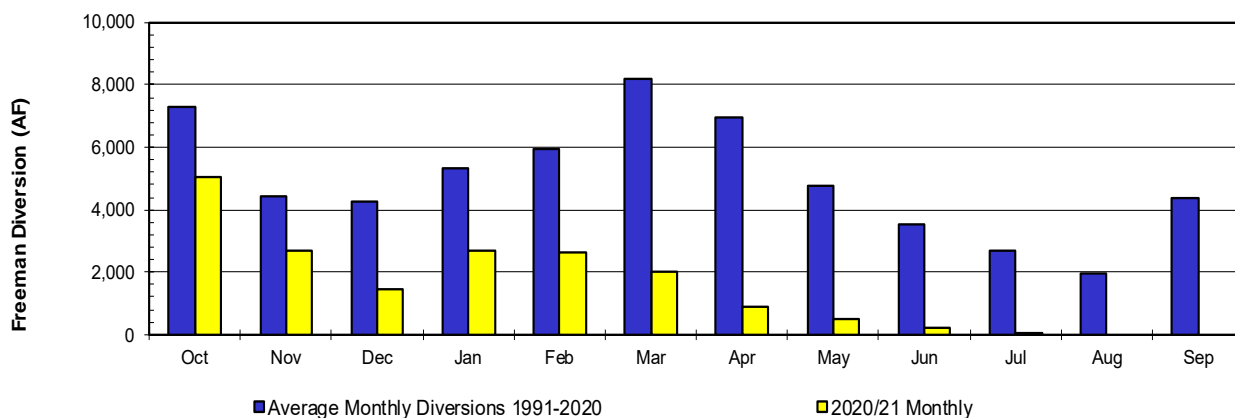
### Cumulative diversion at Freeman, and distribution to recharge facilities



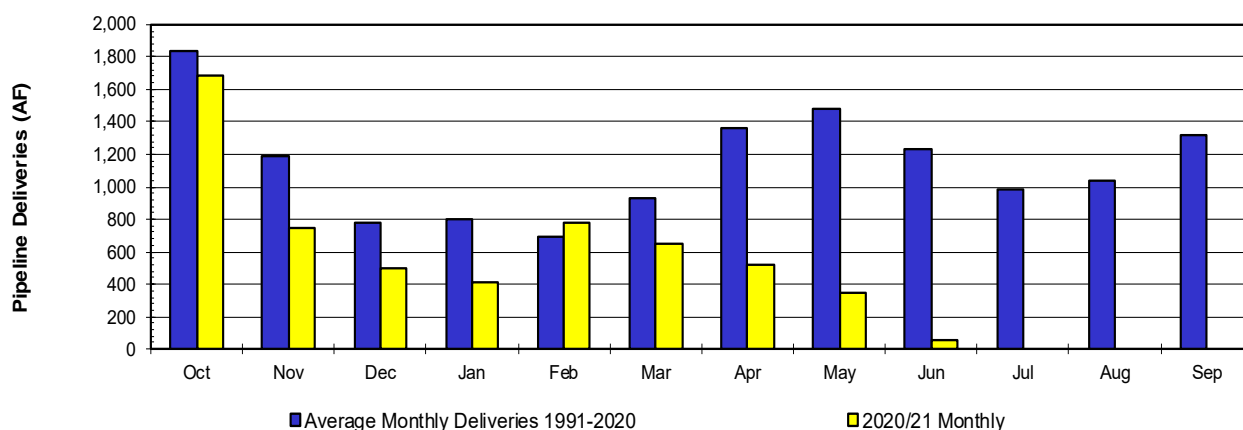
**Cumulative diversions to Piru Spreading Grounds, 2020/21 = 0 AF**



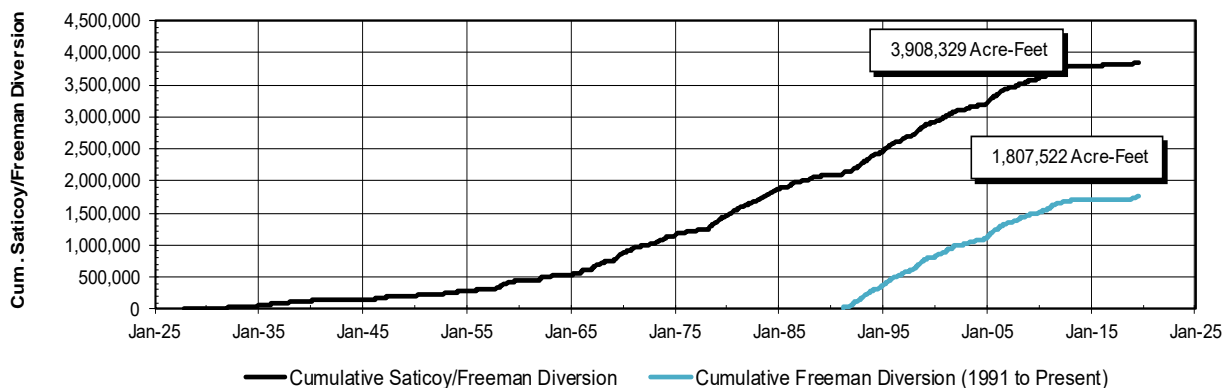
**Monthly 2020/21 diversion at Freeman, compared to average monthly diversions (1991-2020)**



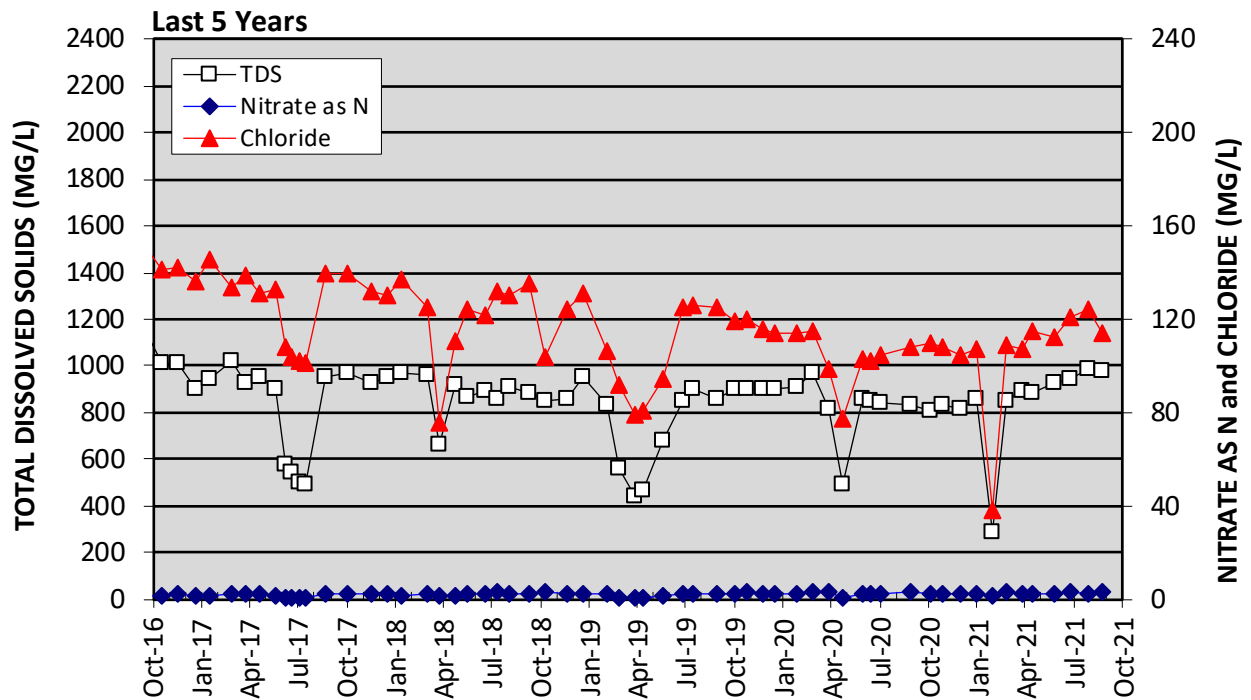
**Monthly 2020/21 pipeline deliveries (surface water deliveries), compared to average monthly pipeline deliveries (1991-2020)**



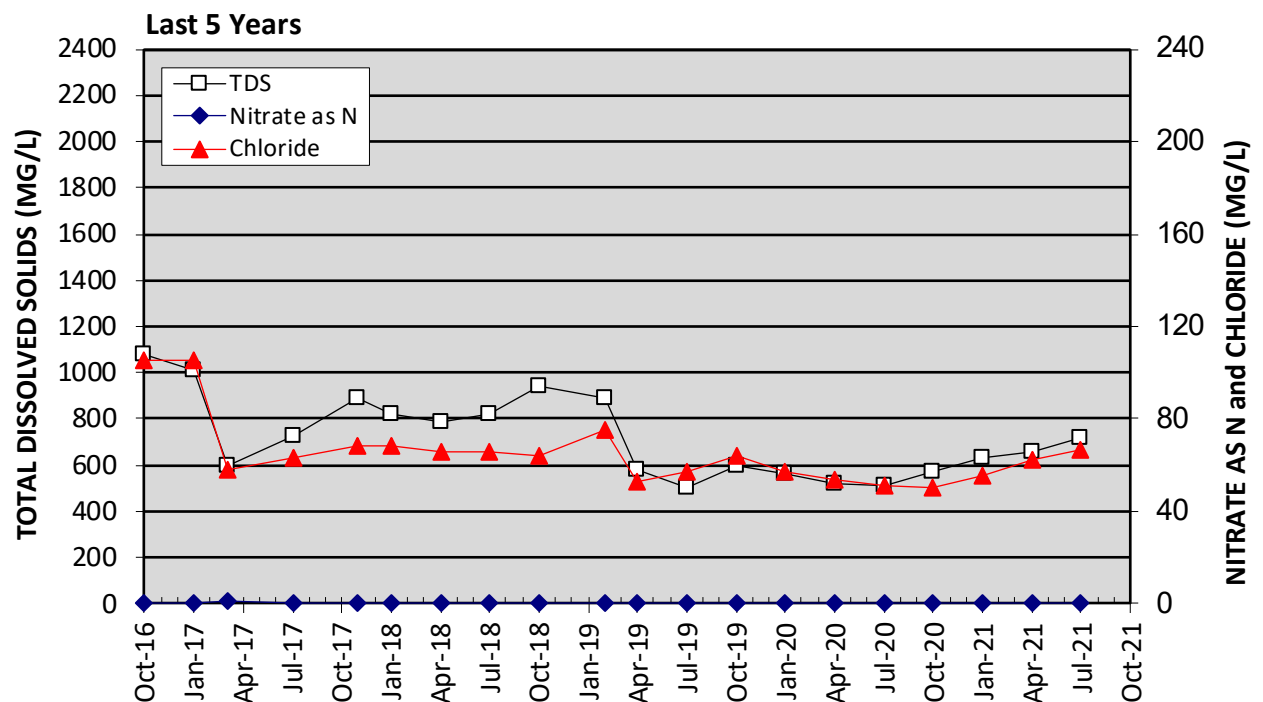
**Cumulative diversion at Saticoy and Freeman Diversion, in acre-feet**



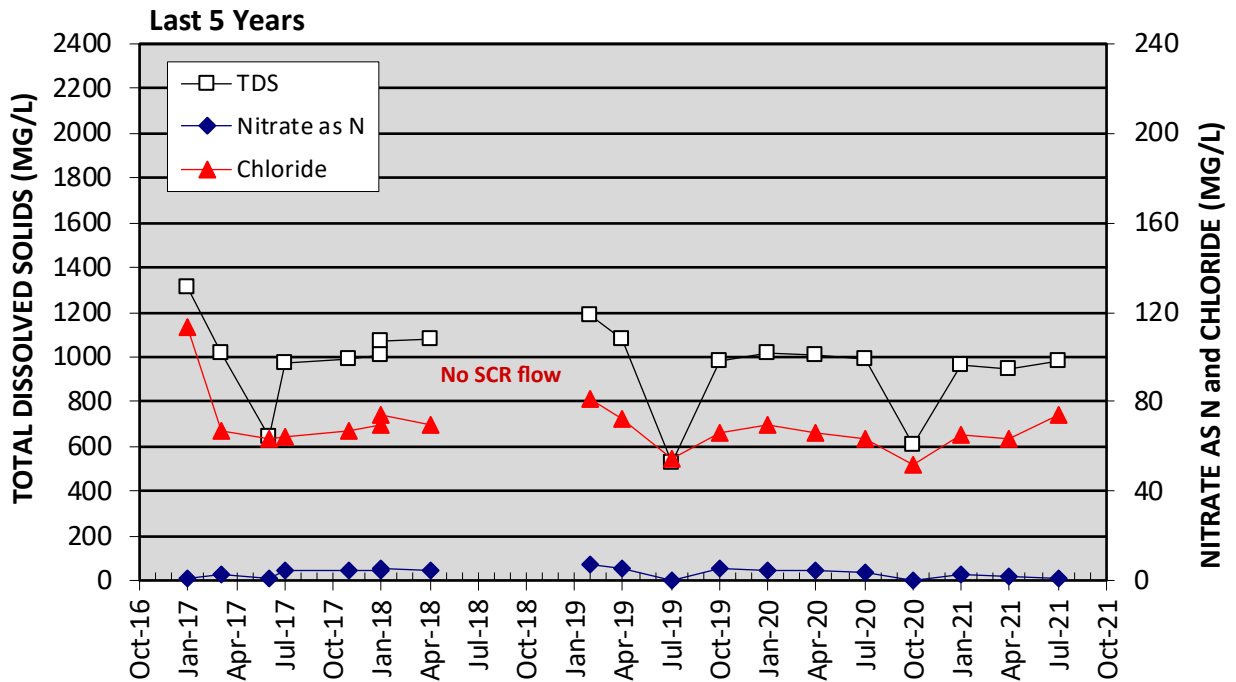
### Santa Clara River water quality near Los Angeles/Ventura County line



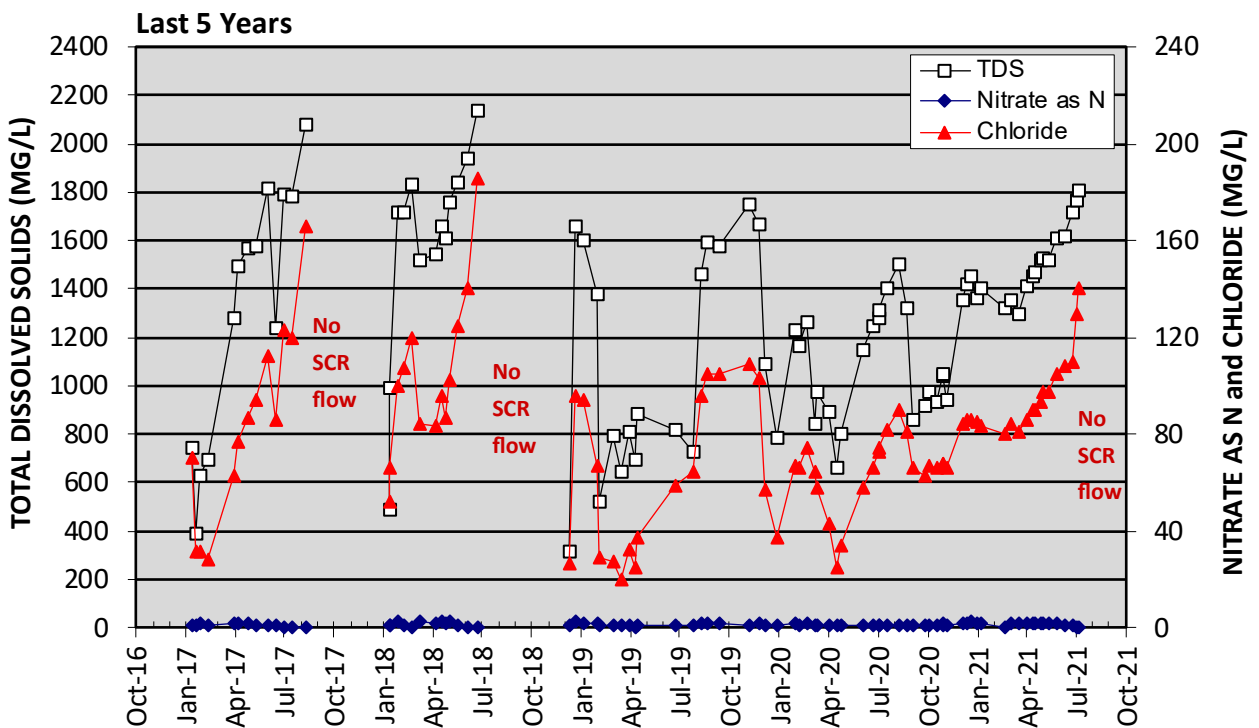
### Piru Creek water quality below Santa Felicia Dam



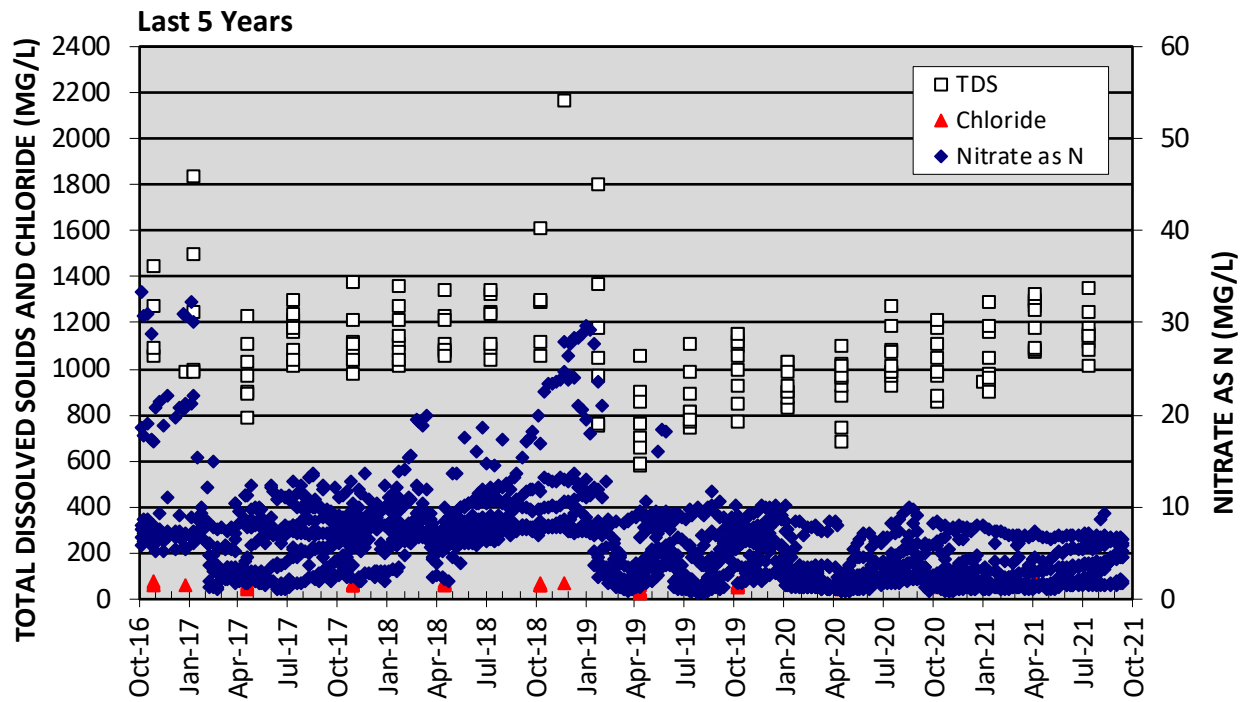
## Santa Clara River water quality near Fillmore Fish Hatchery

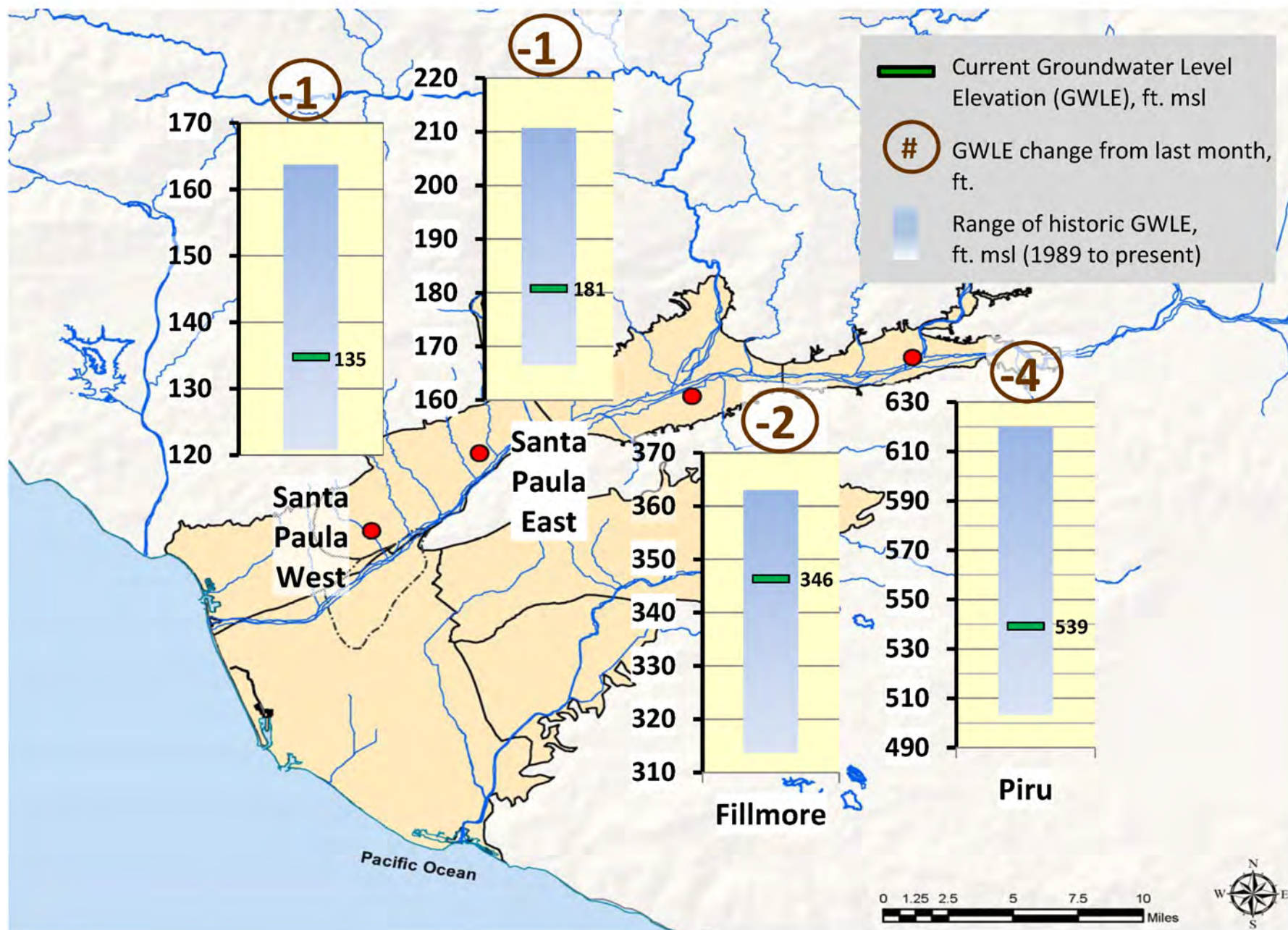


## Santa Clara River water quality at Freeman Diversion

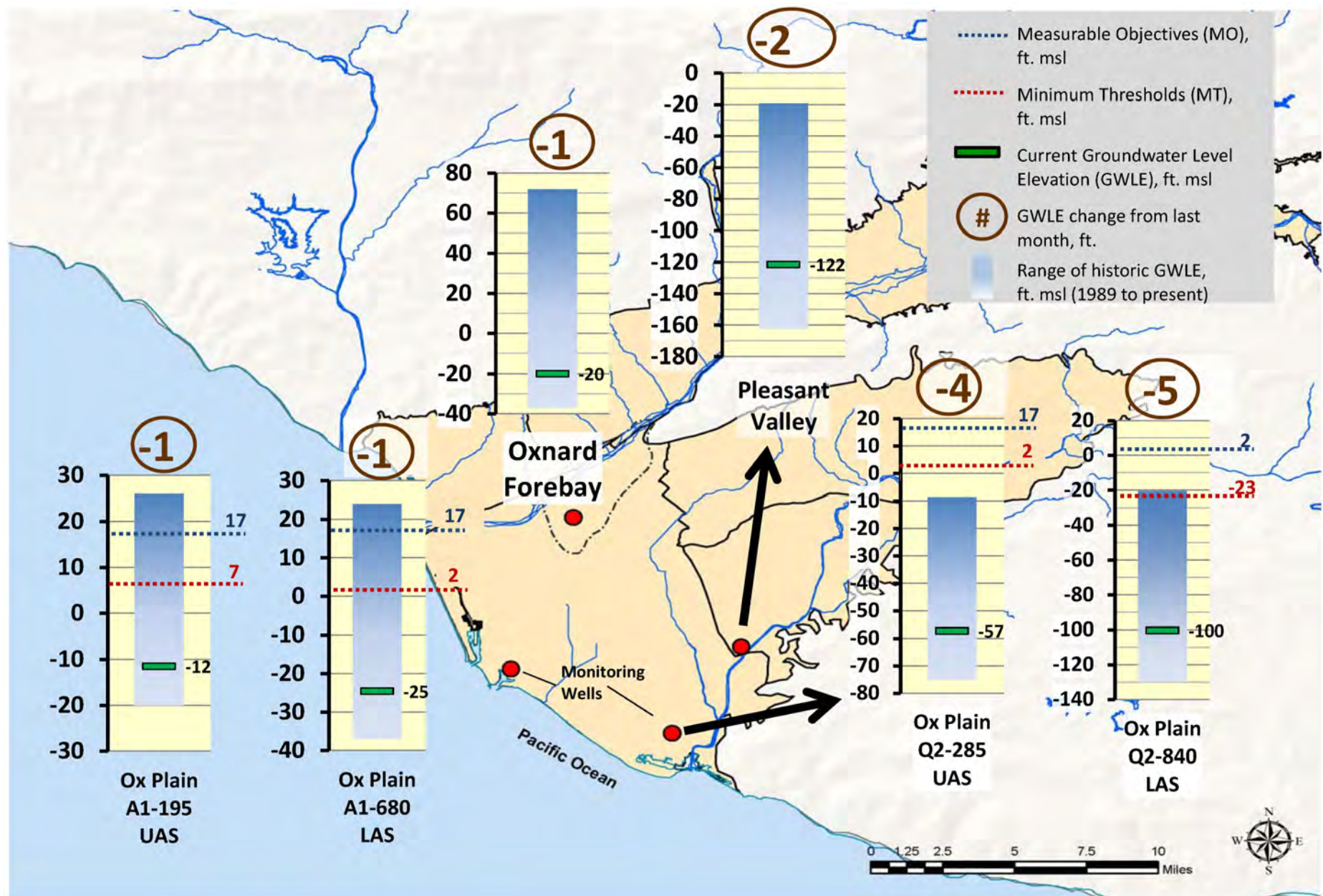


## Water quality of Upper Aquifer System wells, El Rio well field

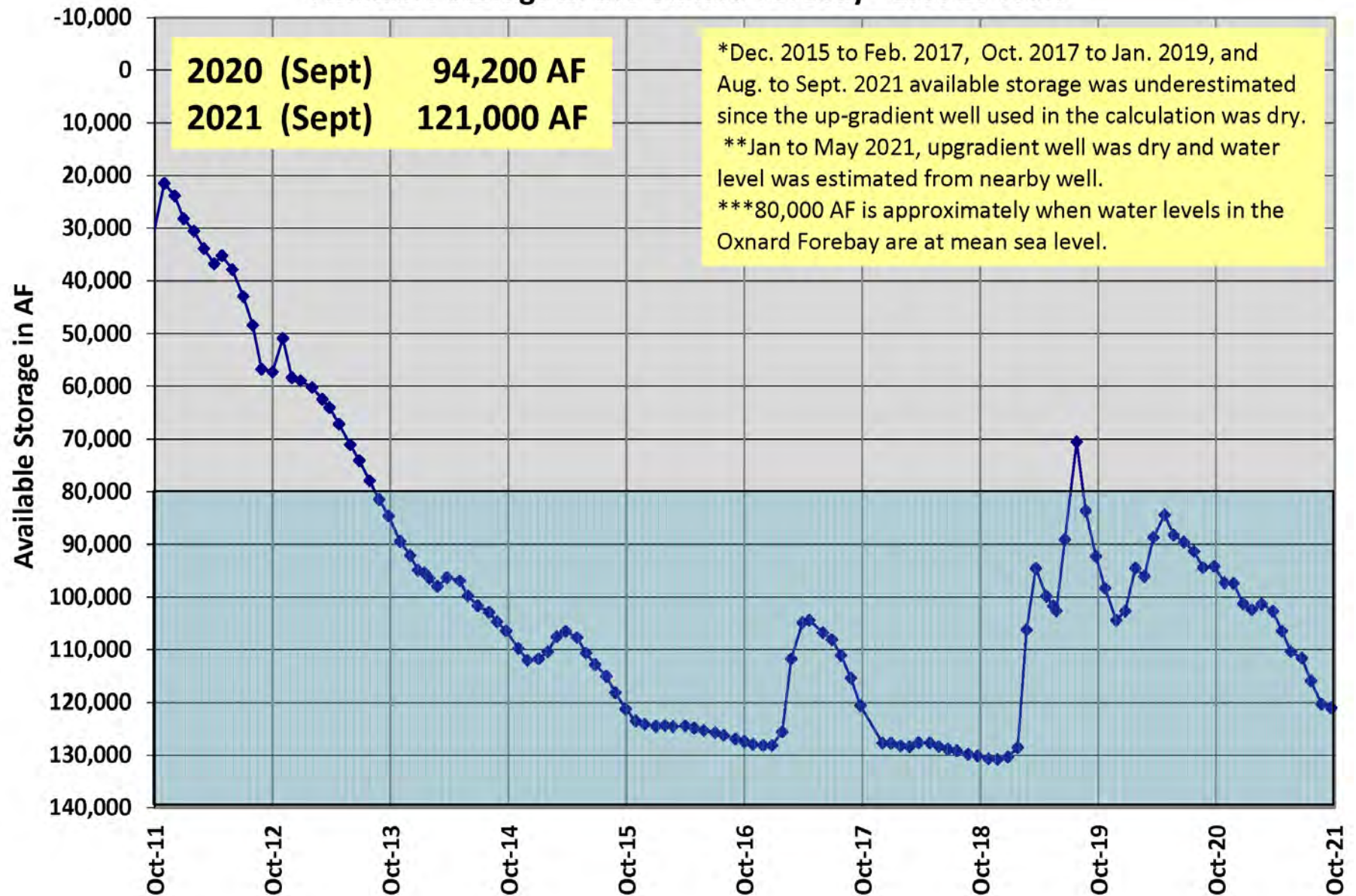


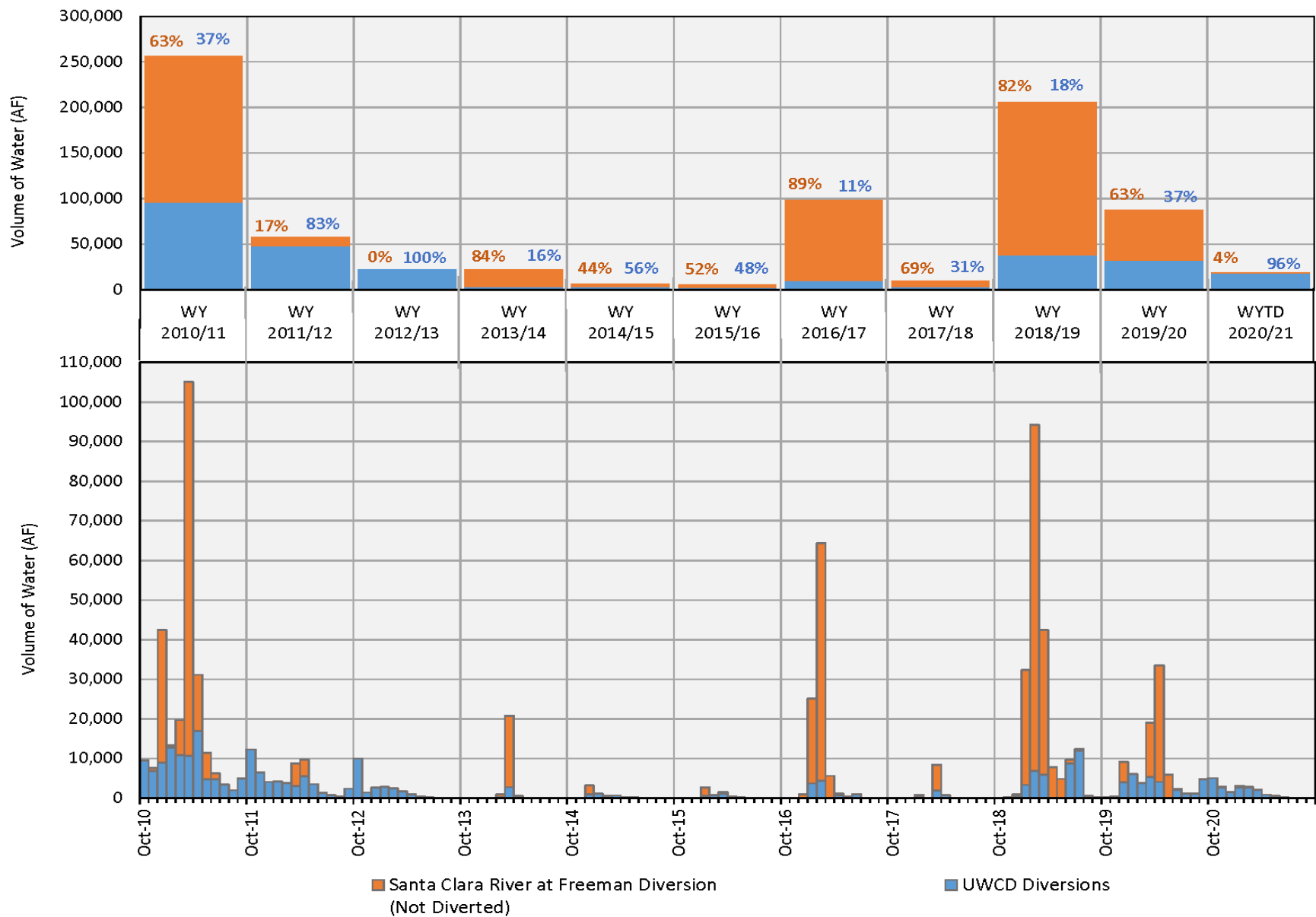






## Available Storage in the Oxnard Forebay - Last 10 Years





Water Year (WY) = October 1 to September 30; WYTD = Water Year To Date





**Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager  
Anthony Emmert, Assistant General Manager

**From:** Daryl Smith, Controller

**Date:** September 28, 2021 (October 13, 2021, meeting)

**Agenda Item:** 3.C Monthly (August 31, 2021) Investment Report  
**Information Item**

**Recommendation**

The Board will review and discuss the most current investment report for August 31, 2021, that is enclosed.

**Fiscal Impact**

As shown.

**Discussion**

Based on the information included in the attached reports, staff will present a summary and discuss key information as an overview.

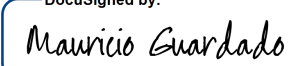


**Attachment:** Combined Investment Report

**United Water Conservation District**  
**Monthly Investment Report**  
**August 31, 2021**

<b><u>Investment Recap</u></b>	<b><u>G/L Balance</u></b>	<b><u>Weighted Avg Days to Maturity</u></b>	<b><u>Diversification Percentage of Total</u></b>
Bank of the Sierra	1,747,774	1	3.40%
US Bank - 2020 COP Bond Balance	19,006,968	1	36.96%
Petty Cash	3,400	1	0.01%
County Treasury	1,644	1	0.00%
LAIF Investments	30,664,382	1	59.62%
<b>Total Cash, Cash Equivalents and Securities</b>	<b>51,424,169</b>		<b>100.00%</b>
<b>Investment Portfolio w/o Trustee Held Funds</b>	<b>51,424,169</b>		
<b>Trustee Held Funds</b>	<b>-</b>		
<b>Total Funds</b>	<b>51,424,169</b>		

<b>Local Agency Investment Fund (LAIF)</b>	<b>Beginning Balance</b>	<b>Deposits (Disbursements)</b>	<b>Ending Balance</b>
	27,164,382	3,500,000	30,664,382
	<b>Interest</b>	<b>Interest</b>	
	<b>Earned YTD</b>	<b>Received YTD</b>	<b>Qtrly Yield</b>
	-	23,254	0.33%

All District investments are shown above and conform to the District's Investment Policy. All investment transactions during this period are included in this report  
Based on budgeted cash flows the District appears to have the ability to meet its expenditure requirements for the next six months.

<p>DocuSigned by:    36D23F9D982745F</p> <p><b>Mauricio E. Guardado, Jr., General Manager</b></p>	<p>9/30/2021</p> <hr/> <p><b>Date Certified</b></p>
<p>DocuSigned by:    70D59ECF0D8D46E...</p> <p><b>Anthony Emmert, Assistant General Manager</b></p>	<p>9/29/2021</p> <hr/> <p><b>Date Certified</b></p>
<p>DocuSigned by:    C00D01D430034B1...</p> <p><b>Daryl Smith, Controller</b></p>	<p>9/29/2021</p> <hr/> <p><b>Date Certified</b></p>



<b><i>United Water Conservation District</i></b>			
<b><i>Cash Position</i></b>			
<b>August 31, 2021</b>			
<b>Fund</b>	<b>Total</b>	<b>Composition</b>	<b>Restrictions/Designations</b>
<b>General/Water Conservation Fund:</b>			<b>Revenue collected for district operations</b>
General/Water Conservation	13,982,513	5,221,726	Includes General, Rec & Ranger, Water Conservation
		1,725,000	Reserved for legal expenditures
		5,435,000	Designated for replacement, capital improvements, and environmental projects
		1,600,787	Supplemental Water Purchase Fund
General CIP Funds	6,044,782	6,044,782	Appropriated for capital projects
2020 COP Bond Funds	13,810,673	13,810,673	Reserved for CIP Projects
<b>Special Revenue Funds:</b>			<b>Revenue collected for a special purpose</b>
State Water Project Funds	3,329,610	3,329,610	Procurement of water/rights from state water project
<b>Enterprise Funds:</b>			<b>Restricted to fund usage</b>
Freeman Fund	626,893	626,893	Operations, Debt Service and Capital Projects
		-	Designated for replacement and capital improvements
		-	Reserved for legal expenditures
Freeman CIP Fund	2,606,957	2,606,957	Appropriated for capital projects
OH Pipeline Fund	1,321,285	1,321,285	Delivery of water to OH customers
OH CIP Fund	6,477,034	6,477,034	Appropriated for capital projects
OH Pipeline Well Replacement Fund	499,289	499,289	Well replacement fund
PV Pipeline Fund	349,071	349,071	Delivery of water to PV customers
PV CIP Fund	195,914	195,914	Appropriated for capital projects
PT Pipeline Fund	1,172,288	1,172,288	Delivery of water to PTP customers
PT CIP Fund	1,007,857	1,007,857	Appropriated for capital projects
<b>Total District Cash &amp; Investments</b>	<b>51,424,169</b>	<b>51,424,169</b>	



**Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado Jr., General Manager  
Anthony A. Emmert, Assistant General Manager

**From:** Daryl Smith, Controller

**Date:** September 14, 2021 (October 13, 2021, Meeting)

**Agenda Item:** 3.D Fiscal Year 2020-21 Year End Financial Reports  
**Information Item**

---

**Staff Recommendation:**

The Board will receive and accept the Fiscal Year 2020-21 Financial Reports, Capital Improvement Projects status, and the Investment Benchmark report for the period of July 1, 2020, through June 30, 2021.

**Discussion:**

The District normally prepares quarterly financial reports which provide an analysis of District operations at the end of each quarter to highlight variances and for fiscal accountability.

This report represents the full twelve months of financial information for District operations for FY 2020-21 (or 100 percent of the total fiscal year). Included in this report are budget to actual comparisons to date for District revenues, expenditures and water deliveries, and discussion of any significant variances. This report is based on unaudited financial data and therefore is subject to revisions as staff makes any necessary adjustments that may occur during the year.

While some funds appear to have some savings potential, adjustment recommendations may not be made at this time because the potential savings may be as a result of delays in timing and therefore may not materialize. The following budget modifications are being recommended as of the fourth quarter review:

- Staff currently offers no recommendations for budget adjustments.

**Attachments:** A – FY 2020-21 Fourth Quarter Report, Capital Improvement Projects  
B – FY 2020-21 Fourth Quarter Financial Reports

---



Board of Directors  
Michael W. Mobley, President  
Bruce E. Dandy, Vice President  
Sheldon G. Berger, Secretary/Treasurer  
Mohammed A. Hasan  
Lynn E. Maulhardt  
Edwin T. McFadden III  
Daniel C. Naumann

General Manager  
Mauricio E. Guardado, Jr.

Legal Counsel  
David D. Boyer

October 5, 2021

Board of Directors  
United Water Conservation District

**Subject: Fiscal Year 2020-21 Year End Financial Reports**

Dear Board Members:

Enclosed for your review is the District's FY 2020-21 Year End (July 1, 2020, through June 30, 2021) Financial Report. This report is preliminary and represents twelve months of financial information for District operations (100% of the total fiscal year). The financial data for FY 2020-21 will not be fully closed until after the date of this report and is therefore subject to revisions.

This report focuses primarily on the operating funds of the District and corresponding Capital Improvement Project (CIP) funds:

- General/Water Conservation Fund
  - Recreation and Ranger Activities Sub-fund
- Freeman Fund
- Oxnard/Hueneme Pipeline (OHP) Fund
- Pleasant Valley Pipeline (PVP) Fund
- Pumping Trough Pipeline (PTP) Fund
- State Water Import Fund
- Overhead Fund

Staff provides the Board's Finance and Audit Committee with monthly cash position and pipeline delivery activities reports throughout the fiscal year. Quarterly financial reports are submitted to the Board to provide information on the financial status of the District and to assure the Directors and District customers that staff is operating within the parameters of the annual adopted budget, including any supplemental appropriations. At the end of each fiscal year, an outside certified public accounting firm performs an independent financial audit to test staff's financial reporting accuracy and internal controls. It is staff's responsibility to ensure that the Board has received adequate financial information throughout the year so that there are no surprises, and so that fiscally prudent decisions can be made when the Board is asked to consider approval of budgeted and unbudgeted expenditure requests.

This report compares the revenues and budget appropriations projected for the entire fiscal year with data to provide the Board and District customers with a preliminary financial view (subject to audit adjustments). The following discussion will provide a summary of the District's projected revenues and approved spending plan compared to what actually occurred throughout the year. It also provides an update on approved and funded capital improvement projects.

## **Operating Funds**

Narrative and graphical analyses are provided by fund (and the Recreation sub-fund) on the following pages.

## **Capital Improvement Program Status**

A one-page summary of the District's current Five-Year Capital Improvement Program appears along with Benchmark Interest Rates as part of Attachment B. As of June 30, 2021, all capital improvement projects (CIP) expenditures are within the total amount appropriated by the Board.

The majority of the CIPs that have been funded are currently underway, either in the planning, design or construction stages of the project.

- *Well Replacement Program (CIP Project # 8000)* – In May 2021, four (4) bids were received for the El Rio Water Well No. 19 Pump & Motor. The bids ranged from \$73,745.60 to \$116,254.44, with General Pump Company providing the lowest responsible bid at \$73,745.60. The pump and motor will be installed following the completion of the infrastructure upgrades at the site by the Operations staff.

In June 2021, Best Drilling and Pump, Inc. (Best) completed the construction of El Rio Water Well No. 19. In addition, O&M Staff completed the extension of the piping to the new well location.

- *Freeman Diversion Rehabilitation (CIP Project # 8001)* – In April 2021, the USBR created a space in its laboratory for one of the 1:24 scale physical models. Additionally, NHC continued to develop an alternative for the Hardened Ramp that is capable of operations meeting the water yields included in the habitat conservation plan. In May 2021, UWCD entered into an agreement with GEI Consultants, Inc. to develop a supplemental geotechnical investigation program that will be used to inform the engineering design of the hardened ramp (\$25,000.00)

In June, The USBR continued to work in its laboratory for the 1:24 scale Hardened Ramp physical model. Also, NHC developed an alternative for the Hardened Ramp that is more yield neutral.

- *Santa Felicia Dam Outlet Works Rehabilitation (CIP Project # 8002)* – The 30% design work, which started on May 4, 2020, is planned to be completed by September 2021. The 30% design packet will include the findings of the 2020 Drilling Program Plan (DPP) and the geotechnical subsurface exploration results which are culminated in the draft Geological Data Report (GDR). Staff completed the review of draft GDR on June 13 and submitted comments to GEI to be incorporated in the final GDR. As of June 30, 2021, the DPP was 99% complete and the 30% design plans and analysis was 73% complete.

Staff met with Environmental Services staff and GEI and discussed the new outlet works alternatives to increase Dissolved Oxygen and the mitigation of the Quagga Mussel colonization. On May 13, 2021, Staff attended the second design review workshop and met with Operations staff and GEI to discuss the 30% design of the new outlet works. Staff attended an internal meeting with Operations to discuss the final recommendations of the 30% design on May 26.

On April 22, 2021, staff held a virtual technical assistance meeting (workshop No. 1) with the Federal Energy Regulatory Commission (FERC) and National Marine Fisheries Service (NMFS) to discuss the conceptual design of the new release channel that will connect the discharge of the new outlet works to the lower Piru Creek. As a result of FERC's request to advance the design of the new release channel to 30%, the District entered into a Professional Services Agreement (PSA) with Catalyst Environmental Solutions and Cardno as the sub designer in the amount of \$111,000 on May 18, 2021. At a second virtual technical assistance meeting (workshop No. 2) held on June 10, staff continued the discussions on the channel design alternatives with the agencies. Staff is expected to hold two more workshops in July and tentatively in late October or early November 2021 to complete the channel design discussions. The 30% design of the new release channel will be included in the revised draft Biological Assessment (BA) report that is tentatively scheduled to be submitted to FERC in December 2021.

The District also held a technical assistance meeting with FERC, NMFS, and California Department of Fish and Wildlife (CDFW) on June 22, to discuss the fish screen design and preliminary operations and maintenance of the fish screens as part of the new outlet works.

Staff began preparing for the upcoming Board of Consultants (BOC) meeting No. 5, reviewed the current Agreements for all BOC members and verified the remaining balances with Finance Department. Staff interviewed a number of candidates to replace Dr. Thomas Molls who no longer is available to serve on the BOC. On June 29, 2021, staff prepared and submitted a letter to FERC requesting approval of Paul Schweiger with Gannett Fleming. Mr. Schweiger is the Vice President and Manager of Dams and Hydraulic Section, and an expert in hydraulics engineering, who serves on Independent External Peer Review panels for the U.S. Army Corps of Engineers dam and levee projects. FERC's letter of approval was received on June 30.

On May 17, 2021, staff received a response letter from FERC requesting United to complete evaluation of implementing interim risk reduction measures (IRRM) during the construction delay period. In response to the letter, Engineering staff met with Operations staff to evaluate a range of IRRM's to be implemented during the proposed extended project scheduled. The proposed IRRMs with the most cost-effective measures were selected and proposed to FERC in response letter on June 17.



On June 17, staff received a letter from the State Water Resources Control Board (State Water Board) in response to the District's application for water quality certification for the SFD Safety Improvement Project. The State Water Board notified the District that although the District is planning to separately apply for an U.S. Army Corps of Engineers Clean Water Act Section 404 Nationwide Permit No. 17, State Water Board staff is planning to issue one certification for both actions.

- *Santa Felicia Dam Probable Maximum Flood Containment (CIP Project # 8003)* – This project is funded by the Water Conservation Activities sub fund (Zone A). A PSA with GEI in amount of \$1,795,941.00 for the spillway supplemental 10% design phase was approved by the Board at the April 8, 2020, Board meeting. The Supplemental 10% design of the spillway started on May 4, 2020, and is expected to be complete by October 2021. This design phase also includes the above noted 2020 DPP and subsurface exploration field activities.

Staff continued their review of the draft Technical Memorandums (TMs) and provided comments to GEI to be incorporated in the final Supplemental 10% Design packet. Staff also reviewed the 90% submittal plans for the spillway Heel Drain Cleanout Installation and provided comments to GEI. Staff reviewed the Spillway Wall Deflection Observation report prepared by ECG to support the current spillway design phase. Staff discussed the findings of this report with GEI during the bi-weekly progress meeting on April 6.

The supplemental 10% design package is expected to be completed and submitted to FERC, the California Division of Safety of Dams (DSOD), and BOC in September 2021, prior to the BOC meeting No. 5. As of June 30, 2021, the design portion of the project was 85% complete.

- *Santa Felicia Dam Sediment Management (CIP Project # 8005)* – Staff will retain Rincon to support the acquisition of the CDFW, U.S. Army Corps of Engineers, and Regional Water Quality Control Board permits for the sampling work. Engineering staff will coordinate with the Environmental Services Department to oversee this permitting effort conducted by Rincon. Staff also requested proposals from Oakridge Geosciences and ECG for delivering the geotechnical and surveying elements of the sediment sampling plan. Once the permits are in place, the District will proceed with the sediment sampling in January 2022 with the support of the Operations and Maintenance department to conduct the test pit excavations.

On April 27-28, 2021, Fugro performed a trial multi-beam scan of the SFD Intake Tower. This work was performed at no cost to the District. Fugro performed this work to provide their staff training and to develop a method for scanning the Santa Felicia Dam Intake Tower during future bathymetric surveys of the Lake Piru Reservoir. If this method is successful, Fugro will be able to more accurately detect the sediment elevation surrounding the SFD Intake Tower. On June 29, 2021, Engineering staff met with Fugro to discuss the results of the trial multi-beam scan of the SFD Intake tower performed on April 27-28, 2021.

- *Lower River Invasive Species Control (CIP Project # 8006)* – Currently, there is no update available on this project.
- *Oxnard Hueneme Pipeline Iron and Manganese Treatment (CIP Project # 8007)* – On April 23, 2021, staff received four (4) Statements of Qualifications/Proposals in response to the Request for Qualifications/Proposals (RFQ/P) for Construction Management (CM) and Inspection Services. In April staff also set-up a new BidNet account which provided web-based solicitation services for construction bidding for the project.

On May 5, 2021, Staff held a workshop to select consultants for interviews in response to the Request for Qualifications/Proposals (RFQ/P) for Construction Management (CM) and Inspection Services.

Four (4) Statements of Qualifications/Proposals were received by the District: HDR, Inc.; MKN & Associates, Inc.; MNS Engineers, Inc.; and WSC, Inc. A proposal review panel consisting of seven (7) voting members and one (1) non-voting member selected three consultants for interviews and further consideration.

On May 14, 2021, Staff completed the final bid documents (plans and specifications) and solicited the project for construction bids using BidNet.

On May 18, 2021, the proposal review panel interviewed three (3) consultants who submitted proposals for the RFQ/P for CM and Inspection Services. On May 19, 2021, the proposal review panel selected HDR, Inc. as the most qualified and responsive consultant to perform CM and Inspection Services for the project.

On May 19, 2021, the Calleguas Municipal Water District Board of Directors approved three contracts related to the Proposition 1 Integrated Regional Water Management Implementation Grant that provides \$2.5 million in funding for this project. On May 20, 2021, Staff notified the State Water Resources Control Board Division of Drinking Water that the project is in the construction bid process. On May 21, 2021, Staff notified the United States Bureau of Reclamation (providing \$300k under the WaterSmart grant program) that the project is in the construction bid process.

On June 2, 2021, Staff conducted a pre-bid meeting and site walk with prospective contractors and sub-contractors.

On June 3, 2021, Staff held a scope of work optimization workshop with the design engineer, Kennedy/Jenks Consultants and selected construction management and inspection services consultant, HDR, Inc.

On June 21, 2021, Phoenix Engineering submitted the final Stormwater Pollution Prevention Plan (SWPPP) to the District to submit to the Storm Water Multiple Application & Report Tracking System (SMARTS).

On June 22, 2021, Staff received four (4) bids from prospective contractors. Staff conducted a virtual bid opening, and the following results were announced:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
GSE Construction Company, Inc.	Livermore, CA	\$ 9,342,900
Cushman Contracting Corporation	Goleta, CA	\$ 9,953,000
Blois Construction, Inc.	Oxnard, CA	\$ 10,410,210
Pacific Hydrotech Corporation	Perris, CA	\$ 10,968,700

District staff reviewed the bid documents from GSE Construction Company, Inc. (GSE) for completeness and responsiveness. District staff reached out to references regarding similarly completed projects by GSE in the last 10 years. Staff compiled addenda and other corrections to provide to the design engineer for the production of conformed contract documents. On June 23, 2021, Staff held debriefing calls with WSC, Inc. and MNS Engineers, Inc. regarding the evaluation panel's selection of a construction management and inspection services firm (HDR, Inc.)

- *Quagga Decontamination Station (CIP Project # 8008)* – This project is no longer in the 2020/21 Capital Improvement Program. Currently, the Park Rangers are using a mobile unit to disinfect the visitor boats that have been in the water longer than 96 hours.
- *Juan Fernandez Day Use (CIP Project # 8013)* – This project is no longer in the 2020/21 Capital Improvement Program. The Recreation Management Plan (RMP) assessed the public need to install these additional facilities and is recommending alternative improvements that are less costly and more appropriate. The license amendment application and the RMP were submitted to the FERC on September 20, 2018. In October 2018, United Board of Directors adopted the RMP. On May 8, 2019, FERC issued an order amending Article 412 of the FERC license and approving United's plan to implement alternative improvements. This project is now the Condor Point Improvement Project (CIP Project #8048) and must be completed by May 8, 2022, per the FERC Order.
- *Ferro-Rose Recharge (CIP Project # 8018)* – On May 13, 2021, staff met with NHC and GEI to discuss the comments received by the County of Ventura on the 30% design of the three-barrel culvert. NHC and GEI are continuing to advance the design to the 90% level.
- *Brackish Water Treatment (CIP Project # 8019)* – On April 29, 2021, Engineering, Water Resources and Environmental Services staff met with U.S. Navy staff to discuss the upcoming project schedule, provide an update on Prop. 1 groundwater modeling efforts, discuss the CEQA/NEPA process, and conceptual design activities.

On May 6 and June 1, 2021, District staff and Trussell Technologies, Inc. held progress meetings to discuss the extended desktop modeling analysis. On May 17, 2021, Engineering and Water Resources staff conducted a video inspection of monitoring well CM1A at Naval Base Ventura County's Point Mugu facility.

On May 19, 2021, Engineering and Water Resources staff held the Technical Advisory Committee Meeting No. 2 with members from the Department of Water Resources (DWR), Los Angeles Regional Water Control Board (LA RWQCB), the State Water Resources Control Board Division of Drinking Water (DDW), Fox Canyon Groundwater Management Agency (FCGMA) and United States Navy (USN). The primary focus was to provide an update on conversion of the regional groundwater flow model to a density-dependent transport model.

On May 21, 2021, Environmental Services staff received two (2) proposals in response to the Request for Qualifications and Proposals (RFQ/P) for consultant services for California Environmental Quality Act (CEQA) Documentation and Processing. On May 26, 2021, District Staff held the third Leadership Meeting with active duty (including the current Commanding Officer) and civilian members of the USN at Naval Base Ventura County Point Mugu. The meeting ended with a re-affirmation of the USN's strong support of the project.

On June 22, 2021, District staff attended a Navy-led conference call with Congresswoman Julia Brownley's office staff. The congressional office received an update on the project and indicated they would provide support when requested.

On June 28, 2021, District staff (engineering, environmental and water resources) conducted an interview of prospective proposer, GEI Consultants, for the CEQA services work.

On June 29, 2021, District staff held the eleventh monthly progress meeting with Navy staff to discuss the project schedule and action items. This included discussion of a property (27.18 acres, 4444 Naval Air Road) that is adjacent to Naval Base Ventura County Point Mugu and currently up for sale.

On June 30, 2021, District staff (engineering, environmental and water resources) conducted an interview of prospective proposer, Catalyst, for the CEQA services work.

On June 30, 2021 – District staff (engineering, environmental and water resources) conducted a workshop to discuss the interviews of prospective proposers for the CEQA services work.

- *Rice Ave. Overpass PTP (CIP Project # 8021)* – In May, District staff was contacted by WREA staff, who requested a list of utilities that would be impacted by the Project at the Rice Avenue and 5th Street Intersection. Staff contacted WREA and shared the 95% Rice Avenue roadway and structural design plans with them. On May 5, 2021, staff was contacted by the County of Ventura Public Works Office to coordinate a meeting between the City of Oxnard and the District at the County Public Works office to discuss the Project.

In June, staff revised the design for the utility access for the new reinforced segment of United's 30-inch pipeline from Kennedy Jenks (KJ). This revised design is a part of the 95% design plans for PTP 30-in transmission line north of the Rice Avenue and 5th Street intersection. Following coordination calls with the County of Ventura Public Works (County), Staff received a meeting request to discuss the reinforcement of United's 30-inch pipe with the County, the City of Oxnard and United. The meeting is expected to take place in July 2021 at the County's Government Center.

- *PTP Turnout Metering System (CIP Project # 8022)* – On April 26, 2021, Staff attended a site tour with owner representatives for PTP Turnout Nos. #113, 114 & 126W and reviewed the installation plan. Owner representatives agreed to minor changes in the easement locations.

On May 27, 2021, Right-of-way acquisition consultant Hamner, Jewell & Associates (HJA) and subconsultant Stantec received a notice to proceed with seven (7) turnout locations that were partially prepared by Jensen Design & Survey. The additional scope of work and fee was authorized using the existing contract contingency. Staff also met with HJA and Stantec to discuss several owner signatures that are pending for multiple utility easement deeds due to requests from owner's legal counsel for changes to the utility easement deed language.

On June 18, 2021, Stantec Consulting completed three (3) easement exhibits for PTP Turnout Nos. 106, 135 and 144. As of June 30, 2021, 30 of 61 (49%) meters have been installed and 14 of 41 (34.1%) easement acquisitions have been obtained.

- *Pothole Trailhead (CIP Project # 8023)* – In April 2021, the District continued to work on the development of two (2) easements to the Forest Service in perpetuity for the public use for two areas, including the trailhead parking area and the stretches of the Pothole Trail that lie on District Property. The District retained ECG to provide the legal description of the two areas for their respective easements. ECG, in coordination with staff, performed a field survey of the Pothole Trail on April 28, 2021.

On May 13, 2021, the District was issued a letter from FERC in which the Division of Hydropower Administration and Compliance acknowledges the completion of the Pothole Trailhead as required by the FERC order issued to the District on May 15, 2019.



On June 25, 2021, staff e-filed an updated Recreation Facilities Table with FERC as requested by FERC in a letter dated May 13, 2021. The updated table now includes the Pothole Trailhead Facility as well as an updated quantity of recreation amenities (picnic tables, parking spaces, etc.) based on a June 23, 2021, survey performed by staff.

Engineering staff, in collaboration with the Forest Service, finalized the interpretative signage content for the Pothole Trailhead on June 23, 2021. The sign structure was immediately released for production. The Interpretative Sign Structure will be installed in August 2021.

- *State Water Interconnection Project (CIP Project # 8025)* – Staff postponed seeking the Board’s approval of the draft joint agreement between United, the City of Buenaventura and other two participating agencies at the May 2021 Board meeting until after staff’s review of the Project EIR is complete and the final ruling on the CWIN case is made by the Court, expected by July 12, 2021.

The Court ruling, which was released on June 24, 2021, denied CWIN’s petition for writ of mandate and therefore, a claim challenging the City certification of a final EIR for, and approval of, the Project. The Court found the EIR prepared for the project followed the CEQA guidelines.

The City developed an addendum to the EIR that includes the geotechnical borings in the river and the old dump site. The EIR addendum is scheduled for adoption by the Ventura City Council on July 12.

Calleguas is planning to present the agreement to its board after the ruling on the CWIN hearing and the City Council approval of the EIR Addendum.

Casitas presented the SWP Interconnection Pipeline Project to its Finance Committee on June 18.

Engineering Staff met with the City’s consultants at Ferro Basin on June 9, 2021, to discuss the geotechnical subsurface exploration work and the number of borings planned to be implemented in the District’s Ferro and Noble parcels.

Currently, the City is in the process of drilling three borings within the Santa Clara River. The proposed borings are located within the District’s property. The City has obtained all applicable permits for the work. The District allowed the City to start the drilling work. The preconstruction meeting with the City’s consultant, Fugro, the drilling contractor, the County and the District took place on September 22, 2021.

- *Grand Canal Hydraulic Constraint Removal (CIP Project # 8032)* – In June 2021, DOD Construction substantially completed the construction of the Grand Canal hydraulic improvements and plans to complete the project by the end of July.

- *Recycled Water (CIP Project # 8043)* – On May 18, 2021, the City of Oxnard staff provided a water supply outlook and drought condition report to the City Council. This included an update that the Aquifer Storage & Recovery (ASR) well demonstration project, which is scheduled to begin in 2021. The demonstration period will last up to a year before the California Division of Drinking Water considers approval of Oxnard's permit application for indirect potable reuse (IPR). It was noted that after the permit is granted, Oxnard plans to expand the Advanced Water Purification Facility (AWPF) and the ASR well field.

In June 2021, Construction began on the City of Oxnard's Hueneme Road Phase II Recycled Water Pipeline (Olds Road to Wood Road) which is expected to be complete in early 2022.

- *Oxnard Hueneme System Backup Generator (CIP #8036)*

Grant Activities:

On May 4, 2021, staff met with Cal OES new grants specialist for the project and followed up on the budget and construction time extension requests. On May 10, 2021, staff submitted the revised requests for Cal OES final review and approval. On June 11, staff received Cal OES approval for the project time extension that allows the project to be completed by March 26, 2022.

On June 18, staff received the new quarterly report template from Cal OES. Staff began the preparation of the third quarterly report that covers the project activity through April, May, and June 2021.

Construction Activities:

On May 4, staff attended Southern California Edison (SCE) coordination meeting at the project site. Staff met with SCE representatives, Operations staff, Oilfield Electric (Oilfield), Phoenix Civil Engineering, and Lucci & Associates and discussed the future project outages and proposed recloser equipment installation.

Staff continued their review of the electrical equipment shop drawings received from Oilfield. On May 21, staff met with Oilfield at the job site to mark the construction area.

On June 14, Oilfield began mobilization at the project site. On June 15, demolition of the existing facility started, which included the removal of the existing electrical panels and the existing generator concrete pad. On June 21, Oilfield began the over-excavation and soil compaction work for the new generator and electrical equipment pads. Staff provided daily construction observation. On June 25, staff, Phoenix Engineering (construction manager), and Oilfield met with Southern California Edison (SCE) representatives to discuss the need for a new pole installation. SCE agreed that a new pole is not needed.

- *Emergency Power Supply for UWCD Drinking Water Treatment and Supply Facilities Related to CIP Projects # 8033, 8037, 8039* – Following the Board approval of the CEQA Notice of Categorical Exemption determination for the project in May, staff filed the NOE with the State Clearing House and the County Recorder in June. Due to limited material availability and delay in equipment manufacturing, staff has requested CalOES for a five-month time extension to complete the project. This will postpone the project completion date to March 2022.

**Cash Position and Investments of the District**

As of June 30, 2021, the District had a total of \$48M in cash and investments. As noted on the cash position report, some of the District's resources are readily available for use while other funds have restrictions that limit how they can be used. The District must adhere to any legal, bond or contractual restrictions placed on funds. However, some restrictions are based on Board designations and can be redirected for other uses if the Board so determines.

The District's cash, cash equivalents and securities held in the various accounts as compared to the prior year are as follows:

	<i>30-Jun-21</i>	<i>30-Jun-20</i>
Local Agency Investment Fund (LAIF)	\$27,141,128	\$26,108,660
Union Bank – 2009 COP Reserve Account	\$0	\$815,390
Union Bank – 2001, 2005 Account Balances	\$0	\$257
MUFG Union Bank 2020 COP Account Balance	\$19,006,812	\$0
Bank of the Sierra Checking Account	\$2,046,318	\$2,038,071
County Treasury	\$1,644	\$392
Petty Cash	\$3,400	\$400
<b>Total</b>	<b>\$48,199,302</b>	<b>\$28,963,171</b>

If you have any questions regarding this report on the financial position, please let me know.

Respectfully submitted,



Daryl Smith, Controller

## FY 2020-21 Fourth Quarter Financial Review

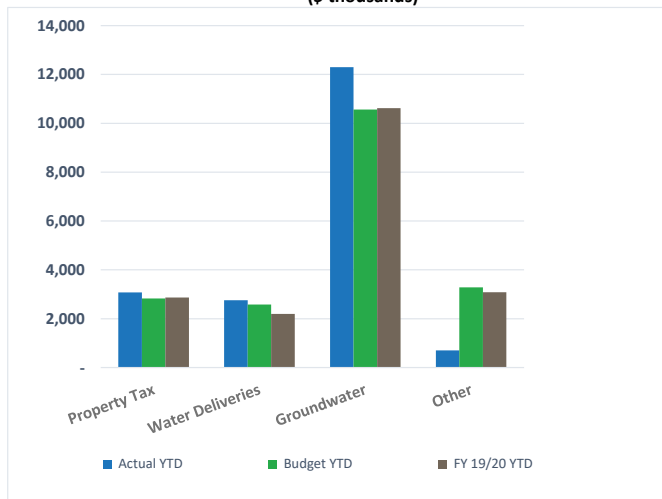
July 1, 2020 through June 30, 2021

100% of Fiscal Year Completed

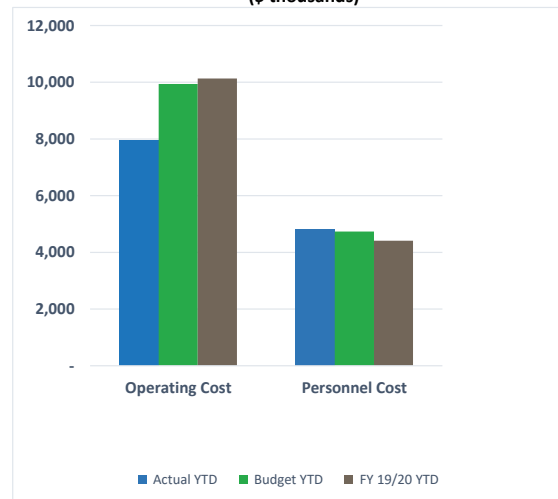
### General/Water Conservation Fund

in \$ thousands	CY Actuals	CY Revised Budget	Variance	% Variance	PY Actuals	Variance	% Variance
<b>Revenues</b>							
Water Delivery	2,754	2,581	172	7%	2,193	561	26%
Groundwater	12,295	10,563	1,732	16%	10,618	1,677	16%
Supplemental Water	0	0	0	0%	1,840	(1,840)	0%
Property Taxes	3,075	2,828	247	9%	2,870	205	7%
Earnings on Investments	44	105	(61)	-58%	335	(291)	-87%
Other	1,283	3,281	(1,997)	-61%	3,087	(1,804)	-58%
Transfers in	1,064	0	1,064	0%	619	445	0%
<b>Total Revenues</b>	<b>20,514</b>	<b>19,358</b>	<b>1,157</b>	<b>6%</b>	<b>21,561</b>	<b>(1,047)</b>	<b>-5%</b>
<b>Expenses</b>							
Personnel Costs	4,809	4,732	77	2%	4,414	395	9%
Operating Expenditures	7,942	9,939	(1,998)	-20%	10,132	(2,191)	-22%
Capital Outlay	639	605	34	6%	136	503	369%
Transfers out	3,382	3,382	0	0%	5,590	(2,208)	-39%
<b>Total Expenses</b>	<b>16,772</b>	<b>18,659</b>	<b>(1,887)</b>	<b>-10%</b>	<b>20,272</b>	<b>(3,501)</b>	<b>-17%</b>
<b>Net Surplus / (Shortfall)</b>	<b>3,743</b>	<b>699</b>	<b>3,043</b>	<b>435%</b>	<b>1,289</b>	<b>2,454</b>	<b>190%</b>

**Revenues**  
(\$ thousands)



**Expenses**  
(\$ thousands)



#### Revenue Status vs. Budget

- Revenue received through fourth quarter is \$1.2M (6%) above Plan primarily due to groundwater revenue \$1.7M above Plan and pipeline deliveries \$172K above Plan. 9,085 AF more delivered than Plan for three pipelines combined including 3,171 AF more for PV
- Property taxes \$247K above plan.
- Earnings on investments were \$61K under plan due to a GAAP market value adjustment to LAIF of \$63K in addition to a steep reduction in the rate of return.
- Other Revenue increases included conservative budgeting of Hydroplant revenue \$57K, Lake Piru fees and reservations revenue \$448K and easement revenue \$30K from So Cal Gas.
- Proceeds from Financing under budget \$2.9M due to unrealized Interfund Loan. Slightly offset by GSA Revenue \$190K and late fees \$116K.
- Transfers In \$1M above plan due to Lake Piru, Quagga Mussels, and State Water CIP completed Projects

#### Revenue Status vs. Prior Year

- Q4 Revenue \$1M (5%) lower than PY primarily due to Supplemental Water revenue of \$1.8M received prior year for Fox Canyon GMA and a refund of legal fees of \$1.3M.
- Offsetting the decrease in revenue were increases in pipeline \$561K and groundwater \$1.7M deliveries. Additionally, there were current year recreation revenues of \$448K and none in the PY due to direct management of recreation activities by District staff rather than the use of a concessionaire. Lastly, property taxes are higher by \$205K in the current year.
- Earnings on investment \$291K lower than PY due to GAAP market value adjustment and lower market rates in the current year (2.03% to .44%).



## FY 2020-21 Fourth Quarter Financial Review

July 1, 2020 through June 30, 2021

100% of Fiscal Year Completed

### General/Water Conservation Fund - Continued

#### ***Appropriation/Expenditure Status vs. Budget***

- Total Expenditures were \$1.9M (10%) under Plan primarily due to Professional Fees \$878K from the under-utilized Admin and Environmental consulting budget. Fish Passage and quagga expenditures were significantly less than estimated.
- Materials and Supplies were \$544K under budget. O&M and Recreation contributed to the variance due to fewer staff and staff spending less time in the field due to Covid. There have also been fewer emergency repairs performed. Travel expense is also significantly under budget \$94K due to training being performed online.
- Overhead costs were \$389K under budget due to the vacant AGM position and lower consulting costs; Covid restrictions also played a role.
- Capital Outlays were \$34K over budget primarily due to Recreation purchasing vehicles and equipments for Lake Piru operations.
- Financing costs \$328K under due to bond consolidation

#### ***Appropriation/Expenditure Status vs. Prior Year***

- Expenditures \$3.5M (17%) lower than PY. Primarily due to transfers out for CIP of \$3.4M in current year which was \$2.2M lower than prior year due to the purchase of new HQ, and charges for supplemental water \$1.7M lower than PY due to larger purchase in FY 19-20, partially offset by higher personnel costs \$395K and capital expenditures \$503K compared to PY.
- Professional fees \$40K lower than PY. Principal and interest payments were down \$1.1M due to bonds 2001 2005 and 2009 refunded in November while financing costs were up \$652K due to payoff costs.
- Salary expenses were up \$395K due to COLA increase, additional Rangers hired to support Lake Piru operations and more water staff time spent on water conservation activities compared to PY.
- Insurance premiums increased by \$62K and maintenance costs exceeded PY by \$160K. This was offset by lower travel costs \$67K due to covid and lower permit/licensing fees \$47K.
- Capital outlays were up \$503K due primarily to the Eddy Pump purchase along with new O&M service truck \$134K and recreation vehicles.

#### ***Fund Balance***

The ending undesignated working capital balance at the end of FY 20-21 is \$7.6M.

The District's reserve policy requires a \$4 - \$5 million minimum undesignated balance which is projected to be met.

## FY 2020-21 Fourth Quarter Financial Review

July 1, 2020 through June 30, 2021

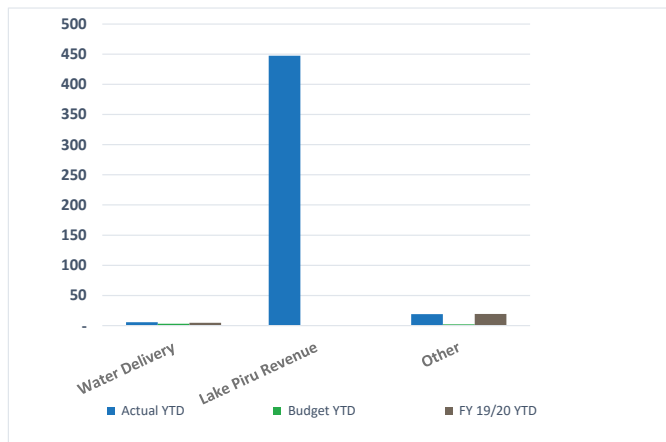
100% of Fiscal Year Completed

### Recreation Sub-Fund

in \$ thousands	CY Actuals	CY Revised Budget	Variance	% Variance	PY Actuals	Variance	% Variance
<b>Revenues</b>							
Water Delivery	6	3	3	87%	5	1	22%
Earnings on Investments	0	0	0	0%	0	0	0%
Lake Piru Revenue	447	0	447		0	447	
Other	19	2	17	857%	19	(0)	0%
<b>Total Revenues</b>	<b>472</b>	<b>5</b>	<b>467</b>	<b>9345%</b>	<b>24</b>	<b>448</b>	<b>1883%</b>
<b>Expenses</b>							
Personnel Costs	603	598	6	1%	545	58	11%
Operating Expenditures	947	904	43	5%	900	47	5%
Capital Outlay	201	212	(11)	-5%	23	178	781%
Transfers out	405	405	0	0%	332	74	22%
<b>Total Expenses</b>	<b>2,157</b>	<b>2,119</b>	<b>38</b>	<b>2%</b>	<b>1,800</b>	<b>357</b>	<b>20%</b>
<b>Net Surplus / (Shortfall)</b>	<b>(1,684)</b>	<b>(2,114)</b>	<b>429</b>	<b>-20%</b>	<b>(1,776)</b>	<b>92</b>	<b>-5%</b>

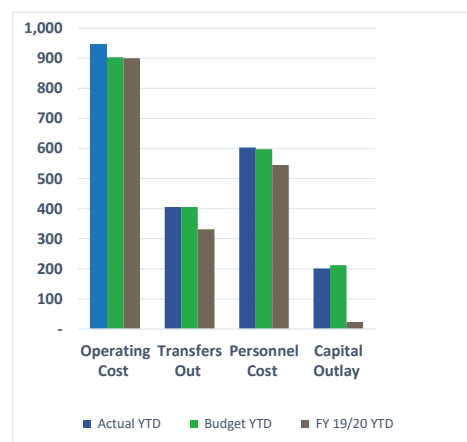
#### Revenues

(\$ thousands)



#### Expenses

(\$ thousands)



#### Revenue Status vs. Budget

- Revenue received through 4th quarter is significantly above Plan \$447K since the district has taken over Lake Piru operations from PMC. Revenue primarily coming from Lake Piru Day Use, Camping, and Boating fees and reservations.

#### Revenue Status vs. Prior Year

- Q4 Revenue \$447K over PY due to increase in fees and reservations slightly offset by decrease in filming revenue because of Lake Piru closure and Covid restrictions for the most part of the fiscal year.

#### Appropriation/Expenditure Status vs. Budget

- Total expenditures \$38K (2%) over budget due to additional costs for Lake Piru operations including staffing, general maintenance, purchase of equipment and other expenses after termination of PMC's concessions agreement.

#### Appropriation/Expenditure Status vs. Prior Year

- Expenditures \$357K (20%) higher than PY.
- Personnel and Operating Costs \$47K higher in current year due to the district taking over Lake Piru operations. The district has hired additional part time Rangers as well as increased costs for maintenance and supplies. Capital Outlays \$178K are also higher due to the purchase of a Recreation truck, Utility Vehicles, and equipment as a result of the transition.
- Offsetting the increases was an \$85K decrease in premium payments on the 2009 bond, due to the recreation sub-fund's portion of the debt being paid off in FY 19-20. Professional Fees decreased approximately \$50K as a result of the termination of the PMC contract.

## FY 2020-21 Fourth Quarter Financial Review

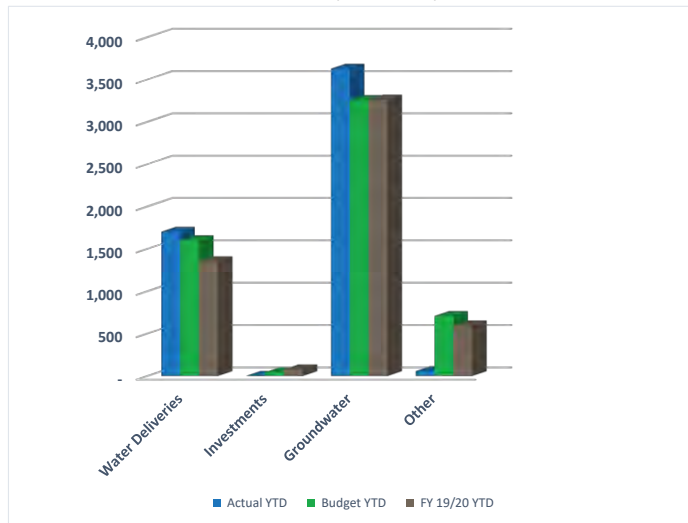
July 1, 2020 through June 30, 2021

100% of Fiscal Year Completed

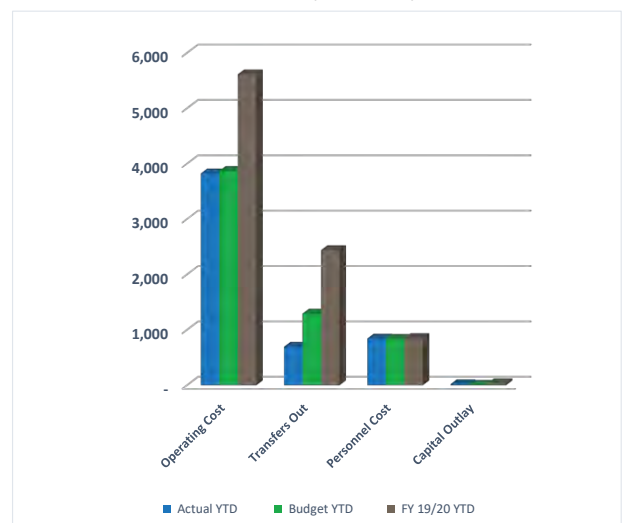
### Freeman Diversion Fund (Zone B)

in \$ thousands	CY Actuals	CY Revised Budget	Variance	% Variance	PY Actuals	Variance	% Variance
<b>Revenues</b>							
Groundwater	3,628	3,257	370	11%	3,263	364	11%
Water Delivery	1,702	1,601	101	6%	1,353	349	26%
Earnings on Investments	1	44	(43)	-99%	77	(77)	-99%
Other	125	707	(582)	-82%	596	(471)	-79%
Transfers in	24	0	24	0%	0	24	0%
<b>Total Revenues</b>	<b>5,480</b>	<b>5,610</b>	<b>(130)</b>	<b>-2%</b>	<b>5,290</b>	<b>190</b>	<b>4%</b>
<b>Expenses</b>							
Personnel Costs	841	836	4	1%	850	(10)	-1%
Operating Expenditures	3,823	3,870	(47)	-1%	5,613	(1,790)	-32%
Capital Outlay	17	6	11	0%	33	(16)	-48%
Transfers out	694	1,292	(598)	-46%	2,438	(1,744)	-72%
<b>Total Expenses</b>	<b>5,375</b>	<b>6,003</b>	<b>(629)</b>	<b>-10%</b>	<b>8,934</b>	<b>(3,560)</b>	<b>-40%</b>
<b>Net Surplus / (Shortfall)</b>	<b>105</b>	<b>(393)</b>	<b>498</b>	<b>-127%</b>	<b>(3,645)</b>	<b>3,750</b>	<b>-103%</b>

**Revenues**  
(\$ thousands)



**Expenses**  
(\$ thousands)



#### Revenue Status vs. Budget

- Revenue received Q4 \$5.5M, down \$130K (2%)
- Decrease primarily due to Interfund Loans (\$687K) for Emergency Generator, Recycled Water Replenishment and SCADA Hardware capital improvement projects not being realized
- Lower earnings on investments (\$43K) were due to a GAAP market value adjustment to LAIF
- Offsetting this decrease were higher than expected pipeline deliveries, which were \$101K over Plan. Total pipeline deliveries were up 9,085.29 AF (61%) compared to budgeted 14,980 AF
- Groundwater pumping revenue was also \$370K (11%) higher than Budget

#### Revenue Status vs. Prior Year

- Current year higher by \$190K (4%)
- Increase primarily due to higher Groundwater (\$364K) and Pipeline delivery (\$349K) revenue
- Groundwater volume higher by 25,262 AF (18%) compared to PY
- Pipeline delivery revenue up 5,781 AF (32%) due to increase in volume and rate increases
- Offsetting increase was a City of Ventura Refund of Judgement (\$120K) received during Fiscal Year 2019-2020



## **FY 2020-21 Fourth Quarter Financial Review**

**July 1, 2020 through June 30, 2021**

*100% of Fiscal Year Completed*

### **Freeman Diversion Fund (Zone B) - continued**

#### **Appropriation/Expenditure Status vs. Budget**

- Total expenditures \$5.4M, \$629K (10%) below Plan
- Primarily due to a delay in CIP transfers-out for Floc Building Emergency Generator (\$78K) and Recycled Water Groundwater Replenishment (\$519K) CIP projects
- Operating expenditures were also lower (\$47K) than Budget. Decrease in operating expenditures are primarily related to maintenance (\$97K), equipment rentals (\$86K), fuel (\$26K) and travel expenses (\$10K)
- Maintenance lower than Plan due to Freeman Emergency Funds not being used in FY 2020-21
- Equipment rent and leases and travel expense lower due to Covid-19
- Fuel expense below Plan as a result of Desilt Basin Facility not using budgeted expenditures
- Overhead costs also under budget by \$78K due to vacant AGM position and lower overhead expenses
- Interest payments (\$80K) for New Headquarters and New Debt Issuance also lower than expected
- Offsetting these decreases are professional services (\$353K) related to ongoing District legal fees for Wishtoyo, City of Ventura and HCP. As well as, permitting activities associated with the Freeman Diversion Sediment Management Project
- Capital Outlay Costs were also \$11K higher than expected due to the purchase of a new vehicle

#### **Appropriation/Expenditure Status vs. Prior Year**

- Total Expenditures are \$3.6M (40%) below PY
- Decrease largely due to court award of legal fees in the Wishtoyo case (\$2.4M) that was recognized in FY 2019-20
- Lower transfers-out (\$1.7M) to capital improvement projects were also made in FY 2020-21 compared to FY 2019-20 due to a delay in funding
- Slightly offsetting the decrease are higher rental expenditures (\$39K) in the current fiscal year

#### **Fund Balance**

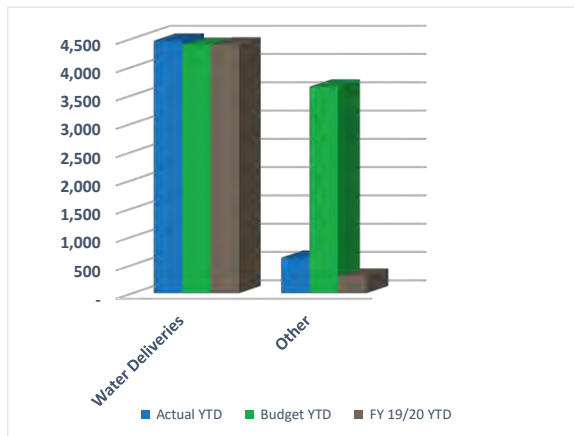
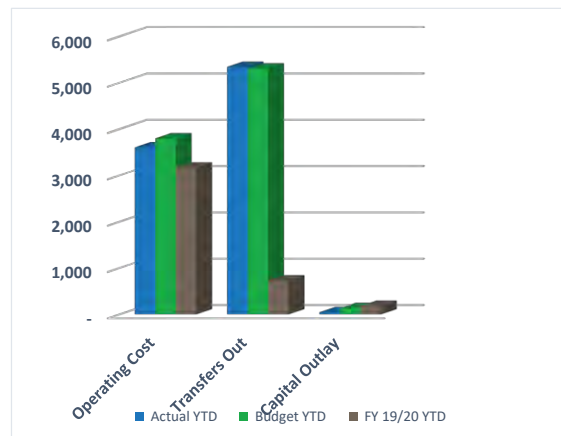
- The ending working capital balance was approximately \$26K, all undesignated. This was lower than the projected ending balance. \$91K of purchase orders will be carried forward into FY 2021-22, reducing the available balance to (\$-65K.)
- The District's reserve policy requires an undesignated balance of between \$800K and \$1M for this fund, which was not met

**FY 2020-21 Fourth Quarter Financial Review**

July 1, 2020 through June 30, 2021

*100% of Fiscal Year Completed*
**Oxnard Hueneme Pipeline Fund**

in \$ thousands	CY Actuals	CY Revised Budget	Variance	% Variance	PY Actuals	Variance	% Variance
<b>Revenues</b>							
Water Delivery	4,459	4,383	76	2%	4,391	68	2%
Earnings on Investments	(1)	20	(21)	-103%	53	(53)	-101%
Grants	76	300	(224)	-75%	0	76	0%
Other	626	3,627	(3,001)	-83%	251	375	149%
<b>Total Revenues</b>	<b>5,160</b>	<b>8,330</b>	<b>(3,170)</b>	<b>-38%</b>	<b>4,694</b>	<b>466</b>	<b>10%</b>
<b>Expenses</b>							
Personnel Costs	883	801	82	10%	930	(47)	-5%
Operating Expenditures	2,721	2,999	(278)	-9%	2,237	484	22%
Capital Outlay	45	134	(88)	-66%	180	(135)	-75%
Transfers out	5,342	5,307	35	1%	730	4,612	632%
<b>Total Expenses</b>	<b>8,991</b>	<b>9,240</b>	<b>(249)</b>	<b>-3%</b>	<b>4,077</b>	<b>4,914</b>	<b>121%</b>
<b>Net Surplus / (Shortfall)</b>	<b>(3,830)</b>	<b>(910)</b>	<b>(2,921)</b>	<b>321%</b>	<b>618</b>	<b>(4,448)</b>	<b>-720%</b>

**Revenues**  
 (\$ thousands)

**Expenses**  
 (\$ thousands)

**Revenue**

- Water Delivery Revenue is \$76K (2%) higher than budget after a \$600K budget adjustment in May. This increase translates to 4,311 AF or 43% more than Plan. Deliveries exceed prior year by \$68K or 2,450 AF. The decrease in variable rates made the dollar revenue increase less than the delivery increase.
- Grants under Plan by \$224K. Grant for Fe & Mn treatment; revenue will not be earned until after construction in FY 2021-22.
- Fox Canyon revenues up \$215K (108%) over budget and \$213K (106%) over prior year. This is a combination of a half-year rate increase (Jan. 2021) and an additional 600 AF of pumping.
- Investment revenue is \$21K under budget and down \$53K compared to last year due to a \$19K GAAP market value adjustment to LAIF this year and an 84% lower rate of return than last year.
- Total revenue under budget by \$3.2M due to financing receipts of \$3.4M not being realized.

