

Cuyama Basin Groundwater Sustainability Agency Board of Directors Meeting

January 5, 2022

Meeting Minutes

PRESENT:

Yurosek, Derek – Chair
Bantilan, Cory – Secretary
Vickery, Matt – Treasurer
Albano, Byron
Chounet, Paul
Christensen, Alan
Shephard, Glenn
Stoller, Lorena
Elliott, Darcel – *alternate for Das Williams*
Wooster, Jane
Beck, Jim – Executive Director
Hughes, Joe – Legal Counsel

ABSENT:

Compton, Lynn – Vice Chair

1. Call to Order

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Chair Derek Yurosek called the meeting to order at 4:03 p.m.

CBGSA Executive Director Jim Beck reminded meeting attendees to use the GoToMeeting chat feature for indicating to staff that they have a question, but to please refrain from listing the actual comment in the chat to prevent conversations from developing in the chat box where not everyone may have access to observe those discussions.

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.

Stakeholder Jim Menzies asked speakers to announce their name before making a comment.

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 Vickery, a roll call vote was made and passed with 82%.

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

5. Election of Officers

Mr. Beck reminded the Board that officer elections are required at the first meeting of each year for the Chair, Vice Chair, Secretary and Treasurer. The Board discussed appointment and the following motions were made.

MOTION

Director Bantilan made a motion to elect Derek Yurosek as Chair. The motion was seconded by Director Shephard, a roll call vote was made and passed with 89%.

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

MOTION

Director Wooster made a motion to elect Paul Chounet as Vice Chair. The motion was seconded by Director Bantilan, a roll call vote was made and passed with 89%.

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

MOTION

Director Chounet made a motion to elect Cory Bantilan as Secretary. The motion was seconded by Director Shephard, a roll call vote was made and passed with 89%.

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

MOTION

Director Wooster made a motion to elect Matt Vickery as Treasurer. The motion was seconded by Director Chounet, a roll call vote was made and passed with 89%.

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

6. Standing Advisory Committee Meeting Report

SAC Chair Brenton Kelly provided a report on the January 4, 2022, SAC meeting and is included below.

Standing Advisory Committee Report

Meeting Date: January 4th, 2022

Submitted to the CBGSA Board on January 5th, 2022

By Brenton Kelly, SAC Chair

The Standing Advisory Committee met in a completely virtual format. One Committee members was absent but a full quorum was present for the four-hour meeting. Jim & Taylor were joined by Alex Dominguez and Brian Van Lienden on the call, with 7-10 members of the public and CBWD Board.

Item 5. Election of Officers

The Committee elected to maintain the current Officers for another year.

Item 6. Update on SAC membership.

There remain 2 vacancies on the SAC for representation from the Latino community. Any nominations or interested parties should contact Taylor Blakslee of myself.

Item 8.a. Direction on Management Area Policies in the Central Management Area

Most of the meeting was the discussion and direction on the many policy issues regarding the implementation of pumping reductions. Staff presented 5 specific issues, with some sub-issues, that had been discus at the recent MA ad hoc meeting. All committee members engaged in the discussion along with several public stakeholders. Although complete consensus was not reached on all items, staff was able to receive substantial feedback from a broad range of stakeholders. The SAC requested more transparency with the ad hoc membership and suggested that all ad hoc memberships could be publicly available on the website.

#1. a. What is the basis for the Allocation?

Except for Brad Debranch, who is in favor of a judicial solution affecting the whole basin by way of the adjudication, all other committee members were not in favor of making big changes to the GSP currently, and to stick with the GSPs Management Area for the pumping reductions. It is understood that this boundary will change over time and that the Sustainability Criteria (MTs & MOs) throughout the basin will help manage any overdraft outside the MA. There was no vote taken on this item but with one exception, the SAC and public felt that the Management Area was the appropriate place to apply pumping restrictions.

#1. b. What is the sustainable yield for the Management Area?

It was noted that with the current model the tentative schedule of pumping reductions in the MA with a Sustainable Yield of 9600 AFY would not be sufficient to bring the basin into sustainability by 2040. It is generally understood that adjustments would need to be made as the model is updated and recalibrated this year and at the regular five-year GSP updates. It was noted that the MA is 24,621 acres, roughly 10% of the Basin at 241,695, and they are pumping 70% of the water.

#1. c. What is the strategy to define the sustainable yield for the Management Area?

