

FINAL COMMENT LETTER APPROVED BY ALAB APRIL 5, 2021

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April 5, 2021

San Luis Obispo County Board of Supervisors
1055 Monterey Street Suite D430
San Luis Obispo, CA 93408

Comments submitted by phone from ALAB Chair Dan Rodriguez

Re: April 6, 2021 Board of Supervisors Agenda Item 26: Proposed Paso Basin Planting Ordinance

On behalf of the 16 representatives of the San Luis Obispo County Agricultural Liaison Advisory Board (ALAB), I write to you today to express our serious concern with the proposed Paso Basin Planting Ordinance.

We appreciate the intention of this proposed ordinance is to provide relief for property owners and some farmers who face irrigation restrictions under the Water Neutral New Development (WNND) Standards in Title 22 and Title 19 of San Luis Obispo County Code of Ordinances. Without question, provisions in the WNND have negatively impacted some property owners in the Basin. However, the proposed planting ordinance will have far-reaching impacts on the majority of property owners, assisting the few farmers, while impacting the many.

It is the opinion of ALAB that this proposed ordinance is bad for San Luis Obispo County's \$2.5 billion agricultural economy, and sets a dangerous precedent for expanding regulatory burdens on our local farmers and ranchers. Additionally, the ordinance will create significant administration challenges for the County, with concomitant costs. We feel the proposed ordinance will make basin management more complicated, not less so. We know our farmers and ranchers will play a critically important role in getting the Paso Robles Basin into balance, and ALAB will continue to offer input to help guide your policy decisions.

Regulating groundwater resources is more efficient for taxpayers and effective for stakeholders when handled through the proper regulatory channel, the Sustainable Groundwater Management Act (SGMA). As the lead Groundwater Sustainability Agency in the Paso Basin, the County could begin addressing groundwater access issues today, rather than creating a new planting permit system under the County's land use authority. We do not have to wait until the California Department of Water Resources (DWR) approves the Paso Robles Subbasin Groundwater Sustainability Plan (GSP) to get started on work we already know has to be done.

Under the proposed ordinance, an estimated 4,800 property owners in the Basin will be allowed to expand pumping from 5 acre-feet per year (AFY) to 25 AFY without a permit. This could increase the burden on the basin by 96,000 AFY; for context, the current total water use for the Basin is estimated at 68,000 AFY. Such a large increase jeopardizes local control of the Paso Basin and could cause DWR to take over management of the GSP process. As the lead Groundwater Sustainability Agency in the Paso Basin, the County will ultimately have to account

for this significant new groundwater extraction, complicating and delaying GSP implementation. Furthermore, while this proposed ordinance could provide relief for some property owners under WNND restrictions, forthcoming implementation of the GSP could impose new restrictions on the same property owners. That is, what the County may now allow under land use authority, the GSP will likely have to restrict in the future.

Finally, this proposed ordinance opens the door for unprecedented regulation on agriculture in San Luis Obispo County. Like many local organizations in the agriculture and business community have already done in recent weeks, ALAB opposes this ordinance as presented, and will oppose any ordinance requiring a discretionary land use permit and California Environmental Quality Act (CEQA) review for planting crops. CEQA will cost these farmers tens of thousands, if not hundreds of thousands, of dollars. While some Supervisors argue they would never allow this type of regulation to expand outside of the Paso Basin or to other routine agricultural practices, this is no guarantee that future Boards of Supervisors will not view this action as a basis for regulatory expansion in the future. We know all too well that regulations creep into new areas and expand over time. For the first time in our County's history, a costly planting permit structure is being proposed that requires farmers and ranchers to undergo an arbitrary and public discretionary review process. This is unacceptable to the agriculture community.

Based on comments submitted at the January 26, 2021 Board of Supervisors meeting, some in our community are calling for all agricultural activities in San Luis Obispo County to undergo an environmental impact review. As this Board of Supervisors has justified a CEQA review to regulate agricultural irrigation, future boards will now have a policy rationale to extend discretionary permitting for other farm and ranch activities like grazing livestock, applying materials, operating farm equipment, or tilling the soil.

The current WNND certainly impacted a select group of property owners who had not irrigated crops within the previous 5 years when the Urgency Ordinance on this issue was adopted. We support working through the GSP process to find a way to address water access for these property owners and all stakeholders in the Basin. It seems very unlikely that the County will be able to complete this new proposed ordinance before the expiration of the current Agricultural Offset Requirements on January 1, 2022. Another short-term extension of the WNND ordinance is preferable to rushing the creation of a new permanent ordinance that has long term implications for all of San Luis Obispo County agriculture.

Dan Rodriguez, Chair
San Luis Obispo County Agricultural Liaison Advisory Board

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