

**QUESTIONS FOR CUYAMA COMMUNITY INFORMATIONAL MEETING
RE: GROUNDWATER ISSUES
AND THE PROPOSED “CUYAMA BASIN WATER DISTRICT” FORMATION
Compiled by 1st District Office
August 24, 2016**

Questions:

Submitted by the Public to the 1st District Office by 8/19/16

Answers provided by:

**California State Department of Water (DWR)
County of Santa Barbara Water Agency (COSB)
Local Agency Formation Commission (LAFCO)
Cuyama Community Services District (CCSD)
Cuyama Basin Water District Proponents
Santa Barbara County 1st District Office**

California Sustainable Groundwater Management Act of 2014 (SGMA)

- 1. We face a challenge and an opportunity. The challenge is implementing SGMA as it is intended--to create sustainable water basins, which in terms of Cuyama means changing the water use pattern. The opportunity is to make the Cuyama Valley a model for implementation of best practices. We are a small enough Valley, yet with all the various players, how can we (residents, growers, Counties) really work with common goals within SGMA?**

Answer:

- First and foremost, all of the players share a common goal of maintaining local control over groundwater management in the Cuyama Valley. All of the water users in the basin, through their representative public agencies, will need to collaborate in good faith, through to develop a Groundwater Sustainability Plan (GSP) that meets the requirements set forth by the Department of Water Resources (DWR) and puts the basin on a path toward sustainability by the year 2040. Compliance with DWR’s requirements will benefit all players by maintaining local control and avoiding a scenario where the State Water Resources Control Board (SWRCB) needs to step in and impose their own GSP on the basin. This will require public engagement with the process, transparent decision making by the various public agencies participating in the GSA, and ongoing collaboration with DWR and SWRCB on how the GSP will be evaluated for compliance. **–COSB****

- Any local agency or combination of local agencies overlying a groundwater basin may form Groundwater Sustainability Agencies (GSA) for the basin. Local agency is defined in SGMA as local public agency that has water supply, water management or land use responsibilities within a groundwater basin. – **DWR**

2. How does Department of Water Resources and the 1st and 5th Districts of Santa Barbara County see the formation and governance of a GSA that will represent and include the valley stakeholders that are not currently represented by:

- **Santa Barbara County (which is far away from the Cuyama valley)**
- **Our under resourced CCSD**
- **The proposed water district (1 vote/1 acre - represents large landholders only)**

Answer:

- The GSA shall establish and maintain list of persons interested in receiving notices regarding plan preparation, meeting announcements and availability of draft plans, maps and the relevant documents. Any person may request, in writing, to be placed on the list of interested persons. -**DWR**

3. If this new district is formed, does this establish precedent for the largest landowners to be granted powers as a result of the SGMA process?

Answer:

- The new district is being established outside of the SGMA process, under the rules of the California Water Code. As a public agency, the new district would be able to join the basin’s Groundwater Sustainability Agency (GSA) as a voting member, along with the other GSA-eligible agencies, which include the four counties (Santa Barbara, San Luis Obispo, Ventura, and Kern) and the Cuyama Community Services District (CCSD). -**COSB**
- SGMA empowers GSAs not the individual landowners. -**DWR**

4. If this new district is formed, will it set precedent for the west end within the boundary?

Answer:

- If the new district is formed, the west end of the basin within the Bulletin 118 basin boundary would continue to be subject to SGMA and the basin GSA. The west end would be represented on the GSA by Santa Barbara and San Luis Obispo Counties. The GSP would be required to provide for the sustainable management of the entirety of the basin, including the west end. DWR’s rules regarding GSPs allow for the establishment of separate management areas with different thresholds, measurable objectives, monitoring, and management

actions, based on unique local conditions. Because the area west of the Russell Ranch fault has conditions different than the main basin, the GSA may choose to establish a separate management area in the GSP. **-COSB**

5. If Harvard is not included in the water district, what role will they play in SGMA?

Answer:

- As a groundwater user in the west end of the basin, Harvard would be subject to SGMA and the basin GSP. All water users in the west end would be represented on the GSA by Santa Barbara and San Luis Obispo Counties.

