

**Executive Committee
Meeting Agenda**

ATASCADERO BASIN

*Groundwater
Sustainability Agency*



Meeting Date: Wednesday, April 4, 2018
Meeting Time: 4:30 p.m.
Meeting Location: Templeton CSD Board Meeting Room
206 5th Street
Templeton, California 93465

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Order of Business
Executive Committee members may request to change the order of business.
4. Introductions
5. General Public Comments
The Executive Committee invites members of the public to address the committee on any subject that is within the purview of the committee and that is not on today's agenda. Comments shall be limited to three minutes.
6. Consent Agenda
The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Executive Committee wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by an Executive Committee member and will be considered separately. Questions or clarification may be made by the Executive Committee members without removal from the Consent Agenda. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. Members of the public may comment on the Consent Agenda items.
 - a. Minutes - January 3, 2018
 - b. Non-Voting Representative Application Process
7. New Business:
 - a. Groundwater Protection Ordinance
 - b. Sustainable Groundwater Management Act Compliance Activities Update
 - c. Request for Future Items
8. Adjournment

*EXECUTIVE COMMITTEE
ATASCADERO BASIN
GROUNDWATER SUSTAINABILITY AGENCY
April 4, 2018*

Agenda Item 6.a – Meeting Minutes from Wednesday, January 3, 2018

The Executive Committee (EC) of the Atascadero Basin Groundwater Sustainability Agency (GSA) held a meeting on Wednesday, January 4, 2018, at 4:00 p.m. in the board meeting room of the Templeton Community Services District located at 206 5th Street, Templeton, CA.

Roll Call: Present at the EC meeting were Committee Members Roberta Fonzi , Navid Fardanesh, Debbie Arnold, and Robert Jones. A quorum was present when Chairwoman Fonzi opened the meeting at 4:00 p.m. Committee Members John Hamon and Rob Rossi arrived at 4:15 p.m.

General Public Comments: Atascadero citizen John Hollenbeck commented about a recent New Times article about a voter initiative within San Luis Obispo County to place restrictions on infrastructure options that groundwater sustainability agencies could use in their management of their groundwater basins, and he cautioned the Executive Committee that such actions could be detrimental to the local control of the Atascadero Groundwater Basin.

Consent Agenda - Meeting Minutes: The EC reviewed the minutes from the October 25, 2017, meeting. Committeeman Fardanesh advised of an exception listed under Next Meeting which identified the incorrect start-time for the January 3, 2018, meeting: it should read 4:00 p.m. Committeeman Jones motioned to approve the minutes and Committeeman Fardanesh seconded the motion with the noted exception. Roll Call: Ayes – Committee Members Jones, Fardanesh, Arnold, and Fonzi. Nays – none. Motion carried.

New Business – a) Notice of Intent to Prepare a Groundwater Sustainability Plan: John Neil, General Manager of the Atascadero Mutual Water Company, presented this report and discussed the need for the GSA to formally notify the State of the development of a Groundwater Sustainability Plan (GSP). Committeeman Fardanesh moved to authorize Chairwoman Fonzi to sign the GSA’s Notice of Intent and mail it to the State, seconded by Committeeman Jones. Roll Call: Ayes – Committee Members Fardanesh, Jones, Fonzi, and Arnold. Nays – none. Motion carried.

New Business – b) Consider Adopting Conflict of Interest Code: Angela Ruberto, County of San Luis Obispo, presented this report and discussed the need for the GSA to adopt a resolution that establishes a Conflict of Interest Code (Code). Ms. Ruberto distributed a January 2, 2018, revised draft of the Code, and identified that the Templeton Community Services District General Manager was mistakenly left off the designated positions that require disclosure. Chairwoman Fonzi asked a question about the Conflict of Interest Code, Appendix B, Disclosure Category#1 regarding investments, and Ms. Ruberto advised that such questions are to be directed to the FPPC or individual legal counsel that represent the individual committee

member's agency. Committeeman Hamon moved to adopt the resolution for the Code with the correction noted by Ms. Ruberto, seconded by Committeeman Rossi. Roll Call: Ayes – Committee Members Hamon, Rossi, Fonzi, Fardanesh, Arnold, and Jones. Nays – none. Motion carried.

New Business – c: Request for Future Items: Committee members discussed the following as future items of business:

1. Calendar of 2018 meetings and activities
2. Presentation of a work plan of steps moving forward for the GSP development
3. Status update presentation of the neighboring Paso Robles Basin's work plan for GSP development
4. Budget discussion
5. Overview of Atascadero Basin's planning efforts to date

Next Meeting: The next meeting of the EC will be on April 4, 2018, at 4:30 p.m. in the board meeting room of the Templeton Community Services District located at 206 5th Street, Templeton, CA.

Adjournment: There being no further business to discuss, Chairperson Fonzi adjourned the meeting at 4:30 p.m.

Submitted by: _____
Committeeman Hamon, Secretary

*ATASCADERO BASIN
GROUNDWATER SUSTAINABILITY AGENCY
April 4, 2018*

Agenda Item 6.b – Non-Voting Representative Application Process

SUBJECT:

Continued item to approve Non-Voting Representative Application Form and Process

STAFF RECOMMENDATION:

It is recommended that the Atascadero Basin Groundwater Sustainability Agency Executive Committee (EC) approve the final Application Form for Non-Voting Representatives of the Agricultural At-Large, Rural Residential At-Large, and Environmental At-Large stakeholder groups and direct staff to proceed with solicitation of applicants.

PREPARED BY:

Angela Ruberto, County of San Luis Obispo

DISCUSSION:

On October 4, 2017 The Atascadero Basin Groundwater Sustainability Agency Executive Committee (EC) reviewed and approved, with minor changes, the Non-Voting Representative Application Form and Process. The Application Form has been modified and is presented for confirmation of Committee approval to distribute.

BACKGROUND:

Article 4 of the Memorandum of Agreement (MOA) forming the Atascadero Basin Groundwater Sustainability Agency (GSA) states that the Agency shall be governed by an Executive Committee (“EC”). It further states that the EC shall be comprised of both Voting and Non-Voting Representatives, calling for the appointment of the Non-Voting Representatives by the Voting Representatives via an application process established by the EC (MOA Section 4.3.7, 4.3.8 and 4.3.9).

Article 4.1.2 of the MOA provides that the Non-Voting Representatives on the EC shall include representatives from the following stakeholder groups: Rural Residential At-Large, Agriculture At-Large and Environmental At-Large. Pursuant to MOA section 4.5, each Non-Voting Representative shall be appointed for a term of four years and may be removed from his or her term or reappointed for multiple terms at the discretion of the Agency. While not required to appoint Alternate Representatives for the Non-Voting Representatives, Article 4.4 of the MOA provides the EC with the option to do so in the future by simple majority vote.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Application for Appointment to Atascadero Basin Groundwater Sustainability Agency Executive Committee

APPLICATION FOR APPOINTMENT TO
ATASCADERO BASIN GROUNDWATER SUSTAINABILITY AGENCY
EXECUTIVE COMMITTEE



Three non-voting positions on the Atascadero Basin Groundwater Sustainability Agency Executive Committee (EC) are eligible to qualified residents living in the Atascadero Basin. These Non-Voting Representatives are appointed by the Voting Representatives of the EC in accordance with Article 4 of the Memorandum of Agreement forming the Atascadero Basin Groundwater Sustainability Agency Executive Committee. Each Non-Voting Representative on the EC shall be appointed for a term of four (4) years. A Non-Voting Representative may be removed during his or her term or reappointed for multiple terms at the discretion of the EC and must agree to abide by the following membership terms:

- Make every effort to attend each EC meeting
- Prepare for each meeting by reading materials distributed in advance
- Actively participate in meetings of the EC from beginning to adjournment, engaging in small and large group discussions in a manner that is respectful of divergent perspectives, ideas, and experiences
- Work to achieve consensus on recommendations of the EC
- Facilitate communication between community representatives and the EC
- Gather local community and/or affiliation group input regarding needs and priorities for consideration by the EC
- Work within a group process to meet deadlines
- Solicit and reflect the views of represented constituencies in addition to personal perspective and expertise

The Non-Voting Representatives on the EC shall be at-large representatives for the following stakeholder groups in the Atascadero Basin:

- Agricultural
- Environmental
- Rural-Residential

Important attributes of the Non-Voting Representatives are:

- Knowledge of issues peculiar to the stakeholder group he or she represents
- High level of interest in issues that impact the groundwater basin
- Committed to being very involved in the GSA, including working toward resolution of issues affecting other stakeholder groups
- Ability to attend meetings quarterly, and at such other times as determined by the EC
- Must maintain communication with and speak on behalf of his or her stakeholder group
- Must be able to speak on behalf of the stakeholders he or she represents without seeking prior approval from an organization

Selection criteria and other factors:

- Must live on a parcel within the boundaries of the Atascadero Area Groundwater Sub-basin of the Salinas Valley Basin identified in DWR Bulletin 118 as Basin No. 3-004.11 ("Atascadero Basin")
- Demonstrated history of volunteerism and/or previous service on advisory bodies
- Letters of recommendation from local agricultural/environmental/public groups, as appropriate

**APPLICATION FOR APPOINTMENT TO
ATASCADERO BASIN GROUNDWATER SUSTAINABILITY AGENCY
EXECUTIVE COMMITTEE**

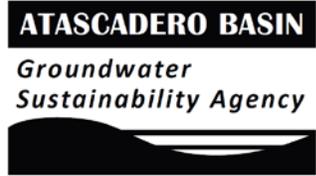


- A. Interested parties that live on a parcel within the boundaries of the Atascadero Basin may be nominated or may nominate themselves as a prospective candidate to be the at-large Non-Voting Representative of the Agricultural, Environmental, or Rural-residential stakeholder groups on the EC.
- B. The Voting Members of the EC will review all nominations and evaluate the nominees based upon their responses to the questions below and their qualifications. The EC will conduct interviews, if necessary.
- C. Nominations must be submitted, in writing, to the Atascadero Basin Groundwater Sustainability Agency principal office (mailing address below) and accompanied by:
 - Completed Application for Appointment to Atascadero Basin Groundwater Sustainability Agency Executive Committee.
 - Statement(s) from the nominee addressing all of the following questions:
 - i. Why are you interested in serving on the EC?
 - ii. What qualifications and experience do you have for serving as an EC Member?
 - iii. What experience do you have serving on similar committees?
 - iv. What is your record of participation in agricultural, environmental, or community groups or independent activism involvement?
 - v. How will you obtain, and relay to the EC, input from constituencies that you represent and how will you communicate the issues addressed by the EC with community members?
 - A letter of recommendation, preferably from one of the agricultural, environmental or community groups on which nominee has participated.

Please mail Application and Supporting Material to:

**Atascadero Mutual Water Company
ATTN: Atascadero Basin GSA Executive Committee
5005 El Camino Real
Atascadero, CA 93422**

APPLICATION FOR APPOINTMENT TO
ATASCADERO BASIN GROUNDWATER SUSTAINABILITY AGENCY
EXECUTIVE COMMITTEE



Date _____

Applying for appointment to Executive Committee as: _____
(Name of At-Large Representative Vacancy)

Name _____

Address _____

Business Phone _____ Home Phone _____

Fax Phone _____ E-mail Address _____

Supervisorial District _____ Years resided in County _____

If retired, Past Occupation/Employer

Education

List work experience, training, volunteer activities, skills that relate to your qualifications

List dates/names of positions you have held on any advisory body or elected office

APPLICATION FOR APPOINTMENT TO
ATASCADERO BASIN GROUNDWATER SUSTAINABILITY AGENCY
EXECUTIVE COMMITTEE



List Membership to Organizations

Please explain why you would like to serve in this capacity

If appointed, are you willing to attend meetings of EC, held at least quarterly and at such other times as determined by the EC, and if necessary participate in numerous related meetings or subcommittees?

___ YES ___ NO _____ COMMENTS

If appointed, are you willing, if required, to file a Statement of Disclosure as a Public Official Under the standards of the Fair Political Practice Commission?

___ YES ___ NO _____ COMMENTS

If appointed, do you want to have your address or telephone number(s) published?

___ YES ___ NO _____ COMMENTS

ATASCADERO BASIN
GROUNDWATER SUSTAINABILITY AGENCY
April 4, 2018

AGENDA ITEM 7.a:

County of San Luis Obispo Groundwater Protection Ordinance Initiative Measure

PREPARED BY:

John Neil, Atascadero Mutual Water Company

STAFF RECOMMENDATION:

Informational item

DISCUSSION:

A group calling itself the Citizens for San Luis Obispo County Groundwater Protection filed an initiative petition with the County Clerk-Recorder. The initiative, named the San Luis Obispo County Groundwater Protection Ordinance (the "Initiative", see Attachment A), was being circulated for signatures. The Initiative was intended to be on the November 2018 ballot if sufficient signatures were obtained.

On March 20, 2018, the Citizens for San Luis Obispo County Groundwater Protection posted a notice on its website (www.slogroundwater.com) that it was withdrawing its initiative petition. As of March 23, 2018, the County Clerk-Recorder noted that the proponents had not yet submitted the formal written notice to withdraw the initiative petition; therefore, the proponents are still able to continue collecting petition signatures (California Elections Code 9604(D)). However, if the proponents submit formal written notice to the County Clerk-Recorder, it will halt the proponents from gathering further signatures on initiative.

The Initiative's purpose is to add Chapter 8.96 to Title 8 of the County Health and Safety Code and will result in the following if approved by the voters:

- *Water Export Ban*: The Initiative will result in a total ban on the export of groundwater from the County of San Luis Obispo and a total ban on the export, transfer, or use of groundwater beyond the boundaries of any basin or sub-basin wholly within or partially within the County.
- *Groundwater Definition*: The definition of groundwater will be expanded to include any water that is percolated, infiltrated, stored, recharged, or otherwise placed into the groundwater basin (including banked surface water).
- *Groundwater Bank*: Defines groundwater bank as any facility used for the storage of surface water in a basin.
- *Safe Yield*: Defines safe yield as the amount of groundwater that may be pumped that does not exceed annual recharge, either natural or artificial.

- Sustainable: The definition of sustainable will be narrowed by limiting groundwater pumping from a basin in a manner that does not exceed the safe yield of the basin, with safe yield being determined on an annual basis.

IMPACTS:

GSA staff has analyzed the initiative to determine its potential effects on groundwater management activities that may or will be taken by the Atascadero Basin GSA to assure the continued sustainability of groundwater resources in the basin.

- Water Export Ban: The County already has an ordinance banning the exportation of groundwater (see Attachment B). However, unlike the Initiative, the existing ordinance has a permit process that allows for the export of groundwater under certain circumstances. The permits are valid for one year.

The Initiative retains an exemption under the existing groundwater export ordinance that allows a single, local water agency to export water from a basin if the water is used within the service area of that water agency.

The Initiative will hinder the ability of local water purveyors to develop local solutions to water resource issues by prohibiting the movement of water between local water agencies, thereby reducing their ability to provide emergency water supplies to each other, or their ability to wheel water through their existing pipe network systems to areas where water may be needed. For example, use of interconnection between AMWC and CSA 23 constructed by the County in 2015 for \$1.1 million will not be allowed if the Initiative passes.

The Initiative will prohibit a local water agency from using any of its wells that are outside the agency's service area that overlie a groundwater basin. This prohibition on the use of these wells could hinder an agency's ability to provide the water needed for domestic and fire protection purposes to the detriment of the health and safety of the agency's customers. Furthermore, this prohibition will prohibit a local water agency from exercising its overlying groundwater rights should the agency possess such rights.

- Groundwater Definition: Under the Initiative's definition of groundwater, water from the Nacimiento Water Project (NWP), or other surface water source, that is discharged into a recharge basin or percolation pond becomes groundwater subject to the prohibitions proposed by the Initiative.

Groundwater as defined in SGMA is water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water that flows in known and definite channels.

- Groundwater Bank: The Bureau of Reclamation and others consider a groundwater bank to be a water resource management tool for optimizing the use of water in which surface and underground water supplies are alternately used so neither the surface water source nor the aquifer are critically drawn down.
- Safe Yield: The Initiative's definition of safe yield says that annual extractions cannot exceed natural or artificial recharge. In some cases, water from the Nacimiento Water Project (NWP) and/or a wastewater treatment facility "artificially" recharges a basin. The use of "or" in the definition of safe yield has the effect of preventing agencies from getting credit for this "artificial" recharge when determining sustainability.
- Sustainable: Redefining sustainable by limiting it to the safe annual yield of a basin will have a significant impact on land use decisions and long-range planning efforts. The Initiative's narrowing of the definition of sustainable will likely result in legal challenges to all land-use decisions on properties that overly a basin, or that obtain water from a basin, not to mention the cost of performing the analyses required to establish the annual safe yield.

