

Cuyama Basin Groundwater Sustainability Agency Board of Directors Meeting

January 9, 2019

Meeting Minutes

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

PRESENT:

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

ABSENT:

Williams, Das

1. Call to order

Chair Derek Yurosek called the meeting to order at 4:01 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.

Chair Yurosek held a moment of silence in memory of the lives lost and effected by the Montecito mudslides.

3. Pledge of Allegiance

The pledge of allegiance was led by Chair Yurosek.

4. Approval of Minutes

a. December 3, 2018 (Regular Meeting) & December 18, 2018 (Special Meeting)

Chair Yurosek opened the floor for comments on the December 3, 2018 and Special December 18, 2018 meeting minutes of the Cuyama Basin Groundwater Sustainability Agency (CBGSA) Board of Directors.

MOTION

Director George Cappello made a motion to adopt the Regular December 3, 2018 and Special December 18, 2018 CBGSA Board meeting minutes. The motion was seconded by Director Glenn Shephard and passed.

AYES: Chair Yurosek, Vice Chair Lynn Compton, Directors Byron Albano, Cory Bantilan, Tom Bracken, Cappello, Paul Chounet, Shephard, Jane Wooster
 NOES: None
 ABSTAIN: None
 ABSENT: Director Williams

5. Report of the Standing Advisory Committee

CBGSA Standing Advisory Committee (SAC) Vice Chair Brenton Kelly provided a verbal report on the January 8, 2019 SAC meeting.

He thanked Chair Yurosek for the moment of silence in response to the lives lost to the 2018 Montecito mudslides and hopes the memorial events held in Santa Barbara County bring peace to those involved. He hopes this event provides an example of what can happen when a community comes together to solve regional challenges.

SAC Vice Chair Kelly said he would inform the Board on the SAC's decisions when they get to those items during the meeting.

6. Technical Forum Update

Woodard & Curran Project Manager Brian Van Lienden provided an overview of the December 14, 2018 technical forum meeting and is summarized in the Board packet.

7. Groundwater Sustainability Plan**a. Groundwater Sustainability Plan Update**

Mr. Van Lienden provided an update on GSP activities and an overview of their accomplishments for the month of November 2018 which are included in the Board packet.

Mr. Van Lienden briefed the group on two potential options for the GSP document schedule which would determine the release sequence for the remaining chapters/sections. Option 1 would allow a round of review for each section and then a final review as part of the public draft; however, this option would push the adoption process of the public draft back a month and Board decisions would need to be set at a more aggressive pace. Option 2 would keep the current schedule with the public draft release but does not allow an initial review of the remaining sections prior to being released in the public draft.

Chair Yurosek asked what staff's recommendation was, and Mr. Van Lienden said Option 2 is the preferred option because the discussion and decisions from the SAC and Board would occur sooner, which allows the public draft to be released earlier, and places less stress on the budget.

Chair Yurosek asked SAC Vice Chair Kelly the SAC's poll results, and Mr. Kelly reported 1 SAC member voted for Option 1 (schedule pushed back and more review) and 6 SAC members voted

for Option 2 (current schedule). Chair Yurosek asked for comments from the Board. Director Albano said he agreed with staff’s recommendation for Option 2. Vice Chair Compton said she preferred Option 1 because it allows for one full month of review and provided additional review time for County staff.

Alternate Director Alan Christensen arrived at 4:12 pm

Directors Cappello, Bantilan, Bracken, and Christensen said they prefer Option 2. Director Shephard said he preferred Option 2 and commented that there could always be a month of additional review time added if needed for County staff review on the back side.

Director Chounet asked if, after comments and responses to the draft are submitted, there will be a review period prior to the final GSP being submitted. Mr. Van Lienden said W&C will address the comments and responses made and will adjust the GSP as needed. Vice Chair Compton said she did not receive the Board packet until yesterday. Staff informed the group that the packet was distributed on Friday, January 4, 2019. Chair Yurosek said he is comfortable with Option 2 and does not want to delay the public draft by a month.

Landowner Sue Blackshear said she is concerned with the possibility of there being inadequate time to review the comments and responses made to the public draft.

SAC Vice Chair Kelly said he favored Option 1 because it allows for more time for the Project and Management chapter. Mr. Van Lienden commented that staff plans on having most of the substantive discussions related to this chapter with the SAC and Board prior to the draft chapter.

MOTION

Director Albano made a motion to approve option 2 for the GSP document schedule. The motion was seconded by Director Bantilan and passed.

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

Mr. Van Lienden discussed the second schedule issue being the two options for addressing the release of placeholders. Option 1 is to issue the GSP chapters/sections at the time of the GSP public draft release. Option 2 is to issue the newly developed subsections as a single package in March with a 1-week review and comment period. However, there will be discussions regarding the subsections at the SAC and Board meetings prior to the document sections being released for review.

SAC Vice Chair Kelly reported that three (3) SAC members voted for Option 1 and four (4) SAC members voted for Option 2.

Chair Yurosek asked if there is a staff recommendation and Mr. Van Lienden said Option 1 is more favorable because of the slight budget increase attributed to Option 2.

Chair Yurosek opened up for comments from the Board.

Director Chounet said he preferred Option 2 because it provides a fuller picture of the chapters.

Chair Yurosek, Vice Chair Compton, Directors Albano, Bantilan, Shephard, Christensen and Bracken said they prefer Option 2.

Director Wooster asked what the placeholder subsections are and what their current statuses are. Mr. Van Lienden said a number of these GSP sections are reliant on model results. For the Groundwater Dependent Ecosystem placeholders, he reported that a biologist has done a field study in Cuyama and provided W&C with a technical memo that they are reviewing. Director Wooster said she preferred Option 2 and is a little concerned that they have not seen any information on these important subsections.

Director Christensen asked what the benefits are with Option 1. Mr. Van Lienden said Option 1 causes less staff and time and consequently provides some cost savings.

Mr. Van Lienden clarified that the Board will see the information that feeds these placeholders separately from the packet.

Director Bantilan asked what the SAC discussion regarding approval of Option 1 and SAC Vice Chair Kelly said they hinged on staff's comments about budget implications.

SAC Committee Members Brad DeBranch and Joe Haslett commented that they voted for Option 1 based on the budget aspect.

MOTION

Director Chounet made a motion to approve Option 2 for the release of GSP subsections. The motion was seconded by Vice Chair Compton and passed.

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

b. Groundwater Conditions Chapter Adoption

Mr. Van Lienden provided an overview of Groundwater Conditions chapter. Mr. Van Lienden said he has talked with Santa Barbara County Water Agency (SBCWA) and San Luis Obispo (SLO) County staff regarding their comments and responses to the Chapter and recommends tabling this item until the next Board meeting to allow possible revision of the Chapter.

CBGSA Executive Director Jim Beck reported that W&C had said pushing the adoption of the Chapter back a month does not impact the schedule.

SAC Vice Chair Kelly reported that at the SAC meeting, Mr. Beck read a comment by SAC Chair Robbie Jaffe that indicated several issues with the Groundwater Conditions chapter. Additionally, he said he read his personal comments regarding the Chapter that included a request for a redline strikeout review and addressed the insufficient handling of the data gap.

Directors Shephard and Christensen said they would like to move forward with the adoption of the Chapter and pointed out there will be additional review time to review placeholders once included in the placeholder package to be released in March 2019.

Director Bantilan and Bracken said they would like to delay approving the Chapter.

Chair Yurosek asked what content in the Chapter will change by next month's meeting and how can this information affect the Board's decision. Mr. Van Lienden replied that some corrections and updates will be made throughout the Chapter, however the Board can adopt the Chapter now and the changes will be made to the public draft in April.

Chair Yurosek commented that he feels the Board has been pushing this down the road and asked if the Board would care to make a motion for adoption.

MOTION

Director Wooster made a motion to approve the Groundwater Conditions chapter and to direct Woodard & Curran to coordinate with Santa Barbara County Water Agency and San Luis Obispo County on their chapter comments. The motion was seconded by Vice Chair Compton.

SAC Vice Chair Kelly said his main concern with the Groundwater Conditions chapter is that it does not contain groundwater quality information from the Cuyama Community Services District (CCSD).

MOTION

Director Wooster amended her motion to approve the Groundwater Conditions Section and to direct Woodard & Curran to coordinate with Santa Barbara County Water Agency and San Luis Obispo County on their chapter comments, and to coordinate with the Cuyama Community Services District to include water quality data. The motion was seconded by Vice Chair Compton and passed by a supermajority vote of 88.89% (a 75% approval is need for a supermajority vote).

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

NOES: None

ABSTAIN: None

ABSENT: Director Williams

c. Adoption of Threshold Numbers for Representative Wells

Mr. Van Lienden provided an overview of the action the Board took in directing W&C to apply threshold rationales to representative wells. He reported that W&C received comments to add additional representative wells and increased the number of wells from 49 to 65. Additionally, he discussed how to interpret the table and hydrograph results.

Mr. Beck provided an introduction of the threshold numbers to assist in guiding the discussion. He said the question the Board needs to address is if W&C accurately applied the rationale to the thresholds, however they are not discussing the Board-approved rationales themselves.

W&C said in applying the thresholds, they discovered five (5) representative wells that were not suitable for calculating the measure of operational flexibility using the Board-approved threshold rationale. Additionally, two wells were removed (Opti well nos. 119 and 121). Director Wooster recommended removing Opti well nos. 115 and 602 since the depth of well no. 115 had not been established and well no. 602's casing had collapsed and was not in use.

Furthermore, Mr. Van Lienden recommended using the western region threshold rationale for seven (7) wells in the northwestern region that fit better with that rationale.

Director Chounet said he does not have any issues with the numbers.

Director Albano asked why W&C expanded all wells as representative wells. Mr. Van Lienden said they had received numerous requests and comments to do this and added all monitoring wells as representative wells in spatially non-dense monitoring well areas.

Director Albano asked who instructed W&C to do this. He said he spent a lot of time reviewing and analyzing the threshold number implications in his area, but he is not comfortable with adding all these new wells. Mr. Van Lienden said the wells are not actually monitoring wells until they are approved by the appropriate landowner.

Director Albano said adding more wells in his area via the process that occurred was not approved and he feels like this decision was made behind the scenes. He said we need to adjust the right representative wells, and with the newly added wells, we may have wells that are not appropriate. He asked if W&C is going to keep his well as a monitoring well or drop one of the five wells in the future. W&C reported that they would keep his well as a monitoring well.

Mr. Beck reminded the Board that the plan can be updated every 5 years, however it can also be adjusted more frequently.

Vice Chair Compton asked if adjustments will require a supermajority vote and Mr. Beck confirmed that they would. She asked why a vote was not taken prior to adding additional monitoring wells.

Mr. Van Lienden reported that well nos. 830-836 have the western region rationale applied to them and Vice Chair Compton said that solved their concerns.

Director Bantilan said on well nos. 72 and 74 it may be artificially lowering the minimum threshold due to a spike in the data. W&C Senior Hydrogeologist John Ayres said this may require data validation due to data abnormalities.

Directors Shephard, Bracken, and Christensen said they had no comments.

Chair Yurosek said overall, with the changes made, he would go with the SAC's recommendation

of approval.

Vice Chair Compton asked if we are creating a new region with the rationale change to the seven wells in the northwestern region. Mr. Van Lienden said no, they are only applying a separate rationale to specifically those seven (7) wells.

MOTION

A motion was made by Director Cappello and seconded by Vice Chair Compton to Approve the applied thresholds, apply the western region rationale to Opti well nos. 830-836, and remove Opti well nos. 115, 119, 121, and 602. The motion passed unanimously.

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

SAC Vice Chair Kelly mentioned that the SAC reached consensus to review threshold numbers in the first year and implement changes in the second year. Mr. Beck said no Board action is needed on this issue, but they will revisit this topic during the implementation chapter.

d. Stakeholder Engagement Update

Catalyst's Principle Charles Gardiner provided an update on stakeholder engagement activity and is included in the Board packet.

8. Groundwater Sustainability Agency

a. Report of the Executive Director

Nothing to report.

b. Progress & Next Steps

Mr. Beck provided an update on the near-term GSP schedule and accomplishments and next steps, which are summarized in the Board packet.

Mr. Blakslee gave an update on the grant reimbursement process.

c. Report of the General Counsel

Legal Counsel Joe Hughes addressed the Board regarding Brown Act and SGMA issues arising from CBGSA Board members, SAC members, and Cuyama Water District Board members attending the meetings of one another. An important conclusion was that CBGSA Board members may attend SAC meetings, but should not advocate to the SAC regarding the advice and input the SAC gives to the CBGSA Board.

Director Wooster commented that as a Director she cannot give her opinion at the SAC since that can be considered advocacy.

Vice Chair Compton said she has to recuse herself from certain decisions on SLO issues but

asked how certain Cuyama residents with property affected by Sustainable Groundwater Management Act (SGMA) do not have to recuse themselves. Mr. Hughes said it is a political reform issue, but there are exceptions, and these are determined on a case by case basis.

Director Shephard asked Mr. Hughes to clarify that a majority is defined by bodies, not the voting percentages and Mr. Hughes confirmed that is true.

Cuyama Valley Family Resource Center Executive Director Lynn Carlisle said sometimes a quorum will attend the SAC meeting, but one person will remain silent. Mr. Hughes said the observer rule does not come into play with Water District Board Directors.

SAC Vice Chair Kelly expressed thankfulness to Mr. Hughes for working this issue out.

Mr. Hughes reported that officer elections will occur at next month’s Board meeting.

9. Financial Report

a. Financial Management Overview

Mr. Blakslee provided an overview of the CBGSA’s financial activities. He reported that, as of November 30, 2018, total outstanding invoices totaled \$947,153.00.

b. Financial Report

Mr. Blakslee provided an overview of the November 2018 financial report and is included in the Board packet.

c. Payment of Bills

Mr. Blakslee reported on the payment of bills for the month of November 2018.

MOTION

A motion was made by Director Bracken and seconded by Vice Chair Compton to approve payment of the bills through the month of November 2018 in the amount of \$167,518.06, pending receipt of funds. The motion passed unanimously.

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

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

SAC Committee member Louise Draucker reported that she was asked several times if the Board meetings can occur later in the day. Chair Yurosek commented that he appreciates that sentiment, but a number of Board members have travel impediments but is sensitive to this issue.

13. Adjourn

Chair Yurosek adjourned the CBGSA Board at 5:59 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 Wednesday, January 9, 2019, by the Cuyama Basin Groundwater Sustainability Agency Board of Directors.

Jim Beck

Dated: February 6, 2019