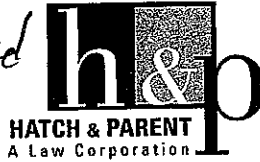


File: GMP
Comments Received



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GK → JTP
FYI
6/22/06
Very Interesting
SUFF
OK

Robert J. Saperstein
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June 22, 2006

Via Electronic Mail



Fox Canyon Groundwater Management Agency
c/o Dr. Steve Bachman
800 South Victoria Avenue, L#1600
Ventura, CA 93009

Re: Comments on Draft Groundwater Management Plan

Dear Steve:

These comments are provided on behalf of the cities of Oxnard and Camarillo, and Crestview Mutual Water Company. Many members of the GMA's M&I Providers Group have also reviewed these comments, but given the short time available, this letter has not been endorsed by any entities other than those listed above.

The M&I Providers group is committed to working with all the interested parties in ensuring that the final, updated GMA Groundwater Management Plan is well-done. The product must be comprehensive, technically well-grounded, and accessible to all the various GMA constituents. This is not a simple task.

GMA staff is also aware that the M&I Provider's Group has hired Curtis Hopkins to provide a peer review of the Management Plan. Curtis and Steve Bachman have already discussed ways in which they might collaborate in making the product meet all our expectations.

The first rough draft presented on June 12, 2006, provides an excellent starting point. Given that this initial draft does not contain the results of the modeling work, these comments are purposely general. When the modeling effort yields results, and the Management Plan is then crafted with more specific recommendations, more specific comments will be provided.

The M&I Providers Group also wanted to express its appreciation for the first workshop conducted on June 15, 2006. It is clear that Steve and the GMA staff have a good plan to ensure that the GMA constituents who chose to be involved will have ample opportunity to influence the content of the plan.

In no particular order of importance, please consider the following observations and comments regarding the first draft of the Management Plan and the process in getting it completed:

1. GMA Board attendance at the workshops. While we understand the time commitment is extensive, this update to the Management Plan is very important. It will guide GMA policy and decision-making for years to come. We are not sure how the GMA Board can obtain adequate familiarity with all the issues and the constituents' concerns without some attendance at the workshops. No board members attended the first workshop.
2. Executive Summary. This section is written as part introduction and part summary. An Executive Summary is normally drafted when the remainder of the document is complete. Given the length and technical nature of the material, the Executive Summary will be the most important section of the Plan. It may be the only portion of the document many individuals read. It should summarize the purpose, issues and recommendations, once all of the technical work is complete.
3. Acknowledgements. Throughout the document, there is repetitive recognition of United and Calleguas as the two entities who contribute to the GMA. This recognition is limited almost exclusively to these two entities. Either this self-congratulatory language should be eliminated, or there should be proper acknowledgement of the work of all the individuals and agencies who have and continue to contribute to the GMA's success.
4. Modeling. There needs to be a distinct section that better describes the model details used for the technical analysis. This section need not be long, but it should include mention of the software, construction, assumptions and details of the model construct. It ought to give enough information for the technically capable reader to understand its basics.
5. Organization and Redundancy. There is tremendous redundancy in the report. Perhaps with different organization, it could be slimmed down significantly. You might describe the water quality and quantity issues generally applicable to all areas, along with the general concept of basin management objectives. Then discuss all the issues comprehensively, separated for each basin or in some cases regions with multiple basins. As an alternative, some of the nonessential background and detailed technical information might be moved to appendices.
6. Management Strategies: Organization. In a fashion, the Management Plan is really several separate management plans. Perhaps it should be organized by basin for the three content subjects: strategies under development, future strategies and actions to attain BMO's. There may need to be one more general section that addresses those strategies that cross basin boundaries. You may be able to combine all the basin specific discussions in one section for each basin. A couple different organizational approaches might be tested, with the goal of reducing redundancy and volume of text.

7. Specific strategy: Forebay priorities. The potential over-reliance on the Forebay under certain conditions is acknowledged in the document. However, there is no mention of the importance, from a policy perspective, to establish some hierarchy for use of the Forebay. There will be increasing reliance on the Forebay. To the extent access to the Forebay may be limited under certain conditions; the GMA board must consider limiting certain uses before others.

8. Specific strategy: Transfers across basins. There is no direct mention that transfers (of allocation or credits) from challenged areas to areas of abundance may be the simplest method of mitigating problems. This has been a policy not favored in the past. However, this is an appropriate time to reconsider this question, particularly if the technical analysis suggests that a surgical approach is required to solve certain problem areas.