The health of a groundwater basin needs to be analyzed over time to determine its sustainable yield and the effectiveness of groundwater management efforts. Under SGMA, sustainable yield is the maximum quantity of water, calculated over a base period representative of long-term conditions in the basin and including any temporary surplus, that can be withdrawn annually from a groundwater supply without causing any of the undesirable results listed above. SGMA acknowledges that overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels.

Under the Sustainable Groundwater Management Act (SGMA), a Groundwater Sustainability Agency (GSA) is required and authorized to manage groundwater resources in a manner that does not cause the following undesirable results:

- Chronic lowering of groundwater levels
- 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.

The legislative intent of SGMA is to:

- Provide for the sustainable management of groundwater basins.
- Enhance local management of groundwater consistent with rights to use or store groundwater.
- Establish minimum standards for sustainable groundwater management.

- Increase groundwater storage and remove impediments to recharge.
- Manage groundwater basins through the actions of locally-formed GSAs.

The Initiative as written will reduce and/or eliminate some of the powers granted to GSAs under SGMA. It will limit the coordinated and planned use and management of both surface water and groundwater resources to maximize the reliability of water supplies to meet the various management objectives required by SGMA (i.e. Conjunctive Management). It will have a significant financial burden on the GSAs who likely will become charged with needing to perform annual safe yield computations.

ATTACHMENTS:

- A. Groundwater Protection Ordinance Initiative
- B. Title 8, Chapter 8.95, Exportation of Groundwater

ATTACHMENT A

SAN LUIS OBISPO COUNTY GROUNDWATER PROTECTION ORDINANCE

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

AN INITIATIVE MEASURE TO APPROVE THE SAN LUIS OBISPO COUNTY GROUNDWATER PROTECTION ORDINANCE, ADDING TO TITLE 8 OF THE COUNTY CODE, CHAPTER 8.96 RELATING TO GROUNDWATER PROTECTION WITHIN THE COUNTY OF SAN LUIS OBISPO

The purpose of this initiative measure (hereafter “the measure”) is to amend Title 8 (governing Health and Sanitation) of the San Luis Obispo County Code to add Chapter 8.96 to provide for the protection of the long-term viability and sustainability of groundwater within the County of San Luis Obispo. In 2014, the California Legislature enacted the Sustainable Groundwater Management Act (Cal. Wat. Code, § 10720 et seq. [hereafter “the Act”]), which provides a statutory scheme for sustainable management of groundwater basins. There are multiple groundwater basins and sub-basins within the County of San Luis Obispo, which are defined in Bulletin 118 issued by the California Department of Water Resources (“DWR”). The Act provides for the creation of local groundwater sustainability agencies (GSAs) with authority to establish “groundwater sustainability plans” for those basins designated by the DWR as medium to high priority basins. (Cal. Wat. Code, § 10720.7.) In accordance with the Act, the DWR has issued regulations providing for interim milestones in increments of five years with the goal of achieving groundwater sustainability within twenty years. (Cal. Code Regs, tit. 28, § 354.30.) Under the Act, any local public agency or combination of local public agencies overlying a groundwater basin may form a GSA. (Cal. Wat. Code, § 10723.) Several GSAs have been formed within the county with authority to assess the conditions of their respective basins and adopt groundwater sustainability plans to provide for long-term groundwater sustainability. This measure seeks to proscribe certain activities that may inhibit or impede the Act’s purpose of providing for long-term viability and sustainability of all groundwater within the county. To this end, the measure prohibits the pumping of groundwater from any basin for export outside the County of San Luis Obispo, and prohibits the pumping of groundwater for export, transfer, or use outside of the boundaries of any basin, unless exempt under Chapter 8.95 of the County Code. It defines “groundwater” to include any water that is “percolated, infiltrated, stored, recharged, or otherwise placed into the ground water basin (including banked surface water).” In this regard, the measure provides a more restrictive definition of “groundwater” than is presently defined in Chapter 8.95 of the County Code. The measure mandates that every basin within the county be managed in a manner that maintains the “safe yield” of the basin. “Safe yield” is defined as “... the amount of groundwater that may be pumped annually that does not exceed the annual replenishment or recharge, either natural or artificial, of the basin.” The measure prohibits any public agency within the County of San Luis Obispo from granting or approving any permit for any project that authorizes, facilitates, or enables the export of groundwater outside of the county. The measure authorizes the County Public Works Director, upon written notice to a permit holder and only with good cause and at a reasonable time, to enter any and all places, property, enclosures and structures for the purpose of making examinations and investigations to determine whether any provision of the measure or an approved permit is being violated. The measure provides for civil enforcement and penalties of up to \$5,000 for each separate violation of the measure.

/s/ Timothy McNulty

Timothy McNulty, Assistant County Counsel

TO THE HONORABLE CLERK OF THE COUNTY OF SAN LUIS OBISPO:

We, the undersigned, registered, qualified voters of California, residents of the County of San Luis Obispo, hereby propose an ordinance relating to furtherance of the equitable management of San Luis Obispo County groundwater for the benefit of the citizens of San Luis Obispo County, and petition you to submit this initiative to the Board of Supervisors to be submitted immediately to the voters of the County of San Luis Obispo at the November 2018 general election or the earliest regular county election for which it qualifies following its qualification. The proposed ordinance reads as follows:

Be it ordained by the People of the County of San Luis Obispo County:

SAN LUIS OBISPO COUNTY GROUNDWATER PROTECTION ORDINANCE

SECTION 1. Title

This measure shall be known and may be cited as the **San Luis Obispo County Groundwater Protection Ordinance**, adding Section 8.96 to Title 8, (Health and Sanitation) of the San Luis Obispo County Code.

SECTION 2. Background

A. Within San Luis Obispo County there are multiple Groundwater Basins and Sub-basins. The basins range in size and capacity from modest to exceptionally large. One groundwater basin, the Salinas Valley Groundwater Basin, (Basin 3-04.06), extends from an area north of Highway 58 in San Luis Obispo County into Monterey County terminating in the general area of San Ardo. This basin is one of the largest vertical aquifers in the western United States and overlies 505,000 acres or 790 square miles. The portion of the basin within San Luis Obispo County is generally identified as the "Paso Robles Area Sub-basin" or the "Paso Robles Basin". Properly preserving the sustainability of each of the groundwater Basins located within San Luis Obispo County is critical to insuring adequate groundwater resources for San Luis Obispo County citizens in the future.

B. Local Groundwater Basin boundaries are defined by the California Department of Water Resources Bulletin 118 updated in 2016. The Basin Boundaries were derived primarily by identifying alluvial sediments on geological maps.

C. Sustainability Groundwater Management Act – (SGMA) – In 2014 the California Legislature passed and the Governor signed the SGMA and Related Statutory Provisions from SB1168 (Pavley), AB1739 (Dickinson), and SB1319 (Pavley). The SGMA is codified at Part 2.74 of Division 6 of the California Water Code, Section 10720 et seq. The SGMA is a comprehensive California law that sets forth the framework for statewide, long term sustainable groundwater management by local authorities. For groundwater basins that the California Department of Water Resources (DWR) has designated as medium or high priority, the law requires the formation of Groundwater Sustainability Agencies (GSAs) tasked with assessing the condition of their local basin and adopting local management plans or "Groundwater Sustainability Plans" (GSPs). Calif. Water Code, Sections 10727-10727.8. It provides for limited state intervention when a GSA is not formed and/or fails to create a plan and implement planned actions that will result in groundwater sustainability within twenty years.

D. Groundwater Sustainability Agency – (GSA) – Any local public agency or combination of local public agencies overlying a groundwater basin which has water supply, water management or land use responsibilities, may form a GSA. Calif. Water Code, section 10723. The law requires that GSAs be formed by June 30, 2017. Calif. Water Code, sections 10723.8 and 10724(b)(2). Five GSAs covering the Paso Robles Area Basin, geographically within San Luis Obispo County, have been formed, which are: the County of San Luis Obispo (for the unincorporated area of the basin and not represented by a Water District or Community Services District), the city of Paso Robles, the San Miguel Community Services District, the Heritage Ranch Community Services District, and the Shandon-San Juan Water District.

