

Special Joint Meeting of Cuyama Basin Groundwater Sustainability Agency Board of Directors and Standing Advisory Committee

December 18, 2018

Meeting Minutes

Cuyama Valley Family Resource Center, 4689 CA-166, New Cuyama, CA 93254

PRESENT:

Board of Directors:

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

Standing Advisory Committee:

Jaffe, Roberta – Chair
Kelly, Brenton – Vice Chair
Alvarado, Claudia
DeBranch, Brad
Draucker, Louise
Furstenfeld, Jake
Haslett, Joe
Post, Mike
Valenzuela, Hilda Leticia

ABSENT:

Board of Directors:

None

Standing Advisory Committee:

Kelly, Brenton
Alvarado, Claudia
DeBranch, Brad

1. Call to order

Chair Derek Yurosek called the meeting to order at 12:02 p.m.

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 and the Standing Advisory Committee (SAC).

3. Pledge of Allegiance

The pledge of allegiance was led by Chair Yurosek.

4. Report of the Executive Director

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Executive Director Jim Beck thanked all participants for attending the meeting and provided an update on the structure of the meeting.

5. Report of the General Counsel

Nothing to report.

6. Set 2019 Meeting Schedule

Mr. Blakslee provided an overview of the proposed 2019 CBGSA Board and SAC meeting schedule.

Director Jane Wooster asked if all SAC meetings will now be noticed as Joint Board and SAC meetings to provide additional Brown Act coverage. Chair Yurosek directed general counsel Joe Hughes and Jacob Eaton to provide feedback on the Brown Act requirements at the January 9, 2019 Board meeting.

Director Byron Albano commented that he thinks it is counterproductive to restrict Board members from attending SAC meetings. Director Das Williams encouraged that Board members to attend, but not participate in the discussions to avoid Brown Act violations.

Committee member Mike Post said there is a potential issue of taking two bites of an apple and believes the SAC should arrive at their conclusions independent of Board influence.

Chair Yurosek said we will discuss this issue in more detail at the January 9, 2019 Board meeting with input from legal counsel.

A motion was made by Director Cory Bantilan to set the 2019 CBGSA Board of Directors and SAC meetings schedule and seconded by Director Tom Bracken. A roll call vote was made, and the motion passed unanimously.

Alternate Director Alan Christensen arrived at 12:15 pm

7. California Department of Water Resources Prop 1 Sustainable Groundwater Planning Grant Agreement Approval

Mr. Beck provided a brief overview of the grant agreement with the California Department of Water Resources (DWR) required to receive grant reimbursement.

Chair Yurosek asked if the CBGSA participant agencies need to take this agreement to their respective Boards for review and approval. Each CBGSA participating entity reported that the CBGSA could approve this item today.

A motion was made by Director Glenn Shephard to execute the Prop 1 Sustainable Groundwater Planning Grant Agreement with the California Department of Water Resources and seconded by Director Bracken. A roll call vote was made, and the motion passed unanimously.

8. DWR Technical Support Services Monitoring Well Location Approval

Woodard & Curran (W&C) Senior Hydrogeologist John Ayres reported that the Board previously approved the general monitoring well locations for DWR Technical Support Services at the November 7, 2018 Board meeting; however, since that approval, a preferred monitoring area near the Russell Fault has been identified. Mr. Ayres reported that some potential flaws of the original monitoring well location was that it was further away from the Russel Fault and could potentially be affected by

additional faults and nearby water resources.

A motion was made by Director George Cappello to approve the revised monitoring well location near the Russel Fault and seconded by Director Albano. A roll call vote was made, and the motion passed unanimously.

9. Review Preliminary Threshold Number Rationale for Approval

Chair Yurosek provided background information on the review of preliminary threshold numbers for determining threshold rationales for each threshold region in the Cuyama Basin. He asked the Board and SAC for their input on the procedure for making a decision on each rationale.

Director Albano suggested working through each region with a vote and the Board generally agreed with this approach.

Committee member Mike Post asked what the negative outcome is for violating a threshold. Mr. Beck replied that the Board will determine what the threshold and necessary actions will be down the road. He reminded the group that this discussion is of importance for everyone, however this is step one in the preliminary process. He stressed that the goal today is to give staff direction on the rationale to use in establishing minimum thresholds and measurable objectives for each of the regions so they can be applied to all the representative wells for review and approval at the January 2019 SAC and Board meetings.

