

Cuyama Basin Groundwater Sustainability Agency Board of Directors Meeting

March 2, 2022

Meeting Minutes

PRESENT:

Yurosek, Derek – Chair
Chounet, Paul – Vice Chair
Bantilan, Cory – Secretary
Vickery, Matt – Treasurer
Albano, Byron
Scrivner, Zack
Shephard, Glenn
Stoller, Lorena
Williams, Das
Wooster, Jane
Beck, Jim – Executive Director
Hughes, Joe – Legal Counsel

ABSENT:

Compton, Lynn

1. Call to Order

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Chair Derek Yurosek called the meeting to order at 4:00 p.m.

Hallmark Group Project Manager Taylor Blakslee provided direction on the meeting protocols in facilitating a remote-only meeting.

2. Roll Call

Mr. 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. Adopt Resolution No. 21-112 Authorizing Use of Teleconferencing for Public Meetings Under AB 361

CBGSA Legal Counsel Joe Hughes presented Resolution No. 21-112 that allows for public meetings to meet remotely due to COVID issues.

MOTION

Director Chounet made a motion to adopt resolution No. 21-112 authorizing the use of teleconferencing for public meetings under AB 361. The motion was seconded by

Director Shepard, a roll call vote was made and passed with 89%.

AYES: Albano, Bantilan, Chounet, Scrivner, Shephard, Stoller, Vickery,
Williams, Wooster, Yurosek
NOES: None
ABSTAIN: None
ABSENT: Compton

5. Standing Advisory Committee Meeting Report

SAC Chair Brenton Kelly provided a report on the February 24, 2022, SAC meeting and is included below.

Standing Advisory Committee Report

Meeting Date: February 24th, 2022

Submitted to the CBGSA Board on March 2nd, 2022

By Brenton Kelly, SAC Chair

The Standing Advisory Committee met in a completely virtual format. Committee members Louise Draucker and Robbie Jaffe were absent, but a quorum was present for the four-hour meeting. Jim Beck and Taylor Blakesley were joined by Alex Dominguez and Brian Van Lienden on the call, with 7-10 members of the public.

Beyond the adoption of the previous meeting's minutes there were no further motions made or recommendations offered. Much of the meeting was an informational update and discussion, with many questions raised by the Committee and the public and a range of feedback offered to staff.

7.c. Direction on Historic Pumping Analysis in the Central Management Area

It was suggested by Committee member Debranch that the chart of results from the Historic Pumping Analysis would be more helpful if it also included the acreage amount and the % of total acres by entity.

7.d. Direction on Central Management Area Policies

This item was divided into seven areas of policy development

1. Pumping Reduction Baseline/Starting Point:

Committee Member DeBranch asked if the historic analysis could be used to set the baseline and Mr. Beck said it could be. Others raised issue with this approach. Committee Member Furstenfeld said many of the local landowners are conserving water and doing the right things but the corporate water users have not and will not do the right thing until forced to do so. Chair Kelly expressed shock at the disparity between pumping volumes. By first appearances, something like 80% of the pumping is done by less than 4% of the operators. This would be further informed by the inclusion of the acreage involved and the aggregation of all the Grimmway assets into one entity. If it is the GSA Board's intent to reach an equitable solution, this would suggest a need for a more nuanced solution than a single across-the-board cutback amount based on historic use.

3. Increased Water Use Outside the Central Management Area

Committee Member DeBranch said pumping restrictions limited to the Central Management Area will cause the effect to force additional water use outside the Central Management Area and sustainability needs to be addressed at the basin level. Developing policies to address potential changes in where the water is being extracted from (well head) will be critical to achieving sustainability basin wide. Committee Member DeBranch asked about the GSA authority to limit pumping outside the Central Management Area. Mr. Dominguez said the GSA can limit pumping, but it is important to link management actions to what is listed in the GSP.