E. Groundwater Sustainability Plan – (GSP) – Where multiple GSAs exist over a basin the GSAs are tasked to work together, under a Memorandum of Agreement, in the development and preparation of a Groundwater Sustainability Plan (GSP) as required by the SGMA. Calif. Water Code, section 10723. The California Department of Water Resources (DWR) has issued regulations, as required by the SGMA, defining the required content for GSPs, including elements such as basin conditions, water budget, minimum thresholds, measurable objectives, monitoring network, and interim five-year milestones to achieve sustainability within twenty years of GSP adoption. A GSP for the Paso Robles Area (Basin 3-04.06) must be filed with the DWR by January 31, 2020. Calif. Water Code, section 10720.7(a)(1).

F. Water Districts – Two Water Districts have been formed over a portion of the Paso Robles Basin, namely: the Shandon-San Juan Water District and the Estrella-El Pomar-Creston Water District. The Shandon-San Juan Water District qualified to become a GSA before the SGMA deadline while the Estrella-El Pomar-Creston Water District did not. Some landowners within these districts own large acreage, on which are large capacity wells. Rather than serving as water agencies for the purpose of managing and delivering water to district customers, the apparent principal interest of these landowners in the ownership of these properties, is the control of water resources by private water districts for the sale and/or export of water outside the districts and potentially outside of San Luis Obispo County.

G. Water Banking is a means by which private interests gain control of water and profit from that water. Water banking involves a variety of activities whereby water or water rights are acquired. If "wet water" is received it is stored in either surface ponds or within a groundwater basin. The stored water or water rights are then generally sold or exchanged generating profits. Typically, water banking operations are conducted by private interests or water districts which can lead to the "privatization" of a groundwater basin or aquifer.

H. The SGMA requires all groundwater basins to achieve "sustainability" within twenty years with the measurement of progress toward sustainability every five years following the approval of a Groundwater Sustainability Plan. Calif. Water Code, section 10727.2(b). This extended period for the achievement of a basin's "sustainability" can give a GSA an opportunity to "backload" the requirements necessary for actually achieving sustainability. This also allows a significant window of time for private water district GSAs to prioritize profits over sustainability.

SECTION 3. Section 8.96, is added to Title 8 (Health and Sanitation) of the San Luis Obispo County Code, to read as follows:

Section 8.96 GROUNDWATER PROTECTION

Section 8.96.010 Purpose and Intent

The People of San Luis Obispo County hereby declare their purpose and intent in enacting this ordinance to be, to protect the long-term viability and sustainability of all groundwater within San Luis Obispo County.

Section 8.96.020 Definitions

A. Basin. Basin shall have the same meaning as in California Water Code Section 10721, and includes all basins and sub-basins wholly within or partially within San Luis Obispo County.

B. Groundwater. Notwithstanding the definition in Section 8.95.020 (9) of Title 8 (Health and Sanitation) of the San Luis Obispo County Code, Groundwater means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, and includes any water that is percolated, infiltrated, stored, recharged, or otherwise placed into the groundwater basin (including banked surface water), but does not include water that flows in known and definite channels.

C. Groundwater Bank. Groundwater Bank means any facility used for the storage of surface water in a Basin.

D. Safe Yield. Safe Yield means the amount of groundwater that may be pumped annually that does not exceed the annual replenishment or recharge, either natural or artificial, of the Basin. The Safe Yield of each Basin within San Luis Obispo County shall be determined annually.

Section 8.96.030. Protection of Groundwater

A. Notwithstanding any provision of the San Luis Obispo County Code, and specifically any provision of Chapter 8.95 of Title 8 (Health and Sanitation) thereof, no Groundwater shall be pumped from any Basin for export outside of San Luis Obispo County or for transitional storage leading ultimately to export outside of San Luis Obispo County.

B. Notwithstanding any provision of the San Luis Obispo County Code, and specifically any provision of Chapter 8.95 of Title 8 (Health and Sanitation) thereof, no Groundwater shall be pumped from any Basin for export, transfer, or use outside of the boundaries of that Basin, unless exempt under Section 8.95.040 of Chapter 8.95 of Title 8 thereof.

C. Each Basin shall be managed in a sustainable manner wherein groundwater shall not be withdrawn, pumped, or otherwise removed in a manner that exceeds the safe yield of the Basin.

D. Notwithstanding any provision of the San Luis Obispo County Code, and specifically Chapter 8.95 of Title 8 (Health and Sanitation) thereof, no permits or approvals shall be granted by San Luis Obispo County, or any of its divisions or agencies, or by any other public agency within San Luis Obispo County, for any project that authorizes, facilitates, or enables the export of groundwater outside of San Luis Obispo County.

E. All Groundwater within San Luis Obispo County shall be considered as and shall remain a public trust resource, owned by all residents of San Luis Obispo County.

Section 8.96.040. Inspection

After providing written notice to the permit holder, the County Director of Public Works or designee, with good cause may at any reasonable time enter any and all places, property, enclosures and structures, for the purpose of making examinations and investigations to determine whether any provision of this chapter or an approved permit is being violated.

Section 8.96.050. Notice of violation

Upon receiving knowledge of an alleged violation of this chapter, the county will provide written notice of the alleged violation to the violating party. The notice shall detail the alleged violation and require the violating party to cease and desist immediately upon receipt of such notice from the alleged violating activities or within five working days prove to the county, by meetings with the director or his or her designee, that the alleged violating activities, in fact, do not violate this chapter, or that there are mitigating reasons surrounding the alleged violating activities. No civil fines, as set forth in Section 8.96.060 shall accrue during the notice process. The notice shall also include details of the potential penalties for violations of this chapter.

Section 8.96.060. Penalty for violation

If within five working days, after receipt of a notice issued in accordance with Section 8.96.050, the violating party has not complied with Section 8.96.030, the county may elect to proceed with any or all of the following remedies for violation of this chapter:

(1) A civil action against the violator, including injunctive relief;

(2) A civil action against the violator, including a fine of up to five thousand dollars for each separate violation. A person or entity shall be deemed to have committed a separate violation for each and every day or portion thereof during which each and every violation is committed, continued or permitted, as well as for each and every groundwater well within which any such violations are committed, continued or permitted.

SECTION 4. Liberal Construction

This Ordinance is an exercise of the public power of the people of San Luis Obispo County for the protection of their health, safety, and welfare, and shall be liberally construed to effectuate its purposes.

SECTION 5. Severability

If any sections, subsections, sentence, clause, phrase, or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective Date

This Ordinance shall become effective the day after its approval by the voters.

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate a petition within San Luis Obispo County for the purpose of placing an initiative measure on the ballot. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

Properly preserving the sustainability of each of the groundwater basins within San Luis Obispo County is critical to ensuring adequate groundwater resources for San Luis Obispo County citizens. The Paso Robles groundwater basin is one of the largest groundwater basins in the western United States. Special interests have identified this groundwater basin for manipulation and an opportunity for generating private profits. The Initiative petition protects all groundwater basins in San Luis Obispo County by providing that "no groundwater shall be pumped from any basin for export, transfer, or use outside of the boundaries of that basin or outside of the boundaries of San Luis Obispo County.

Petition Proponents:

/s/ Gregory T. Grewal
Gregory T. Grewal
8080 Webster
Creston, CA 93432

/s/ Frederick C. Hoey
Frederick C. Hoey
4945 Creston Valley Rd.
Paso Robles, CA 93446

/s/ Andrea H. Seastrand
Andrea H. Seastrand
851 N. Fifth Street
Grover Beach, CA 93433

Please Note

Only voters registered in San Luis Obispo County may sign this Petition.

Sign this petition using the full name under which you are registered.

Signers must include their street addresses and city as indicated

Please staple & deliver signed petitions to one of the addresses on the Web or Facebook pages from which you downloaded the petition or mail to SLO Groundwater Protection, P. O. Box 1731, Atascadero, CA 93423

The Declaration of Circulator must be completed.

DECLARATION OF CIRCULATOR: (To be handwritten by the circulator after signatures have been obtained)

I, _____, am 18 years of age or older. I reside at the following address:

(printed name)

(residence address, including street and number, city, state and zip)

I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition section is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____.

