

## Alexander, Jacquelyne

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**Subject:** Letter from Cuyama Valley Residents

**From:** Paul Hood [<mailto:hood.paul@sbcglobal.net>]

**Sent:** Wednesday, August 31, 2016 10:32 AM

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**Subject:** Letter from Cuyama Valley Residents

Dear LAFCO Commissioner Geyer, Chair:

We, as residents of the Cuyama Valley, continue to have grave concerns about the proposed Cuyama Basin Water District. There are significant flaws in this proposal which cannot be adequately addressed by the commissioners in the current time frame. Nor has the public been given a realistic opportunity to be informed in a fully comprehensive or timely manner of the proposed district's form and structure and fully participate as affected citizens as LAFCO requires.

Serious unaddressed concerns follow:

1. The proposed district, because of its narrow configuration and special-interest objectives, will unnecessarily complicate the stated management objectives as designated by the State, which is to monitor a single "critically overdrafted" basin. Ultimately the County will be responsible for compliance wherever this proposed district fails in its stated purpose.
2. Petitioners assert that urgency requires the Commission to act now or Petitioners will risk not complying with the State's deadline for the formation of a district under SGMA. There is no evidence to support this assertion as the deadline is more than half a year away and all the other portions of the basin not included in their proposed district will have to meet the same deadline. And, in fact, SBCWA is far behind the Petitioners' organization in meeting the coming deadline. Continuing this agenda item will not be fatal or prejudicial and it will allow an opportunity for the more thorough public process that it is incumbent upon LAFCO to provide. The recent public meeting (the direct result of the LAFCO continuance of August 5th) is evidence of what was not a transparent component of this district's formation process.
3. The proposed water district is being formed under a General Statute but will not conform even to the purpose for which such a water district is normally formed. Unlike all other similar Santa Barbara County water districts, it will not serve any public interest. This entity attempts to reach a purpose for which the form is not

historically designed. The proposed type of district exploits the low population conditions endorsed by County zoning which have prevented population growth or balanced development in the Cuyama Basin and thereby avoids the normal requirement for a registered voter district. Additionally, this proposed district will subvert its stated purpose in certain important respects, for example it will grant broad authority and an unacceptable form of semi-immunity to this proposed district to continue pumping in excess of what the USGS determined was sustainable. (See US Geological Survey Fact Sheet for Cuyama Groundwater Basin - August, 2014 - fourth page) This is therefore an inappropriate use of this type of district to meet the stated objectives.

4. While a stated central purpose is to obtain a seat in the GSA/SGMA process, this proposed district will also have expansive additional powers inappropriate to either the achievement of or the management of sustainability in the overdrafted basin. The district will be empowered to move water from known areas of higher concentration to areas of more serious overdraft and thus inappropriately maintain or even expand water extraction during the period of the State's interim compliance milestones. The district will also be the initiator of the monitoring data for existing and new wells by which any compliance will be measured. No auditing safeguards will fully address the complexity of this inherent conflict of interest once these powers have been granted to this type of district. There are insufficient internal checks and balances in the proposed district as a calculated result of the 'gerrymandered' boundaries which grant internal district power to these four largest landholders and exclude portions of land under cultivation and include portions of land not under cultivation, to achieve the majority control by the four largest landowners. This complicates participation or guarantees unacceptable bias in achieving rigorous water district participation in a uniform, effective management strategy. This will contradict or complicate achieving the proposed district's purpose of bringing the basin into sustainable compliance. Organizing the basin through a complex arrangement of MOUs to overcome these deficiencies will give unacceptable discretionary latitude to the petitioners.

5. Four signatories will be able to control 55% of the voting power of this proposed district, which boundaries can be seen as having been drawn intentionally by Petitioners to achieve this goal. Although they must be land owners, only one of the four is a part-time resident; the other three do not reside in the valley and represent corporate interests with no concern other than continued profit from the land they control. This should be a LAFCO re organizational-process red-flag.

6. The boundaries of the proposed district have not been drawn to accurately reflect the stated purpose of providing all growers in the basin "a place at the table." The boundaries as drawn exclude certain significant areas of cultivated land in the basin. Nor has there been an attempt or desire to be inclusive or adapt to recent changing agricultural activity and its required representation.

7. In expanding on the boundary concerns of # 6 above, the proposed district additionally does not conform to the State's established boundaries for the groundwater basin. The use of the name "Cuyama Basin Water District" is disingenuous on its face and attempts to give this proposed district a legitimacy it does not warrant in this form as it excludes almost half of the State's designated Cuyama Basin. Petitioners have mapped and retained their preferred truncated boundaries which the State has recently denied as not scientifically accurate. Petitioners/attorneys further have intentionally excluded any areas that could limit the dominance of the largest landowners in the main zone of the basin.

8. LAFCO is required to address the irregularity of the "CCSD island" created by the form of the proposed district. LAFCO has not addressed this issue which is a violation of its own guidelines for re organizational approval. There are reasonable concerns that the proposed new district could make decisions about water extraction which would jeopardize the immediate water source of CCSD's water. This is in the area to the immediate south of the CCSD from which its historically sustainable water use is drawn. It would not prejudice owners of the grazing land parcels to the immediate south of CCSD if that narrow strip of tax lots were to be excluded from the proposed district.

In conclusion, sustainability is to be reached by 2042 which allows far too much discretionary power under the structure of this proposed water district - an intolerable margin of error for many of the other citizens of the valley with no comparable influence and for the additional unacceptable potential outcomes for the future of this part of Santa Barbara County. At present there are no other wells of significance on these parcels due south of CCSD. They are included in the Proponent's District precisely because hydrological maps show this zone to be a good source of water. This may have a potentially catastrophic impact on the minimal resources of CCSD to secure access if its wells become inadequate for the needs of the town at any time during the 25 year window allowed to reach sustainability.

Therefore, we strongly urge you to deny this petition as presented in its current form because it leaves many critical unresolved issues. There are conflicts of interest in granting vast agency powers to the very entities who have pumped the Cuyama Basin's sole source of water without historical restraint. Further conferring the discretionary power of continuance of their historically dominant control of the use of this valley's water for the benefit of narrow interest groups may thus enable this proposed agency to exploit opportunities for minimizing its responsibilities under SGMA. We are further convinced that on the face of these contradictory considerations LAFCO should deny the petition as presented. There are other mechanisms --some outlined in the LAFCO executive's report-- which would more appropriately address the true purpose of the legislation and achieve a more simple and integrated approach. This would address the many concerns about boundary outlines and disenfranchisement; however, if the Proponents continue to claim falsely that they have no other options, we

urge the Commission to consider the California Legislature as the proper and most neutral governing body for creating an all-inclusive entity that is tailored to the unique circumstances and conditions of this basin.

The County owes this to its constituents and to the future of a basin which has been historically sacrificed to excessive pumping. In 1987, Santa Barbara County Planning Department recommended mitigating the overdraft, but no recommended action was ever undertaken in the Cuyama Basin.

Sincerely,

John Mackenzie

Jane Slama

John Coats

Pam Baczuk

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