

Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee Meeting

April 28, 2022

Meetings Minutes

PRESENT:

Kelly, Brenton – Chair
DeBranch, Brad – Vice Chair
Draucker, Louise
Furstenfeld, Jake
Gaillard, Jean
Haslett, Joe
Jaffe, Roberta
Beck, Jim – Executive Director
Blakslee, Taylor – Project Manager
Dominguez, Alex – Legal Counsel
Van Lienden, Brian – Woodard & Curran

ABSENT:

None

1. Call to Order

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Standing Advisory Committee (SAC) Chair Kelly Brad Kelly called the meeting to order at 5:04 p.m. and Hallmark Group Project Manager Taylor Blakslee provided direction on the meeting protocols in facilitating a remote and in-person meeting.

2. Roll Call

Hallmark Group Project Manager Taylor Blakslee called roll of the Committee (shown above).

3. Pledge of Allegiance

Chair Kelly led the pledge of allegiance.

4. Update on SAC Membership

Chair Kelly reported that there remain two vacancies for representatives of the Hispanic community and said if anyone knows someone that is interested in serving to let himself or Mr. Blakslee know.

5. Approval of Minutes

Chair Kelly opened the floor for comments on the February 24, 2022, CBGSA SAC meeting minutes.

MOTION

Vice Chair DeBranch made a motion to adopt the February 24, 2022, CBGSA SAC meeting minutes. The motion was seconded by Committee Member Jaffe, a roll call vote was made, and the motion passed.

AYES: DeBranch, Furstenfeld, Gaillard, Kelly
 NOES: None
 ABSTAIN: Jaffe
 ABSENT: Haslett

6. Groundwater Sustainability Plan

a. Direction on Reconciling Differences in Groundwater Sustainability Plan Versions

Executive Director Jim Beck provided background on the direction of reconciling differences in Groundwater Sustainability Plan (GSP) and Mr. Blakslee added that staff’s recommendation is to submit the correct version of Section 7 and update the Executive Summary on the CBGSA website with the version submitted to DWR.

Joe Haslett joined the meeting at 5:20 p.m.

MOTION

Committee Member Jaffe made a motion to submit the correct version of Section 7 as part of the amended GSP in July and update the Executive Summary on the CBGSA website with the version submitted to the California Department of Water Resources. The motion was seconded by Committee Member Furstenfeld, a roll call vote was made, and the motion passed.

AYES: DeBranch, Draucker, Furstenfeld, Gaillard, Haslett, Kelly, Jaffe
 NOES: None
 ABSTAIN: None
 ABSENT: None

b. Direction on Amended Groundwater Sustainability Plan

Mr. Beck provided an overview of the amended Groundwater Sustainability Plan including a review of the timeline leading up to DWR’s GSP determination. Mr. Blakslee provided a summary of the April 28, 2022, consultation meeting with DWR.

Brian Van Lienden provided an update on the following DWR-identified GSP deficiencies on the GSP and are included in the SAC packet.

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

No comments or questions from the SAC.

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

Committee Member Jaffe asked what the plan is for installing piezometer’s since DWR has stressed this multiple times. Mr. Blakslee replied they will be installed within a year under the recently awarded grant funding.

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

Chair Kelly asked what is being done on the monitoring side and if we were going to be performing a

onetime water quality measurement. Mr. Blakslee confirmed this will be performed once during 2022.

Deficiency 4 – The GSP does not provide explanation for how overdraft will be mitigated in the basin
Chair Kelly asked if this deficiency is in regard to the management area in Ventucopa that has not triggered any management actions but potentially has the same criteria as the Central Management Area. Mr. Van Lienden confirmed this and noted the CBGSA will consider setting sustainable management criteria, if appropriate, in 2025.

Committee Member Jaffe commented her concern with the presentation is that it presents generalized bullet items and there is a lot in the memo that she has a lot of questions on and believes it is important for awareness to be brought forward on these items.

c. Direction on Governor’s Executive Order N-7-22 Regarding Well Permits

Mr. Beck provided an overview of the Governor’s Executive Order and Mr. Blakslee reviewed how other counties in Cuyama are responding to Governor’s Executive Order.