The SAC supports the exception of the old townsite of Cuyama from pumping restrictions. New Cuyama and Ventucopa are outside the MA and are already exempt. Most of the SAC, except for Committee member Brad Debranch who favors historical use as a strategy, felt that the historical use has been the cause of decades of overdraft and that inefficiency and overdraft should not be rewarded by using the Historical Use strategy. The acreage-based allocation was not seen as a perfect solution but was preferred over historic use. No consensus was reached. A hybrid approach was not presented or discussed.

It was felt that the GSA should not determine allocations based on the 'parallel' adjudication process. The GSA is responsible for sustainability and historical pumping was unsustainable

Item 8.a. Direction on Adaptive Management Actions

A motion was made to forward the staff recommendation on Adaptive Management Actions, but it failed on a split vote. Half the committee felt that the actions should include investigating the wells in exceedance of the Minimum Thresholds.

Item 8.d. Approve DWR 2022 Grant Application Projects

A motion passed unanimously in favor of the proposed project list.

CONSENT AGENDA

7-9. Consent Agenda

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

MOTION

Director Chounet made a motion to approve the consent agenda consisting of agenda items: 7. November 3, 2021, Board meeting minutes, and 8. Payment of bills for October and November 2021. The motion was seconded by Director Bantilan, a roll call vote was made and passed with 89%.

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

9. Approval of Financial Reports

Director Yurosek asked staff for comment on the status of the outstanding receivables. Mr. Blakslee reported that the DWR receivable relates to the grant retention and staff is requesting the release of the retention based on the grant completion reports. He reported that Brodiaea, Inc. has been contacted to pay late penalties and Cuyama Orchards late penalty was placed on the tax roll.

MOTION

Director Vickery made a motion to approve the October and November 2021 financial reports. The motion was seconded by Director Wooster, a roll call vote was made and passed with 89%.

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

ACTION ITEMS

10. Direction on Management Area Policies in the Central Basin Management Area

Executive Director Jim Beck provided background on the development of policies in the Central Management Area. He reported that at the November 3, 2021, Board meeting, the Board directed staff to meet with an ad hoc to identify key policy points for discussion at the January 2022 Standing Advisory Committee (SAC) and Board meetings.

Mr. Beck outlined the following five (5) key policy points, staff options and Board ad hoc feedback for each option which are included in the Board packet.

1. Allocation options

a. What is the basis for the allocation?

SAC Chair Kelly reported that the majority of the SAC believed the allocation should be implemented within the Central Management Area; however, one SAC Member believed the allocation should include other parts of the basin.

Director Albano commented that requiring pumping reductions outside the Central Management Area is not equitable and pumping cuts in the Central Management Area seem to make sense to him.

Director Wooster said it is important to consider the long-term effects of the pumping reductions and the end of the glidepath which results in 0.4 acre-feet per acre.

Director Chounet said the CBGSA had to start somewhere, and it made sense to start where there is a visible problem. He said we don't really understand how water moves and we may find that pumping reductions in the Central Management Area is not the final solution, but we need to start somewhere.

Director Albano commented that those that have been in the Cuyama Valley for a long time understand the Valley is comprised of separate basins.

Chair Yurosek said his position is we live to the obligation of the reduction in the Central Management Area, but the spirit of the negotiation was to pass a GSP and potential revise the GSP during the 5-year update.

MOTION

Director Chounet made a motion to implement the pumping reduction in the Central Management Area. The motion was seconded by Director Stoller, a roll call vote was made and passed with 89%.

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

b. What is the sustainable yield for the Management Area?

Mr. Blakslee provided an overview of the calculation used to determine the reduction in the Central Management Area for the glidepath period of 2023 through 2038. Mr. Beck said the modeled numbers used in the calculation will be updated and will change once the model is updated in July 2022.

SAC Chair Kelly reported that the SAC recognized changes would need to be made when the model was updated. He reported that the Central Management Area represents roughly 10 percent of the basin and is pumping roughly 80 percent of the water.

Director Vickery said he agrees with the 2023 and 2024 5% 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. However, he disagrees with the approach staff is considering to determine 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.

Chair Yurosek said the spirit of the pumping reduction was to collect additional data and update the plan during the 5-year update. He said it is concerning that staff is attempting to come up with a conclusion without appropriate data.

Director Albano asked if action is proposed because folks do not like the results of pumping reductions for 2025-2038? He said he does not agree that there is an issue with the way staff laid out the information to put concrete numbers to the pumping reduction implementation. Director Vickery said the intent of his motion was to sync up pumping reductions with the 2025 GSP update and consider updates and revisions at that time based on new data.