4. Central Management Area Boundary (Hydrologic vs Operational)

The discussion revealed the many difficulties of using a Management Area defined by a boundary generated solely from our analytic model outputs. Property boundaries are split; irrigated acreage is not informed by the location of the well, and the changing model output will redraw the lines slightly. Chair Kelly asked if the GSA could create an Operational Boundary that is informed by the analytic model and could accommodate any roads, property lines, well location and well depth. We were then informed that this would be within the Board's discretion.

The discussion continued without specific reference to the last 3 policy development items. Committee Member Furstenfeld expressed that the GSA should have a moral concern for many of the smaller farmers who have managed to keep their pumping low and that a single across-the-board pumping reduction formula would not be equitable.

Committee Member Gaillard said it would be valuable to know how other GSAs in California have dealt with these issues of equity.

Stakeholder Ms. Carlisle asked why this historical use report was asked for in the first place. She is concerned that the GSA is simply developing an approach that aligns with adjudication methodologies and asked that the reason and motivation for potentially using this methodology be noted and recorded in the Board meeting minutes at the March 2, 2022, Board meeting.

7.e. Approval of Water Year 2021 Annual Report

Chair Kelly asked why the updated Groundwater Conditions Report on Minimum Thresholds was not included and he recommends adding the updated quarterly report.

No recommendation was made by the SAC to approve this report.

The remainder of the agenda included the same updates and reports as those being presented to you now with little substantive discussion.

Lynn Carlisle made two Public Comments for Items Not on the Agenda:

1. Regarding adjudication:

The community is extremely concerned about the impact that the adjudication process will have on the work we have done here with the GSA and on groundwater usage and rights

going forward. We (the CVFRC) are getting flooded with questions and concerns about that impact. I would like to request that at your next meeting of the GSA, we discuss the possibility of hosting a community town hall so that the community can get their questions answered about this issue. We would like to ask that the GSA host such an informational session, as you are the agency that has statutory authority over water. We have been in touch with the DWR on this matter as well as our elected officials. Please place this issue on the next GSA agenda.

2. Regarding GSA board members and leadership:

Please ask (GSA Counsel) Joe Hughes to update the community about the conflict-of-interest issues involved in having two members of the GSA (including its chair) who are also board members for the Cuyama Basin Water District. These same two GSA board members and CBWD board members represent two entities that are suing the GSA and all other landowners in the Cuyama Basin. I would request that Joe Hughes provide the GSA and the community an update offering clarity regarding the Conflict-of-Interest policies of the GSA, specifically addressing the potential conflict describe.

*This concludes the SAC report.
Respectfully submitted,
SAC Chair Brenton Kelly*

CONSENT AGENDA

7-8. Consent Agenda

Chair Yurosek asked if any Directors wanted to move any of the consent items out to discuss in more detail. Director Vickery asked to move the minutes out for further discussion. Chair Yurosek asked is there was a motion for consent agenda item nos. 7 and 8.

MOTION

Director Wooster made a motion to approve the consent agenda consisting of agenda items: 7. Payment of bills for December 2021 and January 2022, and 8. Financial Reports for December 2021 and January 2022. The motion was seconded by Director Vickery, a roll call vote was made and passed with 89%.

- AYES: Albano, Bantilan, Chounet, Scrivner, Shephard, Stoller, Vickery, Williams, Wooster, Yurosek
- NOES: None
- ABSTAIN: None
- ABSENT: Compton

6. Approval of Minutes – January 5, 2022

Director Vickery provided the following corrections to the January 5, 2022, Board meeting minutes:

Pg. 5, Section 10 Heading

10. Direction on Management Area Policies in the Central Basin [Management Area](#)

Pgs. 6-7, Section 10.1.b.

Director Vickery said he agrees with the 2023 and 2024 5% percent reduction in the Central Management Area, which is consistent with the GSP, and with basing future reductions in the basin on the best data available at the 2025 review, revise the data in 2025. However, he disagrees with the methodology approach staff is considering for to determining the methodology for the a separate sustainable yield in the Central Management Area and commented there is only one basin and any sustainable yield should be set basin-wide, based on the basin sustainable yield.