Committee Member Furstenfeld asked if there are any groups that are excluded from the executive order and Mr. Blakslee replied that de minimis users and public water supply wells are exempt.

Vice Chair Debranch said he believed replacement wells and modifications to existing wells wouldn’t carry a stricter requirement. He said those wells should be considered differently than a new well.

d. Direction on Central Management Area Policies

Mr. Beck provided background on Central Management Area policies and Mr. Blakslee provided an overview of the eight (8) policy points that were reviewed with the ad hoc.

1. Pumping Reduction Baseline

Mr. Beck reported that the Board ad hoc considered several time periods and recommended using 2021 as the baseline for implementation pumping reductions.

Chair Kelly asked if the historic 20-year average was considered for the baseline and Mr. Blakslee replied that the ad hoc did consider this historic average but elected to recommend using the most recent year—2021.

Chair Kelly instituted a poll for selecting the baseline period as follows:

- Committee Member Furstenfeld – In support of the ad hoc recommendation. He noted that the numbers are constantly going to change because we can’t see the future and suggested making a decision and sticking with it.
- Committee Member Jaffe – In support of the ad hoc recommendation.
- Chair Kelly – In support of the ad hoc recommendation.
- Vice Chair Debranch – Not in support of the recommendation.
- Committee Member Draucker – Not in support of using a single year.
- Committee Member Gaillard – In support of the ad hoc recommendation.
- Committee Member Haslett – No decision on support at this time; would like to see more than 1 year of data than 1 year.

2. Allocation Methodology

Mr. Beck provided an overview of the ad hoc’s recommendation to use the historic average

from 1998-2017 as the basis for the allocation.

Committee Member Jaffe asked if every landowner in the Central Management Area would need to reduce by the same percentage. Mr. Beck replied the reduction would be based on percentage of what they used over a specific period and divided by total water use which would give you each landowner's percentage for the allocation. Committee Member Jaffe asked if small-scale farmers are considered in this implementation. Mr. Beck responded that all farmers are treated the same and the allocation is based purely on mathematical equations.

Committee Member Gaillard asked how there is data from 1997 when meters were not installed. M. Beck replied that satellite data was used to determine cropping information to estimate water use.

Chair Kelly instituted a poll for selecting the allocation methodology as follows:

- Committee Member Haslett – Not in support of the ad hoc commendation. Stated there needs to be some ground truthing to this and there should be a de minimis category and consideration for small pumpers (i.e., a tiered reduction).
- Committee Member Gaillard – In support of the ad hoc recommendation.
- Committee Member Draucker – In support of the ad hoc recommendation.
- Vice Chair Debranch – In support of the ad hoc recommendation.
- Chair Kelly – In support of the ad hoc recommendation.
- Committee Member Furstenfeld – Allocation should be based on water use, not land use.
- Committee Member Jaffe – In support of the ad hoc recommendation; but de minimis users' needs to be sorted out.

Stakeholder Sue Blackshear stated that the only data that would be available from 1998 would be from the two large ag companies, which are the same growers responsible for the greatest overdraft in the valley.

Stakeholder Daniel Clifford to asked CBGSA legal counsel Alex Dominguez to weigh in on the legality of a tiered allocation system. Mr. Dominguez stated we want to be careful when we are basing an allocation on a specific use, and an allocation on land or historical water use is a different conversation.

3. Changed Water Use Inside the Central Management Area

Mr. Beck provided an overview of the ad hoc's discussions on potential changed water use inside the Central Management Area and how that may affect the allocation.

Committee Member Furstenfeld asked if you would be rewarded for not using your allocation or would you lose that water. Mr. Beck replied we need to develop specific policies on how to handle unused water allocations. Committee Member Galliard expressed concern there would be more water fees and this would never be in the favor of the farmer. Chair Kelly replied this could encourage people to use a lot of water in the short term to be able to have more water in the long term. Committee Member Furstenfeld asked who is responsible for the development of water budgets. Mr. Blakslee replied it is the GSA's responsibility to develop the water budget for the Central Management Area and review special circumstances with the Board.

Chair Kelly instituted a poll as follows:

- Committee Member Jaffe – In support of the ad hoc recommendation if there is a very specific policy.
- Committee Member Furstenfeld – In support of the ad hoc recommendation.
- Chair Kelly – In support of the ad hoc recommendation.
- Vice Chair Debranch – In support of the ad hoc recommendation with the assumption that the variance policy would not allow users to come in with a higher intent to use water.
- Committee Member Draucker – In support of the ad hoc recommendation.
- Committee Member Gaillard – Not in support.
- Committee Member Haslett – In support of the ad hoc recommendation.

4. Central Management Area Boundary (Hydrological vs Operational)

Mr. Beck provided an overview of the ad hoc's discussions on using an operational boundary for the Central Management Area, or ease of administration, as opposed to the hydrologic boundary.

Committee Member Jaffe asked if there was a map with a comparison. Mr. Blakslee said staff has an old draft of a map that can be sent out but is based on the existing hydrologic boundary and the new proposed boundaries will not be available until the model is update in late June 2022.

Chair Kelly asked if the operational boundary would be based on the model update in July 2022 and be updated in 2025. Mr. Blakslee replied that aligns with the ad hoc recommendation.

Chair Kelly instituted a poll as follows:

- Committee Member Haslett – In support of the ad hoc recommendation.
- Committee Member Gaillard – In support of the ad hoc recommendation.
- Vice Chair Debranch – In support of the ad hoc recommendation but would like to see the draft maps.
- Chair Kelly – In support of the ad hoc recommendation.
- Committee Member Furstenfeld – In support of the ad hoc recommendation.
- Committee Member Jaffe – In support of the ad hoc recommendation.

5. Management Area Criteria Evaluation

Mr. Beck provided an overview of the ad hoc's discussions on the Management Area criteria and are summarized in the SAC packet.

Committee Member Furstenfeld asked if there were any management actions being taken this year and Mr. Blakslee replied pumping reductions in the Central Management Area will be implemented in 2023.

Committee Member Jaffe asked how looking at other criteria relates to DWR's comments on the CBGSA GSP. Mr. Beck replied we are going to evaluate criteria for our management areas beginning with our latest update and begin the process of what is the proper basis for establishing a management area. He said that is what the CBGSA GSP laid out. Therefore, considering modifications to the criteria is that we have more data and a better understanding of the basin to justify potential actions to refine the efforts to achieve sustainability in the

Cuyama Basin.

Chair Kelly instituted a poll as follows:

- Committee Member Jaffe – In support of the ad hoc’s recommendation.
- Committee Member Furstenfeld – In support of the ad hoc’s recommendation.
- Chair Kelly – In support of the ad hoc’s recommendation
- Vice Chair Debranch – In support of the ad hoc’s recommendation.
- Committee Member Draucker – In support of the ad hoc’s recommendation.
- Committee Member Gaillard – In support of the ad hoc’s recommendation.
- Committee Member Haslett – In support of the ad hoc’s recommendation.

6. Management Area Update

Mr. Beck provided an overview of the ad hoc’s recommendation to update the Management Area boundary at a minimum every five (5) years.

Committee Member Jaffe asked if this relates only to identified management areas and Mr. Blakslee replied staff would be looking at new management areas if identified by future model updates. Committee Member Gaillard agreed that updated the boundary at least every five years is a good increment. Committee Member Furstenfeld commented we should not limit ourselves to only making an update every five years and Mr. Blakslee replied more frequent updates can be considered by the Board at more regular intervals.

Chair Kelly instituted a poll as follows:

- Committee Member Jaffe – In support of the ad hoc recommendation.
- Committee Member Furstenfeld – In support of the ad hoc recommendation.
- Chair Kelly – In support of the ad hoc recommendation.
- Vice Chair Debranch – In support of the ad hoc recommendation.
- Committee Member Draucker – In support of the ad hoc recommendation.
- Committee Member Gaillard – In support of the ad hoc recommendation.
- Committee Member Haslett – In support of the ad hoc recommendation.

7. Administration of Pumping Reduction

Mr. Beck provided an overview of the ad hoc’s discussions on administering the pumping reduction which are included in the SAC packet.

Committee Member Gaillard said the CBGSA needs to consider automation with reporting for flow meters. Committee Member Furstenfeld replied there is a way to cheat these meters by having air flow backwards which reduces the number the meter reports. Committee Member Jaffe asked how these readings are validated. Mr. Blakslee replied pictures of the starting meter for the year and ending meter for the year are required by the CBGSA.