**Expenses**

- Maintenance - S&I under budget by \$54K and Equipment under by \$67K as the maintenance was not required this FY.
- Professional fees \$118K under budget due primarily to a budget for infrastructure analysis and the EPA Risk Plan.
- Overhead costs \$62K under budget and \$74K below last FY. This is primarily due to the vacant AGM position and lower consulting costs culminating in lower overhead expenses.
- Transfers out \$4.6M more than the previous year due primarily to Fe & Mn treatment project.
- Salary costs \$82K and electrical costs \$174K over budget due to higher OH deliveries and additional time spent on OH pipeline plus higher /KWH rate charges. Utilities \$402K over last FY.
- 2001/2005 bond premium & interest costs under budget by \$235K, in addition to being \$84K less than the previous year.
- Capital Outlays were \$88K under budget mainly due to OH equipment being delayed for purchase in the new fiscal year and \$135K lower compared to last year. This is primarily due to \$99K for rehab work on OH well #8 last FY.

**Fund Balance**

The final fund balance at the end of FY 20-21 is \$2.8M.

The District's reserve policy requires a \$1.1M undesignated balance for this fund. The fund balance over the requirement will be used to reduce the amount of external financing that will be needed to complete the large capital improvement projects in FY 21-22 including the Iron & Manganese treatment facility.



## FY 2020-21 Fourth Quarter Financial Review

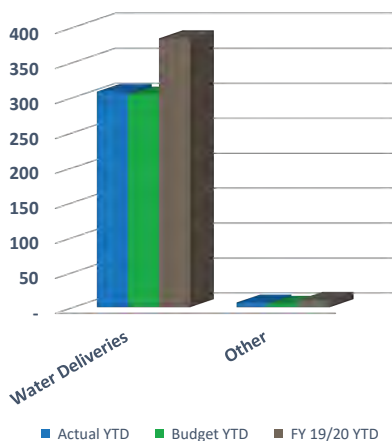
July 1, 2020 through June 30, 2021

100% of Fiscal Year Completed

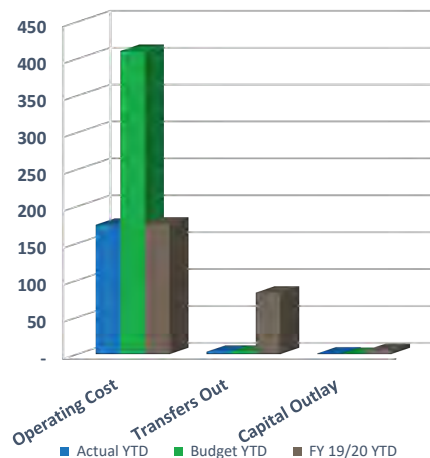
### Pleasant Valley Pipeline Fund

in \$ thousands	CY Actuals	CY Revised Budget	Variance	% Variance	PY Actuals	Variance	% Variance
<b>Revenues</b>							
Water Delivery	308	304	4	1%	384	(76)	-20%
Earnings on Investments	0	4	(4)	-92%	11	(11)	-97%
Other	132	5	127	2696%	10	122	1167%
<b>Total Revenues</b>	<b>441</b>	<b>313</b>	<b>128</b>	<b>41%</b>	<b>406</b>	<b>35</b>	<b>9%</b>
<b>Expenses</b>							
Personnel Costs	71	46	25	54%	49	22	44%
Operating Expenditures	104	365	(261)	-71%	127	(23)	-18%
Capital Outlay	1	0	1	0%	5	(5)	-85%
Transfers out	3	3	0	0%	83	(80)	-96%
<b>Total Expenses</b>	<b>179</b>	<b>414</b>	<b>(235)</b>	<b>-57%</b>	<b>265</b>	<b>(86)</b>	<b>-32%</b>
<b>Net Surplus / (Shortfall)</b>	<b>262</b>	<b>(101)</b>	<b>363</b>	<b>-358%</b>	<b>140</b>	<b>121</b>	<b>86%</b>

**Revenues (\$ thousands)**



**Expenses (\$ thousands)**



#### Revenue

- Water delivery was \$4K (3,171 AF) higher than Plan. Increase in water deliveries were primarily due to SFD water releases, which provided surface water to the pipeline. Water releases subsided mid-November 2020. Deliveries revenue less than prior year by \$76K due to lower fixed rate.
- Other Revenue favorable primarily from a Transfer in of \$125K due to completion of Invasive Species CIP Project.

#### Expenses

- Operating expenditures under Budget by \$261K this fiscal year and down \$23K from prior year. Decrease is primarily due to \$225K budgeted for PV reservoir maintenance which will be completed next fiscal year.
- Transfers out lower than last fiscal year by \$80K primarily due to the purchase of new headquarters in the prior FY.
- Personnel costs up \$25K over Plan and up \$22K from prior year mainly due to the ramp up for water deliveries in FY 2021-22. Postponed maintenance resulted in a higher allocation of staff time to perform the necessary maintenance and repairs to facilitate those water deliveries.

#### Fund Balance

- The ending working capital for the fund was approximately \$602K, which was higher than the projected ending balance. Purchase orders of \$29K will be carried forward into FY 21-22, resulting in a fund balance of approximately \$573K.
- The District's calculated reserve policy requires a \$251K undesignated balance for this fund which was met.

### FY 2020-21 Fourth Quarter Financial Review

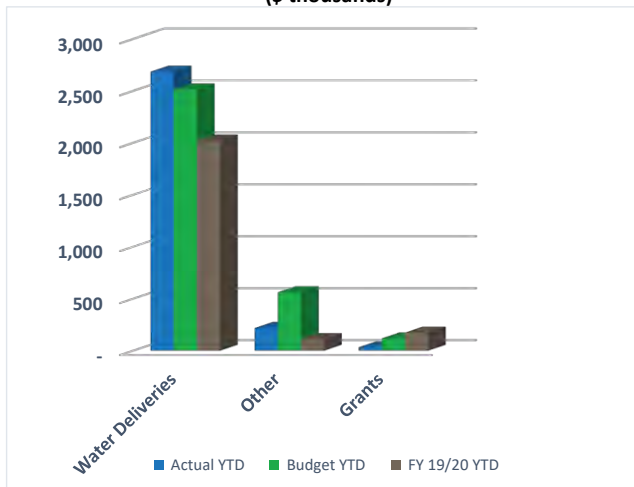
July 1, 2020 through June 30, 2021

100% of Fiscal Year Completed

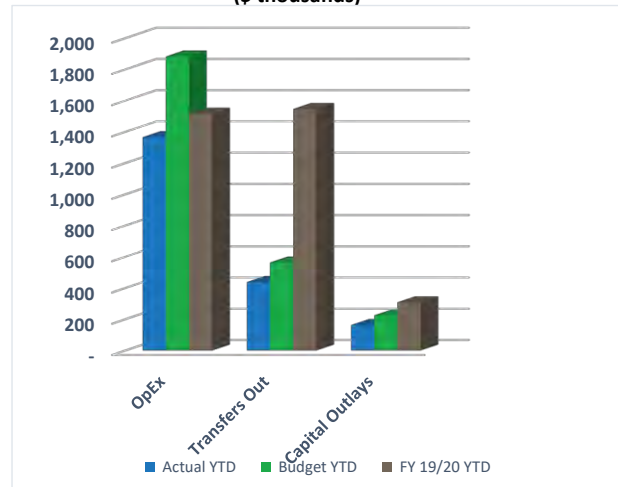
#### Pumping Trough Pipeline Fund

in \$ thousands	CY Actuals	CY Revised Budget	Variance	% Variance	PY Actuals	Variance	% Variance
<b>Revenues</b>							
Water Delivery	2,684	2,514	170	7%	2,022	663	33%
Earnings on Investments	3	11	(7)	-68%	22	(19)	-85%
Grants	32	118	(86)	-73%	172	(141)	0%
Other	214	551	(337)	-61%	89	125	140%
<b>Total Revenues</b>	<b>2,933</b>	<b>3,193</b>	<b>(260)</b>	<b>-8%</b>	<b>2,305</b>	<b>628</b>	<b>27%</b>
<b>Expenses</b>							
Personnel Costs	375	377	(2)	-1%	411	(36)	-9%
Operating Expenditures	990	1,505	(515)	-34%	1,105	(115)	-10%
Capital Outlay	163	225	(62)	-28%	308	(146)	-47%
Transfers out	438	563	(125)	-22%	1,546	(1,108)	-72%
<b>Total Expenses</b>	<b>1,966</b>	<b>2,671</b>	<b>(704)</b>	<b>-26%</b>	<b>3,370</b>	<b>(1,404)</b>	<b>-42%</b>
<b>Net Surplus / (Shortfall)</b>	<b>967</b>	<b>522</b>	<b>444</b>	<b>85%</b>	<b>(1,065)</b>	<b>2,032</b>	<b>-191%</b>

**Revenues**  
(\$ thousands)



**Expenses**  
(\$ thousands)



#### Revenue Status vs. Budget

- Revenue received through Q4 \$2.93M, down \$260K (8%)
- Revenue reduction primarily due to (\$434K) PTP Metering, Replace El Rio Trailer, Management CMMS and SCADA Hardware capital improvement projects not being realized
- Fox Canyon GMA charges were also \$51K lower than expected due to more surface water being delivered than pumped water
- Grant revenue for the PTP Metering project has only been partially received, which reduces the amount of revenue received in FY 2020-21 by \$86K
- Offsetting decrease were water deliveries, which were \$170K higher than Budget. 620 AF (10%) more water was delivered than Plan
- Transfers-in of \$145K from CIP fund to Enterprise fund also offset decrease in revenue, which were due to completed CIP projects



## **FY 2020-21 Fourth Quarter Financial Review**

**July 1, 2020 through June, 2021**

*100% of Fiscal Year Completed*

### **Pumping Trough Pipeline Fund (Continued)**

#### ***Revenue Status vs. Prior Year***

- Current fiscal year revenues up \$628K (27%) compared to last fiscal year
- Primarily due an increase of \$663K (1,190 AF) for water deliveries versus prior fiscal year
- Transfers-in during the current fiscal year are also higher by \$140K compared to last fiscal year, which was due to completed CIP projects
- Offsetting these increases was lower grant revenue (\$141K) for PTP Metering Project, and lower earnings on investments (\$19K) due to lower market rates in the current year

#### ***Expense Status vs. Budget***

- Total expenditures \$1.97M, \$704K (26%) below Plan
- Primarily due to lower operating expenditures (\$482K) and transfers-out (\$125K) to capital improvement projects
- Electricity is \$146K under Budget due to considerable surface water deliveries (5,053 AF) in FY 2020-21, which resulted in less time running PTP wells
- Maintenance \$113K had a shortfall due to emergency funds not being needed, as well as less than projected maintenance on corroding PTP turnouts
- Fox Canyon expenses are below \$84K, which were also a result of increased surface water deliveries
- Capital outlay is \$62K lower than anticipated due to fewer than planned PTP isolation valves and VFD replacements
- General and administrative expenditures are less than expected \$47K due to vacant AGM position and lower overhead expenses
- Financing costs are \$59K under due to bond consolidation
- Interest payments for the New Headquarters and PTP Metering interfund loan \$39K lower than Budget

#### ***Expense Status vs. Prior Year***

- Compared to last fiscal year, expenditures are lower by \$1.40M (42%)
- Primarily due a decrease in transfers-out \$1.11M for capital improvement projects in current fiscal year
- Capital outlay \$146K, operating expenditures \$62K and personnel cost \$36K were also lower in current fiscal versus prior fiscal

#### ***Fund Balance***

- The ending working capital balance was approximately \$1.07M, which was higher than the projected ending balance. \$12K of purchase orders are planned to be carried forward to FY 2021-22, reducing the available balance to \$1.06M.
- The District's reserve policy requires an undesignated balance of between \$250K and \$300K for this fund, which was met



## FY 2020-21 Fourth Quarter Financial Review

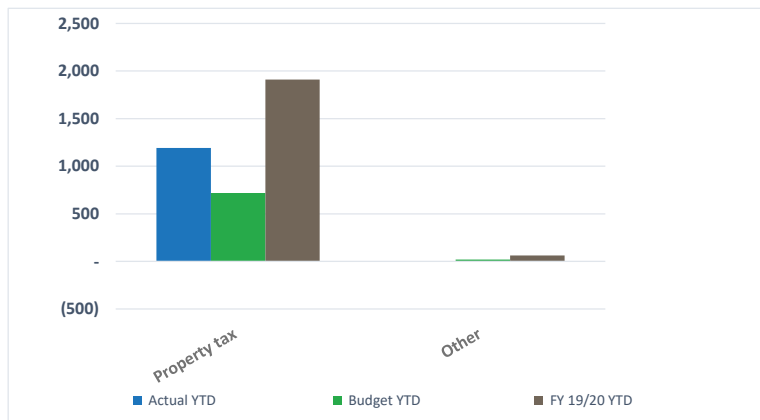
July 1, 2020 through June 30, 2021

100% of Fiscal Year Completed

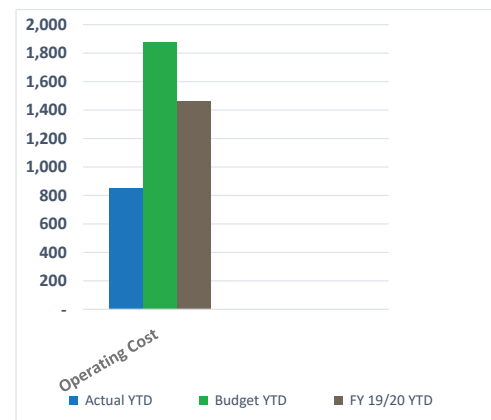
### State Water Fund

in \$ thousands	CY Actuals	CY Revised Budget	Variance	% Variance	PY Actuals	Variance	% Variance
<b>Revenues</b>							
Water Delivery	0	0	0	0%	0	0	0%
Earnings on Investments	(0)	19	(19)	-101%	58	(58)	-100%
Other	1,191	719	472	66%	1,915	(724)	-38%
<b>Total Revenues</b>	<b>1,191</b>	<b>738</b>	<b>454</b>	<b>61%</b>	<b>1,973</b>	<b>(782)</b>	<b>-40%</b>
<b>Expenses</b>							
Personnel Costs	0	0	0	0%	0	0	0%
Operating Expenditures	851	1,876	(1,025)	-55%	1,462	(611)	-42%
Capital Outlay	0	0	0	0%	0	0	0%
Transfers out	0	0	0	0%	0	0	0%
<b>Total Expenses</b>	<b>851</b>	<b>1,876</b>	<b>(1,025)</b>	<b>-55%</b>	<b>1,462</b>	<b>(611)</b>	<b>-42%</b>
<b>Net Surplus / (Shortfall)</b>	<b>341</b>	<b>(1,138)</b>	<b>1,479</b>	<b>-130%</b>	<b>512</b>	<b>(171)</b>	<b>-33%</b>

**Revenues**  
(\$ thousands)



**Expenses**  
(\$ thousands)



#### Revenue

- Total revenues \$454K (62%) higher than budgeted.
- Property tax revenues \$472K (66%) over budget primarily due to passthrough and residual taxes not being budgeted for and secured taxes coming in 10% over budget. Revenue requested from State Water lower than previous year so as not to exceed the \$1.7M reserve maximum.
- Investment earnings through Q4 were \$19K under budget due to interest rates and \$15K for a GAAP market value adjustment. Including the GAAP adjustment there was a \$58K decrease compared to last year. This was due to an 84% lower rate of return on interest along with the GAAP adjustment.

#### Expenditures

- Total expenditures \$1M (55%) lower than budgeted. This is primarily due to water purchases of carryover water (\$825K) through 120 fund and no Table A water charges to 110 fund. Additionally, variable charges by DWR vary from one year to the next and are difficult to budget accurately.
- Compared to previous year, expenditures were lower by \$611K (42%). This is due to lower transportation costs in current fiscal year (\$607K).

#### Fund Balance

The fund balance at the end of FY 20-21 is approximately \$3.6M.

The entire fund balance is designated for the fixed and variable costs related to the District's State Water Project allocation of 5,000 AF per year, plus the allowable balance of Table A water that was not purchased in prior years (1,500 AF for FY 20-21).

## FY 2020-21 Fourth Quarter Financial Review

July 1, 2020 through June 30, 2021

100% of Fiscal Year Completed

### Overhead Fund

in \$ thousands	CY Actuals	CY Revised Budget	Variance	% Variance	PY Actuals	Variance	% Variance
<b>Expenses</b>							
Personnel Costs	2,922	3,179	(258)	-8%	2,991	(69)	-2%
Operating Expenditures	1,243	1,485	(242)	-16%	1,365	(123)	-9%
Capital Outlay	0	0	0	0%	56	(56)	0%
<b>Total Expenses</b>	<b>4,164</b>	<b>4,664</b>	<b>(500)</b>	<b>-11%</b>	<b>4,412</b>	<b>(247)</b>	<b>-6%</b>

### Expenses

(\$ thousands)



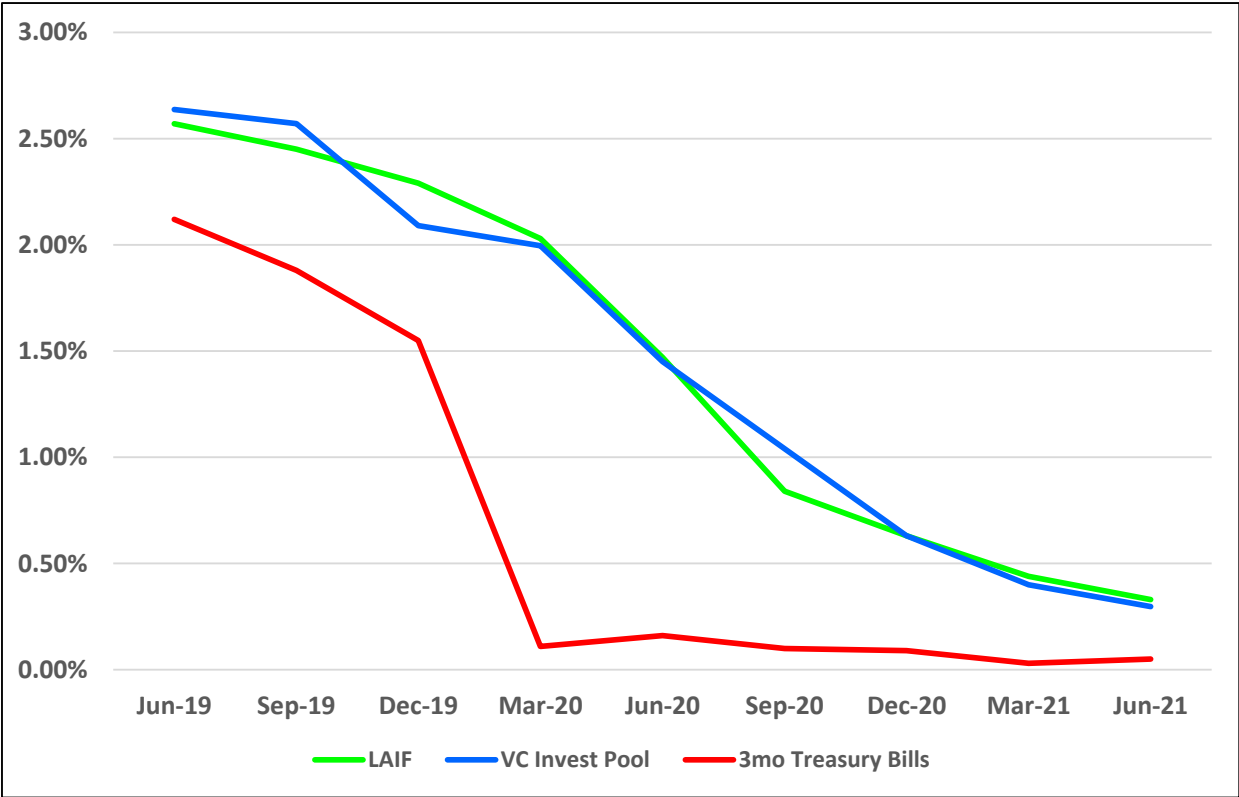
#### Expenses

- Expenditures under budget by \$500K (11%).
- The largest savings were in Personnel due to the vacant Assistant General Manager position \$246K and Consulting services for Admin/Finance \$152K. Costs for Admin consulting under-utilized and financial advisory services also under-utilized.
- Compared to prior year, expenditures are lower by \$247K (6%). Savings primarily from Assistant General Manager position being vacant in the current year \$105K, Professional Fees \$35K and Maintenance costs \$48K under-utilized, Travel and Training \$21K due to covid restrictions, and no Capital Outlay costs in current year.



United Water Conservation District															
CURRENTLY APPROPRIATED CAPITAL IMPROVEMENT PROJECT PLAN															
FY 2020-21 Available Appropriations as of June 30, 2021															
							Total	Appropriations			Expended and Encumbered			% of Total	
			1st	1st	Expected		Est Project	Total Approp	Suppl	Total				Est Project	Remaining
	Fund	Proj	Budget	Activity	End		Cost	Approved thru	Approp	Approp	Total as	Current	Total	costs spent	Appropriations
Project Description	#	#	Year	Date	Year	Class	(000s)	FY 2019-20	FY 20-21	to Date	FY 2019-20	FY 20-21	to date	to date	FY 20-21
Well Replacement Program Well #18	452	8000	2015-16	08/06/15	2021	I	1,590	875,705	714,429	1,590,134	632,134	558,693	1,190,827	74.89%	399,307
Freeman Diversion Rehab	421	8001	2009-10	03/23/11	2024	II&IV	73,966	8,376,614	589,294	8,965,908	4,231,103	1,746,594	5,977,696	8.08%	2,988,212
SFD Outlet Works Rehab		8002	2007-08	04/20/11	2025+	I&II	53,390	3,743,353	1,297,194	5,040,547	2,669,751	1,598,412	4,268,163	7.99%	772,384
SFD PMF Containment		8003	2008-09	06/22/09	2025+	II	42,520	3,861,136	1,052,369	4,913,505	2,606,665	1,692,037	4,298,702	10.11%	614,803
SFD Sediment Management		8005	2013-14	05/28/14	2022	II	175	94,954	-	94,954	60,341	4,411	64,752	37.00%	30,202
Lower River Invasive Species Control	471	8006	2015-16	08/06/15	2023	IV	640	865,517	(285,217)	580,300	179,414	5,160	184,575	28.84%	395,725
OHP Iron and Manganese Treatment	451	8007	2015-16	08/06/15	2022	III	9,655	1,140,777	4,039,157	5,179,934	1,015,364	205,349	1,220,713	12.64%	3,959,221
Ferro-Rose Recharge		8018	2006-07	03/23/07	2023	III	31,849	1,896,577	12,752	1,909,329	1,155,924	74,257	1,230,181	3.86%	679,148
Brackish Water Treatment		8019	2015-16	07/08/15	2025+	III	154,667	60,180	339,576	399,756	58,315	118,429	176,744	0.11%	223,012
Rice Ave Overpass PTP	471	8021	2016-17	08/17/18	2021	II	83	73,497	9,823	83,320	25,350	30,152	55,502	66.87%	27,818
PTP Turnout Metering System	471	8022	2016-17	03/10/17	2022	I	1,755	1,017,500	442,340	1,459,840	791,703	230,518	1,022,222	58.25%	437,618
Pothole Trailhead		8023	2016-17	02/14/17	2021	I	503	312,011	190,828	502,839	199,834	202,717	402,552	80.03%	100,287
State Water Interconnection Project		8025	2016-17	06/15/17	2022	II	559	303,121	5,616	308,737	187,920	5,779	193,699	34.65%	115,038
El Rio Trailer		8028	2019-20		2022	II	390	35,000	75,000	110,000	-	-	-	0.00%	110,000
Alternative Supply Alliance Pipeline		8030	2018-19	06/08/18	2021	II	362	361,578	-	361,578	35,261	2,896	38,156	10.54%	323,422
Grand Canal Modifications		8032	2018-19	06/30/19	2021	II	810	525,916	20,149	546,065	115,821	381,082	496,902	61.35%	49,163
Floc Building Emergency Generator	421	8033	2019-20		2021	II	78	75,000	3,416	78,416		17	17	0.02%	78,399
Lak Piru Campground Electrical Update		8034	2019-20		2023	I	673	65,800	7,624	73,424		-	-	0.00%	73,424
OH Booster Pump Overhaul	451	8035	2019-20	05/27/20	2020	I	280	280,000	-	280,000	66,703	150,200	216,903	77.47%	63,097
OH System Emergency Generator	451	8036	2020-21	12/18/20	2021	II	909	0	908,775	908,775		202,510	202,510	22.28%	706,265
Piru WTP Emergency Generator		8037	2020-21	05/20/21	2021	II	102	0	101,527	101,527		17	17	0.02%	101,510
PTP System Emergency Generator	471	8038	2019-20	08/01/19	2020	II	903	902,800	-	902,800	772,194	112,505	884,699	97.97%	18,101
Santa Paula Tower Emergency Generator		8039	2019-20	05/20/21	2021	II	66	60,800	4,727	65,527		17	17	0.03%	65,510
Asset Management / CMMS System		8041	2019-20	04/10/20	2022	-	263	30,000	82,780	112,780	463	10,811	11,273	4.29%	101,507
Recycled Water GW Replenishment/Reu	421	8042	2020-21	12/04/20	2024	III	8,714	0	519,380	519,380		1,681	1,681	0.02%	517,699
Lake Piru e-Kiosk		8045	2020-21		2021	II	106	0	105,500	105,500		-	-	0.00%	105,500
SCADA Hardware Update		8046	2020-21	11/20/20	2021	II	1,003	0	660,260	660,260		59,450	59,450	5.93%	600,810
<b>TOTAL AMOUNT PER YEAR</b>							386,011	24,957,836	10,897,299	35,855,135	14,804,260	7,393,693	22,197,953	5.75%	13,657,182
Class I = Infrastructure Repair or Replacement															
Class II = Structural/Hydraulic Improvement (no yield)															
Class III = Water Resource Improvement															
Class IV = ESA Improvement															

Current Benchmark Yields		
LAIF	June 30, 2021	0.33%
VC Invest Pool	May 31, 2021	0.30%
3mo Treasury Bills	June 30, 2021	0.05%





### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Anthony A. Emmert, Assistant General Manager

**Date:** September 29, 2021 (October 13, 2021 Meeting)

**Agenda Item:** 4.1 **PUBLIC HEARING** Combined Public Hearing regarding Proposed Orders to Cease Extraction of Groundwater at Well No. 04N19W25J06S (Water Code § 75637, subd. (b))

**Resolution No. 2021-20** A Resolution of the Board of Directors of United Water Conservation District Ordering the Operator(s) of Well No. 04N19W25J06S to Cease Extraction of Groundwater per Water Code Section 75637, Subdivision (b).

#### **Motion**

---

#### **Staff Recommendation:**

The Board President will open the combined public hearings to cease extraction of groundwater at Well No. 04N19W25J06S ("Well J06S") per Water Code section 75637, subdivision (b). After the Board hears a presentation from District staff, the Board will call for public comments first regarding delinquent groundwater extraction charges from 2015 (the 2nd installment) to 2019 (the 1st installment). Thereafter, the Board will call for public comments regarding delinquent groundwater extraction charges from 2019 (2nd installment) to 2021 (1st installment). The Board will then close the combined public hearings.

After the combined public hearings are closed, the Board will consider approving Resolution 2021-20, authorizing the issuance of two orders to the operators of Well J06S ("Operators"). The orders will direct the Operators to cease extraction of groundwater at Well J06S until all delinquencies are paid.

#### **Discussion:**

Water Code section 75500 *et seq.* authorizes United Water Conservation District ("District") to levy groundwater extraction charges upon well operators within the District's jurisdictional boundaries. An operator is required to provide the District with a semi-annual (each an "Installment") groundwater production statement on or before January 31st and on or before July 31st of each year. (Wat. Code § 75611.) The groundwater production statements must include the total production in acre-feet of water for the preceding six-month period, a general description

**4.1 PUBLIC HEARING Combined Public Hearing regarding Proposed Orders to Cease Extraction of Groundwater at Well No. 04N19W25J06S (Water Code § 75637, subd. (b))**  
**Resolution No. 2021-20 A Resolution of the Board of Directors of United Water Conservation District Ordering the Operator(s) of Well No. 04N19W25J06S to Cease Extraction of Groundwater per Water Code Section 75637, Subdivision (b).**  
**Motion**

or number locating each well, and the method or basis of the computation of such water production. (*Ibid.*) The groundwater production statements are also signed by the well operator.

If an operator fails to file a groundwater production statement with the District for an Installment, the Water Code authorizes the District to charge interest at a rate of 1% each month on the delinquent amount of the groundwater charge and to charge a one-time penalty of 10% of the amount found by the District to be due. (Wat. Code §§ 75615, 75616.)

Pursuant to Water Code section 75637, subdivision (b), the Board may conduct a public hearing regarding a proposed order to cease extraction of groundwater from a well until all delinquent fees and charges are paid. In order to conduct such public hearing, the District must provide notice to the operator of the well not less than 15 days in advance of the public hearing.

On September 16, 2021, the District, through its legal counsel, provided notice of the combined public hearings via certified mail to the following individuals and entities: (1) Alfred C. Beserra; (2) California Watercress, Inc.; and (3) Sun Cress Distributors, Inc. (collectively, the “Beserra Parties”). The District also provided notice of the combined public hearings to James Allen of Allen Law Corp. (“Mr. Allen”), counsel for the Beserra Parties. Based on previous groundwater production statements, the Beserra Parties are the operators of Well J06S.

In addition to the certified mailing, the District, through its legal counsel, provided notice of the combined public hearings to the Beserra Parties and Mr. Allen via overnight mail on September 27, 2021.

Since the second half of 2015, the Beserra Parties have failed to either file all required groundwater production statements or submitted inaccurate groundwater production statements and only made partial payments to the District.

On January 29, 2020, the District commenced a civil action against the Beserra Parties to collect delinquent groundwater extraction charges, including interest and penalties, for the amounts due to the District from the second half of 2015 through the first half of 2019 (i.e., 2nd Installment of 2015 through the 1st Installment of 2019). For this period, the Beserra Parties are delinquent for groundwater production charges and penalties in the amount of \$120,523.38, plus interest at the rate of 1% each month.

Since commencement of the civil action, the Beserra Parties have continued to be delinquent for payment of its groundwater extraction charges. For the second half of 2019 through the first half of 2021 (i.e., the 2nd Installment of 2019 through the 1st Installment of 2021), the Beserra Parties are delinquent for groundwater production charges and penalties in the amount of \$87,465.02, plus interest at the rate of 1% each month.

**4.1     PUBLIC HEARING Combined Public Hearing regarding Proposed Orders to Cease Extraction of Groundwater at Well No. 04N19W25J06S (Water Code § 75637, subd. (b))**  
**Resolution No. 2021-20 A Resolution of the Board of Directors of United Water Conservation District Ordering the Operator(s) of Well No. 04N19W25J06S to Cease Extraction of Groundwater per Water Code Section 75637, Subdivision (b).**  
**Motion**

The Board will open the combined public hearings regarding this issue. After a presentation from District staff, the Board will call for public comments first regarding delinquent groundwater extraction charges from 2015 (the 2nd installment) to 2019 (the 1st installment). Thereafter, the Board will call for public comments regarding delinquent groundwater extraction charges from 2019 (2nd installment) to 2021 (1st installment).

Following the close of the combined public hearings, the Board will consider Resolution No. 2021-20, which will authorize two orders to be sent to the Beserra Parties to cease extracting groundwater at Well J06S until all delinquencies are brought current.

**Fiscal Impact**

No fiscal impact, unless and until the Beserra Parties bring the outstanding delinquencies current.

**ATTACHMENT:**    A Resolution 2021-20



**RESOLUTION 2021-20**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
UNITED WATER CONSERVATION DISTRICT  
ORDERING THE OPERATOR(S) OF WELL NO. 04N19W25J06S  
TO CEASE EXTRACTION OF GROUNDWATER  
PER WATER CODE SECTION 75637, SUBDIVISION (b).**

**WHEREAS**, United Water Conservation District (“District”) is authorized to levy groundwater extraction charges upon well operators within the District’s jurisdictional boundaries per Water Code section 75500 *et seq.*; and

**WHEREAS**, a well operator must provide the District with a semi-annual groundwater production statement on or before January 31st and on or before July 31st of each year (Wat. Code § 75611); and

**WHEREAS**, the groundwater production statements must set forth: (a) the total production in acre-feet of water for the preceding six-month period; (b) a general description or number locating each water-producing facility; and (c) the method or basis of the computation, of such water production (Wat. Code § 75611); and

**WHEREAS**, if an operator of a groundwater well fails to file a semi-annual groundwater production statement with the District, the District’s policy and practice is to send a written notice to the operator that includes a District-prepared informational groundwater production statement based on a 3-year average of reporting for the same period; and

**WHEREAS**, the District’s above-mentioned notice also informs the delinquent operator that the District may charge interest at the rate of one percent (1%) each month on the delinquent amount of the groundwater charge and a one-time penalty of ten percent (10%) of the amount found by the District to be due (Wat. Code §§ 75615 & 75616); and

**WHEREAS**, the District may order, after a public hearing, an operator to cease extraction of groundwater from a water-producing facility until all delinquent fees and charges are paid (Wat. Code § 75637, subd. (b)); and

**WHEREAS**, the District must give notice to the operator of the aforementioned public hearing by certified mail not less than 15 days in advance of the public hearing (Wat. Code § 75637, subd. (b)); and

**WHEREAS**, Alfred C. Beserra (“Beserra”), Sun Cress Distributors, Inc. (“Sun Cress”), and California Watercress, Inc. (“Watercress”) (Beserra, Sun Cress, and Watercress are collectively the “Operators”) are the owners and/or operators of Well No. 04N19W25J06S (“Well J06S”), which is located within the District’s jurisdictional boundaries; and

**WHEREAS**, the Operators are delinquent in the payment of groundwater charges for the well registered with the District as Well J06S; and

**WHEREAS**, the Operators are delinquent in groundwater charges from the years 2015 (2nd installment) to 2019 (1st installment) in the amount of approximately \$120,523.38, plus interest at the rate of one percent each month on the delinquent amount until paid; and

**WHEREAS**, the Operators are delinquent in groundwater charges from the years 2019 (2nd installment) to 2021 (1st installment) in the amount of approximately \$87,465.02, plus interest at the rate of one percent each month on the delinquent amount until paid; and

**WHEREAS**, on or about September 16, 2021, the District provided the Operators with notice by certified mail of combined public hearings regarding proposed orders to cease extraction of groundwater at Well J06S; and

**WHEREAS**, on or about September 27, 2021, the District provided the Operators with notice by overnight mail of the foregoing combined public hearings;

**WHEREAS**, on October 1, 2021, the District also published notice of the combined public hearings in the *Ventura County Star* newspaper; and

**WHEREAS**, on October 13, 2021, the District's Board of Directors held combined public hearings regarding proposed orders to cease extraction of groundwater at Well J06S, with calls for public comment in two parts; and

**WHEREAS**, the first hearing covered Operators' delinquencies from the 2nd installment of 2015 to the 1st installment of 2019; and

**WHEREAS**, the second hearing covered Operators' delinquencies from the 2nd installment of 2019 to the first installment of 2021; and

**WHEREAS**, all persons were given an opportunity to present public comments during the combined public hearings; and

**WHEREAS**, following the close of the public hearings, District staff recommends that the Board of Directors order the Operators to cease extraction of groundwater from Well J06S until all delinquent groundwater fees and charges are paid per Water Code section 75637, subdivision (b).

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** Recitals. All of the above-listed recitals are incorporated herein by this reference and shall hereinafter be deemed to be the findings of the Board of Directors ("Board").

**Section 2.** First Order. Pursuant to Water Code section 75637, subdivision (b), the Board hereby orders the Operators to cease extraction of groundwater from Well J06S until all delinquent groundwater fees and charges are paid for the years 2015 (2nd installment) to 2019

(1st installment). The Board also authorizes the General Manager, or the General Manager's designee(s), to issue a written notice of the foregoing order to the Operators.

**Section 3. Second Order.** Pursuant to Water Code section 75637, subdivision (b), the Board hereby orders the Operators to cease extraction of groundwater from Well J06S until all delinquent groundwater fees and charges are paid for the years 2019 (2nd installment) to 2021 (1st installment). The Board also authorizes the General Manager, or the General Manager's designee(s), to issue a written notice of the foregoing order to the Operators.

**Section 4. Other Acts; Delegation.** The Board hereby approves a delegation of authority and appoints its General Manager, or the General Manager's designee(s), who is/are hereby authorized and directed to take any other action to carry out the terms or intent of this Resolution including, but not limited to, investigating compliance with the Board's orders hereunder and/or enforcing the Board's orders per any statute or any other legal or equitable means.

**Section 5. Severability.** If a court of competent jurisdiction determines, for any reason, that any language, part, section, provision, or requirement of this Resolution is invalid or unenforceable, such determination shall not invalidate or render unenforceable any other language, part, section, provision, or requirement of this Resolution. In such event, the language, parts, sections, provisions, or requirements that are not the subject of the court's determination shall be interpreted, to the extent permitted by law, in a manner that is consistent with the intent and purpose underlying the invalid or unenforceable language, part, section, provision, or requirement.

Likewise, if a court of competent jurisdiction determines, for any reason, that any language, part, section, provision, or requirement of this Resolution is invalid or unenforceable as applied to a specific person or entity, such determination shall not affect the applicability of such language, part, section, provision, or requirement to other persons or entities. In such event, the language, parts, sections, provisions, or requirements that are not the subject of the court's determination shall be interpreted, to the extent permitted by law, in a manner that is consistent with the intent and purpose underlying the inapplicable language, parts, sections, provisions, or requirements.

*[Remainder of page left blank.]*

**Section 6.** Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

**ADOPTED, SIGNED, AND APPROVED** this 13<sup>th</sup> day of October, 2021.

THE BOARD OF DIRECTORS OF UNITED  
WATER CONSERVATION DISTRICT

By: \_\_\_\_\_

President of the Board of Directors of  
United Water Conservation District

ATTEST:

By: \_\_\_\_\_

Secretary/Treasurer of the Board of  
Directors of United Water Conservation  
District

STATE OF CALIFORNIA                    )  
  ) ss.  
COUNTY OF VENTURA                 )

I, Sheldon G. Berger, Secretary/Treasurer of the Board of Directors of United Water Conservation District, do hereby certify that the foregoing Resolution No. 2021-20 was duly adopted by the Board of Directors of United Water Conservation District at a meeting thereof held on the 13th day of October, 2021, at which meeting a quorum of such Board was present and acting throughout and for which notice and an agenda was prepared and posted as required by law, and that such Resolution was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Secretary/Treasurer of the Board of Directors of United  
Water Conservation District



STATE OF CALIFORNIA                    )  
  ) ss.  
COUNTY OF VENTURA                 )

I, Sheldon G. Berger, Secretary/Treasurer of the Board of Directors of United Water Conservation District, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2021-20 of such Board and that the same has not been amended, rescinded, or repealed.

Dated this 13<sup>th</sup> day of October, 2021.

---

Secretary/Treasurer of the Board of Directors of United  
Water Conservation District



### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado Jr., General Manager  
Anthony A. Emmert, Assistant General Manager

**From:** Daryl Smith, Controller

**Date:** September 29, 2021 (October 13, 2021, meeting)

**Agenda Item:** 4.2 Amendment of 2019 Period 2, 2020 Period 1 and 2020 Period 2  
Estimated Groundwater Production Statements (three statements  
total) for Fukutomi Farms dba El Rio Berry Farms (Fukutomi)  
**Motion**

---

#### **Staff Recommendation:**

The Board will consider allowing Fukutomi Farms dba El Rio Berry Farms (Fukutomi) to amend its estimated 2019 Period 2, 2020 Period 1 and 2020 Period 2 estimated groundwater production statements (three statements total).

#### **Discussion:**

Fukutomi contacted the District to request a revision to the estimated groundwater production statements for the three prior reporting periods (July-December 2019, January – June 2020 and July – December 2020). This well was previously operated by Candes Farms prior to Fukutomi taking control of the well. Due to the COVID-19 pandemic, Finance staff had difficulties in locating the new well operator, Christian Halstead, which took several months. In speaking with Mr. Halstead, Finance staff mentioned that he would need to pay for the current reporting period (January – June 2021) before requesting an amendment to the prior groundwater production statement periods. Mr. Halstead has reported usage and paid in full the most recent reporting period of January – June 2021 and is now listed as the current well operator.

Finance staff created a three-year average in computing the estimated groundwater production statements for the three missing reporting periods. After receiving the three estimated statements, Fukutomi's office manager believed the bills were excessive.

In working with Mr. Halstead, he mentioned that Candes Farms (the previous well operator) had forwarded to him the access and login information to the Wildeye Enterprise System, a digital meter reading system for the well. Mr. Halstead was able to log into the Wildeye Enterprise System to locate actual readings for the three estimated reporting periods. Mr. Halstead provided

**Agenda Item: 4.2 Amendment of 2019 Period 2, 2020 Period 1 and 2020 Period 2  
Estimated Groundwater Production Statements (three statements  
total) for Fukutomi Farms dba El Rio Berry Farms (Fukutomi)  
Motion**

---

this documentation showing the Wildeye Enterprise System readings for all three estimated groundwater production statement periods to Finance staff. Staff then used those readings to calculate the actual usage for the estimated periods. Revising these statements reduces the previous estimated amount owed by Fukutomi of \$25,529.82 to \$10,796.95 (see chart below).

Period:	Acre Feet			Dollars		
	Three Year Average AF	Revised AF	Variance	Three Year Average Billed amount	Revised Invoice amount	Variance
2019-2	73.77	52.60	21.17	\$ 6,710.86	\$ 4,784.50	\$ 1,926.36
2020-1	128.69	31.16	97.53	\$ 11,706.93	\$ 2,834.31	\$ 8,872.62
2020-2	78.18	34.94	43.24	\$ 7,112.03	\$ 3,178.14	\$ 3,933.89
<b>Total</b>	280.64	118.70	161.94	\$ 25,529.82	\$ 10,796.95	\$ 14,732.87

**Fiscal Impact:**

Amendment of estimated groundwater reporting would result in a revenue decrease for the District's General/Water Conservation Fund of \$14,732.87. The well operator has not submitted payment for the three estimated reporting periods so there will be no impact to cash, only the outstanding accounts receivable.



### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Kris Sofley, Clerk of the Board

**Date:** September 21, 2021 (October 13, 2021)

**Agenda Item:** 4.3 **Resolution 2021-19** Finding that the Governor of California issued a Proclamation of a State of Emergency on March 4, 2020 relating to the COVID-19 virus and local officials continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus and Authorizing remote teleconference meetings of the legislative bodies of United Water Conservation District for the period of October 13, 2021 through November 12, 2021, pursuant to Brown Act provisions  
**Motion**

---

#### **Staff Recommendation:**

The Board will consider adopting Resolution 2021-19 finding that the requisite conditions exist for remote teleconference meetings of the District's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

#### **Background:**

Starting in March 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. These Executive Orders (N-25-20, N-29-20, N-35-20) collectively modified certain requirements created by the Ralph M. Brown Act ("the Brown Act"), the state's local agency public meetings law.

On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the aforementioned modifications made to the Brown Act, effective September 30, 2021. After that date, local agencies are required to observe all the usual Brown Act requirements status quo ante (as they existed prior to the issuance of the orders). Local agencies must once again ensure that the public is provided with access to a physical location from which they may observe a public meeting and offer public comment. Local agencies must also resume publication of the location of teleconferencing board members, post meeting notices and agendas in those locations, and make those locations available to the public in order to observe a meeting and provide public comment.

**4.3     Resolution 2021-19 Finding that the Governor of California issued a Proclamation of a State of Emergency on March 4, 2020 relating to the COVID-19 virus and local officials continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus and Authorizing remote teleconference meetings of the legislative bodies of United Water Conservation District for the period of October 13, 2021 through November 12, 2021, pursuant to Brown Act provisions**  
**Motion**

---

On September 16, the Governor signed AB 361 into law, effective immediately, which extends the flexibilities provided in the Governor’s prior executive order to local and state bodies to hold public meetings remotely beyond the executive order’s September 30, 2021 expiration date.

On September 20, the Governor signed an executive order (N-15-21) waiving the application of [AB 361](#) until October 1, 2021, when the provisions of prior Executive Orders that established certain requirements for public agencies to meet remotely during the COVID-19 emergency will expire. The September 20 order makes clear that, until September 30, local agencies may conduct open and public remote meetings relying on the authority provided under prior Executive Orders (rather than AB 361). The revised Order also explicitly permits a local agency to meet pursuant to the procedures provided in AB 361 before October 1, so long as the meeting is conducted in accordance with the requirements of AB 361.

All local agencies are being asked to be aware that they may not conduct remote teleconference meetings pursuant to the authority in the Governor’s prior Executive Orders beyond September 30; after that date, all meetings subject to the Brown Act must comply with standard teleconference requirements (as they existed “pre-pandemic”) OR must comply with the newly enacted provisions of AB 361. The adoption of this Resolution provide the District with compliance as it relates to the newly enacted provisions of AB 361.

**Fiscal Impact:**

There is no fiscal impact related to the approval of this Resolution.

**Attachment:     Resolution 2021-19**



**RESOLUTION 2021-19**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
UNITED WATER CONSERVATION DISTRICT  
FINDING THAT THE GOVERNOR OF CALIFORNIA ISSUED A PROCLAMATION  
OF A STATE OF EMERGENCY ON MARCH 4, 2020 RELATING TO THE COVID-19 VIRUS  
AND LOCAL OFFICIALS CONTINUE TO RECOMMEND  
SOCIAL DISTANCING MEASURES TO MITIGATE THE SPREAD OF THE COVID-19 VIRUS  
AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS  
OF THE LEGISLATIVE BODIES OF  
UNITED WATER CONSERVATION DISTRICT  
FOR THE PERIOD OF OCTOBER 13, 2021 THROUGH NOVEMBER 12, 2021,  
PURSUANT TO BROWN ACT PROVISIONS.**

WHEREAS, United Water Conservation District (“District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §54950 *et seq.*) (“Brown Act”), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, such conditions now exist, specifically, on March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of the COVID-19 virus in order to be able to prepare, respond, and implement measures to mitigate the spread of the COVID-19 virus, and such proclamation of a State of Emergency remains in effect; and

WHEREAS, local officials within the County of Ventura continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus; and

WHEREAS, as a consequence of the proclaimed state of emergency pursuant to the COVID-19 virus which remains in effect, and local officials continuing to recommend social distancing measures to mitigate the spread of the COVID-19 virus, the Board of Directors does hereby find that the legislative bodies of the District shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the meetings of the District's legislative bodies continue to be open to the public, in accordance with the law.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Governor's Proclamation of a State of Emergency. The Board hereby finds that the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020, remains in effect.

Section 3. Local Officials Recommendation of Social Distancing Measures. The Board hereby finds that local officials within the County of Ventura continue to recommend social distancing measures to mitigate the spread of the COVID-19 virus.

Section 4. Remote Teleconference Meetings. The General Manager of the District and legislative bodies of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 12, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED AND ADOPTED** by the Board of Directors of United Water Conservation District, this 13th day of October, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Michael W. Mobley, Board President

ATTEST: \_\_\_\_\_  
Sheldon G. Berger, Board Secretary/Treasurer

**Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Maryam Bral, Chief Engineer  
Craig Morgan, Engineering Manager  
Michel Kadah, Engineer

**Date:** September 28, 2021 (October 13, 2021 Meeting)

**Agenda Item:** 4.4 Authorize a Contract with GEI Consultants, Inc. to Develop the 60 percent Design Phase of the Santa Felicia Dam Outlet Works Improvement Project  
**Motion**

---

**Staff Recommendation:**

The Board will consider authorizing the General Manager to execute a Professional Services Agreement with GEI Consultants, Inc. (GEI) in the amount of \$1,715,706.00 for development of the 60 percent design of the Santa Felicia Dam (SFD) Outlet Works Improvement Project.

**Background:**

The existing outlet works system needs to be replaced because of concerns regarding seismic stability of the intake tower and water conveyance conduit through the dam and to mitigate ongoing accumulation of sediment in the reservoir that could potentially impact operation of the outlet works in the near future. The existing outlet works will be replaced with a new outlet works facility. The 30% design of the new outlet works was recently completed, and the design documents and the results of the 2020 Drilling Program were presented to the Board of Consultants (BOC) at the BOC meeting No. 5 that took place at the District's Headquarters from Sept 21-23. The new outlet works consists of an intake control facility (ICF), including a sloping intake located in the reservoir, two water conveyance conduits in a new tunnel through the left abutment, a downstream control facility (DCF), and a hydropower facility consisting of a small cross-follow turbine located within the DCF.

**Discussion:**

The current 30 percent design was completed in September 2021. The outcome of the current 30 percent design documents as well as the results of the 2020 Drilling Program were presented to the BOC, Federal Energy Regulatory Commission (FERC), and California Department of Water Resources Division of Safety of Dams (DSOD) at the BOC meeting No. 5. The BOC approved the 30 percent design documents and recommended the District to proceed with the next design phase.

**Agenda Item: 4.4      Authorizing a Contract with GEI Consultants, Inc. to Develop the  
60 percent Design Phase of the Santa Felicia Dam (SFD) Outlet Works  
Improvement Project  
Motion**

---

The 60 percent design phase will include additional geotechnical, structural, hydraulic, site civil, and hydropower analyses and design studies required to advance the design work as well as preparation of technical specifications, advancing the 30% design plans, preparation of a geotechnical Baseline Report (GBR) for inclusion in the construction contract documents, performing additional analyses to estimate the effectiveness of the proposed diffuser wall located in the DCF to increase dissolved oxygen content of the released water from SFD, and preparation of the 60 percent design packet for submittal to the BOC and the agencies. The design findings will be presented at the BOC meeting No. 6 tentatively scheduled for August 2022. The future work beyond the 60% design will consist of 90 percent and 100 percent completion levels.

Staff recommends that the Board authorizes the General Manager to execute a contract with GEI for development of the 60 percent design phase of the SFD Outlet Works Improvement Project.

A copy of the Professional Consulting Service Agreement detailing GEI's complete proposal, including the scope of work and deliverables, proposed fee, and the project schedule, is included in Attachment A.

**Fiscal Impact:**

The 60 percent design of the SFD Outlet Works Improvement Project is included the Fiscal Years 2021/22 and 2022/23 budget (Account No. 051-400-81080-8002-815) and sufficient funds are available to provide \$1,715,706.00 for the contract.

Attachment A – Santa Felicia Dam Outlet Works Improvement Project – 60 percent Design  
Professional Services Agreement with GEI Consultants, Inc.

# **AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES**

THIS AGREEMENT ("Agreement") is made and entered into on \_\_\_\_\_, 2021, by and between the **United Water Conservation District**, Ventura County, California, (hereinafter "**UNITED**"), and **GEI Consultants, Inc.**, (hereinafter "**CONSULTANT**").

## **RECITALS:**

WHEREAS, UNITED desires to obtain professional engineering consultation services in connection with the **Development of 60 Percent Design Documents for the Santa Felicia Dam Outlet Works Improvement Project** ("Project"); and

WHEREAS, UNITED has selected CONSULTANT to provide such services; and

WHEREAS, CONSULTANT represents that it has the skills, experience, license, and expertise to perform these professional services for UNITED; and

WHEREAS, UNITED is desirous of engaging the services of CONSULTANT to perform these services;

NOW, THEREFORE, based on the terms and covenants set forth herein, UNITED and CONSULTANT mutually agree as follows:

### **1. EMPLOYMENT**

A. UNITED hereby employs CONSULTANT to perform and complete the professional engineering services as set forth in Exhibit "A" ("Scope of Work/Schedule of Charges"). CONSULTANT shall perform such professional services as set forth in Exhibit "A" and shall furnish or procure the use of incidental services, equipment, and facilities reasonably necessary for the completion of services.

B. Any extra work over and above that included in the Scope of Work included in Exhibit "A" shall be in compliance with Section 3D.

C. CONSULTANT represents that its services shall be performed, within the limits prescribed by UNITED, in a manner consistent with the level of care and skill ordinarily exercised by other engineering professionals under similar circumstances at the time and in the vicinity its services are performed.

D. Thomas O. Keller shall: (a) personally perform or supervise the performance of services on a day-to-day basis on behalf of CONSULTANT; and (b)

maintain direct communication with UNITED's Maryam A. Bral or designee in the performance of CONSULTANT's services.

E. CONSULTANT in the performance of services hereunder shall fully comply with any and all local, state and federal laws, regulations, ordinances, and policies applicable to its work, including any licensing laws applicable to CONSULTANT's profession and anti-discrimination laws pertaining to employment practices.

F. In the event of any conflict between the terms and conditions set forth in Exhibit A (Scope of Work/Schedule of Charges) versus those terms and conditions set forth in this Agreement, the terms and conditions set forth in this Agreement shall govern and the conflicting terms and conditions in Exhibit A shall not apply.

## **2. TERM OF AGREEMENT**

Unless otherwise earlier terminated as specified in Section 8, this Agreement shall commence on the date set forth above and shall expire on **September 29, 2022**.

## **3. COMPENSATION**

Payment by UNITED for the consulting services shall be considered as full compensation for all personnel, materials, supplies, and equipment used in carrying out the work.

A. Compensation and payments to the CONSULTANT shall be as described below:

1. UNITED shall compensate CONSULTANT on a time and expenses basis not to exceed **One Million, Seven Hundred and Fifteen Thousand, Seven Hundred and Six Dollars (\$1,715,706.00)** for performing all services authorized and required by this Agreement and specified in Exhibit "A." UNITED shall compensate CONSULTANT only for actual costs incurred on a time and expenses basis, but in no event shall the total compensation be greater than the not to exceed amount above. However, the total amount paid on a time and expenses basis may be lower than the not to exceed amount above based on actual costs incurred. Payment shall be made in accordance with CONSULTANT's Schedule of Charges submitted to UNITED, included in Exhibit "A" attached and incorporated by reference herein.

2. CONSULTANT shall provide UNITED with monthly itemized invoices. Invoices shall include the categories and identities of CONSULTANT's employees performing services, a description of the services, the number of hours spent performing services, the hourly rate for each employee, CONSULTANT's actual costs and expenses, and the total amount of compensation requested by CONSULTANT for that month. Upon UNITED's request, CONSULTANT shall



include with its monthly invoices a detailed verification, including accounting records, of the work actually performed and costs and expenses incurred, along with any other documents or information reasonably requested by UNITED.

B. UNITED shall pay CONSULTANT within thirty (30) days after receipt of CONSULTANT's invoices, with the exception of any disputed amounts which shall be withheld until resolution of the dispute. If UNITED has reasonable grounds to believe that CONSULTANT will be unable to materially perform the services under this Agreement, or there exists or may exist a claim against CONSULTANT arising out of CONSULTANT's negligence or intentional acts, errors, omissions, or material breach of any provision of this Agreement, then UNITED may withhold payment of any reasonable amount due to CONSULTANT which is directly related to such negligence, intentional act, error, omission or material breach. No payment made under this Agreement shall be conclusive evidence of CONSULTANT's performance of the Agreement, either wholly or in part, and no payment shall be construed to be an acceptance by UNITED of CONSULTANT's work.

C. CONSULTANT shall notify UNITED in writing of the need for additional services required due to the circumstances beyond the CONSULTANT's control ("Additional Services"). The CONSULTANT shall obtain written authorization from UNITED before rendering any Additional Services. Compensation for all approved Additional Services shall be negotiated and approved in writing by UNITED before such Additional Services are performed by CONSULTANT. No compensation shall be paid to the CONSULTANT for any Additional Services that are not previously approved by UNITED in writing.

D. Reimbursable expenses, if applicable, are in addition to compensation for services outlined in the Scope of Work and Additional Services, and shall be paid to the CONSULTANT in accordance with the guidelines specified on Exhibit "B". Reimbursable expenses are paid at the actual costs, without mark-ups, incurred by the CONSULTANT and the CONSULTANT's employees in conduct of Agreement activities.

#### **4. SCHEDULE OF WORK**

CONSULTANT shall complete and deliver services and deliverables to UNITED in a diligent and professional manner, in accordance with the Project schedule set forth in Exhibit "A" attached and incorporated by reference herein. Time is of the essence in CONSULTANT's performance of services hereunder.

CONSULTANT's Project Manager shall keep UNITED's Maryam A. Bral or designee informed as to the progress of work by informal reports. Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents, or other events beyond the reasonable control of the other or the other's employees and agents.

## **5. ASSIGNMENT OF CONTRACT**

This Agreement is a professional services contract. CONSULTANT shall not assign this Agreement or any portion of the work without the prior written approval of UNITED. Any such assignment without UNITED's prior written approval shall be void. UNITED may withhold such approval for any reason in its sole discretion.

## **6. INDEMNIFICATION**

To the fullest extent permitted by law, CONSULTANT agrees to indemnify and hold UNITED entirely harmless from all liability arising out of:

1. Workers' Compensation and Employer's Liability. Any and all claims under Workers' Compensation acts and other employee benefit acts with respect to CONSULTANT's employees or CONSULTANT's subconsultant's employees arising out of CONSULTANT's work under this Agreement; and

2. General Liability. To the extent arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the CONSULTANT, the CONSULTANT shall indemnify, defend and hold UNITED harmless from any liability for damages for (1) death or bodily injury to person; (2) injury to, loss or theft of property; (3) any failure or alleged failure to comply with any provision of law; or (4) any other loss, damage or expense arising under either (1), (2), or (3) above, sustained by the CONSULTANT or UNITED, or any person, firm or corporation employed by the CONSULTANT or UNITED upon or in connection with the Project, except for liability resulting from the sole or active negligence, or willful misconduct of UNITED, its officers, employees, agents, or independent consultants who are directly employed by UNITED. The CONSULTANT, at its own expense, cost, and risk, shall defend any and all claims, actions, suits, or other proceedings (other than professional negligence covered by Section A3 below) that may be brought or instituted against UNITED, its officers, agents, or employees, to the extent such claims, actions, suits, or other proceedings arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the CONSULTANT, and shall pay or satisfy any judgment that may be rendered against UNITED, its officers, agents, or employees, in any action, suit or other proceedings as a result thereof. Any costs to defend under this Section A2 shall not exceed the CONSULTANT's proportionate percentage of fault; and

3. Professional Liability. To the extent arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the CONSULTANT, the CONSULTANT shall indemnify and hold UNITED harmless from any loss, injury to, death of persons, or damage to property caused by any act, neglect, default, or omission of the CONSULTANT, or any person, firm, or corporation employed by the CONSULTANT, either directly or by independent contract, including all damages due to loss or theft, sustained by any person, firm, or

corporation, including UNITED, arising out of, or in any way connected with, the Project, including injury or damage either on or off UNITED property; but not for any loss, injury, death, or damages caused by sole or active negligence, or willful misconduct of UNITED. With regard to the CONSULTANT's obligation to indemnify for acts of professional negligence, such obligation does not include the obligation to provide defense counsel or to pay for the defense of actions or proceedings brought against UNITED, but rather to reimburse UNITED for attorneys' fees and costs incurred by UNITED in defending such actions or proceedings brought against UNITED, and such fees and costs shall not exceed the CONSULTANT's proportionate percentage of fault.

## **7. INSURANCE**

A. CONSULTANT shall procure and maintain for the duration of this Agreement, and for injuries which occur and claims which are made after the services herein are provided, insurance policies in accordance with the requirements set forth in Exhibit "C" attached and incorporated by reference herein. CONSULTANT shall also provide UNITED with a certificate of insurance attesting to its professional liability (errors and omissions) coverage and all required additional insured endorsements.

B. Submission of insurance certificates or endorsements or other proof of insurance shall not relieve CONSULTANT from liability under the indemnification provisions of Section 6. CONSULTANT's obligations in accordance with Section 6 shall apply whether or not such insurance policies shall have been determined to apply to any of such claims, damage, lawsuits, losses or liabilities covered by Section 6.

C. By its signature hereto, CONSULTANT certifies that it is aware of the provisions of California Labor Code Section 3700 which requires every employer to be insured against liability for workers compensation' or to undertake self-insurance as specified. CONSULTANT shall comply with these provisions before commencing work under this Agreement.

## **8. TERMINATION OF AGREEMENT**

### **A. Termination for Cause**

1. UNITED may terminate CONSULTANT's services for cause, whereupon this Agreement shall terminate immediately. Termination may occur regardless of whether CONSULTANT's services are completed. Any termination or special instructions from UNITED shall be made in writing.

2. Termination for cause may occur upon any of the following events: (a) CONSULTANT's material breach of this Agreement; (b) abandonment or lack of diligence in performance of the work by CONSULTANT; (c) cessation, suspension,

revocation or expiration of any license needed by CONSULTANT to provide services hereunder; (d) failure of CONSULTANT to substantially comply with any local, state or federal laws, regulations, ordinances or policies applicable to its work hereunder; (e) filing by or against CONSULTANT of bankruptcy or any petition under any law for relief of debtors; or (f) conviction of CONSULTANT or its principal representative or personnel for any crime other than minor traffic offenses.

3. Subject to the provisions of Section 3.B herein, CONSULTANT shall be paid for all approved services performed and approved expenses incurred to the date of termination for cause supported by documentary evidence, including payroll records and expense reports, up to the date of the termination. In the event of termination for cause, all damages and costs associated with the termination, including increased consultant and replacement consultant costs, shall be deducted from any payments due to CONSULTANT.

4. In the event a termination for cause is determined to have been made wrongfully or without cause, then the termination shall be treated as a termination for convenience in accordance with Section 8.B below, and CONSULTANT shall have no greater rights than it would have had if a termination for convenience had been effected in the first instance. No other loss, cost, damage, expense or liability may be claimed, requested or recovered by CONSULTANT.

B. Termination Without Cause/For Convenience. This Agreement may be terminated without cause by UNITED or for UNITED's convenience upon fourteen (14) days' written notice to the CONSULTANT. In the event of a termination without cause, UNITED shall pay the CONSULTANT for all approved services performed and all approved expenses incurred under this Agreement supported by documentary evidence, including payroll records and expense reports, up until the date of the notice of termination. In addition, CONSULTANT will be reimbursed for reasonable termination costs through the payment of 3% beyond the sum due the CONSULTANT under this section through 50% completion of the CONSULTANT's portion of the Project and, if 50% completion is reached, payment of 3% of the unpaid balance of the contract to CONSULTANT as termination cost. This 3% is agreed to compensate the CONSULTANT for the unpaid profit CONSULTANT would have made under the Project on the date of termination and is consideration for entry into this termination for convenience clause.

C. In the event of termination with or without cause, CONSULTANT shall promptly provide to UNITED all Project Documents as defined in Section 9 below within five (5) calendar days from the effective date of termination. Failure to provide all Project Documents as required shall be deemed a material breach of this Agreement.

D. In the event of a dispute as to the performance of the work or an interpretation of this Agreement, or payment or nonpayment for work performed or

not performed, the parties shall attempt to resolve the dispute. Pending resolution of the dispute CONSULTANT agrees to continue the work diligently to completion. If the dispute is not resolved, CONSULTANT agrees it will neither rescind the Agreement nor stop the progress of work, but CONSULTANT's sole remedy will be to submit such controversy to determination by a court having competent jurisdiction of the dispute as required by this Agreement after the Project has been completed and not before.

## **9. PROFESSIONAL SERVICES**

A. The CONSULTANT is employed to render a professional service(s) only and any payments made to it are compensation solely for such services as it may render and recommendations it may make in the performance of services.

B. All plans, specifications, construction documents, data, records, files, communications, information, reports and/or other documents that are prepared, generated, reproduced, maintained and/or managed by the CONSULTANT or CONSULTANT's subconsultants arising from or in any way related to the services provided under this Agreement (regardless of medium, format, etc.) shall be and remain the property of UNITED ("Project Documents"). UNITED may provide the CONSULTANT with a written request for the return of the Project Documents at any time. Upon CONSULTANT's receipt of UNITED's written request, CONSULTANT shall return the requested Project Documents to UNITED within five (5) calendar days. CONSULTANT may make copies of the work generated. Failure to comply with any such written request above shall be deemed a material breach of this Agreement. Nothing in this paragraph shall be deemed a waiver of any copyright in the Project Documents prepared by the CONSULTANT. Any unauthorized reuse or modification of such Project Documents other than for purposes intended by CONSULTANT or for the Project shall be at UNITED's risk and liability.

C. CONSULTANT agrees that all dealings of the parties under this Agreement shall be confidential and no Project Documents or information developed, prepared or assembled by CONSULTANT under this Agreement, or any information made available to CONSULTANT by UNITED, shall be revealed, disseminated or made available by CONSULTANT to any person or entity other than UNITED without the prior written consent of UNITED, unless otherwise required by subpoena or applicable law or regulatory authority.

## **10. INDEPENDENT CONTRACTOR RELATIONSHIP**

It is expressly understood between the parties that no employee/employer relationship is intended, the relationship of CONSULTANT to UNITED being that of an independent contractor. UNITED shall not be required to make any payroll deductions or provide Worker's Compensation Insurance coverage or health benefits to CONSULTANT. CONSULTANT is solely responsible for selecting the means,

methods and procedures for performing its services hereunder as assigned by the UNITED and for coordinating all portions of the work so the results will be satisfactory to UNITED. CONSULTANT will supply all tools and instruments required to perform its services under this Agreement.

#### **11. ASSISTANCE BY UNITED**

It is understood and agreed that the UNITED shall, to the extent reasonable and practicable, assist and cooperate with CONSULTANT in the performance of CONSULTANT's services hereunder. Such assistance does not include, in any manner, the exercise of professional judgment for which CONSULTANT is being retained herein. Such assistance and cooperation to be provided by UNITED as applicable includes, but shall not be limited to, providing right of access to work sites; providing material available from the UNITED's files such as maps, as-built drawings, records and operation and maintenance information; and rendering assistance in determining the location of existing facilities and improvements which may be affected by the Project. CONSULTANT shall otherwise be responsible for giving all notices and complying with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority relating to the work.

#### **12. ADDITIONAL PROVISIONS**

##### **A. Examination of Records**

CONSULTANT agrees that UNITED shall have access to and the right to examine at any reasonable time and on reasonable notice CONSULTANT's documents, papers and records, including accounting records, relating to its performance under this Agreement.

##### **B. Notice**

All notices or other official correspondence relating to contractual matters between the parties shall be made by depositing the same as first-class, postage paid mail addressed as follows:

To CONSULTANT:	Thomas O. Keller, P.E., G.E. GEI Consultants, Inc. 5901 Priestly Drive, Suite 301 Carlsbad, CA 92008
----------------	---

To UNITED:	Maryam A. Bral, Ph.D., PE United Water Conservation District 1701 North Lombard Street, Suite 200 Oxnard, CA 93030
------------	---



or such other address as either party may designate hereinafter in writing delivered to the other party. All notices shall be agreed to have been received three (3) days after mailing.

C. No Waiver

No failure or delay by UNITED in asserting any of UNITED's rights and remedies as to any default of CONSULTANT shall operate as a waiver of the default, of any subsequent or other default by CONSULTANT, or of any of UNITED's rights or remedies. No such delay shall deprive UNITED of its right to institute and maintain any actions or proceedings which may be necessary to protect, assert or enforce any rights or remedies arising out of this Agreement or the performance of this Agreement.

D. Integration

This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereto, and supersedes all prior agreements, oral or written, and all prior or contemporaneous discussions or negotiations between the parties.

E. Modification

No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties.

F. Rules of Interpretation

The terms of this Agreement have been negotiated by the parties and the language used in this Agreement shall be deemed to be the language chosen by the parties to express their mutual intent. This Agreement shall be construed without regard to any presumption or rule requiring construction against the party causing such instrument to be drafted, or in favor of the party receiving a particular benefit under this Agreement. No rule of strict construction shall be applied against any party to this Agreement.

G. Partial Invalidity

If any term, covenant, condition, or provision of this Agreement is found by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby.

H. Incorporation of Recitals and Exhibits

The foregoing recitals and exhibits are incorporated herein as though fully set forth.

I. California Law; Dispute Resolution; Venue

This Agreement shall be interpreted and construed pursuant to the laws of the State of California, regardless of whether this Agreement is executed by any party in another state or otherwise. If a dispute arises between the parties related to this Agreement or the breach thereof, the parties shall first attempt in good faith to settle the matter through discussion, and if unsuccessful may in their discretion mutually agree to mediate the dispute prior to filing a judicial action. The costs of a third party mediator, if utilized, shall be borne equally by the parties. If either party elects to file an action in court, such action shall be filed and heard in a court of competent jurisdiction in the County of Ventura.

J. Counterparts

This Agreement may be executed in multiple counterparts, a complete set of which shall be deemed to be an original and all of which together shall comprise but a single document. Signatures may be given via facsimile transmission and shall be deemed given as of the date of facsimile transmittal of the executed Agreement by one party to the other.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

UNITED WATER CONSERVATION DISTRICT

By \_\_\_\_\_  
Mauricio E. Guardado, Jr., General Manager

GEI CONSULTANTS, INC.

By \_\_\_\_\_  
\_\_\_\_\_

# **EXHIBIT “A” TO AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES**

CONSULTANT shall provide professional engineering consultation services under this Agreement for the **Development of 60 Percent Design Documents for the Santa Felicia Dam Outlet Works Improvement Project** in accordance with work described in the attached **Scope of Work** and **Schedule of Charges**.

## **BACKGROUND**

Santa Felicia Dam is owned and operated by United Water Conservation District (UWCD) and is under the jurisdiction of the Federal Energy Regulatory Commission (FERC) and California Department of Water Resources Division of Safety of Dams (DSOD).

The outlet works system of the dam consists of an intake tower with a single intake level, conduit beneath the dam, and downstream control facilities on the right (west) side of the dam. A small hydroelectric plant is located adjacent to the downstream control facility. The existing outlet works system needs to be replaced because of concerns for seismic stability of the intake tower and conduit through the dam, and to mitigate ongoing accumulation of sediment in the reservoir that will impact operation of the outlet works in the near future. The purpose of the outlet works improvement project is to replace the outlet works to address dam safety and operational concerns.

GEI Consultants, Inc. (GEI) has completed the following studies and designs to advance the outlet works improvement project:

- Phase 1 Study – A feasibility study was performed to evaluate alternatives to mitigate concerns with the existing outlet works. UWCD submitted the Phase 1 Study report to FERC and DSOD in April 2015.
- Phase 2 Study – A Phase 2 Study was performed to further evaluate alternatives to address outlet works concerns. A subsurface exploration program was performed as part of the Phase 2 Study to obtain geotechnical information to support conceptual design of outlet works replacement alternatives. The Phase 2 Study report describes alternatives for construction of a new outlet works system on the left (east) abutment of the dam and contains a conceptual design of a new outlet works configuration to carry forward into the final design phase. UWCD submitted the Phase 2 Study report to FERC and DSOD in March 2019.
- 10% Design – A 10% design phase was performed to advance the outlet works improvements project. This design phase included a hydropower facility

evaluation that led to UWCD's decision to incorporate a small turbine system in the outlet works improvement project and to abandon the existing hydropower facility. UWCD submitted the 10% design report to FERC and DSOD in March 2020.

- 30% Design – A 30% design phase was performed to advance the outlet works improvement project. A subsurface exploration program was performed as part of the 30% design to obtain additional geotechnical information to support the final design. UWCD submitted the 30% design documents to FERC and DSOD in September 2021.

As required by FERC, UWCD convened an independent Board of Consultants (BOC) to oversee and assess the adequacy of the investigations, designs, and construction activities for the outlet works improvement project. Four BOC meetings have been held through completion of the 10% design phase. A fifth BOC meeting is scheduled for September 2021 to review the 30% design. The BOC prepared a report at the end of each meeting to present their conclusions and recommendations with regard to the ongoing design work.

The new outlet works facility will consist of the following four major components to be constructed on the left abutment of the dam:

- Sloping intake facility in the reservoir,
- Two water conveyance conduits in a tunnel through the left abutment,
- Downstream control facility, and
- Hydropower facility consisting of a small turbine located within the downstream control facility.

The project will also include access road improvements, extension of the existing electrical power supply system to the new facilities, and abandonment of the existing outlet works facilities and powerhouse. The existing outlet works will remain operational until completion of construction of the new outlet works.

UWCD is also required by FERC and DSOD to improve the spillway of the dam to increase its capacity. The outlet works improvement project and spillway improvement project are collectively referred to as the "Santa Felicia Dam Safety Improvement Project" (Project). UWCD issued a Final Environmental Impact Report (Final EIR) for the Project in compliance with provisions of the California Environmental Quality Act in February 2019.

The 30% design is completed pending the BOC's review and comments. Future design milestones are anticipated to be at the 60, 90, and 100% completion levels. The design of the outlet works improvements will evolve as additional analyses are performed, and additional input is received from UWCD, FERC, DSOD, and BOC.

The scope of work described below includes completion of 60% design of the outlet works improvement project.

## **SCOPE OF WORK**

The scope of work for the 60% design of the outlet works improvement project is divided into the following ten tasks:

- Task 1 – Project Management and Coordination
- Task 2 – 60% Analysis and Design
- Task 3 – 60% Plan Drawings
- Task 4 – 60% Specifications
- Task 5 – 60% Geotechnical Baseline Report
- Task 6 – 60% Design Report
- Task 7 – 60% Cost Estimate, Schedule, Constructability Report
- Task 8 – Board of Consultants Meeting
- Task 9 – Comment Response Memorandum
- Task 10 – Dissolved Oxygen Evaluation (Optional)

The scope of work for each task is presented in detail below. General assumptions related to the scope of work are contained after a description of Task 10.

### **Task 1 – Project Management and Coordination**

This task includes management of the GEI team, contract administration, project controls, progress reporting, and coordination with UWCD, regulatory agencies, and other UWCD consultants. GEI's project manager will coordinate with UWCD throughout the duration of the work, with assistance as needed from task leads. This task includes the following activities:

- Management and supervision of the GEI design team.
- Coordination meetings of the GEI design team.
- Management, coordination, and evaluation of subconsultant services.
- Management of the project scope, schedule, and budget.
- Progress report included with submittal of monthly invoices.

Coordination and communications with UWCD includes a one-hour bi-weekly progress meeting (virtual) to discuss project issues and progress. One design review meeting (virtual) with UWCD engineering and operations and maintenance staff will be held approximately mid-way through the 60% design phase to discuss design issues, answer questions, and obtain input. GEI will provide in-progress design drawings to UWCD in advance of the design review meeting.

GEI will participate in coordination meetings (virtual) with regulatory agencies and other UWCD consultants with regard to relevant designs performed by others. These consist of design of a discharge channel for connection of the armored

discharge channel of the outlet works to lower Piru Creek and design of a fish passage system.

GEI will assist UWCD in communications with FERC and DSOD to address issues related to process and functioning of the BOC, schedule of review submittals, and other matters related to the 60% design efforts. We have assumed that these communications will mainly be via phone and email.

## Task 2 – 60% Analyses and Design

GEI will perform geotechnical, structural, hydropower, hydraulic, and site civil analyses and design studies required to advance the design, plans, and specifications to the 60% level of completion.

Geotechnical analyses include evaluations of slope stability, foundation design parameters, anchor pullout capacity, lateral loads on walls, temporary support of tunnel excavations, ground loading on steel conduits in tunnel, earth backfill requirements, discharge channel rip-rap sizing to prevent erosion, access road sub-base requirements, and tunnel spoil gradation. Geotechnical parameters for design of facilities will be established and included in the Design Report.

Structural analyses include evaluations for development of final design criteria, seismic loading on structures, pipe wall thickness, thrust blocks, sloping intake facility design (reinforced concrete mats and pedestals, preliminary framing for fish screens, fish screen hoisting structure, and fish screen cleaning platform), upstream control facility building and vent structure design, downstream valve vault design, and downstream control facility structure design (reinforced concrete elements and building with a removable roof). The structural analyses and design will be described in the Design Report. An alternatives analysis will be performed to evaluate the pros and cons of a removable roof system for the downstream control facility versus an internal crane system. This alternatives analysis will be documented in a brief technical memorandum (TM).

Hydropower analyses include evaluations of the hydropower unit over a series of system net heads and varying flow rates to select a custom design of the crossflow unit for the site. This analysis builds on previous preliminary unit selection by incorporating custom design-level data from a cross-flow manufacturer and using this information in combination with site specific conditions to develop a customized turbine design optimized for the site conditions.

Hydraulic analyses include the following evaluations:

- Fish Screens – Analyses will be performed to assess the uniformity of the approach velocity a distance of 3 inches from the surface of primary-flow and low-flow fish screens for comparison to the maximum allowable approach velocity of 0.8 feet/second. The fish screens (one large and one small) will be



modeled using a preliminary framing configuration for a wedge-wire screen system. Three-dimensional computational fluid dynamics (CFD) analyses will be performed to estimate if the modeled screen could cause high velocity “hot spots” that exceed the allowable approach velocity. Analyses will be performed assuming the screen is 40% clogged by quagga mussel growth, making simplifying assumptions for modeling the clogged area. Eight CFD model runs are assumed. A TM will be prepared to document the analyses, results, and conclusions. Analyses of internal baffling systems to reduce localized high velocities are not included, but could be performed as part of a future design phase if found to be needed based on the results of the CFD analyses.

- Diffuser Wall – The 30% design includes a passive diffuser wall system to aerate the discharges from the hydropower turbine. CFD analyses will be performed to estimate the effectiveness of the proposed diffuser wall to increase dissolved oxygen content of the discharge. Six CFD model runs are assumed. The results of the analysis will be used to determine if other methods are needed to increase dissolved oxygen content of the discharge to levels acceptable to UWCD. A TM will be prepared to document the analyses, results, and conclusions. Analyses of other means to increase dissolved oxygen content of the discharge are not included, but could be performed as Optional Task 1.10 if found to be needed based on the results of the CFD analyses.
- Fixed-Cone Valve Spray – Analyses will be performed to estimate the landing area of discharge spray from a typical 54-inch fixed cone valve, and the velocity and angle of the spray impacting the ground. Three CFD model runs are assumed. The results of the analyses will be used to confirm the dimensions of the armored discharge channel and to determine the rip-rap size needed to prevent erosion due to the spray impact. A TM will be prepared to document the analyses, results, and conclusions.
- Hydraulic Transients – Final transient analyses will be performed using the final geometry of the outlet works system, and the parameters for the actual turbine selected for the project. The future analyses will consider potential interconnections between the low-flow and high-flow systems. A surge analysis will be performed to establish minimum closure times for two emergency shutoff valves to prevent unacceptable pressure surges in both the low-flow and high-flow systems. After the specific turbine has been selected, a pressure surge evaluation will be performed to estimate negative pressure surges that would result from an instant load rejection. Three surge analysis model runs are assumed. A TM will be prepared to document the analyses, results, and conclusions.
- Air Vent Grate Sizing – Analyses will be performed to confirm that the grate design (size and location) used for venting of 78-inch and 30-inch pipes at the intake facility will be adequate for venting of the pipes under extreme flow

conditions, and not result in velocities through the grate that would be a concern for the safety of personnel.

Site civil analyses include evaluations for development of final site grading, site drainage, access roads, parking/turnaround areas, and temporary erosion control measures during construction.

Draft TMs to document the various analysis and design studies will be submitted to UWCD for review. Final TMs will be prepared to address UWCD comments.

#### Task 3 – 60% Plan Drawings

This task consists of updating the 30% design level drawings and preparing additional drawings for construction of the outlet works improvement project. The drawings will include plan views, profiles, sections and details of the various project elements to a 60% level of completion. We anticipate that the final drawing set will include approximately 125 drawings, divided into the following sections:

- General
- Erosion Control
- Demolition
- Civil
- Mechanical
- Structural
- Architectural
- Roads
- Corrosion
- Electrical (Includes Instrumentation and Controls)

Reference drawings will also be included in the plan set. The drawings will be prepared in a current version of AutoCAD Civil 3D as standard 22x34-inch full size drawings, which are conveniently reducible to 11x17-inch half size drawings for reference.

#### Task 4 – 60% Specifications

GEI will prepare technical specifications for construction to a 60% design level of completion. Specifications will be prepared in standard Construction Specification Institute (CSI) MasterFormat 2016 standards. Each technical specification will be a separate Microsoft Word file.

The following sections of UWCD's General Conditions and Standard Specifications will be used:

- Notice Inviting Bids
- Instructions to Bidders

- Proposal Forms
- Agreement
- General Provisions
- Special Provisions

All project technical specifications will be included as Appendix A – Technical Provisions. A compiled set of specifications will be submitted in searchable PDF format for UWCD review and comment.