6. Does SGMA implementation include imposing restrictions on drilling new wells in SGMA basins? If so, when would those be implemented?

Answer:

- The specific management actions for establishing sustainable groundwater management in the basin will be identified in the basin GSP. No specific management actions for the basin have been discussed or decided upon, because the basin GSA has yet to be formed. The GSA has until the year 2020 to submit a complete GSP to DWR for review. Implementation of any management actions would take place after DWR approval of the GSP.

- COSB

- During SGMA implementation, GSA may impose limit on groundwater extraction and on new wells permits issued by county. GSA has the responsibility to set sustainability goals, develop GSP and to achieve sustainability. The timeline for various things depends on groundwater basin condition and sustainability goals. **-DWR**

DEFINING “SUSTAINABILITY”

1. Because the goal of the GSP is to bring the valley into sustainable water use, is anyone from California State Water Resources (DWR), the County of Santa Barbara, County of San Luis Obispo, and the Cuyama Community Services District willing to offer their working definition for sustainable groundwater use? In other words is the plan going to be to cut back groundwater use by more than 50% in order to allow for groundwater recharge?

Answer:

- SGMA defines sustainable groundwater management as the “management and use of groundwater in a manner that can be maintained during the planning

and implementation horizon without causing undesirable results”. “Undesirable results” are defined in SGMA as follows:

- Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply
- Significant and unreasonable reduction of groundwater storage
- Significant and unreasonable seawater intrusion
- Significant and unreasonable degraded water quality
- Significant and unreasonable land subsidence
- Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water

Several of these undesirable results are applicable to the Cuyama Valley Groundwater Basin. The basin GSA will be responsible for determining the specific sustainability indicators, minimum thresholds, measureable objectives, and ultimately management actions (such as reductions in groundwater use). No specific management actions for the basin have been discussed or decided upon, because the basin GSA has yet to be formed. The GSA has until the year 2020 to submit a complete GSP to DWR for review. Implementation of any management actions would take place after DWR approval of the GSP. **-COSB**

2. **Given that we are currently extracting twice as much water as is being recharged, what is the working definition for Sustainable Groundwater management by the people in favor of forming the proposed water district? Our concern is that the people who are proposing the new water district, and who use the majority of groundwater in the valley have a conflict of interests between maintaining their economic interests, and bringing the groundwater use into balance, and will find any loopholes they can to avoid reducing their groundwater use to sustainable levels.**

Answer:

The landowners proposing the Water District understand the definition of Sustainable Groundwater Management as defined in SGMA and DWR’s implementing regulations, and as the Santa Barbara County has previously stated. The landowners also understand that the sustainability of the basin and the process to achieve that sustainability will ultimately have to be approved by the State. If that approval is not achieved, the State has the authority to intervene and impose their own sustainability plan on the entire Valley, meaning the residents, landowners, government, schools and businesses. **-Water District proponents**

Groundwater Sustainability Agency (GSA)

1. **We need a better understanding of how the GSA formation process will work for Cuyama and how we can give representation to everyone on it.**

(No written answer needed.)

- 2. If this water district is created as proposed it leaves every other stakeholder: from smaller scale farms on the east side, to rural residents outside of New Cuyama, to the entire west end unrepresented on the GSA. What is the avenue for the local residents, farmers on smaller landholdings, and smaller valley businesses to have their voices and concerns effectively represented in the GSA?**

Answer:

- Residents, landowners, and businesses not represented by the new district or the Cuyama Community Services District would be represented by their county (Santa Barbara, San Luis Obispo, Ventura, Kern). The GSA also may choose to include an advisory panel including voices not represented by formal GSA members. The SGMA legislation and DWR guidance has repeatedly emphasized the need for GSP preparation to be inclusive, collaborative, and transparent. The GSA will need be committed to maximizing public participation throughout development of the GSP. Members of the public will need to be committed to staying engaged in the process. **-COSB**