Mr. Ayres reported that the primary purpose of today's discussion is to establish rationales to assist in developing threshold numbers. The initial threshold numbers will be presented in January and these numbers will likely be modified as further information is gathered regarding the basin.

Mr. Beck added that this process is an iterative process that will continue to modify water use and pumping. He said management actions will then be developed from the threshold numbers.

Director Williams commented that by treating the basin as one large area and not using management areas will force the Board to consider artificial conflicts.

Director Albano asked if management areas are used, can you separate the potential well failures to only areas that are in deficit. Mr. Beck said the goal is to determine the best way to group wells, either on a numerical or basin level, to reach sustainability.

SOUTHEASTERN REGION

Mr. Ayres presented hydrographs for the two wells in the Southeastern region.

Director Albano commented that a measurable objective (MO) at 2015 levels was not presented at the SAC, but thinks it is a very good option. He provided a handout showing groundwater levels for Opti well nos. 11, 14, 40, and 617 for discussing this area. Director Albano said he is in support of using 2015 levels as the MO.

Director Williams asked why we do not use separate management areas, which would allow us to identify action if a percentage of wells are triggered. Mr. Ayres said the Board is setting a rationale for only this area currently. Chair Yurosek said there was an initial concern regarding understanding management areas from a hydrogeologic standpoint; therefore, it was agreed that threshold regions

would be used to allow Woodard & Curran to analyze the regions to ensure that thresholds numbers are appropriate for the model and the Groundwater Sustainability Plan (GSP). Director Williams said he agrees with W&C's approach in that the calculations must vary by region.

Director Wooster said she supports using 2015 levels as the MO. Director Bantilan said the MO as 2015 seems a little low and there should be a modification regarding the option where the minimum threshold (MT) is 20% of the range below 2015. Director Shephard suggested using 30% below 2015 for the MT. Director Bracken said he approves of using MO as 2015. Alternate Director Christensen and Director Cappello had no comments on this region. Director Compton also suggested using 25 to 30% below 2015 for the MT.

Director Williams asked for an approximation of where 25-30% below 2015 would be. Mr. Ayres replied that 30% would lower the MT approximately three feet compared to the 20% below 2015.

SAC Chair Roberta Jaffe reminded everyone that the southeastern region is the easiest to deal with but is very important because it helps set the methodology for determining rationales. She said she is concerned that the Board is looking at how low the minimum threshold can go in a basin that is already over drafted. She also said she has a real concern with the MO at 2015 since that would allow levels to drop lower than the wells' lowest point.

Committee member Post said using the MO as 2015 or the MT as 20% below 2015 would work, however the Board should select an option knowing it can be revised when more data is collected.

Cuyama Valley Family Resources Center Executive Director Lynn Carlisle reminded the Board to keep the financial commitment in mind since she expressed concern regarding the availability of funds to change things once the grant money is gone. She cautioned against the idea of pushing things to a later date to change and said the Sustainable Groundwater Management Act (SGMA) is designed to change the landscape significantly.

MOTION

Director Albano made a motion to direct W&C to use the 20% below 2015 option as the minimum threshold in developing the rationale for the Southeastern region. The motion was seconded by Director Chounet, a roll call vote was made, and the motion passed by a supermajority vote of 77.78% (a 75% approval is need for a supermajority vote).

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

NOES: Directors Bantilan and Shephard

ABSTAIN: None

EASTERN REGION

Mr. Ayres presented hydrographs for the four wells in the eastern region.

Director Compton expressed she was in favor of setting the MT at 20% of the range below 2015.

Chair Yurosek asked if a well can be set to have a MT of 2015 and no less than 80% of the shallowest nearby well. Mr. Ayres replied yes, and this rule could be applied to all wells.

SAC Chair Jaffe said the SAC supported using 2015 for the MT for this region but she would like to know more about wells in that area that are already experiencing undesirable effects.

Director Albano said there is a water entity that serves roughly five residents in Ventucopa that is experiencing decreased production. He said the monthly water bill for those residents is roughly \$90. He said the wells' problems are exasperated by water levels in the Ventucopa area, which need to be addressed. Director Albano said the issue can be solved by drilling new wells, but this is not feasible from an economic perspective. He asked if it is the Board's job to solve these issues establishing water pumping reductions in the area. Mr. Beck said this area is a good example of the need for management areas because one shallow well can affect how deep the aquifer should operate. If the MT is below the shallowest well, it will be unattainable, however this does not mean that the well is out of compliance with the California Department of Water Resources. This means that we will have a check mark in this area, and going forward, there will be a process to avoid this.