#### Task 5 – 60% Geotechnical Baseline Report

A Geotechnical Baseline Report (GBR) will be prepared for inclusion in the construction contract documents. The GBR will establish a contractual baseline for the ground conditions expected to be encountered during construction of the tunnel portion of the outlet works improvement project. The GBR will not be applicable to other parts of the project. The baseline conditions stated in the GBR will be used as a basis for contractors to develop construction bids and select their means, methods and equipment for construction of the tunnel. The baselines will also be used for evaluating potential differing site conditions during construction.

Geologic and geotechnical data obtained during previous subsurface explorations of the site will be used to develop the GBR. A draft GBR will be prepared, commensurate with a 60% design level of completion.

#### Task 6 – 60% Design Report

GEI will prepare a Design Report to summarize the overall design of the outlet works improvement project. The Design Report will include a statement of the purpose and objectives of the project, descriptions of existing conditions, criteria used for design, results of analyses, and descriptions of the design of facilities. The Design Report will reference other documents pertinent to the design effort, such as plan drawings, specifications, and topic-specific technical memoranda and reports. As the project advances through various stages of design, the Design Report will be updated to reflect an increasing level of detail, ultimately resulting in a Final Design Report at the end of the project.

The 60% Design Report will be an update of the 30% Design Report. TMs developed during the 60% design will be included as appendices to the 60% Design Report (or included in a separate volume).

A draft 60% Design Report will be submitted to UWCD for review and a final 60% Design Report will be prepared to address UWCD comments.

## Task 7 – 60% Cost Estimate, Schedule, Constructability Report

Opinions of probable construction cost (OPCC) and opinions of probable project costs (OPPC) for the outlet works improvement project will be updated based on the 60% design information. The OPCC represents a likely contractor bid to construct the project, including contractor overhead and profit, plus a contingency to account for potential unforeseen or changed conditions. The OPPC will include allowances for non-construction project costs including permitting fees, legal and administrative costs, design investigations and engineering, and construction management costs. The cost estimates will be generated in accordance with guidelines established by AACE International (AACE) as a Class 2 equivalent (-15% to +20%) estimate level. The OPCC will be based on our evaluation of the major construction items appropriate to complete the work, and quantity estimates developed from the 60% design drawings. The cost estimate will be submitted as a separate TM.

Constructability analysis will be performed during 60% design and documented in a Constructability Report. The report will include an anticipated construction schedule (Microsoft Project format) based on an anticipated sequence of construction. The report will include general discussions of reservoir level control, dewatering issues, anticipated excavation and tunneling methods, construction staging area, as well as construction risks and potential mitigation measures. The Constructability Report will inform development of the construction plans and specifications as well as development of the OPCC.

A draft 60% Constructability Report will be submitted to UWCD for review and a final 60% Constructability Report will be prepared to address UWCD comments.

## Task 8 – Board of Consultants Meeting

As required by FERC, UWCD convened a BOC to oversee and assess the adequacy of the investigations, designs, and construction activities for the outlet works improvement project. FERC has specific requirements in terms of operation of the BOC, as indicated in a September 16, 2016 letter from FERC to UWCD. GEI will work closely with UWCD to help assure that all BOC requirements established by FERC are followed and to support UWCD in communications with the BOC.

There will be one meeting of the BOC near the completion of the 60% design phase (BOC Meeting No. 6), to be attended by UWCD, GEI, FERC, and DSOD. The 60% design documents to be submitted to the BOC, FERC, and DSOD for formal review are the following:

- 60% Design Report and Appended TMs
- 60% Plan Drawings
- 60% Specifications
- 60% GBR
- 60% Constructability Report

- Updated BOC Comment Tracking Form

GEI will perform the following in support of the 60% design BOC meeting: assist UWCD with development of a meeting agenda, prepare a list of questions for the BOC to respond to, compile and print a packet of information for review by meeting attendees, develop a PowerPoint presentation to summarize key elements of the 60% design work, and attend the BOC meeting to make presentations and answer questions. We have assumed that this meeting will be held at UWCD's office in Ventura County over a three-day period, and be attended by two GEI staff (plus two other GEI staff as part of the spillway improvement project).

UWCD will handle scheduling of the meeting with the BOC and communications with the BOC, FERC, and DSOD relative to the meeting time and location.

#### Task 9 – Comment Response Memorandum

FERC, DSOD, and the BOC will submit comments on the 60% design documents submitted to them for review. GEI will develop tracking forms to document FERC, DSOD, and BOC comments and provide responses to comments. A comment response memorandum (CRM) will be prepared by GEI to compile the tracking forms. A Draft CRM will be submitted to UWCD for review, and finalized to address UWCD comments on GEI's responses. UWCD comments on the 60% design documents will be tracked and addressed separately.

Comments on the 60% design received from UWCD, FERC, DSOD, and BOC will be incorporated into the next phases of design, as appropriate.

#### Task 10 – Dissolved Oxygen Evaluation (Optional)

The 30% design includes a passive diffuser wall system to aerate the discharges from the hydropower turbine. Task 2 includes analyses to estimate the effectiveness of the proposed diffuser wall to increase dissolved oxygen content of the discharge. The results of the analysis will be used to determine if other methods are needed to increase dissolved oxygen content of the discharge to levels acceptable to UWCD.

As an optional task, GEI will perform an evaluation to determine other means to increase dissolved oxygen levels of the turbine discharge if the diffuser wall concept is found to be ineffective. A TM will be prepared to document the evaluation and conclusions. A draft TM will be submitted to UWCD for review, and finalized to address UWCD comments.

### **Additional Assumptions**

The following additional assumptions were made in developing the scope of work and fee estimate for 60% design of the outlet works improvement project:

1. The configuration of outlet works improvement facilities will be as generally shown on the 30% design documents. Changes to this general configuration required by UWCD, BOC, or regulatory agencies may require modifications to the scope of work and design fee.
2. The BOC and regulatory agencies will not request extraordinary engineering analyses beyond typical geotechnical, structural, and hydraulic evaluations for an outlet works improvement project of this type.
3. All site survey information and site topography for design of facilities will be provided by others.
4. No additional field subsurface explorations will be required for design of facilities.
5. The allowable approach velocity for fish screen design is 0.8 feet per second.
6. A passive system for cleaning of fish screens will be allowed, such that fish screens can be brought to the surface for periodic cleaning.
7. Excavations for realignment of the existing access road near the intake facility will be allowed to extend beyond UWCD's property line.
8. The outlet works improvements will not include the Amiad system for quagga mussel filtration. If UWCD decides to implement the Amiad system, then changes to the design of the outlet works facilities will be required. These design changes would be performed as additional services at additional cost. Implementation of the Amiad system would likely require additional time to complete the design and construction of the outlet works improvement project.
9. The outlet works improvements do not include design of fish passage facilities.
10. The outlet works improvements do not include design of discharge channel improvements beyond the rip-rap discharge channel of the downstream control facility.
11. All deliverables will be submitted in electronic format. Two hard copies of final documents will be submitted to UWCD.



United Water Conservation District  
 Outlet Works Improvement Project  
 Design Fee Estimate – 60 Percent Design Phase  
 GEI Consultants, Inc.  
 9/24/2021

Task	GEI Labor Hours	GEI Costs	GEI Subconsultant Costs	Total Fee
Task 1 - Project Management and Coordination	256	\$71,144.00	\$0.00	\$71,144.00
Task 2 - 60% Analyses and Design	2,264	\$512,218.00	\$105,000.00	\$617,218.00
Task 3 - 60% Plan Drawings	2,360	\$461,852.00	\$49,148.00	\$511,000.00
Task 4 - 60% Specifications	480	\$114,352.00	\$59,148.00	\$173,500.00
Task 5 - 60% Geotechnical Baseline Report	236	\$58,376.00	\$0.00	\$58,376.00
Task 6 - 60% Design Report	332	\$77,228.00	\$0.00	\$77,228.00
Task 7 - 60% Cost Estimate, Schedule, Constructability Report	508	\$126,448.00	\$0.00	\$126,448.00
Task 8 - Board of Consultants Meeting No. 6	160	\$42,300.00	\$0.00	\$42,300.00
Task 9 - Comment Response Memorandum	44	\$11,600.00	\$0.00	\$11,600.00
Task 10 - Dissolved Oxygen Evaluation (Optional)	120	\$26,892.00	\$0.00	\$26,892.00
Total	6,760	\$1,502,410.00	\$213,296.00	\$1,715,706.00

## Schedule

CONSULTANT shall provide professional consultation services for the 60 Percent Design for the Santa Felicia Dam Outlet Works Improvement Project in accordance with the schedule below.

Item	Approximate Weeks After Notice to Proceed
Submit Technical Memorandum on Diffuser Wall Analysis	12
Interim 60 Percent Design Meeting	20
Submit Draft Geotechnical Baseline Report	30
Submit Draft 60 Percent Design Report	36
Submit 60 Percent Design Packet	40
Complete 60 Percent Design	52

13. <u>Personnel Category</u>	<i>Hourly Billing Rate</i> <u>\$ per hour</u>
Staff Professional – Grade 1	\$ 127
Staff Professional – Grade 2	\$ 140
Project Professional – Grade 3	\$ 153
Project Professional – Grade 4	\$ 172
Senior Professional – Grade 5	\$ 203
Senior Professional – Grade 6	\$ 231
Senior Professional – Grade 7	\$ 274
Senior Consultant – Grade 8	\$ 307
Senior Consultant – Grade 9	\$ 375
Senior Principal – Grade 10	\$ 375
-----	
Senior Drafter and Designer	\$ 153
Drafter / Designer and Senior Technician	\$ 140
Field Professional	\$ 115
Technician, Word Processor, Administrative Staff	\$ 114
14. <u>Office Aide</u>	<u>\$ 89</u>

These rates are billed for both regular and overtime hours in all categories.

Rates will increase up to 5% annually, at GEI's option, for all contracts that extend beyond twelve (12) months after the date of the contract. Rates for Deposition and Testimony are increased 1.5 times.

## OTHER PROJECT COSTS

**Subconsultants, Subcontractors and Other Project Expenses** - All costs for subconsultants, subcontractors and other project expenses will be billed at cost plus a 15% service charge. Examples of such expenses ordinarily charged to projects are subcontractors; subconsultants: chemical laboratory charges; rented or leased field and laboratory equipment; outside printing and reproduction; communications and mailing charges; reproduction expenses; shipping costs for samples and equipment; disposal of samples; rental vehicles; fares for travel on public carriers; special fees for insurance certificates, permits, licenses, etc.; fees for restoration of paving or land due to field exploration, etc.; state and local sales and use taxes and state taxes on GEI fees. The 15% service charge will not apply to GEI-owned equipment and vehicles or in-house reproduction expenses.

**Billing Rates for Specialized Technical Computer Programs** – Computer usage for specialized technical programs will be billed at flat rates established in the Agreement. Flow3D software modeling runs will be billed at \$2,000 per run.

**Field and Laboratory Equipment Billing Rates** – GEI-owned field and laboratory equipment such as pumps, sampling equipment, monitoring instrumentation, field density equipment, portable gas chromatographs, etc. will be billed at a daily, weekly, or monthly rate, as needed for the project. Expendable supplies are billed at a unit rate.

**Transportation and Subsistence** - Automobile expenses for GEI or employee owned cars will be reimbursed per the Travel Expenses provisions included in Exhibit B.

Tolls and parking charges will be billed directly. When required for a project, four-wheel drive vehicles owned by GEI or the employees will be billed at a daily rate appropriate for those vehicles. Per diem living costs for personnel on assignment away from their home office will be negotiated for each project.

## **EXHIBIT “B” TO AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES**

CONSULTANT shall adhere to the following **Guidelines for Expense Reimbursement**:

Incidental expenditures incurred by CONSULTANT in the course of performing work under this Agreement and submitted for reimbursement by UNITED shall comply with the following guidelines.

Receipts are required for all reimbursable expenses (with an exception for meals and lodging) and shall be furnished with the invoice. Reimbursable expenditures shall not be subject to mark-up. Only actual costs of expenditures within the limits presented below are eligible for reimbursement.

### **1. Reimbursable Expenditures**

#### **A. Travel Expenses**

Expenses for airfare or other travel accommodations shall not exceed costs that would reasonably be expected for comparable economy or coach class accommodations.

Personal vehicles may be used when appropriate and mileage will be reimbursed at the standard Internal Revenue Service (IRS) business mileage rate (i.e., 56 cents per mile for calendar year 2021, but for a total cost no greater than the cost that would reasonably be expected for round trip economy or coach class airfare. With the exception of extenuating circumstances (e.g. transport of specialized equipment), mileage for any trip over 500 miles shall be reimbursed at a total cost no greater than would reasonably be expected for round trip economy or coach class airfare. Extenuating circumstances shall be pre-approved by UNITED.

Rental vehicle costs are reimbursable when justified by the nature of the trip. With the exception of extenuating circumstances (e.g. transport of more than 4 people or excessive cargo) the total expense for the rental vehicle shall not exceed a cost that would reasonably be expected for a standard class vehicle. Insurance for rental vehicles is not reimbursable and must be in accordance with all insurance requirements set forth in this Agreement.

#### **B. Lodging**

The cost of lodging incurred on approved CONSULTANT business trips is reimbursable. UNITED will reimburse lodging at the standard U.S. General Services Administration (GSA) rate for Ventura County (i.e., \$182.00 per night [excluding

taxes] for the months of October 2020 and January – September 2021). GSA rates are annually updated in October.

C. Meals

The cost of meals incurred on approved CONSULTANT Projects is reimbursable.

If UNITED is reimbursing the CONSULTANT for lodging, UNITED will reimburse for meals at the appropriate standard GSA rate for Ventura County (i.e., \$49.50 (or 75% of a daily rate) per day for first and last calendar day of PROJECT work, and \$66.00 per day for additional PROJECT work days for calendar year 2021.

If UNITED is not reimbursing the CONSULTANT for lodging, UNITED will not reimburse the CONSULTANT for meals.

D. Equipment

All reimbursable equipment must be purchased or rented at a reasonable cost, in accordance with industry standards.

E. Expendable Items

Items that are expendable (depleted) will not be returned to UNITED, as the items will be “used up” in the course of CONSULTANT’s work.

F. Non-Expendable Items

Items that are non-expendable (not depleted) will be returned to UNITED upon completion of CONSULTANT’s work.

## EXHIBIT “C” TO AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES

CONSULTANT shall procure and maintain for the duration of the Agreement, and for injuries that occur and claims which are made after the services herein are performed, insurance against claims or injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by CONSULTANT, its agents, representatives, or employees.

### *Minimum Scope of Insurance*

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01 or its equivalent).
2. Insurance Services Office Form Number CA 00 01 covering Automobile Liability, Code 1 or its equivalent (any auto).
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
4. Errors & Omissions Liability insurance appropriate to the CONSULTANT's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability.
5. Valuable Document Insurance on all plans, specifications and other documents as may be required to protect UNITED in the amount of its full equity in such plans, specifications and other documents.

### *Minimum Limits of Insurance*

CONSULTANT shall maintain limits no less than:

- |  |   |
|--|---|
| 1. General Liability:<br>Including operations, products and completed operations, as applicable. | <b>\$1,000,000</b> per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. |
| 2. Automobile Liability:   | <b>\$1,000,000</b> per accident for bodily injury and property damage.  |



3. Employer's Liability: **\$1,000,000** per accident for bodily injury or disease.
4. Errors & Omissions Liability: **\$1,000,000** per claim.
5. Valuable Document Insurance **Full Equity of all Documents**

*Deductibles and Self-Insured Retentions*

Any deductibles or self-insured retentions must be declared to and approved by UNITED. At the option of UNITED, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects UNITED, its directors, officers, officials, employees and agents; or CONSULTANT shall provide a financial guarantee satisfactory to UNITED guaranteeing payment of losses and related investigations, claim administration and defense expenses.

*Other Insurance Provisions*

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

6. For all policies required by this Agreement, UNITED and its directors, officers, officials, employees and volunteers are to be covered as additional named insureds as respects: liability arising out of work or operations performed by or on behalf of the CONSULTANT; or automobiles owned, leased, hired or borrowed by the CONSULTANT.
7. For any claims related to this Project, the CONSULTANT's insurance coverage shall be primary insurance as respects UNITED and its directors, officers, officials, employees and agents. Any insurance or self-insurance maintained by UNITED, its directors, officers, officials, employees or agents shall be excess of the CONSULTANT's insurance and shall not contribute with it.
8. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days prior written notice has been provided to UNITED (with the exception of ten (10) days for nonpayment of premium).

If General Liability, Contractors Pollution Liability and/or Asbestos Pollution Liability and/or Errors & Omissions coverages are written on a claims-made form:

9. The retroactive date must be shown, and must be before the date of the contract or the beginning of contract work.
10. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.

11. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective date, the CONSULTANT must purchase an extended period coverage for a minimum of five (5) years after completion of contract work.
12. A copy of the claims reporting requirements must be submitted to UNITED for review.
13. If the services involve lead-based paint or asbestos identification/ remediation, the Contractors Pollution Liability shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/ remediation, the Contractors Pollution Liability shall not contain a mold exclusion and the definition of "Pollution" shall include microbial matter including mold.

#### *Acceptability of Insurers*

Insurance is to be placed with insurers qualified to do business in the State of California with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to UNITED. Exception may be made for the State Compensation Insurance Fund when not specifically rated.

#### *Verification of Coverage*

CONSULTANT shall furnish UNITED with original certificates and amendatory/ additional insured endorsements effecting coverage required by this clause. The endorsements should be on forms provided by UNITED or on other than UNITED's forms provided those endorsements conform to UNITED requirements. All certificates and endorsements are to be received and approved by UNITED before work commences. However, failure to do so shall not operate as a waiver of these insurance requirements. UNITED reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

#### *Waiver of Subrogation*

CONSULTANT hereby agrees to waive subrogation, which any insurer of contractor may acquire from vendor by virtue of the payment of any loss. CONSULTANT agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the entity for all work performed by the CONSULTANT, its employees, agents and subcontractors.

**Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Maryam Bral, Chief Engineer  
Craig Morgan, Engineering Manager  
Michel Kadah, Engineer

**Date:** September 28, 2021 (October 13, 2021 Meeting)

**Agenda Item:** 4.5 **Authorize a Contract with GEI Consultants, Inc. to Develop 30 percent Design of the Santa Felicia Dam Spillway Improvement Project**  
**Motion**

---

**Staff Recommendation:**

The Board will consider authorizing the General Manager to execute a Professional Consulting Services Agreement with GEI Consultants, Inc. (GEI) in the amount of \$579,948.00 for development of the 30 percent design of the SFD Spillway Improvement Project.

**Background:**

The hydraulic capacity of the existing spillway is inadequate to pass the inflow design flood (IDF) of 220,000 cubic feet per second. Improvements to the existing spillway are required to safely pass the IDF. The supplemental 10% design of the Spillway Improvement Project was recently completed, and the design documents were presented to the Board of Consultants (BOC) at the BOC meeting No. 5 that took place at the District's Headquarters from Sept 21-23. The spillway improvements consist of lowering the spillway chute slab (complete replacement of the slab), reuse of the existing spillway walls and the ogee crest and raising the embankment dam crest by 6.5 feet with a mechanically stabilized earth wall.

**Discussion:**

The current supplemental 10 percent design was completed in September 2021. The design documents and the results of the hydraulic analyses were presented to the BOC, Federal Energy Regulatory Commission (FERC), and California Department of Water Resources Division of Safety of Dams (DSOD) at the BOC meeting No. 5. The BOC approved the current supplemental 10 percent design and recommended the District to proceed with the next design phase.

The 30 percent design phase will include additional geotechnical, structural, hydraulic, and site civil analyses and design studies required to advance the design work. The 30% design phase will also include the preparation of the 30 percent design packet for submittal to the BOC and the agencies. The design findings will be presented at the BOC meeting No. 6 tentatively scheduled

**Agenda Item: 4.5 Authorizing a Contract with GEI Consultants, Inc. to Develop 30 percent Design of the Santa Felicia Dam Spillway Improvement Project**  
**Motion**

---

for August 2022. The future work beyond the 30% design will consist of 60 percent, 90 percent, and 100 percent completion levels.

Staff recommends that the Board authorizes the General Manager to execute a contract with GEI for development of the 30 percent design phase of the SFD Spillway Improvement Project.

A copy of the Professional Consulting Service Agreement detailing GEI's complete proposal, including the scope of work and deliverables, proposed fee, and the project schedule, is included in Attachment A.

**Fiscal Impact:**

The 30 percent design of the SFD Spillway Improvement Project is included in the Fiscal Years 2021/22 and 2022/23 budget (Account No. 051-400-81080-8003-815) with sufficient funds available to provide \$579,948.00 for the contract.

Attachment A – Santa Felicia Dam Spillway Improvement Project – 30 percent Design Professional Services Agreement with GEI Consultants, Inc.

# **AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES**

THIS AGREEMENT (“Agreement”) is made and entered into on \_\_\_\_\_, 2021, by and between the **United Water Conservation District**, Ventura County, California, (hereinafter “**UNITED**”), and **GEI Consultants, Inc.**, (hereinafter “**CONSULTANT**”).

## **RECITALS:**

WHEREAS, UNITED desires to obtain professional engineering consultation services in connection with the **Development of 30 Percent Design Documents for the Santa Felicia Dam Spillway Improvement Project** (“Project”); and

WHEREAS, UNITED has selected CONSULTANT to provide such services; and

WHEREAS, CONSULTANT represents that it has the skills, experience, license, and expertise to perform these professional services for UNITED; and

WHEREAS, UNITED is desirous of engaging the services of CONSULTANT to perform these services;

NOW, THEREFORE, based on the terms and covenants set forth herein, UNITED and CONSULTANT mutually agree as follows:

### **1. EMPLOYMENT**

A. UNITED hereby employs CONSULTANT to perform and complete the professional engineering services as set forth in Exhibit “A” (“Scope of Work/Schedule of Charges”). CONSULTANT shall perform such professional services as set forth in Exhibit “A” and shall furnish or procure the use of incidental services, equipment, and facilities reasonably necessary for the completion of services.

B. Any extra work over and above that included in the Scope of Work included in Exhibit “A” shall be in compliance with Section 3D.

C. CONSULTANT represents that its services shall be performed, within the limits prescribed by UNITED, in a manner consistent with the level of care and skill ordinarily exercised by other engineering professionals under similar circumstances at the time and in the vicinity its services are performed.

D. Thomas O. Keller shall: (a) personally perform or supervise the performance of services on a day-to-day basis on behalf of CONSULTANT; and (b)

maintain direct communication with UNITED's Maryam A. Bral or designee in the performance of CONSULTANT's services.

E. CONSULTANT in the performance of services hereunder shall fully comply with any and all local, state and federal laws, regulations, ordinances, and policies applicable to its work, including any licensing laws applicable to CONSULTANT's profession and anti-discrimination laws pertaining to employment practices.

F. In the event of any conflict between the terms and conditions set forth in Exhibit A (Scope of Work/Schedule of Charges) versus those terms and conditions set forth in this Agreement, the terms and conditions set forth in this Agreement shall govern and the conflicting terms and conditions in Exhibit A shall not apply.

## **2. TERM OF AGREEMENT**

Unless otherwise earlier terminated as specified in Section 8, this Agreement shall commence on the date set forth above and shall expire on **September 29, 2022**.

## **3. COMPENSATION**

Payment by UNITED for the consulting services shall be considered as full compensation for all personnel, materials, supplies, and equipment used in carrying out the work.

A. Compensation and payments to the CONSULTANT shall be as described below:

1. UNITED shall compensate CONSULTANT on a time and expenses basis not to exceed **Five Hundred Seventy-Nine Thousand, and Nine Hundred Forty-Eight Dollars (\$579,948.00)** for performing all services authorized and required by this Agreement and specified in Exhibit "A." UNITED shall compensate CONSULTANT only for actual costs incurred on a time and expenses basis, but in no event shall the total compensation be greater than the not to exceed amount above. However, the total amount paid on a time and expenses basis may be lower than the not to exceed amount above based on actual costs incurred. Payment shall be made in accordance with CONSULTANT's Schedule of Charges submitted to UNITED, included in Exhibit "A" attached and incorporated by reference herein.

2. CONSULTANT shall provide UNITED with monthly itemized invoices. Invoices shall include the categories and identities of CONSULTANT's employees performing services, a description of the services, the number of hours spent performing services, the hourly rate for each employee, CONSULTANT's actual costs and expenses, and the total amount of compensation requested by CONSULTANT for that month. Upon UNITED's request, CONSULTANT shall include with its monthly invoices a detailed verification, including accounting



records, of the work actually performed and costs and expenses incurred, along with any other documents or information reasonably requested by UNITED.

B. UNITED shall pay CONSULTANT within thirty (30) days after receipt of CONSULTANT's invoices, with the exception of any disputed amounts which shall be withheld until resolution of the dispute. If UNITED has reasonable grounds to believe that CONSULTANT will be unable to materially perform the services under this Agreement, or there exists or may exist a claim against CONSULTANT arising out of CONSULTANT's negligence or intentional acts, errors, omissions, or material breach of any provision of this Agreement, then UNITED may withhold payment of any reasonable amount due to CONSULTANT which is directly related to such negligence, intentional act, error, omission or material breach. No payment made under this Agreement shall be conclusive evidence of CONSULTANT's performance of the Agreement, either wholly or in part, and no payment shall be construed to be an acceptance by UNITED of CONSULTANT's work.

C. CONSULTANT shall notify UNITED in writing of the need for additional services required due to the circumstances beyond the CONSULTANT's control ("Additional Services"). The CONSULTANT shall obtain written authorization from UNITED before rendering any Additional Services. Compensation for all approved Additional Services shall be negotiated and approved in writing by UNITED before such Additional Services are performed by CONSULTANT. No compensation shall be paid to the CONSULTANT for any Additional Services that are not previously approved by UNITED in writing.

D. Reimbursable expenses, if applicable, are in addition to compensation for services outlined in the Scope of Work and Additional Services, and shall be paid to the CONSULTANT in accordance with the guidelines specified on Exhibit "B". Reimbursable expenses are paid at the actual costs, without mark-ups, incurred by the CONSULTANT and the CONSULTANT's employees in conduct of Agreement activities.

#### **4. SCHEDULE OF WORK**

CONSULTANT shall complete and deliver services and deliverables to UNITED in a diligent and professional manner, in accordance with the Project schedule set forth in Exhibit "A" attached and incorporated by reference herein. Time is of the essence in CONSULTANT's performance of services hereunder.

CONSULTANT's Project Manager shall keep UNITED's Maryam A. Bral or designee informed as to the progress of work by informal reports. Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents, or other events beyond the reasonable control of the other or the other's employees and agents.

## **5. ASSIGNMENT OF CONTRACT**

This Agreement is a professional services contract. CONSULTANT shall not assign this Agreement or any portion of the work without the prior written approval of UNITED. Any such assignment without UNITED's prior written approval shall be void. UNITED may withhold such approval for any reason in its sole discretion.

## **6. INDEMNIFICATION**

To the fullest extent permitted by law, CONSULTANT agrees to indemnify and hold UNITED entirely harmless from all liability arising out of:

1. Workers' Compensation and Employer's Liability. Any and all claims under Workers' Compensation acts and other employee benefit acts with respect to CONSULTANT's employees or CONSULTANT's subconsultant's employees arising out of CONSULTANT's work under this Agreement; and

2. General Liability. To the extent arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the CONSULTANT, the CONSULTANT shall indemnify, defend and hold UNITED harmless from any liability for damages for (1) death or bodily injury to person; (2) injury to, loss or theft of property; (3) any failure or alleged failure to comply with any provision of law; or (4) any other loss, damage or expense arising under either (1), (2), or (3) above, sustained by the CONSULTANT or UNITED, or any person, firm or corporation employed by the CONSULTANT or UNITED upon or in connection with the Project, except for liability resulting from the sole or active negligence, or willful misconduct of UNITED, its officers, employees, agents, or independent consultants who are directly employed by UNITED. The CONSULTANT, at its own expense, cost, and risk, shall defend any and all claims, actions, suits, or other proceedings (other than professional negligence covered by Section A3 below) that may be brought or instituted against UNITED, its officers, agents, or employees, to the extent such claims, actions, suits, or other proceedings arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the CONSULTANT, and shall pay or satisfy any judgment that may be rendered against UNITED, its officers, agents, or employees, in any action, suit or other proceedings as a result thereof. Any costs to defend under this Section A2 shall not exceed the CONSULTANT's proportionate percentage of fault; and

3. Professional Liability. To the extent arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the CONSULTANT, the CONSULTANT shall indemnify and hold UNITED harmless from any loss, injury to, death of persons, or damage to property caused by any act, neglect, default, or omission of the CONSULTANT, or any person, firm, or corporation employed by the CONSULTANT, either directly or by independent contract, including all damages due to loss or theft, sustained by any person, firm, or

corporation, including UNITED, arising out of, or in any way connected with, the Project, including injury or damage either on or off UNITED property; but not for any loss, injury, death, or damages caused by sole or active negligence, or willful misconduct of UNITED. With regard to the CONSULTANT's obligation to indemnify for acts of professional negligence, such obligation does not include the obligation to provide defense counsel or to pay for the defense of actions or proceedings brought against UNITED, but rather to reimburse UNITED for attorneys' fees and costs incurred by UNITED in defending such actions or proceedings brought against UNITED, and such fees and costs shall not exceed the CONSULTANT's proportionate percentage of fault.

## **7. INSURANCE**

A. CONSULTANT shall procure and maintain for the duration of this Agreement, and for injuries which occur and claims which are made after the services herein are provided, insurance policies in accordance with the requirements set forth in Exhibit "C" attached and incorporated by reference herein. CONSULTANT shall also provide UNITED with a certificate of insurance attesting to its professional liability (errors and omissions) coverage and all required additional insured endorsements.

B. Submission of insurance certificates or endorsements or other proof of insurance shall not relieve CONSULTANT from liability under the indemnification provisions of Section 6. CONSULTANT's obligations in accordance with Section 6 shall apply whether or not such insurance policies shall have been determined to apply to any of such claims, damage, lawsuits, losses or liabilities covered by Section 6.

C. By its signature hereto, CONSULTANT certifies that it is aware of the provisions of California Labor Code Section 3700 which requires every employer to be insured against liability for workers compensation' or to undertake self-insurance as specified. CONSULTANT shall comply with these provisions before commencing work under this Agreement.

## **8. TERMINATION OF AGREEMENT**

### **A. Termination for Cause**

1. UNITED may terminate CONSULTANT's services for cause, whereupon this Agreement shall terminate immediately. Termination may occur regardless of whether CONSULTANT's services are completed. Any termination or special instructions from UNITED shall be made in writing.

2. Termination for cause may occur upon any of the following events: (a) CONSULTANT's material breach of this Agreement; (b) abandonment or lack of diligence in performance of the work by CONSULTANT; (c) cessation, suspension,

revocation or expiration of any license needed by CONSULTANT to provide services hereunder; (d) failure of CONSULTANT to substantially comply with any local, state or federal laws, regulations, ordinances or policies applicable to its work hereunder; (e) filing by or against CONSULTANT of bankruptcy or any petition under any law for relief of debtors; or (f) conviction of CONSULTANT or its principal representative or personnel for any crime other than minor traffic offenses.

3. Subject to the provisions of Section 3.B herein, CONSULTANT shall be paid for all approved services performed and approved expenses incurred to the date of termination for cause supported by documentary evidence, including payroll records and expense reports, up to the date of the termination. In the event of termination for cause, all damages and costs associated with the termination, including increased consultant and replacement consultant costs, shall be deducted from any payments due to CONSULTANT.

4. In the event a termination for cause is determined to have been made wrongfully or without cause, then the termination shall be treated as a termination for convenience in accordance with Section 8.B below, and CONSULTANT shall have no greater rights than it would have had if a termination for convenience had been effected in the first instance. No other loss, cost, damage, expense or liability may be claimed, requested or recovered by CONSULTANT.

B. Termination Without Cause/For Convenience. This Agreement may be terminated without cause by UNITED or for UNITED's convenience upon fourteen (14) days' written notice to the CONSULTANT. In the event of a termination without cause, UNITED shall pay the CONSULTANT for all approved services performed and all approved expenses incurred under this Agreement supported by documentary evidence, including payroll records and expense reports, up until the date of the notice of termination. In addition, CONSULTANT will be reimbursed for reasonable termination costs through the payment of 3% beyond the sum due the CONSULTANT under this section through 50% completion of the CONSULTANT's portion of the Project and, if 50% completion is reached, payment of 3% of the unpaid balance of the contract to CONSULTANT as termination cost. This 3% is agreed to compensate the CONSULTANT for the unpaid profit CONSULTANT would have made under the Project on the date of termination and is consideration for entry into this termination for convenience clause.

C. In the event of termination with or without cause, CONSULTANT shall promptly provide to UNITED all Project Documents as defined in Section 9 below within five (5) calendar days from the effective date of termination. Failure to provide all Project Documents as required shall be deemed a material breach of this Agreement.

D. In the event of a dispute as to the performance of the work or an interpretation of this Agreement, or payment or nonpayment for work performed or

not performed, the parties shall attempt to resolve the dispute. Pending resolution of the dispute CONSULTANT agrees to continue the work diligently to completion. If the dispute is not resolved, CONSULTANT agrees it will neither rescind the Agreement nor stop the progress of work, but CONSULTANT's sole remedy will be to submit such controversy to determination by a court having competent jurisdiction of the dispute as required by this Agreement after the Project has been completed and not before.

## **9. PROFESSIONAL SERVICES**

A. The CONSULTANT is employed to render a professional service(s) only and any payments made to it are compensation solely for such services as it may render and recommendations it may make in the performance of services.

B. All plans, specifications, construction documents, data, records, files, communications, information, reports and/or other documents that are prepared, generated, reproduced, maintained and/or managed by the CONSULTANT or CONSULTANT's subconsultants arising from or in any way related to the services provided under this Agreement (regardless of medium, format, etc.) shall be and remain the property of UNITED ("Project Documents"). UNITED may provide the CONSULTANT with a written request for the return of the Project Documents at any time. Upon CONSULTANT's receipt of UNITED's written request, CONSULTANT shall return the requested Project Documents to UNITED within five (5) calendar days. CONSULTANT may make copies of the work generated. Failure to comply with any such written request above shall be deemed a material breach of this Agreement. Nothing in this paragraph shall be deemed a waiver of any copyright in the Project Documents prepared by the CONSULTANT. Any unauthorized reuse or modification of such Project Documents other than for purposes intended by CONSULTANT or for the Project shall be at UNITED's risk and liability.

C. CONSULTANT agrees that all dealings of the parties under this Agreement shall be confidential and no Project Documents or information developed, prepared or assembled by CONSULTANT under this Agreement, or any information made available to CONSULTANT by UNITED, shall be revealed, disseminated or made available by CONSULTANT to any person or entity other than UNITED without the prior written consent of UNITED, unless otherwise required by subpoena or applicable law or regulatory authority.

## **10. INDEPENDENT CONTRACTOR RELATIONSHIP**

It is expressly understood between the parties that no employee/employer relationship is intended, the relationship of CONSULTANT to UNITED being that of an independent contractor. UNITED shall not be required to make any payroll deductions or provide Worker's Compensation Insurance coverage or health benefits to CONSULTANT. CONSULTANT is solely responsible for selecting the means,

methods and procedures for performing its services hereunder as assigned by the UNITED and for coordinating all portions of the work so the results will be satisfactory to UNITED. CONSULTANT will supply all tools and instruments required to perform its services under this Agreement.

#### **11. ASSISTANCE BY UNITED**

It is understood and agreed that the UNITED shall, to the extent reasonable and practicable, assist and cooperate with CONSULTANT in the performance of CONSULTANT's services hereunder. Such assistance does not include, in any manner, the exercise of professional judgment for which CONSULTANT is being retained herein. Such assistance and cooperation to be provided by UNITED as applicable includes, but shall not be limited to, providing right of access to work sites; providing material available from the UNITED's files such as maps, as-built drawings, records and operation and maintenance information; and rendering assistance in determining the location of existing facilities and improvements which may be affected by the Project. CONSULTANT shall otherwise be responsible for giving all notices and complying with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority relating to the work.

#### **12. ADDITIONAL PROVISIONS**

##### **A. Examination of Records**

CONSULTANT agrees that UNITED shall have access to and the right to examine at any reasonable time and on reasonable notice CONSULTANT's documents, papers and records, including accounting records, relating to its performance under this Agreement.

##### **B. Notice**

All notices or other official correspondence relating to contractual matters between the parties shall be made by depositing the same as first-class, postage paid mail addressed as follows:

To CONSULTANT:	Thomas O. Keller, P.E., G.E. GEI Consultants, Inc. 5901 Priestly Drive, Suite 301 Carlsbad, CA 92008
----------------	---

To UNITED:	Maryam A. Bral, Ph.D., PE United Water Conservation District 1701 North Lombard Street, Suite 200 Oxnard, CA 93030
------------	---



or such other address as either party may designate hereinafter in writing delivered to the other party. All notices shall be agreed to have been received three (3) days after mailing.

C. No Waiver

No failure or delay by UNITED in asserting any of UNITED's rights and remedies as to any default of CONSULTANT shall operate as a waiver of the default, of any subsequent or other default by CONSULTANT, or of any of UNITED's rights or remedies. No such delay shall deprive UNITED of its right to institute and maintain any actions or proceedings which may be necessary to protect, assert or enforce any rights or remedies arising out of this Agreement or the performance of this Agreement.

D. Integration

This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereto, and supersedes all prior agreements, oral or written, and all prior or contemporaneous discussions or negotiations between the parties.

E. Modification

No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties.

F. Rules of Interpretation

The terms of this Agreement have been negotiated by the parties and the language used in this Agreement shall be deemed to be the language chosen by the parties to express their mutual intent. This Agreement shall be construed without regard to any presumption or rule requiring construction against the party causing such instrument to be drafted, or in favor of the party receiving a particular benefit under this Agreement. No rule of strict construction shall be applied against any party to this Agreement.

G. Partial Invalidity

If any term, covenant, condition, or provision of this Agreement is found by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby.

H. Incorporation of Recitals and Exhibits

The foregoing recitals and exhibits are incorporated herein as though fully set forth.

I. California Law; Dispute Resolution; Venue

This Agreement shall be interpreted and construed pursuant to the laws of the State of California, regardless of whether this Agreement is executed by any party in another state or otherwise. If a dispute arises between the parties related to this Agreement or the breach thereof, the parties shall first attempt in good faith to settle the matter through discussion, and if unsuccessful may in their discretion mutually agree to mediate the dispute prior to filing a judicial action. The costs of a third party mediator, if utilized, shall be borne equally by the parties. If either party elects to file an action in court, such action shall be filed and heard in a court of competent jurisdiction in the County of Ventura.

J. Counterparts

This Agreement may be executed in multiple counterparts, a complete set of which shall be deemed to be an original and all of which together shall comprise but a single document. Signatures may be given via facsimile transmission and shall be deemed given as of the date of facsimile transmittal of the executed Agreement by one party to the other.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

UNITED WATER CONSERVATION DISTRICT

By \_\_\_\_\_  
Mauricio E. Guardado, Jr., General Manager

GEI CONSULTANTS, INC.

By \_\_\_\_\_  
\_\_\_\_\_

# **EXHIBIT “A” TO AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES**

CONSULTANT shall provide professional engineering consultation services under this Agreement for the **Development of 30 Percent Design Documents for the Santa Felicia Dam Spillway Improvement Project** in accordance with work described in the attached **Scope of Work** and **Schedule of Charges**.

## **BACKGROUND**

Santa Felicia Dam is owned and operated by United Water Conservation District (UWCD), and is under the jurisdiction of the Federal Energy Regulatory Commission (FERC) and California Department of Water Resources Division of Safety of Dams (DSOD).

The spillway of the dam does not have sufficient capacity to pass the inflow design flood (IDF) from Lake Piru Reservoir. The IDF for the spillway improvement project was established as 220,000 cubic feet per second (cfs), with computed outflow through spillway equal to 205,000 cfs due to attenuation of the flow caused by reservoir storage above the spillway crest level. The purpose of the spillway improvement project is to address the hydraulic deficiency of the existing spillway.

GEI Consultants, Inc. (GEI) has completed the following studies and designs to advance the spillway improvement project:

- Phase 1 Study – A feasibility study was performed to evaluate alternatives to mitigate the hydraulic deficiency of the spillway. UWCD submitted the Phase 1 Study report to FERC and DSOD in April 2015.
- Phase 2 Study – A Phase 2 Study was performed to further evaluate alternatives to address the hydraulic deficiency of the spillway. A subsurface exploration program was performed as part of the Phase 2 Study to obtain geotechnical information to support conceptual design of spillway modification alternatives. The Phase 2 Study report contains conceptual designs of four spillway modification alternatives and identifies a preferred alternative to carry forward into the final design phase. UWCD submitted the Phase 2 Study report to FERC and DSOD in March 2019.
- 10% Design – A 10% design phase was performed to advance the spillway improvement project. This design phase included a detailed condition assessment of the existing spillway as required by FERC and DSOD. UWCD submitted the 10% design report to FERC and DSOD in March 2020.

- Supplemental 10% Design – A supplemental 10% design phase was performed to advance the spillway improvements project. A subsurface exploration program was performed as part of this phase to obtain additional geotechnical information for design. UWCD submitted the supplemental 10% design documents to FERC and DSOD in September 2021

As required by FERC, UWCD convened an independent Board of Consultants (BOC) to oversee and assess the adequacy of the investigations, designs, and construction activities for the spillway improvement project. Four BOC meetings have been held through completion of the 10% design phase. A fifth BOC meeting is scheduled for September 2021 to review the supplemental 10% design. The BOC prepared a report at the end of each meeting to present their conclusions and recommendations with regard to the ongoing design work.

The spillway improvement project will consist of the following three major components to be constructed at the dam:

- Lowering the spillway chute slab (complete replacement of the slab),
- Reuse of the existing spillway walls and ogee crest, and
- Raising the embankment dam crest by 6.5 feet with a mechanically stabilized earth wall.

UWCD is also required by FERC and DSOD to replace the outlet works of the dam because of concerns for seismic stability of the intake tower and conduit through the dam, and to mitigate ongoing accumulation of sediment in the reservoir. The spillway improvement project and outlet works improvement project are collectively referred to as the “Santa Felicia Dam Safety Improvement Project” (Project). UWCD issued a Final Environmental Impact Report (Final EIR) for the Project in compliance with provisions of the California Environmental Quality Act in February 2019.

The supplemental 10% design is completed pending the BOC’s review and comments. Future design milestones are anticipated to be at the 30, 60, 90, and 100% completion levels. The design of the spillway improvements will evolve as additional analyses are performed, and additional input is received from UWCD, FERC, DSOD, and BOC.

The scope of work described below includes completion of 30% design of the spillway improvement project.

## **SCOPE OF WORK**

The scope of work for the 30% design of the spillway improvement project is divided into the following eight tasks:

- Task 1 – Project Management and Coordination
- Task 2 – 30% Analyses and Design
- Task 3 – 30% Plan Drawings
- Task 4 – 30% Specifications
- Task 5 – 30% Design Report
- Task 6 – 30% Cost Estimate, Schedule, Constructability Report
- Task 7 – Board of Consultants Meeting
- Task 8 – Comment Response Memorandum
- Task 9 – Presentation to UWCD Board (Optional)

The scope of work for each task is presented in detail below. General assumptions related to the scope of work are contained after a description of Task 9.

#### Task 1 – Project Management and Coordination

This task includes management of the GEI team, contract administration, project controls, progress reporting, and coordination with UWCD, regulatory agencies, and other UWCD consultants. GEI's project manager will coordinate with UWCD throughout the duration of the work, with assistance as needed from task leads.

This task includes the following activities:

- Management and supervision of the GEI design team.
- Coordination meetings of the GEI design team.
- Management, coordination, and evaluation of subconsultant services.
- Management of the project scope, schedule, and budget.
- Progress report included with submittal of monthly invoices.

Coordination and communications with UWCD includes a one-hour bi-weekly progress meeting (virtual) to discuss project issues and progress. GEI will assist UWCD in communications with FERC and DSOD to address issues related to process and functioning of the BOC, schedule of review submittals, and other matters related to the 30% design efforts. We have assumed that these communications will mainly be via phone and email.

#### Task 2 – 30% Analyses and Design

GEI will perform geotechnical, structural, hydraulic, and site civil analyses and design studies required to advance the design, plans, and specifications to the 30% level of completion.

Geotechnical analyses include evaluations to support design of the lowered chute slab, secant pile cutoff wall at the end of the chute, mechanically stabilized earth (MSE) wall for raising the dam crest, and raising existing retaining walls to prevent overtopping during the IDF. Geotechnical parameters for design of facilities will be established and included in the Design Report.

Structural analyses will be performed to advance the design of the spillway chute slab and concrete bevel reinforcement. Structural analysis will be performed for raising existing retaining walls to prevent overtopping of the dam. Connections to the existing structure will be evaluated and designed to resist hydrostatic and seismic forces. Structural evaluations will include anchor bar design and layout to support the spillway improvement project.

Hydraulic analyses will be performed to support the 30% design of the spillway modifications. GEI will use the previously developed computational fluid dynamics (CFD) model of the proposed supplemental 10% design using Flow3D software. The CFD model will be revised to evaluate and optimize the configuration of the sloped side wall details, existing wall raise and the terminus of the chute. Additionally, the model will be refined and evaluated using a detailed grid cell spacing along the ogee crest and within the chute. The results of these modeling scenarios will be compared to the previous results of the modeling. GEI will update the spillway rating curve based on any modifications to the spillway configuration.

Site civil analyses include evaluations for development of final site grading, site drainage, access roads, parking/turnaround areas, and temporary erosion control measures during construction.

Draft technical memoranda (TMs) to document the various analysis and design studies will be submitted to UWCD for review. Final TMs will be prepared to address UWCD comments.

### Task 3 – 30% Plan Drawings

This task consists of preparation of 30% design level drawings for construction of the spillway improvement project. The drawings will include plan views, profiles, sections, and details of the various project elements to a 30% level of completion. The drawings will show required demolition, excavations, foundation preparation, seepage and uplift control provisions, reinforced concrete slabs and walls, anchors, existing retaining wall improvements, backfills, and final grades for the spillway modifications and raising of the dam crest. Access roads, construction staging areas, and stockpile areas will also be shown on the drawings. The drawing set will include updates to previous design drawings developed to install cleanouts on the existing retaining wall heel drains. We anticipate that the final drawing set will include approximately 70 drawings, divided into the following sections:

- General
- Erosion Control
- Demolition
- Civil
- Structural
- MSE Wall



- Wall Heel Drain Cleanouts

Reference drawings will also be included in the plan set. The drawings will be prepared in a current version of AutoCAD Civil 3D as standard 22x34-inch full size drawings, which are conveniently reducible to 11x17-inch half size drawings for reference.

#### Task 4 – 30% Specifications

A list of anticipated technical specifications for construction of the spillway improvement project will be developed. Preparation of the technical specifications will begin at the 60% design level.

#### Task 5 – 30% Design Report

GEI will prepare a Design Report to summarize the overall design of the spillway improvement project. The Design Report will include a statement of the purpose and objectives of the project, descriptions of existing conditions, criteria used for design, results of analyses, and descriptions of the design of facilities. The Design Report will reference other documents pertinent to the design effort, such as plan drawings, specifications, and topic-specific technical memoranda and reports. As the project advances through various stages of design, the Design Report will be updated to reflect an increasing level of detail, ultimately resulting in a Final Design Report at the end of the project.

The 30% Design Report will be an update of the supplemental 10% Design Report. TMs developed during the 30% design will be included as appendices to the 30% Design Report (or included in a separate volume).

A draft 30% Design Report will be submitted to UWCD for review and a final 30% Design Report prepared to address UWCD comments.

#### Task 6 – 30% Cost Estimate, Schedule, Constructability Report

Opinions of probable construction cost (OPCC) and opinions of probable project costs (OPPC) for the spillway improvement project will be updated based on the 30% design information. The OPCC represents a likely contractor bid to construct the project, including contractor overhead and profit, plus a contingency to account for potential unforeseen or changed conditions. The OPPC will include allowances for non-construction project costs including permitting fees, legal and administrative costs, design investigations and engineering, and construction management costs. The cost estimates will be generated in accordance with guidelines established by AACE International (AACE) as a Class 3 equivalent (-20% to +30%) estimate level. The OPCC will be based on our evaluation of the major construction items appropriate to complete the work, and quantity estimates developed from the 30% design drawings. The cost estimate will be submitted as a separate TM.

Constructability analysis will be performed during 30% design and documented in a Constructability Report. The report will include an anticipated construction schedule (Microsoft Project format) based on an anticipated sequence of construction. The report will include general discussions of reservoir level control, dewatering issues, anticipated excavation methods, construction staging areas, as well as construction risks and potential mitigation measures. The Constructability Report will inform development of the construction plans and specifications as well as development of the OPCC.

A draft 30% Constructability Report will be submitted to UWCD for review and a final 30% Constructability Report prepared to address UWCD comments.

#### Task 7 – Board of Consultants Meeting

As required by FERC, UWCD convened a BOC to oversee and assess the adequacy of the investigations, designs, and construction activities for the spillway improvement project. FERC has specific requirements in terms of operation of the BOC, as indicated in a September 16, 2016 letter from FERC to UWCD. GEI will work closely with UWCD to help assure that all BOC requirements established by FERC are followed and to support UWCD in communications with the BOC.

There will be one meeting of the BOC near the completion of the 30% design phase (BOC Meeting No. 6), to be attended by UWCD, GEI, FERC, and DSOD. The 30% design documents to be submitted to the BOC, FERC, and DSOD for formal review are the following:

- 30% Design Report and Appended TMs
- 30% Plan Drawings
- 30% Constructability Report
- Updated BOC Comment Tracking Form

GEI will perform the following in support of the 30% design BOC meeting: assist UWCD with development of a meeting agenda, prepare a list of questions for the BOC to respond to, compile and print a packet of information for review by meeting attendees, develop a PowerPoint presentation to summarize key elements of the 30% design work, and attend the BOC meeting to make presentations and answer questions. We have assumed that this meeting will be held at UWCD's office in Ventura County over a three-day period, and be attended by two GEI staff (plus two other GEI staff as part of the outlet works improvement project).

UWCD will handle scheduling of the meeting with the BOC and communications with the BOC, FERC, and DSOD relative to the meeting time and location.

## Task 8 – Comment Response Memorandum

FERC, DSOD, and the BOC will submit comments on the 30% design documents submitted to them for review. GEI will develop tracking forms to document FERC, DSOD, and BOC comments and provide responses to comments. A comment response memorandum (CRM) will be prepared by GEI to compile the tracking forms. A Draft CRM will be submitted to UWCD for review, and finalized to address UWCD comments on GEI's responses. UWCD comments on the 30% design documents will be tracked and addressed separately.

Comments on the 30% design received from UWCD, FERC, DSOD, and BOC will be incorporated into the next phases of design, as appropriate.

## Task 9 – Presentation to UWCD Board (Optional)

As an optional task, GEI will prepare for and participate in a workshop to present key elements of the 30% design to UWCD management/Board. For budgeting purposes, we have assumed a labor effort of 52 hours for this task.

## **Additional Assumptions**

The following additional assumptions were made in developing the scope of work and fee estimate for 30% design of the spillway improvement project:

1. The configuration of spillway improvements will be as generally shown on the supplemental 10% design documents. Changes to this general configuration required by UWCD, BOC, or regulatory agencies may require modifications to the scope of work and design fee.
2. The existing walls of the spillway can be used to safely pass the IDF.
3. The BOC and regulatory agencies will not request extraordinary engineering analyses beyond typical geotechnical, structural, and hydraulic evaluations for a spillway slab replacement project.
4. A physical hydraulic model of the spillway will not be required.
5. Additional three-dimensional Finite Element Model (FEM) analyses of the existing walls will not be required.
6. All site survey information and site topography for design of facilities will be provided by others.
7. No additional field subsurface explorations will be required for design of facilities.
8. All deliverables will be submitted in electronic format. Two hard copies of final documents will be submitted to UWCD.

United Water Conservation District  
 Spillway Improvement Project  
 Design Fee Estimate – 30 Percent Design Phase  
 GEI Consultants, Inc.  
 9/24/2021

Task	GEI Labor Hours	GEI Costs	GEI Subconsultant Costs	Total Fee
Task 1 - Project Management and Coordination	264	\$64,752.00	\$0.00	\$64,752.00
Task 2 - 30% Analyses and Design	828	\$144,860.00	\$0.00	\$144,860.00
Task 3 - 30% Plan Drawings	860	\$148,980.00	\$0.00	\$148,980.00
Task 4 - 30% Specifications	24	\$5,376.00	\$0.00	\$5,376.00
Task 5 - 30% Design Report	324	\$65,036.00	\$0.00	\$65,036.00
Task 6 - 30% Cost Estimate, Schedule, Constructability Report	480	\$85,000.00	\$0.00	\$85,000.00
Task 7 - Board of Consultants Meeting No. 6	164	\$39,300.00	\$0.00	\$39,300.00
Task 8 - Comment Response Memorandum	60	\$13,056.00	\$0.00	\$13,056.00
Task 9 - Presentation to UWCD Board (Optional)	52	\$13,588.00	\$0.00	\$13,588.00
Total	3,056	\$579,948.00	\$0.00	\$579,948.00

## Schedule

CONSULTANT shall provide professional consultation services for the 30 Percent Design for the Santa Felicia Dam Spillway Improvement Project in accordance with the schedule below.

Item	Approximate Weeks After Notice to Proceed
Submit Draft 30 Percent Spillway Hydraulic Analyses Technical Memorandum	20
Submit Draft 30 Percent Design Basis Technical Memorandum	24
Submit Draft 30 Percent Design Report	36
Submit 30 Percent Design Packet	40
Complete 30 Percent Design	52

13. <u>Personnel Category</u>	<i>Hourly Billing Rate</i> <u>\$ per hour</u>
Staff Professional – Grade 1	\$ 127
Staff Professional – Grade 2	\$ 140
Project Professional – Grade 3	\$ 153
Project Professional – Grade 4	\$ 172
Senior Professional – Grade 5	\$ 203
Senior Professional – Grade 6	\$ 231
Senior Professional – Grade 7	\$ 274
Senior Consultant – Grade 8	\$ 307
Senior Consultant – Grade 9	\$ 375
Senior Principal – Grade 10	\$ 375
-----	
Senior Drafter and Designer	\$ 153
Drafter / Designer and Senior Technician	\$ 140
Field Professional	\$ 115
Technician, Word Processor, Administrative Staff	\$ 114
14. <u>Office Aide</u>	<u>\$ 89</u>

These rates are billed for both regular and overtime hours in all categories.

Rates will increase up to 5% annually, at GEI's option, for all contracts that extend beyond twelve (12) months after the date of the contract. Rates for Deposition and Testimony are increased 1.5 times.

## OTHER PROJECT COSTS

**Subconsultants, Subcontractors and Other Project Expenses** - All costs for subconsultants, subcontractors and other project expenses will be billed at cost plus a 15% service charge. Examples of such expenses ordinarily charged to projects are subcontractors; subconsultants: chemical laboratory charges; rented or leased field and laboratory equipment; outside printing and reproduction; communications and mailing charges; reproduction expenses; shipping costs for samples and equipment; disposal of samples; rental vehicles; fares for travel on public carriers; special fees for insurance certificates, permits, licenses, etc.; fees for restoration of paving or land due to field exploration, etc.; state and local sales and use taxes and state taxes on GEI fees. The 15% service charge will not apply to GEI-owned equipment and vehicles or in-house reproduction expenses.

**Billing Rates for Specialized Technical Computer Programs** – Computer usage for specialized technical programs will be billed at flat rates established in the Agreement. Flow3D software modeling runs will be billed at \$2,000 per run.

**Field and Laboratory Equipment Billing Rates** – GEI-owned field and laboratory equipment such as pumps, sampling equipment, monitoring instrumentation, field density equipment, portable gas chromatographs, etc. will be billed at a daily, weekly, or monthly rate, as needed for the project. Expendable supplies are billed at a unit rate.

**Transportation and Subsistence** - Automobile expenses for GEI or employee owned cars will be reimbursed per the Travel Expenses provisions included in Exhibit B.

Tolls and parking charges will be billed directly. When required for a project, four-wheel drive vehicles owned by GEI or the employees will be billed at a daily rate appropriate for those vehicles. Per diem living costs for personnel on assignment away from their home office will be negotiated for each project.

## **EXHIBIT “B” TO AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES**

CONSULTANT shall adhere to the following **Guidelines for Expense Reimbursement**:

Incidental expenditures incurred by CONSULTANT in the course of performing work under this Agreement and submitted for reimbursement by UNITED shall comply with the following guidelines.

Receipts are required for all reimbursable expenses (with an exception for meals and lodging) and shall be furnished with the invoice. Reimbursable expenditures shall not be subject to mark-up. Only actual costs of expenditures within the limits presented below are eligible for reimbursement.

### **1. Reimbursable Expenditures**

#### **A. Travel Expenses**

Expenses for airfare or other travel accommodations shall not exceed costs that would reasonably be expected for comparable economy or coach class accommodations.

Personal vehicles may be used when appropriate and mileage will be reimbursed at the standard Internal Revenue Service (IRS) business mileage rate (i.e., 56 cents per mile for calendar year 2021, but for a total cost no greater than the cost that would reasonably be expected for round trip economy or coach class airfare. With the exception of extenuating circumstances (e.g. transport of specialized equipment), mileage for any trip over 500 miles shall be reimbursed at a total cost no greater than would reasonably be expected for round trip economy or coach class airfare. Extenuating circumstances shall be pre-approved by UNITED.

Rental vehicle costs are reimbursable when justified by the nature of the trip. With the exception of extenuating circumstances (e.g. transport of more than 4 people or excessive cargo) the total expense for the rental vehicle shall not exceed a cost that would reasonably be expected for a standard class vehicle. Insurance for rental vehicles is not reimbursable and must be in accordance with all insurance requirements set forth in this Agreement.

#### **B. Lodging**

The cost of lodging incurred on approved CONSULTANT business trips is reimbursable. UNITED will reimburse lodging at the standard U.S. General Services Administration (GSA) rate for Ventura County (i.e., \$182.00 per night [excluding



taxes] for the months of October 2020 and January – September 2021). GSA rates are annually updated in October.

C. Meals

The cost of meals incurred on approved CONSULTANT Projects is reimbursable.

If UNITED is reimbursing the CONSULTANT for lodging, UNITED will reimburse for meals at the appropriate standard GSA rate for Ventura County (i.e., \$49.50 (or 75% of a daily rate) per day for first and last calendar day of PROJECT work, and \$66.00 per day for additional PROJECT work days for calendar year 2021.

If UNITED is not reimbursing the CONSULTANT for lodging, UNITED will not reimburse the CONSULTANT for meals.

D. Equipment

All reimbursable equipment must be purchased or rented at a reasonable cost, in accordance with industry standards.

E. Expendable Items

Items that are expendable (depleted) will not be returned to UNITED, as the items will be “used up” in the course of CONSULTANT’s work.

F. Non-Expendable Items

Items that are non-expendable (not depleted) will be returned to UNITED upon completion of CONSULTANT’s work.

## EXHIBIT “C” TO AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES

CONSULTANT shall procure and maintain for the duration of the Agreement, and for injuries that occur and claims which are made after the services herein are performed, insurance against claims or injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by CONSULTANT, its agents, representatives, or employees.

### *Minimum Scope of Insurance*

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01 or its equivalent).
2. Insurance Services Office Form Number CA 00 01 covering Automobile Liability, Code 1 or its equivalent (any auto).
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
4. Errors & Omissions Liability insurance appropriate to the CONSULTANT's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability.
5. Valuable Document Insurance on all plans, specifications and other documents as may be required to protect UNITED in the amount of its full equity in such plans, specifications and other documents.

### *Minimum Limits of Insurance*

CONSULTANT shall maintain limits no less than:

- |  |   |
|--|---|
| 1. General Liability:<br>Including operations, products and completed operations, as applicable. | <b>\$1,000,000</b> per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. |
| 2. Automobile Liability:   | <b>\$1,000,000</b> per accident for bodily injury and property damage.  |

3. Employer's Liability: **\$1,000,000** per accident for bodily injury or disease.
4. Errors & Omissions Liability: **\$1,000,000** per claim.
5. Valuable Document Insurance **Full Equity of all Documents**

*Deductibles and Self-Insured Retentions*

Any deductibles or self-insured retentions must be declared to and approved by UNITED. At the option of UNITED, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects UNITED, its directors, officers, officials, employees and agents; or CONSULTANT shall provide a financial guarantee satisfactory to UNITED guaranteeing payment of losses and related investigations, claim administration and defense expenses.

*Other Insurance Provisions*

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

6. For all policies required by this Agreement, UNITED and its directors, officers, officials, employees and volunteers are to be covered as additional named insureds as respects: liability arising out of work or operations performed by or on behalf of the CONSULTANT; or automobiles owned, leased, hired or borrowed by the CONSULTANT.
7. For any claims related to this Project, the CONSULTANT's insurance coverage shall be primary insurance as respects UNITED and its directors, officers, officials, employees and agents. Any insurance or self-insurance maintained by UNITED, its directors, officers, officials, employees or agents shall be excess of the CONSULTANT's insurance and shall not contribute with it.
8. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days prior written notice has been provided to UNITED (with the exception of ten (10) days for nonpayment of premium).

If General Liability, Contractors Pollution Liability and/or Asbestos Pollution Liability and/or Errors & Omissions coverages are written on a claims-made form:

9. The retroactive date must be shown, and must be before the date of the contract or the beginning of contract work.
10. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.

11. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective date, the CONSULTANT must purchase an extended period coverage for a minimum of five (5) years after completion of contract work.
12. A copy of the claims reporting requirements must be submitted to UNITED for review.
13. If the services involve lead-based paint or asbestos identification/ remediation, the Contractors Pollution Liability shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/ remediation, the Contractors Pollution Liability shall not contain a mold exclusion and the definition of "Pollution" shall include microbial matter including mold.

#### *Acceptability of Insurers*

Insurance is to be placed with insurers qualified to do business in the State of California with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to UNITED. Exception may be made for the State Compensation Insurance Fund when not specifically rated.

#### *Verification of Coverage*

CONSULTANT shall furnish UNITED with original certificates and amendatory/ additional insured endorsements effecting coverage required by this clause. The endorsements should be on forms provided by UNITED or on other than UNITED's forms provided those endorsements conform to UNITED requirements. All certificates and endorsements are to be received and approved by UNITED before work commences. However, failure to do so shall not operate as a waiver of these insurance requirements. UNITED reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

#### *Waiver of Subrogation*

CONSULTANT hereby agrees to waive subrogation, which any insurer of contractor may acquire from vendor by virtue of the payment of any loss. CONSULTANT agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation.

The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the entity for all work performed by the CONSULTANT, its employees, agents and subcontractors.



### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager  
Anthony A. Emmert, Assistant General Manager  
Linda Purpus, Environmental Services Manager

**From:** Evan Lashly, Environmental Scientist

**Date:** September 28, 2021 (October 13, 2021 Meeting)

**Agenda Item:** 4.6 **Resolution 2021-18** Adopting the California Environmental Quality Act Initial Study-Mitigated Negative Declaration and approving Phase One of the Freeman Diversion Sediment Management Project and its Implementation  
**Motion**

---

#### **Staff Recommendation:**

The Board will consider approving Resolution 2021-18, adopting the California Environmental Quality Act (CEQA) Initial Study-Mitigated Negative Declaration (IS-MND) for Phase One of the Freeman Diversion Sediment Management Project, approving Phase One of the Project, authorizing its implementation by the General Manager; and directing the Environmental Services Manager to file a Notice of Determination (NOD) in accordance with CEQA for the Phase One of the Freeman Diversion Sediment Management Project.

#### **Discussion:**

The District is the lead agency for Phase One of the Freeman Diversion Sediment Management Project under CEQA. The proposed Freeman Diversion Sediment Management Project consists of two phases of sediment management activities and associated measures intended to minimize and avoid the potential for adverse environmental effects to occur as a result of those activities. Specifically, the Phase One includes 1.3 acres of earthwork with heavy equipment in the river channel upstream of the Freeman Diversion facility. The earthwork is intended to establish a new low-flow channel which will restore conveyance capacity of the bypass channel and ensure operational reliability of the Freeman Diversion and fish passage facilities. Phase One is planned to be completed in fall 2021 while river conditions on site are dry. Phase Two includes a long-term program of recurring sediment management activities within a 6-acre area, intended to provide operational reliability under changed future conditions. CEQA review for Phase Two and consideration of its approval will occur at a later time.

#### **Mission Goal:**

**4.6     Resolution 2021-18 Adopting the California Environmental Quality Act (CEQA) Initial Study-Mitigated Negative Declaration (IS-MND) and approving Phase One of the Freeman Diversion Sediment Management Project and its Implementation Motion**

Meets mission-related Goal B (System Reliability) and Goal C (Regulatory & Environmental Compliance).

**Fiscal Impact:**

The California Department of Fish and Wildlife environmental filing fee is \$2,480.25 and the County Clerk and Recorder's Office filing fee for the CEQA NOD is \$50.00 which is included in the Adopted Fiscal Year 2021-22 Budget under project account 420-300-54260; 1030-310.

**Attachments:**

Attachment A – Resolution 2021-18

Attachment B – Initial Study-Mitigated Negative Declaration

Attachment C – Mitigation Monitoring and Reporting Program

Attachment D – Notice of Determination

Attachment E – Comment letter received from CA Department of Fish and Wildlife

**RESOLUTION 2021-18**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNITED WATER CONSERVATION DISTRICT MAKING CERTAIN FINDINGS AND DETERMINATIONS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND APPROVAL AND IMPLEMENTATION OF PHASE ONE OF THE FREEMAN DIVERSION SEDIMENT MANAGEMENT PROJECT**

**WHEREAS**, the United Water Conservation District (“District”) intends to conduct Phase One of the Freeman Diversion Sediment Management Project located in an unincorporated area of the County of Ventura near the community of Saticoy for the purpose of maintaining operational reliability of the Freeman Diversion; and

**WHEREAS**, the California Environmental Quality Act of 1970, as amended (“CEQA”) requires that, in the approval of a project for which a mitigated negative declaration (“MND”) has been prepared, the decision-making body shall review the MND and make certain findings regarding the significant effects on the environment identified in the mitigated negative declaration; and

**WHEREAS**, such decision-making body in this case is the District’s Board of Directors (“Board”); and

**WHEREAS**, the Freeman Diversion Sediment Management Project is the subject of a MND entitled “Initial Study Mitigated Negative Declaration Freeman Diversion Sediment Management” (SCH # 2021080524), prepared by the District as lead agency under CEQA; and

**WHEREAS**, the Freeman Diversion Sediment Management Project contains two phases – Phase One and Phase Two – each with independent utility; and

**WHEREAS**, the District published a Notice of Intent to adopt an Initial Study/MND in the *Ventura County Star* newspaper on August 28, 2021, and the draft MND was circulated to, trustee agencies, responsible agencies and other parties, including the County of Ventura and the State Clearinghouse and Planning Unit of the Governor’s Office of Planning and Research; and

**WHEREAS**, the California Department of Fish and Wildlife provided comments on the draft MND; and

**WHEREAS**, the MND concluded that implementation of the Freeman Diversion Sediment Management Project could result in potentially significant effects on the environment, and further identified mitigation measures that would reduce any



**Resolution 2021-18**

**Continued**

potentially significant effects to a less than significant level for Phase One and Phase Two; and

**WHEREAS**, District staff seeks approval of Phase One of the Freeman Diversion Sediment Management Project; and

**WHEREAS**, mitigation measures for Phase One of the Freeman Diversion Sediment Management Project are set forth in a Mitigation Monitoring and Reporting Program (“MMRP”) prepared by the District, as lead agency, together with and as part of the MND; and

**WHEREAS**, with the incorporation and implementation of measures contained in the MMRP into Phase One of the Freeman Diversion Sediment Management Project, any potentially significant effects on the environment arising from Phase One of the Freeman Diversion Sediment Management Project will be reduced to a less than significant level; and

**WHEREAS**, the District Board of Directors hereby certifies that it has considered the proposed MND and MMRP and the information contained within, together with comments received thereto; and

**WHEREAS**, the MND and MMRP for Phase One of the Freeman Diversion Sediment Management Project is hereby incorporated into this Resolution as if fully set forth herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE UNITED WATER CONSERVATION DISTRICT AS FOLLOWS:**

1. The District Board of Directors makes the following findings: (a) on the basis of the whole record before the Board (including the initial study, the MND together with the MMRP, comments received in connection thereto, and other information in the record), there is no substantial evidence that Phase One of the Freeman Diversion Sediment Management Project will have a significant effect on the environment; (b) the MND together with the MMRP for Phase One of the Freeman Diversion Sediment Management Project has been completed in compliance with CEQA and consistent with State CEQA Guidelines; (c) the Board has independently reviewed and analyzed the MND together with the MMRP, comments received thereto and other information in the record, prior to its approval of Phase One of the Freeman Diversion Sediment Management Project and this Resolution; and (d) the MND

**Resolution 2021-18**

**Continued**

together with the MMRP reflects the District's independent judgment and analysis as a lead agency.

2. The Board hereby adopts the MND with the exception of the mitigation outlined in BIO-1 for Phase Two activities (CEQA review for Phase Two and consideration of its approval will occur at a later time), together with the mitigation, monitoring and reporting measures contained in the MMRP prepared for Phase One of the Freeman Diversion Sediment Management Project. The Board further designates the District's Environmental Services Manager at the District's office, located at 1701 N. Lombard Street, Suite 200, Oxnard, California 93030, as the custodian of documents and record of proceedings on which this decision is based.

3. The Board approves Phase One of the Freeman Diversion Sediment Management Project and authorizes its implementation when deemed appropriate by the General Manager.

4. The Board authorizes and directs the District's Environmental Services Manager to file a Notice of Determination in accordance with the provisions of CEQA.

5. The foregoing recitals are true and correct and incorporated herein as if fully set forth.

**PASSED, APPROVED AND ADOPTED** this 13<sup>th</sup> day of October 2021.

ATTEST:

\_\_\_\_\_  
Michael W. Mobley, Board President

ATTEST:

\_\_\_\_\_  
Sheldon G. Berger, Board Secretary/Treasurer



# Freeman Diversion Sediment Management

## Initial Study – Mitigated Negative Declaration

*prepared by*

**United Water Conservation District**

1701 North Lombard Street

Oxnard, California 93030

Contact: Evan Lashly, Environmental Scientist

*prepared with the assistance of*

**Rincon Consultants, Inc.**

180 North Ashwood Avenue

Ventura, California 93003

**August 2021**



**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

[rinconconsultants.com](http://rinconconsultants.com)



# Freeman Diversion Sediment Management

## Initial Study – Mitigated Negative Declaration

*prepared by*

**United Water Conservation District**

1701 North Lombard Street

Oxnard, California 93030

Contact: Evan Lashly, Environmental Scientist

*prepared with the assistance of*

**Rincon Consultants, Inc.**

180 North Ashwood Avenue

Ventura, California 93003

**August 2021**



**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

[rinconconsultants.com](http://rinconconsultants.com)

*This report prepared on 50% recycled paper with 50% post-consumer content.*

# Table of Contents

---

Initial Study .....	1
1. Project Title .....	1
2. Lead Agency Name and Address.....	1
3. Contact Person and Phone Number .....	1
4. Project Location .....	1
5. Project Sponsor's Name and Address .....	1
6. General Plan Designation.....	1
7. Zoning.....	4
8. Introduction .....	4
9. Background and Purpose .....	5
10. Description of Project .....	9
11. Surrounding Land Uses and Setting .....	24
12. Other Public Agencies Whose Approval is Required .....	24
13. Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1? .....	25
Environmental Factors Potentially Affected.....	27
Determination .....	27
Environmental Checklist .....	29
1 Aesthetics.....	29
2 Agriculture and Forestry Resources .....	35
3 Air Quality .....	39
4 Biological Resources.....	47
5 Cultural Resources .....	67
6 Energy .....	73
7 Geology and Soils .....	77
8 Greenhouse Gas Emissions .....	85
9 Hazards and Hazardous Materials .....	91
10 Hydrology and Water Quality .....	99
11 Land Use and Planning.....	115
12 Mineral Resources .....	117
13 Noise .....	119
14 Population and Housing.....	127
15 Public Services.....	129
16 Recreation.....	133
17 Transportation .....	135
18 Tribal Cultural Resources .....	139
19 Utilities and Service Systems .....	143
20 Wildfire.....	147
21 Mandatory Findings of Significance .....	151
References .....	155
List of Preparers .....	162

---



## Tables

Table 1	Schedule for Implementation of Phase 1.....	10
Table 2	AMM-1 Best Management Practices .....	15
Table 3	Stepped Acclimation Temperatures and Times for AMM-6 .....	21
Table 4	AMM-7 Noise Limit Thresholds and Breeding Seasons for Special Status Species .....	22
Table 5	Required Approvals.....	25
Table 6	Health Effects Associated with Non-Attainment Criteria Pollutants .....	42
Table 7	Estimated Maximum Daily Emissions during Project Activities (lbs/day).....	45
Table 8	Summary of Jurisdictional Waters within the Study Area .....	62
Table 9	2019 Annual Gasoline and Diesel Consumption .....	74
Table 10	Estimated Fuel Consumption during Project Activities .....	75
Table 11	Estimated Project Activities GHG Emissions .....	89
Table 12	Hazardous Materials Cleanup Sites within Five Miles of the Project Site .....	95
Table 13	Santa Clara River Reach 3 – CWA Section 404(d) Listings.....	102
Table 14	Daytime Construction Activity Noise Threshold Criteria .....	122
Table 15	Project Site Vicinity Sound Level Monitoring Results – Short-Term .....	122
Table 16	AASHTO Maximum Vibration Levels for Preventing Damage.....	124
Table 17	Vibration Annoyance Potential Criteria .....	125
Table 18	Vibration Levels at Sensitive Receivers.....	125

## Figures

Figure 1	Regional Project Location .....	2
Figure 2	Project Study Area .....	3
Figure 3	Photographs of the Freeman Diversion Facility.....	31

## Appendices

Appendix A	CalEEMod Results
Appendix B	Biological Resources Assessment (BRA) Report
Appendix C	Energy Calculations
Appendix D	Sound Level Measurements

# Initial Study

---

## 1. Project Title

Freeman Diversion Sediment Management

## 2. Lead Agency Name and Address

United Water Conservation District  
1701 North Lombard Street, Suite 200  
Oxnard, California 93030

## 3. Contact Person and Phone Number

Evan Lashly, Environmental Scientist  
United Water Conservation District  
805-525-4431

## 4. Project Location

The project site is located at and immediately upstream of the Freeman Diversion Facility (hereafter referred to as “Facility”) in the Santa Clara River channel in unincorporated Ventura County. United Water Conservation District (hereafter referred to as “United”), owns or possesses an access and maintenance easement for the portions of the Santa Clara River channel where project activities would occur. Figure 1 provides an overview of the regional project location, and Figure 2 delineates the extent of the study area, discussed further below. The study area is approximately 2.3 miles east of the unincorporated community of Saticoy, approximately one mile south of State Route (SR) 126 and two miles east of SR 118, in Ventura County, California. The study area is centered at approximately 34.300244°, -119.107275° (WGS84) within the United States Geological Survey (USGS) *Santa Paula, California* 7.5-minute quadrangle. The Public Land Survey System depicts the study area within Township 3 North, Range 21 West, and Section 32, Mount Diablo Meridian.

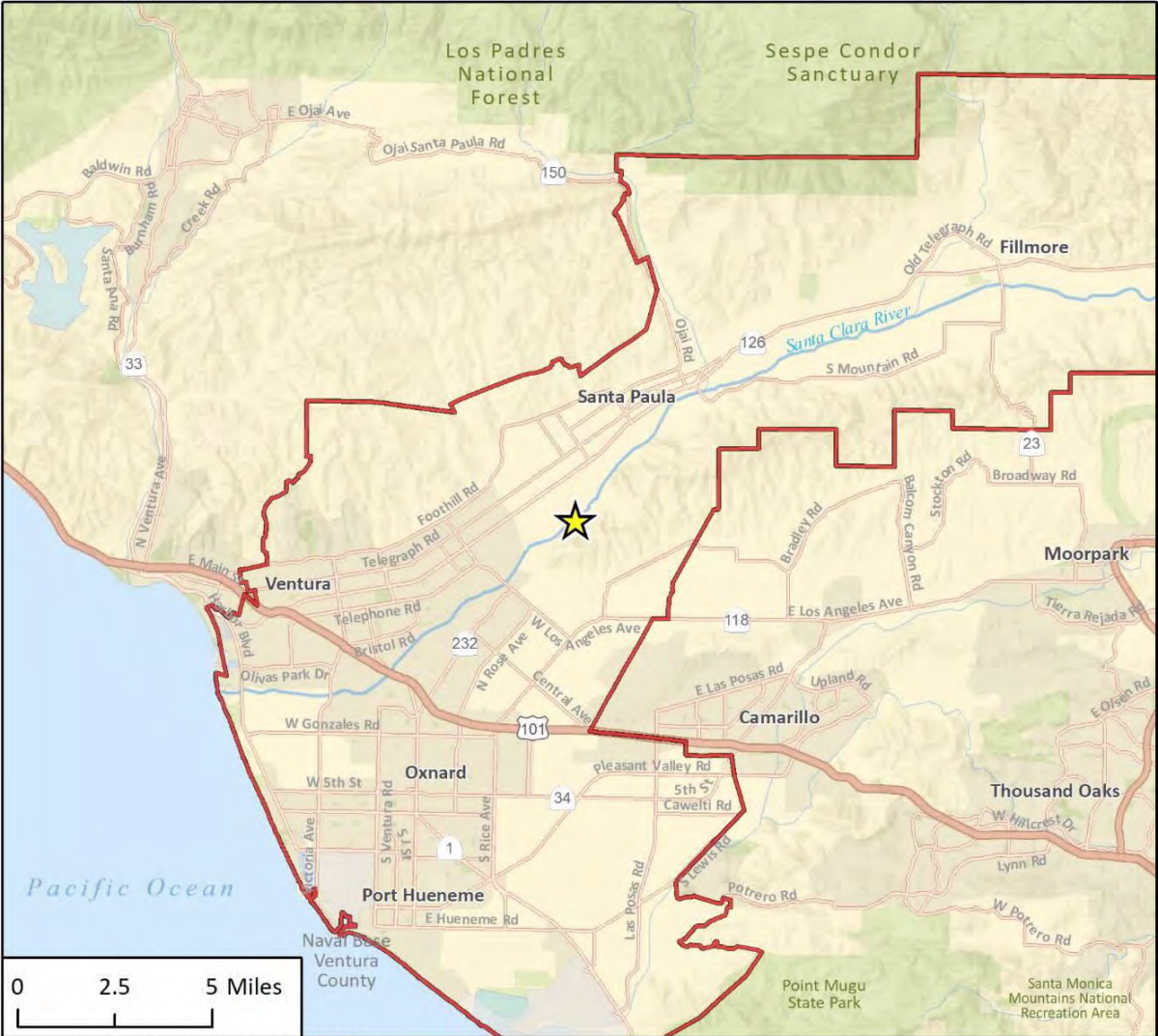
## 5. Project Sponsor’s Name and Address

United Water Conservation District  
1701 North Lombard Street, Suite 200  
Oxnard, California 93030

## 6. General Plan Designation

The General Plan land use designation for the project site and the immediate vicinity is Open Space. This designation is applied to any parcel or area of land or water which is essentially unimproved and devoted to an open-space use.

Figure 1 Regional Project Location



Basemap provided by Esri and its licensors © 2021.

- ★ Project Location
  - United Water Conservation District Boundary
- N

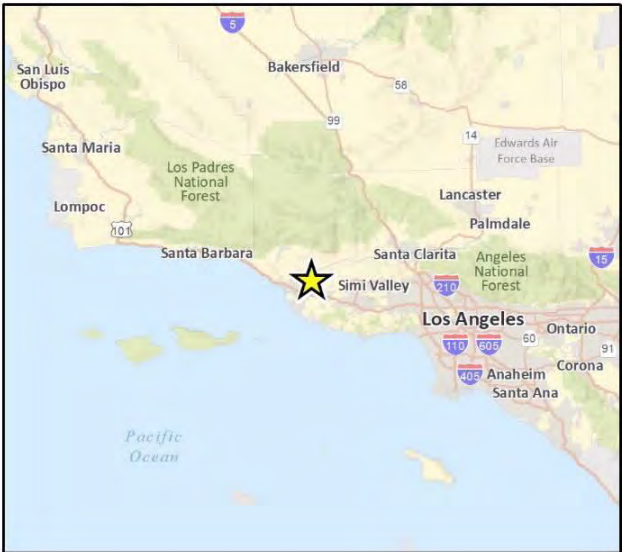




Figure 2 Project Study Area



Imagery provided by Microsoft Bing and its licensors © 2021.

Fig 2 Study Area (Landscape)

## 7. Zoning

The project site is zoned as Open Space (OS) with minimum lot size of 160 acres, and a Mineral Resources Protection (MRP) overlay (OS-160 ac/MRP). These zones are defined in the Ventura County Ordinance Code, Division 8, Chapter 1 (Ventura County RMA 2021).

## 8. Introduction

United is preparing to conduct sediment management and associated activities, also referred to as “project activities”, at the Freeman Diversion Facility near the unincorporated community of Saticoy in Ventura County. The regional project location is shown on Figure 1, and the proposed project study area is shown on Figure 2. The study area delineates all areas where project-related sediment management activities would occur, referred to as the “project footprint”, as well as a buffer area around the project footprint, and the limits of the staging area and access road that would be used to support project activities. The project study area is inclusive of all portions of the Santa Clara River channel where sediment management activities would be conducted under both Phase 1 and Phase 2 of the project, which are detailed in the *Description of Project* section below.

The proposed project is subject to review and approval under the California Environmental Quality Act (CEQA). An Initial Study and Mitigated Negative Declaration (IS-MND) is the appropriate level of CEQA documentation for the project because potential project impacts would be less than significant or mitigable to a less than significant level. This IS-MND is informed by a Biological Resources Assessment (BRA) that was prepared for Phase 1 of the proposed project and is included as Appendix B to this IS-MND. Although the BRA investigation is specific to Phase 1, and will therefore need to be expanded to inform regulatory permitting for Phase 2 of the project, it contains sufficient information to inform the identification and characterization of potential impacts associated with both Phase 1 and Phase 2 of the proposed project. Therefore, the BRA Report is incorporated by reference and referred to as applicable throughout the environmental impact analysis provided herein for CEQA compliance. The BRA documents existing conditions and provides an evaluation of the potential for impacts from the proposed project to affect special status species, sensitive vegetation communities, jurisdictional waters, wildlife movement through the study area, locally protected resources, and potential for conflicts with conservation plans. The information provided in the IS-MND will be used to inform the processing of regulatory approvals for the project, discussed below under “Other Public Agencies Whose Approval is Required”.

United is a special district established in accordance with California Water Code Section 74000 et seq. that is authorized to, among other things, acquire water rights, build facilities to store and recharge water, and construct wells and pipelines for water deliveries. Because United is a local agency that provides water and constructs and maintains water delivery infrastructure, some of its activities are exempt from plans, policies, and regulations administered by local municipalities, as summarized below:

- California Government Code Sections 53091(d) and 53091(e) apply to the location and construction of various pieces of utility infrastructure, including facilities for the production, storage, and transmission of water. Section 53091(d) exempts qualifying facilities constructed by a local agency from county and city building ordinances. Section 53091(e) exempts qualifying facilities constructed by a local agency from county and city zoning ordinances. Therefore,

activities evaluated in this IS-MND that involve the conveyance of water would be exempt from county and city building and zoning ordinances.