- 3. How will the GSA formation process serve the needs of disadvantaged communities (New Cuyama, Cuyama and Ventucopa) as included in the Water Code §10723.2(i)? How will those communities make their needs known and the undesirable consequences known that affect those communities? (wells running dry, etc)**

Answer:

- The GSA formation process is required by law and successfully forming a GSA by the June 30, 2017 deadline will maintain local control of the groundwater basin. Forming the GSA is the first step in developing a GSP for the basin to ensure its sustainable management. Sustainable groundwater management with local control will most effectively avoid the undesirable consequences affecting disadvantaged communities in the basin. Public participation and engagement from communities in the basin is a crucial part of GSP development. The first step for members of these communities would be to get on the GSA/GSP contact list. **-COSB**

- 4. Will details about Ag operational practices of water usage be under the purview of the GSA?**

Answer:

- The GSA will look at a wide range of potential management actions to establish sustainable groundwater management in the basin, but no details have been discussed to date. DWR will be releasing a list of best management practices for the

sustainable management of groundwater by January 1, 2017, which will aid the GSA in its decision making process. **-COSB**

5. Can we form multiple water districts--and if so what's the impact of this?

Answer:

- Water district formation is governed by LAFCO and the California Water Code, not by SGMA. Any water district that is formed within the groundwater basin and approved by LAFCO may choose to participate in the GSA. The GSA is required to be formed by June 30, 2017. Any water district requesting to participate in the GSA after that date would require the approval of the existing GSA members. **-COSB**

6. Evidently, we can form multiple GSAs--but what are the benefits and challenges of doing this? Is there discussion about this for the Bulletin 118 basin?

Answer:

- SGMA does allow for the formation of multiple GSAs in the basin. Forming multiple GSAs would likely be more costly than a single GSA because of redundant administrative and legal costs. A more cost-effective strategy may be to establish separate management areas in the GSP for portions of the basin with distinct conditions. **-COSB**

7. If there is one GSA for the Basin, how will that affect the sustainability of the growers in the Eastern portion of the main (most currently depleted portion) Basin?

Answer:

- DWR's rules regarding GSPs allow for the establishment of separate management areas with different thresholds, measurable objectives, monitoring, and management actions, based on unique local conditions. The GSA may choose to establish a separate management areas in the GSP for areas with distinct conditions. Because the Cuyama Valley Groundwater basin has distinct subareas, it is likely that the GSA would choose to do so. **-COSB**

8. Do all voting members on the GSA have an equal vote?

Answer:

- GSA rules and voting rights will be agreed upon in a Joint Powers Authority (JPA) or Memorandum of Understanding (MOU) between the GSA members. A working group, including all potential public agency GSA members, will be established to negotiate the JPA/MOU and will first meet on September 16. No discussions of voting rules or rights have yet taken place. Nothing in SGMA requires that all voting members have equal votes. **-COSB**

9. If approved, can the Cuyama Basin water district have more than one seat on the GSA? Does the person holding that/those seat(s) have to be a resident? Does that person have to be a board member on the water district?

Answer:

- GSA rules and voting rights will be agreed upon in a Joint Powers Authority (JPA) or Memorandum of Understanding (MOU) between the GSA members. A working group, including all potential public agency GSA members, will be established to negotiate the JPA/MOU and will first meet on September 16. No discussions of voting rules or rights have yet taken place. A representative of the Cuyama Basin Water District would likely have to be approved by its Board.

-COSB

10. Can the CCSD have more than one seat on the GSA? Does the person holding that/those seat(s) have to be a resident? Does that person have to be a board member on the water district?

Answer:

- GSA rules and voting rights will be agreed upon in a Joint Powers Authority (JPA) or Memorandum of Understanding (MOU) between the GSA members. A working group, including all potential public agency GSA members, will be established to negotiate the JPA/MOU and will first meet on September 16. No discussions of voting rules or rights have yet taken place. A representative of the CCSD would likely need to be approved by its board. ***-COSB***

11. Will each of the 4 counties have a seat on the GSA, even though Santa Barbara is leading the effort? There has been discussion that Kern and Ventura will vote along with Santa Barbara.

Answer:

- GSA rules and voting rights will be agreed upon in a Joint Powers Authority (JPA) or Memorandum of Understanding (MOU) between the GSA members. A working group, including all potential public agency GSA members, will be established to negotiate the JPA/MOU and will first meet on September 16. No discussions of voting rules or rights have yet taken place. Not all eligible local agencies may choose to become a voting member of the GSA. ***-COSB***

12. In the formation process for the GSA, it is allowed to add non-local agency as Board members, either voting or non-voting? Is that being considered? If the community wants this concept to be considered in GSA formation, how does the community go about making that intention known?

Answer:

- GSA rules and voting rights will be agreed upon in a Joint Powers Authority (JPA) or Memorandum of Understanding (MOU) between the GSA members. A working group, including all potential public agency GSA members, will be established to negotiate the JPA/MOU and will first meet on September 16. No discussions of voting rules or rights have yet taken place. The GSA may choose to include a non-voting advisory council with representatives of various interests in the basin. The community can make its preferences known by participating in public meetings for GSA formation and by contacting representatives of the public agencies that will be GSA members. **-COSB**

13. The Water Code (§10727.8) states: “The GSA shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the GSP.” How will the GSA accomplish this, beyond holding public comment forums?

Answer:

- The GSA has not yet been formed, so specifics on the public participation process have not yet been worked out. However, as noted in the question, the GSA is required to encourage active participation in the GSP development process. **-COSB**

14. Who will decide the boundaries of the GSA? Who will decide if there will be more than one GSA? How will that entity defend that choice?

Answer:

- The entire groundwater basin as mapped in Bulletin 118 is required to be covered by one or more GSAs. Any public agency in the basin can choose to form its own GSA for its area of responsibility or participate in an agreement with other agencies for a joint GSA. A working group is being formed by the public agencies in the basin to develop an agreement for a joint GSA for the basin. The working group will first meet on September 16, 2016. The GSA formation process will be transparent and public. All meeting agendas and minutes will be posted on the Santa Barbara County Water Agency website:
<http://cosb.countyofsb.org/pwd/pwwater.aspx?id=51867> **-COSB**

15. Will the GSA have the power to compel all entities in the Bulletin 118 basin to provide accurate and complete data (well information) so that they can draft an accurate GSP? This will be accomplished through monitoring, but when will monitoring start and can the GSA receive historical data?

Answer:

- The GSA will have the authority under SGMA to compel all entities in the Bulletin 118 basin to provide accurate and complete well information. Santa Barbara County contracts with the US Geological Survey to monitor groundwater levels in wells throughout the basin and is actively trying to expand this well network. The start of monitoring will be determined by the GSA after GSA formation. If you are interested in having your well monitored for water levels, please contact Santa Barbara County Senior Hydrologist Matt Scrudato (mscruda@cosbpw.net; (805) 568-3582). **-COSB**

16. Is the GSA also subject to LAFCO approval, or is the GSA approved by DWR?

Answer:

- The GSA is not subject to LAFCO approval. It requires approval from DWR. **-COSB**
- DWR has the responsibility to receive, review, approve and post the GSA notifications. **-DWR**

17. How do we create a vision for sustainable water use in the Cuyama Valley?

Answer:

- Through development of the GSP, the GSA will work collaboratively with all water users in the basin to create a vision for sustainable water use in the Cuyama Valley. This will require public engagement with the process and transparent decision-making by the various public agencies participating in the GSA. **-COSB**

18. How can we start working on the GSP as soon as possible?

Answer:

- The first step in the process is formation of a GSA Public participation in and support of the GSA formation process will ensure that formation of a GSA occurs by DWR's timeframe (June 30, 2017). Once the GSA is formed, work can begin on the GSP. The USGS groundwater study provides a good head start for characterizing the basin. Because the basin has been designated as critically overdrafted by DWR, the timeline for GSP development is accelerated. SGMA requires that GSPs for critically overdrafted basins be prepared by the year 2020, rather than 2022 for other basins. **-COSB**
- Cuyama Valley Groundwater Basin is in critical overdraft condition which means GSP is due by January 31, 2020. Development, submission and implementation of GSP is the responsibility of GSA. So the first step would be formation of GSA. **-DWR**

Cuyama Community Services District (CCSD)

1. **Could local representation potentially be achieved by evolving the function and capacity of the CCSD and supporting it to have more resources and influence?**

Answer:

- As [we] understand the GSA process, the inclusion of stakeholder interests is mandated by the formation legislation. This would be overseen by the Department of Water Resources. The Community Services District, as a public agency, can not be excluded from the GSA unless it elects to do so. I believe that the participation and influence the CCSD can have in the GSA will depend upon the attitude promoted by not only the people in the Services District but any members of the neighboring Disadvantaged Communities (DAC's). Specific funding will be available through the Integrated Regional Water Management Grant Program for DAC's. It is intended to promote outreach and participation in the SGMA process. This may be a long way of saying "Yes, if people want to." -**CCSD**

Santa Barbara County

1. **When will Santa Barbara County revisit a moratorium or restriction on drilling new wells, especially in critically over-drafted basins now within SGMA's domain?**
The County Board of Supervisors has not discussed revisiting a moratorium or restriction on drilling new wells since disapproving a proposed moratorium in March 2015.

Answer:

- The specific management actions for establishing sustainable groundwater management in the basin will be identified in the basin GSP. No specific management actions for the basin have been discussed or decided upon, because the basin GSA has yet to be formed. -**COSB**

Local Agency Formation Commission (LAFCO) - All answers provided by LAFCO Staff

1. **Who was notified via mail, how were those landowners and their addresses determined?**

Answer:

- All landowners and registered voters within the boundaries of the Proposed Cuyama Basin Water District (Santa Barbara, San Luis Obispo, and Ventura Counties) were sent a copy of the LAFCO Notice of Hearing. The landowner addresses were obtained from the respective County Assessors. The registered voters addresses were obtained from the respective County Elections Offices.

2. How did some landowners not receive notification via mail?

Answer:

- All landowners who were on the lists provided by the respective County Assessors were notified.

3. Where was the LAFCO meeting noticed in the media?

Answer:

- With reference to the publication of notice, the notice was published in the Santa Maria Times, the SLO Tribune, and the Ventura County Star newspapers.

4. Under LAFCO rules, don't all portions of a service area have to be included in an agency? Wouldn't that indicate that the western end of the valley should be included in the water district?

Answer:

- The boundaries of the proposed Cuyama Basin Water District were included in the formation application.

5. Does this district formation meet LAFCO's guiding principles?

Answer:

- Yes.

6. How many landowners are there in the proposed basin?

Answer:

- There are 250 landowners in the proposed district.

7. How many individuals signed that 71% petition in favor of the formation of the CBWD?

Answer:

- 36 individuals signed the petition. There were a couple of duplications that were not included in the 71%.

8. How can we find out more about the "California Water District" model? Do you have one coherent description of what it is, its "principal act"?

Answer:

- The California Water District Law is included in the California Water Code (Sections 34000-38501). See attached summary.

CUYAMA BASIN WATER DISTRICT Proposal- All answers provided by Water District Proponents

1. How many growers will be included in the new water district?

Answer:

- There are about 250 landowners in the proposed Water District. We estimate about 20 active irrigated farming operations within the proposed Water District of all sizes and crop types.

2. How will the water district ensure equal representation within the water district?

Answer:

- The California constitution and statutes apply to all public agencies, including the proposed Water District. These statutes and constitutional requirements include equal protection. All landowners similarly situated must be treated equitably, regardless of who is on the board of directors. The California Water Code dictates the requirements for District Board elections. The Water District will follow the law. –***Water District Proponents***
- If formed, this water district would be subject to the Brown Act, which guarantees the public's right to attend and participate in meetings of local legislative bodies and also how members of a public board may discuss board items inside and outside of public meetings or hearings. For more information about the Brown Act see http://ag.ca.gov/publications/2003_Intro_BrownAct.pdf. -***1st District***

3. Does the water district intend to include the western end of the valley, including the Harvard properties? If not, why not?