Pgs. 7-8, Section 10.1.c.

Director Vickery asked if the allocation strategy is just to be applied to the Central Management Area for 2023 and 2024, and not precedent setting for future allocation decisions, and Mr. Beck confirmed this. Director Vickery said he thinks it is important to allocate on irrigated acres or historic pumping and not gross acrespumping. Director Vickery asked if the analysis could include options for gross acres, irrigated acres and historic pumping.

MOTION

Director Wooster made a motion to approve the amended January 5, 2022, Board meeting minutes. The motion was seconded by Director Bantilan, a roll call vote was made and passed with 89%.

- AYES: Albano, Bantilan, Chounet, Scrivner, Shephard, Stoller, Vickery, Williams, Wooster, Yurosek
- NOES: None
- ABSTAIN: None
- ABSENT: Compton

ACTION ITEMS

Chair Yurosek moved items 10 and 13 to the beginning of the agenda due to Director availability.

9. Review of Official DWR GSP Determination and Direction for Addressing DWR-Identified Issues by July 20, 2022

Mr. Beck explained the there are several components to the GSP amendment update and Mr. Blakslee will walk through the progression of discussion that occurred on the status of DWR’s review of the GSP. He said then Mr. Brian Van Lienden will walk through specific technical components of the review with DWR. He noted that the key today is for the board to provide direction on how to proceed with revising the amended GSP and staff will end discussions by reviewing potential changes or modifications to the GSP, then legal counsel will review the requirements to incorporate those into the GSP.

CBGSA Assistant Executive Director Taylor Blakslee provided an update on key dates that occurred regarding the development of the amended GSP and are provided in the Board packet. He reported that a consultation meeting with DWR was held on February 10, 2022, to review the technical memo developed by the Board to address the four GSP deficiencies identified by DWR.

Chair Yurosek commented the meeting was not intended to be a detailed prescriptive feedback session from DWR and they provided general guidance on what they felt we needed to improve on with our GSP and issues they would like additional information on. He commented that he believes DWR staff has the same goal as the GSA to develop a plan that helps the Cuyama Basin achieve sustainability.

Brian Van Lienden provided updates on the following DWR-identified deficiencies and are included in the Board packet:

Deficiency 1 – The GSP lacks justification for, and effect associated with, the sustainable management criteria for groundwater levels

No specific Director or public comments were made.

Deficiency 2 – the GSP does not fully describe the use of groundwater levels as a proxy for depletion of interconnected surface water

No specific Director or public comments were made.

Deficiency 3 – The GSP does not fully address degraded water quality

Director Vickery asked if DWR was sensitive to existing water quality requirements. Mr. Beck said he believes DWR wants to better understand the ongoing efforts, but believes DWR wants the CBGSA to review all available data and analyze that data as an agency. He added we will have to determine if it is the GSA's responsibility if there are actions that we can actually implement that are appropriate to address any conditions that are yet to be identified. There are a lot of "ifs" down the road for this GSA when it comes to these water quality constituents. He noted that he believes DWR is aware of how early the CBGSA is in the process. Mr. Vickery added that water quality is important but wants to ensure efforts on this are not duplicative to other regulatory agencies. Chair Yurosek asked if existing water quality monitoring programs can be used as a proxy. Mr. Van Lienden replied that he believes DWR is more concerned with what the GSA can, and will, do after analyzing water quality data.

Deficiency 4 – The GSP does not provide explanation for how overdraft will be mitigated in the basin

Director Wooster said DWR asked if we looked at residential wells that could go dry and to quantify those impacts.

Mr. Hughes identified the GSP amendment hearing is scheduled for the July 6, 2022, Board meeting and staff will send out notice to the four counties for this hearing.

SAC Member Robbie Jaffe encouraged the Board to put in the due diligence to develop an GSP that can be approved this will effectively bring the Cuyama Basin into sustainability and noted there is a lot of concern in the community with the GSP and adjudication and hopes the GSA's goal is to amend the GSP to bring the basin into sustainability.