- California Government Code Section 65402 requires a finding regarding the general plan conformance of any public project that involves the acquisition or disposal of real property, or the authorization or construction of a building or structure. Even when a project is not permitted or is conditionally permitted under local land use law, a local agency like United (i.e., an agency responsible for the local performance of governmental or proprietary functions within limited boundaries) ultimately has the authority to render general plan and zoning requirements inapplicable. Consistent with Section 65402(c), if a local planning agency were to conclude that a building or structure evaluated in this IS-MND was not in conformity with an applicable general plan, United may nonetheless overrule the finding.

Given these regulatory limitations, not all elements of the project evaluated in this IS-MND would be subject to local plans, policies, and regulations. Therefore, as a matter of law, this IS-MND need not consider all such plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United does reference, describe, and address in this IS-MND those local land use plans, policies, and regulations that may otherwise be relevant to the proposed project.

## 9. Background and Purpose

United is a California Special District, originally formed as the Santa Clara Water Conservation District in 1927, then transitioned to its current role by voter approval in 1950. United's mission is to manage, protect, conserve, and enhance the water resources of the Santa Clara River, its tributaries, and associated aquifers. United's boundaries encompass nearly 213,000 acres of central and southern Ventura County, including the Ventura County portion of the Santa Clara River Valley and the Oxnard Plain. Within this area, United operates and maintains a number of water facilities and associated water delivery infrastructure. These facilities directly and indirectly provide potable water to municipal customers and irrigation supplies in the Oxnard area, sometimes in lieu of coastal groundwater extractions. United's facilities are vital to groundwater recharge, combating seawater intrusion, and other issues resulting from groundwater overdraft across the Oxnard Plain, as well as providing water supply for municipal, industrial, and agricultural uses in Ventura County.

With its mild climate and rich soils, Ventura County, and in particular the Oxnard Coastal Plain, is regarded as having some of the most productive farmland in the world. Ventura County is also an "exurb" of Los Angeles, and its cities have experienced significant population growth during the 20th century. As in most of California, the quantity and timing of direct precipitation is insufficient to meet local agricultural and municipal needs. Therefore, storage of excess water during wet periods is key to meeting demand during dry periods. Fortunately, extensive aquifer systems (an upper aquifer system, or UAS, and lower aquifer system, or LAS) underlie the Oxnard Coastal Plain, providing this storage capacity. Estimated groundwater withdrawals from the Oxnard sub-basin of the Santa Clara River basin (referred to informally as the "Oxnard basin") and the Pleasant Valley basin, which underlie the Oxnard Coastal Plain, increased substantially through the early to mid-20th century to meet growing demand for water, and have averaged 92,000 acre-feet/year since 2000. These aquifers have historically been (and continue to be) the sole or primary source of water for many municipal and agricultural users on the Oxnard Coastal Plain.

Groundwater level declines and seawater intrusion along the coast have long been a concern in the region. In response, since 1928 United Water Conservation District (United) and its predecessor (Santa Clara Water Conservation District) have diverted a portion of the flow in the Santa Clara River along the northern Oxnard Coastal Plain to spreading (recharge) basins where the entrained water infiltrates through the surface to recharge underlying groundwater resources as well as to pipelines that deliver surface water directly to users in lieu of pumping in critical areas (“conjunctive-use”). Much of the water diverted from the Santa Clara River consists of storm flows occurring in the wet season of above-average rainfall years. The Facility is also used to divert imported water, via the State Water Project, purchased by United and conveyed down the river to mitigate chronic groundwater overdraft on the Oxnard Coastal Plain. The historic use of large volumes of surface water diverted from the Santa Clara River helped stabilize the water supply in southern Ventura County and allowed for development of the urban and agricultural economies that have thrived for decades now.

In response to concerns raised by the state regarding groundwater overdraft and seawater intrusion on the Oxnard Plain, United and Ventura County cooperated to develop the “208 areawide water quality management plan: 1979-1980” pursuant to Section 208 of the 1972 Federal Water Pollution Control Act, which was subsequently approved by the State of California. An integral aspect of the plan is the Seawater Intrusion Abatement Program (SIAP), a two-phase project to combat sea water intrusion: Phase I was the Pumping Trough Pipeline (PTP) and Phase II was the Freeman Diversion Improvement Project. The current Freeman Diversion structure, which includes fish passage facilities designed and constructed in collaboration with the CA Department of Fish and Game (now CA Department of Fish and Wildlife) and in accordance with their requirements of the time, was constructed on the mainstem of the Santa Clara River in 1991 following a lengthy design and consultation process that began in the early 1980’s. The purpose of the Freeman Diversion is to improve United’s ability to divert Santa Clara River water (especially higher flows following large storm events) for groundwater recharge to more effectively combat seawater intrusion, and to stabilize the elevation of the upstream river channel following decades of gravel mining by others in the mid-20th century. Prior to construction of Freeman Diversion, United diverted surface flows in the Santa Clara River to recharge basins at Saticoy by bulldozing temporary dikes in the river channel (referred to as the “Saticoy Diversion”). However, due to continuous downcutting of the river in response to past gravel mining practices, the Saticoy Diversion was becoming increasingly difficult to operate in a safe manner without causing environmental damage. A major benefit of the Freeman Diversion is that it prevents further channel incision and disruption of riparian habitats in areas upstream of the Facility.

Today, the amount of water that can physically be diverted is dictated first by the quantity of water available in the river at any given time and by the capacity of the diversion canals, but is also limited to that which can be legally diverted as identified by United’s State Water Resources Control Board (SWRCB) License 10173, which was issued in 1973, and Permit 18908, which was issued in 1982 and amended in 1987 and 1992, incorporating bypass flow requirements for migration of steelhead trout. As previously noted, the SWRCB expressed serious concerns about groundwater overdraft and seawater intrusion on the Oxnard Plain in the late 1970s and supported United’s pursuit of Permit 18908 as the Freeman Diversion was being designed and permitted. License 10173 and Permit 18908 both recognize United’s significant investment in constructing Santa Felicia Dam and Lake Piru, and that a reliable downstream diversion structure was a critical component of successful water resource management throughout United’s service area.



Streamflow in the Santa Clara River at the Freeman Diversion is highly variable and most directly influenced by rainfall events occurring in the watershed during the winter rainy season (December to March). Streamflow can increase by tens of thousands of cubic feet per second (cfs) in a day following a significant rainfall event. Under SWRCB Permit 18908, United can divert up to 375 cfs for distribution to groundwater spreading grounds and for direct consumptive use within its service area. The maximum annual diversion volume on a calendar year basis is 144,630 acre-feet. United cannot always divert what is allowed under its water right due to various limitations, including periods of low flow (primarily due to drought), the need to meet instream flow requirements, excessively high total suspended solid levels, and limited recharge capacity during high groundwater conditions (rarely occurs during extremely wet years). Under typical conditions, an average of approximately 60,000 acre-feet per year of surface flow is diverted from the Santa Clara River.

United's artificial recharge operations and conjunctive-use projects have been successful in slowing basin-wide groundwater level declines and seawater intrusion, but chronic overdraft conditions persist. CA Department of Water Resources continues to classify the Oxnard and Pleasant Valley basins as "high priority basins subject to critical overdraft," due to both the long-term problems with groundwater overdraft and seawater intrusion, and local groundwater supply being the sole source of water for many urban and agricultural water users. United operates both potable and irrigation-water delivery systems, but these systems were designed to optimize basin yields and are operated as enterprise funds that do not generate profits for United. United artificially recharges far more groundwater than it extracts in the Oxnard and Pleasant Valley basins. Therefore, the net effect of United's conjunctive-use projects and artificial recharge has been to improve the groundwater balance, which has maintained groundwater elevations in the Oxnard and adjacent basins at higher levels, on average, than would have occurred without these projects. Other beneficial effects of United's activities include, but are not limited to, improvement of groundwater quality in the Forebay area and in the Pleasant Valley basin, and mitigation of seawater intrusion in the Oxnard basin. United's recharge activities in the Oxnard Forebay are particularly effective in reducing nitrate concentrations at wells; many of the small mutual water companies in the Forebay area, including some that serve disadvantaged or low-income communities, are solely dependent on groundwater from area wells for water supply.

United is planning to expand its diversion and recharge capacity primarily to provide greater bypass flows for steelhead migration on the receding limb of the streamflow hydrograph, while still diverting sufficient water during higher flows to recharge the underlying aquifers. This expansion (to divert more water during peak flows) is also expected to help ensure that water supplies for the region remain reliable into the future in the face of climate change (due to models predicting fewer and more intense storms for the region). If unable to respond to future conditions, large reductions in groundwater use in the Oxnard and Pleasant Valley basins are a likely outcome, as described in the Fox Canyon Groundwater Management Agency's (FCGMA) groundwater sustainability plans (GSP) for the basins. The FCGMA's GSPs have determined that the combined sustainable yield for the Oxnard and Pleasant Valley basins is about two-thirds of current groundwater demand. Such reductions will have major negative impacts on agricultural and municipal supply unless countered by increased use of other water sources. Furthermore, United's operation of the Freeman Diversion historically accounts for approximately 70% of the sustainable yield of the Oxnard and Pleasant Valley basins. Although United is working with other stakeholders to develop plans to bring a broader portfolio of water sources to the region, no identified water supply alternatives are as cost effective and energy efficient as maximizing artificial recharge of flows diverted from the Santa Clara River.

The Facility consists of a roller compacted concrete grade control structure that spans approximately 1,200 feet across the river and stands approximately 25 feet tall (on the downstream side) and a series of gates, bays, canals, fish screens, and appurtenant structures that comprise the water diversion and fish passage facilities on the south bank. Flows through the Facility are diverted from the grade control structure into a system of canals, which in turn deliver the water to the spreading grounds or to pipelines for direct surface water deliveries.

The Facility has an existing Denil fish ladder and fish screen bay. A Denil fish ladder is a baffle fish way that uses rows of notched baffles with switch backs to facilitate fish moving upstream past the diversion. The notched baffles slow the velocity of the flow, allowing fish to swim through the middle of the baffles upstream. The Denil fish ladder is intended to allow passage of federally endangered southern California steelhead (*Oncorhynchus mykiss irideus*) (steelhead; *O. mykiss*) migrating upstream. There is also an associated fish screen bay, intended to allow passage of downstream migrating juvenile and adult steelhead and preclude their entry into United's diversion facilities (e.g., canals, pipelines).

United must maintain the Santa Clara River channel at the Facility so as to keep the thalweg of the river near the south bank and the fish passage and diversion structures. The streambed material of the Santa Clara River is highly mobile and storm events can result in substantial scour and/or deposition that directly affect the characteristics and location of surface flows both upstream and downstream of the Facility. The natural erosion and deposition of sediment can shift the thalweg of the river away from the Facility, which eliminates or interferes with United's ability to divert water or operate the fish passage structure. Furthermore, sediment build-up can obstruct and re-direct flows over the diversion structure (i.e., the crest of the dam), preventing accuracy in the flow measurements necessary for compliance with the Amended Judgment and Permanent Injunction issued in the case of *Wishtoyo et al. vs United Water Conservation District* [CV 16-3869-DOC (PLAx)] (Court Order).

Proper functioning of the Facility to divert water and provide fish passage is dependent upon the effective management of sediment that accumulates within the channel. The Santa Clara River watershed has extremely high sediment production rates, and sediment accumulation immediately upstream of and adjacent to the Facility adversely affects the Facility's connectivity with the Santa Clara River. If sediment accumulation is allowed to progress unchecked, it will threaten further discontinuity between the Facility and the river. Therefore, United has developed the proposed project and is seeking permits and authorizations to implement the proposed project, which will provide the necessary level of sediment management to facilitate and maintain functionality of the Facility to ensure reliable diversions and fish passage functions.

United is currently developing a Multiple Species Habitat Conservation Plan (MSHCP) to address steelhead, which was listed as a federally endangered species in 1997, as well as six other federally listed or non-listed species. The MSHCP is being prepared as part of United's application package to the National Marine Fisheries Service (NMFS), United States Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW) for incidental take permits (ITPs) under Section 10(a)(1)(B) of the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA). United is currently analyzing the MSHCP in an Environmental Impact Report (EIR) for CEQA compliance (State Clearinghouse [SCH] Number 2013111031). The MSHCP EIR is referenced as applicable throughout this IS-MND; however, the MSHCP is still under development and has not yet been finalized or certified.

In 2019, the U.S. Army Corps of Engineers (USACE; Clean Water Act [CWA] Section 404) issued a programmatic individual permit (SPL-2013-00171-EBR), which among other routine maintenance,

authorized United to implement sediment management activities within an area 1.4-acres upstream of the Facility. Due to unresponsiveness of the Los Angeles Regional Water Quality Control Board (RWQCB), the CWA Section 401 water quality certification was waived by the USACE. On December 13, 2019, United and CDFW executed an amendment to an existing Lake and Streambed Alteration Agreement (LSAA; No. 1600-2013-0223-R5) which authorized the implementation of a new, one-time, 0.7-acre pilot channel. Following the 2019 permit issuance, in December of that year United excavated a pilot channel in accordance with permit requirements to redirect flows towards the south bank of the river, consistent with the current design of Phase 1 described below. The 2019 pilot channel was partially successful in its objectives, resulting in an approximately 40 percent increase in flow capacity of the bypass channel compared to the prior year; however, additional management is necessary to facilitate proper function of the Facility. Therefore, Phase 1 is designed to leverage the work completed in 2019 to better achieve United's objectives.

The 2019 regulatory permits and agreements issued by the USACE and CDFW for the excavation of the pilot channel are still valid; however, it should be noted that the CDFW SAA amendment authorized United to implement the pilot channel activity one-time during the term of the agreement. In order to identify and characterize potential impacts of the proposed project as a whole, inclusive of both the Phase 1 and Phase 2 project activities, the environmental impact analysis provided herein considers potential impacts associated with conducting project activities across the entire 6-acre project site. This CEQA document will be used to inform applications for regulatory permits from the resource agencies (USACE, Los Angeles RWQCB, CDFW) responsible for issuing permits for the project's total 6-acre sediment management area, shown on Figure 2.

## 10. Description of Project

The proposed project would provide for the continued reliable operation and maintenance of the existing Facility by conducting sediment management and associated activities necessary to maintain the capacity and function of the Facility. The proposed project is specific to the upstream sediment management and associated activities that are necessary to the operation and maintenance of the Facility; the proposed project would not expand the existing purpose or function of the Facility. As discussed under "Background and Purpose" above, the proposed project would be implemented in two separate phases, referred to as Phase 1 and Phase 2, which collectively address an approximately six-acre sediment management area within the Santa Clara River channel.

An overview of the two project phases is below, followed by more detailed discussion of the activities that would occur under both project phases, including: access and staging; site preparation; in-channel sediment management; subsequent sediment management; and Avoidance and Minimization Measures (AMMs) that would be implemented as part of the project design.

### Phase 1: Initial 1.3-acre Low-flow Channel

During the first year of the proposed project, an initial 1.3-acre low-flow channel would be established by excavating accumulated sediments to shift the river's existing thalweg to the southern bank of the river channel, extending approximately 900 feet upstream of the Facility. The 1.3-acre total includes all areas within the river channel that will be potentially affected by Phase 1 activities, including equipment travel, site ingress, and egress. The extent of the low-flow channel and the adjacent spoils dispersal area are shown on Figure 2. A detailed drawing of the proposed low-flow channel, including surveyed elevations and cross-sections, is also included in the BRA

provided as Appendix B to this IS-MND. The proposed low-flow channel will preserve some of the natural sinuosity of the channel while providing a new direct flow path toward the bypass channel of the Facility.

The new low-flow channel under Phase 1 would be approximately 40 feet wide and 825 feet long with a maximum depth of three feet and a grade of approximately 0.73 percent. This configuration is designed to provide a uniform grade from the elevation of the concrete floor of the bypass channel (155 feet above mean sea level [amsl]), to the elevation of the riverbed thalweg at the upstream end of the Phase 1 channel (164 feet amsl). Phase 1 would require excavation of approximately 4,700 cubic yards of material to form the new low-flow channel. The south side of the channel would be sloped as steeply as feasible towards the south bank of the river to allow for a safe and stable slope while positioning the channel as close as feasible to the river's south bank and avoiding disruptions to mature riparian vegetation. The north side of the new low-flow channel would be sloped more gradually toward the terrace of the river's north bank.

Material excavated to create the new low-flow channel would be redistributed within the Phase 1 sediment management area, which is indicated as the "soils dispersal area" on Figure 2. Material excavated to form the low-flow channel would be dispersed in the soils dispersal area and compacted to conditions consistent with the surrounding riverbed. The new low-flow channel is designed to accommodate flows of up to 1,300 cfs, which represent low to moderate flows, while flows greater than 1,300 cfs would overtop the channel and spread across the main channel of the river. During a two-year storm flow event, which would have flow of approximately 12,800 cfs, flows would spread out into the entire active river channel and would overtop the crest of the Facility.

Phase 1 is anticipated to be implemented over 13 days, as shown in Table 1 below.

**Table 1 Schedule for Implementation of Phase 1**

Timing	Task
1 day	Flag Phase 1 work area boundaries (following completion of pre-activity surveys)
1 day	Salvage and relocate species from the Phase 1 work area, if needed
10 days	Complete Phase 1 earthwork
1 day	Demobilize from Phase 1

The Phase 1 schedule above does not include time for dewatering activities, because United anticipates implementing Phase 1 during fall of 2021, and the 2020-2021 winter season has seen record-low precipitation for the Ventura County region. As of mid-July 2021, average daily flows at the Facility have dropped to zero cfs, and there is a reasonable expectation that conditions within the river channel adjacent to the Facility will remain completely dry during the 2021 summer season. As such, dewatering is not anticipated to be necessary for the implementation of Phase 1.

## Phase 2: Subsequent 4.7-acre Expansion

After the first year of the proposed project and establishment of the new 1.3-acre low-flow channel under Phase 1, the proposed project's sediment management area would be expanded by 4.7 acres under Phase 2, to encompass the total sediment management area of up to six acres as shown on Figure 2. The timing of Phase 2 implementation will be determined by regulatory permit authorizations, weather conditions affecting the level of flows in the river, and the successful establishment of the initial low-flow channel under Phase 1. Once regulatory permits for Phase 2 are

in place, and given acceptable flow conditions in the river, the Phase 2 expansion activities will be scheduled as needed. In the interest of providing a conservative analysis for CEQA purposes, it is assumed that implementation of the Phase 2 expansion will also include maintenance of the initial Phase 1 channel. As such, Phase 2 would introduce project activities to a new 4.7-acre portion of the channel not previously affected by Phase 1, but it could also introduce subsequent project activities to the initial 1.3-acre Phase 1 channel, such that the Phase 2 disturbance area would be up to six acres.

Phase 2 sediment management activities will be similar to Phase 1 activities in nature and consist of low-flow channel excavation and recontouring intended to promote favorable interactions between flow and the Facility within the entire six-acre area. However, the specific location and characteristics of excavation and recontouring will be dependent upon the site conditions at the time of work. Individual grading plans will be developed as needed for any given sediment management event conducted during Phase 2. Phase 2 does not include the trucking of excavated sediments to an off-site disposal location, as all excavated sediments would be redeposited on-site within the portion of the river channel identified as the project footprint in Figure 2.

A schedule for implementation of Phase 2 will be developed based upon site-specific conditions at the time of project implementation, including with consideration to the success of Phase 1 implementation and the resulting degree of sediment management required to facilitate desired Facility operations. Subsequent sediment management events conducted during Phase 2 are anticipated to be required approximately every two to three years, but could be conducted annually if needed to address sediment accumulation and maintain Facility function.

## Project Activities

The following sections describe project activities that are applicable to the entire 6-acre proposed project sediment management area, inclusive of both the 1.3-acre Phase 1 footprint and the 4.7-acre Phase 2 footprint.

### Access and Staging

The project site would be accessed from the existing United maintenance roads including the riverbed access point on the south bank of the Santa Clara River and from the north bank across the diversion crest (possible access point during Phase 2), as shown on Figure 2. These access points are maintained clear of vegetation by United under an existing LSAA with CDFW (1600-2013-0223-R5). The southern bank access point is via an existing dirt ramp upstream of the Facility. This access point enters the river channel immediately upstream of the bypass channel and provides direct access to the project site. The existing developed portions of the Facility would be used as the staging area for the duration of the project.

No new access roads would be installed to accommodate project activities. The staging areas for sediment management activities are permanently disturbed in their present condition, and therefore no additional disturbance would result from using these areas for staging during sediment management activities.

### In-Channel Sediment Management

Sediment management activities within the Santa Clara River channel adjacent to and upstream of the Facility are expected to be required approximately once every two years. United is seeking approvals to conduct these activities on an as-needed basis, up to once per year. Under both project

phases, sediment management activities would be conducted during the primary maintenance window from mid-September through December, after the end of the bird nesting season and prior to the onset of the steelhead migration season.

All project activities would be conducted within the active riverbed, in areas that are regularly subjected to a natural cycle of disturbance (i.e., scour and deposition). Sediment management activities would not be conducted in areas with mature riparian vegetation; however, some recently recruited (i.e., emergent, or early successional) vegetation may be trimmed or cleared, as discussed below under “Vegetation Removal”. The activities planned to be conducted under Phase 1 and Phase 2 are described under respective headings above, and briefly summarized below.

- **Phase 1 - Initial Sediment Management Event.** The initial sediment management event would be conducted as Phase 1 of the proposed project, to implement a new excavated low-flow channel within the Phase 1 footprint area of 1.3 acres. Please see the description of Phase 1 provided under “Phase 1: Initial 1.3-acre Low-flow Channel”.
- **Phase 2 - Subsequent Sediment Management Events.** Following the successful implementation of a new low-flow channel under Phase 1, subsequent sediment management events would be conducted as-needed, and are anticipated to occur approximately every two to three years, but could be conducted annually if needed. Phase 2 would expand the Phase 1 footprint up to an additional 4.7 acres, resulting in a total project footprint of up to six acres. Specific grading plans for subsequent sediment management events under Phase 2 would be submitted to the resource agencies for review and approval prior to being undertaken.

All sediment management activities included under the proposed project would be conducted using the same methods and equipment types and intensities; however, the larger size of the Phase 2 sediment management area would necessitate increased use of equipment to redistribute and recontour sediment spoils, as discussed below under “Sediment Spoils Management” and detailed in the issue area analyses provided below, as applicable.

### *Dewatering*

As discussed above for Phase 1, dewatering activities are not anticipated to be necessary for the implementation of Phase 1 during 2021, due to record-low precipitation and current projections for a dry riverbed upstream of the Facility during August through December 2021. It is anticipated that dewatering activities will be necessary to accommodate Phase 2, and that in future years, depending upon weather conditions and flows present in the river, dewatering may be required prior to subsequent sediment management activities conducted under Phase 2, to be determined at the time of project implementation. Dewatering activities are described below and referenced throughout the impact analysis, as applicable to potential impacts of the proposed project.

Under normal operating conditions, United maintains an impound both within and immediately upstream of the Facility. This impound is a contiguous body of water that inundates the canal bay, bypass channel, and the adjacent Santa Clara River channel. The water surface elevation of this impound is controlled primarily by the canal gates; however, the water surface elevation can also be manipulated by the roller gate and to a lesser extent by the fish ladder exit gate. The extent of inundated area within the Santa Clara River channel is dependent upon the topographic and bathymetric characteristics of the channel at any given time and is subject to alteration by patterns of erosion and deposition due to river discharge. Due to these dynamic processes, site preparation for in-channel sediment management may require the impound to be dewatered.

United proposed to use a two-stage draw-down process, as described below.

- **Draw-down Stage A.** This first stage draw-down would dewater most low-gradient lateral habitat of the forebay. The first stage would target a draw-down rate of less than two inches per hour, through operation of United's headworks facilities. This stage would be conducted over the course of 1.5 to 2 days, depending upon the water level in the head bay at the time. The impound would be reduced to an area confined within the footprint of the bypass channel approach (i.e., confined by vertical concrete walls). Following completion of Stage A draw-down activities, the head bay and fish screen bays are not expected to drain completely, though water levels within the head bay and fish screen bay will be reduced to levels to accommodate species surveys, capture, and relocation as necessary prior to initiating the second stage of draw-down activities.
- **Draw-down Stage B.** The second stage draw-down would dewater the bypass channel. Water would be released under the roller gate and into the downstream pool. This draw-down would be conducted slowly over the course of approximately one hour, until the pool within the bypass approach channel is limited to an area immediately upstream of the roller gate. Once the pool is concentrated in the area immediately upstream of the roller gate, the rate of release under the roller gate would be increased to promote transport of aquatic species into the pool downstream. Surveyors would be present upstream and downstream of the roller gate at all phases of this stage.

If flowing water is present within the sediment management area following the completion of dewatering activities described above, flow rerouting activities may be conducted to sufficiently clear the work area of flows, thereby allowing sediment management activities to proceed. If flow rerouting is necessary, it would be conducted by establishing a temporary coffer dam within the channel, to temporarily obstruct water flowing into the work area. The temporary coffer dam would either be comprised of a manmade material that would be transported to the project site (e.g., inflatable bladder, sandbags, plywood, fence posts), or it would be comprised of native streambed material and structured as an earthen berm within the channel. As mentioned above, dewatering activities are not anticipated to be necessary for Phase 1, and are specific to Phase 2 of the project.

Under Phase 2 dewatering activities, the temporary coffer dam would either impound water upstream of the sediment management area, or it would divert flow around the active sediment management area within the project footprint. Impounded water would be pumped downstream or conveyed via gravity in a screened pipe through or around the sediment management area. Screened pump intakes and pipes would meet current guidelines for screening by NMFS and CDFW, as applicable. To allow equipment access and minimize the amount of physical manipulation of the riverbed, the temporary coffer dam would be located as close as possible to the active sediment management area and the Facility footprint. Upon completion of any Phase 2 sediment management activities requiring dewatering, the temporary coffer dam would be removed from the channel, the site would be recontoured to a condition promoting favorable flow patterns for the Facility (i.e., complementary to surrounding contours established during that particular sediment management event).

### *Sediment Spoils Management*

As discussed above, both Phase 1 and Phase 2 would balance cut and fill on the project site, by redistributing excavated sediments across the respective sediment management areas, consisting of 1.3 acres under Phase 1 and an additional 4.7 acres under Phase 2, for a total sediment management area of six acres, as shown on Figure 2. Because the project would balance excavated materials on-site, it is not anticipated to require hauling excavated sediments off-site for disposal.



However, in an effort to provide a conservative analysis and avoid the need for subsequent environmental review, should currently unforeseen circumstances necessitate the off-site disposal of excavated sediments, also referred to as “sediment spoils”, the analysis provided herein identifies and characterizes potential impacts associated with hauling excavated sediments off-site for disposal; this topic primarily affects Air Quality, Greenhouse Gases, and Transportation. If off-site spoils disposal is required, it is anticipated disposal would occur at United’s nearby Dos Diegos property or at Toland Road Landfill, located at 3500 Toland Road in Santa Paula, approximately 14.5 miles from the Facility, owned and operated by the Ventura Regional Sanitation District (VRSD). Any disposal conducted at Toland Road Landfill would be done so in accordance with VRSD management procedures for the landfill.

## Vegetation Removal

Neither protected trees nor mature vegetation communities (e.g., riparian woodland) are proposed for removal under the project. Vegetation trimming may be required along the access route to the project footprint (Figure 2) to allow access by heavy equipment. Any vegetation trimming would be minimal and would not result in the removal of mature trees significant to the riparian forest community.

The early successional community present in the study area shown on Figure 2 is dominated by young arroyo willow (*Salix lasiolepis*) and mulefat (*Baccharis salicifolia*) recruits within the encroaching sand and gravel bar upstream of and adjacent to the Facility. Early successional vegetation may require trimming or clearing around the project footprint, as applicable. The area where this community occurs is subject to frequent disturbance from flooding, such that early successional species would continue to recruit following project activities, and the functions and services provided by the habitat would remain largely intact.

## Avoidance and Minimization Measures

United has developed project-specific Avoidance and Minimization Measures (AMMs) for the proposed project activities, as presented below. These AMMs are included in the proposed project design and would be implemented as part of the proposed project. As such, AMMs do not constitute mitigation measures, which are identified in respective environmental issue areas in the impact analysis below, where necessary to minimize or avoid potential impacts. These AMMs also do not constitute regulatory requirements, although they would assist in proposed project compliance with regulatory permits; applicable regulatory permits are discussed in detail in the respective issue area sections in the impact analysis below.

### AMM-1 Best Management Practices

Best management practices (BMPs) are measures included in the project description that are implemented as part of the project and are designed to avoid and minimize effects of sediment management activities on sensitive natural resources. These measures are generally considered standard practice for industry-specific and for general development projects and are intended to provide a framework for good work practice aimed at environmental sensitivity. Best management practices often include standard and general recommended avoidance or minimization measures outlined by an organization or agency, for example, the California Stormwater Quality Association (CASQA) or the CDFW. General site maintenance BMPs, which would be implemented during the sediment management activities, are presented below in Table 2.

**Table 2 AMM-1 Best Management Practices**

AMM-1A General BMPs	<ul style="list-style-type: none"> <li>Clearly mark work boundaries using stakes or other high visibility marking (e.g., flagging), prior to staging or other project activities involving ground or vegetation disturbance. No work would occur outside of marked work areas unless first approved by United Environmental Services staff.</li> <li>At the end of project activities, remove all temporary flagging, fencing, barriers, project related structures, and associated materials (including BMPs)</li> <li>Conduct project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes; remove all visible soil/mud, plant materials, and animal remnants from all vehicles, tools, boots, and equipment.</li> <li>Clean up trash and other project debris daily; use fully covered trash receptacles with secure lids to contain all trash. Receptacles would be removed from the site and emptied at least weekly.</li> <li>Locate staging/storage and refueling/maintenance of equipment and materials outside of habitat areas. All staged equipment would have drip pans or similar containment placed underneath when not in use.</li> <li>No substances that could be hazardous to aquatic life would be allowed to contaminate the soil and/or enter or be placed where it may be washed by rainfall or runoff into jurisdictional waters.</li> <li>Prohibit pumping or use of water from the river for dust control or any other use by the project.</li> <li>Prohibit removal of or damage to native vegetation with a diameter at breast height (DBH) of more than 3 inches without approval.</li> </ul>
AMM-1B Erosion Control	<ul style="list-style-type: none"> <li>Prohibit use of chemical dust suppression agents within 100 feet of wetlands or water bodies.</li> <li>Implement wind erosion control at the project site.</li> <li>After 14 days of inactivity, a stockpile is non-active. All stockpiles are required to be protected as non-active stockpiles immediately if they are not scheduled to be used within 14 days.</li> <li>Cover all stockpiles and protect with a temporary linear sediment barrier prior to the onset of precipitation.</li> <li>Locate fiber rolls on level contours spaced as follows: <ul style="list-style-type: none"> <li>Slope inclination of 4:1 (Horizontal:Vertical) or flatter: Fiber rolls should be placed at a maximum interval of 20 feet.</li> <li>Slope inclination between 4:1 and 2:1 (Horizontal:Vertical): Fiber Rolls should be placed at a maximum interval of 15 feet (a closer spacing is more effective).</li> <li>Slope inclination 2:1 (Horizontal:Vertical) or greater: Fiber Rolls should be placed at a maximum interval of 10 feet (a closer spacing is more effective).</li> </ul> </li> </ul>
AMM-1C Sanitary/Septic Waste Management	<ul style="list-style-type: none"> <li>Locate temporary sanitary facilities away from drainage facilities, watercourses, and from traffic circulation. If site conditions allow, place portable facilities a minimum of 50 feet from drainage conveyances and traffic areas. When subjected to high winds or risk of high winds, temporary sanitary facilities would be secured to prevent overturning.</li> </ul>
AMM-1D Waste Management and Materials Pollution Control	<ul style="list-style-type: none"> <li>Maintain all vehicles and equipment in good working condition, free from leaks, and operating within normal parameters.</li> <li>Immediately clean up any vehicle or equipment fluid spills to ensure the work area is maintained clean and free of spills and contamination.</li> <li>Limit the area where heavy equipment would operate to the minimum footprint necessary and contain the area within straw wattles or similar material to prevent runoff from the project site. If access to areas outside of the delineated footprint is required, it must be approved by a responsible United administrator.</li> <li>Maintain the project site and study area free of trash. All trash would be deposited in closed-lid receptacles and would be removed from the site weekly.</li> <li>If maintenance must occur on site, use designated areas, located away from drainage courses. Dedicated maintenance areas would be protected from stormwater run-on and run-off and should be located at least 50 feet from downstream drainage facilities and watercourses.</li> <li>All fueling trucks and fueling areas are required to have spill kits and/or use other spill protection devices.</li> <li>No pets or firearms would be permitted on the project site or other United-owned lands.</li> </ul>

### *AMM-2 Schedule/Timing of Work*

During Phase 1, no work would occur if flowing water is present in the river channel within the study area. As of early August 2021, the Phase 1 project activity area is dry and free of flowing or standing water. Given current and projected drought, United expects the Phase 1 project activities area will remain dry until 2021-22 winter season storms arrive in the region (i.e., providing for dry conditions during the implementation of Phase 1 between September 15 and December 31, the preferred maintenance window). In subsequent years to the initial implementation of Phase 1, it is anticipated that dewatering activities will be necessary to accommodate Phase 2 sediment management activities, depending upon rainfall and runoff for the respective year. If necessary to facilitate implementation of Phase 2 sediment management activities, United would dewater the project site prior to conducting Phase 2 activities to ensure that activities occur in a dry river channel. Additional scheduling/timing of work conditions include the following.

- In the unlikely event that flowing water becomes present within the study area after dewatering activities for Phase 2, United would cease work and consult with the permitting agencies prior to proceeding with project activities.
- If a rain event of a tenth of an inch or greater is forecasted by the National Weather Service within 72 hours of planned activities, all project activities must stop, and all equipment must be removed from the bed, bank, and channel of the Santa Clara River.
- Non-active areas would be stabilized as soon as practical after the cessation of soil disturbing activities or one day prior to the onset of precipitation.
- The time of day for work activities would be limited to daylight hours.

### *AMM-3 Worker Environmental Awareness Training*

To ensure all AMMs are followed, it is essential personnel understand the scope of project activities, the general biology of special status species with potential to occur on the project site, and the individual responsibilities of project personnel. The most effective approach to addressing personnel awareness is through a worker environmental awareness training (WEAT) program. To ensure all personnel associated with the project are fully familiar with the project activities, the special status species with potential to occur in the project area, and the required AMMs, all personnel would attend a WEAT before conducting work on the project. The WEAT would provide details pertaining to project activities and correct procedures to follow during work activities to avoid or minimize potential impacts to special status species. Other information provided in the WEAT would include identification of special status species with potential to occur in the project area, correct notification procedures, and action to take in the event these species are encountered, as well as definitions of take.

The WEAT program would involve several components to ensure all project personnel are properly trained:

- Before initiation of project activities, all United Environmental Services staff working on the project and any contract biologists hired for biological monitoring would be provided the WEAT material and would be thoroughly trained on the information and in how to teach the information.
- Before the start of any project activities, United Environmental Services staff would provide the WEAT to project personnel working on the site. Project personnel would attend the WEAT at a training facility designated by United.

- After the initial WEAT, any workers new to the project can be provided the WEAT by United Environmental Services staff in a tail-gate format at the project site.
- WEAT handouts would be available at the project site when work is being performed to be handed out to workers during on-site trainings.
- A record of all trained personnel would be kept by United Environmental Services staff.

The WEAT would contain the following information:

- A list of phone numbers for United's Environmental Services staff and relevant agency contacts. This information would also be kept on site during work activities.
- A list of all AMMs for the project along with information on the project activity or special status species to which it relates.
- Instruction on identification of special status species and where and when special status species are most likely to be found.
- Instructions on correct techniques and procedures for working within the Santa Clara River channel and adjacent riparian vegetation community.
- Instructions regarding the individual responsibilities under the Clean Water Act, the project Stormwater Pollution Prevention Plan (SWPPP), site specific BMPs, and the location of Material Safety Data Sheets for the project.
- Instruction regarding the importance of maintaining a clean project site, including ensuring all food scraps, wrappers, food containers, cans, bottles, and other trash from the project are deposited in closed trash containers.
- Instructions to notify the foreman and regional spill response coordinator in case of a hazardous materials spill or leak from equipment, or upon the discovery of soil or groundwater contamination.
- Instruction on proper notification procedures in the event of take of special status species. The on-site foreman would be notified immediately followed directly by notification to the United environmental personnel. Within 12 hours of the incidence of take, notification would be provided to relevant agencies. Written documentation of the incidence would be provided to agencies within 48 hours.
- Instruction that noncompliance with any laws, rules, regulations, or AMMs could result in a worker(s) being barred from participating in any remaining project activities associated with the proposed project.

#### *AMM-4 Pre-activity Surveys*

Prior to conducting any sediment management activities, current project site conditions would be determined to establish the appropriate course of action and AMMs to be implemented based on time of year and presence/absence of special status species. Pre-activity surveys would be conducted prior to the start of any ground- or vegetation-disturbing activities to determine site conditions and potential presence of special status species. The dry condition of the river channel would be established during the pre-activity surveys. Specific AMMs to be implemented would be determined upon completion of the pre-activity surveys.

- **Reptiles.** Prior to conducting any project activities (under Phase 1 and/or Phase 2) within or adjacent to suitable habitat, United Environmental Services staff or qualified biologists familiar with western pond turtle, two-striped gartersnake, and other special status reptile species,

would conduct pre-activity surveys for special status reptiles with potential to occur in the study area. The survey would include the entire study area. Two surveys would be conducted: one within the week before and one within 48 hours of implementation of project activities. If any special status reptile species are found, AMM-6 – *Species Capture and Relocation Protocol* would be implemented, if necessary. Any individuals that can be avoided and left free of harm would be left undisturbed.

- **Birds.** The project would be completed outside the nesting bird season with project activities limited to the period between September 15 and December 31 (AMM-2, *Schedule/Timing of Work*). United expects no nesting bird activity would be occurring during project implementation. Nevertheless, to ensure no late-season nesting activity is occurring, and to detect any existing inactive nests, United Environmental Services staff or qualified avian biologists familiar with least Bell's vireo, southwestern willow flycatcher, yellow-billed cuckoo, and other special status birds, would conduct a pre-activity survey for birds and nests with potential to occur in the study area. The survey would cover an area not less than the study area, which provides at minimum a 25-foot buffer from the project footprint. The survey would be completed no less than 14 days prior to the start of project activities. Any active or inactive nests detected would be avoided according to AMM-5, *Nesting Birds*.
- **Fish.** Prior to initiation of Phase 2 sediment management activities that require dewatering, United Environmental Services staff or qualified biologists will conduct pre-activity surveys for special status aquatic species that could occur in the project area or be impacted by the project. If any special status species are present, AMM-1, *Best Management Practices*, will provide avoidance or minimization of impacts to special status species, and AMM-4 will be implemented as necessary. United environmental staff will determine if instream flow conditions (i.e., flow, depth, stream continuity) and aquatic habitat are potentially suitable for native fish species. Surveys of wetted areas will occur prior to any ground/vegetation disturbance or project activities that require dewatering, water diversion, work in flowing water, or work within 100 feet of flowing water in or adjacent to the Santa Clara River. The survey methodology will be appropriate for the aquatic conditions (e.g., water depth, water quality) present at the time and may include bankside or wading visual inspection, snorkeling, or use of underwater video equipment.
- **Relocation Sites.** If pre-activity surveys identify native or special status species that may require relocation from the project site, suitable relocation sites will be identified during implementation of this AMM. Relocation sites will be identified in coordination with NMFS and CDFW; the specifics of identifying and prioritizing suitable relocation sites is discussed in AMM-6 *Species Capture and Relocation Protocol*.

#### AMM-5 Nesting Birds

United proposes to conduct project activities between September 15 and December 31, outside of the nesting bird season. To ensure that no late-season nesting birds are present during project activities United would conduct nesting bird surveys prior to project implementation. If active or inactive nests are detected, the following measures would be implemented:

- Any nests encountered would be identified to nearest taxonomic level feasible, activity status would be determined, and the nest location would be mapped with a Geographic Information System (GIS) unit and marked in the field. Field marks would include high visibility flagging located so as to not disturb the nest.

- If an active nest is found, United Environmental Services staff would establish a minimum no-work buffer around the nest according to species:
  - Active bird nests, other than raptor, would be avoided by a minimum of 50 feet. Flagging would be used on the ground or vegetation to establish the buffer around the nest. Any work occurring near the buffer would require an avian biological monitor to determine if the nesting bird is distressed by the activities.
  - Active raptor nests would be avoided by a minimum of 300 feet. Flagging would be used on the ground or vegetation to establish a buffer around the nest. Any work occurring near the buffer would require an avian biological monitor to determine if the nesting bird is distressed by the activities.
- Buffers of special status bird nests would include temporary fencing and signage for the duration of the project.
- If nesting birds display signs of distress due to project activities, all activities would stop and United with consult with agencies as needed prior to continuing work.
- If an inactive nest is found, United Environmental Services staff would maintain a suitable vegetation buffer around the nest to the maximum extent practicable. Inactive nests would be maintained intact and undisturbed.
- Breeding habitat and nest site buffers would be marked with fencing and/or flagged in all directions and would be left in place for the duration of the project. Breeding habitat and nests would not be disturbed or removed for the duration of the project.
- Buffer distances may be adjusted up or down in distance from the nest by a United Environmental Services staff person in consultation with CDFW and USFWS. Buffer distances may be increased if a subject bird is displaying any signs of stress due to project activities. Buffer distances may be decreased if needed to adequately conduct project activities and if the subject bird is not displaying any signs of stress due to project activity.
- Upon project completion, all habitat and nest buffer fencing and flagging and all nest marking flagging would be removed.

#### *AMM-6 Species Capture and Relocation Protocol*

Capture and Relocation Protocol (CRP) requirements will be implemented to minimize impacts to special status species to the maximum extent practicable, and will only be implemented as a last resort in the event that impacts to special status species cannot be avoided while undertaking project activities. No special status bird species will be relocated, because bird species have a higher susceptibility to stress, and they are difficult to safely capture and transport. The CRP was developed using the best available approach, based on current professional literature, resource agency guidance, and expert experience in the appropriate capture, handling, and relocation of fish and reptile species. During capture and relocation activities, it is anticipated that native non-special status species may be incidentally encountered and subsequently require relocation to suitable habitats away from the project site. Relocation sites for native non-special status species may be within the immediate area, if it is determined they are unlikely to return to the project site during covered activities.

The CRP includes protocols to safely capture and relocate special status species including *O. mykiss*, lamprey, arroyo chub, and western pond turtle. Prior to the start of any project activity that would potentially require the capture and relocation of special status species, United Environmental Services staff or designated qualified biologist(s) will conduct surveys of the project site for the

presence of special status species could be impacted by project activities (AMM-4). If not already identified, the surveys will also identify suitable relocation sites based on physical essential habitat characteristics and species presence at relocation sites. Additional surveys to identify suitable off-site relocation sites will be conducted as necessary. Relocation sites will be located within the Santa Clara River watershed and contain habitat conditions suitable for the species in question (i.e., relocation sites may be different for *O. mykiss* and western pond turtle). Conditions (e.g., water temperature, dissolved oxygen, general aquatic habitat conditions) at potential relocation sites will be documented and reported to NMFS and CDFW and species-specific sites will be prioritized in coordination with NMFS and CDFW.

Only United Environmental Services staff or qualified biologist(s) assigned by United Environmental Services staff will conduct the CTP. All capture and relocation activities will be documented on hard-copy datasheets and in an electronic database.

**Project Activities Requiring Capture and Relocation.** Species capture and relocation is not anticipated to be required during Phase 1, because no dewatering or flow rerouting is anticipated to be necessary. During dewatering and flow rerouting for Phase 2, species capture and relocation will only be conducted as a last resort, to minimize or avoid impact to special status species that may incidentally become stranded as flow recedes in the dewatered channel. The CRP will identify BMPs focused on excluding aquatic special status species from work areas, such as the use of blocknets and flow re-routing to avoid harmful effects to stranded species. When necessary, capture of aquatic special status species will be conducted using seines, dipnets, turtle traps, or other methods specified by the relevant resource agencies.

**Aquatic Species Handling and Transport.** All aquatic species that are captured for relocation in accordance with the CRP will be identified and enumerated, and all observations will be recorded on hard-copy datasheets and entered into an electronic database. United has developed a species identification photo book to assist in species identification and implementation of the CRP will be conducted under the supervision of individuals with experience identifying fish and reptile species. The following best practices will be implemented as part of the CRP:

- All equipment will be cleaned/decontaminated using the most current methodologies to avoid spreading diseases and invasive species.
- Transport containers used during relocation between sites will be aerated, insulated, and at least 100 quarts in size. Water temperature at the capture site and in the transport container will be measured prior to handling fish and monitored during transport. Five-gallon buckets may be used to transfer species from the point of capture to the 100-quart transport containers.
- Whenever possible, fish will not be transported at temperatures above 20°C, and transport activities will be performed in the morning to minimize thermal stress.
- The number of other native species placed in containers will depend on the life stages collected, and caution will be taken to not over-crowd containers.
- No more than 10 *O. mykiss* or lamprey juveniles will be placed in an individual 100-quart transport container.
- Fish handling, transfer between containers, and transport time will be minimized to the extent possible. Fish transport time is expected to be no more than one to two hours.
- Handling and transport of *O. mykiss* will be conducted in coordination with NMFS and CDFW. Specifically, each individual fish's life-stage (e.g., degree of smoltification) will be assessed and considered alongside environmental conditions within the watershed and at potential relocation sites to determine the appropriate relocation site.



- Any western pond turtles will be transported in containers with approximately one inch of water to maintain a moist environment during transport.
- Turtles necessary to be captured and relocated will be assessed and the following information will be documented: carapace length, width, and height; sex; general condition and appearance.

For all special status aquatic species that are captured and relocated in accordance with this AMM, temperature acclimation from the transport containers to the relocation site(s) will be provided by periodically transferring water from the selected relocation site(s) into the transport containers. The time steps listed below in Table 3 will be followed to provide appropriate acclimation and minimize stress to the respective species.

**Table 3 Stepped Acclimation Temperatures and Times for AMM-6**

Temperature Differential (degrees Centigrade)	Acclimation Time (minutes)
0-2	10
3-5	20
6-7	30

Non-native, invasive aquatic species will be euthanized or removed using standard practices. These species include, but may not be limited to: largemouth bass (*Micropterus salmoides*), green sunfish (*Lepomis cyanellus*), bluegill (*Lepomis macrochirus*), brown bullhead (*Ameiurus nebulosus*), black bullhead (*Ameiurus melas*), fathead minnow (*Pimephales promelas*), Mississippi (inland) silverside (*Menidia audens*), threadfin shad (*Dorosoma petenense*), common carp (*Cyprinus carpio*), goldfish (*Carassius auratus*) crappie (*Pomoxis* sp.), mosquitofish (*Gambusia affinis*), shimofuri goby (*Tridentiger bifasciatus*), African clawed frog (*Xenopus laevis*), American bullfrog (*Lithobates catesbeianus*), and red-eared slider (*Trachemys scripta elegans*).

#### AMM-7 Noise Abatement Protocol

United's noise abatement protocol was developed based on published scientific research and expert experience concerning the effects of noise on wildlife. The goal of the protocol is to serve as an avoidance or minimization approach to reduce the impact of noise from project activities on special status species to the extent practicable.

The noise abatement protocol consists of strategies for minimizing the effects of noise on reptiles and nesting riparian birds, as well as the effects of underwater noise on special status fish species. The project would occur outside of the nesting season and no nesting is expected to occur during project implementation. The river channel is expected to be dry during project implementation and no underwater noise is expected. In the absence of nesting birds and water, noise abatement protocols associated with these potential impacts would not apply.

To mitigate noise effects to special status species, avoidance and minimization measures would be in place for each type of project activity. Limiting work to seasonal periods or times of day is the most effective approach to avoid potential effects to wildlife, including as related to migration and breeding. Installing hardscape structures (earthen berm or sound wall) to abate persistent or continuous sound sources is also effective. Considering the complex nature of the project activities, careful planning should integrate the temporal and spatial distribution of those activities relative to the specific special status species. Each project activity with the potential to generate noise levels above those shown in Table 4 in AMM-7 below should be evaluated relative to the noise abatement

measures listed below. The mitigation strategies listed below would be assessed during the planning phase for appropriate integration into activities conducted by United personnel and contractors.

#### SUMMARY OF NOISE LIMIT THRESHOLDS AND BREEDING SEASONS FOR SPECIAL STATUS SPECIES

Table 4, below, identifies the recommended noise limit thresholds and applicable breeding or migration seasons for special status fish, reptile, and bird species relevant to the project site. Following this table are lists of general mitigation strategies as well as resource-specific mitigation strategies to minimize potential impacts to special status species due to noise during breeding or migration seasons.

**Table 4 AMM-7 Noise Limit Thresholds and Breeding Seasons for Special Status Species**

Special Status Species	Noise Limit Threshold (dB) (Recommended)	Breeding Season/Migration Season
<b>Fish</b>		
Pacific lamprey	180 dBA re 1μPa for > 2 hours	January through May (migrant)
Southern California steelhead	180 dBA re 1μPa for > 2 hours	January through May (migrant)
<b>Reptiles</b>		
Western pond turtle	95 dBA for periods up to 2 hours	May to August
<b>Birds</b>		
Least Bell's vireo	60 dBA at nest	April to September
Southwestern willow flycatcher	60 dBA at nest	Mid-May to September
Yellow-billed cuckoo	60 dBA at nest	Mid-May to September

The general mitigation strategies and resource-specific mitigation strategies identified under respective headings below would be implemented under AMM-7 to minimize impacts associated with potential noise disruptions to breeding or migration seasons for special status species.

#### GENERAL MITIGATION STRATEGIES

- Outfit equipment with engineering and administrative controls (mufflers, shielding, etc.)
- Establish project design and project layout cognizant of noise criteria and buffers
- Sequence operations to avoid sensitive migratory or nesting periods
- Create temporal and spatial operational constraints
- Include noise information/training into environmental education provided to workers and contractors
- Integrate noise mitigation at the source including both stationary and mobile equipment
- Select equipment for appropriate noise level recommendations
- Implement inspection and maintenance programs
- Utilize natural shielding
- Establish temporary shielding
- Build permanent shielding
- Implement noise mitigation at receptor sites
- Use masking
- Relocate special status species

## RESOURCE-SPECIFIC MITIGATION STRATEGIES TO BE CONSIDERED

- Conduct activities outside of nesting bird season
- Perform pre-project surveys to document presence/absence of special status species and develop buffers around active nests or other resources
- Conduct noise monitoring to document sound sources and establish boundaries around nests so noise levels do not exceed to 60 dBA
- Implement additional measures if a nest is located within the area of the 60-dBA boundary, including the use of a sound walls or sound reducing curtains to reduce noise levels around project activities, or stop the offending construction activity until juveniles have fledged
- Install fencing around work areas adjacent to the river to exclude wildlife (turtles) from project areas prior to hibernation periods

### *AMM-8 Biological Monitoring*

United Environmental Services staff, or contracted biologists, would be approved as qualified biologists and biological monitors prior to conducting biological monitoring of project activities. Qualified biologists assigned to biological monitoring would meet a minimum qualification prior to being assigned to monitoring tasks. At a minimum, qualified monitors would be able to demonstrate applied experience with special status species, including ability to identify the species, experience with the species' biological life history and behavior, experience with detection of the species in its natural habitat, and experience coordinating with project personnel in avoidance of impacts to special status species. Experience with handling of special status species is not required for biological monitors; however, if such experience is lacking, the biological monitor would not handle special status species. Handling of special status species for any reason would only be performed by qualified biologists with demonstrated relevant experience.

United Environmental Services staff, or a contracted approved biological monitor, would be present to monitor during all project activities occurring within or adjacent to sensitive or suitable habitat for special status species, or as directed under any other AMMs. This includes monitoring a 500-foot buffer surrounding the active project site. The monitor's responsibilities include observing and documenting project activities, and providing recommendations designed to (a) limit potential impacts to special status species, (b) ensure compliance with any applicable permits, and (c) document any incidence of take, if any occurs. The monitor would retain stop-work authority for instances when a special status species is observed to be at risk for direct harm or harassment due to the project activities. If a task does not have the potential to result in effects to special status species, United would be able to assign any otherwise trained personnel to conduct the given activity.

### *AMM-9 Invasive Species Management*

During implementation of project activities, BMPs would be in place to avoid and minimize the introduction and spread of invasive species. These BMPs include ensuring all vehicles, equipment, tools, and sediment and erosion control activities are free of invasive plant and animal species. Invasive species management protocols (e.g., CDFW 2016) would be implemented for all activities that occur within the Santa Clara River channel and riverine habitat.

The following BMPs would be implemented during all covered activities:

- BMPs for invasive species management would be implemented when biological surveys are required (e.g., pre-activity surveys) in aquatic habitats suitable for covered species.
- All equipment would be washed off-site, at a location approved by United, before entering the project site, to ensure equipment is free of mud, algae, snails, or other debris.
- All equipment would be inspected on site (i.e., Freeman Diversion), before leaving the site, to ensure equipment is free of mud or other debris that could contain invasive species.
- All soils, seed mix (e.g., for habitat restoration), or other material would be certified free of invasive species before being imported or exported to or from the project site.

Invasive species would also be actively removed on an opportunistic basis during project activities and during monitoring events. During project activities, invasive plant species (e.g., giant reed, tamarisk [*Tamarix* spp.]) would be removed and disposed of off-site in approved green waste facilities. Additionally, within the project footprint, invasive plant species would be actively removed and/or treated with herbicide (by a licensed applicator and in accordance with the label and all relevant regulations) during the period following the proposed earthwork and the subsequent spring growing season, to prevent establishment of invasive species within the disturbance footprint.

Invasive wildlife species (e.g., common carp, American bullfrog) would be removed on an opportunistic basis during monitoring or surveys. Invasive wildlife would also be collected and removed during project activities when handled. When invasive wildlife species are captured, they would be collected, humanly dispatched, and disposed of off-site.

## 11. Surrounding Land Uses and Setting

Land uses to the north and west of the project site include the undeveloped channel of the Santa Clara River. Undeveloped hillsides are adjacent to the east, and active agricultural fields are adjacent to the south, as well as across the Santa Clara River to the west. The unincorporated community of Saticoy is located to the southwest of the Facility, on the west side of the Santa Clara River.

## 12. Other Public Agencies Whose Approval is Required

United operates the Facility to meet water resource management objectives, as discussed above under “Project Background”. The sediment management activities assessed herein are required to operate and maintain the existing facility, including but not limited to the associated fish passage structure. The proposed sediment management activities would include ground-disturbing activities in and around the Santa Clara River, and would therefore require a number of regulatory approvals, as summarized in Table 5.

**Table 5 Required Approvals**

Resource Agency	Permit	Notes
CDFW	LSAA Standard Agreement	Phase 1 and Phase 2 of the proposed project requires CDFW approval via issuance of a new LSAA, at the discretion of CDFW. In 2019 CDFW issued an LSAA for activities (pilot channel) similar to Phase 1 of the proposed project. The 2019 activities are incorporated into Phase 1 of the proposed project.
RWQCB	CWA Section 401 Water Quality Certification	Required due to the project's need for federal approval under Section 404 of the CWA; see below. Compliance is also anticipated to include development and implementation of a project specific SWPPP.
USACE	CWA Section 404 Individual Permit	It is anticipated the USACE will require an Individual Permit; however, if coverage may be provided under the existing RGP69, the conditions identified therein will be applied to the proposed project. Permitted activities are anticipated to be limited to the active channel bottom and areas of previous disturbance from construction of the Facility.
USFWS and NMFS	ESA Section 7 ITP	<p>Phase 1 of the proposed project will not result in potential effects to listed species and does not require ESA Section 7 consultation.</p> <p>Regarding Phase 2, the USACE will initiate formal ESA Section 7 consultation with the USFWS and NMFS as follows:</p> <ul style="list-style-type: none"> <li>▪ USFWS for effects to vireo and flycatcher</li> <li>▪ NMFS for effects to steelhead</li> </ul>
<p>CDFW = California Department of Fish and Wildlife; CWA = Clean Water Act; ESA = Endangered Species Act; ITP = Incidental Take Permit; LSAA = Lake and Streambed Alteration Agreement; NMFS = National Marine Fisheries Service; RGP69 = Regional General Permit No. 069 issued by the USACE to United for operation and maintenance of the Facility (not including sediment management activities); RWQCB = Regional Water Quality Control Board; SWPPP = Stormwater Pollution Prevention Plan; USACE = United States Army Corps of Engineers; USFWS = United States Fish and Wildlife Service</p>		

Project approval by the California Coastal Commission is not necessary because the proposed project is located outside the coastal zone, and would not affect coastal zone resources. Additionally, the project would not adversely affect Essential Fish Habitat, such that formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required. Furthermore, the Facility is not listed on the current National Register of Historic Places (NRHP), and due to the sediment management area being limited to the active channel bottom and areas of previous disturbance, there is little likelihood for previously unknown cultural resources to be present within the project site, such that consultation under Section 106 of the National Historic Preservation Act is not required.

### 13. Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1?

As of the date that this IS-MND is being submitted for public review, no California Native American tribes have requested consultation with United pursuant to PRC Section 21080.3.1. Therefore, there is no trigger for tribal consultation pursuant to PRC 21080.3.1 for the proposed project.

*This page intentionally left blank.*

## Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is “Potentially Significant” or “Less than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                          |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Energy                               |
| <input checked="" type="checkbox"/> Geology/Soils        | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials        |
| <input type="checkbox"/> Hydrology/Water Quality         | <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                    |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services                      |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation                     | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems       | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance   |

## Determination

Based on this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “less than significant with mitigation incorporated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.



- ☐ I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

---

Signature

---

Date

---

Printed Name

---

Title

# Environmental Checklist

## 1 Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This section provides a description of existing visual conditions—that is, the physical features that make up the visible landscape—in and around the project site, and presents an assessment of changes to those conditions that would occur with implementation of the proposed project. The effects of the proposed project on the visual environment are generally defined in terms of the project's physical characteristics and potential visibility, the extent to which the project would change the perceived visual character and quality of the environment, and the expected level of sensitivity the viewing public may have where the project would alter existing views.

### Regulatory Setting

No federal or State plans, policies, regulations, or laws related to aesthetics, light, and glare are applicable to the proposed project.

### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project. For aesthetics, these include the Ventura County General Plan, as summarized below.

- Ventura County General Plan, Section 1.7, *Scenic Resources*, identifies Policy 1.7.2-1, which states that discretionary development which would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited unless no feasible mitigation measures are available and the decision-making body determines there are overriding considerations.

## **Environmental Setting**

The project site is located at the existing Facility on the Santa Clara River, near the unincorporated community of Saticoy. Figure 3 provides photographs of the current visual character of the project site and surrounding area. Overall, the Santa Clara River watershed is characterized by a coastal Mediterranean-type ecosystem dominated by vegetation communities typically associated with these conditions, including dune habitat, chaparral, woodland and forest habitats, and annual grassland. Agriculture is a predominant element of the visual character in the Santa Clara River Valley, including row crops, orchards, berry farms, and nurseries.

Natural and artificial light reflect off various surfaces and can create localized occurrences of daytime and nighttime glare. Limited buildings and structures made with glass, metal, and polished exterior roofing materials are present in the residential areas of Saticoy, located downstream of the project site. There are no significant sources of light or glare at the Facility. The surrounding project area, including the Santa Clara River and adjacent agricultural land, and the desilting basin and recharge basins, are essentially without artificial reflective materials. There are no reported occurrences of excessive daytime or nighttime light or glare in the project vicinity.

Two of the largest viewer groups in the project area are residents in nearby urban areas and motorists on local roadways. Views from residences in the unincorporated community of Saticoy typically would be limited to the immediate surroundings, and few if any areas affected by project activities would be visible. Similarly, although motorists provide a large number of potential viewers, the nearest major roadway to the project site is Los Angeles Avenue/SR 118, which crosses the Santa Clara River on an existing bridge more than a mile downstream of the Facility. In addition, the sensitivity of this viewer group to local scenic conditions is limited by the fact that a driver's focus is predominantly on the road and surrounding vehicles, and the vehicle is in motion, limiting opportunities for extended views of particular resources.

**Figure 3** Photographs of the Freeman Diversion Facility



**Photograph 1.** View of the Freeman Diversion Facility looking downstream (photograph taken by United Water Conservation District in 2019).



**Photograph 2.** View of the Freeman Diversion Facility looking upstream (photograph taken by United Water Conservation District in 2019).

## Impact Analysis

*a. Would the project have a substantial adverse effect on a scenic vista?*

A scenic vista is typically considered a view of an area that has remarkable scenery or a natural or cultural resource that is indigenous to the area. The Ventura County General Plan identifies a range of Scenic Resources Areas in the county, including the viewsheds of Lake Casitas, Matilija Lake, Lake Piru, and Lake Sherwood. The nearest viewshed to the project site is associated with Lake Piru, and does not extend beyond Santa Felicia Dam, which is located more than 25 miles upstream of the project site. Project activities are not proposed in sensitive viewsheds, so views would not be affected. No impact would occur.

**NO IMPACT**

*b. Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

No roadways designated by the State as scenic highways are located in the project site, and there are no roadways eligible for either state or county designation as scenic highways located in the immediate vicinity of the project site. The Santa Clara River downstream of the project site at the Facility could experience changes in flow conditions, but these would not be noticeable to motorists traveling in these areas. In no location in the project site would trees, rock outcroppings, historic buildings, or other scenic resources be damaged. No impact would occur.

**NO IMPACT**

*c. Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The proposed sediment management activities would occur in the project's defined sediment management areas, which are within the Santa Clara River channel in a nonurbanized area, where the general public do not have direct views of the work areas. The current visual character of the project site and surrounding area is portrayed in the photographs provided as Figure 3. The project site may be visible by members of the general public who gain access to the project site for activities such as birding; however, access must be approved by United, and requests for access have historically been rare. Viewers who most commonly have an opportunity to see the Facility are individuals on nearby agricultural lands, who are not considered sensitive viewer groups with expectations for high-quality visual conditions. Recreationists hiking or otherwise accessing the Santa Clara River could also have views of the Facility; however, much of the river is surrounded by private land, and there is limited access with relatively few individuals using the river corridor in the project area.

The presence of workers and equipment during sediment management activities would represent a short-term change in the appearance of the Facility. However, sediment management activities would be conducted in areas that are not open to the public and are generally not visible to the general public, such that modifications to the visual characteristics of the facility due to the presence of workers and equipment would not degrade public views. After the completion of sediment management activities, which are anticipated to occur up to once per year, or as needed

in response to large storm events, the visual condition of the project site would be consistent with the existing visual condition. Therefore, the project would not result in a substantial degradation in visual character or quality, and potential impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- d. *Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?*

The proposed sediment management activities would occur in the project's defined sediment management areas, which are within the Santa Clara River channel in a nonurbanized area, where the general public do not have direct views of the work areas. Implementation of the proposed project would require the use of equipment and machinery that may cause some reflection in the direct sunlight; however, such effects would be temporary and highly localized to the project's active work areas. The project would not introduce lighting or permanent reflective materials where they do not already exist. In addition, sediment management activities in the riverbed would be obscured from public views by distance and by vegetation growing adjacent to and in the riverbed.

United would implement BMPs as part of the proposed project design, in accordance with the AMMs provided in the Project Description. In accordance with AMM-2, *Schedule/Timing of Work*, project activities would be limited to daylight hours. As such, nighttime activities requiring lighting are not anticipated to be necessary; however, if nighttime work must occur, AMM-2 also specifies that lighting will be shielded and directed downward on the immediate work area to avoid or minimize light trespass on adjacent lands. Therefore, the proposed project would not result in new sources of substantial light or glare that would adversely affect day or nighttime views, and this impact would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

*This page intentionally left blank.*



## 2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This section evaluates the potential impacts on agricultural resources from implementation of United's proposed sediment management activities. Existing agricultural resource characteristics are described, as well as the relationship between the proposed project and existing plans and policies.

### Regulatory Setting

#### *Federal*

The Farmland Protection and Policy Act (FPPA), 7 U.S. Code 4201, was enacted in 1981 to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. The program encourages alternative actions, if appropriate, that could lessen the adverse effects on farmland and ensure that federal programs are operated in a manner that, to the extent practicable, will be compatible with state and local government and private programs

that protect farmland. The FPPA applies only to federal assistance and actions that would convert Important Farmland to nonagricultural uses. It does not authorize the federal government to regulate the use of private or nonfederal land or in any way affect the private property rights of owners of private land. Compliance is to be coordinated with the U.S. Natural Resources Conservation Service (NRCS).

### *State*

The California Land Conservation Act of 1965, commonly known as the Williamson Act, enables local governments to form contracts with private landowners to promote the continued use of the relevant land in agricultural or related open space use. In return, landowners receive property tax assessments that are based on farming and open space uses instead of full market value. Local governments receive an annual subvention (subsidy) of foregone property tax revenues from the State via the Open Space Subvention Act of 1971 (California Department of Conservation [DOC] 2019). The Williamson Act empowers local governments to establish “agricultural preserves” consisting of lands devoted to agricultural uses and other compatible uses. When such preserves are established, the locality may offer owners of agricultural land that is included in the preserves the opportunity to enter into annually renewable contracts that restrict the land to agricultural use for at least 10 years (i.e., the contract continues to run for 10 years following the first date upon which the contract is not renewed). In return, landowners receive substantially reduced property tax assessments in return for enrollment under a Williamson Act contract.

### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United’s activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project. For agriculture and forestry resources, this includes the Ventura County General Plan (County of Ventura 2020), as summarized below.

Ventura County General Plan, Section 8, *Agriculture Element*, identifies the following policies that may be considered relevant to the proposed project:

- Policy AG-1.1, Agricultural Land Protection and Preservation. The County shall continue to protect and preserve agricultural land by directing growth away from productive agricultural lands into cities, unincorporated urban areas, or existing communities and by supporting the acquisition or voluntary dedication of agriculture conservation easements.
- Policy AG-2.1, Discretionary Development Adjacent to Agriculturally Designated Lands. The County shall ensure that discretionary development adjacent to Agriculturally designated lands does not conflict with agricultural use of those lands.
- Policy AG-2.4, Hillside Erosion Control Ordinance. The County shall regulate hillside agricultural grading through the Hillside Erosion Control Ordinance and its oversight by the Public Works Agency.

## Environmental Setting

The agricultural industry in Ventura County plays an important role in the regional and county economy and is responsible for providing approximately 43,000 jobs, such as jobs in the crop production, processing, shipping, and related industries and service sectors (Farm Bureau Ventura County [FBVC] 2018). Because of its temperate climate, a variety of crops are grown year-round in Ventura County. Of the county's 1.2 million acres, approximately 26 percent of the county is in agricultural production (FBVC 2018). Agricultural lands are a primary land use across the Oxnard Plain, which the Santa Clara River traverses. There are active agricultural fields in the project area, particularly downstream from the Facility; however, there are no agricultural lands within or adjacent to the proposed sediment management areas included under Phase 1 or Phase 2 of the proposed project. United provides water supply for agricultural uses across the Oxnard Coastal Plain and maintains groundwater infiltration ponds at the Facility, which facilitate the replenishment of groundwater supplies underlying the Oxnard Plain.

## Impact Analysis

- a. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

The proposed project involves the implementation of sediment management activities which are part of United's continued operation and maintenance of the Facility and associated groundwater recharge basins. Sediment management activities would occur both upstream and downstream of the Facility within the Santa Clara River. Project activities would not be located on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and thus would not directly require designated Farmland to be converted to nonagricultural use. Therefore, no impact to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would occur.

### **NO IMPACT**

- b. *Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?*

The proposed project's sediment management areas are located within the Santa Clara River channel, which is not subject to a Williamson Act contract. Implementation of the proposed project would not affect existing zoning or Williamson Act contracts. Local agricultural operations on lands upstream and downstream of the project site would remain unaffected by the proposed project activities. Therefore, no impact associated with conflicts with agricultural zoning or Williamson Act contracts would occur as a result of the project.

### **NO IMPACT**

- c. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*
- d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

The project site is within the Santa Clara River channel, which is not characterized by or designated as forest or timber production lands. The project would not directly or indirectly affect forest land or timberland. No impact would occur.

**NO IMPACT**

- e. *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

As discussed for significance thresholds (a) through (d) above, the proposed project would have no impact on agricultural land uses or forest lands. The project's sediment management activities would be limited to the defined sediment management areas for Phase 1 and Phase 2, which are located within the Santa Clara River channel, and would not have potential to convert Farmland to non-agricultural uses or forest land to non-forest uses. Therefore, no impact would occur.

**NO IMPACT**

### 3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Regulatory Setting

##### *Federal*

The federal and State Clean Air Acts (CAA) mandate the control and reduction of certain air pollutants. Under these laws, the United States Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have established the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS) for “criteria pollutants” and other pollutants. Some pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack of a factory, etc.) into the atmosphere, including carbon monoxide (CO), volatile organic compounds (VOC)/reactive organic compounds (ROC),<sup>1</sup> nitrogen oxides (NO<sub>x</sub>), particulate matter with diameters of ten microns or less (PM<sub>10</sub>) and 2.5 microns or less (PM<sub>2.5</sub>), sulfur dioxide, and lead. Other pollutants are created indirectly through chemical reactions in the atmosphere, such as ozone, which is created by atmospheric chemical and photochemical reactions primarily between ROC and NO<sub>x</sub>. Secondary pollutants include oxidants, ozone, and sulfate and nitrate particulates (smog).

Air pollutant emissions are generated primarily by stationary and mobile sources. Stationary sources can be divided into two major subcategories:

- Point sources occur at a specific location and are often identified by an exhaust vent or stack. Examples include boilers or combustion equipment that produce electricity or generate heat.

<sup>1</sup> CARB defines VOC and ROC similarly as, “any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate,” with the exception that VOC are compounds that participate in atmospheric photochemical reactions. For the purposes of this analysis, ROC and VOC are considered comparable in terms of mass emissions, and the term ROC is used in this IS-MND.

- Area sources are widely distributed and include such sources as residential and commercial water heaters, painting operations, lawn mowers, agricultural fields, landfills, and some consumer products.

Mobile sources refer to emissions from motor vehicles, including tailpipe and evaporative emissions, and can also be divided into two major subcategories:

- On-road sources that may be legally operated on roadways and highways.
- Off-road sources include aircraft, ships, trains, and self-propelled construction equipment.

Air pollutants can also be generated by the natural environment, such as when high winds suspend fine dust particles.

### State

The State CAA also requires the Ventura County Air Pollution Control District (VCAPCD) to prepare a plan for air quality improvement for pollutants for which Ventura County is in non-compliance. The VCAPCD's 2016 Air Quality Management Plan (AQMP) is an update of the previous 2007 AQMP. The 2016 AQMP, adopted on February 14, 2017, incorporates new scientific data and notable regulatory actions that have occurred since adoption of the 2007 AQMP, including the approval of the federal eight-hour ozone standard of 0.070 parts per million (ppm) that was finalized in 2015. The 2016 AQMP builds upon the approaches taken in the 2007 AQMP and includes attainment and reasonable further progress demonstrations of the federal eight-hour ozone standard (VCAPCD 2017). The statutory deadline for Ventura County to attain the eight-hour ozone NAAQS is July 20, 2021. The 2016 AQMP determines that, with implementation of the proposed control strategies, Ventura County was expected to reach attainment of the eight-hour ozone NAAQS and CAAQS by July 20, 2020; however, the determination of whether attainment has been achieved will not be made until collection and evaluation of monitoring data from the 2020 ozone season has been completed (VCAPCD 2017). Nevertheless, ozone concentrations in Ventura County exceeded the eight-hour ozone NAAQS on only seven days in 2019, which is the lowest recorded number of exceedances since the eight-hour ozone NAAQS was lowered to 0.070 ppm in 2015 (VCAPCD 2020).

### Local

As a special district established in accordance with California Water Code Section 74000 et seq., some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project. For air quality, this includes the *Ventura County Air Quality Assessment Guidelines* (VCAPCD 2003).

The analysis presented in this section is based upon guidance found in the *Ventura County Air Quality Assessment Guidelines* (Guidelines), adopted by the VCAPCD in 2003. The Guidelines recommend specific air emission criteria and threshold levels for determining whether a project may have a significant adverse impact on air quality in Ventura County. In accordance with the Guidelines, a project may result in a significant impact if operational emissions exceed 25 pounds per day of ROC or 25 pounds per day of NO<sub>x</sub>. The 25 pounds per day thresholds for ROC and NO<sub>x</sub> are not intended to be applied to construction emissions because such emissions are temporary. Nevertheless, the VCAPCD's Guidelines state that construction-related emissions should be

mitigated if estimates of ROC or NO<sub>x</sub> emissions from heavy-duty construction equipment exceed 25 pounds per day for either ROC or NO<sub>x</sub>.

The VCAPCD has not established quantitative thresholds for particulate matter for either construction or operation. However, the VCAPCD indicates that a project that may generate fugitive dust emissions in such quantities as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons, or which may endanger the comfort, repose, health, or safety of any such person, or which may cause or have a natural tendency to cause injury or damage to business or property, would have a significant air quality impact. This threshold applies to the generation of fugitive dust during construction grading and excavation activities. The VCAPCD Guidelines recommend application of fugitive dust mitigation measures for all dust-generating activities. Such measures include minimizing the project disturbance area, watering the site prior to commencement of ground-disturbing activities, covering all truck loads, and limiting on-site vehicle speeds to 15 miles per hour or less.

The VCAPCD has not established quantitative thresholds for CO for either construction or operation. However, the VCAPCD states a CO hotspot screening analysis should be conducted for any project with indirect CO emissions greater than the applicable ozone project significance thresholds (i.e., 25 pounds per day) that may significantly impact roadway intersections currently operating at, or that are expected to operate at, Level of Service (LOS) E or F. A CO hotspot screening analysis should also be conducted for any project-impacted roadway intersection at which a CO hotspot might occur (VCACPD 2003). If project emissions do not meet these criteria, then the project would have a less than significant impact related to CO hotspots. However, if project emissions exceed these criteria and the screening analysis demonstrates there may be a CO hotspot, the VCAPCD recommends use of the CALINE4 model to determine whether the project would create or contribute to an existing CO hotspot.

The VCAPCD has not established a significance threshold for impacts related to Valley Fever. However, the VCAPCD recommends consideration of the following factors that may indicate a project's potential to result in impacts related to Valley Fever:

- Disturbance of the topsoil of undeveloped land (to a depth of about 12 inches)
- Dry, alkaline, sandy soils
- Virgin, undisturbed, non-urban areas
- Windy areas
- Archaeological resources probable or known to exist in the area (e.g., Native American midden sites)
- Special events (fairs, concerts) and motorized activities (motocross track, All-Terrain Vehicle activities) on unvegetated soil (non-grass)
- Non-native population (i.e., out-of-area construction workers)

The VCAPCD implements rules and regulations for emissions that may be generated by various uses and activities. The rules and regulations detail pollution-reduction measures that must be implemented during project activities in Ventura County. Relevant rules and regulations to the project include:

- **Rule 50 (Opacity).** This rule sets opacity standards on the discharge from sources of air contaminants. This rule would apply during construction of the project.



- **Rule 51 (Nuisance).** This rule prohibits any person from discharging air contaminants or any other material from a source that would cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the public or which endangers the comfort, health, safety, or repose to any considerable number of persons or the public.
- **Rule 55 (Fugitive Dust).** This rule requires fugitive dust generators, including construction and demolition projects, to implement control measures limiting the amount of dust from vehicle track-out, earth moving, bulk material handling, and truck hauling activities.<sup>2</sup>
- **Rule 55.1 (Paved Roads and Public Unpaved Roads).** This rule requires fugitive dust generators to begin the removal of visible roadway accumulation within 72 hours of any written notification from the VCAPCD. The use of blowers is expressly prohibited under any circumstances. This rule also requires controls to limit the amount of dust from any construction activity or any earthmoving activity on a public unpaved road.
- **Rule 55.2 (Street Sweeping Equipment).** This rule requires the use of PM<sub>10</sub> efficient street sweepers for routine street sweeping and for removing vehicle track-out pursuant to Rule 55.

## Environmental Setting

The project site is located in the South Central Coast Air Basin (SCCAB), which is under the jurisdiction of the San Luis Obispo Air Pollution Control District (SLOAPCD), Santa Barbara County Air Pollution Control District (SBCAPCD), and the VCAPCD. The project site is located specifically in Ventura County, which is under the VCAPCD's jurisdiction. As the local air quality management agency, the VCAPCD is required to monitor air pollutant levels to ensure that the NAAQS and CAAQS are met and to develop strategies to meet the standards. Depending on whether the standards are met or exceeded, the Ventura County portion of the SCCAB is classified as being in "attainment" or "nonattainment." In areas designated as non-attainment for one or more air pollutants, a cumulative air quality impact exists for those air pollutants, and the human health impacts associated with these criteria pollutants, presented in Table 6, are already occurring in that area as part of the environmental baseline condition. Under State law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-compliance. Ventura County is designated a nonattainment area for the ozone NAAQS and CAAQS and the PM<sub>10</sub> CAAQS (CARB 2020).

**Table 6 Health Effects Associated with Non-Attainment Criteria Pollutants**

Pollutant	Adverse Effects
Ozone	(1) Short-term exposures: (a) pulmonary function decrements and localized lung edema in humans and animals and (b) risk to public health implied by alterations in pulmonary morphology and host defense in animals; (2) long-term exposures: risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (3) vegetation damage; and (4) property damage.
Suspended particulate matter (PM <sub>10</sub> )	(1) Excess deaths from short-term and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease (including asthma).
Source: USEPA 2018	

<sup>2</sup> The emission estimates of particulate matter PM<sub>10</sub> and PM<sub>2.5</sub> shown in Table 7 for the proposed project reflect application of water to exposed soils twice daily to reduce dust emissions during grading activities, which would be required for compliance with Rule 55.

The air quality in the SCCAB is influenced by a wide range of emission sources, such as dense population centers, heavy vehicular traffic, industry, and weather. In addition, San Joaquin Valley Fever (Valley Fever), an infectious disease caused by the fungus *Coccidioides immitis*, is a disease of concern in the SCCAB. This disease is related to air pollution because infection is caused by inhalation of *Coccidioides immitis* spores that have become airborne when dry, dusty soil or dirt is disturbed by natural processes, such as wind or earthquakes, or by human-induced ground-disturbing activities, such as construction, farming, or other activities (VCAPCD 2003). In 2019, the total number of cases of Valley Fever reported in California was 9,004, with 364 cases reported in Ventura County (California Department of Public Health [CDPH] 2020).

## Impact Analysis

Air pollutant emissions generated by project activities were estimated using the California Emissions Estimator Model (CalEEMod), Version 2020.4.0. CalEEMod uses project-specific information to model a project's construction and operational emissions. The CalEEMod analysis conducted for the proposed project reflects the implementation of the project as described under *Description of Project*. Emissions modeled for project activities include emissions generated by heavy-duty equipment used on site and emissions generated by vehicle trips associated with project activities, such as worker and vendor trips. CalEEMod estimates emissions by multiplying the amount of time equipment is in operation by emission factors. Project activities were analyzed based on the schedule and equipment list provided by United Staff.

This analysis assumes that Phase 1 and 2 of the proposed project would be implemented using similar phasing of activities and equipment. Project activities would include dewatering, site preparation, construction of diversions (if necessary), earthwork, and demobilization. As detailed in the Project Description, the proposed project activities do not include off-site disposal of sediment spoils from excavation, because all of the sediment spoils are proposed to be redistributed across the project's combined 6-acre footprint, with grading and compaction applied to recontour the channel and provide the proposed elevations. However, this analysis calculated the emissions that would be associated with off-site disposal of spoils from a portion of the proposed excavation activities, to characterize the impacts that could occur should off-site disposal become necessary due to future circumstances, such as regulatory limits to the amount of sediment that can be redistributed within the channel. This included crafting assumptions about the type and number of truck trips required to transport up to 2,010 cubic yards of sediment spoils to an off-site landfill, assumed to be the Toland Road Landfill in Santa Paula, for disposal or reuse. Further, although a potential future need for off-site sediment disposal could occur under either Phase 1 or Phase 2 of the project, this analysis conservatively assumed that all off-site disposal would occur during Phase 1, thereby characterizing the worst-case-scenario air quality emissions from project activities, and the associated impact significance determination.

In addition, the air quality emissions calculations conducted for this analysis assumed the following:

- No heavy-duty equipment would be used during dewatering
- All heavy-duty equipment used for the project would be diesel-powered, but the equipment would be equipped with cleaner engines that would be rated either USEPA Tier 3 or 4
- Project equipment and activities would comply with all applicable regulatory standards, including VCAPCD Rules 55, 55.1, 55.2

- Phase 1 activities would occur over up to 17 days, including the transport of up to 2,010 cubic yards of sediment spoils for off-site disposal (adding four days to the 13-day schedule shown in Table 1)
- Phase 2 activities would occur over up to 16 days, including the excavation of up to 8,000 cubic yards of sediment, with the volume of cut and fill material balanced on site, such that no export of spoils for off-site disposal would occur
- Phase 1 activities are already permitted and would occur as early as 2021
- Phase 2 activities would not occur sooner than the second year of project implementation
- Phase 2 activities would occur at a maximum of once per year for the foreseeable future as part of the sediment management plan for the Facility
- Phase 2 activities and equipment would be the same for all future years

For the purposes this analysis, the emissions calculations assumed that Phase 1 and Phase 2 project activities would occur consecutively in the same year, with Phase 2 activities starting immediately upon completion of Phase 1 activities. This is a conservative worst-case scenario that includes sediment management activities across the combined 6-acre sediment management area in the same year, inclusive of 1.3 acres under Phase 1, and an additional 4.7 acres under Phase 2.

As discussed in Section 2, *Description of Project*, no expansion of other existing activities would occur under the proposed project. Other aspects of operation and maintenance of the Facility have been previously reviewed and processed for the purposes of CEQA, and are covered under existing regulatory permits; therefore, emissions are not estimated for these activities.

*a. Would the project conflict with or obstruct implementation of the applicable air quality plan?*

A significant air quality impact could occur if a project is not consistent with the applicable AQMP or if the project would represent a substantial hindrance to implementing the policies or obtaining the goals of that plan. According to the Guidelines, a project may be inconsistent with the applicable air quality plan if it would cause the existing population to exceed forecasts contained in the most recently adopted AQMP. The VCAPCD adopted the *2016 Ventura County AQMP* to demonstrate a strategy for, and reasonable progress toward, attainment of the eight-hour ozone NAAQS (VCAPCD 2017). The project does not include the construction of residences, and it would not increase the number of employees needed for operation and maintenance of the Facility. Therefore, the project would neither increase the existing population nor exceed the regional population growth forecasted in the *2016 Ventura County AQMP*, which underlies the AQMP's air pollutant emissions forecasts. As a result, the project would not conflict with or obstruct implementation of the AQMP, and no impact would occur.

**NO IMPACT**

*b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Ventura County is designated nonattainment for the NAAQS for ozone and the CAAQS for ozone and PM<sub>10</sub>. Project activities would periodically generate temporary air pollutant emissions associated with fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) and exhaust emissions from heavy-duty equipment and project vehicles. Table 7 summarizes the estimated maximum daily emissions of pollutants during proposed project activities.

**Table 7 Estimated Maximum Daily Emissions during Project Activities (lbs/day)**

Project Year	ROC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Phase 1	1	17	19	<1	7	4
Phase 2	1	18	22	<1	6	4
<b>Maximum Emissions</b>	<b>1</b>	<b>18</b>	<b>19</b>	<b>&lt;1</b>	<b>7</b>	<b>4</b>

lbs/day = pounds per day; ROC = reactive organic compounds, NO<sub>x</sub> = nitrogen oxides, CO = carbon monoxide, SO<sub>2</sub> = sulfur dioxide, PM<sub>10</sub> = particulate matter 10 microns in diameter or less, PM<sub>2.5</sub> = particulate matter 2.5 microns or less in diameter

Notes: All emissions modeling was completed made using CalEEMod. See Appendix A for modeling results. Some numbers may not add up due to rounding. Emission data is pulled from “mitigated” results, which account for compliance with regulations (including VCAPCD Rule 55) and project design features. Emissions presented are the highest of the winter and summer modeled emissions.

As shown in Table 7, ROC and NO<sub>x</sub> emissions generated during both phases would not exceed 25 pounds per day. As discussed previously, although sediment management activities under the proposed project could occur each year, air pollutant emissions would only occur for a short period of time, including up to 17 days during Phase 1 and 16 days during Phase 2; therefore, project emissions are compared to VCAPCD thresholds for project emissions. As noted earlier under *Air Pollutant Emission Thresholds*, the VCAPCD’s 25 pounds per day thresholds for ROC and NO<sub>x</sub> do not apply to project emissions because such emissions are temporary. Nonetheless, for comparison, the VCAPCD recommends mitigation if ROC or NO<sub>x</sub> emissions exceed 25 pounds per day during project activities. The proposed project would not exceed this threshold.

As discussed in the introduction to this impact analysis, as a worst-case scenario for air quality emissions, it was assumed that the project’s entire 6-acre sediment management area, including 1.3 acres under Phase 1 and an additional 4.7 acres under Phase 2, would be addressed in the same year, with Phase 2 implemented immediately after Phase 1. Additionally, it is assumed that the same level of effort and associated air quality emissions would occur each time that Phase 1 and/or Phase 2 sediment management activities are implemented. Therefore, the calculations presented above for the initial year of the project are also applicable to following years. As shown above, potential impacts associated with these emissions would be less than significant. Therefore, the project’s air quality impacts associated with criteria pollutants would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

##### *c. Would the project expose sensitive receptors to substantial pollutant concentrations?*

Certain population groups are considered particularly sensitive to air pollution; these groups include children, the elderly, and people with health problems. Therefore, the majority of sensitive receptor locations for air quality contaminants are schools, hospitals, and residences (VCAPCD 2003). There are no sensitive receptors in the immediate vicinity of the project site. The closest receptor is a single-family residence approximately 3,000 feet (0.6 mile) northwest of the site.

Project activities would result in temporary emissions of diesel particulate matter (DPM), which is a toxic air contaminant (TAC), from the exhaust of off-road, heavy-duty diesel equipment used for project activities. However, due to the temporary nature of project activities and the distance between the project site and the nearest sensitive receptor, the project would not expose sensitive receptors to substantial TAC concentrations. In addition, no CO hotspots would occur as a result of the project because the project site is in a rural location with infrequent vehicle traffic. Therefore, the proposed project would not expose sensitive receptors to substantial CO concentrations.

Project ground-disturbing activities would have the potential to release *Coccidioides immitis* spores. However, the population of Ventura County has been and would continue to be exposed to Valley Fever from agricultural and ground-disturbing activities, such as construction, occurring throughout the region. In addition, substantial increases in the number of reported cases of Valley Fever tend to occur only after major ground-disturbing events such as the 1994 Northridge earthquake (VCAPCD 2003). Implementation of the project would not result in comparable major ground disturbance during the earthwork phase, and compliance with VCAPCD Rule 55 (Fugitive Dust) would limit the number of spores released during ground disturbance. The project would not involve grading of previously undisturbed soils. In addition, the project does not include special events (such as fairs or concerts) or motorized activities that would result in substantial ground disturbance during operation. In addition, the project activities would be removing sediment inundated with water. Thus, it is unlikely that spores would mobilize from wet soil because the water would minimize the amount of soil disturbed and released into the air. Therefore, per VCAPCD guidance, project activities would not result in a substantial increase in entrained fungal spores that cause Valley Fever above existing background levels.

The proposed project would not expose sensitive receptors to substantial pollutant concentrations, and potential impacts would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- d. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Based on the Guidelines, a project may have a significant impact if it would generate an objectionable odor to a degree that would cause injury, detriment, nuisance, or annoyance to a considerable number of persons or to the public, or which would endanger the comfort, repose, health, or safety of any such persons or the public, or which would cause, or have a natural tendency to cause, injury or damage to business or property. During proposed project activities, heavy equipment and vehicles would be used and could emit odors associated with vehicle and engine exhaust and during idling. However, such odors would be intermittent and temporary and would cease upon the completion of sediment management activities under Phase 1 and Phase 2. Furthermore, odors disperse with distance and, due to the distance between project activities and the nearest sensitive receptor of approximately 3,000 feet (approximately 0.6 mile), sensitive receptors would not be affected by odors from the project. Overall, project activities would not generate other emissions, such as those leading to odors, affecting a substantial number of people. No impact would occur.

#### **NO IMPACT**

## 4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A Biological Resources Assessment (BRA) was completed for Phase 1 of the proposed project and is documented in the BRA Report provided as Appendix B to this IS-MND. The BRA Report supports permitting and implementation of Phase 1 of the project, for the initial 1.3-acre sediment management event. An expanded BRA will be conducted to inform permitting and implementation of Phase 2, to address the 4.7-acre expansion to the initial Phase 1 sediment management area, ultimately addressing the project's full potential 6-acre sediment management area. The analysis provided below identifies and characterizes potential impacts to natural resources associated with the combined 6-acre sediment management area, to facilitate environmental compliance for CEQA purposes. As noted, prior to the implementation of Phase 2, which will include regulatory permitting for the 4.7-acre expansion under Phase 2, an expanded BRA would be conducted to support regulatory permitting and project implementation. The analysis provided below incorporates the BRA Report by reference, as applicable to Phase 1 activities, and includes analysis of the project's full potential 6-acre sediment management area, for impacts to natural resources.

## Regulatory Setting

This section provides a general summary of the applicable federal, state, and local regulations related to biological resources that could occur within the project study area. Regulated or sensitive biological resources considered and evaluated in this IS-MND include special status plant and wildlife species, bird nests, sensitive plant communities, jurisdictional waters and wetlands, and wildlife movement corridors.

### *Federal*

The federal Endangered Species Act (ESA) was passed by Congress in 1973 to protect and recover imperiled species and the habitat upon which they depend. The lead federal agencies for implementing ESA are the USFWS and the NMFS. Section 9 of the ESA prohibits the "take" of species listed by USFWS and NMFS as threatened or endangered. In addition to the ESA, the Bald and Golden Eagle Protection Act prohibits take of bald or golden eagles, including their nests and eggs, and the Migratory Bird Treaty Act (MBTA) prohibits take, including killing, capturing, selling, trading, and transport, of protected migratory bird species.

The USACE and the USEPA regulate the discharge of dredge or fill material into waters of the U.S. under Section 404 of the Clean Water Act (CWA). The term "discharge of dredged material" means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States. Section 404 (f)(1) states maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures qualify for exemption of permit requirements. Maintenance does not include any modifications changing the character, scope, or size of the original fill design. Emergency reconstruction must occur within a reasonable period of time after damage occurs in order to qualify for this exemption.

The EPA and the California State Water Resources Control Board (SWRCB) regulate surface water quality in waters of the United States under Section 401 of the CWA. The objective is to restore and maintain the chemical, physical and biological integrity of the Nation's waters. Clean Water Act Section 401 states before issuing a license or permit resulting in any discharge to waters of the United States, an applicant for a federal permit or license must obtain a certification noting the discharge is consistent with the CWA from the EPA/Tribe/State where the proposed project is located, including attainment of applicable water quality standards is required.



### *State*

The CESA protects native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline. The CDFW may authorize the take of any such species if certain conditions are met. Incidental take permits (ITPs) can be authorized under Section 2081(b) of the Fish and Game Code (CFGF), which allows CDFW to authorize take of species listed as endangered, threatened, candidate, or a rare plant, if take is incidental to otherwise lawful activities. Section of the CFGF designate fully protected species for which no take authorization can be provided, except under special circumstances. Fully protected species sections include 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish).

In addition to CESA, several section of the CFGF provide varying levels of protection for species. Section 3503 of the CFGF generally protects birds, including their nests and eggs, against take, possession, or destruction; Section 3503.5 of the CFGF specifically protects birds of prey, including their nests and eggs against take, possession, or destruction; and Section 3515 of the CFGF incorporates restrictions imposed by the MBTA with respect to migratory birds (which consists of most native bird species). Section 5901 provides for the protection of fish by prohibiting the construction of any device in a stream that would prevent, impede, or tend to prevent or impede, the passing of fish up and down stream. Section 5931 requires the furnishing a suitable fish passage in the event movement up and down stream may be impeded by a device constructed in a stream. California Fish and Game Code Section 5937 further provides for the protection of fish by requiring sufficient flows of water to pass over, around, or through a dam so as to keep in good condition any fish that may exist below the structure.

California Fish and Game Code Section 1600 et. seq. requires all diversions, obstructions, or changes to the natural flow of bed, channel, or bank of any river, stream, or lake in California are subject to the regulatory authority of the CDFW and require preparation of a Lake or Streambed Alteration Agreement (LSA). If work is necessary to protect life or property; or immediate repairs to public service facilities are necessary to maintain service as a result of a disaster in an area in which the Governor has proclaimed a state of emergency an emergency notification must be submitted in writing within 14 days of beginning emergency project/work.

The SWRCB and local Los Angeles Region RWQCB have jurisdiction over “waters of the State,” which are defined as any surface water or groundwater, including saline waters, within the boundaries of the state. Procedures for defining RWQCB jurisdiction pursuant to the SWRCB’s State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State went into effect May 28, 2020.

### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United’s activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project. For biological resources, this includes the Ventura County General Plan (County of Ventura 2020), which includes policies for the protection of biological resources, as well as the Ventura County Tree Protection Ordinance, and the Habitat Connectivity and Wildlife Ordinance.

The Ventura County Watershed Protection District (VCWPD) holds authority over its jurisdictional channels. The primary ordinance establishing VCWPD authority and the requirements to obtain permits for any encroachment into VCWPD jurisdictional channels, including right of way, is Ventura County Watershed Protection Ordinance WP-2. Red-line channels are those where the VCWPD has jurisdiction over and a watercourse or encroachment permit is required for work affecting the bed, banks and overflow areas of VCWPD jurisdictional red line channels. Government Code 53091 exempts the location or construction of facilities for the production, generation, storage, treatment, or transmission of water, from the building and zoning ordinances of a county or city. The project site within the Santa Clara River is a jurisdictional channel within VCWPD's "Zone 2" and is therefore subject to a watercourse permit approval from VCWPD.

## Environmental Setting

The Santa Clara River is an episodic system in which winter storms typically scour out vegetation that fills back in during lower flows through the summer and fall. During the field surveys in January and February 2021, vegetation communities were mapped to characterize the existing environmental conditions. The vegetation communities summarized below are the dominant community types observed within the study area. Open water accounted for much of the study area, and disturbed/developed areas were present around the Freeman Diversion structure. Vegetation communities and land cover types present include arroyo willow thickets, eucalyptus groves, cattail marshes, and sandbars.

The study area encompasses a portion of the Santa Clara River immediately upstream of the Facility and is mostly characterized by the active riverbed. The dominant vegetation and land cover types in the study area consist of arroyo willow thickets, eucalyptus groves, cattail marshes, sandbars, and open water, as summarized below.

- **Arroyo Willow Thickets (*Salix lasiolepis* Shrubland Alliance).** This alliance typically occurs along stream banks and benches, slope seeps, and stringers along drainages from 0 to 2,179 meters in elevation. The community is dominated by arroyo willow (*Salix lasiolepis*) with over 50 percent relative cover in the tree or shrub layer. Co-dominant species include Fremont cottonwood (*Populus fremontii*), giant reed (*Arundo donax*), and mulefat (*Baccharis salicifolia*) (Sawyer et al. 2009). This vegetation community is ranked G4S4 and is considered a CDFW sensitive natural community (CDFW 2020).
- **Eucalyptus Groves (*Eucalyptus globulus* Semi-Natural Alliance).** This woodland semi-natural alliance is found planted as trees, groves, and windbreaks, as well as in settings where it has become naturalized on uplands or bottomlands and adjacent to stream courses, lakes, or levees from 0 to 1,900 meters in elevation. Within the study area, this alliance is dominated by blue gum eucalyptus (*Eucalyptus globulus*), being the sole tree species, and occurs in uplands along the southern edge of the study area. This grove was partially burned in a fire in October of 2019 and has since regenerated. The herbaceous layer is sparse.
- **Cattail Marshes (*Typha* sp. Herbaceous Alliance).** This herbaceous alliance is found in semi-permanently flooded freshwater or brackish marshes with clayey or silty soils up to 350 meters in elevation. The community is dominated by cattails (*Typha* sp.), with one or more cattail species having over 50 percent cover in the herbaceous layer. This vegetation community is ranked G5S5 and is not considered sensitive (CDFW 2020b).
- **Sandbars.** Within the study area, sandbars contain large areas of unvegetated mudflats with debris deposits that show evidence of flooding. In some areas the herbaceous layer is intermittent to dense, and common species include watercress (*Nasturtium officinale*),

rabbitsfoot grass, and spotted ladysthumb (*Persicaria maculata*). No tree layer is present, and the shrub layer is intermittent and dominated by arroyo willow. Sandbar willow saplings and mulefat saplings are also present.

- **Open Water.** Open water occurs within the low-flow channels of the Santa Clara River as it passes through the study area and enters the Facility, the extent of which is directly influenced by the depth of the impound created by the Facility. Water also accumulates just downstream of the structure. These open water areas include the active channel within the portion of the riverbed subject to perennial flows as well as meandering low-flow channels between and around sandbars.

Open water makes up the majority land cover of the study area, however, several vegetation communities are present, as discussed above, and provide suitable habitat for many native and special status plant species.

### General Wildlife

The study area provides habitat for species that commonly occur in semi-rural and rural areas around the outskirts of urban developed and agricultural lands. The habitat within the study area is adjacent to and unobstructed from the surrounding landscape including the Santa Clara River upstream of the study area, the upland area of South Mountain, and agricultural fields. Within the Santa Clara River, 22 common and special status species of fish are known to occur; 17 species are introduced and potentially invasive, including the common carp (*Cyprinus carpio*), Owens sucker (*Catostomus fumeiventris*), Owens and Santa Ana sucker hybrids (*C. fumeiventris* + *C. santaanae*), prickly sculpin (*Cottus asper*), crappie (*Pomoxis* sp.), mosquito fish (*Gambusia affinis*), fathead minnow (*Pimephales promelas*), goldfish (*Carassius auratus*), largemouth bass (*Micropterus salmoides*), brown bullhead (*Ameiurus nebulosus*), black bullhead (*A. melas*), bullhead channel catfish (*Ictalurus punctatus*), green sunfish (*Lepomis cyanellus*), threadfin shad (*Dorosoma petenense*), Mississippi silverside (*Menidia beryllina*), striped mullet (*Mugil cephalus*), and Shimofuri goby (*Tridentiger bifasciatus*) (United 2020).

Of the seven native<sup>3</sup> fish species known to occur in the Santa Clara River, five are known to occur in the study area, four of which have special status: arroyo chub (*Gila orcutti*), Santa Ana sucker (*Catostomus santaanae*), Pacific lamprey (*Entosphenus tridentatus*), and steelhead (including the non-special status resident lifeform, rainbow trout). The partially armored stickleback (*Gasterosteus microcephalus*) occurs in the study area and does not have special status. Tidewater goby (*Eucyclogobius newberryi*) and unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) have special status; however, these species are not known to occur in the study area.

Many commonly occurring reptile and amphibian species are found in both upland and riparian habitats of the study area, while others are restricted somewhat to riparian corridors and aquatic habitats. Additionally, several highly aquatic non-native reptiles and amphibians have been introduced to the Santa Clara River watershed such as bullfrog (*Lithobates catesbeiana*) and red eared slider (*Trachemys scripta elegans*) (United 2020). Bird and mammal species are often mobile and widely dispersed but may have specific habitat or resource preferences such as those found within the study area. A list of wildlife species observed within the study area during the January 21 and February 8 field surveys is provided in the BRA Report included as Appendix B.

---

<sup>3</sup> While native to the southern California region, arroyo chub is considered introduced to the Santa Clara River (Moyle 2002) and Santa Ana sucker are listed as Threatened under the federal ESA only in the Los Angeles Basin (USFWS 2021).

### *Special Status Species*

The natural disturbance to the project area caused by recurrent scour and deposition events during high-flow rain events, coupled with the inundation of the project area with sediment, generally result in low potential for special status species to occur in the project area. During the field survey no special status federal or state listed species were observed or otherwise detected in the study area. Based on the investigation and analysis included in the BRA Report provided as Appendix B, a total of 39 special status plant species were identified, one of which has moderate potential to occur, the white rabbit-tobacco (*Pseudognaphalium leucocephalum*), California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) 2B.2. This species occurs in chaparral, woodland, coastal scrub, and riparian woodlands communities on sandy or gravelly benches, dry stream bottoms, and canyon bottoms at elevations of under 500 meters (CNPS 2021). The project area is approximately two miles downstream of a known population tracked in the CNDDDB (from 2015), and suitable riparian habitat and substrates are present. However, the species was not observed during rare plant surveys conducted in May 2021.

A total of 26 special status wildlife species were identified in the literature review for the BRA, 14 of which have either moderate or high potential to occur or are present in the study area. The following nine special status wildlife species **are present** in the study area:

- Arroyo chub (*Gila orcutti*): State Species of Special Concern
- Santa Ana sucker (*Catostomus santaanae*): Federally Threatened
- Pacific lamprey (*Entosphenus tridentatus*): State Species of Special Concern
- Southern California steelhead (*Oncorhynchus mykiss irideus* pop. 10): Federally Endangered
- Western pond turtle (*Emys marmorata*): State Species of Special Concern
- Two-striped gartersnake (*Thamnophis hammondi*): State Species of Special Concern
- Yellow warbler (*Setophaga petechia*): State Species of Special Concern
- Yellow-breasted Chat (*Icteria virens*): State Species of Special Concern
- Least Bell's vireo (*Vireo bellii pusillus*): Federally Endangered, State Endangered

Arroyo chub, Santa Ana sucker, Pacific lamprey, and steelhead are known to occur in the Santa Clara River and have been documented in the study area. In particular, steelhead are seasonally present in the study area and are expected to occur between January and May, but may be present from June through December.

The study area also contains suitable habitat for western pond turtle and two-striped gartersnake. Both species have been documented in the study area.

The study area contains both suitable nesting and foraging habitat for yellow warbler, yellow-breasted chat, and least Bell's vireo. All three species have been documented within the study area.

Four special status wildlife species have **high potential** to occur in the study area:

- Coastal whiptail (*Aspidoscelis tigris stejnegeri*): State Species of Special Concern
- Coast horned lizard (*Phrynosoma blainvillii*): State Species of Special Concern
- South coast gartersnake (*Thamnophis sirtalis* pop. 1): State Species of Special Concern
- Southwestern willow flycatcher (*Empidonax traillii extimus*): Federally Endangered, State Endangered

The study area contains potentially suitable habitat for coastal whiptail, coast horned lizard, and south coast garter snake. All three reptile species have been documented within five miles of the study area. The study area contains suitable foraging habitat for southwestern willow flycatcher but lacks suitable nesting habitat for the species. Southwestern willow flycatcher has been documented in the Santa Clara River within one mile of the study area.

One special status species has **moderate potential** to occur in the study area:

- Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*): Federally Threatened, State Endangered

The study area contains potentially suitable foraging habitat for western yellow-billed cuckoo but lacks suitable nesting habitat for the species. Western yellow-billed cuckoo has not been documented near the study area.

Further discussion of federal- and State-listed and fully protected species is provided in the BRA Report included as Appendix B.

#### *Jurisdictional Waters and Wetlands*

The Santa Clara River in the study area is characterized by a wide riverbed with an active channel that winds through the study area from east to west before flowing through and over the Facility. The Santa Clara River is subject to USACE, RWQCB, and CDFW jurisdiction. The Santa Clara River contains an ordinary high-water mark, bed, bank, and channel features, as well as riparian forest community. The entire study area, including the active channel, floodplain terraces, and Freeman Diversion structure, consists of CDFW jurisdictional streambed. USACE and RWQCB wetland waters include the sandbars and other vegetated areas in the active channel, as indicated by the presence of hydrophytic vegetation, hydric soils, and hydrology indicators. Areas of open water were classified as USACE and RWQCB non-wetland waters. No isolated waters of the State are present. An ephemeral tributary enters the southern bank of the Santa Clara River east of the Freeman Diversion facilities. The confluence of the tributary and the main river is just inside the study area; the tributary itself is almost entirely outside the study area. There is no difference in vegetation communities associated with the portion of the ephemeral tributary in the study area.

#### *Wildlife Movement*

Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. A group of habitat linkages in an area can form a wildlife corridor network. The habitats in the link do not necessarily need to be the same as the habitats that are being linked; rather, the link merely needs to contain sufficient cover and forage to allow temporary inhabitation. Typically, habitat linkages are contiguous strips of natural areas, though dense plantings of landscape vegetation can be used by certain disturbance-tolerant species. Depending upon the species using a corridor, specific physical resources (e.g., rock outcroppings, vernal pools, or oak trees) may need to be located in the habitat link at certain intervals to allow slower-moving species to traverse the link. For highly mobile or aerial species, habitat linkages may be discontinuous patches of suitable resources spaced sufficiently close together to permit travel along a route in a short period of time.

The study area is located within a Habitat Connectivity and Wildlife Corridor in the South Coast Ecoregion which extends roughly from Point Conception to 190 miles into Baja California (South Coast Wildlands 2008). Specifically, the study area is within the Santa Monica–Sierra Madre

Connection and is one of the few coastal to inland connections remaining in the South Coast Ecoregion. This linkage connects the Santa Monica Mountains, Santa Susana Mountains, and the Sierra Madre Ranges of Los Padres National Forest. The study area is not located within any Essential Connectivity Areas (ECAs) as reported in BIOS (CDFW 2021); the nearest ECA to the study area is approximately four miles to the north.

Additionally, the Facility contains a fish passage system that facilitates the movement of steelhead upstream and downstream through this reach of the Santa Clara River. Volitional movement of upstream migrating steelhead past the Facility is directly dependent upon United's ability to operate the fish passage system.

#### *Multiple Species Habitat Conservation Plan*

United is currently preparing an MSHCP for the rehabilitation of the Freeman Diversion fish passage facility and future operations. This MSHCP is part of United's application for ITP under Section 10(a)(1)(B) of the ESA, for construction, operation, and maintenance of the Facility. United owns, operates, and maintains water facilities in a number of locations in the Santa Clara River Watershed and Oxnard Plain, including the Freeman Diversion and associated water conveyance and sediment management infrastructure. Renovation of the Freeman Diversion driven by construction of an updated fish passage facility and modifications to the associated water conveyance and sediment management infrastructure as well as diversion operations at the Freeman Diversion have the potential to result in take of federally protected species. The federal ITP would authorize incidental take of 7 species (or populations characterized as subspecies or life history strategy of a subspecies, e.g., southern California steelhead) listed as threatened or endangered under the ESA. The MSHCP provides documentation and analysis to support decisions by federal resources agencies on the issuance of ITPs. In general, an ITP would be issued based on the determination that the effects of incidental take of the covered species would be minimized and mitigated consistent with the standards in the ESA.

No other Habitat Conservation Plans, Natural Community Conservation Plans (NCCPs), or other approved local, regional, or state habitat conservation plan areas are applicable in the study area.

### **Impact Analysis**

Implementation of the proposed project has potential to result in impacts to resources protected by federal and state regulations, and the project therefore requires consultation under the ESA and CFGC. United is preparing an ESA Section 10 MSHCP, which has not yet been approved by regulatory agencies and does not cover the sediment management activities associated with this proposed project, as analyzed herein for CEQA purposes. United is consulting with NMFS, USFWS, and CDFW to determine whether proposed project activities would affect state and federally listed species, including southern California steelhead (NMFS), Santa Ana sucker, western yellow-billed cuckoo, southwestern willow flycatcher, and least Bell's vireo (CDFW, USFWS). The project would also impact jurisdictional aquatic features regulated by the USACE, RWQCB, and CDFW, and avoidance of these areas would be infeasible due to the sediment management areas for both Phase 1 and Phase 2 being located within the Santa Clara River channel. These impacts require permits from the abovementioned agencies prior to initiating work in jurisdictional areas.

Project-specific AMMs were developed based upon the findings of analysis conducted for the BRA Report (see Appendix B), which addressed the Phase 1 and Phase 2 project areas; as discussed in the Project Description, AMMs are incorporated into the design of the proposed project and do not constitute mitigation measures. The impact analysis provided below accounts for the

implementation of all AMMs as part of the project design, and identifies project-specific mitigation measures where necessary to supplement the applicable AMMs as needed to avoid or minimize impacts to a less-than-significant level.

- a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

There are a number of sensitive or special status species in the project area, including special status plants, fish, reptiles, and nesting birds, each of which are addressed below for potential to be impacted by the proposed project.

#### *Special Status Plants*

Direct impacts to white rabbit-tobacco could result from project activities if the species is present during the time the proposed activities are performed, and if project activities subsequently result in removal of individuals from the project area. In addition to direct impacts, indirect impacts could result from reduced pollination if project activities result in a reduction of insect species following sediment management activities. The following AMMs, which would be implemented as part of the proposed project, would minimize or avoid the potential for the proposed project's sediment management activities to impact special status plants:

- AMM-1: Best Management Practices
- AMM-2: Schedule/Timing of Work
- AMM-3: Worker Environmental Awareness Training
- AMM-4: Pre-activity Surveys
- AMM-8: Biological Monitoring
- AMM-9: Invasive Species Management

Given the lack of observations of the species within the project area during botanical surveys in May 2021, the fact that the study area is regularly subject to a natural cycle of disturbance due to flood flows and associated floodplain processes, and the relatively small size of the project area in relation to potential habitat for this species within the Santa Clara River, the proposed project is not expected to cause the population of the species within the river to drop below self-sustaining levels. Therefore, potential impacts to special status plants would be less than significant.

#### *Special Status Fish*

During certain times of the year and under certain conditions, the project area contains one of the six physical and biological factors (PBFs), also referred to as Primary Constituent Elements (PCEs), that constitute steelhead critical habitat. Specifically, the project footprint includes freshwater migration corridor free of obstruction and excessive risk of predation with adequate water quantity to allow for juvenile and adult mobility, as well as cover, shelter, and holding areas for juveniles and adults, and adequate water quality to allow for survival of individuals. During excavation of the new low-flow channel under Phase 1, no features associated with critical habitat PBFs would be removed in the 1.3-acre project footprint.

Sediment management activities conducted under the proposed project would require work within the active channel of the Santa Clara River. Activities are planned to occur during the dry season

and, for the initial implementation of Phase 1, flows at the Facility ceased in July 2021 and there is a reasonable expectation that the study area will remain completely dry until winter season storms arrive (anticipated for December 2021). Cessation of flows in the river channel and dry conditions within the work area would result in no direct impacts to steelhead, lamprey, arroyo chub, and Santa Ana sucker, as well as other special status aquatic species during excavation of the new low-flow channel and activities associated with the dispersal and compaction of spoils. For project activities subsequent to the initial implementation of Phase 1, including the 4.7-acre expansion included under Phase 2, flows may be present in the river during project activities, and fish species could be directly or indirectly impacted if project activities occur when flowing water is present. If water is present in the channel at the time when project activities are planned, dewatering activities would be required to minimize the potential for impacts to fish. Dewatering activities may also result in direct impacts to fish species, due to potential stranding and relocation efforts to protect fish from possible mortality. Prior to and during dewatering activities, United Environmental Services staff or qualified biologists will enter the dewatered areas and survey for aquatic special status species (and other native species to the extent possible), in accordance with the project AMMs. The potential for dewatering to be required for Phase 2 activities will be addressed in the required regulatory agency approvals, including from the USACE, Los Angeles RWQCB, and CDFW.

Steelhead, Pacific lamprey, arroyo chub, Santa Ana sucker, and other fish species have potential to occur within and surrounding the study area; however, during Phase 1 implementation, the river channel is expected to be completely dry and these species would therefore not be present. There is no documented observation of steelhead in or near the study area during the months of September, October, or November. Excavation of the new low-flow channel would not create any conditions that could obstruct movement of fish species up or down the channel upstream of the Facility. The new low-flow channel would create a relatively direct route through the Santa Clara River that would not significantly alter or impede movement of fish species. The path of the new low-flow channel would be directly oriented at the existing fish passage facility, maintaining a direct route upstream of the Facility. As such, no direct adverse impacts to fish species would occur as a result of Phase 1. Rather, the proposed activities are expected to provide a benefit to the movement of fish species by increasing the reliability of fish passage facility operations. Conversely, if the proposed activities are left undone, continued sediment deposition upstream of the Facility could eliminate United's ability to operate the fish passage facility, thereby significantly impeding the ability of steelhead to migrate upstream past the Facility.

During excavation in support of Phase 2 sediment management activities, water may be present in the channel, necessitating flow rerouting via a screened pipe, to protect fish species from direct impacts during excavation activities. The screened pipe would be designed to avoid obstruction to movement of fish downstream; however, it would temporarily obstruct movement of fish upstream during project implementation. Following the completion of project activities, the screened pipe would be removed, allowing for the free movement of fish and aquatic species. When flows rewater the project site, the new low-flow channel would contain flow velocities, water quantity and quality, and substrate features consistent with the natural condition of the river. Components of a freshwater migration corridor associated with steelhead PBFs would be expected to return to the channel when seasonal flows resume during the next rainy season. No permanent impacts to steelhead critical habitat would occur as a result of Phase 1 or Phase 2 of the project.

United conducted an evaluation of suspended sediment concentrations in response to storm flows prior to excavating the 2019 pilot channel (as a baseline condition) and following excavation of the 2019 pilot channel, to evaluate the effects of the proposed activities on suspended sediment



concentrations in the river. The detailed analysis is included as an appendix within the Biological Resources Assessment Report (Appendix B). While the areal extent of the 2019 earthwork (0.7 acre) was smaller than that currently proposed under Phase 1 (1.3 acres), there was no significant increase in suspended sediment observed as a result of the 2019 pilot channel, relative to storm-induced conditions. The contributions of suspended sediment concentrations resulting from the proposed activities are expected to be negligible with regard to the total suspended sediment concentrations generated by natural storm-induced flows in the Santa Clara River. Increased suspended solid concentration from project activities would be a temporary indirect impact on fish species and would not be significant.

To reduce potential impacts to steelhead, project activities would only be conducted between September 15 and December 31, outside steelhead migration window and when steelhead are not expected to be present on site. Additional limitations on the timing of project activities are included in the design of the proposed project, including through the AMMs listed below to minimize or avoid the potential for impacts to special status fish species:

- AMM-1: Best Management Practices
- AMM-2: Schedule/Timing of Work
- AMM-3: Worker Environmental Awareness Training
- AMM-4: Pre-activity Surveys
- AMM-6: Species Capture and Relocation Protocol
- AMM-8: Biological Monitoring
- AMM-9: Invasive Species Management

During implementation of project activities, including AMMs including in the project design, if a rain event measuring one tenth of an inch or greater is forecasted within 72 hours of project activities, all activities in the sediment management area will cease and all equipment will be removed from the bed, bank, and channel of the Santa Clara River. Prior to and during dewatering activities, if needed prior to Phase 2 implementation, United Environmental Services staff or qualified biologists will enter the dewatered areas and survey for aquatic special status species (and other native species to the extent possible), in accordance with the AMMs listed above and included in the project design. Therefore, potential impacts to special status fish species would be less than significant.

### *Special Status Reptiles*

Impacts to western pond turtle, two-striped gartersnake, south coast gartersnake, coastal whiptail, and coast horned lizard could result from project activities including equipment strikes, crushing of nests, crushing/removal of refugia, general habitat disturbance or removal, disrupting foraging or breeding activities leading to increased stress and reduced fecundity.

Of the special status reptiles with potential to occur within the project area, two-striped gartersnake and western pond turtle have been observed at the Facility and have high potential to be present during project activities. If gartersnakes or turtles are present in the project area during sediment management activities, direct impacts to individuals may occur from incidental crushing of individuals by vehicle traffic from personnel driving to and from the project area daily and while accessing the project area along the access road, during initial grading activities to prepare the site, and during general sediment excavation and dispersal of spoils. No pond turtle nesting is expected to occur during the time when project activities would be conducted, and no incidental crushing of

nests is expected. During Phase 1, the project footprint is expected to be completely dry during work activities, and no impacts to basking pond turtles are expected. Seasonal timing of project activities, according to AMM-2, *Schedule/Timing of Work*, would further facilitate avoidance of direct impact to western pond turtle nesting and breeding behavior. Pre-activity surveys (AMM-4, *Pre-activity Surveys*) would be completed prior to the start of project activities. Any special status reptile species observed would be captured and relocated out of harm's way according to AMM-6, *Species Capture and Relocation Protocol*. All project staff would be required to attend a training according to AMM-3, *Worker Environmental Awareness Training*, prior to the start of work, to ensure workers understand the requirements of project site conditions that constitute permissible working conditions, and to ensure workers are versed in the recognition of special status reptile species and understand what to do in the event of encounters.

Work activities would be limited to the active river channel, except when accessing the project footprint along the access road, and no upland refugia for special status reptile species would be impacted. Ground vibration from moving heavy equipment may impact reptiles near the project footprint; however, ground vibrations would be minimal and would only occur at potentially significant levels when heavy equipment is moving to and from the project footprint along the access road. Otherwise, equipment would be relatively stationary during excavation activities and would only make small movements at a time. Dispersal and compaction of spoils would occur within the active river channel where reptiles may occur. Ground vibration at the banks of the channel where reptiles are expected to be present would be less than significant.

If individuals occur in the project footprint when work is scheduled to occur, they would be captured and relocated to a safe location with suitable habitat upstream or downstream (AMM-6, *Species Capture and Relocation Protocol*) of the study area. Implementation of the capture and relocation protocol to move special status reptiles out of the way of project activities has the potential to result in harm to individuals from efforts to capture and handle individuals, and while temporarily housing and handling individuals during relocation. Safe handling procedures would be implemented to avoid or minimize mortality to the extent possible and no mortality is anticipated during relocation.

Implementation of the following AMMs as part of the project design would minimize or avoid the potential for impacts to affect special status reptiles:

- AMM-1: Best Management Practices
- AMM-2: Schedule/Timing of Work
- AMM-3: Worker Environmental Awareness Training
- AMM-4: Pre-activity Surveys
- AMM-5: Nesting Birds
- AMM-6: Species Capture and Relocation Protocol
- AMM-7: Noise Abatement Protocol
- AMM-8: Biological Monitoring

United Environmental Services staff or qualified biologists will be present and monitoring during all project activities for observance of special status reptiles. With the implementation of AMMs listed above and included in the project design, potential impacts to western pond turtle, two-striped gartersnake, south coast gartersnake, coastal whiptail, and coast horned lizard would be less than significant.

### *Special Status and Nesting Birds*

Implementation of the proposed project would not result in direct impacts to special status and nesting birds primarily because sediment management activities would not occur during the bird nesting season (February 1 – September 15) or when migratory bird species would be expected to be present. Indirect impacts could affect special status and nesting birds through impacts to suitable habitat; however, such impacts are expected to be minimal because the disturbance footprint is limited to open water and sandbars within the active channel of the Santa Clara River. The proposed activities are designed to redirect the specific location and pattern of surface flow within the project site by recontouring the sediment management area to provide a more direct flow path into the Facility while preserving some of the natural sinuosity of the river channel. Certain portions of the site will undergo a habitat type conversion, such as open water converted to exposed sand/gravel bar or emergent vegetation converted to open water, and a vegetation successional stage reset. The sediment management area is entirely within the active channel of the Santa Clara River, which is normally subject to a natural cycle of disturbance (i.e., habitat-type conversion and vegetation successional stage reset) due to flood flows. The proposed project activities will result in a more frequent habitat-type conversion and successional stage reset than may otherwise occur, but the project would not result in a total loss of ecological function such as would occur if permanent development were proposed.

Emergent vegetation is expected to quickly recolonize disturbed areas following earthwork. AMM-9, *Invasive Species Management*, which would be implemented as part of the proposed project, would include the application of BMPs for invasive species management, including but not limited to equipment washing and inspections, certification that all imported and exported materials are free of invasive species, and the active removal of invasive species on an opportunistic basis. Alterations to the project site via habitat-type conversion and successional stage reset will not result in a net loss of usable wildlife habitat or the open space nature of the project site. The project site does not contain mature riparian vegetation due to the natural floodplain processes of the Santa Clara River and maintaining it as such would not constitute a significant impact. No impacts to mature riparian vegetation on the riverbanks adjacent to the project area are proposed.

During active use of heavy machinery, temporary impacts to special status birds could occur if they are present outside the nesting season due to noise and other general work disturbance resulting in avoidance behavior. Project activities involving use of heavy equipment are proposed to be limited to the period between September 15 and December 31, with the target period between September 15 and October 31 as practicable, which is outside the nesting season of February 1 through September 15. Avoidance of the nesting season is also required by AMM-1, *Best Management Practices*, which would be implemented as part of the proposed project design.

- **Least Bell's vireo** is present within and surrounding the study area. Known breeding territories and nests have been documented downstream of the project area and along the north bank of the river. No nests have been recorded or observed directly within the sediment management area; however, breeding territories are known to overlap the sediment management area. Seasonal timing of work activities (AMM-2, *Schedule/Timing of Work*) would help avoid direct impacts to least Bell's vireo. Indirect impacts to individuals could occur from the loss of foraging opportunities as a result of the project. Temporary removal of up to six acres of potential foraging habitat (the combined Phase 1 and Phase 2 sediment management areas) could impact the species from a reduction of foraging opportunities in the immediate area of the Facility. Noise, dust, and other nuisances associated with project activities could indirectly impact the species, if individuals are present during project activities. Least Bell's vireo typically make their

southward migration (i.e., leave the region) in late-July through late-September (Griffith and Griffith 2000; NatureServe 2016), and are therefore not likely to be present during project implementation between September and December. Once individuals return to the project area in the season following the completion of work, the site is expected to have returned to a condition that would again support foraging opportunities for the species.

- **Southwestern willow flycatcher** has no documented breeding territories within the sediment management areas. A breeding territory for southwestern willow flycatcher has been documented approximately 1.1 miles from the Facility but has been unoccupied since 2017. Southwestern willow flycatchers typically make their southward migration (i.e., leave the region) from July through September (Sogge et al. 2010) and are not likely to be present during the proposed time of work. Given the lack of suitable nesting habitat within the project area, and the timing of migration, direct impacts to southwestern willow flycatcher from project activities are not expected. Seasonal timing of work activities (AMM-2, *Schedule/Timing of Work*) would further avoid the potential for direct impacts to southwestern willow flycatcher. Indirect impacts are similarly not anticipated, due to the lack of nesting habitat and the timing of migration, as well as the project's anticipated lack of permanent impact to foraging habitat. Returning seasonal flows prior to the start of the next migratory and nesting season would provide suitable foraging opportunities to southwestern willow flycatcher if they occur in the study area in the future.
- **Western yellow-billed cuckoo** has not been observed near the Facility, and no breeding territories for western yellow-billed cuckoo have been documented to date within the sediment management areas. Therefore, no take of cuckoo nests or individuals is expected from project activities, due to the lack of suitable nesting habitat as well as the seasonal timing of work activities (AMM-2, *Schedule/Timing of Work*) would help avoid direct impacts to the species. Temporary removal of six acres of potential western yellow-billed cuckoo foraging habitat could result in reduced of potential breeding, nesting, and foraging opportunities in the immediate area of the Freeman Diversion, which would constitute indirect impacts. Similarly, noise, dust, or other similar disturbances could indirectly impact the species if it unexpectedly occurs during project activities. However, yellow-billed cuckoo typically make their southward migration (i.e., leave the region) between late-July and mid-September (Laymon 1998) and are not likely to be present during the proposed time of work. Further, emergent vegetation communities are expected to recolonize the project site when yellow-billed cuckoo are returning to the region.
- **Yellow-breasted chat** and **yellow warbler** are present within and surrounding the study area. Direct impacts to these species could occur if sediment management is implemented during the nesting season. Seasonal timing of work activities (AMM-2, *Schedule/Timing of Work*) would help avoid direct impacts. Temporary removal of up to six acres of yellow-breasted chat and yellow warbler foraging habitat across the combined Phase 1 and Phase 2 sediment management areas could result in indirect impacts from a reduction of potential breeding, nesting, and foraging opportunities in the immediate area of the Freeman Diversion. Noise, dust, or other similar nuisances during project activities could indirectly impact these species if present during project activities. However, yellow-breasted chat typically occupy breeding habitat between early-April and late-August (Small 1994) and yellow warbler typically occupy breeding habitat between late-March and early-October (Shuford and Gardali 2008); as such, these species are not likely to be present during project activities which are anticipated to occur between September and December. In addition, as described above, emergent vegetation communities are expected to recolonize the project site when yellow-breasted chat and yellow warbler returning to the region in the season following completion of the project.

Special status and other nesting birds could be affected by direct and indirect impacts from the proposed sediment management activities; however, due to the implementation of AMMs that are included in the design of the proposed project, and the anticipated recovery of foraging in the sediment management areas following completion of the project, potential impacts to least Bell's vireo, southwestern willow flycatcher, western yellow-billed cuckoo, yellow-breasted chat, yellow warbler, and nesting birds would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Phase 1 of the proposed project, which would be conducted on the initial 1.3-acre sediment management area, would not result in impacts to southern riparian scrub, referred to as arroyo willow thickets. Sediment management activities would be confined to areas of open water and sandbars, and therefore would have no impacts to arroyo willow thickets.

Phase 2 of the proposed project, which would expand the initial sediment management area of 1.3 acres by an additional 4.7 acres, for a total sediment management area of up to six acres, would result in impacts to up to 1.65 acres of arroyo willow thicket. Phase 2 sediment management activities would create a vegetation successional stage reset of areas within the project footprint that are colonized with arroyo willow thickets. These arroyo willow thickets are within the active channel of the Santa Clara River and would be maintained as an early successional stage under the natural floodplain processes. Additionally, areas of the project site are expected to be naturally recolonized by arroyo willow thicket following sediment management activities; however, the frequency of successional stage reset will be artificially increased by project activities, as compared to the natural floodplain processes of the Santa Clara River. This increase will not result in a total loss of ecological function or value of the study area, but rather a shift in composition dynamically through time.

The 1.65 acres of arroyo willow thicket anticipated to be impacted during Phase 2 represents a small portion of the arroyo willow thicket community present along the Santa Clara River. Because areas of the project site would recolonize with arroyo willow thicket, including with consideration to variability between years, arroyo willow thicket would not be permanently lost as a result of the project. Implementation of the following AMMs as part of the project design would minimize or avoid the potential for impacts to arroyo willow thickets:

- AMM-1: Best Management Practices
- AMM-3: Worker Environmental Awareness Training
- AMM-8: Biological Monitoring
- AMM-9: Invasive Species Management

In addition to the AMMs listed above, which are included in the design of the proposed project, Mitigation Measure BIO-1, *Compensatory Mitigation*, would be implemented to provide habitat preservation and enhancement, thereby further reducing potential impacts to arroyo willow thickets, and maintaining the dynamic nature of the community within the project site.

## Mitigation Measures

Mitigation Measure BIO-1, *Compensatory Mitigation*, presented in full below, would be implemented during Phase 2 of the proposed project to reduce potential impacts to arroyo willow thickets to a less than significant level.

### *BIO-1 Compensatory Mitigation*

To offset the disturbance and alteration of the channel of the Santa Clara River and the sensitive natural communities present in the project area, compensatory mitigation would be provided in the form of off-site mitigation lands located at United owned parcels (APNs: 128-004-020, 129-002-006, 129-002-001) within the Santa Clara River downstream of the Freeman Diversion Facility. Mitigation lands would be preserved in perpetuity through a conservation easement at a ratio of 3:1 (mitigation: impacts), resulting in 18 acres of mitigation lands. Restoration activities may be undertaken at the off-site mitigation property as needed to ensure the site provides suitable in-kind habitat for protected resources impacted by the project. A Habitat Mitigation and Monitoring Plan will be developed to provide specific measures and success criteria for mitigation. As a component of the conservation easement, funding will be secured via a non-wasting endowment to ensure mitigation and monitoring measures are successfully implemented.

## Significance After Mitigation

With the implementation of Mitigation Measure BIO-1, *Compensatory Mitigation*, potential impacts to arroyo willow thicket natural communities resulting from Phase 2 of the proposed project would be less than significant.

### LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

- c. *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The Santa Clara River is subject to the jurisdiction of the USACE, RWQCB, and CDFW within the study area. A jurisdictional delineation documented the location and extent of non-wetland waters of the U.S., wetland waters of the U.S., and waters of the U.S., as well as CDFW jurisdictional streambed. Jurisdictional waters in the project area are summarized below in Table 8.

**Table 8 Summary of Jurisdictional Waters within the Study Area**

Jurisdictional Area	USACE			RWQCB			CDFW
	Non-Wetland Waters of the U.S. (acres [lin. ft.])	Wetland Waters of the U.S. (acres)	Waters of the U.S. (acres [lin. ft.])	Non-wetland Waters of the State (acres [lin. ft.])	Wetland Waters of the State (acres)	Waters of the State (acres [lin. ft.])	CDFW Jurisdictional Streambed (acres [lin. ft.])
Santa Clara River	2.95 (1,166)	4.34 (1,133)	7.29 (1,166)	2.95 (1,166)	4.34 (1,133)	7.29 (1,166)	9.91 (1,192)

Phase 1 of the proposed project would result in temporary direct impacts to 1.3 acres of waters of the U.S. and the CDFW jurisdictional streambed. Within the 1.3-acre project footprint, 0.7 acre of open water and 0.6 acre of river channel sandbar would be temporarily directly impacted. These

temporary impacts are similar to those expected under the natural disturbance regime of the active Santa Clara River channel (i.e., scour, deposition, vegetational community successional reset).

Phase 2 of the proposed project would result in direct impacts to 2.28 acres of open waters and 4.11 acres of wetland waters of the U.S. and State. Phase 2 of the proposed project would result in repeated temporary impacts similar to those expected under the natural disturbance regime, though at an artificially increased frequency. Indirect impacts from project materials (e.g., stockpiled materials, project equipment, and trash) stored on the Facility site staging area could adversely affect water quality (e.g., increased turbidity, altered pH, decreased dissolved oxygen levels, etc.) if runoff were to occur during storm events. Implementation of the proposed project would include AMMs to avoid or minimize potential indirect impacts to water quality within the potentially jurisdictional waters. Specifically, the following AMMs, implemented as part of the proposed project design, would address potential impacts to jurisdictional waters:

- AMM-1: Best Management Practices
- AMM-2: Schedule/Timing of Work
- AMM-3: Worker Environmental Awareness Training

With the implementation of these AMMs, included as project design features, potential impacts of the proposed project to jurisdictional waters would be reduced. In addition, Mitigation Measure BIO-1, *Compensatory Mitigation*, identified under impact threshold (a) above, would also be implemented to address this potential impact.

## Mitigation Measures

Mitigation Measure BIO-1, *Compensatory Mitigation*, presented above in the discussion of significance threshold (b), would be implemented as applicable to reduce potential impacts to a less than significant level. Mitigation Measure BIO-1 is in addition to the AMMs that would be implemented as part of the proposed project design, as presented in the Project Description under "Avoidance and Minimization Measures", and including AMMs -1, -2, and -3, as listed above.

## Significance After Mitigation

With the implementation of Mitigation Measure BIO-1, *Compensatory Mitigation*, potential impacts to arroyo willow thicket natural communities resulting from Phase 2 of the proposed project would be less than significant.

### LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

- d. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project area is located within a known wildlife corridor that provides connectivity for wildlife between the Santa Monica Mountains, Santa Susana Mountains, and the Sierra Madre Ranges of Los Padres National Forest. Additionally, the Santa Clara River facilitates regional wildlife movement through the study area. The proposed project does not include the installation of any permanent fences or other structures that would impede wildlife movement, and the project would not permanently modify the Santa Clara River in a manner which would hinder wildlife movement or result in the loss of the open-space characteristic of the study area. The project may result in a

temporary discouragement of wildlife movement within the study area for the duration while project activities are being conducted (i.e., moving or migrating wildlife may avoid active heavy machinery); however, the Phase 1 active work period is planned for approximately two weeks (13 to 16 days) with no nighttime work and would not be a significant impact. Phase 2 activities are expected to be completed within similar work periods. Implementation of AMM-1, *Best Management Practices* and would help assure the project would be completed in a manner to avoid long-term impacts to wildlife movement corridor and implementation of AMM-2, *Schedule/Timing of Work* would help assure the project would be completed during a time when species migration is typically not occurring, further avoiding direct impacts to wildlife movement.

Sediment management activities themselves are not intended to obstruct or impede the flow of water, but rather alter the specific location and characteristics of flow to direct the thalweg of the river toward the Facility. Upon completion of project activities, during the following wet season, the study area would become inundated with new flows and aquatic species could move freely within and through the project area.

The project may result in a temporary discouragement of wildlife movement within the study area while project activities are being conducted (i.e., moving or migrating wildlife may avoid active heavy machinery). AMMs included in the design of the proposed project would include BMPs to minimize or avoid such indirect disturbances, including through the following:

- AMM-1: Best Management Practices
- AMM-2: Schedule/Timing of Work

Overall, the proposed project is not expected to substantially hinder wildlife movement in the project area, due to no new development or permanent installations being proposed, as well as the implementation of AMMs to avoid indirect temporary disturbances. Therefore, potential impacts of the project to wildlife movement and migration would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

As discussed under “Background and Purpose” in the Project Description, United is a special district established in accordance with California Water Code Section 74000 et seq. that is authorized to, among other things, acquire water rights, build facilities to store and recharge water, and construct wells and pipelines for water deliveries. Because United is a local agency that provides water and constructs and maintains water delivery infrastructure, some of its activities are exempt from plans, policies, and regulations administered by local municipalities. Given these regulatory limitations, not all elements of the project evaluated in this IS-MND are subject to local plans, policies, and regulations, and as a matter of law, this IS-MND need not consider all such plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United does reference, describe, and address in this IS-MND those local land use plans, policies, and regulations that may otherwise be relevant to the proposed project.

For the purposes of this significance criterion, such plans and policies include the Ventura County Tree Protection Ordinance, and the Ventura County General Plan. The Ventura County Tree Protection Ordinance requires a permit be obtained for the removal, alteration, or encroachment into the tree protection zone (TPZ) of a protected tree. No trees protected by the Ordinance were



identified within the project area; therefore, the proposed project would not conflict with the Ventura County Tree Protection Ordinance.

The Ventura County General Plan contains policies regarding locally important species, wildlife movement, and wetland habitats. As discussed in the impact analyses provided above, AMMs included in the design of the proposed project would avoid or minimize the potential for the project to result in impacts to locally important species, and impacts to wildlife movement from the proposed project would be less than significant. In addition, the proposed project does not involve discretionary development and therefore the County's wetland policy is not applicable. Therefore, the proposed project would not conflict with these local policies, and no impact would occur.

**NO IMPACT**

- f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The proposed project does not include any activities located within an adopted HCP, NCCP, or other currently approved local, regional, or state habitat conservation plan areas. The Freeman Diversion MSHCP is in preparation by United and is part of United's application for an ITP for federally listed species. The Freeman Diversion MSHCP is not anticipated to be approved before completion of the proposed project; however, the proposed project would not conflict with the provisions of the MSHCP if it were approved earlier than anticipated. Therefore, the proposed project would have no impact to an HCP, NCCP, or other approved local, regional, or state habitat conservation plans, and no impact would occur.

**NO IMPACT**

*This page intentionally left blank.*

## 5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This section provides an analysis of the proposed project's potential impacts to cultural resources, including historical resources, archaeological resources, and human remains.

### Regulatory Setting

#### *Federal*

Federal protection of resources is legislated by (a) the National Historic Preservation Act (NHPA) of 1966 as amended by 16 U.S. Code 470, (b) the Archaeological Resource Protection Act of 1979, and (c) the Advisory Council on Historical Preservation. These laws and organizations maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and accompanying regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the main federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed in, or may be eligible, for listing in the NRHP. The NRHP is the nation's master inventory of known historic resources. It is administered by the National Park Service (NPS) and includes listings of buildings, structures, sites, objects, and districts that are considered significant at the national, state, or local level. The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

- 1) The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- 2) It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
- 3) It possesses at least one of the following characteristics:
  - Criterion A: Association with events that have made a significant contribution to the broad patterns of history (events).
  - Criterion B: Association with the lives of persons significant in the past (persons).

Criterion C: Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).

Criterion D: Has yielded, or may be likely to yield, information important to prehistory or history (information potential).

Listing in the NRHP does not entail specific protection or assistance for a property but it does guarantee recognition in planning for federal or federally assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. Additionally, project effects on properties listed in or eligible for listing in the NRHP must be evaluated under CEQA.

The National Register Bulletin also provides guidance in the evaluation of archaeological site significance. If a heritage property cannot be placed within a particular theme or time period, and thereby lacks “focus,” it is considered not eligible for the NRHP. In further expanding upon the generalized NRHP criteria, evaluation standards for linear features (such as roads, trails, fence lines, railroads, ditches, flumes, etc.) are considered in terms of four related criteria that account for specific elements that define engineering and construction methods of linear features: (1) size and length; (2) presence of distinctive engineering features and associated properties; (3) structural integrity; and (4) setting. The highest probability for NRHP eligibility exists within the intact, longer segments, where multiple criteria coincide.

### *State*

All properties in California that are listed in or formally determined eligible for listing in the NRHP are automatically listed in the California Register of Historical Resources (CRHR). The CRHR is a listing of California resources that are significant within the context of California’s history. The CRHR is a statewide program of similar scope and with similar criteria for inclusion as those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

A historic resource must be significant at the local, state, or national level under one or more of the criteria defined in the California Code of Regulations Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are similar to the NRHP criteria and are tied to CEQA because any resource that meets the criteria below is considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria:

- 1) Is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- 2) Is associated with the lives of persons important to local, California, or national history.
- 3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.
- 4) Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a resource must meet one of the above criteria and retain integrity. The CRHR uses the same seven aspects of integrity as the NRHP.

In addition, CEQA requires public agencies to consider the effects of their actions on “historical resources,” “unique archaeological resources,” and “tribal cultural resources.” Pursuant to Public Resources Code (PRC) Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” PRC Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources.

A resource shall be considered historically significant if it meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage
2. Is associated with the lives of persons important in our past
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
4. Has yielded, or may be likely to yield, information important in prehistory or history

In addition, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a], [b]).

PRC Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person

### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United’s activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project. For cultural resources, this includes the Ventura County General Plan (County of Ventura 2020), which includes policies for the protection of cultural resources, as discussed below.

The following policies from Section 6.4 of the Ventura County General Plan (County of Ventura 2020) for the protection of cultural, historical, and archaeological resources may be relevant to the proposed project:

- **Policy COS-4.2 (a): Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation.** The County shall cooperate with cities, special districts, appropriate organizations and private landowners to identify known cultural, archaeological, historical, and paleontological resources to preserve identified resources within the county [...]
- **Policy COS-4.4: Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation.** The County shall require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional and shall be designed to protect existing resources. Whenever possible, significant impacts shall be reduced to a less than significant level through the application of mitigation and/or extraction of maximum recoverable data. Priority shall be given to measures that avoid resources.

In addition, the following policies from Section 1.8, “Paleontological and Cultural Resources” of the Ventura County General Plan (County of Ventura 2020) may be relevant to the proposed project:

- Discretionary developments shall be assessed for potential paleontological and cultural resource impacts, except when exempt from such requirements by CEQA. Such assessments shall be incorporated into a countywide paleontological and cultural resource data base.
- Discretionary development shall be designed or re-designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical or paleontological consultants, depending on the type of resource in question.
- Mitigation of significant impacts on cultural or paleontological resources shall follow the Guidelines of the State Office of Historic Preservation, the State Native American Heritage Commission, and shall be performed in consultation with professionals in their respective areas of expertise.
- Confidentiality regarding locations of archaeological sites throughout the county shall be maintained in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.
- During environmental review of discretionary development, the reviewing agency shall be responsible for identifying sites having potential archaeological, architectural, or historical significance and this information shall be provided to the County Cultural Heritage Board for evaluation.
- The Building and Safety Division shall utilize the State Historic Building Code for preserving historic sites in the county.

## Environmental Setting

In January 2021, GEI Consultants, Inc. conducted a cultural resources assessment for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project, which overlaps the proposed project. The Geotechnical Exploration Project included an analysis of the entire current study area; therefore, the analysis prepared for the Geotechnical Exploration Project is incorporated by reference as applicable to the proposed project. The aforementioned analysis included: a records search of the California Historical Resources Information System at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton; a Native American

Heritage Commission (NAHC) Sacred Lands File (SLF) search; and a pedestrian field survey of the current project site (United 2021). The SCCIC records search was performed to identify previously recorded cultural resources, as well as previously conducted cultural resources studies within the project site and a 0.5-mile radius surrounding it. The SCCIC records search identified two cultural resources studies conducted within a 0.5-mile radius of the project site, both of which evaluated portions of the project site. The SCCIC search did not identify any previously recorded cultural resources within the project site or a 0.5-mile radius surrounding the project site (United 2021). Additionally, the field survey conducted by the GEI archaeologist did not identify any cultural resources within the project site (United 2021).

## Impact Analysis

- a. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

Rincon reviewed historical aerials and topographic maps from HistoricAerials.com to identify potential cultural resource concerns on the project site (NETR Online 2021). Historical topographic maps from 1903 to 1942 depict the project site as undeveloped land with the Santa Clara River watershed running through the project site (NETR Online 2021). Topographic maps from 1947 to 1964 show changes to the Santa Clara River watershed with the riverbed depicted by 1980. The Facility was built in 1991; however, it does not appear on topographic maps until 2015 (NETR Online 2021). Aerial imagery from 1947 to 1980 depict changes to the Santa Clara River alignment from its current condition by 2005 (NETR Online 2021).

The Facility was built in 1991 and is less than 45 years old; therefore, the Facility does not meet the age requirements to be evaluated as a historic-aged resource. The Facility operation, maintenance, and sediment management do not take place within or near a previously recorded historical resource. As such, no historical resources are recorded within the project site and no impact to historical resources would occur due to the project.

### NO IMPACT

- b. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

The project site has been disturbed by the previous development of the Facility. No previously recorded archaeological resources are present within the project site or a 0.5-mile radius surrounding the project site. The field survey conducted by GEI Consultants for the Geotechnical Investigation Project identified two shell pieces and two pieces of possible lithic debitage (United 2021). It was determined that neither of the items identified qualified as cultural materials (United 2021).

The project site lies within the Santa Clara River watershed, which may have been ideal for historic or prehistoric sites due to the use of waterways for food resources. No archaeological resources have been previously recorded within the project site; however, unanticipated discoveries are always a possibility during ground disturbance. Therefore, mitigation measures are recommended to address the unanticipated discovery of cultural resources during implementation of Phase 1 or Phase 2 of the proposed project. With implementation of the mitigation measure provided below, potential impacts to unknown archaeological resources would be less than significant.

## Mitigation Measures

The following mitigation measure, Mitigation Measure CR-1, *Unanticipated Archaeological Resources*, would be implemented during all ground-disturbing activities associated with the proposed project to reduce impacts to a less than significant level.

### CR-1 *Unanticipated Archaeological Resources*

In the unlikely event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If the find is prehistoric, then a local Native American representative shall also be contacted to participate in the evaluation of the find. Impacts to the find shall be avoided to the extent feasible; methods of avoidance may include, but shall not be limited to, capping or fencing, or project redesign. If necessary, the archaeologist may be required to prepare a treatment plan for archaeological testing in consultation with the local Native American representative. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources.

## Significance After Mitigation

Implementation of Mitigation Measure CR-1 would reduce impacts associated with the unanticipated find of archaeological resources to a less than significant level by providing compliance with regulatory requirements related to the analysis and handling of archaeological resources. Potential impacts would be less than significant after mitigation.

### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

- c. *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

No cemeteries are known to exist within the project site or are anticipated to be encountered within the project site, which consists primarily of the Santa Clara River channel. Although unlikely, the discovery of human remains is always a possibility during ground disturbing activities. If human remains are unexpectedly found during any activities, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made a determination of the origin and disposition of the remains, pursuant to PRC Section 5097.98. Therefore, in the event of an unanticipated discovery of human remains during implementation of the proposed project, the Ventura County Coroner would be notified immediately. If the human remains are determined by the Ventura County Coroner to be prehistoric, the coroner will notify the NAHC, which will determine and notify a most likely descendant (MLD). The MLD will complete the inspection of the site within 48 hours of being granted access to the site. With adherence to existing regulations, impacts to human remains would be less than significant.

### **LESS THAN SIGNIFICANT IMPACT**



## 6 Energy

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Regulatory Setting

#### *Federal*

USEPA's *Construction Equipment Fuel Efficiency Standard* minimizes inefficient, wasteful, or unnecessary fuel consumption.

#### *State*

California Code of Regulations Title 13 Sections 2449 and 2485 prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes to minimize unnecessary fuel consumption.

#### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project. The Ventura County General Plan (County of Ventura 2020) includes energy policies, however none are applicable to the proposed project sediment management activities.

### Environmental Setting

As a state, California is one of the lowest per capita energy users in the United States, ranked 48<sup>th</sup> in the nation, due to its energy efficiency programs and mild climate (United States Energy Information Administration [USEIA] 2021). Project activities would not require the consumption of electricity or natural gas beyond that currently used for Facility operations; therefore, this analysis focuses on the consumption of fuels from heavy-duty equipment and trucks. Petroleum fuels are primarily consumed by on-road and off-road equipment in addition to some industrial processes, with

California being one of the top petroleum-producing states in the nation (California Energy Commission [CEC] 2021). Gasoline, which is used by light-duty cars, pickup trucks, and sport utility vehicles, is the most used transportation fuel in California with 15.4 billion gallons sold in 2019 (CEC 2020). Diesel, which is used primarily by heavy duty-trucks, delivery vehicles, buses, trains, ships, boats and barges, farm equipment, and heavy-duty construction and military vehicles, is the second most used fuel in California with 1.8 billion gallons sold in 2019 (CEC 2020). Table 9 summarizes the petroleum fuel consumption for Ventura County, in which the project site would be located, as compared to statewide consumption.

**Table 9 2019 Annual Gasoline and Diesel Consumption**

<b>Fuel Type</b>	<b>Ventura County (millions of gallons)</b>	<b>California (millions of gallons)</b>	<b>Proportion of Statewide Consumption<sup>1</sup></b>
Gasoline	329	15,365	2.1%
Diesel	35	1,756	2.0%

<sup>1</sup> For reference, the population of Ventura County (835,223 persons) is approximately 2.1 percent of the population of California (39,466,855 persons) (California Department of Finance [CDF] 2021).

Source: CEC 2020

## Impact Analysis

Energy consumption is directly related to environmental quality in that the consumption of nonrenewable energy resources releases criteria air pollutant and greenhouse gas (GHG) emissions into the atmosphere. The environmental impacts of air pollutant and GHG emissions associated with the project's energy consumption are discussed in detail in Section 3, *Air Quality*, and Section 8, *Greenhouse Gas Emissions*, respectively.

- a. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

Project activities would use nonrenewable energy resources during both Phase 1 and Phase 2. As discussed in the approach to the impact analysis in Section 3, *Air Quality*, the worst-case scenario for air quality emissions would occur if sediment were transported by truck for off-site disposal and therefore, although the project proposes to balance all excavated sediment across the project's combined 6-acre sediment management area (including 1.3 acres under Phase 1 and 4.7 acres under Phase 2), air quality emissions were calculated for the truck trips that would be required to haul a portion of the project's sediment spoils to a landfill for off-site disposal. The calculations also conservatively assumed that if required, all off-site disposal activities would occur during Phase 1. During project activities for both Phase 1 and Phase 2, energy would be consumed in the form of petroleum-based fuels used to power off-road heavy-duty vehicles and equipment on the project site, worker travel to and from the project site, and vehicles used to deliver materials to the site. Information provided by United staff and the CalEEMod outputs for the air pollutant and GHG emissions modeling (Appendix A) were used to estimate energy consumption associated with the proposed project. As shown in Table 10, Phase 1 would require approximately 103 gallons of gasoline and approximately 2,606 gallons of diesel fuel, which would provide for the excavation of up to 4,700 cubic yards of sediment and the hauling by truck for off-site landfill disposal of up to 2,010 cubic yards of sediment spoils. Phase 2 would require approximately 103 gallons of gasoline

and approximately 1,936 gallons of diesel fuel, which would provide for the excavation and on-site redistribution and recontouring of up to 8,000 cubic yards of sediment, with no off-site disposal of sediment spoils. These project energy estimates are conservative because they assume that motorized project equipment would be used during every day of the project.

**Table 10 Estimated Fuel Consumption during Project Activities**

Source	Fuel Consumption (gallons)			
	Gasoline		Diesel	
	Phase 1	Phase 2	Phase 1	Phase 2
Equipment & Hauling Trips		N/A	2,606	1,936
Worker Vehicle Trips	103	103		N/A
<b>Total</b>		<b>206</b>		<b>4,542</b>
N/A = not applicable				
See Appendix C for energy calculation sheets.				

Energy use during project activities would be temporary in nature, and heavy-duty equipment used would be typical of similar-sized projects in the region. In addition, project contractors and United staff would be required to comply with the provisions of California Code of Regulations Title 13 Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes and would minimize unnecessary fuel consumption. Heavy-duty equipment would be subject to the USEPA *Construction Equipment Fuel Efficiency Standard*, which would also minimize inefficient, wasteful, or unnecessary fuel consumption. These practices would result in efficient use of energy necessary to complete project activities. In the interest of cost-efficiency, project contractors and United staff also would not utilize fuel in a manner that is wasteful or unnecessary. Therefore, project activities would not involve the inefficient, wasteful, and unnecessary use of energy, and impacts related to energy consumption would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

United has not adopted specific renewable energy or energy efficiency plans. Energy-related plans and policies adopted by the County of Ventura would not be applicable to the proposed project. Therefore, no impact associated with conflicting with a renewable energy or energy efficiency plan would occur.

#### **NO IMPACT**

*This page intentionally left blank.*

## 7 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This section describes current conditions relative to geology and soils within the project area, including a description of soils and existing geologic and seismic conditions, analysis of environmental impacts, and recommendations for mitigation measures for any significant or potentially significant impacts. The section also includes a discussion of paleontological resources, which include mineralized, partially mineralized, or unmineralized bones and teeth, soft tissues, shells, wood, leaf impressions, footprints, burrows, and microscopic remains that are more than 5,000 years old and occur mainly in Pleistocene or older sedimentary rock units.

## Regulatory Setting

### *Federal*

In October 1977, the United States Congress passed the Earthquake Hazards Reduction Act to reduce the risks to life and property from future earthquakes in the United States. To accomplish this, the act established the National Earthquake Hazards Reduction Program (NEHRP). The mission of NEHRP includes improved understanding, characterization, and prediction of hazards and vulnerabilities; improved building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improved mitigation capacity; and accelerated application of research results. The NEHRP designates the Federal Emergency Management Agency (FEMA) as the lead agency of the program and assigns several planning, coordinating, and reporting responsibilities.

### *State*

The Alquist-Priolo Earthquake Fault Zoning Act of 1972 (PRC Section 2621-2630) intends to reduce the risk to life and property from surface fault rupture during earthquakes by regulating construction in active fault corridors, and by prohibiting the location of most types of structures intended for human occupancy across the traces of active faults. The act defines criteria for identifying active faults, giving legal support to terms such as active and inactive, and establishes a process for reviewing building proposals in Earthquake Fault Zones. Under the Alquist-Priolo Act, faults are zoned and construction along or across these zones is strictly regulated if they are “sufficiently active” and “well-defined.” A fault is considered sufficiently active if one or more of its segments or strands shows evidence of surface displacement during Holocene time (defined for purposes of the act as within the last 11,000 years). A fault is considered well defined if its trace can be clearly identified by a trained geologist at the ground surface or in the shallow subsurface, using standard professional techniques, criteria, and judgment (California DOC 2007). Before a project can be permitted in a designated Alquist-Priolo Earthquake Fault Zone, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults. The law addresses only the hazard of surface fault rupture and is not directed toward other earthquake hazards.

The Seismic Hazards Mapping Act of 1990 (PRC Section 2690–2699.6) seeks to reduce damage resulting from earthquakes. In comparison with the Alquist-Priolo Act which addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The act’s provisions are similar in concept to those of the Alquist-Priolo Act, wherein the State is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other corollary hazards, while cities and counties are required to regulate development within mapped Seismic Hazard Zones. Under the Seismic Hazards Mapping Act, permit review is the primary mechanism for local

regulation of development. Permits for development projects are not issued until geologic investigations have been completed and mitigation has been developed to address any issues.

With regards to paleontological resources PRC Section 5097 states “person shall not knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological, or historical feature situated on public lands, except with the express permission of the public agency having jurisdiction over the lands”.

### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United’s activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project. For geology and soils, and paleontological resources, this includes policies from the Ventura County General Plan (County of Ventura 2020), as listed below.

The following policies from Section 6.5, *Soil and Mineral Resources*, of the Ventura County General Plan (County of Ventura 2020) related to geology and soils may be relevant to the proposed project:

- **Policy COS-5.1: Soil Protection.** The County shall strive to protect soil resources from erosion, contamination, and other effects that substantially reduce their value or lead to the creation of hazards.
- **Policy COS-5.2: Erosion Control.** The County shall encourage the planting of vegetation on soils exposed by grading activities, not related to agricultural production, to decrease soil erosion.

In addition, consistent with the 2015 Ventura County Multi-Hazard Mitigation Plan (County of Ventura et al. 2015), the Ventura County General Plan 2040 Update identifies policies for geologic and seismic hazards in Ventura County, which include the following areas of concern: earthquake faults; seismic hazards (liquefaction- and earthquake-induced landslides); landslides; soil erosion; expansive soils; and subsidence.

Finally, the following policies from Section 6.4 of the Ventura County General Plan (County of Ventura 2020) for the protection of paleontological resources are relevant to the proposed project:

- **Policy COS-4.2 (a): Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation.** The County shall cooperate with cities, special districts, appropriate organizations and private landowners to identify known cultural, archaeological, historical, and paleontological resources to preserve identified resources within the county [...]
- **Policy COS-4.4: Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation.** The County shall require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional and shall be designed to protect existing resources. Whenever possible, significant impacts shall be reduced to a less than significant level through the application of mitigation and/or extraction of maximum recoverable data. Priority shall be given to measures that avoid resources.

## Environmental Setting

### *Geology and Soils*

The proposed project area is located within a distinctive geologic province of California known as the Transverse Ranges. The Transverse Ranges are a complex series of east-west trending mountain ranges and valleys that strongly contrast with the northwest trend of the adjacent Coast Ranges and Peninsular Ranges. The western limit of the geomorphic province is formed by the islands of San Miguel, Santa Rosa, and Santa Cruz, while the eastern limit extends into the Mojave Desert, and includes the San Bernardino Mountains to the east of the San Andreas Fault. The province contains one of the thickest accumulations of Cenozoic Era sediments in the world. The sediments have been subjected to regional uplift, faulting, and folding. The area is considered geologically young and tectonically active (California Coastal Conservancy [CCC] 2008).

The Santa Clara River flows between the east-west trending mountains of the Transverse Ranges. The topography of the Santa Clara River Watershed is characterized by a low-lying floodplain immediately adjacent to the river, surrounded by mountainous terrain, much of which is within United States National Forest land. Long-term geologic instability in the region has resulted in exposure of many highly deformed, fractured, and faulted rock types in the Santa Clara River Watershed. The project site contains the following primary soil types: San Benito clay loam, 50 to 75 percent slopes; Major Land Resource Area 20; and sandy alluvial land (United 2021). Underlying geology of the project site includes unconsolidated surficial gravel and sand alluvial deposits (stream channel) and weakly consolidated surficial gravel alluvial terrace deposits (United 2021).

The Santa Clara River Watershed is located within the San Andreas Fault system, which forms the dynamic boundary between the Pacific and North America tectonic plates. Relative motion of the tectonic plates includes strike-slip displacement (plates sliding laterally against each other) and convergence (plates compressing against each other). There are a number of faults in this seismically active region; the Santa Clara River roughly follows the axis of a valley that is bounded by active strands of the San Cayetano Fault to the north and the Oak Ridge Fault to the south (California DOC 2015). The proposed project site on the Santa Clara River is immediately north of the Oak Ridge Fault, and within approximately five miles of the San Cayetano Fault to the north of the river. Intense seismic activity in the region is reflected in frequent ruptures along these faults. There are no Alquist-Priolo Earthquake Fault Zones within the project site (California DOC 2021). The project site is located within a liquefaction zone, as shown on the Ventura County Mapper (County of Ventura 2020). Additionally, the project site is located within an area susceptible to landslides (California DOC 2021).

### *Paleontological Resources*

The proposed project area is located in the Transverse Range, which contains finds of many different kinds of fossil organisms (County of Ventura 2020). The western part of the Transverse Range is an area of interest for future paleontological study because of the thick, well-exposed and carefully studied geological cross-sections in this region (County of Ventura 2020). There are 316 vertebrate fossil localities that have been documented within Ventura County, according to a 2016 Paleontological Record Search through the Natural History Museum of Los Angeles (County of Ventura 2020). According to the California Department of Conservation's geologic mapping, the project area primarily consists of quaternary alluvium from the Pliocene to Holocene period, which ranges from low to high paleontological potential. Additionally, there are some areas that are



underlain by older mudstone, sandstone, and conglomerate from the Paleocene to Pleistocene periods, which are considered to have high paleontological potential.

## Impact Analysis

- a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*
- a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*

The Facility is not located within an Alquist-Priolo earthquake fault zone. However, there are tectonically active areas near the Facility, including the San Cayetano Fault to the north and the Oak Ridge Fault to the south. Activity along these faults in the vicinity of the Facility could result in seismic ground shaking at the project site, which could in turn result in liquefaction and lateral spreading within the Santa Clara River channel.

Implementation of the proposed project would involve activities within the Santa Clara River channel that would require workers, equipment, and machinery to temporarily be present on-site. Strong ground shaking may cause injury to workers or equipment damage if they are on site at the time. However, due to the temporary nature (i.e., short duration) of sediment management activities to be conducted under the project, it is unlikely a seismic event would occur during such activities. In addition, the proposed project would not affect existing potential for seismic activity to occur in the project area, and would not exacerbate existing conditions. Implementation of the proposed project would not result in a substantial increase in risk of loss, injury, or death resulting from earthquake-related hazards. Therefore, this potential impact would be less than significant.

### LESS THAN SIGNIFICANT IMPACT

- a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

Much of Ventura County is subject to seismic-related liquefaction events. As discussed in the Environmental Setting under “Liquefaction and Lateral Spreading,” liquefaction occurs when soils behave like a liquid during seismic shaking and re-solidify when shaking stops; the potential for this to occur is highest in areas with high groundwater and loose, fine, sandy soils at depths of less than 50 feet. Liquefaction may also lead to lateral spreading, or the horizontal movement of soil toward an “open face,” such as a streambank; the potential for lateral spreading to occur is highest in areas where there is a high groundwater table and there are relatively soft and recent alluvial deposits. The project site within the Santa Clara River channel is characterized by conditions that are conducive to liquefaction and lateral spreading in response to strong seismic events.

The proposed project would not introduce new permanent infrastructure to the project site and would not expose existing infrastructure to hazards associated with liquefaction and lateral spreading. Implementation of the project would require workers and equipment to be temporarily present within the channel during sediment removal and deposition activities, which are anticipated to occur up to once per year. However, it is unlikely that workers and equipment would be present during a liquefaction or lateral spreading event, as the area would have been cleared in response to the seismic event that would have occurred to trigger the liquefaction or lateral spreading. If a

liquefaction and/or lateral spreading event were to occur upstream of the Facility, United, as the owner and operator of the Facility, would need to conduct in-channel sediment management activities such as those included under the proposed project. The project would not alter the existing potential for seismic-related ground failure to occur; however, due to the existing potential for such hazards to occur, potential impacts associated with conducting project activities would be adverse but less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

*a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

The project area is also subject to existing landslide hazards associated with the surrounding hillsides. However, the proposed project activities would be limited to in-channel work, and would not include any ground-disturbing work on hillside areas, where landslide events would initiate. The project would not alter the existing potential for seismic-related ground failure, including landslides, to occur; however, due to the existing potential for such hazards to occur, potential impacts associated with conducting project activities would be adverse but less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

*b. Would the project result in substantial soil erosion or the loss of topsoil?*

Soil disturbing activities increase the rate at which soil is eroded by increasing the amount of soil exposed to wind and water erosion. Soil disturbing activities would occur each time sediment management activities are conducted, which would take place up to one time per year. During all soil disturbing activities, the proposed project would be required to implement a project-specific SWPPP, for compliance with the National Pollutant Discharge Elimination System (NPDES) program which was established under Section 402 of the Clean Water Act; see Section 10, *Hydrology and Water Quality*, for further discussion regarding required contents of a SWPPP and compliance with the NPDES program.

The NPDES program was established by the federal Clean Water Act to protect receiving waters from pollution, including as associated with erosion and sedimentation. The proposed project's SWPPP would include grading and erosion-control BMPs and specifications with standard erosion control measures (including management and structural controls) for all activities that expose soil. Implementation of SWPPP BMPs would reduce the potential for soil erosion to occur as a result of the proposed sediment removal and deposition activities, and may include the placement of velocity dissipation devices, silt fencing, storm drain inlet protection, wind erosion control, and stabilized project site entrances.

In addition to the SWPPP required for NPDES compliance, the proposed project includes AMMs that are incorporated into the project design to support and parallel the NPDES requirements for the management of soil erosion. These include: AMM-1, *Best Management Practices*, which identifies a suite of BMPs for soil and sedimentation management under AMM-1A, *General BMPs*, and AMM-1B, *Erosion Control*; AMM-2, *Schedule/Timing of Work*; and AMM-3, *Worker Environmental Awareness Training*, which specifies that a WEAT program will be conducted for all project personnel and provide instructions regarding the individual responsibilities under the Clean Water Act, the project's SWPPP, and site-specific BMPs included in the SWPPP. With project compliance with the NPDES program, and implementation of AMMs which are included as part of the project

design, the proposed project would not result in substantial soil erosion or loss of topsoil, and potential impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- c. *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*
- d. *Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

The proposed project area has the potential to contain expansive and unstable soils. Expansive soils typically consist of fine-particle clay-based soils that, based on this clay composition, expand in volume when exposed to water. Although soils in the surrounding area may contain expansive characteristics, sediments within the Santa Clara River channel, where the proposed project would occur, are not expansive; as discussed in the introduction to this section, the proposed project site is characterized by unconsolidated surficial gravel, sand alluvial deposits (stream channel), and weakly consolidated surficial gravel alluvial terrace deposits. Unstable soils may also be present in the area surrounding the project site, such as on hillsides and slopes that may be subject to landslides or destabilization if disturbed; however, the proposed project would not disturb hillsides or occur on soils known to be unstable. The proposed project would not introduce new structures and would not cause existing structures to be subject to new or exacerbated hazards associated with the presence of unstable soils, including expansive soils.

Although the proposed project would not be located on a geologic unit or soil that is unstable, it would involve substantial soil disturbance associated with sediment management activities that would ultimately be conducted across the project's combined (Phase 1 and Phase 2) 6-acre sediment management area. To address the potential for these soil disturbing activities to result in instability, particularly from initial excavation of accumulated sediments, AMMs incorporated into the project design would be implemented and include BMPs for soil stability. Specifically, AMM-1B, *Erosion Control*, requires covering of all stockpiles and placement of fiber rolls on level contours to provide slope stability and avoid erosion and sedimentation impacts.

The proposed sediment management activities would not cause existing soils to become unstable from the construction or modification of existing infrastructure. The project would include substantial soil disturbance, particularly during initial excavation activities, and BMPs included in the project design as AMMs would be implemented to reduce or avoid the potential for erosion and sedimentation impacts to occur. The project would not create or alter risks to life or property associated with existing geologic units or soils. Potential impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- e. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The proposed project does not include a septic tank or alternative wastewater disposal system. During project activities, workers would use on-site portable restroom facilities, which would be serviced by a designated contractor. No impact would occur.

**NO IMPACT**

*f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The majority of the project area consists of quaternary alluvium from the Pliocene to Holocene period, which ranges from low to high paleontological potential. There are some areas underlain by older mudstone, sandstone, and conglomerate from the Paleocene to Pleistocene periods, which are considered to have high paleontological potential. Thus, in locations where suitable soils are present, it is possible that previously unknown unique paleontological resources could be encountered during ground disturbing activities. Implementation of the proposed project would require excavation and grading to remove accumulated sediment within the Santa Clara River channel; these activities are associated with operation and maintenance of the Facility, and would generally be conducted in previously disturbed areas where sediment has accumulated and been removed before. However, depending upon the depth of previous excavations and the amount of sediment accumulated since the previous removal, it is possible that the proposed sediment management activities could encounter unknown paleontological resource(s) within the alluvium of the river channel. Therefore, Mitigation Measure GEO-1, provided below, would be implemented.

### **Mitigation Measures**

The following mitigation measure, Mitigation Measure GEO-1, *Paleontological Worker Awareness Training in Areas with Suitable Soils*, would be implemented during all ground-disturbing activities associated with the proposed project to reduce potential impacts to paleontological resources to a less than significant level.

#### *GEO-1 Paleontological Worker Awareness Training in Areas with Suitable Soils*

United shall provide an on-site training to all project personnel and operational staff involved regarding the possibility of encountering fossils. The appearance and types of fossils likely to be seen during project activities shall be described. Project personnel shall be trained about the proper notification procedures should fossils be encountered, including halting operations within 100 feet of the find and notifying United who shall then retain a qualified paleontologist for identification and salvage of fossils that would qualify as a unique paleontological resource.

### **Significance After Mitigation**

Implementation of Mitigation Measure GEO-1 would reduce potential impacts to paleontological resources to a less than significant level by alerting workers and operational personnel to the possibility of encountering paleontological resources, and requiring work to stop if a paleontological resource is encountered. With the implementation of Mitigation Measure GEO-1, potential impacts to paleontological resources would be less than significant.

### **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

## 8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Regulatory Setting

#### *Federal*

The United States Supreme Court has ruled that carbon dioxide (CO<sub>2</sub>) is an air pollutant as defined under the federal CAA and that the USEPA has the authority to regulate GHG emissions (*Massachusetts et al. v. Environmental Protection Agency et al.*, 549 U.S. Code 497 [2007]). In 2010, the USEPA started to address GHG emissions from stationary sources through its New Source Review permitting program, including operating permits for “major sources” issued under Title V of the federal CAA.

#### *State*

In response to climate change, California implemented Assembly Bill (AB) 32, the “California Global Warming Solutions Act of 2006.” AB 32 required the reduction of statewide GHG emissions to 1990 emissions levels (essentially a 15 percent reduction below 2005 emission levels) by 2020 and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions. On September 8, 2016, the Governor signed Senate Bill (SB) 32 into law, extending AB 32 by requiring the State to further reduce GHG emissions to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, the CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program and the Low Carbon Fuel Standard, and implementation of recently adopted policies and legislation, such as SB 1383 (aimed at reducing short-lived climate pollutants including methane, hydrofluorocarbon gases, and anthropogenic black carbon) and SB 100 (accelerates the State’s Renewables Portfolio Standard Program). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends local governments adopt policies and locally appropriate quantitative thresholds

consistent with a statewide per capita goal of six metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) by 2030 and two MT of CO<sub>2</sub>e by 2050 (CARB 2017).

### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project.

The VCAPCD is the primary agency responsible for addressing air quality concerns in Ventura County; its role is discussed further in Section 3, *Air Quality*. To protect public health and agriculture from the adverse effects of air pollution by identifying air pollution problems and developing a comprehensive program to achieve and maintain state and federal air quality standards, the 2018 VCAPCD Implementation and Enforcement Policy Guide provide guidance to the VCAPCD staff, the public, and the regulated community. The VCAPCD enforces the Greenhouse Gas Emission standards through both its own regulations and inspections as well as working with CARB's GHG staff and Enforcement Division staff.

