

ALAB MEETING MINUTES

Monday, August 19, 2013

Members and Alternates Present: Jean-Pierre Wolff, Cindy Steinbeck, Lisen Bonnier, Tom Ikeda, Bill Struble, Jerry Diefenderfer, Dick Nock, Eric Michielssen, Richard Hawley, Don Warden, Neil Roberts, Chuck Pritchard, Mark Pearce, David Pruitt, Dan Rodrigues, Claire Wineman

Absent Members: Mary Bianchi

Guests Present: Sue Harvey – Pro Water Equity, Jennifer Porter - Paso Robles Wine Country Alliance,

Staff Present: Kami Griffin - SLO County Planning Department, Marc Lea and Lynda Auchinachie – SLO County Dept. of Agriculture

1. **Call to Order:** 6:00 pm by Chair, Jean-Pierre Wolff. Quorum present.

2. **Announcements from ALAB Members & County AG Dept Staff Updates:**
 - Jean-Pierre Wolff expressed appreciation for members attending tonight’s special meeting to discuss the urgency ordinance covering the Paso Robles groundwater basin.
 - Marc Lea indicated this will be the last meeting held in the Farm Bureau’s conference room because the building will be taken down. The remainder of ALAB meetings for calendar year 2013 will be held in the UC Cooperative Extension (Agriculture Department) conference room at 2156 Sierra Way, San Luis Obispo.
 - Marc also provided ALAB members copies of the “Economic Contributions of San Luis Obispo County Agriculture” report. Marc indicated Marty Settevendemie and the researchers will be presenting the information in the report at the board August 20, 2013.
 - Richard Hawley indicated that the Cambria Community Services District (CSD) would like to issue more intent to serve letters for additional water service. Agriculturalists in the area are concerned due to low water levels and how increased demand by the CSD may impact agricultural/rural areas.
 - Don Warden mentioned the Agricultural Preserve Review Committee (APRC) recently recommended approval of the first solar easement for a 14 acre portion of an approximately 100 acre site that is currently under Williamson Act contract. The solar easement will allow for the development of a small scale commercial solar facility while the remainder of the site would continue to be under a Williamson Act contract. The California Department of Conservation (DOC) indicated the requirements of SB 618, Wolk Bill, had been met.

3. **Open Comment:** Eric Michielssen shared that the SLO Natural Foods Co-op opened a new facility at 2494 Victoria Street, San Luis Obispo. Eric indicated the Co-op would like increased participation from local producers.

4. **Previous Minutes: MOTION:** Approve June 3, 2013, minutes: **Motion.** Jerry Diefenderfer **2nd.** Tom Ikeda **Approved: Unanimous.** (Jean-Pierre Wolff abstained due to absence)

5. **Review and discussion of the Proposed Urgency Ordinance Covering the Paso Robles Groundwater Basin** (Chair Jean-Pierre Wolf)

- Chair Jean-Pierre kicked off the discussion by indicating that there are solutions to the basin issues and it is up to ALAB members to look at all the facts without emotion and be able to make some recommendations to the BOS. Jean-Pierre indicated that the meeting was to review the urgency ordinance as proposed. Jean-Pierre asked for a straw vote so ALAB members could share whether or not they thought there is currently a need for an urgency ordinance or would it be better to postpone. Richard Hawley, Eric Michielssen, Lisen Bonnier, and Dan Rodrigues indicated they thought something needed to be done. There were no other comments.
- Kami Griffin, Planning Department, shared that on August 6, 2013, the Board of Supervisors (BOS) provided staff direction to develop two urgency ordinances aimed at reducing demand on the Paso Robles groundwater basin. The BOS indicated the two ordinances should establish a moratorium on new or expanded irrigated crop production and all new development unless the required new water use was offset at a 2:1 ratio; prohibit new agricultural reservoirs that are over an acre-foot in size; and require metering and monitoring of wells. The only difference between the two ordinances is that one would apply over the unincorporated portion of the entire basin while the other would be limited to the unincorporated portion of the area of concern ("red area") identified in the 1997-2009 Water Level Change Map. Kami indicated that a broad range of exemptions were included for pipeline projects. The staff report would be made public on August 20, 2013, and that information associated with Public Works efforts regarding potential assistance to homeowners would also be available. Kami indicated that four votes were required to adopt the urgency ordinance for the initial 45 days and again at subsequent public hearing if there was the desire to extend the ordinance up to two years.
- Jean-Pierre shared that one of the many challenges to providing input is that things are moving fast. Jean-Pierre indicated Marc would send ALAB members the link to the staff report once available. Jean-Pierre reminded ALAB members to respond to him with single emails because of the Brown Act issues.
- ALAB members asked for clarity on the proposed ordinance. Kami Griffin indicated that there will not be a prohibition of new wells as long as the ordinance offset requirements can be met. In addition, the ordinance requirements do not apply to the repair of existing wells. The purpose of an urgency ordinance is to provide time to develop a permanent ordinance that provides a long-term solution to a problem.
- Jerry Diefenderfer asked about how the Resource Management System (RMS) played into the basin issue. Kami Griffin indicated that an RMS Resource Capacity Study lead to

a Level 3 designation for the basin in 2011. This designation set off a series of implementation ordinances adopted in 2012 to limit water use. These limitations will continue to be in effect if the urgency ordinance is adopted. Kami also mentioned that an urgency ordinance does not need to comply with the County's General Plan.

