

## **ALAB MEETING MINUTES**

**Monday, October 6, 2014**

**Members and Alternates Present:** Lisen Bonnier, Bill Struble, Jerry Diefenderfer, Jean-Pierre Wolff, Eric Michielssen, Richard Hawley, Don Warden, Chuck Pritchard, Claire Wineman, Dan Rodrigues,

**Absent Members:** Tom Ikeda, Mark Pearce

**Guests Present:** Patricia Wilmore - Paso Robles Wine Country Alliance (Government Affairs Coordinator), Scott Antista – Guest

**Staff Present:** Marc Lea – SLO County Dept. of Agriculture, Erica Stuckey – San Luis Obispo County Counsel

**1. Call to Order:** 6:04 Wolff

**2. Open Comment:**

- Claire Wineman informed ALAB that the Bagrada Bug has become a serious pest in many cole crops, and is an especially big problem for organic growers. The Grower-Shipper Association will be organizing some workshops on how to deal with the pest.
- Numerous members noted that there would be a Water Summit on October 14<sup>th</sup> at the Board of Supervisors meeting.
- Eric Michielssen spoke about the upcoming Grange convention taking place at the SLO Grange, and mentioned that a frieze had recently been completed on the Grange walls depicting both historical and contemporary scenes of local agriculture.

**3. Announcements from ALAB Members & County Ag Department Staff Updates:**

- Marc Lea informed the group about an upcoming deadline for the State Water Efficiency and Enhancement Program (SWEEP). The SWEEP program offers an opportunity for growers to receive financial assistance to install water distribution systems that save water and reduce greenhouse gases. Applications must be submitted electronically by November 10, 2014.

**4. Previous Minutes: MOTION: Pritchard** Approve July 7, 2014 minutes: **Motion: 2<sup>nd</sup>: Struble Approved:** Unanimous by all members in attendance. No “No” votes or abstentions.

**5. ALAB Governance: recent re-appointments of ALAB members; recent changes to Brown Act voting requirements; 2015 ALAB Meeting locations**

- On August 19, 2014, the Board of Supervisors voted to re-appoint Mark Pearce as the Agricultural Finance representative and Jean-Pierre Wolff as the Coastal San Luis RCD representative to the Agricultural Liaison Advisory Board (ALAB). Both of their terms will run through August 27, 2018.

- Historically, we have not had an alternate for the Agricultural Finance position on ALAB. Mark Pearce has reached out to a couple of potential alternates and will present his findings to ALAB in the near future.
- According to California Government Code section 54953(c)2 – “the legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.” Although we have tracked each members vote in the past, we may not have always reported it that way in the ALAB meeting minutes. Members were informed that individual votes would now be listed in the public ALAB minutes.
- Joy Fitzhugh and the San Luis Obispo County Farm Bureau have graciously offered ALAB the use of their new conference room for ALAB’s 2015 meetings. Due to the inconsistent availability of the UC Cooperative Extension auditorium, the group agreed to hold all 2015 meetings at the new Farm Bureau office, located at 4875 Morabito Place in San Luis Obispo, across Broad Street from the SLO County airport.
- Claire Wineman also brought up the potential of adding a strawberries representative to the ALAB membership, especially considering the increased economic importance of strawberries on SLO County’s agricultural industry. Marc Lea recalled this coming up once before in a previous meeting and agreed to review the previous notes on this subject, as well as look into the process for adding a new ALAB industry representative.

**6. Presentation: Draft Ordinance Regulating the Exportation of Groundwater , Erica Stuckey – County Counsel**

- Erica Stuckey from the County of San Luis Obispo County Counsel office presented information regarding a proposed ordinance regulating the anti-exportation of groundwater.
- In January 2014, the Board of Supervisors directed staff to examine the potential for an anti-exportation ordinance.
- County Counsel returned to the Board on September 9<sup>th</sup> to receive further direction on the matter.
- No hearing date is set, but this ordinance will likely appear before the Board in late November or early December. The ordinance will be introduced, presented, and the Board may or may not hold a vote on the implementation of the ordinance. *After the meeting, Erica Stuckey with County Counsel informed ALAB that the Groundwater Export Ordinance was tentatively scheduled for the Board on November 25<sup>th</sup> (introduction) and December 2<sup>nd</sup> (hearing).*
- The proposed ordinance does not ban all groundwater exportation, but a permit would be required in order to move water out of a particular basin.
- County Public Works would be responsible for processing the permit applications for export, the applicant would need to demonstrate that the export would not negatively impact the groundwater basin
- For any permits that were approved, monitoring would be required in order to insure that the groundwater basin was not negatively affected over time.

- *Written comments were due to Public Works or Planning by October 17<sup>th</sup> and a subsequent email was sent to ALAB members by Marc Lea on October 7<sup>th</sup> on how to submit comments.*
- Lisen Bonnier asked how much water export is currently going on. The general sense is that there is currently very little groundwater export going on that would be subject to this ordinance and would require a permit, but it's difficult to know for sure since it is currently unregulated.
- Erica Stuckey mentioned that the Department of Water Resources website has maps of each groundwater basin in the county.
- Erica Stuckey confirmed that this ordinance would only apply to the unincorporated areas of the County and that individual cities would not be legally bound to comply.
- Jerry Diefenderfer wondered if anyone would really be able to meet the permit requirements described in the ordinance, and asked if the end result is a backdoor regulation of groundwater.
- Jean Pierre-Wolff mentioned that Section 8.92.10 (J) in the ordinance is a bit contrary to recently passed State legislation. Stuckey replied that there is nothing in recent legislation that prevented Counties from enacting their own regulations, but acknowledged that there are many aspects of water regulation that are outside of the County's jurisdiction.
- Rick Hawley asked about how the process for applying for an export permit would work. Would those that are potentially affected be informed and how would they know about the proposed exportation of groundwater? Erica Stuckey noted that all applications would be posted on the Public Works website, notifications would be sent to any person who has previously requested being notified, AND all residents within 1 mile of the proposed export area would also be notified.
- Claire Wineman asked how the legal changing of groundwater basin boundaries would affect the ordinance. Stuckey noted that there is a legal process in place for the updating of basin information through the Department of Water Resources and that those changes would be incorporated into the implementation of the ordinance.
- Claire Wineman asked about the origin of the term "beneficial use" referenced in Section 8.92.10(K) and how that term would be interpreted. Stuckey answered that "beneficial use" is defined and explained in the state water code.
- Jerry Diefenderfer acknowledged that this is a major issue and that County needs to address it, but he had concerns about legal challenges to the ordinance and asked if any other counties already have anti-export ordinances that have been challenged in the courts.
- Erica Stuckey answered that the Tehama County ruling indicated that the counties were on solid legal footing when it comes to enacting ant-exportation ordinances, but the ruling did not contain a lot of specifics.
- Erica Stuckey mentioned that the ordinance does not address water banking, and acknowledged that the ordinance would not address surface water being exported prior to entering groundwater basin

- Rick Hawley expressed concern about the ability to adequately monitor these permit agreements and added monitoring was central to the issue of long-term sustainability.
- Chuck Pritchard asked if the cities that have wells outside of their jurisdiction would be regulated. He also asked why the cities weren't more heavily involved in this process. Erica Stuckey noted that the County doesn't have authority to regulate the cities wells that occur within their own city boundaries. Pritchard reiterated that water isn't static, and that the cities demand on groundwater needed to be addressed even if they can't be regulated by this particular ordinance.
- Joy Fitzhugh asked if currently adjudicated basins would be regulated by this ordinance, and Erica Stuckey indicated that they would be.
- Claire Wineman expressed concern that the ordinance wouldn't effectively prohibit groundwater export.
- Jean-Pierre Wolff mentioned that if you register your riparian well, the State Water Board already oversees the permitting of any export of that water. He requested that the County insure that the proposed ordinance isn't written in a way that would contradict State Water rules. The group discussed how registered riparian wells are already under the jurisdiction of State.
- Jean-Pierre Wolff asked which groups had vetted this ordinance, and Erica Stuckey indicated that the vetting process had included many local people and agencies but not state level representatives yet.
- The group asked that the electronic version of the proposed ordinance be sent out to the entire ALAB membership. *Marc Lea sent out the ordinance on 10/7/14 to all ALAB members.*
- Michielssen expressed concern that the ordinance would prohibit neighbors from helping neighbors since they would be unable to move water from one basin to another basin without a permit.
- Erica Stuckey informed ALAB that when the issue went before the Board on September 9<sup>th</sup>, they were presented with several options and opted to go with regulating groundwater moved outside of any basin within the County in addition to any groundwater moved outside of the County.

**7. Updates: Agricultural Industry Participation in the assessment of a potential Countywide Water Waste Ordinance; Agricultural Water Offset Program; recent changes in California State water law**

- Marc Lea indicated the Planning Department is in the process of soliciting input from agriculturalists about their current irrigation practices. The Department of Agriculture had facilitated this process by providing agriculturalists from various ag industries that were interested in participating in the process.
- Marc Lea also indicated that it was uncertain at this time if the Board would pursue an agricultural water waste ordinance or would choose to take a different approach, such as distributing irrigation Best Management Practices for the different local ag commodities.

- The membership agreed that ALAB should track this issue, continue to offer insights on agricultural practices to Planning when needed, and address the ordinance issue at a future ALAB meeting if it becomes necessary.
- Agricultural Water offset program update: At our last meeting held in July, we heard a presentation from the Upper Salinas-Las Tablas RCD regarding the development of an agricultural water offset program.
- The Upper Salinas-Las Tablas RCD and County Planning will be holding a Public Information Session on Thursday night, October 9<sup>th</sup> from 6:00 – 7:30 p.m. at the Paso Robles City Hall. The agenda includes an update on the offset program for new irrigated agriculture within the Paso Robles Groundwater basin. The Board of Supervisors will consider the program for adoption on October 28<sup>th</sup>, 2014.
- Jean-Pierre Wolff gave an update on recent changes in state water law. Wolff indicated that SB1168 and AB1739 were the primary regulations recently enacted, and local agencies are now directed, when necessary, to create water management districts. The overarching spirit of the new regulations is to encourage local control, but the regulations do provide an avenue for the State to step in if local representatives aren't addressing their local groundwater problems. Local agencies have concerns that they don't have the required resources necessary to handle these complex issues. Jean-Pierre Wolff explained a rough timeline for the implementation of these regulations:
  - 2017: describe the parameters and boundaries of the district
  - 2020-2022: prepare and adopt a Groundwater Sustainability Plan, provide objectives, milestones, and annual reports on water use.Higher priority areas will have a shorter timeline than basins in better shape. The legislation did not delve heavily into details on how to best manage these groundwater districts, and the legislation should allow for local agencies to develop programs that meet the needs of their particular geographical area.

**8. Future Agenda Items: Next meeting – November 3, 2014**

**Revisit Anti-Export Ordinance**

**Ag Water Waste – County Ordinance update**

Meeting Adjourned: 8:02 p.m.

Respectfully submitted by Marc Lea, County Department of Agriculture/Weights and Measures