In addition, the Ventura County 2040 General Plan serves as the County's Climate Action Plan (CAP). The CAP is incorporated into the County's 2040 General Plan and includes specific GHG reduction measures. The 2040 General Plan provides goals and associated policies also referred to as climate change mitigation measures, in the Conservation and Open Space Element for the energy use, transportation, water conservation, land use, and solid waste sectors. In addition, Appendix B includes reduction measures and an emissions reduction summary with the long-term reduction targets for unincorporated Ventura County. The intent of the CAP is to guide the County towards achieving or exceeding the State's emissions reductions targets. The CAP documents and forecasts 2020, 2030, 2040 and 2050 GHG emissions.

## **Environmental Setting**

Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period of time. Climate change is the result of numerous, cumulative sources of GHG emissions contributing to the "greenhouse effect," a natural occurrence which takes place in Earth's atmosphere and helps regulate the temperature of the planet. The majority of radiation from the sun hits Earth's surface and warms it. The surface, in turn, radiates heat back towards the atmosphere in the form of infrared radiation. Gases and clouds in the atmosphere trap and prevent some of this heat from escaping into space and re-radiate it in all directions.

GHG emissions occur both naturally and as a result of human activities, such as fossil fuel burning, decomposition of landfill wastes, raising livestock, deforestation, and some agricultural practices. GHGs produced by human activities include CO<sub>2</sub>, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Different types of GHGs have varying global warming potentials (GWP). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO<sub>2</sub>) is used to relate the amount of heat absorbed to the amount of the gas emitted, referred to as CO<sub>2</sub>e, which is the amount of GHG emitted multiplied by its GWP. Carbon dioxide has a 100-year GWP of one. By contrast, methane has a GWP of 28,

meaning its global warming effect is 28 times greater than CO<sub>2</sub> on a molecule per molecule basis (Intergovernmental Panel on Climate Change [IPCC] 2014).<sup>4</sup>

Anthropogenic activities since the beginning of the industrial revolution (approximately 250 years ago) are adding to the natural greenhouse effect by increasing the concentration of GHGs in the atmosphere that trap heat. Since the late 1700s, estimated concentrations of CO<sub>2</sub>, methane, and nitrous oxide in the atmosphere have increased by over 43 percent, 156 percent, and 17 percent, respectively, primarily due to human activity (USEPA 2021). Emissions resulting from human activities are thereby contributing to an average increase in Earth's temperature. Climate change impacts in California may include loss of snowpack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years (California Office of Planning and Research [OPR], et al. 2018).

## Impact Analysis

GHG emissions associated with project activities were estimated using CalEEMod, Version 2020.4.0, with the assumptions described under Section 3, *Air Quality*.

Individual projects do not generate sufficient GHG emissions to influence climate change directly. However, physical changes caused by a project can contribute incrementally to significant cumulative effects, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a project's contribution towards an impact would be cumulatively considerable. "Cumulatively considerable" means the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines Section 15064[h][1]).

According to CEQA Guidelines Section 15183.5(b), projects can tier from a qualified GHG reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG reduction policies included in a qualified GHG reduction plan. However, United has not formally adopted a Climate Action Plan or other GHG reduction plan to date. Thus, this approach is not currently feasible for this analysis.

To evaluate whether a project may generate a quantity of GHG emissions with the potential to have a significant impact on the environment, local air districts have developed several bright-line significance thresholds. Significance thresholds are numeric mass emissions thresholds that identify the level at which additional analysis of project GHG emissions is necessary. If project emissions are equal to or below the significance threshold, with or without mitigation, the project's GHG emissions would be less than significant. VCAPCD has not established quantitative significance thresholds for evaluating GHG emissions in CEQA analyses, but it recommends using the California Air Pollution Control Officers Association (2008) *CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act* white paper and other resources when developing GHG evaluations (VCAPCD 2003). The CEQA and Climate Change paper provides a common platform of information and tools to support local governments and was prepared as a resource, not as a guidance document. CEQA Guidelines Section 15064.4 expressly provides a "lead agency shall have discretion to determine, in the context of a particular project," whether to "quantify GHG emissions resulting from a project" and/or "rely on a qualitative analysis or performance-based standards." Updates to CEQA Guidelines Section 15064.4 that took effect in

---

<sup>4</sup> The Intergovernmental Panel on Climate Change's (2014) *Fifth Assessment Report* determined that methane has a GWP of 28. However, the 2017 Climate Change Scoping Plan published by the CARB uses a GWP of 25 for methane, consistent with the Intergovernmental Panel on Climate Change's (2007) *Fourth Assessment Report*. Therefore, this analysis utilizes a GWP of 25.

December 2018 further state that a lead agency should “focus its analysis on the reasonably foreseeable incremental contribution of the project’s emissions to the effects of climate change” and that the analysis should “reasonably reflect evolving scientific knowledge and state regulatory schemes.”

This analysis utilizes two thresholds to evaluate the significance of the project’s GHG emissions: the South Coast Air Quality Management District (SCAQMD) recommended bright-line threshold and consistency with applicable plans, policies, and regulations for the reduction of GHG emissions.

Neither the United nor VCAPCD have developed a qualified GHG reduction plan. The Ventura County 2040 General Plan is considered a qualified CAP, but the project would not be subject to local municipality plans or policies since United is the local agency. Therefore, the project would not tier off of the County’s qualified CAP. Considering that no specific GHG threshold or qualified GHG reduction plan has been recommended or adopted by United or VCAPCD and the County’s CAP would not be applicable, it is appropriate to refer to guidance from other agencies when discussing GHG emissions. The VCAPCD generally refers to SCAQMD methodology for evaluating GHG emissions. In guidance provided by the SCAQMD’s GHG CEQA Significance Threshold Working Group in September 2010, SCAQMD considered a tiered approach to determine the significance of residential and commercial projects. The draft tiered approach is outlined in meeting minutes dated September 29, 2010 (SCAQMD 2010):

- **Tier 1.** If the project is exempt from further environmental analysis under existing statutory or categorical exemptions, there is a presumption of less than significant impacts with respect to climate change. If not, then the Tier 2 threshold should be considered.
- **Tier 2.** Consists of determining whether the project is consistent with a GHG reduction plan that may be part of a local general plan, for example. The concept embodied in this tier is equivalent to the existing concept of consistency in CEQA Guidelines Section 15064(h)(3), 15125(d) or 15152(a). Under this Tier, if the project is consistent with the qualifying local GHG reduction plan, it is not significant for GHG emissions. If there is not an adopted plan, then a Tier 3 approach would be appropriate.
- **Tier 3.** Establishes a screening significance threshold level to determine significance. The Working Group has provided a recommendation of 10,000 MT of CO<sub>2</sub>e per year for industrial projects and 3,000 MT of CO<sub>2</sub>e per year for non-industrial projects.
- **Tier 4.** Establishes a service population threshold to determine significance. The Working Group has provided a recommendation of 4.8 MT of CO<sub>2</sub>e per year for land use projects.

The project would not be statutory or categorically exempt, and therefore Tier 1 does not apply. As previously stated, United does not have a local, qualified GHG reduction plan for the project to tier from, and Tier 2 would not apply. Service population is defined as employees plus residents; because the project is related to the operation and maintenance of water infrastructure, it would not generate any residents or require new employees; therefore, a service population threshold would not provide an accurate depiction of project GHG emission impacts. Thus, for the purposes of this analysis, the bright-line threshold developed by the SCAQMD of 3,000 MT of CO<sub>2</sub>e per year for non-industrial projects is used in this analysis to determine the significance of GHG emissions in accordance with Tier 3.

According to the CEQA Guidelines Section 15064(h)(3), a project’s incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that would avoid or



substantially lessen the cumulative problem in the geographic area of the project. To qualify, such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a “water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plans [and] plans or regulations for the reduction of GHG emissions.” Therefore, a lead agency can make a finding of less than significant for GHG emissions if a project complies with adopted programs, plans, policies and/or other regulatory strategies to reduce GHG emissions. The proposed project’s consistency with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions is evaluated qualitatively. A project is considered consistent with the provisions of these documents if it meets the general intent in reducing GHG emissions in order to facilitate the achievement of local and state-adopted goals and does not impede attainment of those goals.

- a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*

Project activities would generate GHG emissions during Phases 1 and 2, primarily from the operation of heavy-duty equipment within the sediment management area, as well as from vehicles transporting workers to and from the project site, and heavy trucks to export sediment spoils for off-site disposal (assumed to occur under the worst-case-scenario air quality emissions calculations). Table 11 below provides an overview of GHG emissions associated with Phase 1 and Phase 2 of the project, respectively.

**Table 11 Estimated Project Activities GHG Emissions**

Year	Emissions (MT of CO <sub>2</sub> e)
Phase 1	32
Phase 2	23
<b>Total</b>	<b>55</b>
SCAQMD Threshold <sup>1</sup>	3,000
Exceeds Threshold?	No

MT = metric tons; CO<sub>2</sub>e = carbon dioxide equivalents

<sup>1</sup> The threshold of 3,000 MT of CO<sub>2</sub>e per year is the threshold recommended for non-industrial projects by the SCAQMD under Tier 3.

Notes: Emissions modeling was completed using CalEEMod. See Appendix A for CalEEMod results.

As shown in Table 11, Phase 1 would generate an estimated 32 MT of CO<sub>2</sub>e each time it is implemented, and Phase 2 would generate an estimated 23 MT of CO<sub>2</sub>e each time it is implemented. If Phase 1 and Phase 2 are conducted in the same year, the total estimated CO<sub>2</sub>e emissions would be 55 MT of CO<sub>2</sub>e; it is assumed the phases would be implemented consecutively, with Phase 2 implemented immediately following Phase 1. Under each annual scenario (Phase 1, Phase 2, or both Phase 1 and Phase 2) the estimated emissions from project activities would remain below the SCAQMD threshold of 3,000 MT of CO<sub>2</sub>e. Therefore, potential impacts would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

*b. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Several plans and policies have been adopted to reduce GHG emissions in the southern California region, including the State's 2017 Scoping Plan (CARB 2017). United has not adopted a GHG reduction plan to date; therefore, this discussion focuses on the project's consistency with the CARB's 2017 Scoping Plan. The principal State plans and policies addressing GHG emissions include AB 32, the California Global Warming Solutions Act of 2006, and the subsequent legislation, SB 32. The quantitative goal of AB 32 is to reduce GHG emissions to 1990 levels by 2020, which was achieved in 2016 (CARB 2018), and the goal of SB 32 is to reduce GHG emissions to 40 percent below 1990 levels by 2030. Pursuant to the SB 32 goal, the CARB's 2017 Scoping Plan was created to outline goals and measures for the state to achieve the reductions.

The 2017 Scoping Plan strategies applicable to the proposed project include reducing fossil fuel use, energy demand, and vehicle miles traveled (VMT); maximizing recycling and diversion from landfills; and increasing water conservation. The proposed project would support United's water conservation goals by providing sediment management activities that will facilitate optimal operation of the Facility, including the management of groundwater recharge basins that reduce seawater intrusion resulting from over-pumping of local groundwater resources beneath agricultural lands. The project would not increase energy demand compared to existing Facility operations, and would not generate increased VMT since existing United employees would provide labor to conduct the sediment management work. There would occasionally be fossil fuel used during the future project activities; however, United would furnish diesel equipment with engines certified to meet USEPA's Tier 4 emission standards, as defined in 40 Code of Federal Regulation 1039, such that project equipment would have cleaner emissions than have traditionally been associated with the equipment. Furthermore, the Facility does not generate waste products nor would it lead to an increased VMT since existing employees would maintain the Facility. Therefore, the project would not conflict with the 2017 Scoping Plan, and no impacts would occur.

**NO IMPACT**

## 9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This section describes the project's potential impacts related to hazards and hazardous materials. The evaluation provided in this section is based on public databases containing lists of known and significant hazardous waste/hazardous materials sites, such as records from the SWRCB's *GeoTracker* and California Department of Toxic Substances (DTSC) *EnviroStor* databases.

## Regulatory Setting

### *Federal*

Various federal laws address the proper handling, use, storage, and disposal of hazardous materials, as well as requiring measures to prevent or mitigate injury to health or the environment if such materials are accidentally released. The USEPA is the agency primarily responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials. Applicable federal regulations pertaining to hazardous materials are primarily contained in CFR Titles 29, 40, and 49. Hazardous materials, as defined in the CFR, are listed in 49 CFR 172.101. Management of hazardous materials is governed by the federal laws and regulations listed below.

- The Toxic Substances Control Act of 1976 (15 U.S. Code Section 2601 et seq.) regulates the manufacturing, inventory, and disposition of industrial chemicals, including hazardous materials. Section 403 of the Toxic Substances Control Act establishes standards for lead-based paint hazards in paint, dust, and soil.
- The Resource Conservation and Recovery Act of 1976 (42 U.S. Code 6901 et seq.) is the law under which the USEPA regulates hazardous waste from the time the waste is generated until its final disposal ("cradle to grave").
- The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (also called the Superfund Act or CERCLA) (42 U.S. Code 9601 et seq.) gives the USEPA authority to seek out parties responsible for releases of hazardous substances and ensure their cooperation in site remediation.
- The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499; USC Title 42, Chapter 116), also known as SARA Title III or the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), imposes hazardous materials planning requirements to help protect local communities in the event of accidental release. SARA Title III or EPCRA encourages and supports emergency planning efforts at the state and local levels and to provide local governments and the public with information about potential chemical hazards in their communities. Because of the community right-to-know laws, information is collected from facilities that handle (e.g., produce, use, store) hazardous materials above certain quantities. The provisions of EPCRA apply to emergency planning, emergency release notification, reporting of hazardous chemical storage, and inventory of toxic chemical releases.
- The federal Occupational Safety and Health Administration (OSHA) is the agency responsible for assuring worker safety in the handling and use of chemicals identified in the Occupational Safety and Health Act of 1970 (Public Law 91-596, 9 U.S. Code 651 et seq.). OSHA has adopted numerous regulations pertaining to worker safety, contained in CFR Title 29. These regulations set standards for safe workplaces and work practices, including standards relating to the handling of hazardous materials and those required for excavation and trenching.

## State

In California, both federal and state community right-to-know laws are coordinated through the Governor's Office of Emergency Services (OES). Management of hazardous materials is governed by the state laws and regulations listed below.

- The state equivalent to the federal EPCRA is Chapter 6.95 of the California Health and Safety Code, the Hazardous Materials Release Response Plans and Inventory. Under this law, qualifying businesses are required to prepare a Hazardous Materials Business Plan, which would include hazardous materials and hazardous waste management procedures and emergency response procedures, including emergency spill cleanup supplies and equipment. At such time as the applicant begins to use hazardous materials at levels that reach applicable state and/or federal thresholds, the plan is submitted to the administering agency.
- DTSC is a division of the California Environmental Protection Agency (Cal/EPA); its primary regulatory responsibility is prevention of toxic harm to the public and environment. As required by Section 65962.5 of the California Government Code, DTSC maintains a hazardous waste and substances site list for the state, known as the Cortese List. Individual RWQCBs are the lead agencies responsible for identifying, monitoring, and cleaning up leaking underground storage tanks (LUSTs). The Los Angeles RWQCB has jurisdiction over the proposed project area.
- The Porter-Cologne Water Quality Act is California's statutory authority for the protection of water quality, and requires California's nine RWQCBs to adopt water quality control plans and establish water quality objectives (WQOs). The project site is within the jurisdiction of the Los Angeles RWQCB, and subject to the management direction of the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan). Please see Section 10, *Hydrology and Water Quality*, for further discussion of Porter-Cologne and the Basin Plan.
- OSHA's corresponding state regulatory agency is the California Occupational Safety and Health Administration (Cal/OSHA), which assumes primary responsibility for developing and enforcing workplace safety regulations within the state. Cal/OSHA standards are located in Title 8 of the CCR and are generally more stringent than federal OSHA regulations. Cal/OSHA conducts on-site evaluations and issues notices of violation to enforce necessary improvements to health and safety practices.

## Local

As a special district established in accordance with California Water Code Section 74000 et seq., some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local land use plans, policies, and regulations that may be relevant to the proposed project. For hazards and hazardous materials, these include the Ventura County Certified Unified Program and the Ventura County General Plan, as summarized below.

- **Ventura County Certified Unified Program.** A Certified Unified Program Agency (CUPA) is a local agency that has been certified by Cal/EPA to implement the local Unified Program. The CUPA can be a county, city, or joint powers authority. The Ventura County Environmental Health Division (Ventura County CUPA) is the certified CUPA for Ventura County, including the project site. As such, the Ventura County CUPA provides regulatory oversight for six statewide environmental programs, as listed below.

- Hazardous Materials Business Plan
- Hazardous Waste
- Tiered Permitting
- Underground Storage Tanks
- Aboveground Petroleum Storage
- California Accidental Release Prevention Program

The Ventura County CUPA implements State and federal laws and regulations, County ordinance code, and local policies for the above programs. Compliance is achieved through routine and follow-up inspections, educational guidance, and enforcement actions. The Ventura County CUPA is also involved with hazardous materials emergency response, investigation of illegal hazardous waste disposal, and public complaints.

- **Ventura County General Plan.** The Ventura County General Plan was originally adopted by the County Board of Supervisors on May 24, 1988, and since then been amended multiple times. On September 15, 2020, the County of Ventura adopted a General Plan Update with a horizon year of 2040. Below is a summary of General Plan guidance applicable to hazardous materials handling, use, and safety (County of Ventura 2020).
  - Policy 2.1.2-3: Essential facilities, special occupancy structures and hazardous materials storage facilities shall be designed and constructed to resist forces generated by earthquakes, gravity, precipitation, fire and winds.

## Environmental Setting

For purposes of this section, the term “hazardous materials” refers to both hazardous substances and hazardous wastes. A “hazardous material” is defined in the CFR as “a substance or material that ... is capable of posing an unreasonable risk to health, safety, and property when transported in commerce” (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

“Hazardous material” means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

“Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

“Hazardous wastes” are defined in California Health and Safety Code Section 25141(b) as wastes that:

... because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause, or significantly contribute to an increase in mortality or an increase in serious illness [or] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The Cal/EPA website provides a compilation of the following lists which provide information on facilities or sites qualifying the Cortese List:

- Hazardous Waste and Substances sites from the DTSC’s EnviroStor database
- LUST sites from SWRCB’s GeoTracker database
- Solid waste disposal sites identified by the SWRCB with waste constituents above hazardous waste levels outside the waste management unit
- Active Cease and Desist Orders and Cleanup and Abatement Orders from the SWRCB
- Hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC and listed in the EnviroStor database

The SWRCB GeoTracker database includes: LUSTs; permitted underground storage tanks; and spills, leaks, investigations, and cleanup database sites. The DTSC EnviroStor database includes: federal and state response sites; voluntary, school, and military cleanups and corrective actions; and permitted sites. The data sources cited above identify sites with suspected and confirmed releases of hazardous materials to the subsurface soil and/or groundwater. The status of these sites changes as identification, monitoring, and clean-up of hazardous materials progress. Typically, a site is closed once it has been demonstrated that existing site uses combined with the levels of identified on-site contamination present no significant risk to human health or the environment.

Based on a review of the aforementioned websites, several hazardous materials sites were identified within the county, only one of which is located within five miles of the project site, as summarized in Table 12 below.

**Table 12 Hazardous Materials Cleanup Sites within Five Miles of the Project Site**

Site Name	Address	Site Type	Cleanup Status
Southern Pacific Milling Company	1368 Mission Rock Road Santa Paula, California	Voluntary Cleanup	No further action as of 2004
DTSC 2021; SWRCB 2021			

The site identified by DTSC as the “Southern Pacific Milling Company” site, which requires no further cleanup action, is located approximately two miles upstream of the Facility. Lands immediately surrounding the project site are generally owned by the Lloyd-Butler Trust, none of which are listed by the DTSC or SWRCB as active hazardous materials cleanup sites. In addition to hazardous materials and hazardous wastes, this analysis addresses airports and air hazards, schools, emergency response, and wildland fire hazards, as discussed below.

- **Airports and Air Hazards.** Airport influence areas are used in land use planning to identify areas commonly overflowed by aircraft as they approach and depart an airport, or as they fly within established airport traffic patterns. The nearest airport or air strip to the proposed project site is the Santa Paula Airport, located approximately four miles upstream from the Facility, along the Santa Clara River in the city of Santa Paula. Santa Paula Airport is a privately-owned airport open for public use (Ventura County Airport Land Use Commission [ALUC] 2000). The Oxnard Airport, a primary commercial service airport, is located approximately ten miles south-southwest of the project site, in the city of Oxnard.

- **Schools.** Schools are considered sensitive receptors because children are particularly susceptible to long-term effects of hazardous materials from hazardous air emissions as well as accidental releases associated with the handling of extremely hazardous materials, substances, or wastes. The nearest schools to the Facility are as follows:
  - Saticoy Elementary School is located approximately 2.5 miles to the west-southwest of the Facility, in the unincorporated community of Saticoy
  - Mesa Union Elementary School is located approximately 2.5 miles to the southeast of the Facility, in the unincorporated community of Somis
  - Linda Vista Adventist Elementary School and Rio Mesa High School are located approximately 3 miles and 3.5 miles, respectively, to the south of the Facility in the city of Oxnard

There are no schools located within two miles of the Facility.

- **Emergency Response.** The Ventura County Emergency Operations Plan (EOP) outlines emergency response actions to identified hazards in the area, and delineates the county's coordinated response by all employees with specific responsibilities detailed in the event the plan is activated (Ventura County Sheriff OES 2021). The Ventura County Sheriff OES is responsible for the administration of countywide disaster planning, mitigation, response, and recovery activities. In the event of a disaster, the OES is responsible for the County's Emergency Operations Center, coordination of the County's Emergency Management Team, and for recovering the County's disaster response costs from state and federal governments. The OES Manager is responsible for the day-to-day administration of the County's disaster preparedness and response program, as well as the County's EOP (Ventura County Sheriff OES 2021).
- **Wildland Fire Hazards.** Fire protection for the proposed project area is provided by Ventura County Fire Department (VCFD), which provides emergency services to all unincorporated areas of the county and some cities. Outside of the boundaries of the cities of Fillmore, Oxnard, Ventura, and the Los Padres National Forest, Ventura County Fire Protection District (VCFPD) has responsibility for wildfire suppression on all private land. The VCFD Fire Prevention Bureau is charged with developing and implementing programs and policies that prevent or reduce the magnitude of emergency occurrences, such as loss of life and property, personal injury or environmental damage. Wildland fire conditions, risks, and firefighting capabilities in the project area are addressed in detail in Section 20, *Wildfire*.

## Impact Analysis

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The proposed project activities would require the use of heavy equipment and machinery, which in turn would require the use of potentially hazardous materials consisting of vehicle fuels and other fluids. Pursuant to 40 CFR 112, the project is required to prepare a spill prevention and treatment plan for rapidly, effectively, and safely cleaning up and disposing of any spills or releases that may occur during sediment management activities at the project site. In addition to 40 CFR 112, project compliance with the Construction General Permit (2009-0009 DWQ; as amended by revised orders



2010-0014-DWQ and 2012-0006-DWQ) requires spill prevention and containment plans to avoid spills and releases of hazardous materials and wastes into the environment.

In accordance with the aforementioned regulatory requirements, inspections would be conducted to verify consistent implementation of NPDES requirements, including BMPs to avoid and minimize the potential for spills and releases, and of the immediate cleanup and response thereto. In addition, the proposed project includes AMMs that specify BMPs to address the handling and use of hazardous materials, as well as the appropriate actions for response to an unanticipated spill of hazardous materials. These AMMs, which would be implemented as part of the proposed project, include AMM-1, *Best Management Practices*, which specifies under AMM-1A, “No substances that could be hazardous to aquatic life will be allowed to contaminate the soil and/or enter or be placed where it may be washed by rainfall or runoff into jurisdictional waters.” In addition, AMM-1C, *Waste Management and Materials Pollution Control*, provides requirements for the use, storage, and maintenance of project vehicles and equipment, to minimize the potential for an unanticipated spill to occur, and further requires that all fueling trucks and fueling areas are equipped with spill kits and other spill protection devices.

The use and handling of any hazardous materials or wastes during project implementation would occur in compliance with applicable laws and regulations, and the project would be implemented with a suite of project design features to minimize or avoid potentially adverse impacts associated with hazardous materials. The project would not create a significant hazard to the public or the environment, and would not create a significant hazard associated with transport, use, or disposal of hazardous materials. Potential impacts would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

There are no schools located within 0.25 mile of the proposed project site, and the proposed project would not involve the transportation or handling of acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. In addition, the only emissions that would occur during the proposed sediment management activities would be associated with the equipment and machinery used to conduct sediment movement within the Santa Clara River channel, and would not result in hazardous emissions that could reach an existing or proposed school. No impact would occur.

#### **NO IMPACT**

- d. *Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The project site is not included on a list of hazardous material sites, and would not create a hazard to the public or the environment associated with such a site. No impact would occur.

#### **NO IMPACT**

- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The proposed project is not located within an airport land use plan or within two miles of a public airport or public use airport. No impact would occur.

**NO IMPACT**

- f. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The proposed project activities are limited to sediment removal and deposition at the existing Facility on the Santa Clara River; implementation of the project would not require any lane or road closures that could interfere with emergency response activities. In addition, the project would not introduce unusual or particularly hazardous activities to the area, such as would require an increased level of emergency preparedness or response than is presently available to the site. The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur.

**NO IMPACT**

- g. *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?*

Please see Section 20, *Wildfire*, for detailed discussion of this topic. In summary, the proposed project would not exacerbate existing wildland fire hazards in the project area, and would not cause people or structures to be exposed to wildland fires. If a wildland fire were to occur while workers are present on the project site, they would evacuate the area in accordance with the Ventura County 2021 EOP (Ventura County OES 2021), as would occur under present conditions. Potential impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

# 10 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Regulatory Setting

Numerous federal, State, and local acts, rules, plans, policies, and programs define the framework for regulating hydrology-related factors, such as flood control, drainage, and stormwater runoff and water quality of surface water and groundwater in the affected environment, as discussed below.

### *Federal*

#### CLEAN WATER ACT

The federal CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States (including wetlands) and regulating quality standards for surface waters and gave the USEPA the authority to implement control programs. The CWA authorizes the USEPA to delegate many permitting, administrative, and enforcement aspects of the CWA to state governments, with the USEPA retaining oversight responsibilities. In turn, the USEPA has delegated various authorities for establishing water quality standards and regulating controllable factors affecting water quality to the State. Federal regulations and policies relevant to implementing the proposed project include: CWA Section 401 (Water Quality Certifications), Section 402 (NPDES permit program), Section 404 (regulation of the discharge of dredged or fill material into waters of the United States), and Section 303(d), which addresses water quality-related impairments of surface waters. Each of these CWA sections is discussed below.

- **Section 401 – Water Quality Certifications.** Section 401 of the CWA requires any person applying for a federal permit or license to conduct any activity, including the construction or operation of facilities, that may result in any discharge into navigable waters, to provide the licensing or permitting agency a certification from the state in which the discharge originates or will originate that the discharge will comply with all applicable water quality standards, limitations, and restrictions. No license or permit may be issued by a federal agency until after Section 401 certification has been granted by the applicable state agency, and no license or permit may be issued if certification has been denied. Permits issued under Section 404 of the CWA trigger the requirement for Section 401 clearance. Similarly, permits issued under Sections 9 and 10 of the Rivers and Harbors Act also require Section 401 clearance. The Los Angeles RWQCB administers the Section 401 Water Quality Certification for the project area.
- **Section 402 – NPDES Permit Program.** Section 402 of the CWA established the NPDES permit program, which regulates point- and nonpoint-source discharges to waters of the United States. In California, the SWRCB and its nine RWQCBs administer the NPDES permit program. The NPDES stormwater program requires permits for discharges from construction activities that disturb one or more acre of land. The SWRCB adopted a general NPDES permit for stormwater discharges associated with construction activity (Construction General Permit) in Order No. 2009-0009-DWQ, which became effective on July 1, 2010 (as amended by revised orders 2010-0014-DWQ and 2012-0006-DWQ). Projects throughout the state may therefore receive Section 402 NPDES clearance by complying with the Construction General Permit, subject to the approval of the RWQCB.

The Construction General Permit includes specific requirements for coverage, based on the “risk level” of the project site. Three different risk levels are dependent on two factors: (1) project sediment runoff risk and (2) receiving water risk. Obtaining coverage under the Construction General Permit requires filing of a Notice of Intent with the RWQCB, and implementing a SWPPP which specifies BMPs to reduce or eliminate sediment and other pollutants in stormwater and non-stormwater discharges. The Construction General Permit requires implementation of BMPs

that control pollutant discharges using the best available technology economically achievable for toxic contaminants, the best conventional technology for conventional contaminants, and any other necessary BMPs to meet water quality standards.

The Construction General Permit contains technology-based numeric action levels for pH and turbidity and requires visual monitoring for potential contaminant runoff at all sites, and effluent monitoring at all risk level 2 and 3 sites, with follow-up actions required for exceedances of numeric action levels. Risk level 2 and 3 sites also must prepare and implement Rain Event Action Plans for all storm events forecast to have measurable precipitation. The Construction General Permit also specifies runoff reduction requirements for all sites not covered by a municipal NPDES permit, to minimize postconstruction stormwater runoff impacts. Authorization for coverage under the Construction General Permit will be acquired for the project, and appropriate BMPs will be implemented to ensure compliance with the permit conditions.

The NPDES stormwater program also requires permits for discharges from municipal separate stormwater sewer systems (MS4s). The Los Angeles RWQCB has issued an MS4 NPDES permit that covers all areas within the boundaries of Ventura County and the co-permittees, which include the cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, and Ventura. This MS4 Permit is discussed further below, in the “Local” section.

- **Section 404 – Discharge of Dredged or Fill Material.** Section 404 of the CWA established a program to regulate the discharge of dredged or fill material into waters of the United States. The USACE administers the NPDES program, including review and issuance of permits. The basic premise of the NPDES program is that no discharge of dredged or fill material may be permitted if (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation’s waters would be significantly degraded. In other words, when applying for a permit, the applicant must demonstrate that steps have been taken to avoid impacts on wetlands, streams, and other aquatic resources; that potential impacts have been minimized; and that compensation will be provided for all remaining unavoidable impacts. As described above for Section 401, when a project requires a Section 404 permit from the USACE, it then also requires a Section 401 Water Quality Certification from the RWQCB.
- **Section 303(d) – Water Quality-Related Impairments of Surface Water Bodies.** Section 303(d) of the CWA requires states to develop a list of water bodies (or sections of water bodies) that will not attain water quality standards after implementation of minimum required levels of treatment by point-source dischargers (i.e., municipalities and industries). The law requires that states establish priority rankings for waters on the lists and develop total maximum daily loads (TMDLs) for these waters. In California, the SWRCB is required to provide the USEPA with a 303(d) list for impaired waters throughout the state. The 303(d) list also identifies the pollutant or stressor causing impairment and establishes a schedule for developing a control plan to address the impairment, typically in the form of a TMDL. The TMDL specifies the amount of the target pollutant the water body can sustain on a daily or annual basis. The SWRCB delegates 303(d) authority to the nine RWQCBs. TMDLs are prepared by the RWQCBs and result in amendments to the applicable Water Quality Control Plan (Basin Plan), which are subject to the approval of the USEPA. The 303(d) list is used by the USEPA to prepare biennial federal CWA Section 305(b) National Water Quality Inventory Reports to Congress. Generally, NPDES permit limitations (as applicable under the CWA Section 402, discussed above) for Section 303(d)-listed pollutants must be consistent with the load allocation identified in the TMDL.

The Facility sits between two reaches of the Santa Clara River: Reach 3, which stretches for 32 miles from A Street in Filmore to the Facility, and Reach 2, which stretches for 6.39 miles from the Facility, downstream past the crossing of Los Angeles Avenue/SR 118, to U.S. Highway 101. The Reach 2 segment is not identified on the state's Section 303(d) list as water quality impaired (SWRCB 2019). The Reach 3 segment is identified as impaired for several water quality constituents, as detailed below in Table 13.

**Table 13 Santa Clara River Reach 3 – CWA Section 404(d) Listings**

Pollutant	Pollutant Category	Final Decision	TMDL Status	TMDL Dates
Total Dissolved Solids	Salinity	Do Not Delist	TMDL required list	2015
Toxicity	Toxicity	List on 303(d) list	TMDL required list	2021 <sup>1</sup>
Chloride	Salinity	Do Not Delist	Being addressed with USEPA-approved TMDL	2010 <sup>2</sup>
Selenium	Metals/Metalloids	List on 303(d) list	TMDL required list	2027 <sup>1</sup>
Indicator Bacteria	Fecal Indicator Bacteria	List on 303(d) list	Being addressed with USEPA-approved TMDL	2012 <sup>2</sup>
Trash	Trash	List on 303(d) list	Being addressed by action other than TMDL	2027 <sup>3</sup>

TMDL: Total Maximum Daily Load; USEPA: United States Environmental Protection Agency

<sup>1</sup> Expected TMDL Completion Date

<sup>2</sup> USEPA TMDL Approved Date

<sup>3</sup> Expected Attainment Date

Source: SWRCB 2019

## FEDERAL ANTIDEGRADATION POLICY

In addition to the federal CWA, the Federal Antidegradation Policy was adopted as part of the 1972 amendments to the CWA, to compel individual states to implement policies that protect existing instream water uses. The Federal Antidegradation Policy established three tiers or types of waterbodies to guide analysis:

- Tier 1 maintains and protects existing uses and water quality conditions to support such uses and applies to all surface waters.
- Tier 2 is comprised of “High Quality Waters” which have higher water quality than required to support designated uses.
- Tier 3 is comprised of “Outstanding National Resource Waters” and no water quality degradation is allowed in Tier 3 waterbodies.

The federal policy directs states to adopt a statewide policy that includes the following primary provisions (40 CFR 131.12):

- 1) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.
- 2) Where the quality of waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the state finds, after full satisfaction of the intergovernmental

coordination and public participation provisions of the state's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located.

- 3) Where high quality waters constitute an outstanding National resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

In August of 2005, the USEPA issued a memorandum addressing procedures for antidegradation analyses; this memo states that a 10 percent reduction in remaining assimilative capacity is "considered to be workable and protective in identifying those significant lowering of water quality that should receive a full antidegradation review, including public participation" (USEPA 2005).

## State

### PORTER-COLOGNE WATER QUALITY CONTROL ACT

Porter-Cologne is California's statutory authority for the protection of water quality. Under Porter-Cologne, California must adopt water quality policies, plans, and objectives that ensure that beneficial uses of the state are reasonably protected. Porter-Cologne requires California's nine RWQCBs to adopt water quality control plans and establish WQOs, and authorizes the SWRCB and nine RWQCBs to issue and enforce permits with requirements for discharges to surface waters and land. The applicable RWQCB for the proposed project is Los Angeles RWQCB. Under the Porter-Cologne Act, each RWQCB must formulate and adopt a water quality control plan (known as a "Basin Plan") for its region. Los Angeles RWQCB has adopted the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, which includes both narrative and numeric WQOs designed to provide protection for all designated beneficial uses in all its principal streams and tributaries.

### CALIFORNIA ANTIDEGRADATION POLICY

Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*, also known as the California Antidegradation Policy, was adopted by the SWRCB in 1968. This is similar to the federal policy except that the State policy applies to both groundwater and surface waters, whereas the federal policy applies only to surface waters. Resolution No. 68-16 states, in part:

1. Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.
2. Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

The California Antidegradation Policy incorporates the Federal Antidegradation Policy, discussed above, which is applicable if a discharge that began after November 28, 1975, would lower existing surface water quality.

### **CALIFORNIA WATER CODE**

The California Water Code is enforced by the California Department of Water Resources (DWR). The mission of the DWR is “to manage the water resources of California in cooperation with other agencies, to benefit the State’s people, and to protect, restore, and enhance the natural and human environments.” The DWR is responsible for promoting California’s general welfare by ensuring beneficial water use and development statewide. Groundwater management is outlined in the California Water Code, Division 6, Part 2.75, Chapters 1–5, Sections 10750–10755.4.

California Water Code Section 8400 et seq. establishes the Cobey-Alquist Flood Control Act, which states that a large portion of land resources of the State of California is subject to recurrent flooding, and that the public interest necessitates sound development of land use because: (1) land is a limited, valuable, and irreplaceable resource, and (2) the floodplains of the state are a land resource to be developed in a manner that, in conjunction with economically justified structural measures for flood control, will prevent loss of life and economic loss caused by excessive flooding. The primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish floodplain management rests with local levels of government. It is State of California policy to encourage local levels of government to plan land use regulations to accomplish floodplain management and to provide State assistance and guidance.

### **GROUNDWATER MANAGEMENT ACT AND SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

The Groundwater Management Act was first introduced in 1992 as AB 3030 and has since been modified by SB 1938 in 2002, AB 359 in 2011, and the Sustainable Groundwater Management Act (SB 1168, SB 1319, and AB 1739) in 2014. The intent of the acts is to encourage local agencies to work cooperatively to manage groundwater resources within their jurisdictions and to provide a methodology for developing a Groundwater Management Plan.

The Sustainable Groundwater Management Act of 2014 (SGMA) became law on January 1, 2015, and applies to all groundwater basins in the state (Water Code Section 10720.3). By enacting SGMA, the legislature intended to provide local agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater within their jurisdiction (Water Code Section 10720.1). In 2014, DWR ranked California’s groundwater basins as “high,” “medium,” “low,” or “very low” priority. In this ranking process within Ventura County, the Piru, Fillmore, Oxnard, Mound, Pleasant Valley, and Las Posas Valley groundwater subbasins were deemed “high” priority, and the Santa Paula subbasin was deemed “very low” priority (groundwater rights in the Santa Paula subbasin were adjudicated in 1996). The Oxnard and Pleasant Valley subbasins were also listed as being in “critical overdraft.” The high dependency on groundwater in these areas was a primary factor in the rankings. In 2019, the DWR released draft results for Phase 2 of its SGMA Basin Prioritization efforts: the Piru, Fillmore, Mound, and Oxnard subbasins were all deemed “high” priority, with the Oxnard subbasin also listed as being in “critical overdraft”.

Pursuant to the SGMA, any local agency that has water supply, water management, or land use responsibilities within a groundwater basin may elect to be a “groundwater sustainability agency” for that basin (Water Code Section 10723). The Fox Canyon Groundwater Management Agency (Fox Canyon GMA) elected to be the groundwater sustainability agency under the SGMA for the basins within its Fox Canyon GMA boundary. In 2017, the Fillmore and Piru Basins Groundwater



Sustainability Agency (Fillmore and Piru GSA) was formed as a joint powers authority composed of United, the County of Ventura, and the City of Fillmore and covering the Fillmore and Piru subbasins. Also in 2017, the Mound Basin Groundwater Sustainability Agency (Mound Basin GSA) was formed as a joint powers authority composed of United, the County of Ventura, and the City of Ventura covering the Mound subbasin.

### **CALIFORNIA DRAINAGE LAW**

California drainage law is case law through which the courts have established the following general principles, which apply in general to development projects:

- The downstream property owner is obligated to accept and make provision for those waters that are the natural flow from the land above.
- The upstream property owner shall not concentrate water where it was not concentrated before without making proper provision for its disposal without damage to the downstream property owner.
- The upstream property owner may reasonably increase drainage runoff by paving or construction of other impervious surfaces, including buildings, without liability. The upstream property owner may not further increase drainage runoff by diversion of water that previously drained to another area. Reasonableness is often based on prevailing standards of practice in the community or region.
- No property owner shall block, or permit to be blocked, any drainage channel, ditch, or pipe. No property owner shall divert drainage water without properly providing for its disposal.

### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq. that is authorized to, among other things, acquire water rights, build facilities to store and recharge water, and construct wells and pipelines for water deliveries, some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United does reference, describe, and address in this IS-MND those local land use plans, policies, and regulations that may be relevant to the proposed project.

### **VENTURA COUNTY MUNICIPAL STORMWATER SYSTEM PERMIT**

The County of Ventura and the incorporated cities therein are co-permittees under the municipal stormwater NPDES Permit for the Ventura County MS4, which covers the project site. On July 8, 2010, Los Angeles RWQCB adopted Order No. R4-2010-0108 (2010 MS4 Permit) for a 5-year term under the CWA and the Porter-Cologne Act, which updated the previous Order No. CAS004002 (Los Angeles RWQCB 2010). The 2010 MS4 Permit expired on July 8, 2015, but is on administrative extension until a new permit is adopted.

On March 5, 2018, the VCWPD as the Principal Permittee (of the MS4) and on behalf of the Co-Permittees, requested the removal of fecal coliform from the monitoring requirements for freshwaters, for consistency with the RWQCB's Resolution No. R10-005, which removes the water quality objective for fecal coliform in freshwaters designated for water contact recreation (REC-1). On May 23, 2018, the Los Angeles RWQCB approved this modification to the Ventura County MS4 Permit (Los Angeles RWQCB 2019). The Los Angeles RWQCB is currently developing a new regional

permit to cover Ventura County and all the incorporated cities therein; this regional permit, once adopted, will supersede the Order (R4-2010-0108) that currently covers the Permittees in Ventura County (Ventura County Stormwater Quality Management Program [VCSQMP] 2021). The first step for all stormwater permit renewals is the submittal of a Report of Waste Discharge (ROWD) to the RWQCB, which summarizes the accomplishments and challenges of the permittees under the current permit. The ROWD was submitted to Los Angeles RWQCB in January 2015, and the Los Angeles RWQCB released the tentative Regional Phase I MS4 NPDES Permit (Tentative Regional MS4 Permit) for public comment on August 24, 2020 (VCSQMP 2021).

Under the 2010 MS4 Permit, the permittees are required to implement development planning guidance and control measures that control and mitigate stormwater quality and quantity impacts on receiving waters as a result of new development and redevelopment. The permittees also are required to implement other municipal source detection and elimination programs, as well as maintenance measures. The Ventura County Stormwater Quality Management Program (VCSQMP) defines the requirements of the 2010 MS4 Permit. Elements of the VCSQMP include NPDES permit coverage and provisions, institutional arrangements, program structure, monitoring and reporting, fiscal resources, and legal authority. The VCSQMP also addresses specific stormwater pollution requirements for new developments.

#### **VCWPD ENCROACHMENT AND WATERCOURSE PERMITS**

The VCWPD provides for the control and conservation of floodwater and stormwater and for the protection of watercourses, watersheds, public highways, life, and property in the county from damage or destruction caused by these waters. Various ordinances relating to the protection and regulation of flood control facilities and watercourses provide the VCWPD authority and the requirement to obtain permits for any encroachment into VCWPD jurisdictional channels, including rights-of-way. The VCWPD issues two types of permits: an Encroachment Permit is required for work being done within VCWPD's real estate holdings, and a Watercourse Permit is required where development or activity would affect the floodplain associated with a jurisdictional channel. The project site within the Santa Clara River is a jurisdictional channel within VCWPD's "Zone 2" and is therefore subject to a watercourse permit approval from VCWPD.

#### **VENTURA COUNTY HYDROMODIFICATION CONTROL PLAN**

As mentioned previously, Ventura County is subject to the 2010 MS4 Permit issued by Los Angeles RWQCB. In July 2013 and consistent with the 2010 MS4 Permit, the VCWPD developed a preliminary draft Hydromodification Control Plan with the objective of minimizing hydromodification impacts associated with applicable future new development and redevelopment in Ventura County (VCWPD 2013). The Hydromodification Control Plan seeks to achieve this objective through compliance with the Hydromodification Control Criteria stipulated in the county's 2010 MS4 Permit and described in the Hydromodification Control Plan.

#### **SALT AND NUTRIENT MANAGEMENT PLAN FOR THE LOWER SANTA CLARA RIVER**

The SWRCB's Recycled Water Policy (Resolution No. 2009-0011) requires the development of regional or subregional salt and nutrient management plans for groundwater basins in California. The intent of the Recycled Water Policy is to increase the use of recycled water from municipal wastewater sources, which contain salts and nutrients, while protecting groundwater resources from increased salt and nutrient loading. Several stakeholders in Ventura County, with the VCWPD as the lead agency, collaborated to develop the Lower Santa Clara River Salt and Nutrient

Management Plan (SNMP), which covers the Piru, Fillmore, Santa Paula, Mound, and Oxnard subbasins within the Lower Santa Clara River Groundwater Basin (VCWPD 2015). The Los Angeles RWQCB adopted the SNMP into its Basin Plan in 2015. The adopted Lower Santa Clara River Basin salt and nutrient management strategies are voluntary measures designed to maintain water quality that is protective of beneficial uses and prevent additional loading in localized areas of elevated salt and nutrient concentrations (VCWPD 2015). The stakeholders also developed a protocol for managing future projects that may affect salt and nutrient loads and have identified additional potential control measures to be implemented should it become necessary (VCWPD 2015).

## VENTURA COUNTY GENERAL PLAN

Below is a summary of General Plan guidance applicable to water resources in the county, including groundwater, surface water, water quality, and flood-related hazards (Ventura County 2020).

- Discretionary development which is inconsistent with the goals and policies of the County's Water Management Plan (WMP) shall be prohibited, unless overriding considerations are cited by the decision-making body.
- Discretionary development shall comply with all applicable County and State water regulations.
- Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.
- Use of the Santa Clara River as a multiple resource (i.e., source of supply for water, concrete aggregates and biological habitat) shall be permitted to continue; with the use of the river as a water resource having priority over all other uses.
- Development proposed within the floodplain shall be designed and built to standards intended to mitigate to the extent possible the impacts from the one percent annual chance storm.
- The design of any structures which are constructed in floodplain areas as depicted on the Hazards Protection Maps, shall be governed by Federal regulations, specifically Title 44 CFR Sections 59 through 70, as well as the County Floodplain Management Ordinance and shall incorporate measures to reduce flood damage to the structure and to eliminate any increased potential flood hazard in the general area due to such construction.

## Environmental Setting

The proposed project is located at the Facility within the Santa Clara River channel. This area is within the jurisdiction of the Los Angeles Region RWQCB, and subject to the management direction of the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties. Designated beneficial uses of the portion of the Santa Clara River between the Freeman Diversion and U.S. Highway 101 (Reach 2) are listed below, as identified in the Basin Plan (Los Angeles RWQCB 2020):

- |   |   |
|---|---|
| ▪ Municipal and Domestic Water Supply (MUN) | ▪ Warm Freshwater Habitat (WARM)                |
| ▪ Industrial Service Supply (IND)           | ▪ Wildlife Habitat (WILD)                       |
| ▪ Industrial Process Supply (PROC)          | ▪ Rare, Threatened or Endangered Species (RARE) |
| ▪ Agricultural Supply (AGR)                 | ▪ Migration of Aquatic Organisms (MIGR)         |
| ▪ Groundwater Recharge (GWR)                | ▪ Wetland Habitat (WET)                         |
| ▪ Freshwater Replenishment (FRSH)           | ▪ Contact Water Recreation (REC-1)              |
| ▪ Cold Freshwater Habitat (COLD)            | ▪ Non-contact Water Recreation (REC-2)          |

The portion of the Santa Clara River between the Freeman Diversion and A Street in Fillmore (Reach 3, upstream of the Facility) has the same designated beneficial uses as listed above for Reach 2, except for COLD, which is not a designated beneficial use for Reach 3, upstream of the Facility.

The project site and adjacent areas both upstream and downstream of the Facility is located within the Regulatory Floodway, which is managed by the VCWPD which is a division of the Ventura County Public Works Agency (PWA), and the 100-year flood hazard area, as designated by FEMA as the area of land subject to inundation by at least one foot of water in response to a 100-year flood event, or the event magnitude with a likelihood of occurring once every 100 years (FEMA 2021).

The portion of the Santa Clara River where the project is located overlies the Santa Paula Groundwater Basin, which is one of 27 adjudicated basins throughout the state. Recharge to the Santa Paula Subbasin occurs via percolation of surface flow in the Santa Clara River, Santa Paula Creek, and other minor tributary streams; subsurface flow from the Fillmore Subbasin, percolation of precipitation, and percolation of unused irrigation waters provide recharge as well (DWR 2004). Groundwater in Santa Paula Subbasin flows toward the southwest, along the Santa Clara River.

The Superior Court of the State of California for the County of Ventura entered a stipulated judgment in March of 1996 to establish pumping allocations and a management plan for the Santa Paula Groundwater Basin (United Water Conservation District vs. City of San Buenaventura, original March 7, 1996, amended August 24, 2010 [“Judgment”]). Members of the Santa Paula Basin Pumpers Association (SPBPA) and the City of San Buenaventura (Ventura) exercise rights to pump groundwater from the basin for reasonable and beneficial uses. The Judgment provides for the creation of a Santa Paula Basin Technical Advisory Committee (TAC) with equal representation from United, the SPBPA, and the City of Ventura. The TAC is charged with establishing a program to “monitor conditions in the basin, including but not necessarily limited to verification of future pumping amounts, measurements of groundwater levels, estimates of inflow to and outflow from the basin, increases and decreases in groundwater storage, and analyses of groundwater quality.” The Judgment also allows for the development of a management plan for the operation of the basin and empowers the TAC to determine the safe yield of the basin.

Following the 1996 Judgment, in July 2003 an Investigation of Santa Paula Basin Yield was prepared to determine sustainable yield of the basin. It was determined that extractions of 26,000 acre-feet per year (AFY) from the subbasin would be sustainable, although it is possible that the yield of the subbasin could be increased by various management actions. However, since that time, data have indicated a long-term groundwater elevation decline within the subbasin despite average annual groundwater extraction of approximately 26,000 AFY. For this reason, an updated safe yield study was prepared in May 2017, titled *Santa Paula Basin Hydrogeologic Characterization and Safe Yield Study*, which recommended safe yield of the basin is approximately 25,500 AFY (Fox Canyon GMA 2020). The Piru, Fillmore, Santa Paula, and Mound Subbasins, as well as the northern part of the Oxnard Plain known as the Oxnard Plain Forebay Subbasin, collectively comprise the Santa Clara River Valley. In the Santa Paula Subbasin, the Santa Clara River has migrated south of the ancestral river that deposited the sediments of the Oxnard aquifer and mostly overlies non-water-bearing rocks of Tertiary age; as a result, the Santa Clara River does not overlie the Oxnard aquifer throughout most of the Santa Paula Subbasin (USGS 2003).

Because the Santa Paula Subbasin is adjudicated and managed pursuant to the direction of the Judgment discussed above, it is exempt from SGMA, and a GSP for this basin is not required. Surrounding groundwater basins, including the Piru, Fillmore, and Mound Subbasins of the Santa Clara River Valley, are subject to SGMA, and are managed by a designated GSP responsible for implementing basin-specific GSPs.

Designated beneficial uses of the groundwater basins in the Santa Clara River Valley include MUN, IND, PROC, and AGR (Los Angeles RWQCB 2020).

## Impact Analysis

- a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

As discussed above, under the Environmental Setting discussion, the project area is subject to the management direction of the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, which includes both narrative and numeric WQOs designed to provide protection for all designated beneficial uses of surface water and groundwater resources within the Basin Plan area. The proposed project would be implemented in compliance with water quality permits designed to achieve and maintain the Basin Plan WQOs, such that the proposed project would not violate water quality standards or waste discharge requirements. The proposed project would also be implemented with a suite of project design features identified as AMMs, to minimize or avoid adverse impacts. Specifically, AMM-1 identifies general BMPs including AMM-1B, *Erosion Control*, AMM-1C, *Sanitary/Septic Waste Management*, and AMM-1D, *Waste Management and Materials Pollution Control*, which directly provide for water quality protection during all project activities.

It is possible that during implementation of sediment management activities, an accidental spill or release of potentially hazardous materials could occur, and potentially lead to degradation of surface water or groundwater quality. Such potentially hazardous materials include but are not limited to fuels and other fluids associated with the operation of equipment and machinery. However, the proposed project would include development and implementation of a SWPPP with BMPs to avoid an accidental spill or release of hazardous materials, as well as BMPs to promptly respond to such accidental conditions, however unlikely, and prevent released materials from being conveyed in stormwater runoff or transmitted to groundwater resources. The SWPPP will also designate staging areas where equipment and vehicles would be stored outside the regulatory floodway when not in use, and re-fueling areas to ensure that re-fueling is conducted in a controlled environment and in accordance with applicable BMPs to reduce or avoid the potential for accidental release conditions to occur.

It is also anticipated that the proposed sediment management activities would result in temporary increases to turbidity and suspended sediment concentration (SSC) within the work area, due to the nature of the project being to physically move accumulated sediment within the channel. Such effects are anticipated to be limited to the immediate sediment management area, as work areas would be dewatered as needed to accommodate project activities. The Santa Clara River downstream of the Freeman Diversion Facility would not be significantly affected by turbidity and SSC associated with project activities, because these effects would be temporary and of short duration, limited to the active sediment management work, and because any temporary increases to turbidity and SSC due to project activities will be insignificant compared to the increases generated during a natural runoff event (for a detailed analysis, see Appendix B, *BRA Report*). In addition, as discussed above for the regulatory environment applicable to hydrology and water quality, regarding the federal Clean Water Act, the NPDES Construction General Permit contains technology-based numeric action levels for turbidity, among other factors, and requires visual monitoring for potential contaminant runoff at all sites, as well as effluent monitoring, follow-up actions for exceedances of numeric action levels, and implementation of a Rain Event Action Plan for all storm events forecast to have measurable precipitation. The Construction General Permit further specifies runoff reduction requirements for all sites not covered by a municipal NPDES

permit, to minimize postconstruction stormwater runoff impacts, such as but not limited to turbidity.

Authorization for coverage of the proposed project under the NPDES Construction General Permit will be acquired prior to the start of construction, and appropriate BMPs will be implemented to ensure compliance with the permit conditions. In addition, as discussed above, the proposed project includes design features identified as AMMs that would be implemented as part of the project to complement regulatory requirements and provide protection against potentially adverse impacts to water quality. Therefore, the potential of the proposed project to result in water quality degradation would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Implementation of the proposed sediment management activities would not require a water supply and would therefore not decrease groundwater supplies through direct use. The underlying Santa Paula Subbasin is adjudicated, and any use of groundwater from the subbasin must occur in compliance with the Adjudication Judgment; however, because the project would not require a water supply, it also would not require approval of the Watermaster for consistency of project activities with the Adjudication Judgment. The proposed activities would not introduce new impervious surfaces or otherwise alter existing drainage patterns in such a way that recharge to the underlying groundwater basin would be impeded. Rather, by facilitating the intended function and conveyance capacity of the existing Freeman Diversion Facility, the proposed project would also facilitate continued groundwater recharge associated with infiltration from United's existing spreading grounds immediately downstream of the Facility. Further, the proposed project would likely improve groundwater recharge from the spreading basins because, with effective sediment management upstream of the Facility, flows through the Facility would have improved reliability of diversion and fish passage operations. Conversely, if the proposed activity is left undone, continued sediment deposition upstream of the Facility could eliminate United's ability to divert water and operate the fish passage facility, which would interfere substantially with groundwater recharge..

The sediment removed during Phase 1 and Phase 2 would be deposited in designated sediment management areas, where contour grading may be conducted to achieve the planned dimensions of the sediment placement area; this would occur within the Santa Clara River, and would not constitute the introduction of impermeable surfaces such that recharge to the underlying groundwater basin would be substantially affected, and the project activities would not impede sustainable management of the groundwater basin. No adverse impact would occur.

#### **NO IMPACT**

- c.(i) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?*

- c.(ii) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

The proposed project consists of the excavation and redistribution with recontouring of sediment within the Santa Clara River channel and would inherently result in localized drainage pattern alterations within the sediment management area as well as immediately upstream of the Facility, as a result of achieving the desired sediment management results. These activities would be conducted as part of the operation and maintenance of the existing Facility, and are designed to maintain the planned function of the Facility. The project would redirect the specific location and pattern of surface flow but it would not substantially change the course of a stream or river, and would not introduce new impervious surfaces that could result in substantial erosion, siltation, or flowing on- or off-site. Standard erosion control BMPs would be implemented at the staging and access locations in compliance with the project SWPPP required under CCWA Section 402 and the Construction General Permit; measures may include but would not be limited to the placement of straw wattles and silt fencing to prevent the conveyance of disturbed soils in stormwater flows, and the avoidance of sediment management activities during or immediately after large storm events. Potential impacts associated with erosion, sedimentation, and flooding on- or off-site resulting from drainage pattern alterations associated with the proposed project would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- c.(iii) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

As discussed above for impact thresholds c.(i) and c.(ii), the proposed project would not alter the course of a stream or river or introduce substantial new areas of impervious surfaces. The proposed activities are designed to redirect the specific location and pattern of surface flow within the project site by recontouring the sediment management area to provide a more direct flow path into the Facility while preserving some of the natural sinuosity of the river channel. By nature of the project being for the purpose of sediment management, the project would result in site-specific drainage pattern alterations within the Santa Clara River channel. The proposed sediment management activities would not create or contribute runoff water which would exceed the capacity of stormwater drainage systems, as the proposed activities would occur within the existing channel, which would continue to provide stormwater conveyance, and the proposed activities were designed to provide for the planned function of the Facility, including as related to flow capacity. In addition, the proposed project would occur in compliance with a suite of regulatory agency permits applicable to water quality, and would be implemented with project design features that include requirements for spill avoidance and response, specifically under AMM-1, *Best Management Practices*. The proposed project would not result in additional sources of polluted runoff, and impacts would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- c.(iv) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?*

As discussed above for impact thresholds c.(i) through c.(iii), the proposed project redirect the specific location and pattern of surface flow but it would not substantially change the course of a stream or river or introduce substantial new areas of impervious surfaces, although the project would result in site-specific drainage pattern alterations within the Santa Clara River channel by redistributing accumulated sediment from upstream of the Facility. This would not impede flood flows. The removal and deposition of accumulated in-channel sediments that would occur under the project would restore flood conveyance capacity within the channel, and facilitate maintenance of the existing operation capacity of the Facility. Accordingly, the project would not impede or redirect flood flows, and no impact would occur.

**NO IMPACT**

- d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?*

As discussed under “Surface Water” in the Environmental Setting discussion above, the project site is located within the Santa Clara River channel, which is a regulatory floodway and a flood hazard area as defined by FEMA. This project site is not located within a tsunami inundation area, as defined by the California DOC, which produces tsunami inundation maps for emergency planning; the proposed project site is shown on the Oxnard Quadrangle (California DOC 2021). In addition, the project site is not considered subject to inundation by a seiche, which occur as waves generated within an enclosed or restricted body of water such as a harbor, lake, or swimming pool. According to County of Ventura’s Background Report for the 2040 General Plan Update, there is no record of a seiche occurring in Ventura County, and the actual threat posed by seiches in Ventura County is small (County of Ventura 2020). Therefore, the project site is not subject to inundation by tsunami or seiche, but it is subject to inundation by flood hazard.

During implementation of the proposed project, sediment accumulated within the Santa Clara River channel behind the Facility would be managed to provide natural conveyance downstream and ultimately to the ocean. Sediment management activities are part of operation and maintenance of the Facility, and therefore must occur in compliance with regulatory permits, including as applicable to water quality. Project activities would be scheduled to avoid the rainy season and would occur only during dry conditions as discussed in detail in Section 4, *Biological Resources*, and in accordance with AMM-2, *Schedule/Timing of Work*, which would be implemented as part of the proposed project. Equipment, machinery, and vehicles used for sediment management activities would be staged or stored in designated areas outside the regulatory floodway and flood hazard area, such that fuels and other fluids associated with the use of equipment, machinery, and vehicles would not be accidentally released into flood flows. Potential impacts associated with a risk of release of pollutants due to project inundation would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**



- e. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

As discussed under impact threshold (b) above, the proposed project would not result in adverse impacts to groundwater resources, including as related to the implementation of a sustainable groundwater management plan. Rather, the proposed project is anticipated to result in beneficial impacts to groundwater recharge, by improving the reliability of flows through the Facility and therefore the reliability of flows available for recharge at United's spreading basins downstream of the Facility. Also as discussed above, under Environmental Setting, the project area is subject to the management direction of the Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, which includes both narrative and numeric WQOs designed to provide protection for all designated beneficial uses of surface water and groundwater resources within the Basin Plan area. The proposed project would be implemented in compliance with water quality permits designed to achieve and maintain the Basin Plan WQOs, such that the proposed project would not conflict with or obstruct implementation of a water quality control plan. Therefore, no impact would occur.

**NO IMPACT**

*This page intentionally left blank.*

# 11 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This section addresses the project's potential impacts related to land use and planning, including discussion of the applicable federal, state, and local regulations and policies related to land use and planning, and analysis of the potential impacts to land use and planning associated with implementation of the proposed project.

## Regulatory Setting

There are no federal or State plans, policies, laws, or regulations related to land use and planning that are relevant to the analysis in this IS-MND.

### Local

As a special district established in accordance with California Water Code Section 74000 et seq., some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local land use plans, policies, and regulations that may be relevant to the proposed project. For land use and planning, this include the Ventura County General Plan, and the MSHCP for the Facility, which is currently in development.

The Ventura County General Plan (2040) indicates that the current land use designation for the project site is Open Space. The project site is also within the planning area of the Freeman Diversion MSHCP; please see Section 4, *Biological Resources*, for further discussion of the MSHCP.

## Environmental Setting

The project site is within the Santa Clara River channel, in an area that has been previously developed by the existing Facility, and the proposed project would directly facilitate the existing operation and capacity of the Facility. The project site is characterized by the river channel itself, while the surrounding areas consist of the banks and floodplain of the Santa Clara River, bare ground and vegetated hillsides, and private land.

## Impact Analysis

*a. Would the project physically divide an established community?*

The proposed project does not include any new developments and would not divide an established community through the introduction of new infrastructure. In addition, access to and from the project site would occur on existing roads and would not require road modifications or new road construction that could result in disruption of an established community. No impact would occur.

**NO IMPACT**

*b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The proposed project has been developed with consideration to the Freeman Diversion MSCHP, which is currently being analyzed for CEQA compliance, and includes a series of project design features as AMMs to minimize or avoid potential impacts to species addressed in the MSHCP. As such, the project would not conflict with the MSHCP. The proposed project is also consistent with the Ventura County General Plan, because it would provide for continued operation and maintenance of the existing Facility, and would not change land uses the in area or alter existing operations of the Facility. By providing sediment management activities necessary to maintain flows through the Facility for groundwater management and species protection, the project would not result in any conflicts with a land use plan, policy, or regulation. No impact would occur.

**NO IMPACT**

## 12 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Regulatory Setting

No federal mineral resource-related regulations are applicable to the proposed project.

#### *State*

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code [PRC] §§2710-2796) and its implementing regulations (14 California Code of Regulations §3500 et seq.) establish a comprehensive state policy for the conduct of surface mining operations and for the reclamation of mined lands to a usable condition that is readily adaptable for alternative land uses. SMARA encourages the production, conservation, and protection of the state's mineral resources and recognizes that "the state's mineral resources are vital, finite, and important natural resources and the responsible protection and development of these mineral resources is vital to a sustainable California" (PRC §2711). Under SMARA, the term "minerals" includes "any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum" (14 California Code of Regulations §3501).

The California Geological Survey (CGS) maps and regulates the locations of potential mineral resources in California consistent with SMARA. In order to protect these potential mineral resources, the CGS has classified the regional significance of mineral resources into Mineral Resource Zones (MRZs) and mapped them. The project site is located within MRZ-2, as discussed below under "Environmental Setting".

#### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different

entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project. For mineral resources, this include the Ventura County General Plan.

Ventura County safeguards access to mineral resources by designating appropriate areas as Mineral Resource Areas and then applying zoning requirements known as the Mineral Resource Protection Overlay Zone to those areas (County of Ventura 2020). The project site is within an area designated as MRZ-2, consistent with the overall designation of the Santa Clara River Valley. The Ventura County General Plan Update identifies Policy COS-6.4, *Mineral Resource Area Protection*, which states that discretionary development within MRZs is prohibited if the use will significantly hamper or preclude access to or extraction of mineral resources (County of Ventura 2020).

## Environmental Setting

The project site is located within a SMARA study area for sand, gravel, and crushed rock resource areas, known as the Simi production-consumption region. The project site, as with most of the Santa Clara River Valley, is designated as MRZ-2, which indicates areas that contain identified mineral resources (California DOC 1981). The portion of the Santa Clara River between Santa Paula and El Rio, a distance of seven miles, comprises the Santa Clara River-Ventura production district (California DOC 1981). Records of aggregate production show that two companies were producing aggregate from three locations in the lower Santa Clara River-Ventura production district prior to 1925, and in 1979 there were four companies operating from six properties within the Santa Clara River-Ventura production district (California DOC 1981).

## Impact Analysis

- a. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

The proposed project would not introduce a demand for mineral resources, and would not result in a direct loss through consumption of the availability of a known mineral resource. In addition, the proposed project would not result in an indirect loss of availability of a mineral resource such as by impeding access to an existing or potential extraction site. The proposed project's sediment management activities would be limited to the project's total 6-acre sediment management area, which includes the 1.3-acre area for Phase 1, and the 4.7-acre area for Phase 2, if necessary. No impacts associated with the loss of availability of a known mineral resource would occur as a result of the project.

### **NO IMPACT**

- b. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

The project site is not located within the vicinity of a locally important mineral resource recovery site. As discussed in the environmental setting section above, records of aggregate production in the 1970s show that mining activities have previously occurred in the project area, which is within the Santa Clara River-Ventura production district as defined by the California DOC (1981). However, mining activities in the lower Santa Clara River have not occurred since the 1990s. There are no locally important mineral resource recovery sites in the project area. No impact would occur.

### **NO IMPACT**

# 13 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (Caltrans 2013). Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response. Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; dividing the energy in half would result in a 3 dB decrease (Caltrans 2013).

Human perception of noise has no simple correlation with sound energy: the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA, increase or decrease (i.e., twice the sound energy); that a change of 5 dBA is readily perceptible (8 times the sound energy); and that an increase (or decrease) of 10 dBA sounds twice (half) as loud (10.5 times the sound energy) (Caltrans 2013). Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in the noise level as the distance from the source increases. The manner by which noise reduces with distance depends on factors such as the type of sources (e.g., point or line), the path the sound will travel, site conditions, and obstructions.

Sound levels are described as either a “sound power level” or a “sound pressure level,” which are two distinct characteristics of sound. Both share the same unit of measurement, the dB. However, sound power (expressed as  $L_{pw}$ ) is the energy converted into sound by the source. As sound energy travels through the air, it creates a sound wave that exerts pressure on receivers, such as an eardrum or microphone, which is the sound pressure level. Sound measurement instruments only measure sound pressure, and noise level limits are typically expressed as sound pressure levels.

Noise levels from a point source (e.g., construction, industrial machinery, air conditioning units) typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance. Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this “shielding” depends on the size of the object and the frequencies of the noise levels. Natural terrain features, such as hills and dense woods, and man-made features, such as buildings and walls, can significantly alter noise levels. Generally, any large structure blocking the line of sight will provide at least a 5-dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2011). Structures can substantially reduce exposure to noise as well. The FHWA guidance indicates that modern building construction generally provides an exterior-to-interior noise level reduction of 10 dBA with open windows and an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows (FHWA 2011).

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent buildings or structures and vibration energy may propagate through the buildings or structures. Vibration may be felt, may manifest as an audible low-frequency rumbling noise (referred to as groundborne noise), and may cause windows, items on shelves, and pictures on walls to rattle. Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants at vibration-sensitive land uses and may cause structural damage.

## Regulatory Setting

There are no federal or State plans, policies, laws, or regulations related to noise that are relevant to the analysis in this IS-MND.

### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United’s activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local land use plans, policies, and regulations that may be relevant to the proposed project. For the issue area of noise, this include the Ventura County General Plan, and Ventura County’s Construction Noise Threshold Criteria and Control Plan, as summarized below.

- **Ventura County General Plan.** The Ventura County General Plan was originally adopted by the County Board of Supervisors on May 24, 1988, and since then been amended multiple times. On September 15, 2020, the County of Ventura adopted a General Plan Update with a horizon year of 2040. Below is a summary of General Plan guidance applicable to noise (County of Ventura 2020).



- **Policy HAZ-9.1:** The County shall prohibit discretionary development which would be impacted by noise or generate project-related noise which cannot be reduced to meet the standards prescribed in Policy HAZ-9.2. This policy does not apply to noise generated during the construction phase of a project.
- **Policy HAZ-9.2: Noise Compatibility Standards.** The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:
  1. Noise sensitive uses located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.
  2. Noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:
    - i. Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;
    - ii. Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and
    - iii. Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.
- **Policy HAZ-9.7: Noise Control Priorities.** The priorities for noise control for discretionary development shall be as follows:
  1. Reduction of noise emissions at the source.
  2. Attenuation of sound transmission along its path, using barriers, landform modification, dense plantings, building orientation and placement, and the like.
  3. Rejection of noise at the reception point using noise control building construction, hearing protection or other means.
- **Policy HAZ-9.7: Implement Noise Control Measures for Traffic Noise.** The County shall require noise control measures to be implemented along roadways for new discretionary development generating traffic noise if either of the following circumstances would exist:
  - The discretionary development would result in traffic noise levels above a County noise compatibility standard stated in Policy HAZ 9.2 in an area where traffic noise levels, under existing conditions, do not exceed the County noise compatibility standard; or
  - The discretionary development would result in an increase in traffic noise levels of 3 dBA or greater in an area where traffic noise levels under existing conditions exceed a County noise compatibility standard stated in Policy HAZ 9.2.
- **Ventura County Construction Noise Threshold Criteria and Control Plan.** In accordance with the County's Construction Noise Threshold Criteria and Control Plan, construction activities that generate noise should be restricted to daytime hours only, from 7:00 a.m. to 7:00 p.m. on Monday through Friday and from 9:00 a.m. to 7:00 p.m. on weekends and holidays. The County's daytime construction noise threshold criteria are shown in Table 14.

**Table 14 Daytime Construction Activity Noise Threshold Criteria**

Construction Duration Affecting Noise-sensitive Receptors	Fixed $L_{eq(h)}$ , dBA <sup>1</sup>	Hourly Equivalent Noise Level ( $L_{eq}$ ), dBA <sup>1, 2, 3</sup>
0 to 3 days	75	Ambient $L_{eq(h)}$ , + 3 dB
4 to 7 days	70	Ambient $L_{eq(h)}$ , + 3 dB
1 to 2 weeks	65	Ambient $L_{eq(h)}$ , + 3 dB
2 to 8 weeks	60	Ambient $L_{eq(h)}$ , + 3 dB
Longer than 8 weeks	55	Ambient $L_{eq(h)}$ , + 3 dB

<sup>1</sup> Noise Threshold Criteria shall be the greater of these noise levels at the nearest receptor area or 10 feet from the nearest noise-sensitive building

<sup>2</sup> The instantaneous  $L_{max}$  shall not exceed the NTC by 20 dBA more than 8 times per daytime hour.

<sup>3</sup> Local ambient  $L_{eq}$  measurements shall be made on any mid-weekday prior to project work.

Source: Figure 4 of the County of Ventura Construction Noise Threshold Criteria and Control Plan, November 2005.

Depending on project duration, the daytime noise threshold criteria shall be the greater of the fixed  $L_{eq(h)}$  limit (which includes non-construction evening and nighttime noise) or the measured ambient  $L_{eq(h)}$  plus 3 dBA.

## Environmental Setting

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. The Hazards and Safety Element of the Ventura County General Plan identifies noise-sensitive land uses as including: residences; schools; historic sites; cemeteries; parks, recreation, and open space areas; hospitals and care facilities; sensitive wildlife habitats, including the habitat of rare, threatened, or endangered species; hotels and other short-term lodging (e.g., bed and breakfasts, and motels); places of worship; and libraries (County of Ventura 2020).

The nearest noise-sensitive receivers to the proposed project sediment management areas are single-family homes on agricultural properties located approximately 3,000 feet (approximately 0.6 mile) northwest of the project site. There is a caretaker's residence located adjacent to Southern Pacific Milling Road (over 8,000 feet [1.5 miles] from the project site), however, the resident is employed by United and responsible for overseeing United facilities and therefore is not considered noise sensitive.

The most prevalent sources of noise in the project site vicinity are agricultural activities and industrial uses surrounding the project site. A 15-minute noise level measurement was conducted on May 28, 2021, to characterize ambient noise levels near existing uses near the project site. An Extech Model 407780A ANSI Type 2 integrating sound level meter was used to conduct the measurements. Table 15 summarizes the results of the noise measurements. Detailed sound level measurement data are included in Appendix D.

**Table 15 Project Site Vicinity Sound Level Monitoring Results – Short-Term**

Measurement Location	Sample Times	Approximate Distance to Primary Noise Source	$L_{eq}$ (dBA)	$L_{min}$ (dBA)	$L_{max}$ (dBA)
NM1 North of project site near existing uses	12:21 – 12:36 p.m.	75 feet to industrial activities	62	56	80

$L_{eq}$  = average noise level equivalent; dBA = A-weighted decibel;  $L_{min}$  = minimum instantaneous noise level;  $L_{max}$  = maximum instantaneous noise level

Detailed sound level measurement data are included in Appendix D

## Impact Analysis

The impact of noise is not a function of loudness alone. The time of day when noise occurs, and the duration of the noise are also important factors of project noise impact. Most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed. The noise descriptor used for this study is the equivalent noise level ( $L_{eq}$ ), which is one of the most frequently used noise metrics and considers both duration and sound power level. The  $L_{eq}$  is defined as the single steady-state A-weighted sound level equal to the average sound energy over a time period. When no time period is specified, a one-hour period is assumed. The  $L_{max}$  is the highest noise level within the sampling period, and the  $L_{min}$  is the lowest noise level within the measuring period. Normal conversational levels are in the 60 to 65-dBA  $L_{eq}$  range; ambient noise levels greater than 65 dBA  $L_{eq}$  can interrupt conversations (Federal Transit Authority [FTA] 2018).

Community noise is usually measured using Day-Night Average Level ( $L_{DN}$ ), which is the 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime hours (10:00 p.m. to 7:00 a.m.). Community noise is also measured using Community Noise Equivalent Level (CNEL or  $L_{DEN}$ ), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013).<sup>5</sup> The dBA penalties account for the tendency of nighttime noise to be more disturbing than daytime noise. The relationship between the peak-hour  $L_{eq}$  value and the  $L_{DN}$ /CNEL depends on the distribution of noise during the day, evening, and night; however, noise levels described by  $L_{DN}$  and CNEL usually differ by 1 dBA or less. Quiet suburban areas typically have CNEL noise levels in the range of 40 to 50 CNEL, while areas near arterial streets are in the 50 to 60+ CNEL range (FTA 2018).

- a. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Both Phase 1 and Phase 2 of the proposed project would generate temporary noise at the project site and in the immediate vicinity. Project-related noise would be characterized by the operation of heavy-duty trucks and equipment required to conduct the proposed sediment management activities. The same types of equipment would be used during Phase 1 and Phase 2 sediment management activities, such that the types of noise associated with the project would be consistent across both phases. However, the duration and extent of noise-generating activities associated with the project would be greater during implementation of Phase 2 than during Phase 1, due to the larger sediment management area, with the project footprint increasing from 1.3 acres under Phase 1 to up to six acres under Phase 2.

In order to characterize the project-generated noise for this analysis, noise levels were estimated using reference noise levels and equipment use factors from the FHWA Roadway Construction Noise Model (RCNM). Noise impacts from Phase 1 and Phase 2 project equipment were assessed from the center of the equipment activity area over the time period of one construction workday, and accounting for the types of equipment necessary to install the proposed cofferdam (when needed for Phase 2 dewatering), conducting sediment management, and demobilizing the sediment management event. A conservative approach to noise modeling for the proposed project was used, and assumed simultaneous operation of two dozers, an excavator, and a dump truck during both

---

<sup>5</sup> Because DNL and CNEL are typically used to assess human exposure to noise, the use of A-weighted sound pressure level (dBA) is implicit. Therefore, when expressing noise levels in terms of DNL or CNEL, the dBA unit is not included.

Phase 1 and Phase 2. Maximum hourly noise levels were estimated to be 77 dBA  $L_{eq}$  at a distance of 100 feet (RCNM calculations are included in Appendix D to the IS-MND).

Per *Ventura County's Construction Noise Threshold Criteria and Control Plan*, daytime project activities occurring between 7:00 a.m. and 7:00 p.m. on Monday through Friday, and between 9:00 a.m. and 7:00 p.m. on weekends and holidays, shall not exceed the fixed hourly noise level that is based on the duration of project activities or the hourly ambient noise level plus 3 dBA. The closest sensitive noise receivers to the proposed project activities consist of a residence located approximately 3,000 feet (0.6 mile) northwest of the project site, surrounded by agricultural development. Project construction would generate noise levels up to approximately 47 dBA  $L_{eq}$  at the nearest sensitive receivers. As shown in Table 13, these noise levels do not exceed the daytime construction noise threshold of 75 dBA  $L_{eq}$  for construction activities occurring zero to three days, the 55 dBA  $L_{eq}$  for construction activities occurring longer than eight weeks, or 65 dBA  $L_{eq}$  (ambient plus three dBA). Therefore, Phase 1 and Phase 2 noise impacts from sediment management activities would be less than significant.

### LESS THAN SIGNIFICANT IMPACT

*b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

Typically, ground-borne vibration generated by manmade activities attenuates rapidly as distance from the source of the vibration increases. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS) vibration velocity. The PPV and RMS velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used as it corresponds to the stresses that are experienced by buildings (Caltrans 2020).

High levels of groundborne vibration may cause damage to nearby building or structures; at lower levels, groundborne vibration may cause minor cosmetic (i.e., non-structural damage) such as cracks. These vibration levels are nearly exclusively associated with high impact activities such as blasting, pile-driving, vibratory compaction, demolition, drilling, or excavation. The American Association of State Highway and Transportation Officials (AASHTO) has determined vibration levels with potential to damage nearby buildings and structures; these levels are identified in Table 16.

**Table 16 AASHTO Maximum Vibration Levels for Preventing Damage**

Type of Situation	Limiting Velocity (in/sec)
Historic sites or other critical locations	0.1
Residential buildings, plastered walls	0.2–0.3
Residential buildings in good repair with gypsum board walls	0.4–0.5
Engineered structures, without plaster	1.0–1.5

Source: Caltrans 2020

Numerous studies have been conducted to characterize the human response to vibration. The vibration annoyance potential criteria recommended for use by Caltrans, which are based on the general human response to different levels of groundborne vibration velocity levels, are described in Table 17.

**Table 17 Vibration Annoyance Potential Criteria**

Human Response	Vibration Level (in/sec PPV)	
	Transient Sources	Continuous/Frequent Intermittent Sources <sup>1</sup>
Severe	2.0	0.4
Strongly perceptible	0.9	0.10
Distinctly perceptible	0.25	0.04
Barely perceptible	0.04	0.01

in/sec = inches per second; PPV = peak particle velocity

<sup>1</sup> Continuous/Frequent intermittent noise sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

Source: Caltrans 2020

The County of Ventura has not adopted standards to assess vibration impacts during construction and operation. However, Caltrans has developed limits for the assessment of vibration from transportation and construction sources, which are reflective of standard practice for analyzing vibration impacts on structures from continuous and intermittent sources. The thresholds of significance to evaluate vibration impacts are based on the impact criteria shown in Table 16, which specifies a limit of 0.20 in/sec PPV before structural damage occurs, and Table 17, which specifies a limit of 0.25 in/sec PPV before annoyance occurs.

Neither Phase 1 nor Phase 2 of the project would involve activities typically associated with excessive groundborne vibration such as pile driving or blasting. However, some pieces of equipment utilized during project activities would generate vibration; these include loaded trucks and bulldozers. The nearest sensitive noise and vibration receptors to the project's sediment management areas consist of a residence located approximately 3,000 feet (approximately 0.6 mile) to the northwest. Table 18 provides the estimated maximum vibration levels that could affect this receptor during Phase 1 or Phase 2 sediment management activities.

**Table 18 Vibration Levels at Sensitive Receivers**

Equipment	Estimated in/sec PPV at Nearest Building (3,000 feet)
Large Bulldozer	0.0005
Loaded Truck	0.0004
<b>Threshold</b>	<b>0.2</b>
Threshold Exceeded?	No

As shown in Table 18, vibration generated by project equipment would not exceed the threshold at which damage can occur to the closest residential structure, 0.20 in/sec PPV, or the threshold at which transient vibration sources would be distinctly perceptible of 0.25 in/sec PPV. Therefore, vibration impacts would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The airport nearest to the project site is the Santa Paula Airport, located approximately four miles to the northeast of the proposed project site. The project site is not located within the noise contours of the airport, as shown in Exhibit E6 of the Ventura County Airport Comprehensive Land Use Plan (Ventura County ALUC 2000). Therefore, project workers would not be subject to substantial noise exposure from airport operations, and no impact would occur.

**NO IMPACT**

# 14 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Regulatory Setting

No federal, State, or local regulations for population and housing are applicable to the proposed project.

## Environmental Setting

The project site is located in the unincorporated area of Ventura County. The population in Ventura County decreased from 841,219 in January 2020 to 835,223 in January 2021, representing a population decrease of approximately 0.7 percent (DOF 2021).

## Impact Analysis

- Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The proposed project would provide for operation and maintenance of the existing Facility by conducting necessary sediment management activities under Phase 1 and, if necessary, Phase 2. The project would not introduce new housing or any other infrastructure that may support increased population. In addition, the project would not expand or otherwise modify existing operation of the Facility, beyond providing sediment management to facilitate operational capacity of the Facility. The proposed project would not directly or indirectly induce substantial unplanned population growth. Similarly, the proposed project would not displace any people or housing. No impact would occur.

## NO IMPACT

*This page intentionally left blank.*



## 15 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1 Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2 Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5 Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Regulatory Setting

No federal or State regulations for public services are applicable to the proposed project.

#### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project. For public services, these include the Ventura County General Plan, as summarized below.

- Ventura County General Plan, Section 5, *Public Facilities, Services, and Infrastructure Element*, identifies Policies PFS-11.1 through PFS-11.8, which address Goal PFS-11 to protect the public through effective law enforcement, disaster preparedness, and emergency services.

## Environmental Setting

The project site is located within the unincorporated area of Ventura County. Law enforcement services to this area are provided by the Ventura County Sheriff, and fire protection services are provided by the Ventura County Fire Department. Schools, parks, and other public facilities such as but not limited to public libraries are managed by the County of Ventura. As discussed in Section 9, *Hazards and Hazardous Materials*, there are no schools located within 0.25 mile of the project site, and the nearest school to the project site is Saticoy Elementary School, located approximately 2.5 miles to the west-southwest of the Facility, in the unincorporated community of Saticoy. The nearest park is the Saticoy Community Park located approximately 2.3 miles west of the project site.

## Impact Analysis

- a.1. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*
- a.2. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

Fire protection services for the project site are provided by the Ventura County Fire Department. As discussed in Section 20, *Wildfire*, the nearest State Responsibility Area (SRA) is located approximately 200 feet from the project site. The proposed project would not affect wildfire potential associated with the SRA and would not necessitate new or expanded fire protection facilities. In addition, the proposed project would provide for continued operation and maintenance of the existing Facility and would not introduce new developments requiring fire protection services. Furthermore, implementation of the proposed project would not impede access for emergency response vehicles or require any temporary traffic closures during project activities. No impacts associated with the provision of new or altered fire protection facilities would occur as a result of the proposed project.

Similarly, the proposed project would not necessitate new or expanded police protection facilities, because the project would provide for continued operation and maintenance of the existing Facility and would not introduce new developments requiring police protection services. No impacts associated with the provision of new or altered police protection facilities would occur as a result of the proposed project.

### **NO IMPACT**

- a.3. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?*
- a.4. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?*
- a.5. *Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for other new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

As discussed in Section 14, *Population and Housing*, the proposed project would not directly or indirectly result in a population increase to the surrounding area. As such, the project would not require the provision of new or expanded public facilities, including schools, parks, and other facilities such as libraries. In addition, the project would have no impact on existing schools, parks, or other public facilities, the nearest of which are at least 2.5 miles away from the project site. Therefore, the project would not result in impacts associated with the construction or expansion of schools, parks, or other public facilities. No impact would occur.