MOTION

Director Vickery made a motion to implement a 5% pumping reduction in 2023 and 2024 using the updated model data. The motion was seconded by Director Chounet, a roll call vote was made and passed with 89%.

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

c. What is the sustainable yield allocation strategy for the Management Area?

Mr. Beck presented the allocation strategy options that are included in the Board packet.

Director Yurosek asked Mr. Beck to provide additional information on the basis for calculating historic usage. Mr. Beck said landowners will often provide pumping records for a specific period of time. If pump records are not available, crop surveys can be used to determine water usage. Mr. Hughes added that it depends on the period of time you are considering.

Director Albano said the Board has not had enough time to consider the implications of setting an allocation strategy and would like to consider each option at a subsequent Board meeting. Mr. Beck agreed with Director Albano that these are very important items and are meant to be the start of the conversation with the Board.

Director Albano asked if we could direct staff to analyze 2005-2015 water use based on evapotranspiration (ET) satellite imagery to determine what an allocation option could be.

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 acres. Director Vickery asked if the analysis could include options for gross acres, irrigated acres and historic pumping.

Stakeholder Dan Clifford urged the Board to take a hard look at historical use to determine allocations since California courts have used historic water use as the basis for allocating water.

Stakeholder David Lewis said the simplest method is the acreage approach. He said there is a lot of clouded data to determine historic use. He said the allocation should be based on irrigatable acreage. He also noted that relying on the data of the two major pumpers in the basin does not make sense.

Stakeholder Jim Wegis said historic pumping is the only way to really see effects of reductions and stressed we need to come up with a number for the reduction.

Director Wooster commented that we need to make groundwater sustainable, and it should be based on historic pumping.

MOTION

Director Albano made a motion directing staff to analyze historic pumping numbers based on model data from 1998-2014 for irrigated acreage in the Central Management Area. The motion was seconded by Director Chounet, a roll call vote was made and passed with 89%.

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

2. Funding options

The Board directed staff to table this item until the March 2, 2022, Board meeting.

3. How to manage reduction

The Board directed staff to table this item until the March 2, 2022, Board meeting.

4. Increased water usage outside and inside Management Area

a. How should the CBGSA handle potential increases of water use inside and outside the Management Area?

Mr. Beck commented that the ad hoc brought this topic up but since it was outside the scope of the ad hoc, it is being brought up to the full Board.

Director Vickery said he thinks it is important to discuss this matter sooner than

latter and may need to consider water restrictions outside the Management Area.

Stakeholder Casey Walsh said he thinks the minimum thresholds are the mechanism to regulate water use and doesn't think a moratorium on wells would work but applauds the idea.

5. Revised sustainable yield based on updated model

Mr. Beck reported that no direction is required at this time, but the model update will inform boundary and Management Area criteria discussions.

11. Direction on Adaptive Management Actions

Mr. Van Lienden provided an overview of the technical analysis staff performed to evaluate if wells are in danger of going dry due to decreasing groundwater levels.

Director Albano asked Chair Kelly if anyone at the SAC had direct information on wells potentially failing and he said stakeholder David Lewis expressed concerns with his well located off Foothill Road.

MOTION

Director Vickery made a motion to adopt the Adaptive Management ad hoc recommendation to perform additional data gathering and analysis to confirm condition of wells identified in the well status analysis including (1) desktop analysis and phone outreach to be performed by W&C, and (2) field verification to be performed by Provost & Pritchard. The motion was seconded by Director Wooster, a roll call vote was made and passed with 78%

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

12. Direction on Reimbursement for Well Owner Energy Costs Related to Aquifer Analysis Program

Mr. Van Lienden provided an overview and current status of the aquifer analysis program. Mr. Beck reported that staff is seeking Board feedback on authorizing the reimbursement of energy costs due to aquifer testing which may require wells to run for a 24-hour period and may incur standby charges.

Director Vickery said he agreed with staff's recommendation and when you ask for a favor it makes sense to cover the costs and make the landowner whole.

MOTION

Director Chounet made a motion to authorize reimbursement of energy costs for well owners participating in aquifer analysis program for an amount not to exceed of \$1,000 per well and \$4,000 for overall program. The motion was seconded by Director Bantilan,

a roll call vote was made and passed with 89%

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

13. Direction on Adding New Monitoring Wells

Mr. Beck provided an overview of an offer from Grimmway Farms to add a dedicated monitoring well to the CBGSA groundwater level monitoring network.

