

Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee Meeting

August 11, 2021

Meetings Minutes

PRESENT:

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

Lorena Stoller, CBGSA Director

ABSENT:

None

1. Call to Order

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Standing Advisory Committee (SAC) Chair Brenton Kelly called the meeting to order at 5:00 p.m. and Hallmark Group Project Manager Taylor Blakslee provided direction on the meeting protocols in facilitating a hybrid in-person/remote 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. CBGSA Staffing Update

CBGSA Executive Director Jim Beck informed the SAC that Woodard & Curran hydrogeologist John Ayres went to work for the California Department of Water Resources and Richard Sturn, a hydrogeologist, has been hired by W&C to serve the CBGSA. Mr. Sturn introduced himself and said he looked forward to working with the CBGSA.

5. Update on SAC Membership

Chair Kelly reported that there remain 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.

6. Approval of Minutes

Chair Kelly opened the floor for comments on the April 29, 2021, CBGSA SAC meeting minutes and no changes were suggested.

MOTION

Committee Member DeBranch made a motion to adopt the April 29, 2021, CBGSA SAC meeting minutes. The motion was seconded by Committee Member Furstenfeld, a roll call vote was made, and the motion passed.

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

7. Groundwater Sustainability Plan**a. Direction on DWR's GSP Consultation Letter Dated June 3, 2021**

Mr. Beck provided background on a comment letter received by the California Department of Water Resources (DWR) to provide an advanced review of the CBGSA Groundwater Sustainability Plan (GSP) which can be found in the SAC packet. He said that DWR's recommended changes do not seem insurmountable to address ahead of DWR's final determination to be made in January 2022 and staff has developed potential options for the SAC and Board to consider.

Committee Member Jaffe asked what a memo to DWR would entail. Mr. Beck said it depends ultimately on what the Board decides but it would likely include the result of some technical analyses and additional narrative around DWR's proposed corrective actions.

Chair Kelly asked how iterative this process will be with the SAC and DWR. Mr. Beck said he expects a number of touch base meetings with DWR and review with the SAC and Board in October 2021. DWR representative Anita Regmi said DWR staff will be available for meetings, however, many meetings may not be possible due to impending statutory deadlines DWR must meet.

Woodard & Curran project manager Brian Van Lienden provided an update on the DWR GSP review schedule which is included in the packet.

Mr. Van Lienden discussed DWR's four potential corrective actions and potential options to address DWR's concerns.

Corrective Action No. 1 – Provide justification for, and effects associated with, the sustainable management criteria

Committee Member Gaillard asked what a field biologist would do and asked if we should consider a hydrogeologist to determine where the water is coming from. Mr. Van Lienden replied that biologist would be predominantly investigating the Groundwater Dependent Ecosystem (GDE) based on the existing ecosystem, but staff will consider Committee Gaillard's suggestion.

Committee Member Jaffe asked if the technical analysis would address if the undesirable results trigger is an acceptable metric. Mr. Beck said, yes, the analysis will do this. Mr. Van Lienden said we would be building the narrative around the technical work that has already been completed. Committee Member Jaffe asked if there is room to adjust the undesirable results trigger based on

the results of the technical analysis. Mr. Beck said the way he interpreted DWR's request was to explain how the 30 percent trigger was determined. She asked how the northwestern region could be studied more if we do not have enough data. Mr. Beck said we believe we could perform a discrete analysis to study this question based on the model. Mr. Van Lienden informed the SAC that the current version of the model does not show overdraft in the northwestern region even at fully development.

Committee Member DeBranch asked if the staff recommendation and Woodard & Curran's scope of work is included in the current budget. Mr. Van Lienden said the budget for the current year included \$50,000 to respond to DWR's comments and he thinks they will be able to accommodate what needs to be done to address the corrective actions, pending Board direction.

Ms. Regmi reminded the SAC that two upcoming rounds of grant funding will be available to make planning changes to the GSP but would take several months to be awarded.

Local landowner Kathleen Marsh expressed concern with the 20-year sustainability implementation timeline and noted that groundwater levels may continue to fall for some time. Mr. Beck replied that the Sustainable Groundwater Management Act legislation established the implementation timeline.

Cuyama Valley Family Resource Center Lynn Carlisle asked if the 30 percent trigger has been effective specifically when 45 percent of representative wells are below their minimum thresholds as shown in the June 2021 groundwater conditions report. Mr. Beck replied that the undesirable results trigger was determined with the data we had at the time the GSP was created. Mr. Van Lienden added that in addition to the undesirable results threshold, the GSP established a parallel process of adaptive management to review wells that are experiencing levels below their minimum threshold.

MOTION

Chair Kelly made a motion to perform a technical analysis including with staff observations, and revisions to minimum threshold and undesirable results statements in an action plan and schedule. The motion was seconded by Committee Member Draucker, a roll call vote was made, and the motion passed.

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

Corrective Action No. 2 – Use of groundwater levels as a proxy for depletion of interconnected surface water

Mr. Van Lienden provided background on the limited data for measuring interconnected stream flows and presented potential options.

MOTION

Vice Chair Kelly made a motion to accept the potential options including the staff observations and the development of the appropriate undesirable results criteria described in an action plan and schedule. The motion was seconded by Committee Member Furstenfeld, a roll call vote was made, and the motion passed.

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

Corrective Action No. 3 – Further address degraded water quality

Mr. Van Lienden provided background on DWR's corrective action regarding further degradation of water quality.

Committee Member Haslett suggested connecting with the existing Irrigated Land Regulatory Program which already regulates nitrates and Mr. Beck commented that staff was discussed this with DWR, and they agreed with coordinating with those programs.

Ms. Regmi clarified that DWR provided two options to address further degradation of water quality which were (1) either provide sustainable management criteria for arsenic and nitrate, *or* (2) provide a thorough, evidence-based description for why groundwater management is unlikely to cause significant and unreasonable degradation of groundwater

MOTION

Committee Member Jaffe made a motion to accept the following potential options:

- The GSA should develop nitrate and arsenic sustainability criteria at each water quality monitoring well where historical data exists and will consider background water quality and agricultural and domestic water criteria.
- A single measurement of nitrate and arsenic should be taken in 2022 at all water quality wells to establish a Baseline and then the GSA can consider refinement of the size of the network once we have this baseline data.
- The memorandum should include description of a monitoring network and sustainability criteria (including MT and MO) for arsenic and nitrates in addition to TDS and include an updated undesirable results narrative for water quality.

and develop appropriate undesirable results criteria to be described in an action plan and schedule. The motion was seconded by Committee Member Haslett, a roll call vote was made, and the motion passed.

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

Corrective Action No. 4 – Provide explanation for how overdraft will be mitigated in the Basin

Mr. Van Lienden provided background on DWR's corrective action to provide an explanation for how the overdraft will be mitigated in the Basin, specifically in the Ventucopa and Northwestern region and presented potential options for those two areas.

Committee Member Jaffe asked if the analysis would consider the area in the far northwestern region and noted some levels are decreasing.

Chair Kelly asked if the SAC had a motion, but none was made. He commented that he does not believe the potential options address how overdraft will be mitigated, and this corrective action will

require more work.

b. Direction on Small Pumpers Policy

Mr. Beck provided an update on the policy for small pumpers as described in the SAC packet.

Committee Member Jaffe asked if the 25 acre-feet or less criteria are based per well or per parcel and Mr. Blakslee replied that the Board determined it was based on a water user.

Committee Member Haslett said based on the evapotranspiration values, his wells cannot pump that much and thus are not accurate for his water use. Chair Kelly commented that this is one of the challenges with evapotranspiration.

Chair Kelly asked for more detail on the small pumper statistics (i.e. how many wells do they make up and how much total water is used).

c. Direction on Adaptive Management

Mr. Beck provided an overview of the adaptive management recommendations developed by the Adaptive Management Ad hoc which are summarized in the SAC packet.

Chair Kelly asked who is on the ad hoc and Mr. Blakslee replied it is comprised of Directors Bantilan, Vickery, Shephard and Yurosek.

Committee Member Jaffe expressed concern with the adaptive management direction and asked how often the wells below their minimum thresholds would be reviewed. Mr. Beck suggested to review every time we receive new groundwater level data.

Chair Kelly requested that the ad hoc consider options on the presentation other than the “do-nothing in the near-term” option. Committee Member Jaffe commented that she can appreciate the ad hoc members task to consider this topic but none of them are local to Cuyama. She asked if the CBGSA is open to residents filing reports of water use issues for the CBGSA to consider. Mr. Beck replied that the CBGSA encourages landowners to contact Mr. Blakslee regarding impacts to their wells and Committee Member Jaffe suggested formalizing this process and review reports at the SAC. Mr. Beck commented that staff could add a survey on the CBGSA’s website for landowners to report issues with their wells.

Ms. Carlisle asked if the Adaptive Management ad hoc made its recommendation with consideration to the DWR consultation letter. Mr. Beck said we had received the DWR letter prior to the ad hoc meeting.

Committee Member Gaillard noted that some wells have maintained static levels which should also be reported to DWR. He said that not everything is negative and there are some improvements in the basin.

d. Approval of Monitoring Network Consultant Contract for FY 21-22

Mr. Blakslee provided an update on the monitoring network consultant contracts for FY 21-22 which are within the budget approved by the Board on May 5, 2021. He noted that staff asked for the cost of an optional task to perform nitrate and arsenic monitoring to provide the Board with information to consider in light of the DWR consultation letter recommending monitoring for nitrates and arsenic.

e. Review of Model Update Process

Mr. Van Lienden provided an overview of the model update and reviewed timelines for different update components of the model.

Chair Kelly asked if Grapevine Capital was still willing to perform aquifer tests and staff said they would look into this.

Committee Member Gaillard said aquifer testing is important to determine adjacent well interference. Chair Kelly asked if additional boreholes will be drilled, and Mr. Van Lienden said no staff will be using existing boreholes for this analysis.

Ms. Carlisle asked how the CBWD decision to defer the delegation would affect the schedule. Mr. Beck said we have not factored how that will be handled at this point since the letter was received on August 5, 2021, and will be discussing this in more detail at the August 18, 2021 Board meeting.

f. Update on Coordination with Counties and Well Permitting Process

Mr. Beck provided an update on discussion with the counties and well permitting department to increase communication of potential water management restrictions in the Cuyama Basin.

Committee Member Jaffe said she was encouraged by these meetings and expressed how important these discussions are. She commented that new well applications are extremely high and asked how the CBGSA could consider options to restrict new pumping of water. Mr. Beck said the CBGSA could elect to implement restrictions that are unique to a subset of well users. He said this debate and the legal issues related to this question are being considered throughout the State. He said we will be looking to our legal team to provide sideboards of what we can do in regard to this.

Chair Kelly asked if the CBGSA could set a well density minimum. Legal counsel Alex Dominquez commented that the GSA has the authority to regulate, limit or suspend the construction of new wells or the enlargement of existing wells, but the way this is coordinated between the counties and GSAs is being wrestled with throughout the State.

Committee Member Jaffe encouraged staff discuss the idea of a moratorium on new wells in discussions with the other counties.

g. Update on Groundwater Sustainability Plan Activities

Mr. Van Lienden provided an update on GSP activities and Mr. Blakslee provided an overview of the project schedule. Committee Member Jaffe asked if the GDE implementation is being pushed back again. Mr. Blakslee let her know that the GDE implementation schedule reflects the Board's decision on May 5, 2021, to defer the GDE network until applying for grant funding in the fall.

h. Update on Monitoring Network Implementation

Mr. Van Lienden provided an update on implementation activities which is summarized in the SAC packet.

i. Update on Monthly Groundwater Conditions Report

Mr. Van Lienden provided an update on the April through June 2021 groundwater conditions report.

Ms. Carlisle asked how the wells in the representative network without levels are going to be

handled going forward. She said this is a limitation of the CBGSA's ability to determine sustainability and asked if there is a plan to address this data gap. Committee Member Jaffe asked if the SAC could make a recommendation to eliminate wells if the landowner is not allowing measurements. Committee Member Gaillard suggested looking for other representative wells in lieu of further reducing the size of the representative network. Mr. Beck said staff will develop potential options to address these two issues (landowner communication issues and procuring static groundwater levels) and report back to the SAC and Board.

Chair Kelly asked if it would be helpful to ask landowners to participate in the monitoring network in areas where the representative wells are old and not suitable for monitoring and Mr. Beck replied, yes, and have those potential landowners to contact Mr. Blakslee.

8. Groundwater Sustainability Agency

a. Report of the Executive Director

Mr. Beck reported that staff is responding to a DWR survey regarding the need for grant funding.

b. Board of Directors Agenda Review

Mr. Beck provided an overview of the August 18, 2021, CBGSA Board of Directors meeting agenda which is provided in the SAC packet.

c. Report of the General Counsel

Nothing to report.

9. Items for Upcoming Sessions

Ms. Carlisle asked when we will be discussing management area issues and the recent Cuyama Basin Water District letter and Mr. Beck said we will discuss that with the Board next week.

10. Committee Forum

Nothing to report.

a. Update on Cannabis Industry Activities

Committee Member Jaffe reported on the Cuyama Valley Cannabis Advisory Committee (CVCAC) guidelines that were approved by the CVCAC and the County of Santa Barbara that established offsets for new irrigation of cannabis. She commented that she hopes that the CBGSA will develop policies to provide coverage for these issues in the future.

11. Public Comment for Items Not on the Agenda

Nothing to report.

12. Correspondence

Mr. Blakslee let the SAC know staff received a letter from the CBWD dated August 5, 2021, regarding comments on DWR's potential corrective actions and deferring management area implementation.

Committee Member Jaffe asked for Mr. Beck's thoughts on the letter, and he commented that it is best to ask those that wrote the letter but said staff has considered how they might move forward with implementing the pumping reductions if the CBWD is unable to by the first pumping reduction deadline in 2023.

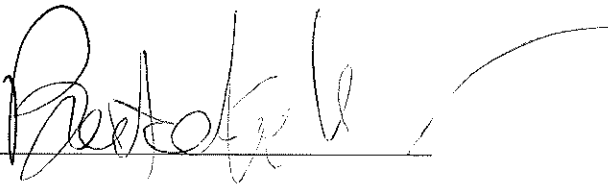
13. Adjourn

Chair Kelly adjourned the meeting at 9:04 p.m.



Minutes approved by the Standing Advisory Committee of the Cuyama Basin Groundwater Sustainability Agency the 28th day of October 2021.

STANDING ADVISORY COMMITTEE OF THE
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Chair Kelly: 

ATTEST:

Vice Chair DeBranch: 