**NO IMPACT**

*This page intentionally left blank.*

# 16 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This section addresses the project's potential impacts related to recreational uses and facilities. The section describes the applicable federal, state, and local regulations and policies related to recreation and recreational facilities; discusses the existing parks and other public recreational facilities, or lack thereof, in the project site; and analyzes the potential impacts from implementation of the project on recreational facilities and opportunities.

## Regulatory Setting

There are no federal or State plans, policies, laws, or regulations related to recreation that are relevant to the analysis in this IS-MND.

### Local

As a special district established in accordance with California Water Code Section 74000 et seq., some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project. For recreation, these include the Ventura County General Plan, as summarized below.

- Ventura County General Plan, Section 5, *Public Facilities, Services, and Infrastructure Element*, identifies Policies PFS-10.1 through PFS-10.9, which address Goal PFS-10 to develop and maintain a comprehensive system of parklands and recreational facilities that meet the active and passive recreational needs of residents and visitors, as funding is available.

## Environmental Setting

The project site is located within the Santa Clara River channel. The Santa Clara River provides various informal recreational opportunities, including inner tubing, kayaking, swimming, wildlife viewing, and hiking. However, recreational opportunities downstream of the Facility are limited because a large portion of the watershed is privately owned and flows in portions of the mainstem of the river are intermittent or nonexistent during the dry summer season. The mainstem of the Santa Clara River is closed to recreational fishing for all fish species year-round (i.e., the Santa Clara River meets the CDFW definition of an anadromous water that is closed to all fishing all year) (CDFW 2020). Thus, the lower Santa Clara River watershed does not support a recreational fishery.

## Impact Analysis

- a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The proposed project would not increase the use of parks or other recreational facilities, because the proposed project would facilitate the operation and capacity of the existing Facility, and would not increase population such that additional recreational facilities would be required to serve the community, and would not remove existing recreational facilities from use. Project activities during implementation of the proposed sediment management activities would generate short-term impacts that could indirectly affect the recreational enjoyment of undeveloped outdoor spaces surrounding the project site, such as from temporary noise and project related traffic. However, such effects would be temporary and of short duration, limited to the Phase 1 and Phase 2 implementation periods. Additionally, there are no formal recreational facilities available for public use in the immediate vicinity of the proposed project activities. Although the project site is designated as Open Space, due to the presence and operation of the existing Facility, there are no recreational opportunities at the project site itself. The proposed project does not include expanding existing facilities or constructing new recreation facilities. The proposed project would not increase the use of existing recreational facilities and would not result in the degradation of recreational facilities. No impact would occur.

### **NO IMPACT**

# 17 Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	■	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■

## Regulatory Setting

No federal or state regulations for transportation are applicable to the proposed project.

### Local

As a special district established in accordance with California Water Code Section 74000 et seq., some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local plans, policies, and regulations that may be relevant to the proposed project. For transportation, these include the Ventura County General Plan, as summarized below.

- Ventura County General Plan, Section 4, *Circulation Element*, identifies Policies CTM-1.1 through CTM-1.15, which address Goal CTM-1 to ensure the design, construction, and maintenance of a safe and efficient roadway system for the movement of persons and goods.

## Environmental Setting

Access to the project site would be via Los Angeles Avenue/SR 118 to Southern Pacific Milling Road, which is aligned parallel to the south of the Santa Clara River between SR 118 and the project site. SR 118 enters Ventura County from Los Angeles County at Rocky Peak Park and terminates at the junction with SR 126 in the city of Ventura near Saticoy. SR 118 is considered to be a conventional highway throughout its length in Ventura County and has a truck designation of Surface Transportation Assistance Act Route/Terminal Access Route (County of Ventura 2020). SR 126,

which is located approximately one mile to the northwest of the project site, is an access-controlled freeway from U.S. Highway 101 in Ventura through the city of Santa Paula, and a conventional highway from that point to the Los Angeles County line (County of Ventura 2020). Primary access to the project site will occur via SR 118 to Southern Pacific Milling Road, which is commonly used for agricultural operations which are prevalent throughout the county. Project-related vehicles traveling to the project site from the north would also travel on SR-126 to reach SR 118.

## Impact Analysis

- a. *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

The project would not conflict with any program plan, ordinance, or policies. Existing public and private roads would be utilized to deliver equipment, supplies, and workers to and from the project site. The project would not require any road closures or result in inadequate emergency access. Since no new roads are being developed, the project would not increase hazards due to a geometric design feature or incompatible uses.

### NO IMPACT

- b. *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

CEQA Guidelines Section 15064.3 provides guidance for evaluating a project's transportation impacts, and states that VMT is the appropriate measure of transportation impacts. In this context, VMT refers to the amount and distance of vehicle travel that is attributable to a project. Subsection (b) identifies criteria for analyzing transportation impacts, and item (1) of subsection (b) states that in general, projects that are located within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. The project site is located approximately 2.8 miles upstream of Los Angeles Avenue/SR 118, and approximately one mile east of SR 126. While this is greater than the 0.5-mile threshold identified in Section 15064(b) for transportation impacts to be presumed less than significant, the proposed project is not anticipated to result in VMT that would cause a significant transportation impact.

The number of truck trips associated with project activities will depend upon the project phase being implemented; the larger sediment management area under Phase 2 would involve more trucks and equipment usage than the smaller sediment management area under Phase 1. However, if sediment spoils are hauled via truck for off-site disposal, which is considered in this analysis as a potential worst-case scenario for air quality emissions, it is assumed that would occur during Phase 1<sup>6</sup>. It was further assumed that under Phase 2, excavated sediments would be redistributed within the sediment management area, and no excavated sediments would be trucked off-site. Therefore, VMT would be higher for Phase 1 than Phase 2. As discussed in the Project Description under "In-Channel Sediment Management", United is seeking approvals to conduct these activities on an as-needed basis, up to once per year. As such, VMT associated with sediment management activities under either Phase 1 or Phase 2 of the project would occur up to once per year and would not be continuous throughout the year.

---

<sup>6</sup> As discussed in the Project Description and Section 3, *Air Quality*, the proposed project is designed to balance all cut and fill on-site such that off-site disposal of sediment spoils would not occur; however, the air quality emissions calculations account for off-site disposal of spoils associated with a portion of the project's total excavations, to characterize worst-case air quality emissions.



Due to the project site being located near major transportation corridors (SR 118 and SR 126), and the temporary nature of sediment management activities being limited to once per year, potential impacts to transportation from VMT would be less than significant. In addition, in 2018 the State of California OPR issued a Technical Advisory on evaluating transportation impacts in CEQA which states that, absent substantial evidence to the contrary, it is reasonable to conclude that the addition of 110 or fewer trips could be considered not to lead to a significant impact (OPR 2018). The proposed project would not introduce 110 truck trips under either project phase and including consideration to off-site sediment spoils disposal under worst-case air quality emissions. Therefore, potential impacts of the project would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- c. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?*

The proposed project would not modify existing roads and would not cause or result in hazardous geometric design features such as sharp curves or dangerous intersections. In addition, the roads surrounding the project site are regularly used for agricultural purposes, and trucks such as those that would travel to and from the project site during sediment management activities, particularly during Phase 1 when excavated sediments would be transported off-site for disposal, would not represent an unusual or incompatible use of the area roadways. No impact associated with transportation hazards or incompatible uses would occur as a result of the project.

**NO IMPACT**

- d. *Would the project result in inadequate emergency access?*

The project activities would take place within the Santa Clara River channel at the existing Facility, where such activities would not obstruct emergency access or interfere with emergency response activities, because no such activities occur in the river channel. In addition, the project would include transport of heavy vehicles and equipment to and from the project site, particularly during Phase 1 which would involve the off-site transport of sediment spoils under the worst-case scenario for air quality emissions; however, this would be limited to the active sediment management activities which are anticipated to occur up to once per year, and therefore would be intermittent and temporary. Further, the transport of such vehicles and equipment would occur on local roadways where such use would not be unusual or incompatible. The proposed project would not result in inadequate emergency access. No impact would occur.

**NO IMPACT**

*This page intentionally left blank.*

# 18 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Regulatory Setting

There are no federal plans, policies, laws, or regulations related to tribal cultural resources that are relevant to the analysis in this IS-MND.

### State

CEQA requires lead agencies to consider whether projects will impact tribal cultural resources. PRC Section 21074 states the following:

1. “Tribal cultural resources” are either of the following:
  - a. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    - i. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
    - ii. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  - b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
2. A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
3. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

#### **CALIFORNIA NATIVE AMERICAN HISTORICAL, CULTURAL, AND SACRED SITES ACT**

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The Act requires that upon discovery of human remains, construction or excavation activity cease and the County coroner be notified. If the remains are of a Native American, the coroner must notify NAHC, which notifies and has the authority to designate the most likely descendant of the deceased. The Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

#### **HEALTH AND SAFETY CODE, SECTIONS 7050.5 AND 7052**

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC. Section 7052 states that the disturbance of Native American cemeteries is a felony.

#### **PUBLIC RESOURCES CODE, SECTION 5097**

PRC Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the Code states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

### **PUBLIC RESOURCES CODE SECTION 21080.3**

AB 52, signed by the California Governor in September of 2014, established a new class of resources under CEQA: “tribal cultural resources,” defined in PRC 21074. Pursuant to PRC Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation before the release of an environmental impact report, negative declaration, or mitigated negative declaration. AB 52 establishes that “A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (PRC Section 21084.2). AB 52 further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and as those resources which meet one of the following criteria:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k)
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

In applying the criteria above for identification of a tribal cultural resource, the lead agency shall consider the significance of the resource to a California Native American tribe. AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

#### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United’s activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local land use plans, policies, and regulations that may be relevant to the proposed project. For tribal cultural resources, this include the Ventura County General Plan, which addresses Cultural, Tribal Cultural, and Paleontological Resources in Section 4.5 (Ventura County 2020).

### **Environmental Setting**

As mentioned in Section 5, *Cultural Resources*, in January of 2021, United conducted CEQA analysis for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project, which overlaps the proposed project (United 2021). Part of the CEQA analysis conducted for the Geotechnical Exploration Project included contacting the NAHC to request a Sacred Lands File (SLF) search for the project site. Because the proposed project and the Geotechnical Exploration Project are both located at the Facility on the Santa Clara River, the NAHC records search results for the Geotechnical Exploration Project are considered relevant and applicable to the proposed project. The NAHC

returned the SLF request with negative, indicating no known cultural resources were present in the Geotechnical Exploration Project site. Although this records search was conducted for a different project, the location provided for the records search is the same as the proposed project location; therefore, it is reasonably determined that no known cultural resources are present in the proposed project site.

AB 52 requires that consultation is conducted for each applicable proposed project. However, no California Native American tribes have requested consultation under AB52, PRC Section 21080.3.1. Therefore, there is no trigger for consultation for the proposed project. Impact Analysis

- a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*
- b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

As of the date of this draft, no tribes have requested consultation under AB 52. In addition, based on the results of the January 2021 cultural resources study conducted at the project site (United 2021), no archaeological resources are known to exist within the project site. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074. No impact would occur.

**NO IMPACT**

## 19 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This section evaluates the availability of utilities and service systems to support proposed project activities, as well as potential impacts of the proposed project on existing utilities and service systems. Utilities and service systems include water supply, stormwater conveyance, electrical power, natural gas, telecommunication facilities, and solid waste. However, the proposed project would not include housing or substantially increase electricity or natural gas demand, and no new telecommunication facilities would be needed to serve the project. Therefore, implementation of the proposed project would not require or result in the relocation or construction of new or electric power, natural gas, or telecommunications facilities, and these topics are not addressed further for the purposes of this IS-MND. Accordingly, the analysis provided below is specific to water supply and solid waste. Energy use associated with the proposed project is discussed in Section 6, *Energy*.

## Regulatory Setting

### *Federal*

The federal Safe Drinking Water Act (SDWA) (Public Law 93-523), passed in 1974, mandates the USEPA to regulate contaminants of concern for domestic water supply. Such contaminants are defined as those that pose a public health threat or that alter the aesthetic acceptability of a domestic water supply. The USEPA set standards known as primary and secondary MCLs to help regulate these types of contaminants; MCLs and the process for setting these standards are reviewed every three years, and amendments to the federal SDWA enacted in 1986 established an accelerated schedule for setting drinking water MCLs. In California, the USEPA has delegated responsibility for the drinking water program to the State Water Resources Control Board Division of Drinking Water (SWRCB-DDW). The SWRCB-DDW is accountable to the USEPA for program implementation and for adoption of standards and regulations that are at least as stringent as those developed by the USEPA.

### *State*

#### **CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT**

The California Integrated Waste Management Act of 1989 requires all California cities and counties to implement programs to reduce, recycle, and compost at least 50 percent of their waste. The State determines compliance with this mandate to “divert” 50 percent of generated waste (which includes both disposed of and diverted waste) through a formula that compares a “base year” waste generation rate against which future diversion is measured. The city or county calculates the diversion rate by subtracting the amount of material disposed at landfills annually from the base year amount (PRC Section 41780.2).

#### **CALIFORNIA CODE OF REGULATIONS TITLE 14, NATURAL RESOURCES – DIVISION 7**

CalRecycle, created January 1, 2010, through legislation merging the programs of the former California Integrated Waste Management Board and the beverage container recycling program that was previously managed by the California DOC, administers and provides oversight for all of California’s state-managed waste handling and recycling programs. This section of the California Code of Regulations contains current CalRecycle regulations pertaining to all other non-hazardous waste management in California. Title 14 Chapter 3 Article 5 describes solid waste storage and removal standards that owners and operators must follow, including design requirements for proper storage of waste and timing of removal from the site. Chapter 9.1 mandates recycling for any commercial or public entity that generates four cubic yards or more of commercial solid waste per week.

### *Local*

As a special district established in accordance with California Water Code Section 74000 et seq., some of United’s activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local land use plans, policies, and regulations that may be relevant to the proposed project. For utilities and service systems, this include Ventura County Ordinance 4421, as summarized below.



Ventura County Ordinance 4421 requires all discretionary permit applicants whose proposed project includes construction and/or demolition activities to reuse, salvage, recycle, or compost a minimum of 65 percent of the solid waste generated by their project. The County of Ventura Public Works Agency (PWA) Integrated Waste Management Division (IWMD) implements a waste diversion program that ensures this 65 percent diversion goal is met prior to issuance of a Certificate of Occupancy. This provides consistency with the Ventura County General Plan; specifically, Waste Treatment and Disposal Facility Goals 4.4.1-1 and 4.4.1-2 and Policies 4.4.2-1, 4.4.2-2, and 4.4.2-6.

## Environmental Setting

The environmental setting for water supply is discussed in Section 10, *Hydrology and Water Quality*. United provides water supply for agricultural uses across the Oxnard Coastal Plain. However, as discussed below, the proposed project would not require a water supply.

Solid waste in the project area is collected by a private contractor and sent to a local landfill facility. The two nearest solid waste disposal facility the Toland Road Landfill, located at 3500 Toland Road in unincorporated Ventura County, approximately 13 miles east-northeast from the Facility. Toland Road Landfill is managed by the VRSD and accepts solid residential, commercial, non-hazardous industrial, and agricultural waste and de-watered sludge. The landfill has a total permitted capacity of 30 million cubic yards, and current design capacity of approximately 22.8 million cubic yards; accounting for airspace used as of December 2019, the landfill's remaining capacity is approximately 8.4 million cubic yards or approximately 7.6 million tons (VRSD 2020). At the current rate of landfilling (423,776 tons per year), Toland Road Landfill would reach its design capacity in the year 2038; however, based on the amount of waste anticipated to be directed to Toland Road Landfill (approximately 574,864 tons per year), the landfill would reach its design capacity in the year 2036 (VRSD 2020).

## Impact Analysis

- a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

The proposed project would not require or result in the relocation or construction of new utilities or service systems, including as related to water supply, wastewater, stormwater, electric power, natural gas, and telecommunications. Accordingly, the project would not result in impacts associated with the relocation or construction of such facilities. No impact would occur.

### NO IMPACT

- b. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The proposed project is part of the operation and maintenance the existing Facility and does not constitute new development. Additionally, the proposed project would not introduce a new water demand and would therefore not affect the sufficiency of water supplies available to serve development within the area. As discussed in Section 10, *Hydrology and Water Quality*, under impact threshold (b), implementation of the proposed sediment management activities would not require a water supply and would therefore not decrease groundwater supplies through direct use; also as discussed therein, the project would not adversely affect groundwater recharge rates or

patterns through the introduction of new impervious surfaces. No impact related to water supply availability would occur.

**NO IMPACT**

- c. *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

During implementation of sediment management activities, workers would use on-site portable restroom facilities that would be serviced by a designated contractor. The proposed project would not generate wastewater, and therefore will not affect the treatment capacity of existing wastewater treatment providers. No impact would occur.

**NO IMPACT**

- d. *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
- e. *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The proposed project would remove accumulated sediment from within the Santa Clara River channel and place removed sediment within designated sediment management areas. As previously discussed, the proposed project would redistribute sediment spoils from Phase 1 and Phase 2 excavations across the total 6-acre sediment management area within the existing river channel. However, the worst-case air quality emissions scenario was assumed to include the hauling and off-site disposal of spoils associated with a portion of the project's excavations, up to 2,010 cubic yards, and that off-site disposal activities would be limited to Phase 1. Should the worst-case air quality emissions scenario occur, up to 2,010 cubic yards of spoils would be hauled to Toland Road Landfill, approximately 13 miles east-northeast of the Facility, in Santa Paula. As discussed above for "Solid Waste", Toland Road Landfill has sufficient capacity to meet planned solid waste disposal needs through the year 2036. In addition, Ventura County's recent reporting, required under PRC Sections 41770 and 41822, and Title 14, California Code of Regulations Section 18788, indicates that Ventura County has a combined total of over 52 years of disposal capacity available at existing solid waste disposal facilities, including the Toland Road Landfill (Ventura County Water and Sanitation Department [VCWSD] 2010; Ventura County IWMD 2017).

Therefore, although the United proposes to balance sediment spoils within the sediment management areas for Phase 1 and Phase 2, respectively, under the calculated worst-case scenario for air quality emissions, a portion of the project's sediment spoils would be hauled by truck for off-site disposal; as discussed above, sufficient disposal capacity is available. Therefore, the project would not have an impact associated with solid waste disposal and would comply with applicable regulations related to solid waste. No impacts would occur.

**NO IMPACT**

## 20 Wildfire

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

This section evaluates the effects of the proposed project's sediment management activities on wildfire and wildfire-related risks. This section provides background and context on wildfire concepts, such as wildfire behavior and the wildfire environment for Ventura County. Information used in this section was obtained from the Ventura County General Plan, relevant fire and emergency-related plans, scientific journal articles, and relevant reports.

### Regulatory Setting

No federal plans, policies, regulations, or laws related to wildfire are applicable to the proposed project.

## State

The California Department of Forestry and Fire Protection (CAL FIRE) is dedicated to the fire protection and stewardship of over 31 million acres of the state's privately-owned wildlands. PRC Sections 4125-4137 establish that CAL FIRE has the primary financial responsibility of preventing and suppressing fires in the State Responsibility Areas (SRA). PRC Section 4290 states that CAL FIRE also has responsibility for enforcement of Fire Safe Standards including road standards for fire equipment access; standards for signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; fuel breaks and greenbelts. PRC Section 4291 gives CAL FIRE the authority to enforce 100 feet of defensible space around all buildings and structures on non-federal SRA lands, or non-federal forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material.

## Local

As a special district established in accordance with California Water Code Section 74000 et seq., some of United's activities are exempt from plans, policies, and regulations administered by local municipalities. As such, this IS-MND need not, as a matter of law, consider all local plans, policies, and regulations that might normally be applicable to similar activities undertaken by a different entity. Nevertheless, in the exercise of its discretion, United addresses in this IS-MND those local land use plans, policies, and regulations that may be relevant to the proposed project. For the issue area of wildfire, this includes Ventura County's Unit Fire Plan, Multi-Hazard Mitigation Plan, and Wildfire Action Plan, as summarized below.

- As part its contract with CAL FIRE, Ventura County has developed a Unit Fire Plan that is part of the California Strategic Fire Plan discussed above. The Unit Fire Plan covers all of Ventura County, and identifies wildfire risks and clarifies priorities for funding and programs to reduce impacts of wildfire on the communities at risk. Building on the Weed Abatement Program implemented by VCFD under the authority of the Healthy Forests Restoration Act, the County's Unit Fire Plan documents and prioritizes the projects that stakeholders within communities at risk have identified (VCFD 2020).
- The *2015 Ventura County Multi-Hazard Mitigation Plan* identifies hazards in the county, analyzes risks to people and facilities, and determines mitigation actions and strategies (County of Ventura 2015a). Jurisdictions and special districts in the project area participating in the plan include United, the City of Ventura, the City of Oxnard, the City of Santa Paula, and the City of Fillmore. The County of Ventura also has an EOP for use by all county employees in case of a disaster or emergency. The plan outlines the County's coordinated response by all employees and assigns specific responsibilities in the event the plan is activated (County of Ventura 2013).
- The VCFD provides fire protection and emergency response services for the unincorporated areas of Ventura County as well as seven cities within the county. Together, these areas compose the Ventura County Fire Protection District (VCFPD), which has adopted a local ordinance that requires mandatory 100-feet of brush clearance around structures and 10-feet for road access located in or adjacent to Hazardous Fire Areas. The Fire Hazard Reduction Unit manages this requirement throughout the VCFPD jurisdiction (VCFD 2020).

The Ventura County Fire Department also maintains guidance documents to help community members, especially those that live in or adjacent to the wildland urban interface, to prepare for wildfires. The Wildfire Action Plan (*Ready, Set, Go! Your Personal Wildfire Action Plan*) consists of information and checklists for homeowners to prepare themselves and to make their home resistant to wildfires and prepare their families to leave early and safely (VCFD 2016).

## Environmental Setting

Human influence on wildfire is broad and can be substantial. It includes direct influences such as the ignition and suppression of fires, and indirect influence through climate change and alterations in land use patterns that support modified vegetative regimes and increased development in the Wildland-Urban Interface.

Wildfires are a significant threat in California, particularly in recent years as the landscape responds to climate change and decades of fire suppression. As climate change persists, it will produce increasing temperatures and drier conditions that will generate abundant dry fuels. All wildfires (those initiated by both natural and manmade sources) tend to be larger under drier atmospheric conditions and when fed by drier fuel sources (Balch et al. 2017).

Within an SRA, wildland fire protection is the responsibility of the State, whereas in Local Responsibility Areas (LRA), wildland fire protection is the responsibility of city fire departments, fire protection district, counties, and CAL FIRE under contract to local government. LRA typically include incorporated cities and cultivated agricultural lands. CAL FIRE maintains fire hazard severity zone maps for the LRA and SRA. These areas are mapped based on fuels, terrain, weather, and other relevant factors. The project site is located within a moderate, high, or very high fire hazard severity zone (CAL FIRE 2010, 2021).

## Impact Analysis

The following analysis considers drivers of wildfire risk, and how project implementation and operations and maintenance-related activities could add to such risks or expose people or structures to wildfire risk.

- a. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

The nearest SRA to the Facility and the project site is located approximately 200 feet upstream of the project site. Implementation of the proposed project would include the transport and use of heavy equipment and machinery to the project site to conduct the proposed sediment management activities; the presence of such equipment and machinery on local roadways is not unusual due to the agricultural uses surrounding the project site which frequently require the transport of similar heavy equipment and machinery. Implementation of the project's sediment management activities would not require road closures, including temporary lane closures, and traffic associated with project activities would not obstruct access for emergency vehicles. Implementation of the proposed sediment management activities would occur within the Santa Clara River channel, where project activities would not impede emergency response activities. Therefore, the proposed project's sediment management activities from within the Santa Clara River would not substantially impair an adopted emergency response plan or emergency evaluation plan, and there would be no impact.

## NO IMPACT

- b. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

As discussed above, the project area is considered subject to moderate, high, or very high fire hazard severity risk (CAL FIRE 2010, 2021), and the nearest SRA to the project site is approximately 200 feet upstream of the sediment management areas. Although there are small variations in elevation surrounding the site, the project is located in a relatively level location and is not situated on slopes. Sediment management activities would not occur on slopes.

The project would be implemented in compliance with requirements related to project equipment and fire suppressant such that project equipment will be outfitted with standard fire safety features such as spark protectors and fire hydrants (PRC Section 4442). Compliance with applicable State requirements would provide that project activities would not exacerbate wildfire risk. However, the project site and surrounding area would be subject to the same wildfire risk that currently characterizes the area. Because the project would follow regulatory compliance measures related to project equipment for mitigating wildfire risk and would not expose residents to increased pollutant concentrations, the project's impacts would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- c. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The proposed project would not install new infrastructure, as all activities conducted under the proposed project would be to implement the proposed sediment management activities. Implementation of these activities would not require the installation or maintenance of infrastructure such as roads, fuel breaks, emergency water sources, power lines, or other utilities that may exacerbate fire risk. Therefore, no impact would occur.

#### **NO IMPACT**

- d. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The proposed project's sediment management activities would be limited to the Phase 1 and Phase 2 sediment management areas within the Santa Clara River channel. Project activities would not disturb hillsides surrounding the project site and would not involve any activities on slopes that could affect slope stability or landslide susceptibility. The project would include implementation of erosion control BMPs under the project's SWPPP, discussed in detail in Section 10, *Hydrology and Water Quality*, as well as under the project design features which include AMM-1, *Best Management Practices*. Additionally, the project would not affect overall drainage patterns of the Santa Clara River, other than improving flows through the Facility by providing sediment management. The project would not expose people or structures to wildfire risks associated with slope stability or drainage patterns, and no impact would occur.

#### **NO IMPACT**

## 21 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

The analysis of the proposed project, as documented in this IS-MND, concludes that implementation of the proposed project would not have a significant impact on the environment. As evaluated in Section 4, *Biological Resources*, impacts on biological resources would be less than significant or less than significant with mitigation incorporated. The proposed project would not substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of an endangered, rare, or

threatened species. As discussed in Section 5, *Cultural Resources*, the proposed project would not eliminate important examples of the major periods of California history or prehistory. This impact would be less than significant.

#### **LESS THAN SIGNIFICANT IMPACT**

- b. *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

The environmental impact analysis prepared for the proposed project determined that potential impacts of project implementation would be less than significant, in some cases with the implementation of mitigation measures, and that no potential impacts of the project would be significant and unavoidable. A cumulative impact could occur if an impact of the proposed project would be similar to impact(s) of other projects within the same geographic and temporal scope of the project, also referred to as the “cumulative scenario”, such that impact(s) of the proposed project and cumulative project(s) would combine to result in a greater impact, or “cumulative” impact. Cumulative impacts may be less than significant, or cumulatively significant.

The identification of cumulative impacts requires consideration of relevant projects in the cumulative scenario. The proposed project site is located in an undeveloped area, within an active river channel, co-located with an existing permanent flow diversion facility. As such, the geographic extent of the cumulative scenario for the proposed project is limited to the channel of the Santa Clara River where the project footprint is located, and other activities within the Santa Clara River watershed that are physically coincident with the project and would occur at the same time as the project’s sediment management activities, up to once per year. As such, cumulative projects are primarily related to other activities of United, including implementation of the MSHCP, and conducting maintenance and repairs to other flood control facilities.

The Freeman Diversion MSHCP, which is currently being analyzed for CEQA purposes, will influence how regulatory permits are issued for activities such as those included under the proposed project, including for potential impacts to the bed and banks of the Santa Clara River, and the habitat areas and species (vegetation and wildlife) that occur within the watershed. The proposed project is not anticipated to result in cumulative impacts with the MSHCP, because potential impacts of MSHCP implementation to environmental issue areas would largely be beneficial and associated with the protection of habitat and species. As discussed above, potential impacts of proposed project activities to protected species, including those addressed in the MSHCP, would be less than significant or mitigated to a less-than-significant level; as such, the proposed project would not result in impacts that would be cumulatively considerable as a result of the MSHCP.

The Santa Felicia Dam Safety Improvement Project, which is located on Piru Creek, an upstream tributary of the Santa Clara River, would include raising the crest of the existing Santa Felicia Dam, modifying the spillway, and relocating the outlet-works facility on Piru Creek. These activities would, similar to the proposed project, include in-channel construction activities and substantial ground-disturbing activities, as well as the associated potential to impact local vegetation and wildlife species and habitat areas. However, Santa Felicia Dam is located more than 25 miles upstream of the project site, and construction of the Santa Felicia Dam Safety Improvement Project would not occur until at least several years after the initial sediment management events for the proposed project. Additionally, the Santa Felicia Dam Safety Improvement Project is subject to the same regulatory permitting requirements as the proposed project, including CWA Section 404 (USACE),



CWA Section 401 (Los Angeles RWQCB), and LSAA (CDFW), as well as federal clearances associated with licensing of the dam with the Federal Energy Regulatory Commission (FERC). It is possible that future sediment management events (after the initial implementation of Phase 1) of the proposed project could occur coincident to construction of the Santa Felicia Dam Safety Improvement Project; however, due to the distance between the project site and Santa Felicia Dam, as well as the requirements for compliance with regulatory permits to address potential impacts, this project would not result in significant cumulative impacts with the proposed project.

As discussed in the issue area analyses for the proposed project, neither Phase 1 nor Phase 2 would result in significant unavoidable impacts. Of the less than significant project impacts, including those that are reduced to a less than significant due to mitigation measures, none are anticipated to combine with similar impacts of other projects in the cumulative scenario, due to the limited extent of development within the cumulative scenario, and the geographic and temporal separation between the proposed project activities and activities of other activities in the cumulative scenario. Therefore, potential impacts of the proposed project would not be cumulatively considerable, and potential cumulative impacts would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

- c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

The project would result in less than significant impacts and would not cause substantial adverse effects on human beings, either directly or indirectly. This impact would be less than significant.

**LESS THAN SIGNIFICANT IMPACT**

*This page intentionally left blank.*

# References

---

## Project Description

FCGMA (Fox Canyon Groundwater Management Agency). 2019. Groundwater Sustainability Plan for the Oxnard Subbasin. Available: <https://fcgma.org/component/phocadownload/category/84-oxnard-subbasin-files>. Accessed June 2021.

Ventura County RMA (Resource Management Agency). 2021. Ventura County Non-Coastal Zoning Ordinance. Division 8, Chapter 1 of the Ventura County Ordinance Code. Amended 04-13-21, Effective 05-13-21. Available: [https://vcrma.org/docs/images/pdf/planning/ordinances/VNCNZO\\_Current.pdf](https://vcrma.org/docs/images/pdf/planning/ordinances/VNCNZO_Current.pdf). Accessed July 14, 2021.

## Agricultural Resources

California DOC (Department of Conservation). 2018. 1984-2018 Land Use Summary. Available: <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Ventura.aspx>. Accessed January 29, 2021.

\_\_\_\_\_. 2019. Williamson Act. Available: <https://www.conservation.ca.gov/dlrp/wa>. Accessed January 29, 2021.

FBVC (Farm Bureau of Ventura County). 2018. Crop & Livestock Report - County of Ventura. Available: <http://www.farmbureauvc.com/county-crop-data>. Accessed January 29, 2021.

USDA (United States Department of Agriculture). 2017. 2017 Census of Agriculture - County Summary Highlights. Available: <https://www.nass.usda.gov/Publications/AgCensus/2017/index.php>. Accessed January 29, 2021.

## Air Quality

CARB (California Air Resources Board). 2020. Ambient Air Quality Standards Designation Tool. N.d. <https://ww2.arb.ca.gov/aaqs-designation-tool> (accessed May 2021).

CDPH (California Department of Public Health). 2020. Epidemiologic Summary of Valley Fever (Coccidioidomycosis) in California, 2019. September. <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2019.pdf> (accessed June 2021).

USEPA (United States Environmental Protection Agency). 2018. "Criteria Air Pollutants." Last modified: March 8, 2018. <https://www.epa.gov/criteria-air-pollutants> (accessed May 2021).

Ventura County Air Pollution Control District (VCAPCD). 2003. Ventura County Air Quality Assessment Guidelines. <http://www.vcapcd.org/pubs/Planning/VCAQGuidelines.pdf> (accessed May 2021).

\_\_\_\_\_. 2017. 2016 Ventura County Air Quality Management Plan. February. <http://www.vcapcd.org/pubs/Planning/AQMP/2016/Final/Final-2016-Ventura-County-AQMP.pdf> (accessed June 2021).

\_\_\_\_\_. 2020. Air Quality Trends – Ventura County Air Pollution Control District. Presented at County of Ventura Board of Supervisors Meeting on February 11, 2020.

## Biological Resources

California Native Plant Society (CNPS). 2021. Inventory of Rare and Endangered Plants (online edition, V8-03 0.39). <http://www.rareplants.cnps.org/>. Accessed February 2021.

Griffith, J.T., and J.C. Griffith. 2000. Cowbird Control and the Endangered Least Bell's Vireo: A Management Success Story. Ecology and Management of Cowbirds and their Hosts: Studies in the Conservation of North American Passerine Birds. Austin, TX: University of Texas Press. 342.

Laymon, S. A. 1998. Yellow-billed Cuckoo (*Coccyzus americanus*). In The Riparian Bird Conservation Plan: a strategy for reversing the decline of riparian-associated birds in California. California Partners in Flight. [http://www.prbo.org/calpif/htmldocs/riparian\\_v-2.html](http://www.prbo.org/calpif/htmldocs/riparian_v-2.html)

NatureServe. 2016. NatureServe Explorer: An online encyclopedia of life. [web application]. Version 7.1. NatureServe, Arlington, Virginia. <http://www.natureserve.org/explorer>. Accessed May 2016.

Sawyer, J. O., T. Keeler-Wolf, and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society, Sacramento, California.

Shuford, W. D., and T. Gardali (editors). 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds No. 1. Western Field Ornithologists, Camarillo, California and California Department of Fish and Game, Sacramento, California.

Sogge et al. 2010. A natural history summary and survey protocol for the southwestern willow flycatcher: U.S. Geological Survey Techniques and Methods 2A-10, 38 p.

South Coast Wildlands. 2008. South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion. <http://www.scwildlands.org/reports/SCMLRegionalReport.pdf>.

United Water Conservation District (United). 2020. Multiple Species Habitat Conservation Plan. Pending Approval.

## Cultural Resources

County of Ventura 2020. *Ventura County 2040 General Plan*. Available at: <https://vc2040.org/review/documents>. Accessed June 2021.

NETR Online. 2021. Historic Aerials. Available: <https://www.historicaerials.com/viewer>. Accessed June 2021.

NPS (National Park Service). 1983. Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines. Electronic document accessed December 6, 2011. Online at [http://www.nps.gov/history/local-law/Arch\\_Standards.htm](http://www.nps.gov/history/local-law/Arch_Standards.htm).

United (United Water Conservation District). 2021. Draft Initial Study/Proposed Mitigated Negative Declaration Freeman Diversion Fish Passage Facility Geotechnical Exploration Project, prepared by GEI Consultants, Inc.

## Energy

- CDF (California Department of Finance). 2021. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark." May 2021. <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/> (accessed May 2021).
- CEC (California Energy Commission). 2020. "California Retail Fuel Outlet Annual Reporting (CEC-A15) Results." <https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting> (accessed May 2021).
- \_\_\_\_\_. 2021. "California's Petroleum Market." <https://www.energy.ca.gov/data-reports/energy-almanac/californias-petroleum-market> (accessed May 2021).
- USEIA (United States Energy Information Administration). 2021. California State Profile and Energy Estimates. February 18, 2021. <https://www.eia.gov/state/?sid=CA> (accessed May 2021).

## Geology and Soils

- CCC (California Coastal Conservancy). 2008. Santa Clara River Parkway Floodplain Restoration Feasibility Study. Available: [http://parkway.scrwatershed.org/wkb/scrbiblio/techreportreference.2008-11-03.4888377697/attachment\\_download/Feasibility%20report\\_FINAL\\_compressed.pdf](http://parkway.scrwatershed.org/wkb/scrbiblio/techreportreference.2008-11-03.4888377697/attachment_download/Feasibility%20report_FINAL_compressed.pdf). Accessed February 1, 2021.
- California DOC (Department of Conservation). 2021. Earthquake Zones of Required Investigation. Available: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed February 1, 2021.
- \_\_\_\_\_. 2015. Fault Activity Map of California. Available: <https://maps.conservation.ca.gov/cgs/fam/>. Accessed February 1, 2021.
- \_\_\_\_\_. 2007. Special Publication 42. Fault-Rupture Hazard Zones in California. William A Bryant and Earl W. Hart. Available: <https://www.contracosta.ca.gov/DocumentCenter/View/34150/Hart-2007-SP-42-AP-Zones-PDF?bidId=>. Accessed February 1, 2021.
- Rockwell, Thomas K. 1988. Neotectonics of the San Cayetano Fault, Transverse Ranges, California. Published in Geological Society of American Bulletin. April. Available: [https://www.researchgate.net/publication/249526177\\_Neotectonics\\_of\\_the\\_San\\_Cayetano\\_Fault\\_Transverse\\_Ranges\\_California](https://www.researchgate.net/publication/249526177_Neotectonics_of_the_San_Cayetano_Fault_Transverse_Ranges_California). Accessed February 1, 2021.
- Ventura County et. al. (Unincorporated Ventura County, City of Camarillo, City of Fillmore, City of Ojai, City of Oxnard, City of Port Hueneme, City of Santa Paula, City of Thousand Oaks, City of Ventura, Calleguas Municipal Water District, Casitas Municipal Water District, Channel Islands Beach Community Services, Ojai Valley Sanitary District, United Water Conservation District, Ventura County Fire Protection District, Ventura County Watershed Protection District). 2015. Ventura County Multi-Hazard Mitigation Plan. September. Available: <http://www.vcfloodinfo.com/pdf/2015%20Ventura%20County%20Multi-Hazard%20Mitigation%20Plan%20and%20Appendices.pdf>. Accessed February 1, 2021.
- Ventura County. 2020. Background Report – All Sections. Available: [https://docs.vcrma.org/images/pdf/planning/plans/Background\\_Report\\_-\\_All\\_Sections\\_-\\_September\\_2020.pdf](https://docs.vcrma.org/images/pdf/planning/plans/Background_Report_-_All_Sections_-_September_2020.pdf). Accessed January 29, 2021.

## Greenhouse Gas Emissions

- California OPR et al. (California Office of Planning and Research [OPR], California Energy Commission [CEC]; California Natural Resources Agency [CNRA]). 2018. California's Fourth Climate Change Assessment Statewide Summary Report. August 27, 2018.  
[https://www.energy.ca.gov/sites/default/files/2019-11/Statewide\\_Reports-SUM-CCCA4-2018-013\\_Statewide\\_Summary\\_Report\\_ADA.pdf](https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf). Accessed May 2021.
- California Air Pollution Control Officers Association. 2008. CEQA & Climate Change. January.  
<http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf> (accessed May 2021).
- CARB (California Air Resources Board). 2017. California's 2017 Climate Change Scoping Plan. December 14, 2017. [https://www.arb.ca.gov/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf) (accessed May 2021).
- IPCC (Intergovernmental Panel on Climate Change). 2007. Summary for Policymakers. In: Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change.  
<https://www.ipcc.ch/site/assets/uploads/2018/02/ar4-wg1-spm-1.pdf> (accessed May 2021).
- \_\_\_\_\_. 2014. Climate Change 2014 Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, R.K. Pachauri and L.A. Meyer (eds.)]. IPCC, Geneva, Switzerland.
- SCAQMD (South Coast Air Quality Management District). 2008. Attachment E – Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold.  
[http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf) (accessed May 2021).
- \_\_\_\_\_. 2010. Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15.  
[http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf) (accessed May 2021).
- USEPA (United States Environmental Protection Agency). 2021. "Climate Change Indicators: Atmospheric Concentrations of Greenhouse Gases." Last modified: April 2021.  
[epa.gov/climate-indicators/climate-change-indicators-atmospheric-concentrations-greenhouse-gases](https://epa.gov/climate-indicators/climate-change-indicators-atmospheric-concentrations-greenhouse-gases) (accessed May 2021).

## Hazards and Hazardous Materials

- DTSC (Department of Toxic Substances Control). 2021. EnviroStor. Available:  
<https://www.envirostor.dtsc.ca.gov/public/map/>. Accessed February 3, 2021.
- SWRCB (State Water Resources Control Board). 2021. GeoTracker. Available:  
<https://geotracker.waterboards.ca.gov/map/>. Accessed February 3, 2021.
- Ventura County ALUC (Airport Land Use Commission). 2000. Airport Comprehensive Land Use Plan for Ventura County. Available: <https://w3b5w9f7.rocketcdn.me/wp-content/uploads/2018/03/2000-airport-land-use-for-ventura-county.pdf>. Accessed February 3, 2021.

Ventura County OES (Office of Emergency Services). 2021. Ventura County Operational Area – Emergency Operations Plan. Available: <https://www.readyventuracounty.org/ventura-county-emergency-operations-plan-update-2021/>. Accessed February 3, 2021.

## Hydrology and Water Quality

California DOC (California Department of Conservation). 2009. Tsunami Inundation Map for Emergency Planning - Oxnard Quadrangle. February 15. Available: [https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami\\_Inundation\\_Oxnard\\_Quad\\_Ventura.pdf](https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami_Inundation_Oxnard_Quad_Ventura.pdf). Accessed February 1, 2021.

DWR (Department of Water Resources). 2004. California's Groundwater Bulletin 118. Hydrologic Region – South Coast. Santa Clara River Valley Groundwater Basin, Santa Paula Subbasin. Available: [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/4\\_004\\_04\\_SantaPaulaSubbasin.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/4_004_04_SantaPaulaSubbasin.pdf). Accessed January 29, 2021.

FEMA (Federal Emergency Management Agency). 2021. FEMA Flood Hazard Map. Available: <https://vcwpd.maps.arcgis.com/apps/webappviewer/index.html?id=7e65cd9797524a3a97417a976c3b7a65>. Accessed February 1, 2021.

Fox Canyon GMA (Groundwater Management Agency). 2020. Project Committee Progress Update 11/17/2020. Summary of Projects & Optimization Measures under Consideration. Available: [http://fcgmasustainability.org/wp-content/uploads/2020/11/01\\_Project\\_Committee\\_Overview.pdf](http://fcgmasustainability.org/wp-content/uploads/2020/11/01_Project_Committee_Overview.pdf). Accessed January 29, 2021.

Los Angeles RWQCB (Regional Water Quality Control Board). 2020. Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties. Chapter 2: Beneficial Uses Tables. Available: [https://www.waterboards.ca.gov/losangeles/water\\_issues/programs/basin\\_plan/2020/Chapter\\_2/Chapter\\_2\\_Table\\_2-1/Chapter\\_2\\_-\\_Table\\_2-1.pdf](https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/2020/Chapter_2/Chapter_2_Table_2-1/Chapter_2_-_Table_2-1.pdf). Accessed February 2, 2021.

\_\_\_\_\_. Ventura County MS4 Permit. Last updated 01/30/2019. Available: [https://www.waterboards.ca.gov/losangeles/water\\_issues/programs/stormwater/municipal/ventura.html](https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/ventura.html). Accessed July 15, 2021.

\_\_\_\_\_. 2010. Order R4-2010-0108 NPDES Permit No. CAS004002. Waste Discharge Requirements for Stormwater and Non-stormwater Discharges from the Municipal Separate Storm Sewer Systems within the Ventura County Watershed Protection District, County of Ventura, and the Incorporated Cities Therein. July 8. Available: [https://www.waterboards.ca.gov/losangeles/water\\_issues/programs/stormwater/municipal/ventura\\_ms4/AdoptedVenturaCountyms4/Order.pdf](https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/ventura_ms4/AdoptedVenturaCountyms4/Order.pdf). Accessed January 29, 2021.

USEPA (United States Environmental Protection Agency). Tier 2 Antidegradation Reviews and Significance Thresholds. Available: <https://www.epa.gov/sites/production/files/2014-08/documents/tier2memo.pdf>. Accessed January 29, 2021.

USGS (U.S. Geological Survey). 2003. Simulation of Ground-Water/Surface-Water Flow in the Santa Clara-Calleguas Basin, Ventura County, California. Available: <https://pubs.usgs.gov/wri/wri024136/wrir024136.pdf>. Accessed January 29, 2021.

Ventura County. 2020. Background Report – All Sections. Available:

[https://docs.vcrma.org/images/pdf/planning/plans/Background\\_Report\\_-\\_All\\_Sections\\_-\\_September\\_2020.pdf](https://docs.vcrma.org/images/pdf/planning/plans/Background_Report_-_All_Sections_-_September_2020.pdf). Accessed January 29, 2021.

VCSQMP (Ventura Countywide Stormwater Quality Management Program). 2021. Tentative Regional MS4 Permit. Available: <https://www.vcstormwater.org/>. Accessed January 29, 2021.

VCWPD (Ventura County Watershed Protection District). 2015. Lower Santa Clara River Salt and Nutrient Management Plan. April. Available: [https://www.waterboards.ca.gov/losangeles/water\\_issues/programs/salt\\_and\\_nutrient\\_management/docs/2015/June/Section1LSCRSNMP06-24-15revr1.pdf](https://www.waterboards.ca.gov/losangeles/water_issues/programs/salt_and_nutrient_management/docs/2015/June/Section1LSCRSNMP06-24-15revr1.pdf). Accessed January 29, 2021.

\_\_\_\_\_. 2013. Ventura County Hydromodification Control Plan (HCP). September. Available: [https://vcstormwater.org/images/stories/NPDES\\_Documents/Ventura%20County%20HCP%20Final%20Draft%2009-26-2013.pdf](https://vcstormwater.org/images/stories/NPDES_Documents/Ventura%20County%20HCP%20Final%20Draft%2009-26-2013.pdf). Accessed January 29, 2021.

## Noise

Caltrans (California Department of Transportation). 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. (CT-HWANP-RT-13-069.25.2) September. [http://www.dot.ca.gov/hq/env/noise/pub/TeNS\\_Sept\\_2013B.pdf](http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013B.pdf). Accessed June 2021.

\_\_\_\_\_. 2020. Transportation and Construction Vibration Guidance Manual (CT-HWANP-RT-20-365.01.01). April. <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf>. Accessed June 2021.

FHWA (Federal Highway Administration). 2011. *Highway Traffic Noise: Analysis and Abatement Guidance*. December 2011. [https://www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/analysis\\_and\\_abatement\\_guidance/revguidance.pdf](https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf). Accessed June 2021.

FTA (Federal Transit Administration). 2018. Transit Noise and Vibration Impact Assessment Manual. [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123\\_0.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf) (accessed June 2021).

Ventura County. 2020. *Ventura County 2040 General Plan, Hazards and Safety Element*. Available at: <https://vc2040.org/review/documents>. Accessed June 2021.

Ventura County ALUC (Airport Land Use Commission). 2000. *Airport Comprehensive Land Use Plan Update for Ventura County*. Available at: <https://www.goventura.org/wp-content/uploads/2018/03/2000-airport-land-use-for-ventura-county.pdf>. Accessed June 2021.

## Recreation

CDFW (California Department of Fish and Wildlife). 2020. California Freshwater Sport Fishing Regulations: Effective March 1, 2020 through February 29, 2021. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=177572&inline>. Accessed February 2021.



United (United Water Conservation District). 2011. Santa Felicia Whitewater Boating Access Plan. Available: [https://www.unitedwater.org/wp-content/uploads/2020/09/whitewater\\_plan\\_11\\_2011.pdf](https://www.unitedwater.org/wp-content/uploads/2020/09/whitewater_plan_11_2011.pdf). Accessed February 9, 2021.

\_\_\_\_\_. 2016. Santa Felicia Project Recreation Trail Plan. Available: [https://www.unitedwater.org/wp-content/uploads/2020/09/UWCD\\_RecreationTrailPlan\\_4-1-16.pdf](https://www.unitedwater.org/wp-content/uploads/2020/09/UWCD_RecreationTrailPlan_4-1-16.pdf). Accessed February 9, 2021.

\_\_\_\_\_. 2018. Lake Piru Recreation Area Recreation Management Plan. Available: <https://www.unitedwater.org/wp-content/uploads/2020/08/Lake-Piru-Final-RMP-FINAL-2018-09-14.pdf>. Accessed February 9, 2021.

## Transportation

OPR (California Office of Planning and Research). 2018. Technical Advisory on Evaluating Transportation Impacts in CEQA. December. Historic Aerials. Available: [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf). Accessed July 2021.

## Tribal Cultural Resources

NETR Online. 2021. Historic Aerials. Available: <https://www.historicaerials.com/viewer>. Accessed June 2021.

United (United Water Conservation District). 2021. Draft Initial Study/Proposed Mitigated Negative Declaration Freeman Diversion Fish Passage Facility Geotechnical Exploration Project, prepared by GEI Consultants, Inc.

## Utilities and Service Systems

Ventura County IWMD (Integrated Waste Management District). 2017. Eco-Tip for 7-30-17. Annual Recycling and Landfill Reports. Available: <http://pwportal.ventura.org/WSD/News%20&%20Events/News%20Publications/docs/Annual%20Report%20on%20Recycling%20and%20Disposal%20for%207-30-17.pdf>. Accessed June 2021.

VCWSD (Ventura County Water and Sanitation Department). 2010. Five-Year CIWMP/RAIWMP Review Report. Available: <https://venturacog.org/documents/Attach05-2010.pdf>. Accessed June 2021.

VRSD (Ventura Regional Sanitary District). 2020. Final Environmental Impact Report for the Toland Optimization Plan. Available: [https://www.vrsd.com/wp-content/uploads/2020/10/Toland\\_Optimization\\_Plan\\_-\\_Final\\_Supplemental\\_Environmental\\_Impact\\_Report.pdf](https://www.vrsd.com/wp-content/uploads/2020/10/Toland_Optimization_Plan_-_Final_Supplemental_Environmental_Impact_Report.pdf). Accessed June 2021.

## Wildfire

Balch, J. K., B. A. Bradley, J. T. Abatzoglou, R. C. Nagy, E. J. Fusco, and A. L. Mahood. 2017 (March 14). Human-started wildfires expand the fire niche across the United States. *Proceedings of the National Academy of Sciences* 114(11):2946-2951

- CAL FIRE (California Department of Forestry and Fire Protection). 2010. Ventura County Very High Fire Hazard Severity Zones in LRA As Recommended by CALFIRE. Available: <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Accessed February 3, 2021.
- \_\_\_\_\_. 2018. 2018 Strategic Fire Plan for California. August 22. Available: [https://osfm.fire.ca.gov/media/5590/2018-strategic-fire-plan-approved-08\\_22\\_18.pdf](https://osfm.fire.ca.gov/media/5590/2018-strategic-fire-plan-approved-08_22_18.pdf). Accessed May 21, 2021.
- \_\_\_\_\_. 2021. FHSZ Viewer. Available: <https://egis.fire.ca.gov/FHSZ/>. Accessed January 31, 2021.
- County of Ventura. 2013. Emergency Operations Plan. Available: <http://bosagenda.countyofventura.org/sirepub/cache/2/wop3bqxdyyxpgw4uk0weiub/59926602032021030718494.PDF>. Accessed February 3, 2021.
- \_\_\_\_\_. 2015a. 2015 Ventura County Multi-Hazard Mitigation Plan. Available: <http://www.vcfloodinfo.com/resources/ventura-county-hazards-mitigation-plan>. Accessed February 3, 2021.
- \_\_\_\_\_. 2020. Ventura County 2040 General Plan. Available: <https://vcrma.org/ventura-county-general-plan>. Accessed February 3, 2021.
- VCFPD (Ventura County Fire Protection District). 2020. Unit Strategic Fire Plan. Available: <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/fire-plan/>. Accessed February 3, 2021.
- VCFD (Ventura County Fire Department). 2016. Ready, Set, Go! Your Personal Wildfire Action Plan. Available: <https://vcfd.org/public-info/ready-set-go/>. Accessed February 3, 2021.
- \_\_\_\_\_. 2020. Fire Hazard Reduction Program (FHRP). Available: <https://vcfd.org/fire-prevention/fire-hazard-reduction-program-fhrp/>. Accessed February 3, 2021.

## List of Preparers

Rincon Consultants, Inc. prepared this IS-MND under contract to the United Water Conservation District. Persons involved in data gathering analysis, project management, and quality control are listed below.

### **RINCON CONSULTANTS, INC.**

Jennifer Haddow, PhD, Principal-in-Charge  
Aubrey Mescher, Senior Environmental Planner, Project Manager  
Steven Hongola, Biological Resources Principal-in-Charge  
Eric Schaad, Senior Biologist/Project Manager  
Hannah Haas, MA, RPA, Cultural Resources Program Manager  
Chris Shields, Senior Environmental Scientist  
Mimi McNamara, Environmental Planner  
Daphne Virlar-Knight, Environmental Planner  
Allysen Valencia, GIS Analyst

# Mitigation Monitoring and Reporting Program

---

Pursuant to Section 21081.6 of the Public Resources Code and the *State CEQA Guidelines* Section 15097, a lead agency is required to adopt a mitigation monitoring and reporting plan (MMRP) for assessing and ensuring compliance with the required mitigation measures applied to a project for which an Initial Study has been prepared. United Water Conservation District will have the primary responsibility for implementing the measures in the MMRP. The mitigation monitoring table below lists mitigation measures that are required to reduce significant effects of Phase One of the Freeman Diversion Sediment Management Project. These measures correspond to those outlined in the Initial Study/Mitigated Negative Declaration for Phase One of the Freeman Diversion Sediment Management Project and may also be included as conditions of approval.

Additional mitigation measures may be required as conditions of project permits that have not been issued at this time. Any such measures would be implemented by United Water Conservation District.

United Water Conservation District  
Freeman Diversion Sediment Management Project (Phase One)

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing and Frequency	Responsible Party / Parties	Compliance Verification Comments
<b>Cultural Resources</b>				
<b>CR-1: Unanticipated Archaeological Resources</b>				
In the unlikely event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If the find is prehistoric, then a local Native American representative shall also be contacted to participate in the evaluation of the find. Impacts to the find shall be avoided to the extent feasible; methods of avoidance may include, but shall not be limited to, capping or fencing, or project redesign. If necessary, the archaeologist may be required to prepare a treatment plan for archaeological testing in consultation with the local Native American representative. If the discovery proves to be eligible for the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources.	<ul style="list-style-type: none"> <li>▪ Halt work within 50 feet of any unanticipated find of archaeological resources</li> <li>▪ Evaluate the find to identify any necessary treatment action(s)</li> </ul>	<ul style="list-style-type: none"> <li>▪ For the duration of all ground-disturbing activities</li> </ul>	United Water Conservation District	
<b>Geology and Soils</b>				
<b>GEO-1: Paleontological Worker Awareness Training in Areas with Suitable Soils</b>				
United shall provide an on-site training to all project personnel and operational staff involved regarding the possibility of encountering fossils. The appearance and types of fossils likely to be seen during project activities shall be described. Project personnel shall be trained about the proper notification procedures should fossils be encountered, including halting operations within 100 feet of the find and notifying United who shall then retain a qualified paleontologist for identification and salvage of fossils that would qualify as a unique paleontological resource.	<ul style="list-style-type: none"> <li>▪ Conduct an on-site training to all project personnel and operational staff</li> <li>▪ Halt work within 100 feet of a find of paleontological resources</li> </ul>	<ul style="list-style-type: none"> <li>▪ For the duration of all ground-disturbing activities</li> </ul>	United Water Conservation District	

# Notice of Determination

ATTACHMENT D

**To:**

☒ Office of Planning and Research  
U.S. Mail: \_\_\_\_\_ Street Address: \_\_\_\_\_  
P.O. Box 3044 1400 Tenth St., Rm 113  
Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ County Clerk  
County of: Ventura  
Address: 800 South Victoria Avenue  
Ventura, CA 93009

**From:**

Public Agency: United Water Conservation Dist.  
Address: 1701 N. Lombard Street, Suite 200  
Oxnard, CA 93030  
Contact: Evan Lashly  
Phone: 805-525-4431

Lead Agency (if different from above): \_\_\_\_\_

Address: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): 2021080524

Project Title: Freeman Diversion Sediment Management Project

Project Applicant: United Water Conservation District

Project Location (include county): located on the Santa Clara River in Ventura County, California.

**Project Description:**

The project consists of two phases of sediment management activities, each with independent utility, and associated measures intended to minimize and avoid the potential for adverse environmental effects to occur as a result of those activities. Specifically, Phase One includes 1.3 acres of earthwork with heavy equipment in the active river channel upstream of the Freeman Diversion facility. The earthwork is intended to establish a new low-flow channel which will restore conveyance capacity of the bypass channel and ensure operational reliability of the Freeman Diversion and fish passage facilities. Phase One is planned to be completed in Fall 2021 while river conditions on site are dry. Phase Two includes a long-term program of recurring sediment management activities within a 6-acre area, intended to provide operational reliability under changed future conditions. Only Phase One was approved by the United Water Conservation District Board of Directors. Phase Two approval will be considered at a later time.

This is to advise that the United Water Conservation District has approved the above  
(☒ Lead Agency or ☐ Responsible Agency)  
described project on \_\_\_\_\_ and has made the following determinations regarding the above  
(date)  
described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☐ were ☒ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

<https://www.unitedwater.org/key-documents/#ceqa-documents>

Signature (Public Agency): \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Date Received for filing at OPR: \_\_\_\_\_



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



September 24, 2021

Mr. Evan Lashly  
United Water Conservation District  
1701 N. Lombard Street, Suite 200  
Oxnard, CA 93030  
[EvanL@UnitedWater.org](mailto:EvanL@UnitedWater.org)

**Subject: Freeman Diversion Sediment Management Project, Mitigated Negative Declaration, SCH #2021080524, Ventura County**

Dear Mr. Lashly:

The California Department of Fish and Wildlife (CDFW) has reviewed United Water Conservation District's (District; Lead Agency) Mitigated Negative Declaration (MND) for the Freeman Diversion Sediment Management Project (Project).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, [§ 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Mr. Evan Lashly  
United Water Conservation District  
September 24, 2021  
Page 2 of 11

## Project Description and Summary

**Objective:** The Project consists of in-channel sediment management activities within the Santa Clara River (SCR), immediately upstream of the Vern-Freeman Diversion (VFD). Project activities are expected to be performed once every two years but may be performed annually if needed. There are two phases of the proposed Project:

### Phase 1: Initial Sediment Management Event

During the first year of the proposed Project, an initial 1.3-acre low-flow channel would be established by excavating sediments to shift the river's thalweg to the southern bank of the SCR. The new low-flow channel would be approximately 40 feet wide, 825 feet long, and three feet deep. Approximately 4,700 cubic yards of sediment would be excavated to form the new low-flow channel. Excavated sediment would be dispersed immediately north of the low-flow channel and will be compacted to conditions consistent with the surrounding riverbed. Phase 1 construction is anticipated to take approximately 13 days. The 1.3-acre total includes all areas within the river channel that will be potentially affected by Phase 1 activities, including equipment travel and site ingress/egress.

### Phase 2: Subsequent Sediment Management Events

Following the implementation of Phase 1, subsequent sediment management events would be conducted as needed and are anticipated to occur approximately every two to three years, but could be conducted annually if needed. Phase 2 would expand the Project footprint by an additional 4.7 acres, resulting in a total Project footprint of six acres. The timing of Phase 2 implementation will be determined by regulatory permit authorizations, weather conditions affecting the level of flows in the SCR, and the establishment of the low-flow channel under Phase 1.

Under both phases, sediment management activities would be conducted during the District's primary maintenance window from mid-September through December, after the end of the bird nesting season and prior to the onset of the steelhead migration season. All project activities would be conducted within the active riverbed, in areas that are regularly subjected to natural cycles of disturbance (i.e., scour and deposition). Sediment management activities would not be conducted in areas with mature riparian vegetation; however, some recently recruited (i.e., emergent or early successional) vegetation may be trimmed or cleared. Continuous maintenance of the channel will prevent mature vegetation from developing within the Project footprint.

The Project's site would be accessed from the District's existing maintenance roads, including the riverbed access point on the south bank of the SCR and from the north bank across the crest of the VFD. The existing developed portions of the VFD would be used as the staging area for the Project, no new access roads would be installed to accommodate Project activities.

**Location:** The Project is located immediately upstream of the VFD, within the SCR. The VFD is four miles southwest of the city center of Santa Paula, Ventura County, California.

Mr. Evan Lashly  
United Water Conservation District  
September 24, 2021  
Page 3 of 11

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the District in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6; CEQA Guidelines, § 15097).

### Specific Comments

#### **Comment #1: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)**

**Issue #1:** Project activities are expected to occur within the SCR, a stream subject to FGC, section 1600 *et. seq.*

**Issue #2:** CDFW is concerned that impacts to biological resources (including groundwater dependent ecosystems and nearby vegetation communities) may be impacted by the proposed Project.

**Issue #3:** Continuous maintenance activities within a specified areas of the SCR should be considered and mitigated as a permanent impact.

**Specific Impact:** The Project proposes to modify the SCR. Modification of the SCR may result in the loss of streams and associated watershed function and biological diversity. Frequent sediment movement activities on or near streams is likely to diminish onsite and downstream water quality. Project activities may also alter natural hydrologic and geomorphic processes of the SCR and may affect groundwater dependent ecosystems.

**Why Impact Would Occur:** The Project will impact the SCR, which is expected to result in loss of natural drainage patterns, soils, and associated vegetation. These actions may also result in changes to the streams, altering hydrologic and geomorphic processes that may impact plant and wildlife species.

**Evidence Impact Would Be Significant:** The Project may substantially adversely affect the existing stream, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project. Debris, soil, silt, oil or other petroleum products, or any other substances which could be hazardous or deleterious to aquatic life, wildlife, or riparian habitat resulting from Project related activities may enter the stream.

#### **Recommended potentially feasible mitigation measure(s):**

**Mitigation Measure #1:** The Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the FGC. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at <https://www.wildlife.ca.gov/conservation/lisa>.



Mr. Evan Lashly  
United Water Conservation District  
September 24, 2021  
Page 4 of 11

CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

**Mitigation Measure #2:** Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.

**Mitigation Measure #3:** CDFW recommends fully avoiding impacts to streams and the vegetation communities associated with the streams. If feasible, CDFW recommends redesigning the Project to avoid impacts to the existing drainage features that support sensitive vegetation communities. Design alternatives should attempt to retain as much surface flow and natural hydrologic processes as possible.

**Mitigation Measure #4:** If impacts to vegetation within the stream, such as arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW suggests mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 3:1. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures.

**Recommendation #1:** CDFW recommends the District provide an in-stream flows analysis and an evaluation of potential impacts on biological resources as part of the final environmental document. At a minimum, the analysis should provide the following:

*Changes to Hydrology and Hydraulics*

1. CDFW recommends the District define the extent of up- and downstream reach of the SCR that may be directly and indirectly affected by the proposed Project and assess potential Project-related impacts on biological resources within this study reach (including any potential groundwater dependent ecosystems).
2. An analysis of potential Project-related changes to river hydraulics in both concrete and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change). Comparing total wetted area may be useful in quantifying the effects on groundwater dependent ecosystems, assuming that infiltration rates are proportional to wetted area.
3. CDFW recommends using a 2-D hydraulic model of proposed versus existing habitat to determine whether habitat changes are expected and, if so, to what degree.
4. A map of potential changes to channel hydraulics overlain on a map of plant communities and habitat for sensitive wildlife species and birds.
5. A discussion of Project-related impacts on biological resources in relation to changes in hydrology throughout the reach.

Mr. Evan Lashly  
United Water Conservation District  
September 24, 2021  
Page 5 of 11

6. CDFW recommends using Normalized Difference Vegetation Index (NDVI) and Normalized Difference Moisture Index (NDMI) to assess habitat health for the reach on an annual basis.

## **Comment #2: Impacts to Least Bell's Vireo**

**Issue:** The District is proposing to perform Project activities that would occur in the SCR, outside of the nesting bird season. CDFW agrees with this approach. However, Project activities, such as vegetation crushing/clearing, may result in the destruction of least Bell's vireo nests. A search of the California Natural Diversity Database (CNDDDB) indicates Least Bell's vireo are known to occur within the immediate vicinity of the proposed Project (CDFWb). In addition, recent studies performed by Griffith Wildlife Biology indicate several least Bell's vireo nests have been observed within the immediate vicinity of the proposed Project (Griffith Wildlife Biology 2019). Impacts to least Bell's vireo nests is an issue because they are known to have high levels of site fidelity (Salata 1983b).

**Specific impact:** Project construction and related activities may result in the destruction of nesting habitat, which may result in temporal or permanent loss of bird nesting habitat.

**Why impacts would occur:** The Project as proposed would clear/trim vegetation that could provide bird nesting habitat (e.g., ground cover and shrubs). The temporal or permanent loss of vegetation may substantially impact birds that could return to the Project site year after year (Figueira et al. 2020; Haas 1998). Site fidelity exhibited across the avian taxa reflects the benefits associated with previous knowledge of a particular location, likely improving territory acquisition, foraging efficiency, potential breeding partners, and predator avoidance (Figueira et al. 2020). Least Bell's vireo exhibit especially high rates of site fidelity, with many birds not only returning to the same territory but placing nests in the same shrub used the previous year (Salata 1983b).

**Evidence impacts would be significant:** Nests of all birds and raptors are protected under State laws and regulations, including Fish and Game Code, sections 3503 and 3503.5. Take or possession of migratory nongame birds designated in the Federal Migratory Bird Treaty Act of 1918 (Code of Federal Regulations, Title 50, § 10.13) is prohibited under Fish and Game Code section 3513. The loss of occupied habitat or reductions in the number of sensitive and special status bird species, either directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact absent appropriate mitigation.

## **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW recommends that a qualified avian biologist familiar with least Bell's vireo nests conduct a thorough assessment of all suitable nesting areas and known nesting sites that could be impacted by Project activities (including site access/egress). Surveys should be conducted in the immediate work/disturbance area plus a 25-foot buffer. Positive detections of known nests should be recorded with Geographic Information Systems (GIS) in the field.

**Mitigation Measure #2:** If least Bell's vireo nests are identified in the project area, a qualified biologist should mark the location and determine an appropriate buffer for protecting nest habitat from impacts related to construction activities including site access/egress. Temporary

Mr. Evan Lashly  
United Water Conservation District  
September 24, 2021  
Page 6 of 11

fencing and signage delineating nesting habitat should be maintained for the duration of the Project as determined by the qualified biologist. A qualified biologist should advise workers of the sensitivity of the buffered areas. Workers should be advised not to work, trespass, or engage in activities inside the buffer.

Additional mitigation, separate from impacts to vegetation communities, would be necessary to compensate for the temporal or permanent loss of occupied nesting habitat within the Project site. CDFW recommends the qualified biologist/District consult with CDFW to determine proper mitigation for impacts to occupied habitat. Mitigation would be based on acreage of impact and vegetation composition. Depending on the status of the bird species impacted, replacement of habitat acres should increase with the occurrence of an SSC. Replacement acres would further increase with the occurrence of a CESA-listed species.

**Recommendation #1:** Take under the ESA is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

### **Additional Recommendations**

**Mitigation and Monitoring Reporting Plan:** Per Public Resources Code section 21081.6(a)(1), CDFW has provided the District with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

### **Filing Fees**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the District and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

### **Conclusion**

We appreciate the opportunity to comment on the Project to assist the District in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the District has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Baron Barrera, Environmental Scientist, at [Baron.Barrera@wildlife.ca.gov](mailto:Baron.Barrera@wildlife.ca.gov).

Mr. Evan Lashly  
United Water Conservation District  
September 24, 2021  
Page 7 of 11

Sincerely,

DocuSigned by:

*Erinn Wilson-Olgin*

B6E58CFE24724F5...

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

cc: CDFW

Steve Gibson, Los Alamitos – [Steve.Gibson@wildlife.ca.gov](mailto:Steve.Gibson@wildlife.ca.gov)

Emily Galli, Fillmore – [Emily.Galli@wildlife.ca.gov](mailto:Emily.Galli@wildlife.ca.gov)

Susan Howell, San Diego – [Susan.Howell@wildlife.ca.gov](mailto:Susan.Howell@wildlife.ca.gov)

CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

State Clearinghouse, Office of Planning and Research – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Chris Delith, United States Fish and Wildlife Service – [Chris\\_Delith@fws.gov](mailto:Chris_Delith@fws.gov)

Irma Muñoz, Santa Monica Mountains Conservancy – [edelman@smmc.ca.gov](mailto:edelman@smmc.ca.gov)

Katherine Pease, Heal the Bay – [KPease@healthebay.org](mailto:KPease@healthebay.org)

Snowdy Dodson, Los Angeles/Santa Monica Mountains Chapter, California Native  
Plant Society – [Snowdy.Dodson@csun.edu](mailto:Snowdy.Dodson@csun.edu)

Frances Alet, The Calabasas Coalition

## References:

[CDFWa] California Department of Fish and Wildlife. 2020. Scientific Collecting Permit.

Available from: <https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678>

[CDFWb] California Department of Fish and Wildlife. 2020. Submitting Data to the CNDDDB.

Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

[CNPS] California Native Plant Society. 2020. Rare Plant ranks. Available from:

<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>

Figueria, L., Martins, P., Ralph, C.J., Stephens, J.L., Alexander, J.D., and Wolfe, J.D. Effects of breeding and molt activity on songbird site fidelity. *The Auk* 137:1-15.

Godefroid, S., et al. 2011. How successful are plant species reintroductions? *Biological Conservation* 144: 672-682.

Griffith Wildlife Biology, The Status of the Least Bell's Vireo and Four Other Riparian Species at United Water Conservation District, Saticoy, and Piru, California in 2019. 2019.

Sawyer, J.O., Keeler Wolf, T., and Evens J.M. 2009. *A manual of California Vegetation*, 2<sup>nd</sup> ed. ISBN 978 0 943460 49 9.

+608/325Ä,5914671Ä.+Ä#!+&#%\$Ä(#&%Ä"--Ä)%\* Ä\*)#Ä!"#"+/\*



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



#### Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
<b>Mitigation Measure #1 - Impacts to Rare Plants – Consolidate Plant Studies</b>	<p>The Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 <i>et seq.</i> of the FGC. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at <a href="https://www.wildlife.ca.gov/conservation/lisa">https://www.wildlife.ca.gov/conservation/lisa</a>.</p> <p>CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 <i>et seq.</i> and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.</p>	Prior to Project construction and activities	District/Applicant
<b>Mitigation Measure #2 - Impacts to Aquatic and</b>	<p>Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to</p>	Prior to Project construction and activities	District/Applicant

+608/325Ä,5914671Ä.+\*Ä#!+&#%\$Ä(#&%Ä"--\*Ä)%\* Ä\*)#S!"#"+\*(\*

Mr. Evan Lashly  
 United Water Conservation District  
 September 24, 2021  
 Page 9 of 11

<b>Riparian Resources – Lake and Streambed Alteration Agreement</b>	riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.		
<b>Mitigation Measure #3 - Impacts to Aquatic and Riparian Resources – Replacement Habitat</b>	CDFW recommends fully avoiding impacts to waters and riparian/wetland vegetation communities when accessing/egressing the boring and test pit sites. If feasible, CDFW recommends redesigning the Project to avoid impacts to the existing drainage features that support sensitive vegetation communities. Design alternatives should attempt to retain as much surface flow and natural hydrologic processes as possible.	Prior to Project construction and activities	District/Applicant
<b>Mitigation Measure #4 - Impacts to Aquatic and Riparian Resources – Interdisciplinary Approach</b>	If impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW suggests mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 3:1. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures.	Prior to Project construction and activities	District/Applicant
<b>Mitigation Measure #5 - Impacts to Aquatic and Riparian Resources – Replacement Habitat</b>	As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.	Prior to Project construction and activities	District/Applicant

Mr. Evan Lashly  
 United Water Conservation District  
 September 24, 2021  
 Page 10 of 11

<b>Mitigation Measure #6 - Impacts to Least Bell's Vireo</b>	CDFW recommends that a qualified avian biologist familiar with least Bell's vireo nests conduct a thorough assessment of all suitable nesting areas that could be impacted by Project activities (including site access/egress). Surveys should be conducted in the immediate work/disturbance area plus a 25-foot buffer. Positive detections should be reported to CDFW prior to any Project-related ground disturbing activities or vegetation removal.	Prior to Project construction and activities	District/Applicant
<b>Mitigation Measure #7- Impacts to Least Bell's Vireo</b>	<p>If least Bell's vireo nests are identified, a qualified biologist should determine an appropriate buffer for construction activities including site access/egress. Temporary fencing and signage should be maintained for the duration of the Project as determined by the qualified biologist. A qualified biologist should advise workers of the sensitivity of the buffered areas. Workers should be advised not to work, trespass, or engage in activities inside the buffer.</p> <p>Additional mitigation, separate from impacts to vegetation communities, would be necessary to compensate for the temporal or permanent loss of occupied nesting habitat within the Project site. CDFW recommends the qualified biologist/District consult with CDFW to determine proper mitigation for impacts to occupied habitat. Mitigation would be based on acreage of impact and vegetation composition. Depending on the status of the bird species impacted, replacement of habitat acres should increase with the occurrence of an SSC. Replacement acres would further increase with the occurrence of a CESA-listed species.</p>	Prior to Project construction and activities	District/Applicant
<b>Mitigation Measure #8 - Impacts to Least Bell's Vireo</b>	Take under the ESA is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.	Prior to Project construction and activities	District/Applicant
<b>Recommendation #1 – Impacts to Hydrology and</b>	CDFW recommends the District provide an in-stream flows analysis and an evaluation of potential impacts on biological resources as part of the final environmental document. At a minimum, the analysis should provide the following:		



Mr. Evan Lashly  
United Water Conservation District  
September 24, 2021  
Page 11 of 11

<b>Groundwater Resources</b>	<p><i>Changes to Hydrology and Hydraulics</i></p> <ol style="list-style-type: none"><li>1. CDFW recommends the District define the extent of up- and downstream reach of the SCR that may be directly and indirectly affected by the proposed Project and assess potential Project-related impacts on biological resources within this study reach (including any potential groundwater dependent ecosystems).</li><li>2. An analysis of potential Project-related changes to river hydraulics in both concrete and soft-bottom reaches. This includes water depth (percent change), wetted perimeter (acres gained/lost), and velocity (percent change). Comparing total wetted area may be useful in quantifying the effects on groundwater dependent ecosystems, assuming that infiltration rates are proportional to wetted area.</li><li>3. CDFW recommends using a 2-D hydraulic model of proposed versus existing habitat to determine whether habitat changes are expected and, if so, to what degree.</li><li>4. A map of potential changes to channel hydraulics overlain on a map of plant communities and habitat for sensitive wildlife species and birds.</li><li>5. A discussion of Project-related impacts on biological resources in relation to changes in hydrology throughout the reach.</li><li>6. CDFW recommends using Normalized Difference Vegetation Index (NDVI) and Normalized Difference Moisture Index (NDMI) to assess habitat health for the reach on an annual basis.</li></ol>		
------------------------------	--	--	--





### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Clayton Strahan, Chief Park Ranger

**Date:** September 23, 2021 (October 13, 2021)

**Agenda Item:** 4.7 **Approval of New Lake Piru Recreation Area Logo Motion**

---

#### **Staff Recommendation:**

The Board will consider approving a new logo for the Lake Piru Recreation Area which will be used in all branding for the lake.

#### **Background:**

The current logo for Lake Piru Recreation Area is dated, doesn't really communicate any of the recreation activities available at Lake Piru, except maybe for fishing, and has no relationship to the United Water Conservation District logo. We would like to update the Lake Piru Recreation Area logo so that it conveys the Recreation Area's relationship with United Water Conservation District and also incorporates the look and feel of the new Lake Piru website.

The new logo will be used for all branding purposes, from the patches the Rangers wear on their uniforms and the new website to new promotional brochures, advertising, social media campaigns and public education and outreach presentations.

#### **Fiscal Impact:**

There is no cost for the incorporation of a new logo into the ExploreLakePiru.com website or social media/public education and outreach presentations. The creation of new branded materials (uniform patches, brochures, advertising) will be nominal and would be covered within the current budget for the Lake Piru Recreational Area.

**Attachment:** A Four New Lake Piru Recreation Area Logo Designs  
B Current Lake Piru Recreation Area Logo for comparison

1



2



3



4







### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager  
Anthony A. Emmert, Assistant General Manager

**From:** Josh Perez, Human Resources Manager  
Zachary Plummer, Information Technology Administrator  
Daryl Smith, Controller  
Kris Sofley, Executive Assistant/Clerk of the Board

**Date:** September 22, 2021 (October 13, 2021, meeting)

**Agenda Item:** **5.1 Monthly Administrative Services Department Report**  
**Information Item**

---

#### **Staff Recommendation:**

The Board will receive this staff report and a presentation on the monthly activities of the Administrative Services Department for September 2021.

#### **Discussion:**

#### **Finance**

- Finalized groundwater extraction fee billing for the period of January 1 to June 30, 2021, during the first week of September.
- Staff completed all year-end entries to close the books for fiscal year 2020-21 in preparation for audit fieldwork.
- Auditors began their year-end field work on September 9<sup>th</sup> and staff has spent significant time providing auditors with requested backup documentation.
- Completed groundwater extraction fee invoicing for Fillmore and Piru Basins GSA, and Mound Basin GSA.

#### **Administrative**

- Provided administrative assistance for drafting, finalizing, and distributing/posting materials for the UWCD's Water Resources Committee, Recreation Committee, Engineering and Operations Committee and Finance and Audit Committee meetings in September.
  - Provided administrative assistance for drafting, finalizing, and distributing/posting materials for the Fillmore and Piru Basins Groundwater Sustainability Agency's Board meeting in September and Groundwater Sustainability Plans workshops for the public.
-

- Provided administrative assistance for drafting, finalizing and distributing/posting materials for the Mound Basin Groundwater Sustainability Agency's Board meeting in September and Groundwater Sustainability Plan workshops for the public.
- Provided administrative assistance to the Ventura County Special District's Association.
- Secured speakers and moderators for the upcoming Water Sustainability Summit II (see slide presentation) and worked with CV Strategies to develop promotional materials for the event.

**Human Resources**

- Coordinating open enrollment for Health Care, FSA, and AFLAC to be effective January 1, 2022.
- Preparing for All-Staff Health Care Overview presentation scheduled for October 6<sup>th</sup>.
- Handled scheduling of interviews and resume reviews on recruitments for following positions:
  - Technology Systems Manager (Interviews completed September 28th and 29th)
  - Chief Financial Officer
  - Part Time Accountant
- Processed new employee onboarding paperwork for the following position:
  - Associate Environmental Scientist (Hannah Garcia-Wickstrum started on September 20)
- Processed recent promotions announced at September Board meeting.

**Safety and Risk Management**

- Coordinated Annual Fire Extinguisher training
- Finalized update to Respiratory Protection Program
- Finalized update to HQ/Main Office Emergency Action Plan
- Supported District's participation in DHS CISA Validated Architecture Design Review (VADR) assessment planning call
- Trained and certified 12 District staff in Adult & Pediatric CPR/AED/First Aid
- Completed OSHA 2225 Respiratory Protection course as part of insurance's credit incentive program
- Collaborated with Engineering Department on providing physical and cyber security updates and correspondence to FERC.
- Provided COVID-19 update to staff during monthly safety meeting
- Reviewed and investigated suspicious vehicle incidents. Coordinated with Oxnard Police Department and Administrative staff on resolutions.
- Completed First Aid for Severe Trauma (FAST) training

**Technology Systems**

- Senior Technology Specialist provided IT virtual and hybrid meeting support for the Board of Directors Committee's and Board meetings, in addition to providing similar assistance during various District meetings held to collaborate District business.
-

- Technology Systems staff worked towards completing the upgrade of the District's electronic filing software. This is the digital copies of the District's physical filing systems. Updated software was installed on District equipment and the required staff received both personalized training from IT and were provided additional document and video resources for the updated software.
- Technology Systems staff participated in the project kick-off with contractors preforming the SCADA Server Migration. This call determines roles and responsibilities and introduces the project managers together as one team. United's Technology staff is to provide new networking architecture to the design teams to aid in diagraming the final build plan.
- Assisted the Engineering Department and Administrative staff in coordination and production of United's Board of Consultants meetings.
- Technology, Security, and Safety and Risk Management staff participated in an assessment planning call with our partners at CISA (Cyber Security and Infrastructure Security Agency) Team.
- Initiated the formal VADR program with CISA to effectively plan and support the assessment.
- Provided support to the physical and cyber security projects associated with the Districts FERC licensing of the Santa Felica Dam Project. Addressed comments and requirements of FERC and its regulators.
- Technology Systems overcame some supply chain challenges to continue to address the technology systems refresh program, as discussed with the Board when the budget was adopted.
- IT and network consultants facilitated a plan to make the requirement changes to network systems to support the District's new server and camera systems.




*IT Service Desk and Support Stats for month September:*

During the month of September 2021, 18 new service request tickets were added to the ticketing system. A detailed report to follow.








## Monthly Administrative Services Department Report

### Information Item




State by Ticket Type

	Open	In Progress	Awaiting Reply	Pending 3rd party	Waiting for approval	Total
 IT Projects and Change Management	3	6	0	0	0	9
 IT Purchase Request	0	0	0	0	3	3
 IT Services and Support	17	11	4	0	0	32
<b>Total</b>	<b>20</b>	<b>17</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>44</b>

Monthly ticket type overview - 2021

Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
 Alerts and Advisories	0	2	2	1	0	1	3	0	0	/	/	/	9
 Fix a Account Problem   Password Reset	0	0	0	1	2	0	0	1	0	/	/	/	4
 IT Projects and Change Management	0	3	3	0	0	4	0	1	0	/	/	/	11
 IT Purchase Request	6	5	0	0	1	0	0	0	0	/	/	/	12
 IT Services and Support	10	13	15	2	28	19	13	14	17	/	/	/	131
 Network   Port patching	0	1	0	0	0	0	0	0	0	/	/	/	1
 New employee	0	2	2	3	1	0	2	0	1	/	/	/	11
<b>Total</b>	<b>16</b>	<b>26</b>	<b>22</b>	<b>7</b>	<b>32</b>	<b>24</b>	<b>18</b>	<b>16</b>	<b>18</b>	<b>/</b>	<b>/</b>	<b>/</b>	<b>179</b>

Monthly ticket priority overview - 2021

Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
 High	2	2	1	0	1	2	0	0	0	/	/	/	8
 Low	14	23	19	7	26	21	17	14	15	/	/	/	156
 Medium	0	1	2	0	5	1	1	2	3	/	/	/	15
<b>Total</b>	<b>16</b>	<b>26</b>	<b>22</b>	<b>7</b>	<b>32</b>	<b>24</b>	<b>18</b>	<b>16</b>	<b>18</b>	<b>/</b>	<b>/</b>	<b>/</b>	<b>179</b>



### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Maryam A. Bral, Chief Engineer  
Craig A. Morgan, Engineering Manager  
Robert J. Richardson, Senior Engineer  
Michel Kadah, Engineer  
Adrian Quiroz, Associate Engineer  
Erik Zvirbulis, GIS Analyst

**Date:** October 4, 2021 (October 13, 2021 meeting)

**Agenda Item:** 5.2 Monthly Engineering Department Report  
**Information item**

---

#### **Staff Recommendation:**

The Board will receive and file this staff report from the Engineering Department regarding its activities for the month of September 2021 as well as receive the presentation to the Board supporting this report.