9. Specific strategy: Ag recycled water use. The draft Plan acknowledges (assumes) that larger volumes of recycled water will be available for Ag use in the future. The assumption is correct that highly purified recycled water will be available and recycled water use could be a very efficient method of solving several regional problems. However, there is some resistance in the Ag community to take direct use of recycled water. The resistance is not over the quality of the recycled water, but over the required reporting to distributors and product buyers that the crop was grown with recycled water. As long as there is the Ag industry perception that recycled water use may harm the user's competitiveness, recycled water will not be widely accepted. The Board may be able to help influence certain industry groups to alter the current reporting requirements that create these problems for individual users.

10. Analytic methodology. There appears to be no intent to model the expected (inevitable) conversion of Ag use to M&I use over the period of the modeling run. Without this detail, the modeling exercise may provide very misleading results. For example, there are several significant Ag to M&I projects that are in the planning stages located in the south Oxnard Plain area, nearby the City's wastewater treatment plant and the military bases. The result of these conversions will be a shift in groundwater use from wells in a highly sensitive area, to City and United wells located far from the coast (and imported water). If the model does not take into account these expected transitions, it will predict a materially different future than that which will occur. In this fashion, the modeling results may be very misleading.

11. Water quality. It is somewhat troubling that the cornerstone of the Plan is the setting of Basin Management Objectives, some of which are water quality objectives. However, the model has no capability to predict water quality changes. Thus, we need to be very careful in how we set and monitor compliance with the Basin Management Objectives.

12. Periodic update. Either as a component of the Plan, or as a Board measure in adopting the Plan, there should be a built in requirement to update the Plan no less than every 5 years. This should not be so difficult if the model proves to be as useful a tool as is expected.

13. A few detail comments (there are several other nits in the document that we assume will be fixed in future drafts):

a. Pg. 12. There is no such thing as "in-lieu" credits. Ordinance 8 only defines storage and conservation credits. There are special credit transfer agreements/programs the GMA has approved that amount to "in-lieu" transfer of credits, but the term has no meaning in Ordinance 8.

b. Pg. 12. Ordinance 8 requires Ag to demonstrate 80% efficiency, based on the individual crops grown. The Plan does not propose tightening the efficiency percentage as a potential method of reducing water use. Also, the current reporting requirements are not clear in requiring that the efficiency calculation is to be based on irrigated acreage, not total owned property. In some cases, the irrigated acreage may be materially smaller than the property footprint. In that circumstance, the user gets a substantial benefit in reporting efficiency based on the property footprint instead of the irrigated acreage. *← NOT TRUE. I.E. is reported on irrigated acreage only w/allowances for roads only.*

c. Pgs. 13, 16. There is no mention of M&I return flows as a source of recharge.

d. Pg. 20. Two different definitions of basin yield are used and overdraft is not defined.

e. Pg. 23. The discussion of the decreasing trend of extractions is incomplete and therefore misleading. As to the Ag side: (1) there is no quantification of the reduction of Ag pumping resulting from reduced acreage in production over the past two decades, and (2) there is no recognition that the initial period against which we are measuring reduced usage was a very dry period. During dry periods, Ag groundwater use tends to be greatest. Since those early years, we have been in a generally wet period. Thus, we would expect a natural reduction in Ag groundwater use simply based on the historical hydrology.

As to the M&I side, there is no quantification of the increase in municipal demand as a result of conversion of Ag use to M&I use. There is no discussion of the relative efficiencies of use of water prior to the imposition of the cutback goals. The implication of the current discussion in the Plan is that Ag has done more than its share and M&I has not. There is insufficient information or analysis for this conclusion or implication. This discussion should either be made complete and correct, or eliminated, especially if policy decisions might be influenced by it.

f. Pg. 29. The discussion of increasing salt concentrations in the Las Posas basins is somewhat conclusory and incomplete. It might help to actually provide the POTW discharge water quality for TDS and chlorides, so that it would be more clear to the reader that the problem is, in fact, generating from aquifer conditions, not discharge water quality.

The M&I Provider's Group and Curtis Hopkins will continue to be very actively involved in finalizing the Plan. We appreciate the Board's instructions to develop the Plan in an open and interactive environment. Thank you for your consideration of these comments and those that are certain to follow.

Best Regards,



Robert J. Saperstein
For HATCH & PARENT
A Law Corporation

ROB:olr

cc: Board of Directors of Fox Canyon Groundwater Management Agency
Jeff Pratt
David Panaro
M&I Provider's Group