Chair Yurosek replied that it is the goal of the Chair (himself) to work with the Board and staff to submit a GSP that meets and passes the requirements of SGMA.

SAC Chair Kelly reported that local stakeholder Lynn Carlisle met with DWR and they

commented that the adaptive management approach was a plan to make a plan. He said they were concerned of the need to develop a more thorough plan before 2025.

10. Set Date for Public Hearing on GSP Amendment

Mr. Hughes stated in response to the comments from DWR the board anticipates an amendment to the GSP and SGMA requires a public hearing on the adoption of the GSP or any amendment of the GSP. He said it also requires the GSA to inform the affected counties at least 90 days before the hearing on the amendment to the GSP. Although the work on the amendment is not complete, he reported that staff is asking the Board to set the GSP amendment hearing to July 6, 2022, and the notice will be sent out to the counties.

MOTION

Director Bantilan made a motion to set the public GSP hearing for July 6, 2022, at 4 p.m. The motion was seconded by Director Shepard, a roll call vote was made and passed with 89%.

- AYES: Albano, Bantilan, Chounet, Scrivner, Shephard, Stoller, Vickery, Williams, Wooster, Yurosek
- NOES: None
- ABSTAIN: None
- ABSENT: Compton

11. Direction on Historic Pumping Analysis in the Central Management Area

Mr. Beck reported that at the Board’s direction on January 5, 2022, staff analyzed historic pumping by parcel for 1998-2014 in the Central Management Area and reviewed the results with an ad hoc which are provided in the Board packet.

Mr. Beck reported that this information was developed to determine if allocating based on historic use was appropriate. SAC Chair Kelly said Committee DeBranch asked if acreage could be added to the analysis.

Director Albano said this information is good to have, but recent land use changes have resulted in some newer land use, and it is important to consider history and context when using this data.

Director Stoller commented that she believes the numbers are little bit off and asked how the meter reporting will be integrated into this effort. Mr. Beck replied the board has available options, and it has always been the expectation that the actual reporting would be used down the road. Director Williams commented that metering is really the only option to rely on for managing pumping reductions.

Director Vickery commented on the Central Management Area boundary, and how it might change. He commented that it may make more sense to manage at the wellhead, or the point of extraction as opposed to allocations on an acreage basis. Director Yurosek agreed that it makes more sense to manage an allocation based on extractions and metering is the most accurate method. Stakeholder Dan Clifford asked how historical use is used in establishing an allocation.

Mr. Beck replied that historic use may be used to establish a percent of the sustainable yield to individual landowners.

Das Williams left the meeting at 5:20 p.m. and his alternate Darcel Elliott continued the meeting

Stakeholder Lynn Carlisle asked how historic use is appropriate if that historic use is how the basin was designated as a critically overdraft basin.

12. Direction on Central Management Area Policies

Mr. Beck provided background on the development of policies in the Central Management Area. He reported that at the January 5, 2022, Board meeting, the Board directed staff to develop specific allocation methodologies for pumping reductions in the Central Management Area for 2023 and 2024. Mr. Beck outlined the following seven (7) key policy points that were raised by Directors at previous Board meetings or by Management Area Policy Ad hoc members and are included in the packet. Director and public comments are included below.

1. Pumping Reduction Baseline/Starting Point

Mr. Beck stated the first question for the policy issue is what the baseline is or starting point for pumping reduction. The plan stated we would reduce pumping by five percent a year, which leads us to asking where we are reducing from, what are we reducing to, and how do we get there. Another question is the allocation methodology for pumping reductions and who gets access to the sustainable yield that have been calculated for that area. An approach to the question if we are going to reduce to the starting point, how do you determine which entities should be reduced. The approach is to have a general strategy, but also reserve the opportunity to review special circumstances.

SAC Chair Kelly provided SAC comments which are included in item number 5.

