

Cuyama Basin Groundwater Sustainability Agency Board of Directors Meeting

January 13, 2021

Meeting Minutes

PRESENT:

Yurosek, Derek – Chair
Compton, Lynn – Vice Chair
Bantilan, Cory – Secretary
Cappello, George – Treasurer
Albano, Byron
Bracken, Tom
Chounet, Paul
Christensen, Alan – *Alternate for Zack Scrivner*
Shephard, Glenn
Williams, Das
Wooster, Jane
Beck, Jim – Executive Director
Hughes, Joe – Legal Counsel

ABSENT:

None

1. Call to Order

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Chair Derek Yurosek called the meeting to order at 4:00 p.m. Taylor Blakslee provided direction on the meeting protocols to facilitate a remote-only meeting.

2. Roll Call

Hallmark Group Project Coordinator Taylor Blakslee called roll (shown above) and informed Chair Yurosek that there was a quorum of the Board.

3. Pledge of Allegiance

The pledge of allegiance was led by Chair Yurosek.

4. Election of Officers

Chair Yurosek facilitated a discussion with the Board to determine the annual election of officers.

MOTION

Director Wooster made a motion to retain the current slate of officers as follows: (1) Chair – Director Yurosek, (2) Vice Chair – Director Compton, (3) Secretary – Director Bantilan, (4) Treasurer – Director Cappello. The motion was seconded by Director Chounet, a roll call vote was made and passed with 100%

AYES: Directors Albano, Bantilan, Bracken, Cappello, Chounet, Compton, Christensen, Shephard, Williams, Wooster, and Yurosek
 NOES: None
 ABSTAIN: None
 ABSENT: None

5. Standing Advisory Committee Meeting Report

SAC Chair Brenton Kelly provided a report on the January 7, 2021 SAC meeting and is included below.

*Standing Advisory Committee Report Meeting Date: January 7, 2021
 Submitted to the GSA Board on January 13, 2021
 By Brenton Kelly, SAC Chair*

The Standing Advisory Committee met virtually with 5 out of 6 committee members and a robust number of public attendees (23 total participants). As usual, a healthy discussion was had on a number of items and I encourage anyone who wasn't there to read Taylor Blakslee's detailed notes when available. I'll summarize here:

The SAC passed three recommendations with unanimous approval after some lengthy and engaging discussions.

Item #4, Update on SAC membership

It was generally recognized that to shift the start time of the SAC meeting to 5 p.m. (from 4 PM) would better accommodate participants' work schedules. The GSA staff assured the SAC that this could be achieved without any budget impact or staff hardship. It was noted that Committee member Furstenfeld would be able to maintain membership with this consideration.

MOTION :

SAC recommends starting SAC Meetings at 5:00 pm

6.a. Consider Modifications to the Groundwater Level Monitoring Network

Much concern was raised about the reduction of the Monitoring Network at this time. There were questions about the reasoning for eliminating specific wells. The definition of 'duplicative results' was questioned because of being unable to even know the well depths. The SAC felt that the reduction from 101 to 58 Monitoring Wells was understandable based on defining 'duplicative results'. Further reductions are not recommended at this time. To support transparency and understanding, more details regarding the criteria and rationale for any further Monitoring Network reductions was requested.

MOTION

Committee Member DeBranch made a motion to modify the groundwater level monitoring network to 58 wells based on duplicative results. The motion was seconded by Committee Member Haslett, a roll call vote was made, and the motion passed unanimously.

6.b. Adopt Process for Accepting Groundwater Level Transducer Data from Landowners

It was generally accepted that it is a good thing to have landowners offering to provide their well transducer data to the GSA at no cost. The GSA will need to maintain data integrity and develop an acceptable QA/QC that gives us comfort that the data they are providing is accurate and calibrated.

MOTION:

Committee Member Jaffe made a motion to accept private transducer level data with appropriate quality controls. The motion was seconded by Committee Member DeBranch, a roll call vote was made, and the motion passed unanimously.

The remainder of the agenda was informational, and no further motions were made. The greater part of the discussion was had under Item:

Item # 7.b. Coordination between the GSA and Counties

This item represents a discussion that is currently happening among several stakeholders regarding the need for a coordinated response from the GSA and the Counties regarding permits to plant cannabis in the Cuyama Basin. Applications include industrial scale irrigation operations, some on unirrigated lands, with a crop that has an unknown crop factor for water consumption. SAC members asked how the GSA and counties will approach new cannabis plantings in Cuyama.