Chair Kelly instituted a poll as follows:

- Committee Member Jaffe – In support of the ad hoc recommendation but recommended implementing additional meter reporting verification.
- Committee Member Furstenfeld – In support of the ad hoc recommendation and also recommended additional meter reporting verification.
- Chair Kelly – In support of the ad hoc recommendation.
- Vice Chair Debranch – In support of the ad hoc recommendation.

- Committee Member Draucker – In support of the ad hoc recommendation.
- Committee Member Gaillard – In support of the ad hoc recommendation.
- Committee Member Haslett – In support of the ad hoc recommendation.

8. Non-Compliance/ Over Pumping Enforcement

Mr. Beck provided an overview of the ad hoc's discussions on potential non-compliance options which are included in the SAC packet.

Chair Kelly agreed if a pumper is overpumping there should be a fee and if there is a trend of overpumping the GSA should take legal action. Committee Member Gaillard stated there should be an investigation if there is deliberate overpumping. Committee Member Haslett agreed there should be a three-year running average. Committee Member Jaffe agreed with the three-year running average. Committee Member Furstenfeld stated there has to be a bigger penalty to act as a deterrent. Mr. Dominguez stated these fees amounts are set by SGMA and we cannot increase these fees. Committee Member Jaffe stated these penalties need to be stronger

Stakeholder Lynn Carlisle asked if overpumping continues how will this affect the sustainability of the basin and asked if legal action is a penalty, will there be a budget for these legal actions. Mr. Beck replied this would be budgeted. Mr. Blakslee replied that the Budget Ad hoc recommended increasing the legal budget for Fiscal Year 2022-2023 which can be used to fund some of these potential issues. He also noted the recently awarded grant provides funding for the implementation of pumping reductions.

Committee Member Gaillard replied we should be careful when taking legal action and Mr. Dominguez replied we are always cautious when taking legal action and would not recommend something like this unless the CBGSA was confident it was within its authority.

e. Direction on Basin-Wide Water Management Policies

Mr. Beck provided an overview of basin-wide management policies to consider, and Committee Member Jaffe said it would be best to get this discussion started sooner rather than later. Committee Members Furstenfeld, Kelly, DeBranch, Draucker and Haslett agreed with starting on these discussions. Stakeholder Lynn Carlisle said it would be best to get these discussions started long before 2025.

f. Direction on Adaptive Management Actions

Mr. Beck provided an overview of the potential Adaptive Management actions that were developed with a Board ad hoc and are summarized in the SAC packet.

Committee Member Gaillard commented that the 5 percent reduction will be tough on farmers but emphasized that the basin does not want to be managed by the State. He said if the CBGSA pushes too hard people will leave. Committee Member Jaffe said the Cuyama basin is going to have to make some really hard decisions because the groundwater levels are declining and the idea of reducing minimum thresholds does not solve the problem. Committee Member Furstenfeld stated we cannot keep moving numbers around to fit the model. Vice Chair Debranch commented that options 3 or 4 are the only viable solutions to consider.

Chair Kelly asked if this issue was addressed to DWR in the consultation meeting today and said he does not believe there are any acceptable solutions presented. Mr. Beck replied this was discussed with DWR and they cautioned that a robust technical analysis be conducted before considering

adjusting minimum thresholds.

Stakeholder Lynn Carlisle asked what management actions would trigger if the undesirable results criteria for groundwater levels is reached. Mr. Beck replied if the Board elected for the minimum threshold to be moved then no additional management actions would be required in those areas, but we would still be required to reduce pumping in the Central Management Area according the GSP the CBGSA adopted in December 2019.

Joe Haslett leaves the meeting at 9:00 p.m.

Chair Kelly instituted the following poll for the options presented.

Committee Member Jaffe – Opposed to options 3 or 4.

Committee Member Furstenfeld – Opposed to options; commented that moving numbers around does not solve anything.

Chair Kelly – Opposed to all options.

Vice Chair Debranch – In support with the ad hoc recommendations.

Committee Member Draucker – Opposed to all options.