Director Chounet mentioned that the original well in Ventucopa was shallow and dried out two years ago, and then was replaced by a well that is also now drying out.

Local resident Jim Wegis said he has a well with a depth to water of 50 feet. However, 100 yards to the east, the yield is about a third of that and is beginning to have problems. He said the groundwater is not in a pond, but functions more like a stream, and if you do not have a well in that stream you will not have any water. He said the good wells in Ventucopa are out in the west, not in the river, and the main basin is in a big pond.

Director Albano said he thinks a MT as 20% below 2015 is the appropriate option for this region.

Director Williams recommended using the SAC recommendation but could support 20% below 2015 if a provision for management actions is included. Director Wooster asked why a trigger is needed if the Ventucopa well is already dewatered.

Director Bantilan said given the variability in that area he could support something less restrictive and would recommend the MT at 5-10% (which would be right near the shallowest well as shown on Opti Well 85). Director Williams recommended using the percentage that is just above the shallowest well.

MOTION

Director Wooster made a motion to direct W&C to use 10% below 2015 as the minimum threshold in developing the rationale in the Eastern region to develop preliminary threshold numbers. The motion was seconded by Director Compton, a roll call vote was made, and the motion did not pass with a 60% vote.

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

NOES: Directors Albano, Bantilan, Chounet and Williams

ABSTAIN: None

MOTION

Director Williams made a substitute motion to direct W&C to use 7% below 2015 as the minimum threshold to establish a rationale in the Eastern region to develop preliminary threshold numbers. The motion was seconded by Director Bantilan, a roll call vote was made, and the motion did not pass with a 55.56% vote.

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

MOTION

Director Albano made a motion to direct W&C to set the minimum threshold at 20% below 2015, or 10 feet above the shallowest nearby well, whichever is more restrictive, as the rationale in the Eastern region to develop preliminary threshold numbers. The motion was seconded by Director Chounet, a roll call vote was made, and the motion passed with a 100% vote.

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

Director Bantilan asked how the SAC reached a unanimous decision on this area, and Mr. Ayres said they were only looking at Opti well 85 when the SAC reached their conclusion.

Director Williams said he believes there needs to be an incentive to address dewatered wells because there are currently only incentives when there is a management trigger that is required for us to reach.

CENTRAL REGION

Mr. Ayres presented hydrographs for five wells in the Central Region.

Director Williams said if the Board were to select a MO of 2015 it would allow the precipitous drop of wells to continue. Director Albano said if these trends continue, we will have a bunch of wells reaching their MT and we would want more time to react to this.

Director Chounet asked why the Cuyama Community Services District (CCSD) well is in the Central region. He said the CCSD well is in the Branch canyon and that water does not interact with the Central basin water. Mr. Ayres said he did not have the study at the time, and has learned more of the basin as he has worked on Cuyama issues. He said the reason he chose to show the CCSD in the Central region is because protecting the CCSD is important and if the CCSD runs out of water, that is a significant undesirable result. Chair Yurosek commented that Opti Well 96 is not really in the central basin and is feed by a separate watershed.

Director Cappello said he supports setting the MO as 2015. Director Bantilan, Bracken, Christensen and Wooster indicated that they did not have any comments on the proposed threshold rationale. Director Shephard said he likes the option of the MT at 20% with 10 feet above nearby shallowest well. Director Compton said she prefers the MO as 2015 option.

Mr. Beck reminded the Board and SAC that in reaching sustainability, you can go below those levels of overdraft temporarily as part of your glide path.

Committee member Joe Haslett said all the options have a very similar profile and only require some fine-tuning. Mr. Ayres said the lines are not the drivers for sustainability, but are the measurement of

how we are doing.

MOTION

Director Cappello made a motion to direct W&C to set the measurable objective at 2015 as the rationale in the central region to develop preliminary threshold numbers. This motion was seconded by Director Bracken, a roll call vote was made, and the motion did not pass with a 55.56% vote.

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

MOTION

Director Williams made a motion to direct W&C to set the minimum threshold at 10% below 2015 as the rationale in the central region to develop preliminary threshold numbers. This motion was seconded by Director Chounet, a roll call vote was made, and the motion did not pass with 44.44%.

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

Director Wooster said she is ok with starting with a MO of 2015, or MT of 20% below 2015 since the hydrographs show there is a problem in the central basin.

MOTION

Director Shephard made a motion to direct W&C to set the minimum threshold at 20% below 2015 as the rationale in the central region to develop preliminary threshold numbers. The motion was seconded by Director Albano, a roll call vote was made, and the motion passed by a supermajority vote of 88.89%.

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

WESTERN REGION

Mr. Ayres presented hydrographs for four wells in the Western region.

SAC Chair Jaffe reported that the SAC did not review the saturated aquifer approach. She commented that her understanding of splitting the Western and Northwestern region was for the Western region to act as the canary for determining potential Northwestern region pumping impacts on the Western region.

Director Compton had to step out at 3:44 pm

SAC Committee Member Mike Post said he likes the proposed saturated aquifer approach. Committee Member Joe Haslett and Jake Furstenfeld agreed with Committee Member Post.

Stakeholder Meg Brown read comments prepared from local landowner Randy Tognazzini.

Landowner Steve Gliessman provided comment to the Board on the Western region and agreed with SAC Chair Jaffe in that they have not had enough time to review the saturated aquifer thickness approach. He said that 52 feet would dewater his well.

Director Wooster said she believes saturated thickness is a better tool for this area due to its variability.

Director Williams said the methodology seems promising to him but also seems too new and he is unable to make an educated guess on its appropriateness.

Director Bantilan, Bracken, Cappello, Christensen and Shephard said they did not have any comments on the approach in this region.

Chair Yurosek said the groundwater dynamics of the Western region is wild and thinks saturated aquifer thickness is the best way to manage such a complex area. Committee Member Furstenfeld said he has lived in the area his whole life and thinks the percent of saturated aquifer thickness methodology works for his area.

UC Santa Barbara Associate Professor of Sociocultural Anthropology Casey Walsh said this area has the biggest level between the depth to water and the minimum threshold and this does not make sense to him.

Director Wooster commented that a 50 foot depth to water level on a 400 foot well is not very much.

Director Compton rejoined at 4:20 pm

Director Williams said he agrees with Director Wooster and might be ok with this methodology. He said the Brown Act requires materials to be out 72 hours and the process on this methodology is not a good one if it was recently introduced. Mr. Beck commented that including this rationale was based on feedback received on the technical forum call. He also reported that the saturated aquifer methodology is the same as what is being presented for the Northwestern region that was discussed at the SAC meeting.

SAC Chair Jaffe asked if the Board can move to the Northwestern region first and then come back to the Western Region. The Board reached consensus to discuss the Northwestern region first.

NORTHWESTERN REGION

Mr. Ayres presented hydrographs for four wells in the Northwestern region.

Director Williams said he would be ok with this if they had studies to determine conclusively that this basin was separate. Mr. Ayres said the landowner has done numerous studies to support this, but they

are not widely accepted in the community.

Director Wooster said you cannot expect them to not have some drawdown or not use the groundwater basin. She said farmers need to be allowed a certain amount of operational flexibility.

Director Compton said she thinks W&C will need to bring a third-party in to determine the ascertain the status of their groundwater basin. She said San Luis Obispo County is dealing with the same entity in Paso Robles and it is not a good situation.

Director Albano asked who the representative wells are downstream of Northfork Vineyards. Committee member Post said they are his wells and he is not currently experiencing issues.

Director Chounet said we should not test the depth of water with both feet and it feels like we are with this region.

Director Bantilan said he is not comfortable with significantly drawing down any portion of the basin but is struggling with this one.

Director Shephard said he believes the saturated aquifer thickness is the right methodology and we should be discussing what the percent is.

Director Bracken agreed with Director Shephard and liked the saturated thickness methodology. He said that 10% may be the right number.

Alternate Director Christensen said he believes we need to make decisions soon based on the quick timeline dictated by SGMA.

Director Cappello said he agrees with most of what has been said. He stressed we are at a starting point with this and need to get going. He said the verification of the data is time and we will address issues as we observe levels over time.

Director Compton said she understands this point of view but is wary of giving Grapevine Capital a lot of flexibility to run with if we find out their basin is in fact connected with the Western region. Director Williams said he agrees with Director Compton's point in that if they are related and give a lot of flexibility, we will have made a big mistake. Director Albano said SGMA is not supposed to affect your water rights and feels like we are arguing to strip them of their water rights.

SAC Committee member Furstenfeld and Draucker said they do not have any comments.

Committee member Post said he understands the fears being expressed, but he believes they are dealing with a different aquifer between the West and Northwestern regions. He believes the percent thickness is the way to go.

Committee member Post asked what depth to water Mr. Shady would be comfortable with. Mr. Shady said he would be comfortable managing to avoid a MT of 225 feet.

Mr. Wegis said he does not have any sticks in the stream in this area, but he does not want to spend more money on studies. He said the only way to really find your answer is to pump. He said you cannot

solve all the problems because you do not know any of the information until you actually pump water and observe the results.

Director Bracken agreed with Mr. Wegis in that we will not really know anything until we start pumping and that he thought we should not handicap Grapevine Capital and give them a fighting chance.

Director Compton said scrutiny was everywhere in Paso Robles and you can see where that ended up. Director Bracken commented that those results happened after the fact and we are out in front on this one. Director Cappello agreed with Director Bracken and thinks Grapevine Capital needs more leeway to operate.

MOTION

Director Williams made a motion to direct W&C to set a percentage that reflects a minimum threshold at 100 feet below 2018 levels, with the caveat that we would revisit this if an independent study is done to ensure the western region basin is not impacting the northwestern region, as the rationale in the northwestern region to develop preliminary threshold numbers. The motion was seconded by Director Chounet, a roll call vote was made, and the motion did not pass with 71.11%.

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

NOES: Directors Bantilan, Cappello and Compton

ABSTAIN: None

SAC Chair Jaffe asked the Board to be more conservative in setting threshold levels.

MOTION

Director Bantilan made a motion to direct W&C to set a minimum threshold at 12% of saturated aquifer thickness as the rationale in the Northwestern region to develop preliminary threshold numbers. The motion was seconded by Director Williams, a roll call vote was made, and the motion did not pass with a 55.56% vote.

AYES: Directors Bantilan, Chounet, Compton, Shephard and Williams

NOES: Directors Albano, Bracken, Cappello, Christensen, Wooster and Yurosek

ABSTAIN: None

MOTION

Director Albano made a motion to direct W&C to set a minimum threshold at 14% of saturated aquifer thickness as the rationale in the Northwestern region to develop preliminary threshold numbers. The motion was seconded by Director Williams, a roll call vote was made, and the motion did not pass with 68.89%.

AYES: Directors Albano, Bracken, Chounet, Christensen, Compton, Shephard and Williams

NOES: Directors Bantilan, Cappello, Wooster and Yurosek

ABSTAIN: None

MOTION

Director Bantilan made a motion to direct W&C to set a minimum threshold at 13% of saturated

aquifer thickness as the rationale in the Northwestern region to develop preliminary threshold numbers. The motion was seconded by Director Williams, a roll call vote was made, and the motion did not pass with 44.44%.

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

MOTION

Director Shephard made a motion to direct W&C to set a minimum threshold at 15% of saturated aquifer thickness as the rationale in the Northwestern region to develop preliminary threshold numbers. The motion was seconded by Director Bracken, a roll call vote was made, and the motion passed with a 77.78% vote.

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

WESTERN REGION, REVISTED

Director Wooster commented that the decisions the Board is making are very arbitrary and said SGMA is responsible for putting them in a position to make unreasonable decisions and penalize their most conservative users.

Chair Yurosek asked if using the saturated thickness to the individual well would make sense. Mr. Ayres said that would be a reasonable approach in this area.

MOTION

Director Wooster made a motion to direct W&C to set a minimum threshold based on the saturated portion of each well at 20% as the rationale in the western region to develop preliminary threshold numbers. The motion was seconded by Director Cappello, a roll call vote was made, and the motion did not pass with 66.67% vote.

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

MOTION

Director Wooster amended her motion to direct W&C to set a minimum threshold based on the saturated portion of each well at 15% as the rationale in the western region to develop preliminary threshold numbers. The motion was seconded by Director Cappello, a roll call vote was made, and the motion passed with a 100% vote.

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

SAC Chair Jaffe expressed concern with this rationale in the Western Region.

10. Reports of the Ad Hoc Committees

Nothing to report.

11. Directors' Forum

Nothing to report.

12. Public comment for items not on the Agenda

Nothing to report.

13. Adjourn

Chair Yurosek adjourned the CBGSA Board at 6:19 p.m.

I, Jim Beck, Executive Director to the Cuyama Basin Groundwater Sustainability Agency Board of Directors, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held on Tuesday, December 18, 2018, by the Cuyama Basin Groundwater Sustainability Agency Board of Directors and the Standing Advisory Committee.

Jim Beck

Dated: January 9, 2019