(month, day, year)

(month, day, year)

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed _____ of _____, at _____, CA. SIGNATURE: _____

(month, day)

(year)

(city)

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

AN INITIATIVE MEASURE TO APPROVE THE SAN LUIS OBISPO COUNTY GROUNDWATER PROTECTION ORDINANCE, ADDING TO TITLE 8 OF THE COUNTY CODE, CHAPTER 8.96 RELATING TO GROUNDWATER PROTECTION WITHIN THE COUNTY OF SAN LUIS OBISPO

The purpose of this initiative measure (hereafter “the measure”) is to amend Title 8 (governing Health and Sanitation) of the San Luis Obispo County Code to add Chapter 8.96 to provide for the protection of the long-term viability and sustainability of groundwater within the County of San Luis Obispo. In 2014, the California Legislature enacted the Sustainable Groundwater Management Act (Cal. Wat. Code, § 10720 et seq. [hereafter “the Act”]), which provides a statutory scheme for sustainable management of groundwater basins. There are multiple groundwater basins and sub-basins within the County of San Luis Obispo, which are defined in Bulletin 118 issued by the California Department of Water Resources (“DWR”). The Act provides for the creation of local groundwater sustainability agencies (GSAs) with authority to establish “groundwater sustainability plans” for those basins designated by the DWR as medium to high priority basins. (Cal. Wat. Code, § 10720.7.) In accordance with the Act, the DWR has issued regulations providing for interim milestones in increments of five years with the goal of achieving groundwater sustainability within twenty years. (Cal. Code Regs, tit. 28, § 354.30.) Under the Act, any local public agency or combination of local public agencies overlying a groundwater basin may form a GSA. (Cal. Wat. Code, § 10723.) Several GSAs have been formed within the county with authority to assess the conditions of their respective basins and adopt groundwater sustainability plans to provide for long-term groundwater sustainability. This measure seeks to proscribe certain activities that may inhibit or impede the Act’s purpose of providing for long-term viability and sustainability of all groundwater within the county. To this end, the measure prohibits the pumping of groundwater from any basin for export outside the County of San Luis Obispo, and prohibits the pumping of groundwater for export, transfer, or use outside of the boundaries of any basin, unless exempt under Chapter 8.95 of the County Code. It defines “groundwater” to include any water that is “percolated, infiltrated, stored, recharged, or otherwise placed into the ground water basin (including banked surface water).” In this regard, the measure provides a more restrictive definition of “groundwater” than is presently defined in Chapter 8.95 of the County Code. The measure mandates that every basin within the county be managed in a manner that maintains the “safe yield” of the basin. “Safe yield” is defined as “. . . the amount of groundwater that may be pumped annually that does not exceed the annual replenishment or recharge, either natural or artificial, of the basin.” The measure prohibits any public agency within the County of San Luis Obispo from granting or approving any permit for any project that authorizes, facilitates, or enables the export of groundwater outside of the county. The measure authorizes the County Public Works Director, upon written notice to a permit holder and only with good cause and at a reasonable time, to enter any and all places, property, enclosures and structures for the purpose of making examinations and investigations to determine whether any provision of the measure or an approved permit is being violated. The measure provides for civil enforcement and penalties of up to \$5,000 for each separate violation of the measure.

/s/ Timothy McNulty

Timothy McNulty, Assistant County Counsel

NOTICE TO THE PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK

All signers of this petition must be registered to vote in San Luis Obispo County.			This column for official use
1.	Print your Name: Signature as Registered to Vote:	Residence Address ONLY: City: zip	
2.	Print your Your Name: Signature as Registered to Vote:	Residence Address ONLY: City zip	

ATTACHMENT B

SAN LUIS OBISPO COUNTY CODE
TITLE 8, CHAPTER 8.95 – EXPORTATION OF GROUNDWATER

Chapter 8.95 - EXPORTATION OF GROUNDWATER

Sections:

8.95.010 - Findings and declarations.

The board finds and declares as follows:

- (1) The groundwater underlying the county has historically provided the people and lands of the county with water for agricultural, domestic, municipal and other purposes.
- (2) According to the 2014 San Luis Obispo Integrated Regional Water Management Plan, approximately fifty-seven percent of all domestic water supply needs within the county are met by the use of groundwater.
- (3) The primary industry in the county is agriculture, and the gross value of all agricultural crops produced in the county was estimated at \$960,710,000 in 2013. Nearly all irrigated agricultural crops within the county are irrigated with groundwater.
- (4) According to Bulletin 118, the following twenty-two groundwater basins (or portions thereof) underlie the county: the Paso Robles Area Groundwater Basin, the Cholame Valley Groundwater Basin, the Los Osos Valley Groundwater Basin, the San Luis Obispo Valley Groundwater Basin, the Santa Maria River Valley Groundwater Basin, the Cuyama Valley Groundwater Basin, the Carrizo Plain Groundwater Basin, the San Carpoforo Valley Groundwater Basin, the Arroyo de La Cruz Valley Groundwater Basin, the San Simeon Valley Groundwater Basin, the Santa Rosa Valley Groundwater Basin, the Villa Valley Groundwater Basin, the Cayucos Valley Groundwater Basin, the Old Valley Groundwater Basin, the Toro Valley Groundwater Basin, the Morro Valley Groundwater Basin, the Chorro Valley Groundwater Basin, the Rinconada Valley Groundwater Basin, the Pozo Valley Groundwater Basin, the Huasna Valley Groundwater Basin, the Rafael Valley Groundwater Basin and the Big Spring Area Groundwater Basin.
- (5) As part of the California Statewide Groundwater Elevation Monitoring Program, set forth in California Water Code Section 10920 et seq., the California Department of Water Resources identified a number of groundwater basins within the county as high or medium priority basins in 2014, including the Paso

Robles Area Groundwater Basin, the Los Osos Valley Groundwater Basin, the Santa Maria River Valley Groundwater Basin, the San Luis Obispo Valley Groundwater Basin and the Cuyama Valley Groundwater Basin.

- (6) As part of the county's Resource Management System, set forth in Chapter 3 of the San Luis Obispo County Land Use Ordinance—Framework for Planning, the board has determined that a Level of Severity III exists for water resources within (or within portions of) the Paso Robles Valley Groundwater Basin, the Los Osos Valley Groundwater Basin and the Santa Maria River Valley Groundwater Basin. A Level of Severity III is the highest level of alert and occurs when resource use exceeds the capacity of the resource.
- (7) Two groundwater basins (or portions thereof) within the county, including the Santa Maria River Valley Groundwater Basin and the Los Osos Valley Groundwater Basin, have been or are in the process of being adjudicated.
- (8) According to the 2012 San Luis Obispo County Master Water Report, the county is subject to cyclical droughts, declining groundwater levels, degradation of groundwater quality and a limited availability of surface water supplies.
- (9) Areas of the county have access to limited groundwater supplies.
 - (10) Areas of the county are entirely dependent on groundwater.
 - (11) During dry months and extended drought conditions, some communities within the county are left with insufficient water supplies for outdoor irrigation and fire flow protection.
- (12) The U.S. Department of Agriculture, the Governor of California, and the board have recognized the detrimental impact of drought conditions on the county. On January 15, 2014, the U.S. Department of Agriculture designated twenty-seven counties in California, including the county, as primary natural disaster areas due to the recent drought, and on January 17, 2014, the Governor of California declared that a state of emergency exists in the State of California due to current drought conditions. On March 11, 2014, the board passed Resolution No. 2014-65, proclaiming that water supplies necessary to provide public and private drinking water supplies are threatened due to decreasing supplies of groundwater and other sources and that "a condition of disaster or of extreme peril to the safety of persons and property" exists within the entire county due to drought conditions.

- (13) The groundwater of the county will be a vital part of future water use in the county. According to the 2011 San Luis Obispo County 2040 Population, Housing & Employment Forecast, the population of the county is projected to increase approximately twenty percent between 2010 and 2040, under the medium-growth scenario.
- (14) The board recognizes the principle developed in the case law of California that water may be appropriated from a groundwater basin if the groundwater basin is in a surplus condition and such appropriation would not impair the reasonable and beneficial use of overlying users.
- (15) California courts have recognized and upheld the authority of counties, through their police powers, to regulate the use of groundwater.
- (16) In the statewide groundwater legislation approved by the governor on September 16, 2014, commonly referred to as the Sustainable Groundwater Management Act, the State Legislature declared its intent to recognize and preserve the authority of counties to manage groundwater pursuant to their police powers.
- (17) The export of groundwater could have significant environmental impacts on groundwater resources within the county, including but not limited to (increased) lowering of groundwater levels; uncontrolled movement of contaminated groundwater; uncontrolled movement of inferior quality groundwater; (increased) seawater intrusion and land subsidence.
- (18) Based on the foregoing facts, it is essential for the protection of the health, welfare, and safety of the residents of the county, and the public benefit of the state, that immediate action be taken to ensure that the groundwater resources of the county be protected from harm resulting from the exportation of groundwater.
- (19) This chapter requires a permit for the export of groundwater and is not intended to regulate groundwater in any other way.
- (20) In adopting and codifying this chapter, the board does not intend to limit other authorized means of managing the county's groundwater and intends to work with other affected local agencies to develop groundwater sustainability plans to implement prudent water management practices within the groundwater basins within the county.

(Ord. No. 3295, § 1, 4-14-15)

8.95.020 - Definitions.

As used in this chapter:

- (1) "Board" means the board of supervisors of the county of San Luis Obispo.
- (2) "Bulletin 118" means the California Department of Water Resources' report entitled "California's Groundwater: Bulletin 118" updated in 2003 and as it may be subsequently updated and revised.
- (3) "County" means the County of San Luis Obispo.
- (4) "Contiguous parcels" means parcels which abut, adjoin or otherwise touch each other at more than one point along a common boundary or which would do so except for separation by a strip of land over which some person or entity, other than the owner of the parcels, has some property interest, including fee title or some lesser interest, such as a leasehold or easement. Examples of such strips of land include, but are not limited to, roads, streets, utility easements, railroad rights-of-way, canals and drainage channels.
- (5) "Department" means the county department of public works and transportation.
- (6) "Director" means the county director of public works and transportation or his or her designee.
- (7) "Contaminated groundwater" means groundwater that has been altered by waste, seawater intrusion or other material to a degree which creates a hazard to the public health through actual or potential poisoning or through actual or potential spreading of disease.
- (8) "Export" means the extraction of groundwater underlying the county for use outside the boundaries of the groundwater basin from which the groundwater is derived, or for use outside of the county.
- (9) "Groundwater" means water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water but does not include water that flows in known and definite channels.
- (10) "Groundwater basin" means a groundwater basin or subbasin identified and

defined in Bulletin 118 or as modified pursuant to Water Code Section 10722 et seq.

- (11) "Historical practice" means the consistent or predominant practice within seven years preceding the effective date of this chapter.
- (12) "Local water agency" means any single local public agency, mutual water company, non-profit tax exempt incorporated association or water corporation regulated by the public utilities commission within, or partially within, the county which is a purveyor of waters for agricultural, domestic or municipal use. For purposes of the exemption set forth in Section 8.95.040(3), "local water agency" shall not include a collection of two or more local water agencies that form a joint powers agency pursuant to Government Code Section 6500 et seq. or that form a groundwater sustainability agency pursuant to Water Code Section 10723 et seq.
- (13) "Person" means any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, or local public agency, including any city, county, city and county, district or joint powers authority.
- (14) "Recharge" means flow to groundwater storage from precipitation, irrigation, infiltration from streams, spreading basins and other sources of water.
- (15) "Site" means any lot or parcel of land or contiguous combination thereof having the same owner, the same lessee or the same controlling entity in existence on the effective date of this chapter.
- (16) "Usable storage capacity" means the quantity of groundwater of acceptable quality that can be economically withdrawn from storage.
- (17) "Water year" means the year beginning January 1 and ending December 31.

(Ord. No. 3295, § 1, 4-14-15)

8.95.030 - Permit required for exportation of groundwater.

Unless otherwise exempt, no person shall export groundwater underlying the county without first obtaining a permit as provided in this chapter.

(Ord. No. 3295, § 1, 4-14-15)

8.95.040 - Exemptions.

This chapter shall not apply to the export of groundwater in the following circumstances:

- (1) To prevent the flood of lands;
 - (2) To prevent the saturation of the root zone for agricultural land;
- (3) Movement of groundwater within the boundaries or service area of a single local water agency;
- (4) Movement of groundwater consistent with historical practice within a parcel or between contiguous parcels having the same owner, the same lessee or the same controlling entity in existence on the effective date of this chapter;
- (5) Movement of contaminated groundwater required by compliance orders issued by local, state or federal agencies that is pumped and treated to remove contaminants that are in violation of the standards for beneficial use. The extracted and treated water may be exported without a permit if the release complies with discharge permits issued by the local, state or federal resource agencies.
- (6) Exportation of not more than one-half acre foot of water per water year from a site.

(Ord. No. 3295, § 1, 4-14-15)

8.95.050 - Application for an export permit.

- (a) An application for an export permit shall be filed with the department on a form specified by the director, which shall include all information specifically requested thereon and other information required by the director to address specific aspects of the proposed groundwater export. Information to support the findings listed in Section 8.95.070 must be provided in order for the director to deem the application complete. Concurrently, the applicant shall consent to the commencement and financing of appropriate environmental review as may be required under the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.) and applicable guidelines. The application for an export permit and required environmental review shall be accompanied by the deposit of fees for these purposes, as established by board resolution.

(Ord. No. 3295, § 1, 4-14-15)

8.95.060 - Procedures for processing.

- (a) Within thirty calendar days of filing the export permit application and the deposit of required fees, and determination by the director that the application is complete, the director shall post a notice on the department's website that an application has been filed. The director shall send a copy of the application to all local water agencies which own or include land overlying or immediately adjacent to the location of the proposed export and to any relevant advisory committees to the board, including, without limitation, the water resources advisory committee and the Paso Robles Basin Advisory Committee, with a request for comment on the application. A notice to any interested party who has made written request to the director for such notice within the last twelve calendar months shall also be sent. Such notice shall provide recipients the opportunity to submit written comments on the application. Notice of the application and the opportunity to provide written comments shall also be included on the board's agenda.
- (b) As determined in the judgment of the director, the director shall review the application with potentially affected county departments, with the staff of applicable state and federal agencies, with local water agencies and with any potentially affected party. In reviewing the application, the director shall consider any relevant groundwater management plan, including, without limitation, any groundwater management plan adopted pursuant to California Water Code Section 10750 et seq. or Section 10720 et seq., or any other relevant information provided by the applicant.
- (c) Upon completion of the environmental review and export permit application review process, a public hearing before the director on the export permit application shall be noticed and conducted as follows:
 - (1) Notice of Hearing. Notice of public hearing shall be given as provided in Government Code Section 65090 and 65091, except as follows:
 - a. Content of Notice. In addition to the information required by Government Code Section 65094, the notice shall declare that the application will be acted on without a public hearing if no request for a hearing is made in compliance with subsection (c)(2) of this Section 8.95.060.
 - b. Method of Notice Distribution. Notice of public hearings shall be given as provided by Government Code Section 65090 and 65091.
 - c. Additional Notice Provided. The public notice shall include mailed notice to all owners of property located within a one mile radius of the exterior

boundaries of the site from which the export is to occur.

- (2) Public Hearing. A public hearing on an export permit shall occur only when a hearing is requested by the applicant or other interested person(s). This request shall be made in writing to the director no later than seven days after the date of the public notice provided in compliance with subsection (c)(1) of this Section 8.95.060. In the event that a public hearing is required, the export permit application shall be scheduled for a hearing on the date and time as defined in the public notice. Any person may provide written comments relevant to the impact of the exportation of groundwater on the groundwater resources within the county. The hearing shall be conducted under such rules as set by the director.
- (3) Final Decisions on Export Permit Applications. After the conclusion of public testimony in the case of a public hearing, or after the time period within which a hearing may be requested under subsection (c)(2) of this Section 8.95.060 if no hearing is requested, the director shall:
 - a. Announce his or her decision on the export permit application;
 - b. Announce that his or her decision is final unless appealed pursuant to subsection (d) of this Section 8.95.060.

Notwithstanding the foregoing, the director may continue the hearing to a date certain to provide additional time to evaluate information obtained at the hearing prior to a final decision.

- (d) The director's decision may be appealed to the board consistent with Section 8.95.100.
- (e) Notice of the director's decision shall be mailed within five calendar days of final action to the person that has applied for the permit, any person who requested a hearing, and all other persons or entities referred to in Section 8.95.060(a).

(Ord. No. 3295, § 1, 4-14-15)

8.95.070 - Findings required for export permit approval.

- (a) An export permit shall be approved only if the director finds that the proposed export will not cause or contribute to significant detrimental impacts to groundwater resources within the county or on the groundwater basin from which the groundwater is exported by finding that:

- (1) The proposed export will not adversely affect the long-term ability for storage or transmission of groundwater within the groundwater basin from which the groundwater is exported;
- (2) The proposed export will not (together with other extractions) result in chronic lowering of groundwater levels and will not result in well interference with wells owned or relied upon by others or create a cone of depression that extends beyond the applicant's land or otherwise operate to the injury of the reasonable and beneficial uses of overlying groundwater users;
- (3) The proposed export will not result in, expand or significantly exacerbate groundwater quality degradation;
- (4) The proposed export will not result in injury to a water replenishment or recharge, storage, restoration or conveyance project;
- (5) The proposed export will not result in, expand or significantly exacerbate land subsidence;
- (6) The proposed export will not result in, expand, or significantly exacerbate seawater intrusion;
- (7) The proposed export will not result in, expand, or significantly exacerbate depletions of interconnected surface water; and
- (8) The proposed export will not otherwise be detrimental to the environment or to the health, safety and welfare of property owners overlying or in the vicinity of the proposed exportation site.

(Ord. No. 3295, § 1, 4-14-15)

8.95.080 - Conditions of export permit approval.

If the export permit is to be approved, the director shall impose appropriate conditions of permit issuance so as to prohibit and prevent any significant detrimental impacts to groundwater resources within the county described in Section 8.95.070 or other adverse conditions and may impose other conditions that the director deems necessary to promote or maintain the health, safety and welfare of the people of the county. The director shall incorporate into each export permit a monitoring and/or reporting program. The monitoring and/or reporting program shall be of such scope and extent as the director finds to be necessary to ensure that the proposed export will not cause or contribute to any significant detrimental impacts on groundwater resources within the county. Such a monitoring and/or reporting program may include, but shall not be limited to, amounts of groundwater pumped, monitoring of wells, monitoring of groundwater levels and

monitoring of vegetation and wildlife.

(Ord. No. 3295, § 1, 4-14-15)

8.95.090 - Reapplication after director denial.

Reapplication for an export permit which has been denied by the director may not be filed with the director until the following water year and must be accompanied with information that demonstrates a significant change in circumstances from those which caused the denial of the previous export permit application.

(Ord. No. 3295, § 1, 4-14-15)

8.95.100 - Appeal of director action.

- (a) The applicant or any interested party may appeal a decision of the director by filing a written request with the clerk of the board within fifteen days of issuance of the director's decision. Any such appeal shall specifically set forth the procedural and substantive reasons for the appeal or be deemed incomplete and ineffectual. The clerk shall set a board hearing within thirty days of receipt of a complete request for appeal which shall be heard within ninety days of notice thereof. Written notice of appeal shall be given to the director, the permit applicant, the appellant, and all other parties identified in Section 8.95.060(a), and the appeal hearing shall be published pursuant to Government Code Section 6061.
- (b) The board shall hear the appeal de novo except where the appeal is confined to a condition imposed by the director in which event the hearing and the decision of the board shall relate only to such condition. The appeal before the board shall be conducted under such rules as set by the board. At its discretion, the board may impose conditions for approval as it finds necessary to protect the interests of the county and its citizens. The decision of the board shall be final.

(Ord. No. 3295, § 1, 4-14-15)

8.95.110 - Review of export permit.

The permit granted pursuant to this chapter shall be subject to periodic staff review in consultation with the permittee. In the event that the department determines that a material violation of the conditions of the permit has occurred, the permittee shall immediately bring itself into compliance. A determination of violation shall be in writing and include specific findings in

support of the decision. A determination of violation may be appealed to the board by the permittee using the appeal process as described in Section 8.95.100.

(Ord. No. 3295, § 1, 4-14-15)

8.95.120 - Export permit term.

Approved permits shall be valid for a term, as determined by the director, not to exceed one year from the date of issuance of the export permit. If a permittee presents information demonstrating that there has been no significant change in circumstances from those which caused the approval of the previous export permit application, the export permit may be renewed by the director for a term, as determined by the director, not to exceed one year from the date of issuance of the renewed export permit. The permittee shall submit the written request for the renewal to the director at least ninety days prior to the export permit expiration date along with information as requested by the director and with the deposit of fees for these purposes, as established by board resolution. The director shall consider the request for renewal in accordance with the procedures set forth in Sections 8.95.050 through 8.95.080. The permittee or any interested party may appeal the decision of the director in the manner described in Section 8.95.100. The director may renew a permit an unlimited number of times following the procedures contained herein for each renewal.

(Ord. No. 3295, § 1, 4-14-15)

8.95.130 - Inspection.

After providing written notice to the permittee, the director or designee, with good cause may at any reasonable time enter any and all places, property, enclosures and structures, for the purpose of making examinations and investigations to determine whether any provision of this chapter or an approved permit is being violated.

(Ord. No. 3295, § 1, 4-14-15)

8.95.140 - Notice of violation.

Upon receiving knowledge of an alleged violation of this chapter, the county will provide written notice of the alleged violation to the violating party. The notice shall detail the alleged violation and require the violating party to cease and desist immediately upon receipt of such notice from the alleged violating activities or within five working days prove to the county, by meeting with the director or his or her designee, that the alleged violating activities, in fact, do not violate this

chapter, or that there are mitigating reasons surrounding the alleged violating activities. No civil fines, as set forth in Section 8.95.150, shall accrue during the notice process. The notice shall also include details of the potential penalties for violations of this chapter.

(Ord. No. 3295, § 1, 4-14-15)

8.95.150 - Penalty for violation.

If, within five working days, after receipt of a notice issued in accordance with Section 8.95.140, the violating party has not complied with Section 8.95.140, the county may elect to proceed with any or all of the following remedies for violation of this chapter:

- (1) A civil action against the violator, including injunctive relief;
- (2) A civil action against the violator, including a fine of up to five thousand dollars for each separate violation. A person or entity shall be deemed to have committed a separate violation for each and every day or portion thereof during which any such violation is committed, continued or permitted as well as for each and every separate groundwater well within which any such violations are committed, continued or permitted.

(Ord. No. 3295, § 1, 4-14-15)

8.95.160 - Limitation of permit.

Nothing contained in this chapter or in the conditions of an issued permit shall be construed as giving the permittee an exclusive right to groundwater extraction. Any issued permit shall not exempt, supersede or replace any requirements of federal, state, and local laws and regulations, including but not limited to California Water Code Section 10720 et seq., California Water Code Section 1200 et seq. and Chapter 8.40 of the County Code of Ordinances.

(Ord. No. 3295, § 1, 4-14-15)

8.95.170 - Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such

decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

(Ord. No. 3295, § 1, 4-14-15)

*ATASCADERO BASIN
GROUNDWATER SUSTAINABILITY AGENCY
April 4, 2018*

AGENDA ITEM 7.b:

Sustainable Groundwater Management Act Compliance Activities Update

PREPARED BY:

John Neil, Atascadero Mutual Water Company

STAFF RECOMMENDATION:

Informational item

DISCUSSION:

At its meeting on January 3, 2018, the Executive Committee directed staff to return with a summary of Sustainable Groundwater Management Act (SGMA) compliance activities that have occurred and will be occurring in the Atascadero Basin for the development of a Groundwater Sustainability Plan.

Table 1 provides milestone events that have occurred since the adoption of SGMA. There is still no word from the Department of Water Resources (DWR) on the re-prioritization of groundwater conditions in the Atascadero Basin. The DWR currently considers the basin to be high-priority, but it is not considered to be in critical overdraft.

Table 1 SGMA compliance activities in the Atascadero Basin	
Feb 2018	DWR recommends \$809,250 in Proposition 1 grant funding for preparation of a Groundwater Sustainability Plan (GSP) for the Atascadero Basin
Jan 2018	Atascadero Basin Groundwater Sustainability Agency (Atascadero Basin GSA) submits a Notice of Intent to the DWR to prepare a GSP
Nov 2017	Atascadero Basin GSA submits a Proposition 1 grant application to the DWR for preparation of a GSP
Apr 2017	Atascadero Basin GSA is formed under a Memorandum of Agreement
Dec 2016	SLOCO Flood Control and Water Conservation District completes refinements to the Paso Robles Groundwater Basin Model and Supplemental Water Supply Options Predictive Analysis, which includes the Atascadero Basin.
Oct 2016	DWR approves a basin boundary modification creating the Atascadero Basin, officially designated in the DWR's Bulletin 118 as Basin No. 3-004.11, Atascadero Area Groundwater Sub-basin of the Salinas Valley Basin
Mar 2016	Templeton Community Services district applies to the DWR for a basin boundary modification to create the Atascadero Basin

Jan 2015	SLOCO Flood Control and Water Conservation completes updates to the Paso Robles Groundwater Basin Model
Sep 2014	Governor Jerry Brown signs into law the Sustainable Groundwater Management Act

Table 2 lists some of the public involvement activities that have occurred in relation to SGMA compliance efforts in the Atascadero Basin.

Table 2 Summary of Stakeholder Outreach for SGMA Compliance in the Atascadero Basin	
Date	Organizations / Outreach Type
1/3/2018	GSA Executive Committee Meeting
10/25/2017	GSA Executive Committee Meeting
10/4/2017	GSA Executive Committee Meeting
4/5/2017	Public Meeting regarding SGMA compliance in the Atascadero Basin
8/11/2016	AMWC - stakeholder meeting regarding SGMA compliance in the Atascadero Basin
3/23/2015	AMWC – www.atascaderobasin.com website launched
12/9/2014	Atascadero City Council – Atascadero Basin Support
11/11/2014	AMWC – stakeholder meeting regarding SGMA compliance in the Atascadero Basin
9/23/2014	AMWC – stakeholder meeting regarding SGMA compliance in the Atascadero Basin

In 2016/17, Atascadero Mutual Water Company (AMWC) and Templeton Community Services District (TCSD) funded, and TCSD submitted, a basin boundary modification request to the DWR to form the Atascadero Basin. During this process, several technical reports were prepared. These reports will be relied upon to support the workplan for preparing a GSP. Those documents include:

- Atascadero Area Sub-basin Hydrogeologic Conceptual Model
- Atascadero Basin Boundary Modification Technical Report
- Atascadero Basin Boundary Modification Technical Report Addendum

Below is an outline of the work plan for the tasks and subtasks necessary to complete the Atascadero Basin GSP. See Attachment A for the schedule to complete these tasks, and see Attachment B for the estimated budget.

- Task 1: Project Management and Grant Administration
 - o Project Meetings
 - o Grant Coordination and Reporting
 - o Project Submittal Review Process
- Task 2: Basin Management Overview
 - o Basin Overview
 - o Water Resources Monitoring and Management Programs
 - o Land Use Conditions

- Task 3: Basin Setting
 - o Physical Setting and Characteristics
 - o Hydrogeologic Conceptual Model
 - o Identify Data Gaps and Uncertainty

- Task 4: Groundwater Conditions
 - o Current and Historical Groundwater Conditions
 - o Surface Water Supply
 - o Management Areas

- Task 5: Water Budget

- Task 6: Water Data Needs
 - o Monitoring Well Evaluation Plan
 - o Water Quality Sampling Plan
 - o Surface Water Inflow/Outflow Monitoring Plan

- Task 7: Groundwater Management Tool Needs
 - o Monitoring Network Update

FISCAL IMPACT:

See Attachment B

ATTACHMENTS:

- A. Project Schedule – Atascadero Basin GSP Development
- B. Project Budget – Atascadero Basin GSP Development

Table 4 - Atascadero Subbasin Project Budget				
Proposal Title: 2017 Atascadero Subbasin Sustainable Groundwater Proposal				
Project Title: 2017 Atascadero Basin GSP Development				
Project serves a need of a DAC?: No				
Cost Share Waiver request?: No				
Task	(a)	(b)	(c)	(d)
	Requested Grant Amount	Cost Share: Non-State Fund Source ¹	Other Cost Share	Total Cost
Task 1: Project Management and Grant Administration	\$43,400	\$107,103	\$0	\$150,503
1.1: Project Meetings	\$12,800	\$72,903	\$0	\$85,703
1.2: Grant Coordination and Reporting	\$20,400	\$30,000	\$0	\$50,400
1.3: Project Submittal Review Process	\$10,200	\$4,200	\$0	\$14,400
Task 2: Basin Management Overview	\$74,550	\$19,800	\$0	\$94,350
2.1: Basin Overview	\$24,850	\$6,600	\$0	\$31,450
2.2: Water Resources Monitoring and Management Programs	\$24,850	\$6,600	\$0	\$31,450
2.3: Land Use Conditions	\$24,850	\$6,600	\$0	\$31,450
Task 3: Basin Setting	\$71,550	\$137,585	\$0	\$209,135
3.1: Physical Setting and Characteristics	\$21,450	\$121,985	\$0	\$143,435
3.2: Hydrogeologic Conceptual Model	\$33,450	\$7,800	\$0	\$41,250
3.3: Identify Data Gaps and Uncertainty	\$16,650	\$7,800	\$0	\$24,450
Task 4: Groundwater Conditions	\$65,700	\$16,200	\$0	\$81,900
4.1: Current and Historical Groundwater Conditions	\$24,850	\$5,400	\$0	\$30,250
4.2: Surface Water Supply	\$22,450	\$5,400	\$0	\$27,850
4.3: Management Areas	\$18,400	\$5,400	\$0	\$23,800
Task 5: Water Budget	\$52,900	\$13,800	\$0	\$66,700
Task 6: Water Data Needs	\$125,400	\$9,600	\$0	\$135,000
6.1: Monitoring Well Evaluation Plan	\$36,050	\$1,200	\$0	\$37,250
6.2: Water Quality Sampling Plan	\$47,675	\$4,200	\$0	\$51,875
6.3: Surface Water Inflow/ Outflow Monitoring Plan	\$41,675	\$4,200	\$0	\$45,875
Task 7: Groundwater Management Tool Needs	\$76,100	\$85,400	\$0	\$161,500
7.1: Monitoring Network Update	\$16,750	\$9,600	\$0	\$26,350
7.2: Support Development of the San Luis Obispo County DMS	\$13,550	\$62,400	\$0	\$75,950
7.3: Support for the Paso Robles Groundwater Model Update	\$18,100	\$4,400	\$0	\$22,500
7.4: Stakeholder Communication and Engagement Plan	\$27,700	\$9,000	\$0	\$36,700
Task 8: Sustainable Management Criteria	\$122,850	\$96,000	\$0	\$218,850
8.1: Establish Sustainability Goals	\$22,650	\$19,200	\$0	\$41,850
8.2: Develop Process and Criteria to Define Undesirable Results	\$27,450	\$19,200	\$0	\$46,650
8.3: Establish Minimum Thresholds and Sustainability Indicators	\$27,450	\$19,200	\$0	\$46,650
8.4: Define Measurable Objectives to Obtain Goals in 20 Years	\$22,650	\$19,200	\$0	\$41,850
8.5: Define Projects and Management Actions	\$22,650	\$19,200	\$0	\$41,850
Task 9: GSA and Stakeholder Coordination	\$81,200	\$255,248	\$0	\$336,448
9.1: Intrabasin GSA Coordination	\$40,600	\$133,624	\$0	\$174,224
9.2: Interbasin GSA Coordination	\$40,600	\$121,624	\$0	\$162,224
Task 10: GSP Development	\$88,600	\$58,000	\$0	\$146,600
10.1: Draft GSP	\$44,300	\$34,000	\$0	\$78,300
10.2: Final GSP	\$44,300	\$24,000	\$0	\$68,300
Task 11: Public Notification and Communications	\$7,000	\$52,022	\$0	\$59,022
Grand Total	\$809,250	\$850,758	\$0	\$1,660,008

¹ Local Fund sources include previous cash contributions from AMWC, TCSD, and future in-kind services from all GSA Members

Table 5 - Proposal Budget						
Proposal Title: 2017 Atascadero Subbasin Sustainable Groundwater Proposal						
Project Title		(a)	(b)	(c)	(d)	(e)
		State Funded Grant Amount	Cost Share: Non-State Fund Source	Other Cost Share	Total Cost	% Cost Share (Col b/Col d)
(a)	Total Project Budget from Table 4	\$809,250	\$850,758	\$0	\$1,660,008	51%
	Grand Total	\$809,250	\$850,758	\$0	\$1,660,008	51%