#### **Discussion:**

##### 1. Santa Felicia Dam Safety Improvement Projects

- Spillway Improvement Project
  - Staff completed their review of the final Technical Memorandums (TMs) and coordinated with GEI Consultants (GEI) the preparation of the Supplemental 10% Design Phase Reports.
  - On September 3, Staff submitted the Design Phase reports and the BOC pre-meeting packet to the Federal Energy Regulatory Commission (FERC), California Department of Water Resources Division of Safety of Dams (DSOD), and the Board of Consultants (BOC) members.
  - On September 21 through 23, Staff hosted the BOC meeting No. 5 at the District Headquarters (Figure 1) to review the results of the 2020 Drilling Program Plan and the current Design Phase. Three BOC members, FERC's Regional Engineer, District's Staff, and GEI's staff attended the BOC meeting in-person. One BOC member, the rest of FERC and DSOD staff, and GEI's subconsultants attended the meeting virtually. A total of 28 people attended the meeting. The BOC meeting included a tour of Santa Felicia Dam on September 22 by the in-person attendees.
  - BOC members approved the current design phase and agreed with the design phase results that the spillway physical model of the spillway is not needed.



## 5.2 Monthly Engineering Department Report Information Item

---

- The next design phase is anticipated to start on October 15, 2021, pending the Board's approval of the design contract.
  - On September 15, Staff received FERC's comments on the request for project schedule extension and the proposed Interim Risk Reduction Measures (IRRM). The need for additional IRRMs prior to completion of the spillway and outlet works construction was discussed with the BOC and the BOC did not have recommendations for additional IRRMs. Staff will prepare and submit a response letter to FERC by October 15.
  - Staff responded to FERC's comment letter on the 10% Design Phase dated August 26, 2021, on September 23, 2021.
  - Staff submitted the BOC meeting No. 5 findings to FERC and DSOD on October 4.
  - Outlet Works Improvement Project
    - The above updates reported for the Spillway Improvement Project are also applicable to the Outlet Works Improvement Project. The next design phase of the new outlet works is anticipated to start on October 15, 2021, pending the Board's approval.
  - FERC License Amendment Application and NEPA Documentation
    - Staff continued coordinating the design of the new release channel with Catalyst Environmental Solutions (Catalyst). Currently, Catalyst is in the progress of developing the 30% design and the hydraulic model for the proposed new release channel that will be presented to NMFS, CDFW, and FERC in the upcoming workshop No. 4 which is tentatively scheduled for late October or early November 2021.
    - On August 31, Staff received a copy of NMFS' comments to FERC on the technical assistance workshop conducted on July 29, 2021.
  - Santa Felicia Dam Safety
    - On July 16, 2021, Staff submitted the Santa Felicia Dam Emergency Action Plan (EAP) to the California Governor's Office of Emergency Services (CalOES) for review and approval. On September 02, 2021, Staff received the approval letter from CalOES notifying the District that the EAP had been approved.
    - On September 20, 2021, FERC conducted its annual inspection of the Santa Felicia Dam. Mr. Wes Cooley, FERC Senior Engineer conducted the inspection. Engineering and O&M staff (See Figure 2) accompanied Mr. Cooley during the inspection. As is performed every year during annual FERC inspections, Mr. Cooley inspected the east and west abutment, dam crest, spillway, spillway downstream channel, upstream shell, outlet works tunnel and hydropower units. The inspection ended with Mr. Cooley reviewing requested documents such as the SFD EAP, Owner Dam Safety Program, etc. for compliance with FERC Engineering Guidelines. Mr. Cooley expressed positive feedback about the satisfactory condition of the dam. His only suggestion was that District staff should consider inspecting the upstream side of the embankment and abutments via watercraft from the reservoir side of the dam.
-

## 5.2 Monthly Engineering Department Report Information Item

---

- On October 1, Staff prepared and submitted to FERC a plan and schedule update to the District's responses to FERC's security inspection recommendations. The update included the work completed as of October 1, 2021. FERC has requested the District to submit a plan and schedule update every 6 months. The next update will be submitted to FERC on April 1, 2022.

### 2. Santa Felicia Dam Sediment Management Project

- Staff in consultation with GEI and Oakridge Geoscience have finalized the scope for the Lake Piru Reservoir Sediment Sampling and Testing Plan. At this time, it was determined that it would be most cost effective to omit borings and proceed with four test pit locations in the reservoir above the high-water line. The test pit exploration work is on track to be performed mid-January 2022 after the environmental permits have been obtained.
- An agreement was executed with Rincon Consultants (Rincon) on August 11, 2021, for permit support services related to the Lake Piru Reservoir Sediment Sampling and Testing Plan. A Notice to Proceed was subsequently issued on August 13, 2021. Rincon will support the District in obtaining a United States Army Corps of Engineers Nationwide Permit, a Regional Waterboard Quality Control Board 401 Certification, and a California Fish and Wildlife Lake and Streambed Alteration Agreement. The District plans to file a CEQA NOE in-house. On September 1, 2021, Rincon Consultants conducted biological resources reconnaissance survey to gather information on the current conditions of the project areas. A draft biological resources assessment (BRA) report was submitted by Rincon to staff on September 27, 2021. The BRA report includes information and a project description that will be utilized in the permit applications. Staff are on track to submit the permits mentioned above by October 8, 2021.

### 3. Pothole Trailhead Parking Area

- No updates to report currently.

### 4. Lake Piru Water Treatment Plant Slope Evaluation

- Staff issued a task order to HDR Engineering, Inc (HDR) for design services related to the LPWTP slope stabilization and drainage improvements on June 8, 2021. HDR submitted 100% design plans and specifications to staff on September 1, 2021. Staff have conducted the final review of the plans and specifications and will release the notice inviting bids in early October. Construction is on track and scheduled for mid-November.

### 5. Freeman Diversion Rehabilitation/Fish Passage Facility

- USBR continues construction in its laboratory for the 1:24 scale Hardened Ramp physical model. (See Figure 3)
- From September 21 through September 23 staff were present at USBR's laboratory to get an introduction to physical modeling and to ensure that the general layout of the model was

## 5.2 Monthly Engineering Department Report Information Item

---

like prototype in the field. This was a mutually informative visit both for the District and USBR.

- University of Iowa continues construction in its laboratory for the 1:24 scale Vertical Slot physical model.
- On September 10, 2021, NHC delivered the design development report for Mod 9 of the Hardened Ramp. (See Figure 4)
- Staff, USBR, University of Iowa, Stantec and NHC participate in rotating weekly calls with NMFS and CDFW to provide updates on physical modeling, CFD modeling and design alternations.
- GEI has commenced with the Geotechnical Investigation that was approved at the September Board meeting.

### 6. Grand Canal

- On September 13, 2021, the Notice of Completion was filed with the County of Ventura.
- There will be no future update on this project.

### 7. Iron and Manganese Removal at the El Rio Water Treatment Plant

- Defense Community Infrastructure Program (DCIP) administered by the Office of Local Defense Community Cooperation (OLDCC) under the Department of Defense (DOD)
  - September 21 – The District receives notice that the OLDCC approved a federal grant for \$4,230,133 to the District for the project. The notice was directed to Congresswoman Julia Brownley’s office.
  - September 21 – The District receives the partially signed grant agreement from the OLDCC.
  - September 23 – District staff and legal counsel complete their review of the agreement and special conditions.
  - September 23 – District fully executes the grant agreement.
  - September 24 – District uploads the grant agreement on the OLDCC grant portal.
  - The National Environmental Policy Act (NEPA) process was completed by the United States Bureau of Reclamation (USBR) on August 10, 2020. A categorical exclusion was issued on the basis that the USBR is providing financial assistance, and this is categorically excluded under “43 CFR 46.210(c) – Routine financial transactions including such things as salaries and expenses, procurement contracts, guarantees, financial assistance, income transfers, audits, fees, bonds, and royalties.” The OLDCC has not accepted this NEPA categorical exclusion.
  - The USBR issued its findings of “no historic properties affected” in a letter to the California State Historic Preservation Office (SHPO) on August 7, 2020, pursuant to Section 106 of the National Historic Preservation Act. The Section 106 process gives the SHPO thirty (30) days to respond. If the SHPO does not respond, an agency may proceed to the next step. The SHPO office never responded and the USBR proceeded

## 5.2 Monthly Engineering Department Report

### Information Item

---

- with its NEPA process including issuing a Notice to Proceed with construction activities on December 4, 2020. The OLDCC has not accepted the USBR's consultation with the SHPO office.
- The grant agreement special conditions states that the OLDCC has not satisfied the requirements of the NEPA process and that the District has not completed all its permitting requirements. Therefore, the District cannot proceed with any ground disturbing activities until this process is complete. District staff believes it has completed all NEPA and permitting requirements. The District has been coordinating with OLDCC staff, Naval Base Ventura County (NBVC) staff and SHPO staff to expedite the process and to not cause significant delay to the Contractor's schedule.
  - August 26 – the USBR issued notice that their Program, Policy and Grants Office determined that additional Federal funding is not allowable on this project due to Financial Assistance Law and Authorizing Legislation that prohibits multiple Federal funding sources to cover the same scope of work. Now that the District has accepted the OLDCC DCIP grant, the District will have to request termination of the USBR's WaterSMART grant in the amount of \$300,000.
  - September 20 – District staff submitted comments on the draft Domestic Water Supply Permit Amendment from the Division of Drinking Water (DDW).
  - September 20 – District staff issues Administrative Notice to Proceed to GSE Construction, Inc. to proceed with all non-ground disturbing activities associated with the project. A Construction Notice to Proceed will be issued upon OLDCC grant administration approval to the District.
  - September 21 – DDW submitted the fully executed amendment adding the iron and manganese treatment project to the Domestic Water Supply Permit.
  - September 22 – The construction office trailer (12' x 32') that will serve as the construction management office for District staff and HDR's construction manager was delivered to El Rio.
  - September 28 – Received the partially signed agreement from Earth Systems Pacific for professional geotechnical engineering and materials testing services during construction for the project in the not-to-exceed amount of \$91,958 (includes ten percent contingency to be used only upon the District's authorization).
  - September 29 – District staff, HDR, Kennedy/Jenks, Earth Systems, GSE Construction and Damar Construction held an earthwork preconstruction meeting.
  - District staff held weekly coordination meetings with the District's construction manager (HDR, Inc.)
  - GSE Construction has submitted approximately 30 submittal packages out of nearly 250 submittal packages anticipated for the project in total. Some notable submittals include a grading plan, storm water pollution prevention plan, pressure filters, bolted steel tanks, and precast concrete wet well. The District's construction manager (HDR, Inc.) has been
-

## 5.2 Monthly Engineering Department Report

### Information Item

---

providing responses to these submittals including a requirement to comply with the Buy American Act.

- The tentative schedule for the project is as follows:
  - November 1, 2021 – OLDCC grant administration provides notice to proceed with ground-disturbing activities. District staff is requesting that the OLDCC expedite this process.
  - October 30, 2022 – Complete construction and implementation.

#### 8. El Rio Well Replacement

- After a few delays in material shipping, General Pump will start installing the pump and motor on October 4.

#### 9. OH Backup Generator at the El Rio Booster Plant

- On August 5, notification of payments was received from CalOES in the amount of \$65,232.72. The total payment received to date is \$66,690.72.
- On August 31, the existing fuel tank to support the operation of the new backup generator was cleaned.
- On September 1, the construction contractor completed the reinstallation of four light poles (see Figure 5).
- On September 3, as directed by Staff, the construction contractor repaired the PLC cabinet housekeeping concrete pad (see Figure 6). A new PLC cabinet was also delivered to the site.
- No significant construction activities occurred in September due to equipment shipment delays.

#### 10. PTP Turnout Metering System Improvement

- Total number of meters installed: 33 of 61 installed or 54.1% complete. (no change)
  - An additional three (3) meter installations are planned in Fall 2021. (no change)
  - Easement acquisition completion: 16 of 41 obtained or 39% complete (no change)
  - Three (3) owner-signed easements require recording with the County Recorder's office. (no change)
  - Obtained owner signature on easement deed for PTP Turnout No. 106.
  - Hamner, Jewell & Associates is working on revised easement deed language in an attempt to satisfy owner's attorney requests at multiple PTP turnouts (No. 102, 103, 105, 113, 114, 135, 144, 146, 147, 158, 161).
  - There are legal issues preventing the ownership from signing easement deeds at PTP Turnout Nos. 107 and 132.
  - Staff is currently exploring a new option involving electromagnetic flow meters with integrated batteries for challenging locations that lack space for solar power.
-

## 5.2 Monthly Engineering Department Report Information Item

---

### 11. Recycled Water Update

- September 7, 2021 – The City of Oxnard approved Ordinance No. 2997 amending the Oxnard City Code to include updated local limits to restrict industrial users or other nondomestic sources that discharge wastewater into the Oxnard wastewater collection system. This is an important step for the planned implementation of the Aquifer Storage and Recovery (ASR) project.

### 12. State Water Project (SWP) Interconnection Pipeline Project

- Since adoption of Addendum #1 to the certified EIR by the City of Ventura Council on July 12, 2021, the City has obtained all applicable permits, including encroachment permit, streambed alteration agreement, Clean Water Act Section 401, and the Nationwide Permit for the geological exploration for three borings within the Santa Clara River (SCR) riverbed.
- The purpose of the geotechnical exploration that includes drilling three borings is to collect data that were not included in the EIR to inform the design of the proposed interconnection that will be undercrossing the SCR. The proposed borings are in the District property.
- Upon review of the applicable permits, the District allowed the City to proceed with the drilling work on September 20. A bioresources survey was completed on September 21, a preconstruction meeting was held by Fugro on September 22. Fugro, the County of Ventura, the City of Ventura, United and the drilling contractor were in attendance.
- The City of Ventura informed United and other project partners on September 28 that California Water Impact Network (CWIN) had filed a notice of appeal in the project CEQA litigation.

### 13. Rice Avenue Grade Separation Project

- The Rice Avenue Grade Separation project will impact the Pumping Trough Pipeline (PTP). The major impact is on about 800 linear feet of the existing 30-inch transmission that is buried under Rice Avenue north of 5<sup>th</sup> Street. This segment of the pipe requires relocation or reinforcement. Staff has been collaborating with the County and the City of Oxnard's design engineers and agreed that reinforcement of the pipeline that will be buried up to 14 feet under the new Rice Avenue is best alternative for future operation and maintenance of the PTP system.
  - Following a meeting with the Ventura County Public Works Agency (VCPWA) and the City of Oxnard on July 12, Staff received a copy of the Caltrans Utility Agreement (UA) for the relocation/ reinforcement of the PTP 30-inch transmission pipeline from VCPWA via email on August 25 which requested the District's response to the Caltrans (UA) by September 15.
  - Following review of the proposed UA, the General Manager responded to the VCPWA Director on September 9, (a week prior to the September 15) which included proposed changes to the terms of the UA.
-

## 5.2 Monthly Engineering Department Report Information Item

---

- Via an email dated September 16 to Staff, the VCPWA's Engineering Manager requested the District to provide an official "Reject" or "Accept" response to the UA. The same request was corresponded to the General Manager on September 23.
- The District remains supportive of the Rice Avenue Grade Separation District and has no intention of rejecting a utility agreement that is related to the relocation of the District's facilities in the PTP system. This was corresponded to VCPWA on September 27.

### 14. Coastal Brackish Groundwater Extraction and Treatment Project

- September 3 – Trussell Technologies submitted the draft report entitled, "Extended Desktop Modeling Evaluation for Coastal Brackish Groundwater Extraction and Treatment Project." The report generally describes relevant regulations, source and product water quality, preliminary treatment design and future pilot testing considerations. Staff is currently reviewing the draft report.
  - September 7 – Staff submitted a concept proposal for an implementation grant under the Proposition 1 Groundwater Grant Program Round 3 solicitation which is administered by the State Water Resources Control Board. The concept proposal included:
    - Up to five (5) new nested monitoring well locations with perforations in the semi-perched, Oxnard and Mugu aquifers.
    - Up to four (4) new extraction well locations with completions in the Oxnard and Mugu aquifers. The production wells will temporarily discharge to the ocean.
    - The Phase 1 project will build upon the groundwater modeling work as a live demonstration. It will also provide ample opportunity to sample discharged water to ensure future treatment can meet drinking water and NDPES requirements.
  - September 1 – Kennedy/Jenks Consultants and District staff met to review and discuss distribution model assumptions and design criteria for treated coastal brackish groundwater distribution to the coastal zone, Oxnard Forebay, Oxnard-Hueneme Pipeline, Pumping Trough Pipeline and Pleasant Valley County Water District.
  - September 16 – Internal monthly progress meeting held.
  - September 16 – Kennedy/Jenks Consultants and District staff met to review and discuss facility recommendations for treated coastal brackish groundwater distribution including pipeline sizing, pump station and additional storage tank requirements. Also discussed cost estimate basis for facility recommendations.
  - September 23 - Kennedy/Jenks Consultants and District staff met to review and discuss draft costs for treated coastal brackish groundwater distribution.
  - September 27 – District staff held Technical Advisory Committee Meeting No. 3 to review the groundwater modeling progress under the Proposition 1 Groundwater Grant Program Round 1 planning grant. Representatives were present from the State Water Resources
-

## 5.2 Monthly Engineering Department Report Information Item

---

Control Board, Los Angeles Regional Water Quality Control Board, Division of Drinking Water, Department of Water Resources, Fox Canyon Groundwater Management Agency and U.S. Navy staff. Topics included the project status, overall project objectives, hydrostratigraphic mapping, geologic conceptual model, regional flow model conversion to MODFLOW USG, model recalibration, coordination with the U.S. Navy and engineering elements.

- September 29 – District and U.S. Navy Monthly Progress Meetings held.
- September 29 – Kennedy/Jenks Consultants and District staff met to review and discuss draft results for treated coastal brackish groundwater distribution in preparation for the 2021 Water Sustainability Summit.
- Worked on an expanded list of constituents for coastal monitoring well sampling to better determine treatment efficacy and brine discharge options. Drafted letter to the Los Angeles Regional Water Quality Control Board.
- Upcoming (scheduled and tentative):
  - October – Presentation of project progress at 2021 Water Sustainability Summit.
  - October – Kick-off meeting for the CEQA Initial Study preparation.
  - November – Potential invitation to submit full proposal for SWRCB Prop 1 GWGP Round 3 Implementation Grants.
  - November – Receive draft Water Distribution Alternatives Analysis Technical Memorandum from K/J.
  - November – Receive draft Memorandum of Understanding with U.S. Navy
  - November – Technical Advisory Meeting No. 4 and public outreach meeting
  - November – Conduct baseline sampling and video inspect monitoring well CM1A
  - December – Complete all groundwater modeling work related to SWRCB Proposition 1 GWGP Planning Grant
  - January – Meeting No. 4 with U.S. Navy Leadership

### 15. Asset Management

- On September 23, 2021, Robert Richardson, and Erik Zvirbulis attended a webinar for EOS Arrow Gold GNSS Receiver, a high accuracy GPS unit with the capability to work directly with ESRI Apps.

### 16. California American Water (CalAm)

- The Board of Directors' (BOD) approved California American Water Company's (CalAm) request for execution an agreement with CalAm for establishing emergency/ resiliency use connections to the OH pipeline on September 8. On September 10, Staff informed CalAm about the BOD's decision. As a result of a preliminary review of the OH pipeline as built plans, two 8-in turnouts of the OH pipeline have been identified that can be used for emergency interconnections, one to CalAm Water Company Rio Plaza and one to Vineyard Avenue Acres and Cloverdale Mutual Water companies.
-



## 5.2 Monthly Engineering Department Report Information Item

---

- On October 1, Staff was informed that the two mutuals are no longer interested to be consolidated.
- To date, CalAm has not formally responded to the District expressing interest in establishing the emergency interconnection to the OH pipeline.

### 17. Other Topics, Meetings and Training

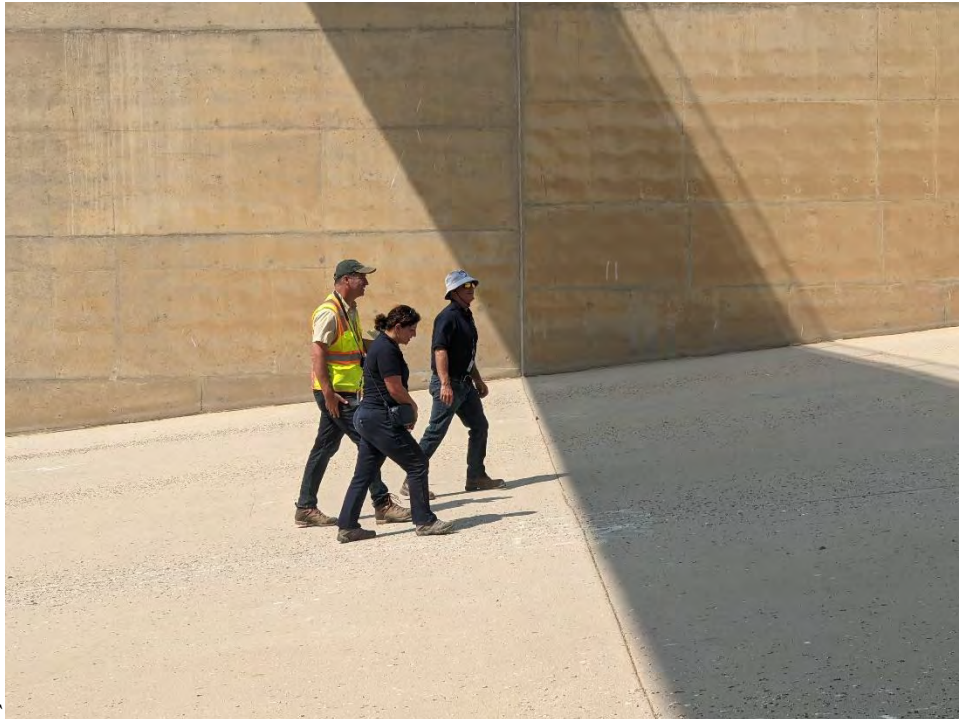
- September 15, 2021 – Maryam Bral, Adrian Quiroz and Erik Zvirbulis participated in a RedCross CPR/AED/First Aid training.
- September 20, 2021 – Engineering and Operations and FERC met at SFD for FERC’s annual inspection.
- September 20-21, 2021 – Robert Richardson participated in the 2021 WateReuse California Annual Conference.
- September 21-23, 2021 – Engineering held the Santa Felicia Dam Safety Improvement Project – Board of Consultants Meeting No. 5.
- September 23, 2021 – Michel Kadah attended mandatory Phase 3 workshop of the Ventura County Multi-Jurisdictional Hazard Mitigation Plan. Staff start the preparation of the District’s Phase 3 annex.
- September 27, 2021 – Maryam Bral and Robert Richardson attended the Aestus geophysics presentation.
- September 27, 2021 – Maryam Bral and Robert Richardson participated in a brown bag session with Carollo.
- September 29, 2021 – Michel Kadah and Destiny Rubio attended FEMA “Standard Procurement Disaster Assistance Team (PDAT)” training.
- September 29, 2021 – Robert Richardson attended CPR/First Aid/AED training.

## 5.2 Monthly Engineering Department Report Information Item

---



**Figure 1**  
**Board of Consultants meeting at UWCD HQ**



**Figure 2**  
**Annual FERC Inspection of SFD**



**Figure 3**  
**Freeman Diversion Rehabilitation/Fish Passage Facility – USBR 1:24 Hardened Ramp Physical Model**



**Figure 4**  
**Freeman Diversion Rehabilitation/Fish Passage Facility – University of Iowa 1:24 Vertical Slot Physical Model, 3D printed vertical slots.**





**Figure 5**  
**OH System Backup Generator Project - New Light Pole Foundation**



**Figure 6**  
**OH System Backup Generator Project – PLC Housekeeping Pad Replacement**



### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager  
Anthony A. Emmert, Assistant General Manager

**From:** Linda Purpus, Environmental Services Manager

**Date:** October 4, 2021 (October 13, 2021, Meeting)

**Agenda Item:** 5.3 Monthly Environmental Services Department Report  
**Information Item**

---

#### **Staff Recommendation:**

The Board will receive and file this staff report from the Environmental Services Department regarding its activities for the month of September 2021, as well as receive the presentation to the Board supporting this report.

#### **Discussion:**

1. Santa Felicia Project Operations and Federal Energy Regulatory Commission (FERC) License Support

- Water Release Plan and Water Release and Ramping Rate Implementation Plan

Under the Water Release Plan and FERC license for the Santa Felicia Project, United is required to make certain water releases from Santa Felicia Dam for steelhead habitat and migration, when specific triggers are met. Triggers for habitat water releases are based on cumulative rainfall within the water year. Based on measured cumulative rainfall for the water year, triggers for enhanced habitat water releases were not met during 2021. Therefore, the minimum required water release will remain at seven cubic feet per second (cfs) for the calendar year.

- Santa Felicia Dam Safety Improvement Project (SFDSIP)

Environmental Services staff is supporting the Engineering Department in addressing environmental regulatory elements of the SFDSIP. United is consulting with National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act (ESA) for the project. In response to information provided during a technical assistance workshop held on July 29, 2021, NMFS provided a comment letter related to the channel design for the new release reach on September 1, 2021.

---

- United Water Conservation District v. FERC, Court Case in Abeyance

On September 29, 2010, the U.S. Court of Appeals granted the District a motion to hold the court case “United Water Conservation District v. FERC” in abeyance and directed the District to file status reports every 60-days. United filed the court case to challenge the biological opinion issued by NMFS on FERC’s issuance of a license for the Santa Felicia Project. On September 13, 2021, United filed the sixty-sixth status update with the U.S. Court of Appeals for District of Columbia Circuit.

## 2. Multiple Species Habitat Conservation Plan (MSHCP)

- Geotechnical Exploration for the Freeman Fish Passage Facility

On September 8, 2021, the Board of Directors adopted Resolution 2021-17 to approve and adopt the California Environmental Quality Act (CEQA) final Initial Study and Mitigated Negative Declaration (IS-MND), along with the mitigation monitoring and reporting program (MMRP) for the Freeman Diversion Fish Passage Facility Geotechnical Exploration Project. The Notice of Determination (NOD) was subsequently filed with the Ventura County Clerk as well as the State Office of Planning and Research (OPR) to finalize the CEQA process.

On September 21, 2021, California Department of Fish and Wildlife (CDFW) issued a final Lake or Streambed Alteration Agreement (LSAA) and on September 28, 2021, Ventura County Watershed Protection District (VCWPD) issued a watercourse permit. Combined with the previously issued Clean Water Act (CWA) permits and approvals from the Los Angeles Regional Water Quality Control Board (LA Water Board) and the U.S. Army Corps of Engineers (USACE) under Nationwide Permit (NWP) 6, all permits for the project were received in advance of the project kick-off. Geotechnical explorations began on September 30, 2021. Environmental Services staff will continue to provide permit compliance support throughout the duration of the project.

## 3. Freeman Diversion Operations

- Programmatic Sediment Management, Freeman Diversion

On August 26, 2021, United received a notice from the LA Water Board that the Clean Water Act Section 401 Water Quality Certification Application for the project was deemed incomplete. Staff resolved this issue and submitted additional information on August 27, 2021. Subsequently, the US Army Corps of Engineers determined the LA Water Board has a “reasonable period of time” to review the complete application and issue a certification, ending on October 26, 2021. On September 13, 2021, CDFW deemed the District’s application for a LSAA complete.



An IS-MND for the project was made available for public review and comment through filing with the Ventura County Clerk and the State OPR from August 27, 2021, through September 27, 2021. Comments were received from CDFW on September 27, 2021.

4. Quagga Mussel Management

- Monitoring

Staff continues to conduct routine monitoring under the Quagga Mussel Monitoring and Control Plan (QMMCP) including monthly water quality sampling; monthly veliger (microscopic planktonic larvae) sampling; monthly artificial substrate sampling in Lake Piru (plate sampling); and natural substrate sampling in Piru Creek (surface surveys). Surface surveys were also performed at locations accessed through Rancho Temescal property.

5. Miscellaneous

- Environmental Services staff participated in District-sponsored fire extinguisher training on September 16, 2021, and first aid and CPR training on September 27 and 28, 2021.
- On September 20, 2021, Hannah Garcia-Wickstrom joined the Environmental Services Department filling the Associate Environmental Scientist position.



### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager  
Brian Collins, Chief Operations Officer

**From:** John Carman, Programs Supervisor

**Date:** September 29, 2021 (October 13, 2021, Meeting)

**Agenda Item:** 5.4 Monthly Operations and Maintenance Department Report  
**Information Item**

---

#### **Staff Recommendation:**

The Board will receive and file this summary staff report regarding the monthly activities of the Operations and Maintenance Department for the month of September, 2021.

#### 1. Water Releases, Diversions and Deliveries

- Lake Piru dropped 1.16 feet in September to 14,526 acre-feet (AF) of storage.
- 0 AF of water was diverted by the Freeman Diversion facility in September.
- 0 AF of water was diverted to the Saticoy recharge basins in September.
- 0 AF of surface water was delivered to the El Rio recharge basins in September.
- 0 AF of surface water was delivered to the PTP system in September.
- 0 AF of surface water was delivered to Pleasant Valley County Water District in September.

#### 2. Major Facilities Update

- **Santa Felicia Dam**
    - Lake Piru dropped 1.16 feet September 1, 2021, through October 1, 2021, to 14,526 AF of storage.
    - On October 1, 2021, the lake level was 78.15 feet below the spillway lip.
    - On June 1, 2021, the cumulative rainfall measured at rain station 160 was 4.57 inches which did not exceed the June 1<sup>st</sup>, 17.5-inch trigger; habitat water releases from Santa Felicia Dam (SFD) were maintained at no less than 7 cubic feet per second (cfs), for the months of June through September, as per the Water Release and Ramping Rate Implementation Plan for lower Piru Creek.
    - On September 13, 2021, Federal Energy Regulatory Commission (F.E.R.C.) conducted an annual inspection of Santa Felicia Dam facilities.
    - Board of Consultants toured Santa Felicia Dam facilities on September 22, 2021.
-

**Agenda Item: 5.4 Monthly Operations and Maintenance Department Report –  
Information Item**

---

- **Freeman Diversion, Saticoy, and El Rio Recharge Facilities**

- Flows at the Freeman Diversion averaged 0 cfs for the month of September, with 0 cfs of surface water being diverted on September 1, 2021.
- During the month of September, 0 AF of surface water deliveries were made to the Saticoy Recharge Facility.
- During the month of September, 0 AF of surface water deliveries were made to the El Rio Recharge Facility.
- Saticoy facilities roadway and shop area asphalt slurry sealed.
- Staff performed moss screen annual inspection and repairs.
- In response to recent trespassing and trash dumping concerns, staff installed No Trespassing signs along Saticoy Avenue.
- Static water levels (distance of water from the well pad to the water table):

	<b>2021</b>	<b>2020</b>	<b>2019</b>
Saticoy	140.2'	113.4'	97.2'
El Rio	135.4'	118.25'	123.10'
PTP	125' - 173'	105' - 143'	126' - 165'

- **Noble/Rose/Ferro Basins**

- 0 AF of surface water was delivered to the Noble & Rose basins during September.

- **Oxnard-Hueneme (OH) Delivery System**

- Staff marked all underground utilities in preparation of Fe/Mn construction.
- District staff completed Department of Drinking Water infrastructure survey.
- September 15, 2021, staff worked with contractor EVOQUA to replace OH booster plant CL2 scrubber fan.
- OH Booster Plant vacuum system rebuilt.
- Staff poured cement thrust block at OH Well #19 piping.

- **Pleasant Valley County Water District (PVCWD)**

- During the month of September PVCWD received 0 AF of surface water from United and PVCWD continued to receive surface water from the Conejo Creek Project and received some highly treated recycled water from the City of Oxnard's Advanced Water Purification Facility (AWPF).

- **Pumping Trough Pipeline (PTP)**

- During the month of September, the PTP system demand was met with PTP wells.
- Staff installed bollards for air-vac next to PTP turnout 143.
- NaOCL injection back pressure valve and plumbing replaced.

- **Instrumentation**

- Instrumentation staff coordinated with County of Ventura to install new communications radio link between Torrey Mountain and Santa Felicia Dam crest.
-

## **Agenda Item: 5.4 Monthly Operations and Maintenance Department Report – Information Item**

---

- Staff commissioned new SCADA / 911 call-out computer system.
- Staff upgraded Lombard office with LED fluorescent lights.
- Instrumentation staff installed level transducer at Saticoy Grand Canal.
- Staff configured and installed freeway radios at all OH wells.

- **Lake Piru Water System**

- All chlorine residuals and turbidity readings for the drinking water system were within proper ranges for the month of September.
- Monthly pH, turbidity and coliform samples were obtained for Lake Piru, as part of the Long Term 2 Enhanced Surface Water Treatment Rule compliance monitoring.
- Garnet sand added to filter plant vessel.
- OH well field SCADA graphic display was updated.
- Staff replaced communications UPS at WTP.

### **3. Operations and Maintenance Projects Update**

- Engineering and Operations staff continue with the preparations and planning associated with OH Booster Plant Iron and Manganese construction kick off.

### **4. Other Operations and Maintenance Activities**

- The Santa Felicia Dam Emergency Action Plan sirens located in Piru were exercised on September 3, 2021.
- On September 15, 2021, staff attended the Santa Paula Chamber of Commerce board meeting remotely.
- September 13, 2021, staff conducted first check inspection as a result of 3.6 earthquake located in Thousand Oaks, with no issues reported.
- Monthly inspection of Santa Felicia Dam was performed.
- OH booster plant VFD #1 check-valve rebuilt.
- Monthly bacteria samples were obtained for the PTP system.
- SFD hydraulic accumulator inspected and serviced by Quinn.
- Annual crane inspection performed by KONECRANES.
- Monthly meter readings were obtained for the OH, PTP, and PV Pipelines.
- Completed and electronically transmitted the monthly OH Pipeline report to the State Water Resources Control Board Division of Drinking Water.
- Static water levels were obtained for all El Rio, Saticoy, and PTP wells.
- Weed abatement continued throughout the District.
- Action priority update biweekly meetings for operations staff continue.

### **5. Safety and Training**

- During the month of September, approximately 3100 work hours were performed, within the O & M department with no reportable accidents. The department's YTD safety record has recorded 1 injury.
- One safety meeting was conducted at the Saticoy facility. Two videos were provided to staff entitled, *Fire Extinguisher Tips*, by City of Miami Beach, and *The Car Fire You*

**Agenda Item: 5.4 Monthly Operations and Maintenance Department Report –  
Information Item**

---

*Never Want to Deal With*, by Fire Department Chronicles. The primary objective was to provide fire extinguisher training to staff. AWWA safety handouts entitled on “Avoid Slips and Trips” and “Don’t Let Chemicals Get You!” were briefed to staff. Staff fulfilled California Occupational Safety and Health Administration (Cal/OSHA) under Cal/OSHA: Cal. Code of regulations. Title 8, §6151 Portable Fire Extinguisher, & §3221 Fire Prevention Plan. Staff from O&M, Engineering and Environmental Services participated in the fire extinguisher training. Pictures from the training were posted on the District’s primary social media page. Additionally, annual service was performed on District fire extinguishers located at El Rio, Saticoy and District Headquarters.

- Tailgate safety meetings were conducted at all individual O&M field locations, topics included refresher training on equipment used at the various O&M locations and the online Target Safety assignments for September was “Water Industry: Fire Extinguisher.” Water Treatment staff at El Rio also completed annual HAZWOPER refresher training.

Attachment: A - Operations Log for September

OPERATIONS LOG																										
DATE	SANTA FELICIA DAM								FREEMAN DIVERSION**					RECHARGE					IRRIGATION						O-H	
	SFD EI.	Stor.	Surface	Evap.	Inflow Balance	Outflow USGS	Hydro	Ran 106E	River	Diverted	Fish*** Facility	Bypass Channel	Crest	El Rio	Salicoy Facility		Noble/ Rose	Piru	T.I.D.	P.T.P.	PVCWD	L.P.	Salicoy Wells	Total	CI2	
	Fl.	A/F	Acres	Inches	Av. CFS	Av. CFS	Kw	Inches	Av. CFS	Av. CFS	Av. CFS	Av. CFS	Av. CFS	Av. CFS	Misc CFS†	Weir CFS	Av. CFS	Av. CFS	A/F	A/F	A/F	%	A/F	A/F	A/F	Lbs.
A/F*		15096			6,984	15,397		4.57	19,015	18,175	376	460		10,413	2566		0	0.0	5,180	3,897	1,493		0.0	0	12,841	100,349
9/1/21	978.01	15087	488.00	0.177	5	7.34	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	33.9	270	
9/2/21	977.97	15067	487.70	0.221	0	7.36	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	32.4	263	
9/3/21	977.94	15053	487.50	0.190	2	7.35	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	37.3	307	
9/4/21	977.90	15033	487.20	0.214	-1	7.32	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	37.2	300	
9/5/21	977.85	15009	486.80	0.332	-1	7.29	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	30.7	245	
9/6/21	977.80	14984	486.40	0.305	-2	7.31	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	36.6	288	
9/7/21	977.78	14975	486.30	0.279	6	7.32	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	36.6	266	
9/8/21	977.74	14955	486.00	0.253	0	7.31	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	39.4	290	
9/9/21	977.70	14936	485.70	0.232	0	7.3	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	43.1	318	
9/10/21	977.66	14916	485.40	0.246	0	7.41	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	15.0	328	
9/11/21	977.63	14902	485.20	0.281	4	7.71	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	44.9	339	
9/12/21	977.58	14878	484.80	0.356	-1	7.58	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	36.7	278	
9/13/21	977.54	14858	484.50	0.359	1	7.55	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	37.2	276	
9/14/21	977.49	14834	484.20	0.322	-1	7.55	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	37.0	284	
9/15/21	977.44	14810	483.80	0.285	-2	7.57	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	39.0	325	
9/16/21	977.40	14790	483.50	0.227	0	7.58	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	39.2	296	
9/17/21	977.35	14766	483.10	0.120	-3	7.58	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	40.0	299	
9/18/21	977.31	14747	482.80	0.204	0	7.59	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	38.9	296	
9/19/21	977.27	14728	482.50	0.230	0	7.58	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	35.3	270	
9/20/21	977.25	14718	482.40	0.211	5	7.56	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	37.4	292	
9/21/21	977.19	14689	482.00	0.226	-5	7.53	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	35.9	278	
9/22/21	977.16	14675	481.70	0.230	3	7.54	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	36.8	278	
9/23/21	977.11	14651	481.40	0.253	-2	7.57	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	44.4	305	
9/24/21	977.07	14631	481.10	0.270	0	7.57	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	54.5	397	
9/25/21	977.03	14612	480.80	0.184	0	7.62	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	50.5	410	
9/26/21	976.99	14593	480.50	0.246	1	7.61	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	45.9	360	
9/27/21	976.96	14578	480.30	0.147	2	7.6	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	55.3	388	
9/28/21	976.92	14559	480.10	0.155	0	7.57	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	49.5	373	
9/29/21	976.89	14545	479.90	0.173	2	7.57	0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	54.4	398	
9/30/21	976.85	14526	479.60	0.214	-7		0	0.00	0	0	0	0	0	0	0	0	0	0.0	0.0	0.0	0.00	0.0	0.0	53.3	397	
TOTAL CFS					2	217		0.00	0	0	0	0	0	0	0	0	0	0.0								
AVERAGE CFS					0	7			0	0	0	0	0	0	0	0	0	0.0								
TOTAL A/F					4	430			0	0	0	0	0	0	0	0	0	0.0	0	0	0		0	0.0	1208	9414
MONTHLY REVENUE TO DATE (approx.)							\$0	K																		
AVERAGE A/F					0	15			0	0	0	0	0	0	0	0	0	0.0	0	0	0	0%	0	0.0	40	314
WATER YEAR TOTALS A/F					6,988	15,827		4.57	19,015	18,175	376	460	0	10,413	2,566		0	0.0	5,180	3,897	1,493		0	0	14,049	109,763
* Input total A/F previous month																										
** Daily averages imported from Ranch Systems																										
*** Fish facility flows include Denil fishladder, aux pipe and smolt bypass pipe																										
† Includes Ponds A, C, E, and I overflows, temporary storage in the desilting basin and Pond B, JLB diversions, losses between meters. Negatives mean prior storage from pond B or desilting basin is discharging to other metered sources.																										



### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Clayton W. Strahan, Chief Park Ranger

**Date:** September 20, 2021 (October 13, 2021, meeting)

**Agenda Item:** 5.5 Monthly Park and Recreation Department Report  
**Information item**

---

#### **Staff Recommendation:**

The Board will receive this summary report on the monthly activities of the Park and Recreation Department for the month of September, 2021.

#### **Discussion:**

As we conclude September, guest traffic has begun to decrease at the Recreation Area. Traditionally, Labor Day marks the end of the peak season, and allows staff to retool, participate in training, complete more in-depth maintenance projects, and focus on strategic improvements. The Labor Day weekend was very busy, but remarkably uneventful in terms of incidents. Notable events included a vehicle driven into the lake, an injured osprey, and two vegetation fires adjacent to the lake. Later in the month, Recreation staff are planning two cleanup events in the Santa Clara River drainage to remove trash and contaminants left behind by transients on United property. These events are being completed with the assistance of other personnel within United, the Ventura Police Department and community volunteers. Looking forward we are planning multiple enhancements over the next several months, taking advantage of the reduced guest traffic and prepare for an improved experience, for our guests next season.

Note – this report contains several tasks and incidents that occurred during the month of August after the filing of the previous staff report and are included here to ensure the Board is fully informed of activities at the Recreation Area.

#### **1. Staff Tasks and Activity Highlights**

- **August 20:** Staff performed annual maintenance on HVAC equipment at the entry kiosk to ensure a safe and comfortable environment for our employees and guests.
  - **August 21, 23, 28, September 2, 5, 10, 18:** Staff performed miscellaneous maintenance and repairs to restrooms around the Recreation Area to provide a sanitary experience for guests.
-

## 5.5 Monthly Park and Recreation Department Report

Page 2

---

- **August 23, September 13, 14:** Staff completed regular preventative maintenance and service on assigned vehicles.
- **August 24, September 8:** Staff provided transport for researchers from the Southern California Coastal Water Research Project in their efforts to learn more about cyanobacteria in the area.
- **August 27, September 20:** Staff moved the marina and courtesy dock to keep pace with falling lake levels.
- **September 4:** Staff repaired a leaking irrigation line in the Group 2 camping area.
- **September 7:** Staff pressure washed picnic tables and the marina gangway to ensure a clean and safe guest experience.
- **September 10:** Staff worked with Santa Felicia Dam O&M personnel to service and repair filter vessels at the Lake Piru Water Treatment Plant.
- **September 12:** Staff assisted a guest who had locked their keys inside their vehicle and were ultimately able to open the door without incident.
- **September 12:** Staff were notified of an injured osprey along the shore of the lake and confirmed that the osprey was unable to fly due to a broken wing. Subsequently, it was captured and transferred to the Ojai Raptor Center for medical care and rehabilitation.
- **September 13:** Staff completed repairs to irrigation infrastructure in the Condor Point area to provide an enjoyable experience for guests.
- **September 17:** Staff assisted a guest who had accidentally driven off the lower launch ramp road and into the lake. Staff was able to recover the vehicle and facilitate transport out of the Recreation Area.
- **September 20:** Staff began preparing for repainting of gates and curbs in the Recreation Area by pressure washing the areas to remove debris and contaminants.
- **September 25:** Staff hosted the first of two community cleanup efforts in the Santa Clara Riverbed.

### 2. Staff Training/Meetings/Events

- **Weekly throughout September:** Intra-department meetings were held to familiarize staff with operational procedures and developments at the Recreation Area. These meetings included involvement with administrative staff, operations staff, and human resources.
  - **Weekly throughout September:** Staff completed training in case law, and law enforcement policies and procedures from district vendor Lexipol.
  - **Weekly throughout September:** Staff completed safety training from district vendor Target Solutions.
  - **September 15:** Chief Ranger Strahan completed training from the Federal Emergency Management Agency on Media Relations and Press Conferences.
  - **September 16:** Rangers met with Officers from the Ventura Police Department at the Santa Clara River to conduct outreach and enforcement on United property in the area.
  - **September 19:** Chief Park Ranger Strahan and Principal Hydrologist Murray McEachron hosted a community outreach effort with the Piru Neighborhood Council related to water issues and recreation improvements. The meeting was attended by 66.
-



3. **Revenue and Visitation Recap**

2021 Day Use Revenue Recap and Comparison	
2021 Day Use Revenue (Jan. 1 - Sep. 20)	\$329,044.14
2019 Day Use Revenue (Jan. 1 - Sep. 31)	\$199,588.00
Total Revenue Increase/Decrease from Prior Year	\$129,456.14
Annual Increase in %	64.8%
2021 Camping Revenue Recap and Comparison	
2021 Camping Revenue (Feb. 19 - Sep. 20)	\$435,860.06
2019 Camping Revenue (Jan. 1 - Sep. 31)	\$445,135
Total Revenue Increase/Decrease from 2019	\$(9,274.94)
Annual Increase in %	(2%)
Current and Record Year Comparison (2019 vs. 2021)	
2021 Combined Revenue (Jan. 1 - Sep. 20)	\$764,904.20
2019 Combined Revenue (Jan. 1 - Sep. 31)	\$780,686.00

*\*\* Camping Revenue has been impacted by the park closure order due to COVID-19. Camping reservations resumed on February 19, 2021, and in person camping began March 11th.*

*\*\*\* It should be noted that 2019 was one of the highest revenue years in the history of the park. 2021 is on pace to exceed the 2019 day-use numbers and is just slightly below the camping revenue from that year.*

2021 Total Visitation Figures				
Month	# Nights/Sites	# People	# Vehicles	# Vessels
January	0	2,627	1,196	219
February	0	2,047	1,049	155
March	243	3,473	1,771	393
April	624	5,940	2,653	483
May	732	5,346	3,292	507
June	685	5,581	3,025	730
July	1,007	6,986	3,783	817
August	536	4,425	2,463	796
September (1-20)	473	5,324	2,278	681
<b>Total</b>	<b>4,300</b>	<b>41,749</b>	<b>21,510</b>	<b>4,781</b>

4. **Incidents/Arrests/Medicals**

Rangers noted a marked decrease in calls for service and incidents during the month of September. Several items of note are listed below:

- **September 4:** Rangers responded to a reported medical problem and located a guest with a small laceration to the head. Rangers provided first aid and the guest declined further medical treatment.
  - **September 5:** Rangers responded to a domestic dispute in the marina parking lot and contacted the involved parties. Following an investigation by Rangers and Ventura County Sheriff's Office deputies, one guest was arrested for domestic battery, parole violations, and outstanding warrants.
-

- **September 11:** Following a sighting of a large smoke plume northeast of the Recreation Area, Rangers checked the National Forest north of the lake and monitored what became the Route Fire to ensure it did not impact the safety of guests in the Recreation Area.
- **September 17:** Following a sighting of a large smoke plume north of the Recreation Area, Rangers checked the National Forest north of the lake and monitored what became the Emigrant Fire to ensure it did not impact the safety of guests in the Recreation Area.

**5. Citations/Enforcement Summary**

Throughout July and August, one citation was issued for violations of District Ordinance 15:

- Ordinance 15 Section 5.6(j): Fishing outside posted hours

Additionally, several warnings were issued for driving off a designated roadway, fishing outside posted hours, and vessel speed in a restricted area.

It should be noted that numerous other enforcement contacts were made for violations of District Ordinances, however, as it is the District's goal to use education as a means for compliance in most cases, Park Rangers used these incidents as an opportunity to educate the guests via a verbal warning.

**6. Grants**

The District is still awaiting decision on a cyber security grant administered by Ventura County via Homeland Security as a possible opportunity for funding, to upgrade the security cameras at Lake Piru. Staff will keep the Board apprised of any updates on this matter.

---



### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Maryam Bral, Chief Engineer  
Dan Detmer, Water Resources Manager

**Date:** October 4, 2021 (October 13, 2021 Meeting)

**Agenda Item:** 5.6 Monthly Water Resources Department Report  
**Information Item**

---

#### **Staff Recommendation:**

The Board will receive and file this summary report from the Water Resources Department regarding activities for the month of September 2021.

#### **Discussion:**

#### **Staff Activities**

In addition to the Department's routine, ongoing groundwater monitoring and reporting programs and its support of Groundwater Sustainability Agencies (summarized in a separate staff report), notable efforts and activities conducted by staff during the past month included the following:

- Groundwater Modeling:
    - Staff has completed expansion and documentation of the active domain of United's numerical groundwater flow model to incorporate the Piru, Fillmore and Santa Paula basins, updated the Regional Model to include the years 2016-2019, and verified the calibration of the expanded and updated model. Staff has also completed documentation of the inputs required for forward-looking projections conducted for the Mound and Fillmore & Piru basins groundwater sustainability agencies (GSAs). Staff is finalizing documentation of the model update and verification effort. The independent Expert Panel has reviewed the expanded and updated Regional Model and related documents and authored a Technical Memo detailing their favorable review of United's work.
    - Staff has converted the 2018 version of the groundwater flow model (coastal plain basins) to a new software version that allows for the simulation of salinity changes associated with seawater intrusion in the coastal areas surrounding Pt. Mugu and Port Hueneme. This work is funded by the Prop 1 Coastal Brackish Project feasibility study
-

**Agenda Item: 5.6 Monthly Water Resources Department Report**  
**Information Item**

Page 2

---

and incorporates revised geologic mapping in the study area, work that was also funded by the Prop 1 grant.

- Staff hosted the third Technical Advisory Committee meeting for the Prop 1 grant work on September 27. Dr. Sun presented his work on conversion of the coastal plain model to MODFLOW-USG, and staff reported other progress related to development of the Coastal Brackish Groundwater Extraction and Treatment Project.
- Staff continue to help the Environmental Services Department (ESD) evaluate effects of existing and potential future surface water flow conditions at the Freeman Diversion.
  - Staff are assisting ESD in evaluating fish passage design modifications under consideration for United's Habitat Conservation Plan (HCP).
- Staff continue to assist with planning and coordination for release of Table A water and supplemental State Water Project water acquired from the Santa Clarita Valley Water Agency and the City of San Buenaventura. 3,150 AF has been received and United has the option to purchase an additional 1,260 AF.
- Staff continue to collaborate with the Engineering Department with development and design of a portfolio of new or improved water-supply projects within the District's service area. Staff and their consultant are working and meeting regularly to refine the conceptual design of water-supply projects and new conveyance systems so that they yield the best value in terms of sustainable yield for the groundwater basins in United's service area and refine existing routing models to distribute available surface water and new water supply project water.
- Staff continue preparing a report detailing conditions related to ongoing and active seawater intrusion in the Oxnard basin.

**Outreach and Educational Activities:**

- Staff participated in planning efforts for United's upcoming Water Sustainability Summit tentatively scheduled for this fall. Activities included support of development of an agenda, development of analyses and evaluations of new projects, and preparation of presentations for the Summit.
- Three staff presented at the Groundwater Resources Association of California's "Western Groundwater Congress" in Burbank, on modeling work and water-supply project planning in progress by United.



### **Staff Report**

**To:** UWCD Board of Directors

**Through:** Mauricio E. Guardado, Jr., General Manager

**From:** Maryam Bral, Chief Engineer  
Dan Detmer, Water Resources Manager

**Date:** October 4, 2021 (October 13, 2021 Committee Meeting)

**Agenda Item:** 5.7 Update on Groundwater Sustainability Agencies (GSAs) and Sustainable Groundwater Management Act (SGMA)  
**Information Item**

---

#### **Staff Recommendation:**

The Board will receive a summary report on the monthly activities of the three local Groundwater Sustainability Agencies (Mound Basin GSA, Fillmore and Piru Basins GSA, and the Fox Canyon Groundwater Management Agency, for which the District serves as a member director, and the Santa Paula basin (adjudicated) Technical Advisory Committee. Staff may also report on state-wide issues related to the implementation of the Sustainable Groundwater Management Act of 2014.

#### **Discussion:**

##### **Fox Canyon Groundwater Management Agency (FCGMA)**

Staff continue to monitor and, where appropriate, participate in the FCGMA's groundwater sustainability planning and implementation efforts in the Oxnard, Pleasant Valley, and Las Posas Valley (Western Management area) basins. United staff continue to meet periodically with FCGMA staff to develop analyses of benefits and impacts of water-supply projects and different variations of those projects in support of developing a sustainable, resilient water-supply portfolio for the service areas of both agencies. United staff also attended and, where appropriate, contributed to FCGMA Board and Committee meetings, as follows:

*Board of Directors meetings* – The FCGMA Board held a regular meeting online on September 22. Notable topics included:

- Board received a presentation from FCGMA staff on a proposed ordinance that would extend an OPV basins provision for waiver of assessment of surcharges for groundwater production in excess of that of the 2005-2014 allocation period if production was not
-

**Agenda Item: 5.7 Update on Groundwater Sustainability Agencies (GSAs) and Sustainable Groundwater Management Act (SGMA)**  
**Information Item**

Page 2

---

greater than in 2018. After a public hearing was conducted, the Board voted to not adopt the proposed extension.

- Board approved the Professional Services Contract with Larry Walker Associates to draft a fact sheet and present findings related to potential regulatory requirements associated with securing rights for the water discharged from the City of Simi Valley's Water Quality Control Plant (SVWQCP) and dewatering wells.

*OPV Variance Review Committee meeting* – The FCGMA Operations Committee held online meetings on September 13 and September 27. Several variance requests were reviewed, and Committee recommendations will be advanced to the full FCGMA Board.

*Fiscal Committee meeting* – The FCGMA Fiscal Committee has not met since May 18.

*Operations Committee meeting* – The FCGMA Operations Committee has not met since May 19. The Legal *Ad Hoc* Committee of the OPV Core Stakeholder Group has not met since June 11. Discussions by this committee are subject to a non-disclosure agreement.

**Fillmore and Piru Basins Groundwater Sustainability Agency (FPBGSA)**

Staff continue to participate in FPBGSA activities supporting SGMA compliance and GSP preparation for the Fillmore and Piru basins, as follows:

*Board of Directors meetings* – The FPBGSA held a regular Board meeting on September 23. Notable topics included:

- The Board received brief updates from staff on administrative items and GSP development activities since the previous Board meeting.

The next regular FPBGSA Board meeting is scheduled for October 21 at 5:00 pm.

*GSP preparation* – The draft GSP for the Fillmore basin, as prepared by consultant DBS&A was posted on the agency website on August 9. The public comment period for the Fillmore basin GSP closes on October 9. The draft GSP for the Piru basin was posted on August 23 and comments are due October 23. Public workshops were conducted the morning of September 17 and the evening of September 23 in order to present a summary of the plans and receive input from the public. A web-based data management and mapping system that includes well construction information and available water level and water quality records for wells within the Piru and Fillmore basins remains available on the agency website, as are numerous technical references relating to the basins and development of the GSPs.

*New Monitoring Wells* – Staff is helping coordinate land access agreements with area landowners in opportune locations for new monitoring wells funded by a DWR Technical Support Services grant. Staff is also preparing documents for a request for bids from C-57 well drilling contractors.

**Agenda Item: 5.7 Update on Groundwater Sustainability Agencies (GSAs) and Sustainable Groundwater Management Act (SGMA)**  
**Information Item**

Page 3

---

**Mound Basin Groundwater Sustainability Agency (MBGSA)**

Staff continue to participate in MBGSA activities supporting SGMA compliance and GSP development for the Mound basin, as follows:

*Board of Directors meetings*

The MBGSA Board held a special meeting on September 9. The main topic of discussion was the consideration of a master services agreement and work order with Rincon Consultants, Inc., for GSP development support. The consultancy would assist with updating the GSP to address public comments received concerning riparian and aquatic habitats within Mound basin. After discussion, the Board authorized the execution of the agreement.

The MBGSA Board held a regular meeting on September 16. Notable topics included:

- Executive Director Bryan Bondy provided an update concerning the monitoring wells through DWR's Technical Support Services (TSS) grants program for GSP development and implementation. The City of Ventura site use agreement was executed by all parties. The next steps will be to have site meeting with DWR and finalize the TSS agreement. After these steps are completed, construction can be scheduled.
- Executive Director Bryan Bondy provided an update on GSP development, and a summary of comments received during the public comment period.

The next regular MBGSA Board meeting is scheduled for October 21, at 1:00 pm.

*GSP preparation* – The draft GSP was posted on the agency website on June 23. The public comment period for the Mound basin GSP closed on August 23. Several comments focused on groundwater dependent ecosystems within the Mound Basin and whether the shallow alluvial deposits in Mound Basin should be considered a principal aquifer. United staff are supporting development of responses to public comments on the GSP as requested by the MBGSA.

**Santa Paula Basin Technical Advisory Committee (TAC)**

Staff continue to participate in the Santa Paula basin TAC in support of the Santa Paula Basin Judgment and in conformance with SGMA reporting requirements for adjudicated basins, as follows:

The TAC held a regular meeting on September 22. The primary topics presented and discussed at this meeting include:

- New/destroyed wells in Santa Paula basin.
  - GSP update of neighboring basins.
  - Summary of the draft 2020 Santa Paula Basin Annual Report.
  - Status of discussion items from the Technical Work Group of the TAC meeting held in August.
  - Summary of United's Regional Model, which now includes Santa Paula, Fillmore, and Piru basins.
-

**Agenda Item: 5.7 Update on Groundwater Sustainability Agencies (GSAs) and Sustainable Groundwater Management Act (SGMA)**  
**Information Item**

Page 4

---

- Status of, and comments on, the Triggers Analysis.





## CALIFORNIA DEPARTMENT OF **WATER RESOURCES**

# **Public Urged to Avoid Water Contact at Pyramid Lake: Danger Advisory issued for Harmful Algal Bloom**

Published: Sep 22, 2021



Image of Pyramid Lake in Los Angeles County. DWR/2019

**SACRAMENTO, Calif.** – Pyramid Lake and Los Alamos Campground in Los Angeles County reopen tomorrow, September 23 to the public following a temporary closure per a United States Forest Service order to ensure public safety due to widespread wildfires in California. Due to the presence of harmful blue-green algae at Pyramid Lake, the Department of Water Resources urges everyone to avoid physical contact with water until further notice. The swim beaches will be closed and the public should avoid eating fish from the lake.

A danger advisory was put in place at Pyramid Lake and remains in effect for the entire lake until further notice. It is advised to stay out of the water and avoid contact with algal scum in the water or on shore. Swimming and other water-contact recreation and sporting activities are not considered safe under the danger advisory due to potential adverse health effects. For more information on a danger advisory, go to [Harmful Algal Bloom website](#) under Advisory Signs.

Advisories are based on the potential health risks from algae toxins. Exposure to toxic blue-green algae, also known as cyanobacteria, can cause eye irritation, allergic skin rash, mouth ulcers, vomiting, diarrhea, and cold- and flu-like symptoms. Pets can be especially susceptible because they tend to drink while in the water and lick their fur afterwards. Keep pets away from the water.

Bloom conditions can change rapidly, and wind and waves may move or concentrate the bloom into different regions of the reservoir. The algal bloom can accumulate into mats or form scums or foam at the surface and along the shoreline, and range in color from blue, green, white, or brown.

State guidelines on cyanobacteria and harmful algal blooms recommend the following precautions be taken in waters impacted by blue-green algae:

- Take care that pets and livestock do not drink the water, swim through algal blooms, scum, or mats, or lick their fur after going in the water. Rinse pets in clean water to remove algae from fur.
- Avoid wading, swimming, or jet or water skiing in water containing algae blooms, scum, or mats.
- Do not drink, cook, or wash dishes with untreated surface water from these areas under any circumstances. Common water purification techniques such as camping filters, tablets, and boiling do not remove toxins.
- Do not eat mussels or other bivalves collected from these areas. No fish should be consumed under a danger advisory.
- Get medical treatment immediately if you think that you, a family member, friend, pet, or livestock might have been poisoned by blue-green algae toxins. Be sure to alert medical professionals to the possible contact with blue-green algae. Also, make sure to contact the local county public health department.

For more information, visit:

- [California Department of Public Health](#)
- [State Water Resources Control Board](#)
- [CA Office of Environmental Health Hazard Assessment](#)
- [US Environmental Protection Agency: CyanoHAB website](#)
- [Centers for Disease Control and Prevention](#)

###

Contact:

Maggie Macias, Information Officer, Public Affairs, Department of Water Resources

(916) 653-8743 | [maggie.macias@water.ca.gov](mailto:maggie.macias@water.ca.gov)

Getaway Couple <https://www.getawaycouple.com/lake-piru/>

One Page Guide to Camping Lake Piru

- [Destinations](#)

# One Page Guide to Camping Lake Piru

[by Jason & Rae Miller](#)

July 26, 2021



The Lake Piru Recreation Area provides an adventurous and relaxing escape from the daily grind. From water sports to chilling on the shore with friends, we think you'll like this camping spot.

In this one-page guide, we provide you with what you'll need for a camping trip at Lake Piru. Here we will give you a basic overview of the lake, the campground, and available activities.



## Where Is Lake Piru?

Lake Piru is a reservoir in [Los Padres National Forest just outside of Santa Clarita, California](#). The construction of the Santa Felicia Dam on Piru Creek in 1955 formed the lake.

 **MEDIAVINE**

It's also close to the Pacific Ocean if you want to experience lake and ocean life in one visit. Within 40 to 55 miles from the lake, you can go to the [beaches of Ventura, or Los Angeles](#) California.

## What Is Lake Piru Known For?

Many people enjoy the numerous water sport adventures and surrounding recreation areas. Many people enjoy this all-sports lake that has spots for camping, boating, fishing, disc golf, picnicking, and more. If you want to get away from the city and busy beaches of [Southern California](#), take a trip to Lake Piru.





## When Is the Best Time to Visit Lake Piru?

You can visit the lake [year-round](#). However, you will find it most crowded in the hot summer months. Regardless, summer is an optimal time to visit. But if you want to avoid the crowds, you can come in the spring and fall as well. Air and water temperatures become cooler in the winter months.

## Is Lake Piru Open for Camping?

Lake Piru opened for overnight camping in March 2021, after being closed due to the COVID-19 pandemic. You can now [book](#) camping reservations online. You can find fees and make a reservation on the website.

## Camping at Lake Piru

Lake Piru Recreation Area has one campground. Olive Grove Campground sits right on the lake, allowing for easy water access.

### Olive Grove Campground

**Visit:** 4780 Piru Canyon Rd., Piru, CA; 14 miles northeast of Fillmore

The campground has 283 sites for RVs and tents, some of which have electric hookups. You can find water stations and a dump station in the campground. Olive Grove also has restrooms, showers, and laundry facilities. Additionally, you can access Wi-Fi at most campsites.

## Things to Do While Camping at Lake Piru

You won't run out of things to do here. The recreation area has 66 boat slips, a boat launch, a marina store, and boat rentals. You can water ski, sail, kayak, paddleboard, swim, and more on this all-sport lake. Many people enjoy fishing on the lake. You can find a fish cleaning station and tackle sales. Sometimes you can enter fishing tournaments. Other than water sports, you can do many things on land. For example, you can take your kids to a playground, visit horseshoe pits, volleyball nets, and a 9-hole disc golf course. Or if you only visit for a day, bring a picnic to enjoy by the lake.

If you need a break from the lake, you can visit nearby Santa Clarita for shopping and restaurants. Or visit Six Flags Magic Mountain for some action-packed rollercoaster fun!

For those that like to be active on the water while camping, you can visit this affordable spot. You can kick back and unwind at Lake Piru Recreation Area. We hope you'll check it out the next time you come to California.

# Los Angeles Times

## **L.A.'s water use up despite pleas**

Push for voluntary conservation falls flat in the Southland even in midst of drought.

By Ian James

September 22, 2021

Despite an appeal by Gov. Gavin Newsom for all Californians to voluntarily cut water use by 15%, Southern California has lagged in conservation efforts and even increased water consumption slightly in Los Angeles and San Diego, according to newly released data.

More than two months after Newsom stood by a depleted reservoir in San Luis Obispo County to make his plea, figures released Tuesday by the State Water Resources Control Board show that conservation efforts have varied widely from north to south.

On average, Californians reduced water use by just 1.8% statewide during July, compared with the same month last year. In Southern California, however, water use hardly changed among the region's 19.7 million residents.

According to the new data, water use across much of Southern California dropped by just 0.1% overall, and rose by 0.7% in Los Angeles and 1.3% in San Diego.

Those figures contrasted sharply with regions to the north, where the effects of drought have been felt more heavily. Water suppliers in the North Coast region reported a 16.7% decrease in water usage, while Bay Area water use dropped 8.4%.

Areas that met the governor's conservation target included Mendocino and Sonoma counties — regions that Department of Water Resources Director Karla Nemeth described as being in the "bull's-eye for the drought early on."

"We're going to need all Californians to conserve, and conserve a lot more," Nemeth said.

Newsom called for a voluntary 15% reduction in water use on July 8.

State water officials have been tracking monthly data for more than 400 water suppliers statewide, including most of California's cities, towns and water districts. The statistics for July included data reported by 378 of these water suppliers.

The state water board will be presenting the data each month as the drought persists — much the way it did during the last major drought from 2012-16, when the state imposed mandatory conservation measures.

Water officials say they're putting a stronger focus on the need for saving water as California deals with a year of unprecedented heat and extremely dry conditions that have sent some reservoir levels falling to record lows. Nemeth said all regions of the state need to do more to save water, including Southern California.

"We do want to see L.A. into that 15% voluntary" level of water savings, Nemeth said. "We do think it's feasible."

Monthly water use is typically highest in the hot summer months, when plants in yards take up more water and evaporation increases. This July was significantly hotter than last July in Los Angeles, which the city's Department of Water and Power cited as one factor that pushed water use higher. The department has activated a water shortage contingency plan and says it has stepped up a conservation program to encourage customers to cut back.

E. Joaquin Esquivel, chair of the state water board, said he looks forward to seeing what the numbers will show in August.

"Looking at the last drought, it takes time for conservation to boot up," Esquivel said. "We're going to have to continue to dig in deeper."

Laurel Firestone, a member of the water board, said it's simply time for everyone to do their part.

"And that means now," Firestone said. "Treating this like the crisis that it is requires us all to step up far and above what we're seeing in this first month's report."

Some of the hard-hit water suppliers in the North Coast region have adopted mandatory water restrictions and other measures to reduce their water footprint.

"They didn't get the precipitation up there, and they moved pretty quickly," Nemeth said of the northern counties. "And we're pleased about that, and we're pleased that it's been locally led."

Californians dramatically reduced water use during the 2012-16 drought, when then-Gov. Jerry Brown imposed a mandatory 25% cut in urban water usage. Many conservation habits have remained since then. Statewide, per capita water use decreased 16% between 2013 and 2020, according to state water officials.

"In the last drought, we saw an incredible response from Californians," Esquivel said. "That's going to be the continued spirit that we're going to need in the months ahead."

The extreme drought has left California's large reservoirs, from Lake Oroville to Folsom Lake, at some of their lowest levels ever.

The snowpack in the northern Sierra Nevada, which feeds the state's reservoirs, peaked at 72% of average in April, and then rapidly melted during the hottest spring on record. Extreme heat has baked much of the West and left parched soils, which have soaked up a portion of the runoff and left far-below average flows in the state's rivers.



“What transpired this year was truly that climate change is here and our models regrettably don’t best capture the scenarios and circumstances we’re in,” Esquivel said. He said the difficult water situation has required changes in how state officials plan water supplies.

This year, cities and water districts have obtained just 5% of their full water allotments from the State Water Project, which delivers water with pumps and canals from the Sacramento-San Joaquin Delta to Southern California. Next year, managers of water districts anticipate that those allocations could be reduced to zero.

The Metropolitan Water District of Southern California, which delivers water to cities and smaller districts, declared a water supply alert in August and urged people to conserve.

The MWD stores water in reservoirs supplied by the State Water Project, and it also relies on water from the Colorado River. Federal water managers have declared a first-ever water shortage on the Colorado River, and if water levels continue declining as projected, those shortages could begin to shrink the amount of water flowing to Southern California within the next few years.

For now, Colorado River water accounts for more than half of the MWD’s total water supplies, and the district is storing water from the State Water Project in reservoirs that remain at higher levels than the severely depleted reservoirs in Northern California.

“We do want to give water districts an opportunity to work with their customers to do it voluntarily,” Nemeth said. “We want those local boards to be in a position, if they need to go to mandatory [water restrictions], to do that at the local level.”

She noted that the state has begun to relaunch a drought campaign called Save Our Water, offering information about how people can conserve, including steps like replacing thirsty lawns with drought-tolerant plants. The MWD and other water suppliers also offer rebates to help homeowners with the costs of taking out grass and putting in plants that consume less water.

The state water board tracks monthly water use in cities and towns, while handling agricultural water deliveries differently. This summer, the board issued an emergency order barring thousands of water rights holders, including farmers and other landowners, from diverting water from the delta.

Esquivel said the 15% statewide target is intended “to help all Californians really connect to the work.”

“What it has the power of doing, and we saw has done before, is really bring Californians together and help them understand,” he said, “how to improve and contribute to the long-term resiliency of our systems.”

Esquivel said everyone needs to continue focusing on using less water because the science shows that as the world continues to heat up with the burning of fossil fuels, droughts are growing more intense in the West.

“Climate change isn’t going anywhere. Droughts are certainly not going anywhere,” Esquivel said. “And we know they will grow deeper.”

Scientists who are part of a federal drought task force said in a new report released Tuesday that the historic drought in the Southwest during 2020 and 2021 is the most severe and widespread on record, and has been “made more impactful by human-caused warming.” Precipitation since January 2020 has been the lowest on record since at least 1895, while temperatures have reached the third-highest 20-month average on record.

“This exceptional drought punctuates a two-decade period of persistently warm and dry conditions throughout the region,” the scientists wrote in the report, which was released by the National Oceanic and Atmospheric Administration. “The warm temperatures that helped to make this drought so intense and widespread will continue (and increase) until stringent climate mitigation is pursued and regional warming trends are reversed.”

The authors wrote that rising temperatures due to emissions of greenhouse gases “will make even randomly occurring seasons of average- to below-average precipitation a potential drought trigger, and intensify droughts.” They said these “human-caused increases in drought risk will continue to impose enormous costs” for approximately 60 million people in six states, and that will require major efforts to adapt to a more arid Southwest.

Justin Mankin, the lead author and an assistant professor of geography at Dartmouth College, said the task force’s findings underline the importance of preparing for more frequent and more intense droughts like this one.

“It also highlights the costly risks of continuing to emit greenhouse gases at current levels,” Mankin said.

# CAPITAL & MAIN



## Drought Nation

### California's Water Crisis is Real. What Are the Solutions?

The potential remedies for the state's drought-related problems are diverse, complicated and divisive.

September 20, 2021

By [Steve Appleford](#)

**In California, there will always be droughts.** And even in good years, there will never be quite enough water to satisfy the demands of the state's urban population, its natural environment and an insatiable [\\$50 billion agriculture industry](#). Climate change has only made the problems worse.

In 2017, Gov. Jerry Brown declared that the state's last devastating drought was finally over, following a heavy rain season that replenished reservoirs and the crucial snowpack of the Sierra Nevada mountains. "But the next drought could be around the corner," [Brown warned then](#). "Conservation must remain a way of life."

Four years later, that prediction has come true even faster than many expected, with few clear solutions. California now faces increasingly warmer temperatures and an unreliable water supply. This year, wildfires have destroyed more than [2 million acres](#), and some towns have seen their wells go almost completely dry.

"It's obviously a big, big problem. And magic solutions are hard to come by," says Glen MacDonald, a water expert who holds the endowed chair in geography of California and the American West at UCLA.

The potential remedies for the state's many drought-related problems come from all directions and are far more complicated than simply throwing money at major capital investment. As beneficial as new water infrastructure would be (while also creating thousands of new jobs), water experts say it must be part of a larger effort that includes better management of existing water supply, with rainwater harvesting, recycled water and changes to outdoor landscaping and farming.



An abandoned tractor in the Monterey Tract community in Stanislaus County, California. Photo: David Bacon.

---

**“California has the most variable hydrology of any part of the country. We have more drought years and flood years per average year than any other state.”**

~ Jay Lund, co-director of the UC Davis Center for Watershed Sciences

---

“This is something that is going to require multiple approaches,” MacDonald adds. “Some smaller scale, some larger scale.”

Roughly 80% of the state’s water goes to [agriculture](#), and 20% to the population.

“California has droughts, just like the East Coast has hurricanes and the Midwest has tornadoes,” says Jay Lund, professor of civil and environmental engineering at UC Davis and co-director of the university’s Center for Watershed Sciences. “California has the most variable hydrology of any part of the country. We have more drought years and flood years per average year than any other state.”

Last year, the [BlueGreen Alliance](#) called for investing \$105 billion in U.S. water infrastructure over 10 years. The group noted that American cities are still served by pipes that are, on average, about a century old, and leak 6 billion gallons of clean drinking water daily.

“In Southern California especially, you have many miles of pipelines that are leaking and they’re in urban water areas,” says Brandon Dawson, director of Sierra Club California. “How are you fixing those and allowing for more water to pass through the system?”

Aside from drought relief, there is obvious economic benefit to new investment. For every \$1 billion spent on water infrastructure, 30,000 new jobs are created in plumbing, pipefitting and other work, according to the nonprofit advocacy group [Clean Water & Jobs for California](#). In 2017, the [American Society of Civil Engineers](#) gave U.S. drinking water a grade of “D/D+,” suggesting an urgency in terms of public health that even goes beyond water shortage and job creation.

---

Even when the larger agricultural entities of the Central Valley embrace new technologies that use less water, it's often followed by turning the same land over to hugely profitable "water-demanding crops" like almond trees.

---

The bipartisan infrastructure bill recently passed by the U.S. Senate (and still awaiting action in the House) includes funds for water storage, water recycling and desalination. The bill provides [\\$8.3 billion](#) for Western water infrastructure and \$55 billion in what the [White House](#) calls the largest ever investment in clean drinking water in U.S. history.

The worst of the crisis is being felt in [California and the Southwest](#), but a look at the [drought monitor](#) at the National Drought Mitigation Center at the University of Nebraska-Lincoln shows the problem only growing with the effects of climate change. The map shows the drought extending across the Western half of the United States, putting more pressure on water sources shared across several other states, from Nevada and Arizona to Montana and Washington.

"Next time it will be all the way to the Midwest," says [Samuel Sandoval Solis](#), an expert in water resources planning and management at the UC Davis Center for Watershed Sciences. "Would more investment help? Yes, it will help. But the investment is not the solution. We have to cut it back."



Pumping station of the Las Deltas Mutual Water Company in Las Deltas, California.  
Photo: David Bacon.

In the last drought, Californians showed a willingness to adjust personal behavior and water usage in meaningful ways, embracing low-flow showers and toilets, watering lawns less frequently and more. It's at least partly through these conservation efforts that total urban water usage in the state has [fallen](#) despite a rising population.

At the same time, even when the larger agricultural entities of the Central Valley embrace new technologies that use less water, it's often followed by turning the same land over to hugely profitable "water-demanding crops" like almond trees, explains Sandoval Solis.

"This is not about bringing more water. If we bring more water, rest assured that water will be used," says Sandoval Solis. "It's about how can we use less water."

---

**“A lot of the endemic species that are special to California are dying off and becoming extinct because of overallocation to certain industries.”**

~ Brandon Dawson, director of Sierra Club California

---

Environmentalists have found allies among certain farming organizations that promote water conservation and sustainability, but those tend to be smaller family farms that “understand the need to evolve,” says the Sierra Club’s Dawson. “The larger entities are the ones that we have issues with.”

Those farms can be found in the Central Valley, the Joaquin Valley and near Fresno. Elected officials have been slow to push these big farms to address their water usage at a time of shortage, says Dawson.

“There is a real concern that people should have around how California is going to be viewed if we can’t even keep water in our own ecosystems,” Dawson adds. “A lot of the endemic species that are special to California are dying off and becoming extinct because of overallocation to certain industries.”

\* \* \*

**Earlier this year on the Pacific Coast**, Fort Bragg’s City Council voted to purchase a small [ocean desalination plant](#). In the current drought, the town has seen its water supply disappear along with the flow of the Noyo River, which has fallen to levels below that of 1977, the previous worst drought year on record. The new plant would produce 288,000 gallons a day for a population of about 7,300.

While other desalination plants may be built in the state, it’s not seen as a practical solution for much of California for cost reasons alone. The desalination of seawater requires a lot of energy and produces brine, both environmental concerns.

“You could build desalination plants up and down the coast and the cities would never ever see another drought, but it wouldn’t be reasonable because it would be tremendously expensive. It would be like building freeways so large that you never had traffic jams,” says Lund. “Water conservation in most parts of the state is likely to be cheaper than desalination.”

Over the last 30 years, [Southern California](#) spent heavily on reservoirs and long-term planning, while smaller communities on the Northern California coast depend on groundwater and local wells, leaving themselves vulnerable during recurring droughts.

---

**“I think everyone would like to live in a California that has rivers that flow, and that has fish, that has birds. All of that relies on not taking all of the water out of our rivers.”**



In some communities in Northern California, water trucked into town can cost up to 45 cents a gallon, compared to less than a penny a gallon charged by utilities in less stressed parts of the state. Meanwhile, during the current drought, leaders in the small town of [Teviston](#), near Fresno in the San Joaquin Valley, have resorted to providing bottled water to residents.



Cracked earth in a dry irrigation canal in Las Deltas, California, during the drought. Photo: David Bacon.

Reservoirs serving small towns in [Northern California](#) are far below 50% capacity. The dam at Lake Oroville is so depleted that it stopped producing electricity — another costly byproduct of the drought and climate change.

“That means we’re going to be seeing more of these kinds of episodes and probably more severe than what we’ve seen in the past droughts,” says Lund. “I think we need to be prepared for it to be worse.”

The stakes couldn’t be higher for the environment, as competing interests take more and more fresh water out of the ecosystem. As the largest farming companies continue to demand the largest share of the state’s water, draining its rivers and groundwater, the real threat to fish and other wildlife grows increasingly dire.

“People eventually are going to be forced to reckon with how important these issues are,” says Jacob Morrison, a filmmaker who grew up in Southern California. His [upcoming documentary](#), *River’s End: California’s Latest Water War*, examines the state’s water issues. “I think everyone would like to live in a California that has rivers that flow, and that has fish, that has birds. All of that relies on not taking all of the water out of our rivers.

“Ultimately, in order to solve this problem, we’re going to have to take some agricultural land out of production.”

The issues are predictably contentious. During one interview in *River's End*, a young family farmer stands beside a pump on his land and says, "My grandfather told me, 'There may come a day, son, when you'll have to sit on that pump with a shotgun.'"

The future of water in California may appear grim, but UCLA's MacDonald takes some encouragement from the state's response to an earlier environmental crisis, pointing to the out-of-control air quality challenges that created a ghastly layer of smog over Los Angeles and other metro areas, much worse than today. By the end of the 1960s, the Hollywood Hills were often shrouded under a blanket of smog.

"California's air quality got worse and worse and worse. It was unbelievable," MacDonald says, noting that the state instituted several measures to cut back on air pollution that proved effective. "Those eventually influenced the nation and the world, so the effect of California's fight against air pollution was magnified. It was like ripples in a pond."

On water issues amid the accelerating climate change crisis, California could lead the way again. "It can provide leadership, it can provide technologies and strategies," he says, "which will then have a bigger impact on anything that happens."





**Associated Press**

## **California OKs new spending on drought, wildfire prevention**

By ADAM BEAM September 9, 2021



[FILE - In this Sept.1, 2021, file photo, a firefighter lights a backfire to stop the Caldor Fire from spreading near South Lake Tahoe, Calif. California lawmakers have approved more than 2 billion dollars in new spending aimed at preventing wildfires and addressing the drought. The votes on Thursday, Sept. 9, mark the end of lawmakers' work on the state's \\$262.5 billion operating budget this year. \(AP Photo/Jae C. Hong, File\)](#)

SACRAMENTO, Calif. (AP) — California lawmakers on Thursday voted to spend more than \$2 billion to prevent wildfires and address a severe drought, closing the book — for now — on a \$262.5 billion operating budget that began the year with a record deficit because of the pandemic and ended with a record surplus in spite of it.

Wildfire spending in California has more than tripled since 2005, surpassing \$3 billion last year. But most of that money is spent on putting out fires, not preventing them.

That strategy hasn't been working in an era of climate change that is making fires larger than ever and more difficult to put out. Fifteen of the state's most destructive wildfires have occurred in the last 10 years. Five of the largest wildfires in state history happened just last year, and a fire that's still [burning this year](#) is the second largest ever.

New spending approved Thursday brings California's wildfire prevention budget to more than \$1.5 billion. The money will pay for things like the strategic clearing of brush and trees that could fuel massive fires in the future. It will also pay for a bevy of inspectors to review homes in wildfire prone areas before they are sold.

Lawmakers also approved an additional \$1.2 billion to pay for things like grants to plan for climate change, water recycling projects and cleaning up contaminated water sources. Assembly Speaker Pro Tempore Kevin Mullin, a Democrat from South San Francisco, called it "the largest state level investment in climate resilience, ever."

But some lawmakers from both parties were disappointed with the final spending package. State Sen. Bob Wieckowski, a Democrat from Fremont, said Newsom got everything he wanted in the budget while lawmakers had to sacrifice some of their priorities, including hundreds of millions of dollars in additional spending for various state conservancies that promote and protect undeveloped landscapes.

"It's uninspirational. It's not bold," Wieckowski said of the budget's climate spending during a committee hearing on Tuesday.

The drought in the western United States has drained California's complex system of 1,500 reservoirs that store water for drinking, agriculture, energy and fish habitat throughout the year. One of the biggest, Lake Oroville in Northern California, has so little water that state officials were forced to [shut down](#) a large hydroelectric power plant for the first time ever.

Yet California's spending plan does not have any money for water storage projects. The Newsom administration noted about \$2.7 billion is set aside for seven water storage projects, including a plan to build the [largest new reservoir](#) in California in more than 40 years. But Assemblyman Vince Fong, a Republican from Bakersfield and vice chair of the Assembly Budget Committee, said voters approved that money seven years ago and so far nothing has been built.

"This budget is a missed opportunity," Fong said. "We have the resources, we have the projects, but we apparently lack the political will."

The bills approved Thursday represent agreements reached between Newsom and Democratic leadership in the state Legislature. But they couldn't agree on everything, leaving about \$3.3 billion in transportation money unspent. That means about \$1 billion for infrastructure projects to

prepare for the [2028 summer Olympics](#) in Los Angeles will be delayed while negotiations continue into next year.

Other items caught some lawmakers by surprise, including raises for commissioners on the Public Utilities Commission of 5% per year for the next three years. The commission regulates utility companies in the state, and lawmakers have been furious with them for not coming down hard enough on large investor-owned utilities like Pacific Gas & Electric, which owns equipment that has started numerous deadly and destructive wildfires.

“They are not doing their jobs,” said Assemblywoman Rebecca Bauer-Kahan, a Democrat from Orinda, who spoke against the raises.

The five commissioners earned between \$207,000 and \$283,000 in salary and benefits last year, according to data compiled by Transparent California. The Newsom administration requested the raises “in order to ensure we continue to be competitive with salaries,” according to Assemblyman Phil Ting, a Democrat from San Francisco and chair of the Assembly Budget Committee.

Thursday’s votes marked the end of one of the strangest budget years in memory, with large swings in revenue as lawmakers tried and failed to accurately predict the pandemic’s impact on the economy.

Last year, Newsom and the Democratic-dominated Legislature cut spending, raised taxes and delayed funding across state government because they thought the state was headed toward a devastating \$54.3 billion deficit after the coronavirus forced a statewide shutdown of schools and many businesses.

Instead, revenues soared as most office workers kept their jobs — and kept paying taxes — while they transitioned to working from home. Meanwhile, the super-wealthy saw their net worth skyrocket on the back of a strong stock market, pouring billions of dollars in capital gains taxes into the state treasury.

The result was an astonishing \$47 billion surplus for California, according to an analysis by the nonpartisan Legislative Analyst’s Office. Adding in other new money including aid from the federal government and new revenue for schools means California had more than \$100 billion in new money to spend.

“We planned for the worst and we got one of the best budgets in our state history, actually the largest budget in our state’s history,” Ting said.

The turnaround could not have come at a better time for Newsom, who is facing a recall election on Tuesday that could end his term one year early. Newsom and his Democratic allies in the state Legislature used the new money to hand out up to \$1,000 checks to most of the state’s adults, plus agreed to pay off up to 18 months of unpaid rent for most renters.