- Richard Hawley indicated Cambria currently has a Level 3 designation for water resources and this is what the CSD is trying to dismantle.
- Don Warden expressed his concern that the Blue Ribbon Committee's (BRC) recommendations were not yet available for review and there was not a clear understanding of how the city of Paso Robles was contributing to the "red area." Don indicated that there needs to be a cooperative effort between the county and the city before an urgency ordinance applies to rural residents.
- Jean-Pierre agrees that there needs to be a basin wide approach particularly if Paso Robles 10-year plan indicates 30% growth in population. He indicated this type of growth raises the question of sustainability.
- Cindy Steinbeck shared that seven generations of her family have lived and farmed over the basin since 1884. Cindy indicated they are located in the heart of the "red area" and over the years they have had their wells drop. With the goal of sustainability, they have changed their irrigation practices and today they use a quarter of the water they did 16 years ago. Their yield has dropped from ten tons to four tons. At the same time, Paso Robles wells pump water 24/7 for urban use. Cindy indicated that the Well Level Change Maps have conflicting information and that it is too soon to make a decision.
- ALAB members collectively discussed the need for the basin to be sustainable and concerns that all the information is not available to make a decision on August 27, 2013.
- Jerry Diefenderfer indicated that today's concerns are not a new problem and that the issue of how to properly use the water in the basin has been studied for years. Jerry reminded ALAB members that throughout the county, water has been used to control urban growth. Jerry shared his historical perspective indicating that the area around Paso Robles in the 1960s and 1970s was primarily cattle ranching and dry farmed grain and hay crop production. The transition to intensified irrigated wine grapes started in the 1970s and was encouraged so growers could increase profits and hopefully prevent premature subdivision. While there were doubts that good quality wines could be grown on the eastside, crop expansion continued and today we have a strong tax base associated not only with the wine grapes but processing, tourism, and other services. Jerry concluded that over the years the intensified land uses have been good for the county and more rain is needed. Jerry made a motion for more rain.
- Jean-Pierre Wolff suggested that measures need to be taken that aren't based on hope for a good rain year because in both good and bad rain years we need to be sustainable not in crisis mode.
- Bill Struble raised the concern that some of the well restrictions could have unintended consequences and that some of these issues could be addressed with adequate

stakeholder input. Bill was concerned that this type of input could not occur under the rushed circumstances.

- Chuck Pritchard suggested that well drillers be consulted because they had extensive knowledge of the basin. Chuck shared a story how a well drilled just four years ago has already declined 40 feet. Chuck acknowledged that there is plenty of blame to go around and now is the time to work together for a solution. Chuck warned against subsidence.
- Claire Wineman indicated that nobody wishes any well to go dry. Claire is concerned about the precedent that could be set for all of agriculture with the proposed ordinance and questioned restrictions such as allocating only 0.2 acre feet of water per irrigated acre per year and prohibiting reservoirs that provide recharge opportunities. Claire encouraged ALAB members to look at and advise BOS on specifics.
- Cindy Steinbeck indicated that back in the 1950s alfalfa used more water than what wine grapes use today. Cindy shared that it bothers her that those in the business of agriculture are being made to look like the bad guy in the media and by various groups. Cindy shared that the agriculture industry is working on its own ordinance that the industry could live with. She described how land values could be skewed with ordinance implementation over only a portion of an area.
- Lisen Bonnier shared her observations that there are clearly two camps: 1) residential folks concerned about their wells and 2) agriculturalist, primarily grape growers, concerned about maintaining their operations. Lisen indicated both camps need to be responsible for the basin and that we all need to move away from short-sighted solutions such as waiting for more rain, stop pumping, and putting in deeper wells. She recognized the conflicts of having residential development in agricultural areas. Lisen acknowledged that the ordinance is a step in the right direction. She also suggested the county implement the RMS level of severity system for agricultural water use in all water basins in the county. People need to be brought together for the long-term.
- Mark Pearce indicated that overall the process is moving too fast and that parties need to be brought together. Mark also shared the urgency ordinance would not apply to the City of Paso Robles.
- Sue Harvey shared that she had been attending the BRC meetings for more than a year and that there has been a lot of movement towards recognizing the crisis. Sue indicated that she was confident that nothing in the proposed urgency ordinance would conflict with the BRC recommendations as the ordinance is attempting to stop expansion. Sue indicated that Paavo Ogren, Public Works, commented that if you want to get ahead of this problem you need to be proactive. The BRC that is heavily represented by agriculturalists is recognizing they need to be more proactive to be part of the solution. Sue observed that there has been a sea change regarding what is happening to the basin. Sue also cautioned against blaming Paso Robles as agriculture accounts for over 80% of the demand on the basin. Sue indicated that the county can't allocate water and they need to figure out how agriculturalists can stay in business and keep residences

with water. Sue also emphasized that well levels continue to go down even in wet years.