Answer:

- No. In consultation with the counties, the proposed Water District boundary was determined. As stated previously by the County of Santa Barbara, the western end of the Valley including the Harvard properties, will be covered in SGMA and the basin GSA by the counties of Santa Barbara and San Luis Obispo. The County of Santa Barbara went on to confirm that under SGMA it allows for the establishment of separate management areas with different thresholds, measurable objectives, monitoring and management actions. However, ultimately all in the basin need to work collaboratively to achieve the requirement of sustainability by 2040 as well as provide to the State a Sustainability Plan that meets their requirements.

4. Doreen Farr mentioned the Santa Ynez River Conservation District as a possible model. Also thinking about the 'Cachuma Conservation District' which apparently already exists and includes Cuyama. Could this type of district be formed in the Cuyama Valley instead?

Answer:

- The proposed California Water District is prescribed by statute and is common in rural areas of the State, whereas the Santa Ynez River Water Conservation District includes most of the Santa Ynez and Lompoc Valleys, includes the towns/cities of Santa Ynez, Solvang, Buellton and Lompoc. Because of its sizeable population, it is a “resident voting” district. That makes sense where there are cities and substantial communities mixed in with agriculture. For example, the Santa Ynez River Water Conservation District has a population of about 75,000. Contrasted, in the proposed 83,000 acre Cuyama Basin Water District, there are only about 120 registered voters.

The Cachuma Resource Conservation District is very different. Its primary function is land, water and resource conservation. Its jurisdiction does overlap a large portion of the proposed Water District, but mostly in Santa Barbara County and a small part of San Luis Obispo County. For the Cuyama basin, the landowners would like to have a direct representation of their interests in the SGMA process through the proposed Water District.

5. **Are there alternative water district models possible to accomplish the goal of landowners outside of the CCSD in the main basin area being represented on the GSA?**

Answer:

- None that are in the California Water Code that will achieve the landowners ability to have a seat at the SGMA GSA table. This proposed Water District shares a common goal as stated by the County of Santa Barbara to maintain local control and to working collaboratively to accomplish the requirements of SGMA.

1ST DISTRICT- All answers provided by 1st District Office

1. **Could 1st District assist with a successful landowner notification via the Assessors office and LAFCO?**

Answer:

- This is outside of the purview of the 1st District office, but we will request to all appropriate agencies and departments that the notification process is reviewed to ensure all landowners in the defined area are notified.

2. **How does the 1st District of Santa Barbara County see the formation and governance of a GSA that will represent and include the valley stakeholders that do not currently feel represented by:**

- **Santa Barbara County (which is far away from the Cuyama valley)**
- **Our under resourced CCSD**

- **The proposed water district (1 vote/1 acre - represents large landholders only)**

Answer:

- The 1st District Office is included in the GSA formation workgroup and will represent the interests of all Cuyama Valley residents who live in the Cuyama SGMA 118 Boundary area.

3. Can there be any public follow-up before the next LAFCO meeting?

Answer:

- Yes. The public may follow up directly with LAFCO Commissioners or submit public comment to LAFCO if desired.

4. How will this information get to LAFCO or LAFCO staff?

Answer:

- 1st District will submit the presentation and questions & answers document to LAFCO staff.

5. Will you please make available a total summary report of all this information from this process for the public as well as LAFCO or any other County entity?

Answer:

- Yes. Materials will be made available to LAFCO and the public prior to the Sept. 1 LAFCO hearing.

COMMUNITY SUPPORT

- I will be happy to help in whatever capacity I can. Please let me know what you decide.
- Volunteer to go door to door canvassing to make sure New Cuyama, Cuyama and Ventucopa residents are aware of the meeting date/time/location and its importance. Also we could print flyers out and post them around each townsite. I'm happy to design this flyer/poster by coordinating with FRC and 1st District on the date and details.
- I hope this helps. I am very interested in continuing to be part of this process.
- Ultimately (and sooner rather than later) we need to create a vision for sustainable water use in the Cuyama Valley with the goal of the GSP working toward this vision.