Director Albano said it is important to review the history of water use but understand the legal right of a well to pump.

Director Vickery said he objects to statements that Grimmway has acted poorly regarding water management and asked that those individuals call him and talk through this. He also noted that SGMA is not allowed to alter water rights and he is open to having discussions on this as long as its not altering those rights. He recommended not using a single year but using an average from some period and supports working out a solution with an ad hoc.

Director Wooster agreed that the baseline should be based on an average and suggests using a 5-year period. She also supported staff's potential option to consider special circumstances.

Director Albano asked how the Board can make progress on these issues given the complexity of the issues. Jim said the Board essentially has two options, water use or acreage and the Board needs to decide how to use those components or some

combination of those two components.

SAC Member Jaffe asked if the sustainable yield will be established just for the Central Management Area or the whole basin and Mr. Beck replied there can be one for the entire basin and you can do subsets. He noted at this point the model can do both, and it will be up to the Board to determine if there is an overall approach on how they would like to proceed.

Mr. Beck reminded the Board that the purpose of discussing these items is to get a general perspective of the Board members, so that staff can work with an ad hoc to develop more, refined options and alternatives for the board to discuss in detail in subsequent meetings.

Stakeholder Sue Blackshear said she hopes people will try to do the right thing for the basin and look at justice rather than just the law.

2. Increased Water Use Inside the Central Management Area

Director Wooster said she objects the potential option, and it should reference non-irrigated ground instead of fallowed land.

The Board did not discuss this item in detail but will be addressed in more detail with an ad hoc for review at the May 4, 2022, Board meeting.

3. Increased Water Use Outside the Central Management Area

SAC Chair Kelly provided comment that is provide in agenda item no. 5 above.

SAC Member Jaffe asked if increased water use occurs outside the Central Management Area would the CBGSA address that increased water use and comment on new well permits. Mr. Beck replied the CBGSA would address any water use that is inconsistent with the GSP. Ms. Jaffe requested the Board consider commenting on new water use.

Stakeholder Lynn Carlisle asked is the thresholds are intended to guard against over-pumping in the Central Management Area and staff confirmed this.

4. Central Management Area Boundary (Hydrologic vs Operational)

Director Wooster said the idea has been discussed of managing cutbacks tied to the well and this may be the defining factor for this item.

SAC Chair Kelly provided SAC comments which are included in item no. 5 above.

5. Management Area Criteria Evaluation

No Comments

6. Administration of Pumping Reduction

No Comments.

7. Non-Compliance/Over-Pumping Enforcement

No Comments.

13. Approval of Water Year 2021 Annual Report

Mr. Van Lienden provided an overview of the Water Year 2021 Annual Report which is provided in the Board packet. SAC Chair Kelly commented that the SAC discussed this report and noted it would be a helpful admission to include information regarding minimum thresholds in the annual report. Chair Yurosek asked if the report complies with the regulatory requirements of SGMA and Mr. Beck confirmed it does.

MOTION

Director Bantilan made a motion to approve the annual report for Water Year 2021. The motion was seconded by Director Chounet, a roll call vote was made and passed with 89%.

- AYES: Albano, Bantilan, Chounet, Scrivner, Shephard, Stoller, Vickery, Williams, Wooster, Yurosek
- NOES: None
- ABSTAIN: None
- ABSENT: Compton

14. Direction on Adaptive Management Actions

Mr. Van Lienden provide an overview of adaptive management policies and commented that Provost & Pritchard will be directed to perform field verification for potential dry wells and try to contact well owners that have yet to be contacted.

SAC Chair Kelly commented that it is critical to develop a plan to manage the sustainable criteria’s whose wells are outside of the management area.

Mr. Van Lienden also reported that undesirable results for the chronic lowering of groundwater levels (30 percent of representative wells below their minimum thresholds for two (2) consecutive years) may be observed in April 2023 and staff recommends working with an ad hoc to develop potential options for Board consideration on May 4, 2022 and the Board directed staff to work with the ad hoc.

15. Direction on Multipurpose Land Repurposing Program Grant Opportunity

Mr. Beck provided an overview of the Multipurpose Land Repurposing Program Grant Opportunity which is included in the Board packet. He commented on how competitive this grant is and noted the short application timeline.

Director Wooster said she believes the grant is premature for the Cuyama Basin and we may not be in the right place for this type of grant and Director Shephard and Yurosek agreed with Director Wooster.

The Board directed staff not to pursue this grant at this time.

16. Update on Long-Term Groundwater Extraction Fee Equity

Mr. Beck commented that the Board needs to consider whether or not there should be

differential extraction fees within the basin to fund the administrative cost of the GSA. He noted that staff is continuing to collect data to better understand the hydrology of the basin including the current model update. The Board directed staff to consider this topic annually.

REPORT ITEMS

17. Administrative Updates

a. Report of the Executive Director

Mr. Blakslee provided an update on the term schedule. He also reported that staff is following Santa Barbara COVID-19 safety protocols to determine when it is appropriate to meet in-person and expects we will be able to meet in-person soon.

Mr. Blakslee provided an overview of the progress and next steps and the budget to actuals for consultants which are included in the Board packet.

b. Report of the General Counsel

Mr. Hughes provided a brief update on the adjudication and noted that the case was assigned to a court in Los Angeles and a status conference is scheduled for next week. Alternate Director Darcel Elliott asked if an overview of the adjudication process can be provided to the Board. Mr. Hughes said it is up to the Board but cautions since the CBGSA was not named but would update the Board as progress is made.

Robbie asked the CBGSA to step up take responsibility and stop kicking the can down the road. Stakeholder Lynn Carlisle commented that they are not looking for legal advice, but just basic information on the adjudication and what it means. Stakeholder Kathleen March said that Directors that are conflicted should be removed from the Board.

Director Albano asked when it may be the appropriate time to become a party of the adjudication. Mr. Hughes said he is monitoring what is happening with the case and will be advising the CBGSA on when to intervene, if necessary.

c. Report on Fiscal Year 2022-2023 Budget Components

Mr. Beck provided an update on the Fiscal Year 2022-2023 budget component list which is included in the Board packet. He noted that staff will need to analyze the cash flow since several grant funded items will increase the initial budget amount.

d. Update on Meter Requirement Compliance

Mr. Blakslee provided an update on the meter compliance and noted that he has been in communication with the known pumpers and expects 80 percent of those large pumpers will comply with the requirement. He also noted a notice was sent to all parcel owners to identify potential non-reporting pumpers.

Chair Yurosek commented that he is concerned with unknown pumpers and asked if there was a plan to identify these unknown pumpers. Mr. Blakslee suggested staff

can review efforts to identify these unknown pumpers with an ad hoc and Chair Yurosek directed staff to do this.

18. 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 Progress

Mr. Van Lienden provided an update on the model refinement which is included in the Board packet.

c. Update on Monitoring Network Implementation

Mr. Van Lienden provided an update on monitoring network implementation activities which are included in the Board packet.

d. Update on Quarterly Groundwater Conditions Report for January 2022

Mr. Van Lienden provided an update on the groundwater levels for January 2022, which is included in the Board packet.

19. Report of the Ad Hoc Committee

Nothing to report.

20. Directors' Forum

Nothing to report.

21. Public Comment for Items Not on the Agenda

Stakeholder Lynn Carlisle requested an update from Joe Hughes regarding the conflict of interest since some Directors are party to the adjudication. Mr. Hughes commented that there are no new items to report on what has happened in the adjudication or what is happening on the GSA level.

22. Correspondence

Nothing to report.

23. Adjourn

Chair Yurosek adjourned the meeting at 7:56 p.m.

Minutes approved by the Board of Directors of the Cuyama Basin Groundwater Sustainability Agency the 4th day of May 2022.

BOARD OF DIRECTORS OF THE
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Chair:  _____

ATTEST:

Secretary:  _____

