Staff Response

WRAC Ad Hoc Subcommittee to Review Agricultural portions of Countywide Water Conservation Program

Subcommittee members

Mike Broadhurst (Chair of subcommittee), George Kendall, Lowell Zelinski, Sue Luft

Documents reviewed by subcommittee

Countywide Water Conservation Program Draft Supplemental Environmental Impact Report (supplemental to EIR for COSE)

Revisions to Title 22 regarding crop production

Revisions to Title 8 regarding wineries

Revisions to Agriculture Element and Conservation and Open Space Element (COSE)

Comments on each document

Title 22 - General

How is the offset program enforced (monitoring, penalties for non-compliance, etc.)?

Staff Response: *Chapter 22.74 – Enforcement of the County Code establishes procedures for enforcement of all Title 19 and 22 chapters, including the proposed provisions for amendments to Title 19 and Title 22.*

Offset credits should be available for a limited duration if desired by the landowners. This might make the cost of the credits more affordable to small farmers.

Staff Response: *The proposed Ag Offset is already a limited-duration program. Further limitations may be inconsistent with Water Neutral New Development objectives.*

Title 22, Chapter 22.06.040

Figure XX should show the Paso Robles Groundwater Basin as delineated in DWR Bulletin 118, excluding the Atascadero sub-basin. A footnote should be provided stating "Paso Robles Groundwater Basin as identified and defined in Bulletin 118 or as modified pursuant to Water Code Section 10722 et seq, excluding the Atascadero sub-basin as delineated by the Rinconada fault." Similar language is used in the draft ordinance regulating the exportation of groundwater.

Staff Response: *Figure XX represents the boundary shown in the existing Urgency Ordinance, per Board of Supervisors direction. A footnote further describing this boundary will be added.*

Title 22, Chapter 22.30.204, Table 1

This table would be clearer if the term "crop water use" was used instead of "crop production".

Staff Response: *The term "Crop production" was used because it was already established in Title 22, and encompasses a variety of crop types and activities. Use of the existing term allows for internal consistency between the proposed amendment language and the existing ordinance language.*

Title 22, Chapter 22.30.204, Table 1

The restriction that the receiving site cannot be within the area of severe decline makes sense. However, this will have an impact on the ability to use the offset program. Also, the area of severe decline (which well level decline contour) needs to be defined.

Staff Response: *Based on the direction from the Board of Supervisors, the inclusion of the provision that would not allow receiving sites to be located within the areas of severe decline was an error. The proposed draft ordinance amendment language has been modified to correct this. However, it should be noted that the provision is included in Alternative 3 of the Draft SEIR, and will be subject to future discussion.*

Title 22, Chapter 22.30.204. G.2.

This provision is not enforceable since a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation.

Staff Response: *This provision was derived from identified Mitigation Measure AG-1 contained in the DSEIR. Therefore, this comment will be considered as a comment on the DSEIR and will be responded to in the FSEIR.*

Title 22, Chapter 22.30.204. G.3.

This statement seems unnecessary since a Williamson Act contract must be complied with whether the site is involved in the offset program or not.

Staff Response: *This provision was derived from identified Mitigation Measure AG-3 contained in the DSEIR. Therefore, this comment will be considered as a comment on the DSEIR and will be responded to in the FSEIR.*

Title 22, Chapter 22.30.204. G.5.

Add "as listed in Table 2" at the end of the sentence.

Staff Response: *We agree and the text will be revised accordingly.*

Title 22, Chapter 22.30.204. G.6., regarding landowner agreements

Are there standardized landowner agreements to simplify the process, particularly for small farmers?

Staff Response: *If the proposed Program and the amendments are approved, staff will work with County Counsel to streamline this part of the proposed process.*

Title 22, Chapter 22.30.204. G.7.

Do deed restrictions end when ordinance sunsets?

Staff Response: *Yes, the deed restriction language will include a specific note that the restriction will automatically end in accordance with the sunset provision criteria.*

Title 22, Chapter 22.30.204. G.8.

Flowmeters should be installed on wells at both the sending and receiving sites. Reports of water use should be turned into the County on an annual basis. County staff should review this data to ensure compliance with this program.

Staff Response: *The intent of this provision as currently proposed is to have meters installed on all wells associated with an application. Based on direction from the Board of Supervisors, the project description did not include the requirement to report water usage as part of the Program.*

Title 22, Chapter 22.30.204, Table 2

This table differs from Table 2-3 in the Draft SEIR. However, the vineyard applied water value in Table 2 may be a more appropriate number than the value in Table 2-3.

Staff Response: *We agree. The numbers provided in Table 2 of the proposed amendment reflects consultation, which occurred after the DSEIR was finalized for reproduction, with the Agricultural Commissioner's Office and the U.C. Cooperative Extension.*

Title 8, Chapter 8.69, Section 8.69.110

Since the Agricultural Offset Program applies only in the Paso Robles Groundwater Basin, the agricultural processing uses - wineries should also only apply in the Paso Robles Groundwater Basin. Discussions should be held with industry representatives to determine appropriate best management practices which would provide meaningful reductions in water use.

Staff Response: *The proposed amendments to Title 8 were specifically developed to address the Program objectives related to water waste prevention for all urban and rural land uses countywide. The proposed Water Neutral New Development, specifically the proposed Agricultural Water Conservation Offset, would not achieve the desired objectives for water waste prevention for urban and rural land uses.*

Revisions to COSE, Page 10.7, Policy WR 1.7 Agricultural operations

Since the proposed requirements Agricultural Offset Program applies only in the Paso Robles Groundwater Basin, this policy should be applicable only to the Paso Robles Groundwater Basin.

Staff Response: *The original language and proposed amendments to COSE Policy WR1.7- Agricultural operations were specifically developed to address the countywide objectives related to water conservation for all land uses countywide. Therefore, limiting it to the Paso Robles Ground Water Basin would not achieve the desired objective.*

Countywide Water Conservation Program Draft SEIR

Executive Summary, Project Description

Although the "exceptional drought" has exasperated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed.

Staff Response: *This comment will be considered a comment on the DSEIR and therefore, will be responded to in the FSEIR.*

2.0 Project Description, 2.2 Background

Although the "exceptional drought" has exasperated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed.

Staff Response: *This comment will be considered a comment on the DSEIR and therefore, will be responded to in the FSEIR.*

3.0 Environmental Setting, 3.2 Program Area Setting

These three groundwater basins were certified as LOS III long before the current drought. The discussion of drought should either be removed or moved to later in this section.

Staff Response: *This comment will be considered a comment on the DSEIR and therefore, will be responded to in the FSEIR.*

3.0 Environmental Setting, 3.2 Program Area Setting, 3.2.1 Paso Robles Groundwater Basin

Last sentence of this section. The outflows are projected to exceed inflows by 26,159 AFY (see page ES-10 of http://www.slocountywater.org/site/Water%20Resources/Water%20Forum/Computer%20Modeling/pdf/Final%20Executive%20Summary.pdf).

Staff Response: *This comment will be considered a comment on the DSEIR and therefore, will be responded to in the FSEIR.*