

Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee Meeting

August 30, 2018

Meetings Minutes

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

PRESENT:

Jaffe, Roberta – Chair
Kelly, Brenton – Vice Chair
Alvarado, Claudia
DeBranch, Brad
Draucker, Louise
Furstenfeld, Jake
Post, Mike
Valenzuela, Hilda Leticia
Beck, Jim – Executive Director
Hughes, Joe – Legal Counsel

ABSENT:

Haslett, Joe

1. Call to Order

Chair Roberta Jaffe called the Standing Advisory Committee (SAC) to order at 4:00 pm.

2. Roll Call

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

3. Pledge of Allegiance

The pledge of allegiance was led by Chair Jaffe.

4. Approval of Minutes

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Executive Director Jim Beck presented the July 26, 2018 SAC minutes. Minor editorial changes were suggested, and a motion was made by Vice Chair Brenton Kelly to approve the minutes and seconded by Committee Member Brad DeBranch. The motion passed unanimously.

5. Report of the General Counsel

Nothing to report.

6. Discussion of Special Session for Public Review

Vice Chair Kelly reported that an ad hoc was appointed consisting of Committee Members Jake Furstenfeld, Louise Draucker, Claudia Alvarado, and himself met to discuss what they understood to be the limitations of holding a separate study group meeting to review the various Groundwater Sustainability Plan (GSP)

sections. They considered the following issues: budget, Brown Act, financial, legal, and preserving objectivity and impartiality.

The ad hoc proposed the idea of hosting a special session and felt these considerations could be addressed sufficiently. Vice Chair Kelly reported on how the ad hoc planned on constructing the meeting, which is expressed in his resolution memo to the CBGSA SAC. Chair Jaffe thanked the ad hoc and opened the floor for discussion.

Committee Member Draucker commented that the SAC would not be making decisions at the meetings. Mr. Beck asked when going through a particular document, how will they resolve technical issues without technical experts present. Vice Chair Kelly said the intent of meeting is to articulate questions the group may have to bring up to W&C at the following SAC meeting.

Local landowner Ann Myhre said she could understand why the concept of study groups was brought up, but when she thought about it further, she felt it was a slippery slope. She expressed her concern with the risk of unintentionally violating the Brown Act with a simple discussion. Vice Chair Kelly stated he felt that the discussions held at the study groups would be narrow enough to avoid Brown Act violations. Ms. Myhre said the SAC is putting themselves at risk without even knowing it. Chair Jaffe asked Ms. Myhre for clarification on the risk. Ms. Myhre replied that it is so easy to reach consensus in a committee and express your opinions but discussing what type of action the SAC is intending to take is another story.

CBGSA Board Director Jane Wooster said that committee members are expected to be prepared to come to a meeting and there are already workshops set up that can serve this function. She mentioned the SAC was appointed at the direction of the CBGSA and would need review the meeting requirements/parameters. Ms. Wooster said she thought such a meeting should be done in conjunction with the Board. She agreed with Ms. Myhre regarding the risk of the SAC holding such a meeting.

Vice Chair Kelly honored the different perspectives that were addressed and acknowledged potential risk.

Chair Jaffe said the original intent was to form a study group to understand the Groundwater Sustainability Plan (GSP) sections that were coming out for review and the SAC is ultimately trying to review these sections in a group setting without violating the Brown Act and without putting more responsibility on W&C and the Hallmark Group.

Triangle E. Farms owner Jim Wegis said his concern in reviewing GSP sections without the experts, is that it can obfuscate things.

Local resident Sue Blackshear said the idea of the study group is to have some relaxed time to digest the material and to get a handle on it, not to vote on it and form a bloc. She mentioned that she does not see a problem with having such a meeting.

CBGSA Board Director George Cappello said it is up to the individual to study the material and ask questions in the appropriate venues. He expressed concern of lawsuits arising from potential Brown Act violations.

Local landowner Steve Gliessman expressed the feeling of being muzzled. He said there is rarely an opportunity to ask questions and explore topics at the Board meeting, and can only really do this at the SAC meetings. He mentioned that he was looking forward to reading through the document as a group and feels like that opportunity is getting squashed.

Committee Member Furstenfeld asked if there is a way to have a forum to discuss the sections.

Mr. Beck commented that the committee members are in the same place as everyone else and this is not a unique situation. Mr. Beck said he has never seen a committee meet separately to review documents. He stated what usually happens is committees will ask questions during the meeting and the experts will take as much time as necessary to address your questions. He said another issue with holding an additional meeting is some of the Committee Members may not be able to attend and this can create an accessibility issue with some Members having access to information that not all do. Mr. Beck said the SAC's most cost-effective option, with the lowest risk is, is extending the SAC meeting.

Chair Jaffe stressed the SAC's desire to comply with the Brown Act and this is why the idea of study groups was brought up.

CBGSA Board Director Byron Albano said that he is wondering where W&C will have the time to discuss the technical and political issues with the tight timeframe. He mentioned both the Board and SAC are frustrated with not having enough time. Mr. Albano suggested that everyone should read the Department of Water Resources (DWR) best practices at least twice. Additionally, he mentioned the Cuyama Basin Water District (CBWD) has their consultant coming and reporting at the CBWD meetings, which are not moving at the same speed of W&C. He said that the CBWD meetings are open and recommended that residents, Committee members, and Board members attend those. Lastly, he suggested that perhaps Santa Barbara Organic Pistachio Company owner Gene Zannon could organize a hydrogeologist session to understand educational sections.

Chair Jaffe asked Mr. Beck to clarify the Brown Act issues of attending CBWD meetings. Mr. Beck replied that all of the SAC committee members could attend the CBWD meeting, but less than a quorum could talk. Mr. Beck said he will have legal counsel Joe Hughes send out clarification on this item.

Committee Member Mike Post said he wanted to echo Mr. Beck in that over 30 years of working in public service he has never seen study groups happen. He said a special session does not specify who is taking responsibility for the equipment and potential Public Records Act documentation. He said he believes that everyone has good intentions, but good intentions do not protect you from the law.

Mr. Albano asked what the purpose of meeting separately is and what would be done with the information. Chair Jaffe said the purpose is to understand the material more and use that information to comprehend the GSP sections in a more in-depth way.

Chair Jaffe asked Mr. Beck how to proceed procedurally from here. Mr. Beck said that the SAC can make a motion and vote on this, or the SAC can decide to not vote and report the discussions held to the Board, including the suggestion of attending the CBWD meetings. Mr. Beck said there could be a discussion at the joint Board and SAC meeting on September 5, 2018.

The SAC committee decided to discuss the study group in further detail at the September 5, CBGSA Board of Directors and SAC joint meeting:

7. Groundwater Sustainability Agency

a. Report of the Executive Director

Nothing to report.

i. Groundwater Sustainability Plan Section Development Strategy and Responsibility

Mr. Beck provided a brief overview of the document which is included in the SAC packet. He mentioned he had received a number of questions regarding the Board and SAC's role in the GSP document review process. Additionally, he wanted to make clear that the Board and SAC is not precluded from providing their personal comments on GSP sections.

Mr. Beck reported that while a range of GSP section comments are received, grammatical comments will not be tracked in the comment matrix to keep the matrix to a manageable size. He reported that the GSP document review process begins with stakeholders having four weeks to provide comments regarding GSP sections; then, W&C will draft a comment response matrix and distribute a revised draft to stakeholders, the SAC, and the Board. An initial review will occur at the SAC meeting following the draft.

Mr. Beck said he wanted to be clear that the SAC does not have to solve problems. If consensus is reached, great, but it does not have to be. Chair Jaffe said she really appreciates Mr. Beck writing this process report.

Vice Chair Kelly appreciated the flexibility with reviewing the GSP sections but asked if a redline strikeout version would be included with the revised draft. Mr. Van Lienden stated he was concerned with the effort required when addressing additional comments that arise from an additional review of a redline strikeout version and to remain on-budget, and on-schedule, they will only release a final, clean draft that stakeholders can review to see how it tracks with their potential comments.

Mr. Albano asked if it would be better for the SAC to group the comments to educate the CBGSA Board members to read those comments. He mentioned that he is a little concerned that the SAC is directing staff to edit the documents as opposed to presenting their comments to the Board. Mr. Beck said we are trying to prevent the process from devolving into that, but that is a good characterization.

Ms. Wooster suggested individuals redline their copy and then check W&C's copy to see if their comments were addressed. She said that everyone should take the responsibility on themselves individually. Ms. Wooster asked if the version can be marked clearly on the top of the page of each section, and staff agreed to this.

Mr. Cappello asked if the Board will get the original document or the revised document including the SAC's comments. Mr. Beck said the Board will receive the original.

Chair Jaffe asked if the Board requires a supermajority vote on these GSP sections. Mr. Beck said he will have Joe Hughes clarify.

A motion was made by Vice Chair Kelly and seconded by Committee Member Jake Furstenfeld to approve the Groundwater Sustainability Plan Section Development Strategy and Responsibility report. The motion passed unanimously.

b. SGMA Educational Items: How a Model Works – Current and Future Conditions and Management Actions & Projects

GSP Consultant Woodard & Curran Project Manager Brian Van Lienden provided an update on the

educational items entitled “How a Model Works – Current and Future Conditions” and “Management Actions & Projects.”

Local landowner Steve Gliessman asked, for domestic water use, how would the model be used for areas not in the Cuyama Community Services District. Mr. Van Lienden replied that the model will be based on estimated using recent census information that is being developed.

Ms. Blackshear said she was confused about the 1967-2017 date range and thought the model was not going to go back that far. Mr. Van Lienden said they are just looking at 50 years of data for precipitation and resulting runoff and recharge.

Mr. Van Lienden asked if anyone has ideas for demand management and potential water supply projects, to please let him know as they start developing management actions.

Mr. Gliessman asked Mr. Van Lienden if they have looked into moving groundwater from plentiful areas to areas that are lacking. Mr. Van Lienden said they will investigate this.

Mr. Cappello said W&C really needs to explore downstream impacts before getting to far into exploring capturing flood flows.

Ms. Wooster commented that trying to buy water from the coastal areas does not seem sustainable.

Committee Member Furstenfeld suggested prescribed burning (forest management) to remove non-native brush that is sucking up water.

c. Board of Directors Agenda Review

Mr. Beck provided an overview of the September 5, 2018 Joint Meeting of CBGSA Board of Directors and Standing Advisory Committee agenda.

8. Groundwater Sustainability Plan

a. Groundwater Sustainability Plan Update

Mr. Van Lienden provided an update on GSP activities, which is included in the SAC packet.

Vice Chair Kelly asked what the status of the Undesirable Results Narrative is and Mr. Van Lienden replied W&C has received over 300 comments on it and some were related to the thresholds document. W&C is strategizing how to pair reviews of the related documents together.

b. Technical Forum Update

Mr. Van Lienden provided an overview of the August 3, 2018 technical forum call. A summary of the issues discussed is provided in the packet.

Mr. Van Lienden reported that moving forward, the tech forum will occur before the SAC to better facilitate technical input to the GSP development process.

c. Hydrogeologic Conceptual Model Update

Mr. Van Lienden provided an update on the Hydrogeologic Conceptual Model (HCM).

Mr. Van Lienden said W&C had received 300-400 comments regarding the HCM and Hydrogeologist

John Ayres will be presenting the HCM for consideration of adoption at the next SAC meeting on September 27, 2018.

d. Groundwater Conditions

Mr. Van Lienden provided an overview of the groundwater conditions.

Mr. Van Lienden reported on the validation of Grimmway and Bolthouse data with other public well data. CBGSA Director and Grimmway employee George Cappello informed the group that pump companies test their wells.

Mr. Gliessman asked if some of the wells are drilled below the groundwater basin and Grapevine Capital Ray Shady said they have drilled their wells to bedrock.

e. Monitoring Networks

Mr. Van Lienden provided an overview of the monitoring networks.

Chair Kelly asked if monitoring wells are distinct from production wells. Mr. Cappello commented that you would need to catch a production well at a non-use period, so the well levels are not jumping all over the place. Mr. Cappello said Grimmway could let W&C know what wells are available and when.

Chair Jaffe asked if standard monitoring procedures will be developed. Mr. Van Lienden said they will and will be part of the normal review process with the SAC and Board.

Chair Jaffe asked if we are not proposing to monitor heavy metals for budget reasons. Mr. Van Lienden said this is a reason, and SGMA management actions do not mandate mitigation for this.

f. Stakeholder Engagement Update

GSP Outreach the Catalyst Group's Mary Currie provided an update on stakeholder engagement activity.

Chair Jaffe asked if a SAC quorum will need to meet at the Cuyama Valley Family Resource Center to adjourn to the Recreation District. Hallmark Group's Taylor Blakslee confirmed.

9. Items for Upcoming Sessions

Nothing to report.

10. Committee Forum

Chair Jaffe informed the group of the Union of Concerned Scientists' recent publication which features several SAC Committee Members and is a good article that features Cuyama Valley.

Vice Chair Kelly thanked the Hallmark Group and WH&C for keeping the website updated. He said the website is a very useful tool.

11. Public comment for items not on the Agenda

Mr. Gliessman suggested an educational item on water quality monitoring and why water quality monitoring is performed. Mr. Van Lienden said we will have a monitoring section coming out next month and can report on some of this.

Ms. Myhre said this falls under the California State Water Resources Control Board (SWRCB) and you may want to invite someone from them to talk to the SAC and Board after next July.

A brief discussion occurred regarding the upcoming workshop on September 5, 2018 and Mr. Albano said having individuals contribute personal comments would be more helpful than “consensus” derived from a table of participants.

Ms. Jaffe said in her experience, small groups foster more information, so maybe some combination will be helpful. She mentioned that it is important to set feedback parameters out at the beginning of the meeting to receive effective feedback. Vice Chair Kelly said takeaways are important to clarify at workshops, and Chair Jaffe said we need to encourage the use of comment sheets.

12. Adjourn

Chair Jaffe adjourned the meeting at 7:00 p.m.

I, Jim Beck, Executive Director of the Cuyama Basin Groundwater Sustainability Agency, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held on Thursday August 30, 2018, by the Cuyama Basing Groundwater Sustainability Agency Standing Advisory Committee.

Jim Beck

Dated: September 27, 2018