MOTION

Director Wooster made a motion to approve the Grimmway-offered well into the monitoring network and to adopt the draft policy guidelines for consideration of future wells where new monitoring wells will not become the property of the GSA. The motion was seconded by Director Christensen, a roll call vote was made and passed with 82%

AYES: Albano, Bantilan, Chounet, Christensen, Elliott, Shephard, Stoller, Wooster, Yurosek
 NOES: None
 RECUSAL: Vickery
 ABSENT: Compton

14. Direction on Potential Non-Compliance with Meter Requirement

Mr. Beck provided an overview of the CBGSA meter requirement and Mr. Blakslee reported that 40 percent of known pumpers have complied with this mandate.

Director Albano asked if a letter could be sent out that a penalty will be assessed by March 31, 2022 if not remedied. Director Wooster asked if water users potentially not reporting received notice and staff reported that notice was mailed to all parcel owners.

Director Bantilan commented that the Santa Barbara County has a well metering program that offers reimbursement per entity for up to \$500 and is retroactive.

Chair Yurosek asked if some folks may not be reporting and what is the verification process. Mr. Beck said we will discuss verification options during the budget process.

MOTION

Director Albano made a motion to provide notice to landowner of protest hearing and penalty fee of \$1000 and \$100 per month thereafter effective April 1, 2022. The motion was seconded by Director Chounet, a roll call vote was made and passed with 78%

AYES: Albano, Chounet, Christensen, Elliott, Shephard, Stoller, Vickery, Wooster, Yurosek
 NOES: None
 ABSTAIN: None

ABSENT: Bantilan, Compton

15. Approve DWR 2022 Grant Application Projects

Mr. Blakslee provided background on the development of eligible projects for the upcoming DWR implementation and planning grant. Mr. Van Lienden gave an overview of each item and its purpose. Mr. Blakslee reported that the ad hoc is comprised of Directors Bantilan, Compton, Williams, Wooster and Yurosek.

SAC Chair Kelly reported that the SAC reviewed the grant project list and approved of the components.

MOTION

Director Vickery made a motion to approve the grant project list and authorize staff to work with an ad hoc to develop the application including the Spending Plan and scoring matrix and submit to DWR. The motion was seconded by Director Wooster, a roll call vote was made and passed with 89%

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

16. Adopt Resolution No. 2022-01 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 SGMA Implementation Grant

Mr. Blakslee reported that a Board resolution authorizing a Board designee to approve the grant application and enter into an agreement with DWR is required for the application.

MOTION

Director Chounet made a motion to adopt Resolution No. 2022-01 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 SGMA Implementation Grant. The motion was seconded by Director Wooster, a roll call vote was made and passed with 89%.

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

REPORT ITEMS

17. Administrative Updates

a. Report of the Executive Director

Mr. Beck reported that DWR may incorporate feedback on the CBGSA tech memo into their final GSP determination due January 28, 2022. He also reported that staff is following Santa Barbara COVID-19 safety protocols to determine when it is appropriate to meet in-person.

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

Nothing to report.

c. Report on the Fiscal Year 2020-2021 Audit

Mr. Blakslee reported that the Fiscal Year 2020-2021 audit was completed resulting in a clean audit and the report and findings are provided in the Board packet.

d. Update on Fiscal Year 2022-2023 Budget and Groundwater Extraction Fee Development

Mr. Blakslee provided an update on the Fiscal Year 2022-2023 budget and groundwater extraction fee processes which are included in the Board packet.

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 Water Year 2020-2021 Annual Report Development

Mr. Van Lienden reported on the annual report components that are required by DWR. He noted the draft report will be presented at the March 2, 2022, Board meeting for consideration of approval.

c. Update on Monitoring Network Implementation

Mr. Van Lienden provided an update on monitoring network implementation activities which are 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

Mr. Blakslee reported that two emails were received from stakeholder attorney Kathleen March regarding the adjudication and are included in the Board packet.

SAC Member Robbie Jaffe noted that Northfork Vineyard applied for three reservoir permits and

were required to submit an EIR which is currently open for public comment and interested parties can review that information online or contact her for more information.

22. Correspondence


Mr. Blakslee reported that UCSC Professor Emeritus of Agroecology and Condor's Hope Ranch farmer Steve Gliessman submitted a letter regarding the development of groundwater markets/trading.

23. Adjourn

Chair Yurosek adjourned the meeting at 8:06 p.m.

Minutes approved by the Board of Directors of the Cuyama Basin Groundwater Sustainability Agency the 2nd day of March 2022.

BOARD OF DIRECTORS OF THE
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Chair:  _____

ATTEST:


Secretary: _____