- Jean-Pierre suggested that all ALAB members keep in the back of their minds that water quantity declines can lead to water quality problems particularly for agricultural production.
- Eric Michielssen indicated that studies have been on-going since 1985 and nothing has been done to date to limit usage. Evidence indicates we are pumping out more than is safe. An ordinance would allow for real decisions to be made and it doesn't affect existing vineyards or users.
- Kami Griffin suggested that comments could be made on the three known components of the proposed ordinance: 1) prohibition of new uses unless there is a 2:1 offset, 2) well metering; and 3) prohibition of agricultural reservoirs.
- Jerry Diefenderfer indicated he was not willing to comment on the three known components and instead summarized his viewpoint: 1) we need to be proactive on resource protection in the basin, 2) more information is necessary on ordinance specifics regarding pumping and control, 3) BRC data needs to be part of the decision making process particularly as the water level maps raise questions and information is not complete, 4) winners and losers need to be identified. Everyone that needs to be part of the decision needs to understand how all will be impacted. Meters sound like a good idea until they lead to limitations and taxation, 5) we need to remember an emergency ordinance can become permanent. Overall, Jerry indicated he was only comfortable to make a recommendation on broad issues.
- Claire Wineman once again raised her concern regarding allocating only 0.2 acre feet per year for irrigated crop production. Kami Griffin clarified that such an allocation is not part of the proposed ordinance.
- Jennifer Porter indicated that since critical data will be available in October and December, 2013 we should wait for this data to make a decision rather than rushing into a decision.
- Richard Hawley shared that he originally had the mindset that an urgency ordinance was needed and still believes that something needs to be done but he recognizes there is missing data. Richard indicated he could support a cooling down period of 4 to 6 months so that all players could come together. Richard Hawley indicated he does not want it to appear that he has bought into stalling. Richard agrees there is a severe problem and it is not going to go away with a good rain year. Richard emphasized that Paso Robles needs to participate in a moratorium on development
- Tom Ikeda suggested that emotions are playing a role and agreed with others that we need more information and to step back to come up with a good plan. Tom stressed that something needs to be done but being halfcocked is not the way to come up with a good solution. Tom recommended that the process not be rushed and to hold off making a decision until after the new data is available. Tom would like to see the focus

be on assistance for those running out of water rather than an urgency ordinance that doesn't address the issue.

- Jennifer Porter emphasized she recognizes there is a problem and is concerned that the expressed desire for additional information could be perceived as stalling.
- Jean-Pierre shared that public perception is important and that we need to show a good faith effort that we want to make informed decisions and that we are not simply buying more time.
- Neil Roberts informed ALAB members that he was against all of the ordinances proposed tonight. The spirit should be let's try to work together and move forward and make compromises amongst all users. Neil indicated that waiting and saying it is going to rain doesn't matter because there will be another drought. This is a crisis that needs to be corrected and the art of compromise is necessary, not pointing fingers. Neil added that while he was not supportive of doing something right now he was supportive of establishing a time limit for action.
- David Pruitt indicated that the agricultural industry can't sit back and do nothing or just appear to stalling. While he is from the nursery industry, he is concerned that what happens in North County will set a precedent for the rest of the county.
- Cindy Steinbeck countered that the industry is doing something such as meeting regularly to try and address the basin issues and that J. Lohr is conducting a series of self-funded studies for the industry. Cindy once again indicated that the industry is in the process of preparing an ordinance and that something needs to be done within six months.
- Jean-Pierre reminded members that the proposed ordinance is not going to raise the level of water in people's wells and he thinks that the needs of folks who are out of water must be addressed. Jean-Pierre summarized that it appears there is a consensus that without the BRC recommendations, staff report, and forthcoming data there is not enough information to make an informed decision. Regardless of how the BOS votes on August 27th, it is clear that ALAB members want to be actively engaged.
- Cindy Steinbeck makes a motion and Eric Michielssen suggests a modification to address the immediate needs of homeowners.

MOTION: ALAB members to send a letter to BOS indicating that as representatives of the agricultural community they recognize the Paso Robles groundwater basin is in a crisis situation and action needs to be taken. However, because important basin information will not be available until October and December, 2013, ALAB members recommend no action on the proposed urgency ordinance be taken on August 27, 2013, but the item should stay on the BOS agenda and be addressed within the next six months. Additionally, ALAB members recommend that Public Works develop options to assist homeowners address their immediate needs associated with well problems. **Motion. Cindy Steinbeck 2nd. Jerry Diefenderfer Approved: Unanimous.**

6. Future Agenda Items: Next meeting: September 9, 2013

- None discussed

Meeting Adjourned: 8:35 p.m.

Respectfully submitted by Lynda Auchinachie, County Department of Agriculture/Weights and Measures