It was proposed that this is an opportunity for the GSA, the community, the counties and the cannabis growers to work together to develop guidelines that will support the GSP reaching sustainability goals by 2040.

The variety of issues and possibilities that have come from this ongoing open dialog include:

- *Communicate that the basin is in critical overdraft and must cut pumping by up to 65%*
- *Wells will require meters (data will be used to develop a crop use factor) and these wells should also be part of the Monitoring Network*
- *Develop an acre/foot offset plan so that these new plantings can help maintain the pumping reduction glide slope to sustainability*
- *Only allow cannabis on currently irrigated areas with significant disincentives*
- *Investigate the potential of a water market*

The SAC wishes to thank Amy Seinfeld and other members of the cannabis industry for their outreach and collaborative approach to addressing these difficult issues. The SAC recognizes that cannabis regulations awkwardly overlap land use and water use jurisdictions and for this reason the SAC requests the GSA to take up coordinating efforts with the counties in order to support SGMA and our GSP.

The last items of discussion were two correspondences:

Item # 11.a. Resignation Letter from Committee Member Furstenfeld

A correction was made that this was not a formal resignation letter from Standing Advisory Committee member Furstenfeld, and a remedy has been recommended.

Item # 11.b. GSP Comment Letter from the Central Coast Water Quality Control Board

Anita Regmi from the California Department of Resources made a clarification to Jim Beck’s characterization of the above letter. The letter is in fact from the State Water Board Groundwater Management Program, the enforcing body of SGMA. The comments from the State Water Board were requested by DWR to provide the State Water Board’s additional expertise and regulatory experience with regard to GSPs. Anita wished to convey that they should be considered seriously, and as more than just another repeated public comment.

*Respectfully submitted,
Brenton Kelly
Standing Advisory Committee Chair*

Executive Director Jim Beck let the Board know staff followed up with Committee member Furstenfeld and he is willing to serve if the SAC meeting is moved to 5 p.m. The Board expressed that they have no issues with moving the SAC meeting time to 5 p.m. and directed staff to make this change.

Mr. Beck let the Board know that cannabis industry representative Amy Steinfeld provided a letter on behalf of the cannabis industry and has met with staff and are engaging with community in an effort to be responsible stewards in the basin. Mr. Beck recommended setting an ad hoc to discuss changes in water use in the basin as it relates to changes in land use. Chair Yurosek directed staff to agendize an item on land use and cannabis for discussion at the March 3, 2021 Board meeting and then create an ad hoc if necessary.

Director Albano commented that he believes this falls into the category of new production and relates to establishing long-term fee equity in the basin and requested this be added to the agenda for March 3, 2021.

Regarding the State Water Resources Control Board letter, Mr. Beck said staff we will consider their comments when the California Department of Water Resources provides their review.

CONSENT AGENDA

Chair Yurosek and staff discussed the revised agenda structure and the introduction of the consent agenda to improve the efficiency of Board meetings. Chair Yurosek asked if any Directors wanted to discuss one of the consent agenda items in more detail and Director Albano asked the minutes to be moved out.

MOTION

Director Chounet made a motion to approve the consent agenda (7. Payment of Bills, 8. Approval of Financial Report for November and December 2020) without the minutes. The motion was seconded by Director Shephard, a roll call vote was made and passed with 100%

- AYES: Directors Albano, Bantilan, Bracken, Cappello, Chounet, Compton, Christensen, Shephard, Williams, Wooster, and Yurosek
- NOES: None
- ABSTAIN: None
- ABSENT: None

6. Approval of Minutes – November 4, 2020

Director Albano noted that he requested the long-term fee equity to be added to the current agenda in November and asked it to be added to the next month’s agenda. Staff confirmed that this would be done.

MOTION

Director Albano made a motion to approve the November 4, 2020 Board minutes. The motion was seconded by Director Compton, a roll call vote was made and passed with 100%.

- AYES: Directors Albano, Bantilan, Bracken, Cappello, Chounet, Compton, Christensen, Shephard, Williams, Wooster, and Yurosek
- NOES: None
- ABSTAIN: None
- ABSENT: None

ACTION ITEMS

9. Consider Modifications to the Groundwater Level Monitoring Network

Woodard & Curran Project Manager Brian Van Lienden presented options to reduce the groundwater level monitoring network from 101 wells to 58, or 25 wells and is summarized in the Board packet.

Director Williams suggested adjusting monitoring frequency to quarterly and commented that monthly testing is likely too rigorous.

Director Cappello commented that removing duplicative wells is appropriate and it is unnecessary to monitor wells that are too close together. He said he initially voted with the monthly monitoring to keep the process moving forward but believes this is too much. He said he supports reducing the wells down to 58 and moving to quarterly monitoring and Director Albano, Bracken, and Wooster agreed with this.

Director Wooster requested the well depth be added to the monthly report.

Director Williams suggested moving to quarterly monitoring, move to 58 wells and budget up to 15 additional wells if we feel like we took to many out. Director Chounet agree with this approach.

Cuyama Valley Family Resource Center Executive Director Lynn Carlisle asked what wells are being monitored in the groundwater conditions report and Mr. Van Lienden said the report measures just the 60 representative wells.

Justine Massey with the Community Water Center said it is important to consider how close the wells are to other wells that are said to be duplicative. She asked if the duplicative wells show similar levels and quality through time.

MOTION

Director Cappello made a motion to adjust the groundwater levels monitoring network to 58 wells and move to quarterly monitoring as soon as possible. The motion was seconded by Director Wooster, a roll call vote was made and passed with 100%.

AYES: Directors Albano, Bantilan, Bracken, Cappello, Chounet, Compton, Christensen, Shephard, Williams, Wooster, and Yurosek

NOES: None

ABSTAIN: None

ABSENT: None

10. Adopt Process for Accepting Groundwater Level Transducer Data from Landowners

Mr. Blakslee provided an overview of issue of accepting landowner-provided transducer data in lieu of a contractor manually measuring levels. Mr. Beck thanked the landowners for their willingness to provide their data and said the CBGSA needs to decide procedurally on how to handle this type of data.

SAC Chair Kelly noted that the SAC voted to accept the transducer data with the appropriate quality control.

MOTION

Director Wooster made a motion to accept the transducer data with an initial in-field verification. The motion was seconded by Director Williams, a roll call vote was made and passed with 100%

AYES: Directors Albano, Bantilan, Bracken, Cappello, Chounet, Compton, Christensen, Shephard, Williams, Wooster, and Yurosek

NOES: None

ABSTAIN: None

ABSENT: None

11. Approval of Scope to Implement Metering Requirement

Mr. Blakslee provided an overview of out-of-scope costs necessary for staff to begin administration of the Board’s direction to require meters on all production wells by December 31, 2021.

Director Albano asked what is going to happen when he cannot afford additional costs. He said he is running five shallow wells and is not sure if will be able to fund the meters and asked what the penalty is for not installing meters. He said he is farming in a shallow, sustainable area and we need to have a discussion on non-compliance. Chair Yurosek said non-compliance will be discussed with legal counsel and presented to the March 3, 2021 Board meeting.

Director Chounet left the meeting at 5:30 p.m.

MOTION

Director Bracken made a motion to approve out-of-scope costs to implement metering requirement for work through June 30, 2021 for a cost not to exceed of \$31,116. The motion was seconded by Director Cappello, a roll call vote was made and passed with 82%

AYES: Directors Bracken, Cappello, Compton, Christensen, Shephard, Williams, Wooster, and Yurosek

NOES: Director Albano

ABSTAIN: None

ABSENT: Director Chounet

Director Albano left the meeting at 5:45 p.m.

12. Adopt a Resolution Designating the CBGSA Board Chairperson as the Authorized Representative to File an Application and Execute an Agreement with the California Department of Water Resources for the Prop 68 “Implementation” Grant Solicitation

Mr. Blakslee let the Board know that the Prop 68 grant application requires a Board resolution and requested approval of the resolution authorizing a designated Director to submit and execute a grant with DWR.

MOTION

Director Shephard made a motion to adopt Resolution 2021-01 Designating the CBGSA Board Chairperson as the Authorized Representative to File an Application and Execute an Agreement with the California Department of Water Resources for the Prop 68 “Implementation” Grant Solicitation. The motion was seconded by Director Bantilan, a roll call vote was made and passed with 82%

- AYES: Directors Bracken, Cappello, Compton, Christensen, Shephard, Williams, Wooster, and Yurosek
- NOES: None
- ABSTAIN: None
- ABSENT: Directors Albano, Chounet

REPORT ITEMS

13. Administrative Updates

a. Report of the Executive Director

Mr. Beck provided an update on the near-term schedule and let the Board know that Form 700s are due by April 1st and staff will be coordinating this shortly.

Director Williams requested that we convene the Management Area delegation before the next Board meeting to review delegation of measures issues.

b. Report of the General Counsel

Nothing to report.

c. Update on Administration of FY 20-21 Groundwater Extraction Fee

Mr. Blakslee provided a brief update on the administration of the Fiscal Year 2020-2021 extraction fee and noted that efforts to identify potential non-reporting water users have resulted in three additional reporters/payees.

14. Technical Updates

a. Update on Groundwater Sustainability Plan Activities

Mr. Van Lienden provided an update on the Groundwater Sustainability Plan (GSP) activities and the overall project schedule which are included in the Board packet.

b. Update on Model Refinement Plan

Mr. Van Lienden provided an update on the model refinement plan which is summarized in the Board packet. He let the Board know that the technical memo will be presented at the March 3, 2021 Board meeting.

c. Update on Monitoring Network Implementation

Mr. Van Lienden provided an update on monitoring network implementation activities including the following:

DWR TSS Wells

Mr. Van Lienden reported that progress is being made on the three California Department of California Water Resources (DWR) Technical Support Services (TSS) dedicated monitoring wells to be drilled in the basin. He let the Board know that the third location was moved south of the Santa Barbara Canyon Fault due to a landowner permission issue with the previous Foothill Rd. and Hwy 33 location.

Transducer Installation (10 Wells)

Mr. Van Lienden updated the Board that the transducer installation in ten wells is making progress and staff is performing field validation to determine suitability of proposed wells. He also let the Board know the transducers they purchased will have the capability of measuring electroconductivity.

Stream Gauge Installation

Mr. Van Lienden provided an update on the stream gauge installation process and noted that efforts to register with the federal government as required by the USGS is in the final stages.

d. Update on Monthly Groundwater Conditions Report

Mr. Van Lienden provided an update on the groundwater level monitoring network and levels for November and December 2020 which are included in the Board packet.

e. Update on Prop 68 Implementation Grant Application

Mr. Van Lienden provided an overview of the final Prop 68 implementation grant application that was submitted on January 8, 2021 and is provided in the Board packet.

f. Presentation on Indirect Economic Report

ERA Economics Duncan MacEwan provided a presentation on the indirect economic impact analysis.

Chair Yurosek asked that land devaluation on a per acre basis be reported and Mr. MacEwan said that this will be included in the final report that will be distributed in a few weeks.

15. Closed Session

The Board entered closed session at 6:57 p.m. The Board ended closed session and resumed the regular session at 7:28 p.m. No reportable action was taken.

16. Report of the Ad Hoc Committee

Nothing to report.

17. Directors' Forum

Nothing to report.

18. Public comment for items not on the Agenda

Nothing to report.

19. Correspondence

a. Resignation Letter from Committee Member Furstenfeld

Committee Member Furstenfeld submitted a letter letting the SAC know he would need to resign given attendance conflict. However, since the Board agreed to change the meeting time to 5 p.m. Committee Member Furstenfeld would likely be able to remain on the SAC and staff will reach out to him to confirm this.

b. GSP Comment Letter from the State Water Resources Control Board (SWRCB)


Mr. Blakslee announced that the SWRCB submitted a comment letter on the CBGSA GSP comment portal that shared similar comments that the Central Coast Water Quality Control Board submitted during the official comment period. The letter did not require feedback from the CBGSA but informed the CBGSA on several points it may be consulting with DWR during the DWR review period of the CBGSA Groundwater Sustainability Plan.

20. Adjourn

Chair Yurosek adjourned the meeting at 7:31 p.m.

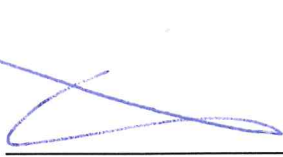
Minutes approved by the Board of Directors of the Cuyama Basin Groundwater Sustainability Agency the 3rd day of March 2021.

BOARD OF DIRECTORS OF THE
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Chair:  _____

ATTEST:

Secretary: _____

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a solid black horizontal line.