Committee Member Gaillard – Opposed to all options.

g. Direction on Effort to Identify Potential Non-Reporting Pumpers

Mr. Blakslee reported that staff is developing a strategy with an ad hoc to identify potential non-reporting water users and will provide an update at the next SAC and Board meetings.

h. Direction on Data Management System (DMS) Enhancements

Mr. Van Lienden provided an update on potential Data Management Systems (DMS) enhancements that could be funded by the recently awarded grant. Chair Kelly commented that more data is important and generally supports improvements to the DMS.

i. Direction on Public Workshop Format

Mr. Blakslee presented several options for hosting a public workshop that are summarized in the SAC packet.

Committee Member Furstenfeld said holding a workshop on the weekend would be best and suggested a Saturday around 10 or 11 a.m. Committee Member Draucker said if it is around 11 a.m., hosting lunch should be considered. Committee Member Gaillard suggested holding on a weekday after 5 p.m. or on a weekend after 5 p.m. Committee Member Jaffe suggested making the presentation material concise and clear.

Committee Member Jaffe suggested including the adjudication as an item for discussion. Committee Member Furstenfeld suggested having a printout of the various Cuyama jurisdictions. Chair Kelly stated one of the important topics is metering and well information collection, but also any landowner requirements. Committee Member Furstenfeld said a session in Spanish may be considered.

Stakeholder Lynn Carlisle said it would be good to show how the CBGSA GSP implementation and adjudication are different processes.

j. Update on Groundwater Sustainability Plan Activities

Mr. Van Lienden presented an update on GSP activities and are included in the SAC packet.

k. Update on Model Refinement

Mr. Van Lienden provided update on the model refinement and said model results are still on target for presentation at the July Board meeting.

Stakeholder Lynn Carlise asked where the data that came from for the aquifer test in the northwestern area. Mr. Van Lienden said Woodard & Curran received the raw data from Cleath-Harris and incorporated the raw data. Committee Member Jaffe asked if she could have the data for aquifer test and Mr. Van Lienden said he could provide that data.

l. Update on Monitoring Network Implementation

Mr. Van Lienden provided update on monitoring network implementation which is included in the SAC packet.

m. Update on Quarterly Groundwater Conditions Report for April 2022

Mr. Blakslee provided an update on Quarterly Groundwater Conditions Report for April 2022 and informed the SAC that groundwater level measurement consultant Justin Faure from Provost & Pritchard (P&P) is no longer with P&P, but staff has met with the transition team and feels confident with their continued service.

7. Groundwater Sustainability Agency

a. Report of the Executive Director

Mr. Blakslee reported the SGMA grant award will be announced at ACWA next week.

b. Report of the General Counsel

Nothing to report

c. Board of Directors Agenda Review

Mr. Blakslee provided an overview of the May 4, 2022, CBGSA Board of Directors meeting agenda which is provided in the SAC packet.

8. Items for Upcoming Sessions

Nothing to report.

9. Committee Forum

Committee Member Furstenfeld noted that going forward he can attend the SAC meeting at an earlier time and asked if the SAC if they wanted to change the time. Mr. Beck reminded the SAC that the Board sets the SAC meeting time, and this can be brought up with the Board.

Committee Member Jaffe announced that the Cuyama Valley Community Association is hosting an adjudication workshop on May 9, 2022.

10. Public Comment for Items Not on the Agenda

No public comments

11. Correspondence

Nothing to report.

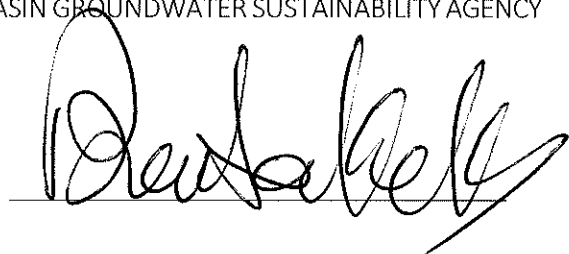
12. Adjourn

Chair Kelly adjourned the meeting at 9:45 p.m.

Minutes approved by the Standing Advisory Committee of the Cuyama Basin Groundwater Sustainability Agency the 30th day of June 2022.

STANDING ADVISORY COMMITTEE OF THE
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Chair Kelly:



ATTEST:

Vice Chair DeBranch:

