

Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee Meeting

October 27, 2022

Meetings Minutes

PRESENT:

Kelly, Brenton – Chair
DeBranch, Brad – Vice Chair
Furstenfeld, Jake
Louise Draucker
Gaillard, Jean
Haslett, Joe
Roberta Jaffe

Beck, Jim – Executive Committee Member
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 called the meeting to order at 5:02 p.m. and Hallmark Group Project Manager Taylor Blakslee provided direction on the meeting protocols in facilitating a 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. 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 September 1, 2022, CBGSA SAC meeting minutes.

Committee Member Jaffe stated her last name was incorrectly spelled in the September minutes and there needs to a correction to a statement she made regarding the one groundwater pumper that has drawn down the groundwater west of the Russell Fault.

MOTION

Committee Member Furstenfeld made a motion approve September 1, 2022, CBGSA SAC meeting minutes with the correction to Committee Member Jaffe name being spelt correctly and the correction of the statement made by Committee Member Jaffe that there is one groundwater pumper that has drawn down the groundwater west of the Russell Fault. The motion was seconded by Committee Member Furstenfeld, a roll call vote was made, and the motion passed.

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

Committee Member Haslett joined the meeting at 5:10 p.m.

6. Groundwater Sustainability Plan

a. Discussion and Appropriate Action on Central Management Area Policy Considering Wells In/Out of the CMA

Mr. Beck provided background on the development of the policy for considering wells in/out of the Central Management Area (CMA) and elaborated on purpose of the policy. Mr. Beck reviewed the overarching policy which is included in the SAC packet.

Committee member Jaffe asked if an owner that has land in and out of the CMA would be subject to the glidepath. Mr. Beck responded landowners have the opportunity to allow their lands to be subject to those provisions if they choose to identify themselves as a farming unit and apply for an exemption under this policy.

Committee Member Gaillard asked when staff will inform landowners of this policy. Mr. Beck responded staff will begin to notify landowners as soon as the Board approves.

Committee Member Jaffe recommended the time factor is included in the farming unit definition. Chair Kelly suggested the policy implementation should have a sunset for landowners/operators that plan to submit a farming unit request. Vice Chair DeBranch commented he is ok with the draft policy. Committee Member Haslett agreed with Vice Chair DeBranch. Committee Member Jaffe suggested there needs to be a qualifier to claim the irrigation system is historic and clarification on the lands that have been irrigated from outside the CMA do in fact have a historic use. Mr. Blakslee reminded the SAC the key thing staff is trying to address is historic farming units.

b. Discussion and Appropriate Action on CMA Variance Request

Mr. Beck provided background on the nine (9) variance requests received and explained there was one variance request that was submitted after the deadline and was not reviewed by staff or the ad hoc committee. Mr. Beck explained the notification to be sent to landowners of the updated allocations will be dependent on the Boards decision on the policy for considering wells in/out of the CMA. Mr. Beck reviewed the general issues raised in the variance request, which is included in the SAC packet. Mr. Beck reviewed each variance request and explained the ad hoc recommendation for

each request.

Committee Member Jaffe commented there was a few variance requests that explained the use of high technological conservation in the watering system and these landowners were not getting any credit for using that. She commented that there are some pistachio farms that are using high technological irrigation systems and there are other farms that are using wasteful irrigation practices and suggested the Board take that into consideration.

Vice Chair DeBranch asked if there is a way to go back to the model to understand why a landowner did not get the correct allocation when they provided data to show why their allocation should be different. Mr. Beck replied there have been various comments to improve the model and staff is doing its best to improve the model with the time and funding available.

Duncan Farms representative Mark Ellsworth commented that the variance request submitted for Duncan Farms addresses two major issues: (1) the acreage is significantly incorrect for parcel, and (2) the application rates in the model do not reflect what the actual application rates are in the field. He requested the variance deadline be extended due to the letters that were not received. Mr. Ellsworth commented that the proposed farming unit policy presented related to issues raised in multiple variance requests including Duncan's. He asked the SAC recommend to the Board to consider Duncan's variance request. Duncan Family Farm attorney Byron Romney said Duncan's variance request is similar to other variance requests and the information used for Duncan's allocation is incorrect and should be recalculated. He reiterated that the two primary issues are the incorrect acreage and the application rates.

Mack Carlson commented his law firm represents the Harrington Trust, the Slumskie's and David Lewis. He highlighted two fundamental legal flaws of the allocation program, which are the GSA does not have the power to determine or alter groundwater rights. The second is the program is clearly intended as a formal regulation that imposes significant regulatory and financial burden on a subset of landowners within the basin. Mr. Carlson commented that, regarding David Lewis, the CMA boundary is completely arbitrary given the uncertainty with the model and the projection over the parcel data. He said in one month between June and July the CMA boundary shifted by 290 feet to include David Lewis' property. He requested staff evaluate the accuracy of the CMA boundary.

David Lewis commented he did not know what the variance request evaluation criteria was. He requested there be consideration to the minimal increase for his land and the resulting socioeconomic and financial impact. Mr. Beck replied there was a great deal of time spent on determining the methodology and describing that, and after hours of discussion, it was determined the sustainable yield of the CMA based on model output would apply the prescribed ramp down decrease that was identified in the Groundwater Sustainability Plan (GSP). Mr. Beck explained after a great deal of discussion, the Board directed the use the average water use over the historic 1998-2017 period and since there is no metered data available for this time period, staff used land use data, crop factors and other pumping data variables in the model to develop the analysis. Mr. Beck commented the data was made available to the public and the process has been explained in length with the SAC and Board. Mr. Beck commented that the process was developed transparently over the past year with multiple discussions made in public meetings.

Committee Member Haslett commented there needs to be a tiered approach, but understands the Board has rejected this idea. He said David Lewis' additional water request impact on the overall groundwater recovery is virtually zero compared to the millions of gallons of water that is pumped

across the street.

Committee Member Draucker joined the meeting at 6:21 p.m.

Committee Member Jaffe asked Legal Counsel to provide a brief summary of Sustainable Groundwater Management Act (SGMA) role in the water allocation. Legal Counsel Alex Dominguez replied SGMA states it shall not alter existing surface or groundwater rights. However, SGMA does provide a GSA with the authority to manage groundwater resources by adopting allocations.

Committee Member Jaffe commented there needs to be an approach that is based on individual landowner or entity that is farming. In the case of David Lewis, it is a perfect example of someone who planted a perennial crop, doing it efficiently, and using a minimal amount of water. Committee Member Jaffe commented she would like the Board to reconsider David Lewis' request for a variance and since Duncan Family Farms stated they did not receive notification in a timely manner recommends they be considered by the Board as well. Committee Member Furstenfeld agreed with Committee Member Jaffe. Chair Kelly commented Duncan Family Farms should be considered by the Board.

MOTION

Committee Member Jaffe made motion that (1) the request made by David Lewis be reconsidered by the Board and some consideration be given on the relative impact to the basin, (2) Duncan Family Farms/Aguila G-Boys be reviewed similar to other requests, and (3) the Board should consider a tiered approach. The motion was seconded by Committee Member Draucker, a roll call vote was made, and the motion passed.

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

c. Discussion and Appropriate Action on Administration of Pumping Reductions in the Central Management Area

Mr. Beck provided background on the administration of pumping reductions in the CMA and clarified at the end of January of 2023 landowners will need to provide monthly meter readings for 2022.

Committee Member Furstenfeld asked if it is up to the farmers to report the meter readings and if there is a process to check if these are accurate. Mr. Blakslee replied the monthly readings require pictures of the meter which will allow staff to validate the meter readings.

d. Approval of GSA Well Permit Policy and Forms

Mr. Beck provided an overview of the well permit policy which is included in the SAC packet.

Committee Member Jaffe asked what the process is for submitting an application. Legal Counsel Alex Dominguez replied that if a GSA approves an application, then the GSA will communicate this to the landowner. Chair Kelly asked if there was a timeline on the Executive order. Legal Counsel Alex Dominguez replied there is no sunset clause to the Executive Order.

Chair Kelly asked if the review of a replacement well is significantly less than that of a hydrologic study. Mr. Beck replied that is correct. Chair Kelly asked if there is a one-time fee or if you have to pay again for resubmitting an application. Mr. Beck replied the SAC has the opportunity to suggest rates and explains it is currently an unfunded cost. Committee Member Gaillard and Committee Member Furstenfeld agreed there should be a fee. Committee Member Haslett suggested for a replacement well it should be \$100 and a new well should be \$250. Mr. Carlson commented there is a fee process outlined in the water code under SGMA that the GSA needs to follow in order to adopt a fee.

Committee Member Haslett suggested having a range for the capacity of a replacement well rather than a set number due to pumps having variability when they are constructed. Mr. Beck commented the first bullet could be amended to say the well must not be designed to exceed the maximum historical capacity. Committee Member Gaillard commented the GSA should follow up on the engineer's logbook for each well that is drilled. Ann Myhre commented the concern should not be about capacity but rather gross pumping. Local resident John Caufield commented one of the challenges of the electronic log from the engineer is this information is not available until the well is complete. Chair Kelly commented the checkmark is not sufficient and the statements should be rewritten in the affirmative. Committee Member Haslett suggested adding an area for an applicant to enter the APN because the address may not be applicable and make a change to say mailing address.

e. Discussion and Appropriate Action on Adaptive Management Analysis

Mr. Beck provided background on previous Board direction.

Mr. Van Lienden reviewed the well survey summary and the comparison of domestic and residential wells against current conditions and minimum thresholds. He reviewed the recent water level trends analysis from 2015 to 2022, and a series of graphs showing modeled reduction in groundwater pumping. Mr. Van Lienden reviewed a table comparing the simulated heads to minimum threshold which are provided in the SAC packet.

Committee Member Haslett commented this information supports the tiered approach concept.

Committee Member Jaffe asked the definition of a dry well be changed. Mr. Beck replied staff can make the change that a dry well means bottom of the well and it can affect well owners differently depending on the depth to their individual pumps.

Committee Member Haslett commented his pumping is up the mountains, so any reduction in pumping in the CMA will not affect the water levels near his pump. Vice Chair DeBranch commented the base measurement should be included. Committee Member Furstenfeld commented even if the numbers are manipulated, it does not achieve sustainability. Committee Member Jaffe commented there needs to be an alternative plan if there is a desire for changing minimum thresholds (MT).

Committee Member Haslett commented the original MT was very aggressive and the Board and SAC did not fully understand what was actually being done. Committee Member Haslett agreed with the need to change the MT and explained the Board needs to break the basin into segments rather than treating it as one large basin.

Committee Member Draucker agreed with Committee Member Jaffe that the Board should not

change the MT. Chair Kelly commented the MT should not be changed and would like to see the other options the adaptive management ad hoc presented in the past.

Ann Myhre commented when the Board set the MTs the GSA was already out of compliance, and this situation was created when the MTs were set, and the Board should reconsider some of these thresholds based on current data.

f. Discussion and Appropriate Action on Strategy for Managing Pumping throughout the Basin

Mr. Beck reviewed draft options for addressing potential increased water use outside the CMA which is included in the SAC packet.

Committee Member Jaffe asked if option 2a is already in the GSP and therefore would not require a plan amendment. Mr. Beck replied the Ventucopa area does not meet the two-foot draw-down per year requirement which then would require an amendment to the GSP.

Committee Member Gaillard commented if there is pumping reductions in the CMA there should not be any increased pumping outside the CMA and explains there is currently not enough data to make a decision. Jim Wegis asked if the CMA boundary can be modified in 2025. Mr. Beck replied it can be modified. Chair Kelly asked to see a similar model projection that shows different amounts of draw-down to be able to see where in the basin is the worst overdraft. Staff noted the Board previously provided direction to review different management area criteria ahead of the 2025 GSP update.

Committee Member Draucker asked why there have been no discussion of implementing water conservation measures. Legal Counsel Alex Dominguez replied he will have to look into this and report back to SAC.

g. Discussion and Appropriate Action on Strategy for Continuing Evaluation of Basin Faults

Mr. Van Lienden reviewed the proposed investigation components that were put together by a senior hydrologist and reviewed by a technical forum on October 18, 2022.

Committee Member Jaffe commented there is a lot of cost coming across the table but not a lot of results and does not support moving forward with this. Vice Chair DeBranch asked if the activity of drilling the wells were funded by the grant. Mr. Van Lienden replied it is not currently funded by a grant. Chair Kelly commented he is in favor of moving forward with just evaluating available groundwater data and AEM interpretation, and groundwater sampling and geochemical analysis.

Vice Chair DeBranch asked if the pump test previously done is sufficient to update the model. Mr. Van Lienden replied the data from the previous pump test was used in the model, however there was only one pump used and not done for a long enough amount of time.

Committee Member Jaffe asked if staff has looked at the AEM data. Mr. Van Lienden replied staff has looked at this data.

h. Update on Effort to Identify Potential Non-Reporting Pumpers

Mr. Blakslee provided background on the effort to identify potential non-reporting pumpers and reviewed the draft map identifying potential non-reporters. Committee Member Haslett commented the areas in the Western area should not be contacted because there is no irrigation occurring. The SAC provided consensus for staff to send a letter to the roughly 50 potential non-

reporting pumpers.

i. Authorize Development and Submittal of an Application for DWR Grant Round 2 Funding

Mr. Van Lienden reviewed the DWR grant round 2 funding opportunity including what projects are eligible, how much funding is available, and who is eligible to apply. He emphasized this is a competitive grant and there were 176 participants in a DWR grant workshop that was held in mid-October. Mr. Beck reviewed the estimated cost to apply for the grant and indicated the cost would not change much if components were removed.

Committee Member Jaffe commented it does not make sense to apply since the priority will be given to applicants who have not previously received SGMA implementation funding and those who are recharging surface water. Committee Member Gaillard agreed with Committee Member Jaffe. Committee Member Haslett commented it would be beneficial to include beaver rehabilitation in a potential grant proposal. Chair Kelly commented the competitiveness is discouraging and would rather spend the money on something else. Vice Chair DeBranch commented the money should be spent on something else.

j. Update on Groundwater Sustainability Plan Activities

Mr. Van Lienden reviewed the groundwater sustainability plan activities.

k. Update on Implementation of Grant-Funded Projects

Mr. Van Lienden provided an update on grant-funded implementation projects and activities.

l. Update on Monitoring Network Implementation

Mr. Van Lienden provided an update on the monitoring network.

m. Update on Annual Water Quality

Mr. Van Lienden provided an update on the annual water quality report.

Committee Member Haslett commented some measurements were done at different times of the year and there should be a consistency in the times measurements are taken. Mr. Van Lienden replied the goal is to do all measurements during the late summer.

Chair Kelly commented there were concerns last year of calibration issues and asked if this was still an issue. Mr. Van Lienden replied there are still concerns about that and staff will want to revisit this issue during the 2025 GSP update. Committee Member Jaffe asked to include permissible levels for constituents on the map. Chair Kelly commented the data does not include well 204 and well 204 data was not included in Table 2.

7. Groundwater Sustainability Agency

a. Approval of 2023 Meeting Calendar

Mr. Blakslee presented the draft 2023 meeting calendar for SAC and Board meetings. The SAC provided consensus to approve the 2023 meeting calendar.

b. Report of the Executive Committee Member

Mr. Blakslee reviewed the amended GSP comments that were submitted during the public comment period to the DWR GSP portal.

c. Report of the General Counsel

Legal Counsel Alex Dominguez provided an update on AB 2201 where the bill was not passed so the GSA will continue to follow the Governors' Executive Order.

d. Board of Directors Agenda Review

Mr. Blakslee provided an overview of the November 2, 2022, CBGSA Board meeting agenda which is provided in the SAC packet. Chair Kelly suggested the SAC agenda provide more information on which items the SAC is requested to provide feedback.

8. Items for Upcoming Sessions

Vice Chair Debranch asked if the committee members are able to hold the meeting at an earlier time. Committee Member Haslett commented even if the meeting started at an earlier time the meeting would end at the same time. The SAC provided consensus not to change the meeting time.

9. Committee Forum

Nothing to report.

10. Public Comment for Items Not on the Agenda

Nothing to report.

11. Correspondence

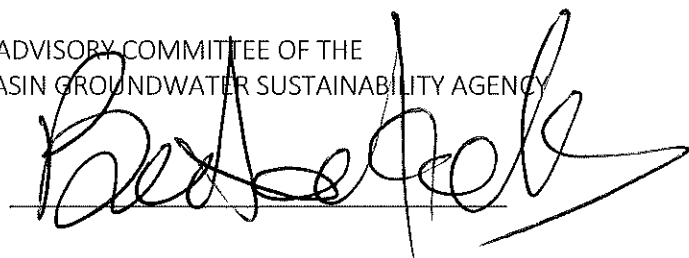
Nothing to report.

12. Adjourn

Chair Kelly adjourned the meeting at 10:50 PM.

STANDING ADVISORY COMMITTEE OF THE
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Chair Kelly:



ATTEST:

Vice Chair DeBranch:

