Paso Basin Cooperative Committee
Notice of Meeting

AGENDA
October 26, 2022

NOTICE IS HEREBY GIVEN that the Paso Basin Cooperative Committee will hold a Regular Meeting at **4:00 p.m.** on **Wednesday, October 26, 2022,** at the Paso Robles Council Chambers, 1000 Spring Street, Paso Robles, CA 93446.

Call-in: (669) 444-9171, Meeting ID: 874 8948 5474, Passcode: 855743
Zoom Link: https://us06web.zoom.us/j/87489485474?pwd=NTRGdDAzQW5pN1ZHRE1oNUR4bE5KZz09

NOTE: The Paso Basin Cooperative Committee (PBCC) reserves the right to limit each speaker to three (3) minutes per subject or topic. In compliance with the Americans with Disabilities Act, all possible accommodations will be made for individuals with disabilities, so they may participate in the meeting. Persons who require accommodation for any audio, visual or other disability in order to participate in the meeting of the PBCC are encouraged to request such accommodation 48 hours in advance of the meeting from Taylor Blakslee at (661) 477-3385.

Members	**Alternates**
Debbie Arnold, Chair, County of SLO	Steve Martin, City of Paso Robles
Matt Turrentine, Vice Chair, Shandon-San Juan WD	Dustin Pittman, San Miguel CSD
Rob Roberson, Secretary, San Miguel CSD	John Peschong, County of SLO
John Hamon, Treasurer, City of Paso Robles	Ray Shady, Shandon-San Juan WD

1. Call to Order **(Arnold)** **(1 min)**
2. Pledge of Allegiance **(Arnold)** **(1 min)**
3. Roll Call **(Blakslee)** **(1 min)**
4. Meeting Protocols **(Blakslee)** **(2 min)**
5. Public Comment – Items not on Agenda **(Arnold)** **(3 min/speaker)**
6. Response to Previous Public Comments **(Reely)** – *Nothing to report*

REPORT ITEMS

7. Report on Expanded Monitoring Network **(Reely/Page)** **(10 min)**
8. Report on Multi-Benefit Irrigated Land Repurposing (MILR) Program **(Reely)** **(20 min)**
9. Update on Fall 2022 Groundwater Level Measurement Program **(Reely)** **(5 min)** – *Verbal*
10. Update on SGMA GSP Implementation Round 1 Grant Implementation **(Reely)** **(5 min)**
11. Update on the SGMA GSP Implementation Round 2 Grant Solicitation **(Reely/Alakel)** **(5 min)** – *Verbal*
12. Report on Meeting with DWR Point of Contact **(Reely)** **(5 min)** – *Verbal*
13. Report on Amended GSP Public Comments **(Reely)** **(5 min)**

ACTION ITEMS

14. Approval of July 27, 2022, Meeting Minutes **(Arnold)** **(2 min)**
15. Adopt Resolution 2022-004 Amending the Conflict of Interest Code **(Blakslee)** **(2 min)**
16. Adopt the Meeting Calendar for Calendar Year 2023 **(Blakslee)** **(5 min)**
17. Authorize Staff to Issue an RFP and Award a Contract for Development and Submittal of Annual Reports for Water Years 2021-2022 and 2022-2023 **(Reely)** **(5 min)**

18. Direction on Technical Advisory Committees for Stakeholder Input on GSP Implementation Programs **(Reely/Blakslee)** **(10 min)** – *Verbal*

19. Update from Member GSAs **(10 min)** – *Verbal*
    a. City of Paso Robles
    b. County of San Luis Obispo
    c. San Miguel Community Services District
    d. Shandon-San Juan Water District
20. Committee Member Comments – Committee members may make brief comments, provide status updates, or communicate with other members, staff, or the public regarding non-agenda topics
21. Upcoming meeting(s) **(Reely)** **(2 min)**
    a. Next Regular PBCC Meeting – January 25, 2023 **tentative*
22. Future Items **(2 min)**
23. Adjourn **(5:38 p.m.)**

PASO BASIN COOPERATIVE COMMITTEE
October 26, 2022

Agenda Item #7 – Report on Expanded Monitoring Network

Recommendation
None; information only.

Prepared By
Blaine Reely, County of San Luis Obispo Groundwater Sustainability Director

Discussion
The proposed expanded monitoring network enhancement presentation is provided as Attachment 1 and the detailed report is provided as Attachment 2.

Attachments
1. Presentation on the Expanded Monitoring Network
2. Paso Robles Basin Groundwater Level Monitoring Network Expansion and Investigation of the El Pomar Junction Area

* * *

Attachment 1

Paso Robles Basin

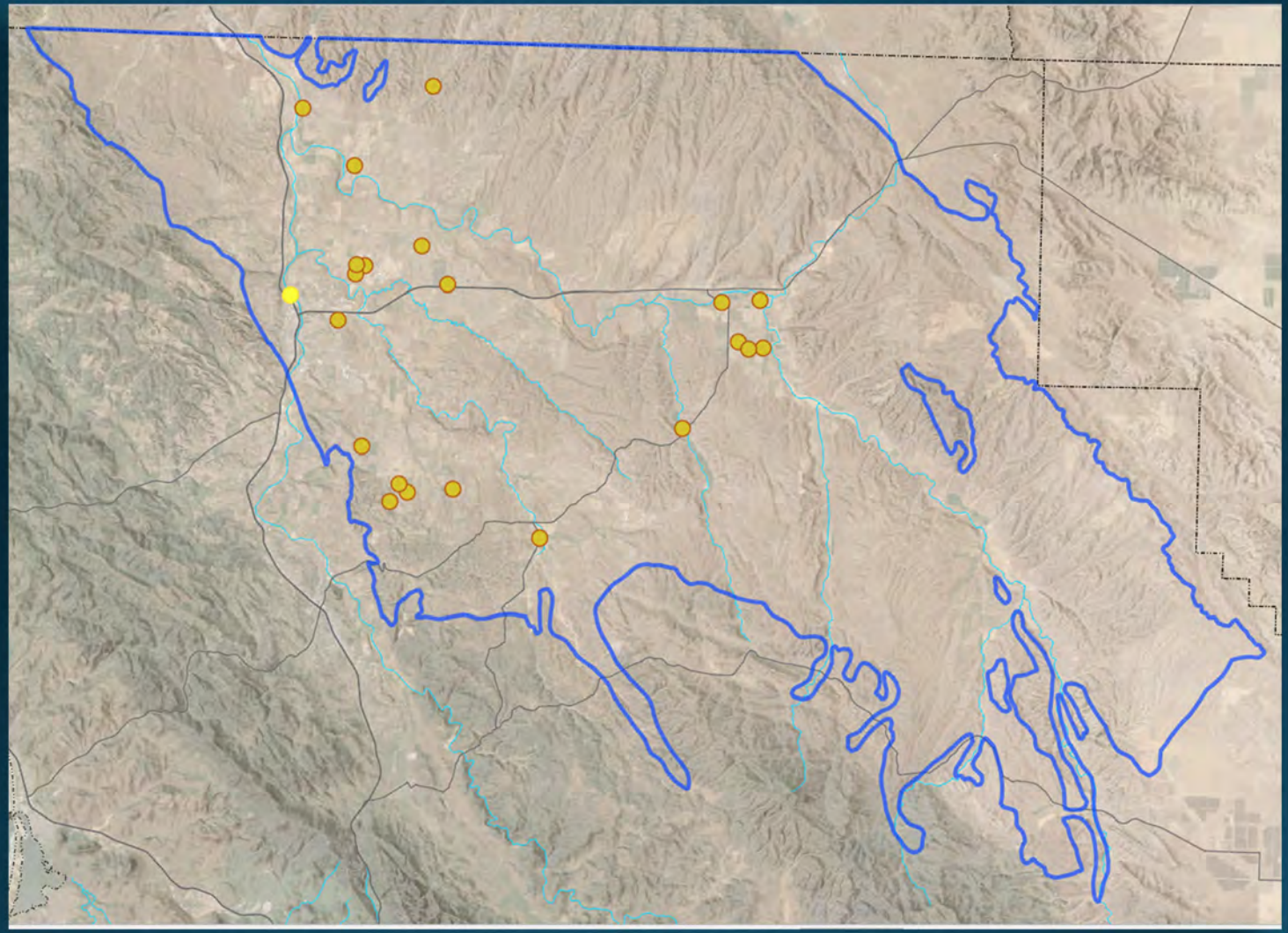
WORK PLAN
Monitoring Network Expansion and Refinement

October 26,2022 PBCC Meeting

GSI Water Solutions, Inc.

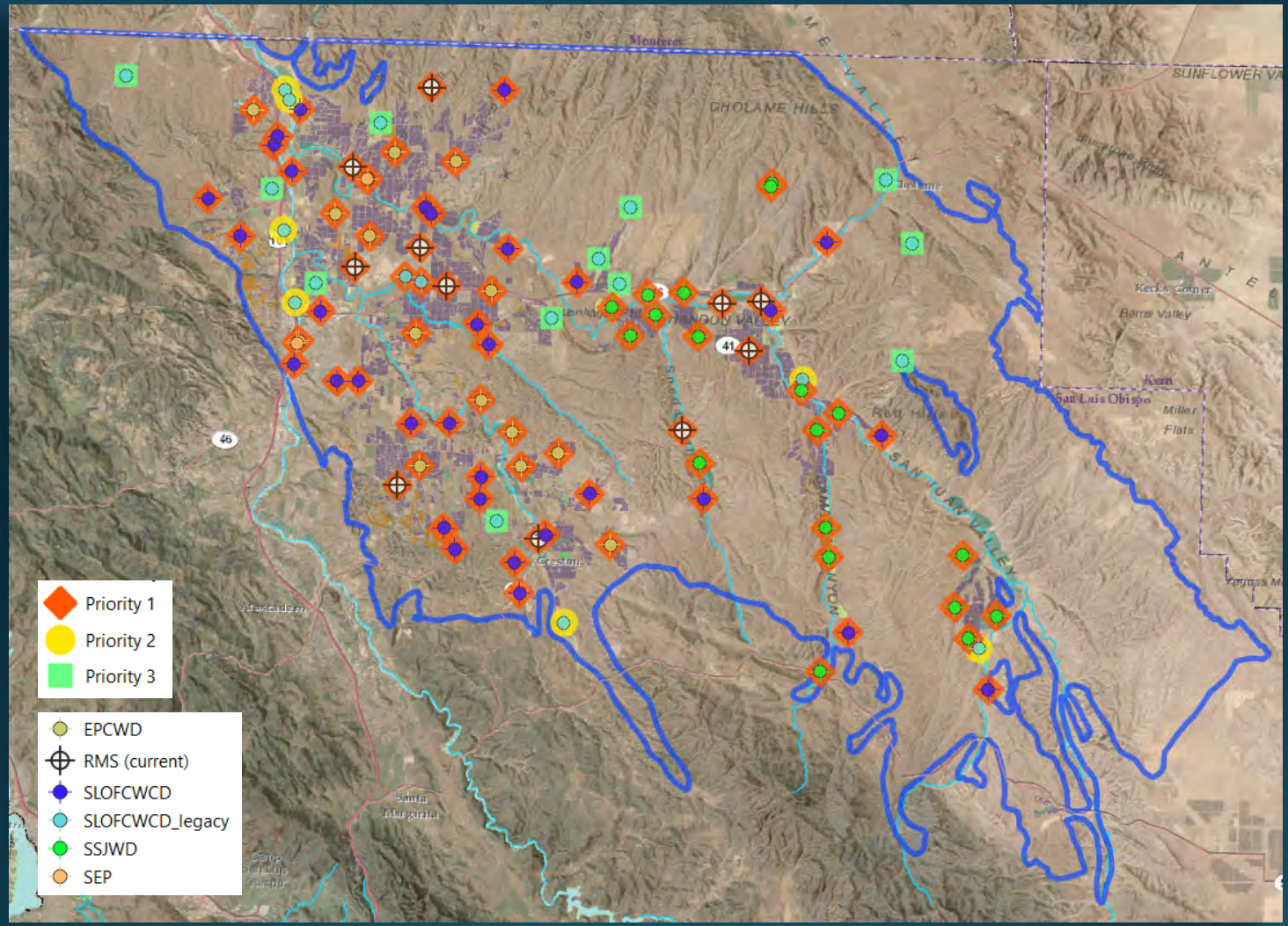
Existing Paso Basin GSP Representative Monitoring Sites (RMS)

- 22 Paso Robles Formation Aquifer Wells
- 1 Alluvial Aquifer Well



102 Key Wells Preliminarily Identified from 343 Currently and Historically Monitored Wells

1. [83 wells] Priority 1 wells – currently monitored wells in either the SLOFCWCD, SSJWD, or the EPCWD program:
   a. Are evenly distributed or are currently monitored alluvial wells,
   b. Represent groundwater conditions within a localized area,
   c. Hydrographs show a significant period of record and/or tell an interesting/important story,
2. [7 wells] Priority 2 wells – historically monitored alluvial wells in the SLOFCWCD program.
3. [12 wells] Priority 3 wells – historically monitored SLOFCWCD program wells that further infill spatial gaps



Work Plan

- **Task 1 – Identify Current Well Owners**
  - Compilation of historically monitored wells will be overlaid with APN dataset in GIS to verify and/or identify current well owners.
- **Task 2 – Establish Communication with Well Owners (Priority on Key Wells)**
  - Verify the well information on file, Gather additional information if available, Document how the well is used, Review current well monitoring agreement or create one, Discuss data privacy concerns, if any, and encourage public sharing of data, Make a plan to visit each well.
- **Task 3 – Research Missing Well Information**
  - Use the County EHS dataset to look for potential WCR matches to the well in question, review the lithologic log and the perforated interval to determine aquifer of completion.

Work Plan (continued)

- **Task 4 – Field Investigation**
  - Each well identified in Task 2 shall be visited to evaluate suitability for manual water level monitoring and for continuous monitoring based on the physical characteristics of the well and wellhead. The field visit shall be documented with photography and detailed notes.
- **Task 5 – Identify Additional Wells in Areas of Concern**
  - Additional wells, beyond the key wells, need to be identified within areas of concern and added to the monitoring network. Alluvial Aquifer: areas adjacent to the Salinas River, Huer Huero Creek, Estrella Creek, Cholame Creek, and San Juan Creek. Dry Wells: primarily in the Almond Drive, Jardine Road, Geneseo Road, and Ground Squirrel Hollow areas.
- **Task 6 – Investigate El Pomar Junction Area**
  - Review of WCRs and any other available hydrogeologic information to more clearly identify distinct sets of Paso Robles Formation wells, Santa Margarita Formation wells, and wells that straddle both aquifers.
- **Task 7 – Recommend a Refined RMS Network and Associated Sustainable Management Criteria**
  - The ultimate goal of this work plan is to identify a refined set of RMS wells equipped with continuous monitoring devices that are ideally suited to annually evaluate the Basin condition.


Questions?
GSI Water Solutions, Inc.

DRAFT WORK PLAN

Paso Robles Basin Groundwater Level Monitoring Network Expansion and Investigation of the El Pomar Junction Area

To:	Blaine Reely, Groundwater Sustainability Director, County of San Luis Obispo
From:	GSI Water Solutions, Inc. Nate Page, PG, Managing Hydrogeologist, Lee Knudtson, Staff Hydrologist Dave O'Rourke, PG, CHG, Principal Hydrogeologist
Date:	October 20, 2022

GSI is pleased to present this work plan to expand and refine the existing groundwater monitoring network in the Paso Robles Area Subbasin of the Salinas Valley Groundwater Basin (Basin) and to investigate the hydrogeology in the El Pomar Junction area. The purpose of the groundwater monitoring network expansion portion of the work plan is two-fold; 1) to refine the set of monitoring wells throughout the Basin that are measured manually in April and October and 2) establish a subset of wells equipped with continuous water level monitoring devices to better understand the hydrogeology of the Basin and to capture the annual high and low groundwater elevations in each well, which are often at some date other than April and October.

The chronic lowering of groundwater elevation undesirable result identified in Representative Monitoring Site (RMS) well 27S/13E-28F01 in the Paso Robles Subbasin Water Year 2021 Annual Report requires an investigation to determine if this undesirable result is a localized or Basin-wide issue[1]. This work plan details a hydrogeologic investigation of the El Pomar Junction area to satisfy this requirement and to generally improve upon the hydrogeologic understanding of the area. Details from this investigation shall be incorporated into the expansion and refinement of the groundwater monitoring network.

The ultimate goal of this work plan is to identify a refined set of RMS wells equipped with continuous water level monitoring devices that are ideally suited to annually evaluate the Basin condition in regard to the six undesirable results[2]. The refined RMS well network shall be spatially distributed to minimize data gap areas.

Background

This work plan is presented in conjunction with a master spreadsheet of existing historically monitored wells in the Basin and geographic information systems (GIS) mapping of these same wells. These datasets are the culmination of a desktop study performed by GSI Water Solutions, Inc. (GSI) to compile existing datasets and identify key wells in the Basin for ongoing manual measurements and continuous monitoring device utilization. A set of 102 key wells have been preliminarily identified based on their spatial distribution, historical water level

[1] This investigation is required according to Section 8.4.5.1 of the GSP.
[2] California Water Code 10721 (x)
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=10721.&lawCode=WAT

data, and representativeness of groundwater conditions within a localized area. These key wells are discussed in further detail below.

The existing historically monitored wells in the Basin include:

- San Luis Obispo Flood Control and Water Conservation District (SLOFCWCD) groundwater monitoring program wells[3] **[252 total, 104 have recent measurements]**,
- The Paso Robles Basin Groundwater Sustainability Plan (GSP) Representative Monitoring Sites (RMS) wells[4] **[23 wells]**,
- City of Paso Robles Supplemental Environmental Project (SEP) wells **[4 wells]**,
- Wells monitored by the Shandon-San Juan Water District (SSJWD)[5] **[65 wells]**, and
- Wells monitored by the Estrella-El Pomar-Creston Water District (EPCWD)[6] **[35 wells]**.

Priorities in expanding and refining the Basin groundwater monitoring network include infilling spatial data gap areas, addressing monitoring deficiencies in the alluvial aquifer (key to determining surface water-groundwater interactions), and addressing deficiencies associated with ongoing Dry Well[7] occurrences, generally reported for rural domestic wells. While GSI's selection of key wells take these issues into consideration, the key wells list only includes historically and currently monitored wells. As specified below in the work plan scope, additional wells will need to be identified within areas of concern and added to the monitoring network. These may include existing wells that have not been previously monitored and/or new dedicated monitoring wells, such as the potential new well locations identified by Todd Groundwater in developing the revised GSP, and the proposed additional SEP wells.

During review of well completion reports provided by San Luis Obispo County Environmental Health Services (EHS), GSI discovered compelling lithologic evidence suggesting that several wells located in the El Pomar Junction area, some of which are active irrigation wells, are completed either partially or completely within the Santa Margarita Formation, a non-Basin aquifer that underlies the Paso Robles Formation[8]. Among these wells are three of the existing RMS wells (27S/12E-13N01, 27S/13E-30J01, and 27S/13E-30N01), which each appear to be completed entirely within the Santa Margarita Formation. Further work is required to assess these findings, as specified below. The reason that this assessment is important is that, if verified, these Santa Margarita Formation wells should be removed from the RMS network as these wells would not be representative of the Paso Robles Formation aquifer (and therefore not representative of the Basin).

An additional task described in this work plan is to develop a separate work plan to assess the connectivity between the non-Basin Santa Margarita Formation aquifer and the Paso Robles Formation aquifer within the El Pomar Junction area to inform future monitoring efforts and groundwater management decisions.

Key Wells

Manual Measurements

GSI has preliminarily identified **102** key wells among the historically and currently monitored wells in the Basin. In general, the currently monitored wells are considered the most likely pool from which to select a refined set of

[3] These include wells monitored by the City of Paso Robles.
[4] Nearly all of the existing RMS wells are included in the SLOFCWCD groundwater monitoring program (all except for the single alluvial well 18MW-01 in the City of Paso Robles)
[5] As many as 13 wells monitored by SSJWD are also included in the SLOFCWCD groundwater monitoring program (three of these 13 wells are possible matches to wells in the SLOFCWCD program and need to be verified).
[6] A single well monitored by EPCWD is also included in the SLOFCWCD groundwater monitoring program (26S/12E-03H04).
[7] https://mydrywell.water.ca.gov/report/publicpage
[8] The Paso Robles Formation is the defined bottom of the Basin.

RMS wells due to existing well owner land access agreements. The key wells identified for manual measurements are presented with three levels of priority:

1. **[83 wells]** Priority 1 wells are all currently monitored wells in either the SLOFCWCD program, the SSJWD program, or the EPCWD program (with six exceptions[9]). These wells exhibit the following criteria:
    a. Are evenly distributed spatially throughout the Basin or are currently monitored alluvial wells,
    b. Appear to represent groundwater conditions within a localized area (i.e. similar trends are exhibited in neighboring wells),
    c. Historical water level hydrographs generally show a significant period of record and/or tell an interesting/important story (applies specifically to SLOFCWCD wells),
2. **[7 wells]** Priority 2 wells include seven historically monitored alluvial wells in the SLOFCWCD program.
3. **[12 wells]** Priority 3 wells include historically monitored SLOFCWCD program wells that further infill spatial gaps.

Continuous Monitoring

Instrumenting as many key wells as possible with continuous monitoring devices will improve the understanding of the Basin hydrogeology. GSI recommends that the 83 Priority 1 key wells are assessed for continuous monitoring. It is likely that many of these wells will be found to be inappropriate for continuous monitoring due to issues ranging from well owners opting out to physical limitations of the well or wellhead construction or lack of access to cellular signal or wireless internet. For these reasons GSI recommends starting with this large list, with the assumption that the actual number of devices ultimately installed will be far less. One important purpose of instrumenting as many key wells as possible with continuous monitoring devices is to refine our understanding of the timing and degree to which groundwater levels fluctuate annually within the Basin. Based on the availability of several private continuous monitoring device datasets and private monitoring programs it is known that the bi-annual manual groundwater level measurements recorded by the SLOFCWCD program often do not capture the high and low groundwater elevations of the year. This can result in an 'apples to oranges' comparison of groundwater conditions from one year to the next. Because the condition of the Basin, assessed annually, is largely based on groundwater elevation measurements it is in the best interest of all stakeholders to identify the true nature and timing of groundwater elevation fluctuations throughout the year.

Work Plan Scope Items

Task 1 – Identify Current Well Owners

The provided compilation of existing historically monitored wells contains legacy well ownership information, inherited from the SLOFCWCD project as well as ownership information provided by SSJWD and EPCWD programs. The compilation of historically monitored wells will be overlaid with an up-to-date Assessor's Parcel Number (APN) dataset in GIS to verify and/or identify current well owners for each of the wells contained in the dataset. It is assumed that the APN dataset will be made available by the County of San Luis Obispo Groundwater Sustainability Department (GSD). An inventory will be compiled of well owner information, including contact information for well owners and property managers, and other information necessary to access the wells.

[9] Six exceptions to this include the four newly installed City of Paso Robles SEP wells and two historically monitored SLOFCWCD program wells located near reported Dry Wells on Jardine Road (https://mydrywell.water.ca.gov/report/publicpage).

Task 2 – Establish Communication with Well Owners

With priority given to the Key Wells identified in the provided materials, the next step is to contact the current well owners and gather the following information:

- Verify the well information on file to the best ability of the landowner
- Document how the well is used. If a pumping well, determine how often the well is pumping and inquire if there are periods when the well can be shut down for 24-hours prior to taking a water level measurement,
- Review their current well monitoring agreement or if they don't have one, discuss creating an agreement via a consent form,
- Discuss data privacy concerns, if any, and encourage public sharing of data[10],
- Inquire if the well already has a private continuous monitoring device, if so ask if they willing to share the data,
- Make a plan to visit each well.

Task 3 – Research Missing Well Information

If well completion information is missing in the materials provided and the well owner is unable to provide a well completion report (WCR) then use the County EHS dataset to look for potential WCR matches to the well in question. If a WCR is identified with high to moderate confidence (primarily based on spatial proximity) review the lithologic log and the perforated interval to determine aquifer of completion, record in the master spreadsheet and GIS, and print a copy of the WCR to bring to the field (Task 4).

Task 4 – Field Investigation

Each well identified in Task 2 shall be visited to evaluate suitability for manual water level monitoring and for continuous monitoring based on the physical characteristics of the well and wellhead. The field visit shall be documented with photography and detailed notes. While in the field, the well shall be evaluated for monitoring potential as follows:

- Document access to the well including identification of private roads and gates
- Document size of access port(s),
- Determine if a sounding tube exists,
- Document well-head configuration including dimensions of discharge pipes and relative locations of well-head infrastructure to access ports to ensure enough space is available for manual monitoring and/or installation of continuous monitoring equipment,
- Document telemetry feasibility by identifying available cell service or local internet,
- Document site for well-head modification feasibility for well servicer.

Task 5 – Identify Additional Wells in Areas of Concern

This task is meant to address monitoring deficiencies in the alluvial aquifer (key to determining surface water-groundwater interactions), and to address monitoring deficiencies associated with ongoing Dry Well[7] occurrences, generally reported for rural domestic wells. Additional wells, beyond the key wells listed above, will need to be identified within areas of concern and added to the monitoring network. The areas of concern for monitoring the alluvial aquifer include areas adjacent to the Salinas River, Huer Huero Creek, Estrella Creek, Cholame Creek, and San Juan Creek. The areas of concern for Dry Wells are indicated by the distribution of dry well reports, primarily in the Almond Drive, Jardine Road, Geneseo Road, and Ground Squirrel Hollow areas. These additional wells may include wells that have been previously monitored by SLOFCWCD, existing wells that have not been previously monitored and/or new dedicated monitoring wells, such as the potential new well locations identified by Todd Groundwater in developing the revised GSP, and the proposed additional SEP wells.

[10] Wells with confidentiality agreements can still be monitored but are not RMS well candidates.

For any existing wells added to the monitoring network, a workflow similar to that specified in Tasks 1 through 4 will be followed. Any additional wells identified shall be added to the master spreadsheet and GIS.

Task 6 – Investigate El Pomar Junction Area

During review of WCRs provided by County EHS, GSI discovered compelling lithologic evidence indicating that several wells located in the El Pomar Junction area, including active irrigation wells, are completed either partially or completely within the Santa Margarita Formation, a non-Basin aquifer. Among these wells are three of the existing RMS wells (27S/12E-13N01, 27S/13E-30J01, and 27S/13E-30N01), which each appear to be completed entirely within the Santa Margarita Formation. In this task further review of El Pomar Junction area WCRs and any other discoverable hydrogeologic information shall be undertaken to verify these findings and more clearly identify distinct sets of Paso Robles Formation wells, Santa Margarita Formation wells, and wells that straddle both aquifers. In addition, a separate work plan shall be developed to assess the connectivity between the non-Basin Santa Margarita Formation aquifer and the Paso Robles Formation aquifer within this area to inform future monitoring efforts and groundwater management decisions.

Task 7 – Recommend a Refined RMS Network and Associated Sustainable Management Criteria

The ultimate goal of this work plan is to identify a refined set of RMS wells equipped with continuous monitoring devices that are ideally suited to annually evaluate the Basin condition in regard to the six undesirable results. The refined RMS well network shall be spatially distributed to minimize data gap areas. This work product will be a culmination of the prior tasks and will require input and coordination with Basin stakeholders and Groundwater Sustainability Agencies (GSA) staff and executive committee. It is assumed that sustainable management criteria (SMCs) established for the refined RMS network will be subject to future revisions as new water level datasets are developed and the understanding of Basin hydrogeology improves.

We value this opportunity to provide you with this work plan, and we look forward to continuing to serve you on this important project. Please contact us if you have any questions.

PASO BASIN COOPERATIVE COMMITTEE
October 26, 2022

Agenda Item #8 – Report on Multi-Benefit Irrigated Land Repurposing (MILR) Program

Recommendation
None; information only.

Prepared By
Blaine Reely, County of San Luis Obispo Groundwater Sustainability Director

Discussion
A presentation on the Multi-Benefit Irrigated Land Repurposing (MILR) Program is provided as Attachment 1.

Attachments:
1. Presentation on the Multi-Benefit Irrigated Land Repurposing (MILR) Program

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MULTI-BENEFIT IRRIGATED LAND REPURPOSING (MILR) PROGRAM

PASO ROBLES GROUNDWATER SUBBASIN

OCTOBER 26, 2022

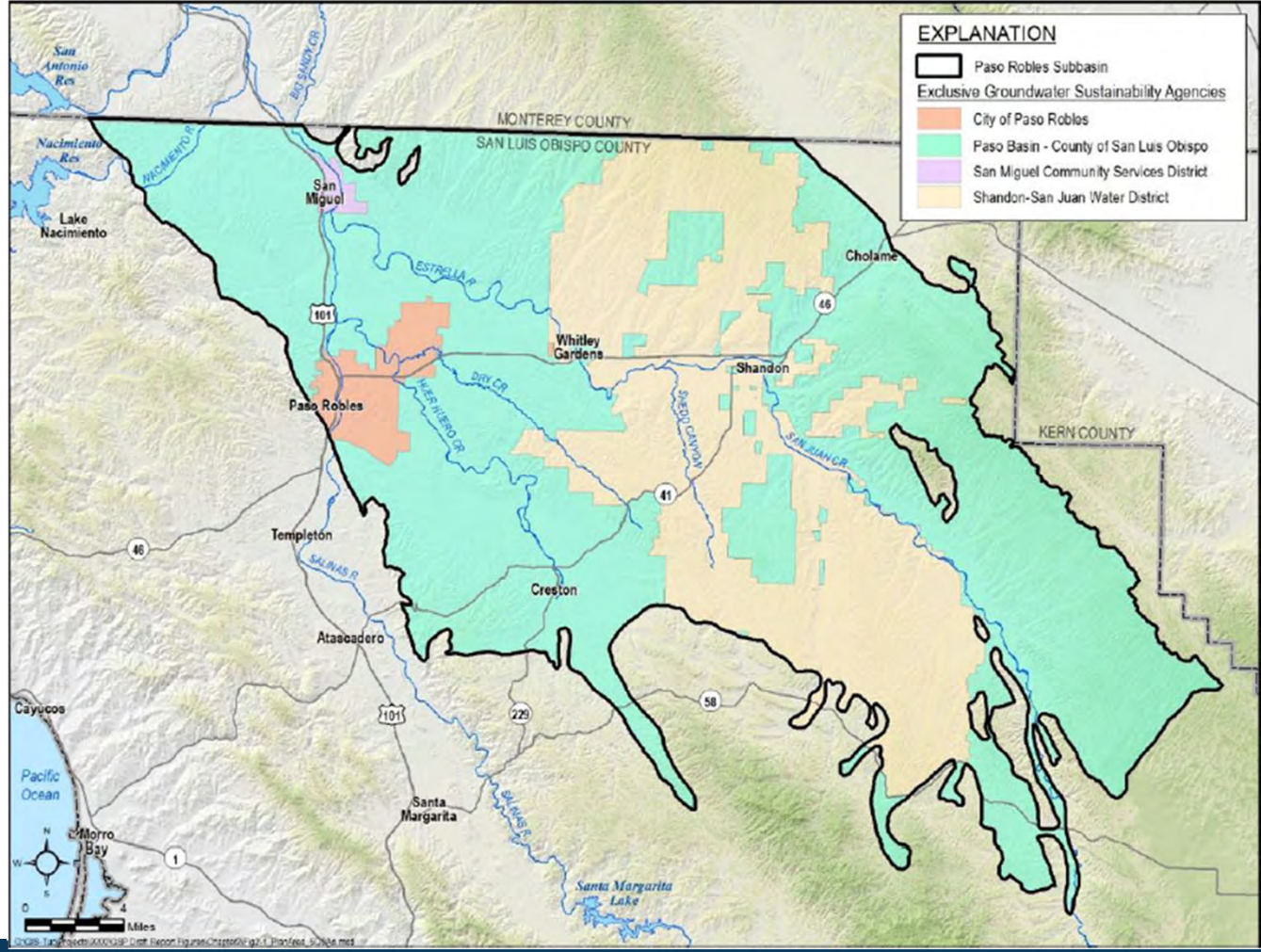
Blaine Reely, Director
Groundwater Sustainability Department
County of San Luis Obispo

Paso Robles Subbasin Groundwater Sustainability Agencies

County of San Luis Obispo
Shandon San Juan Water District
City of Paso Robles
San Miguel Community Services District

Paso Robles Area Groundwater Subbasin

681 Square Miles
436,240 Acres



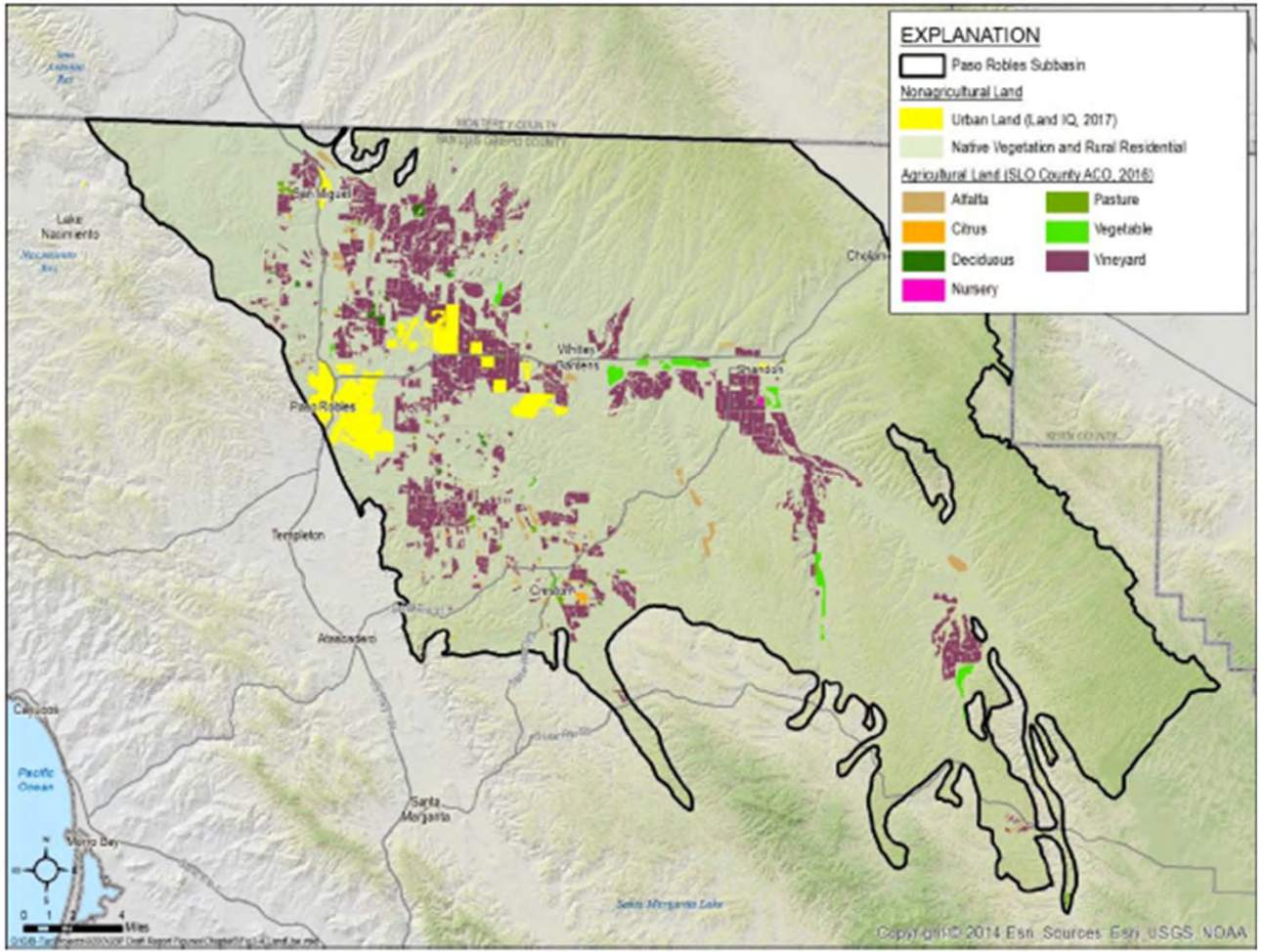
COUNTY OF SAN LUIS OBISPO

www.slocounty.ca.gov

Land Use

Land Use Category	Acres
Citrus	397
Deciduous	471
Alfalfa	1,590
Nursery	63
Pasture	667
Vegetable	1,691
Vineyard	35,349
Native vegetation	387,435
Urban	8,577
Total	436,240

Total Agriculture = 40,228 AC (9.2%)
Native Vegetation = 387,435 AC (88.8%)



Water Use

Water Year	Municipal (AF)		PWS and Rural Domestic (AF)	Agriculture (AF)	Total (AF)
Source:	Groundwater	Surface Water[1]	Groundwater	Groundwater	
2017	1,626	4,301	5,060	64,100	75,100
2018	1,677	4,829	5,060	75,500	87,100
2019	1,729	4,259	5,060	55,800	66,800
2020	1,509	4,589	5,060	60,700	71,900
2021	1,553	4,861	5,060	75,500	87,000
Method of Measure:	Metered	Metered	2016 Groundwater Model	Soil-Water Balance Model	
Level of Accuracy:	high	high	low-medium	medium	

Notes:

[1] Includes imported Salinas River underflow, which is regulated as surface water by the State Water Resources Control Board

AF = acre-feet

PWS = public water systems

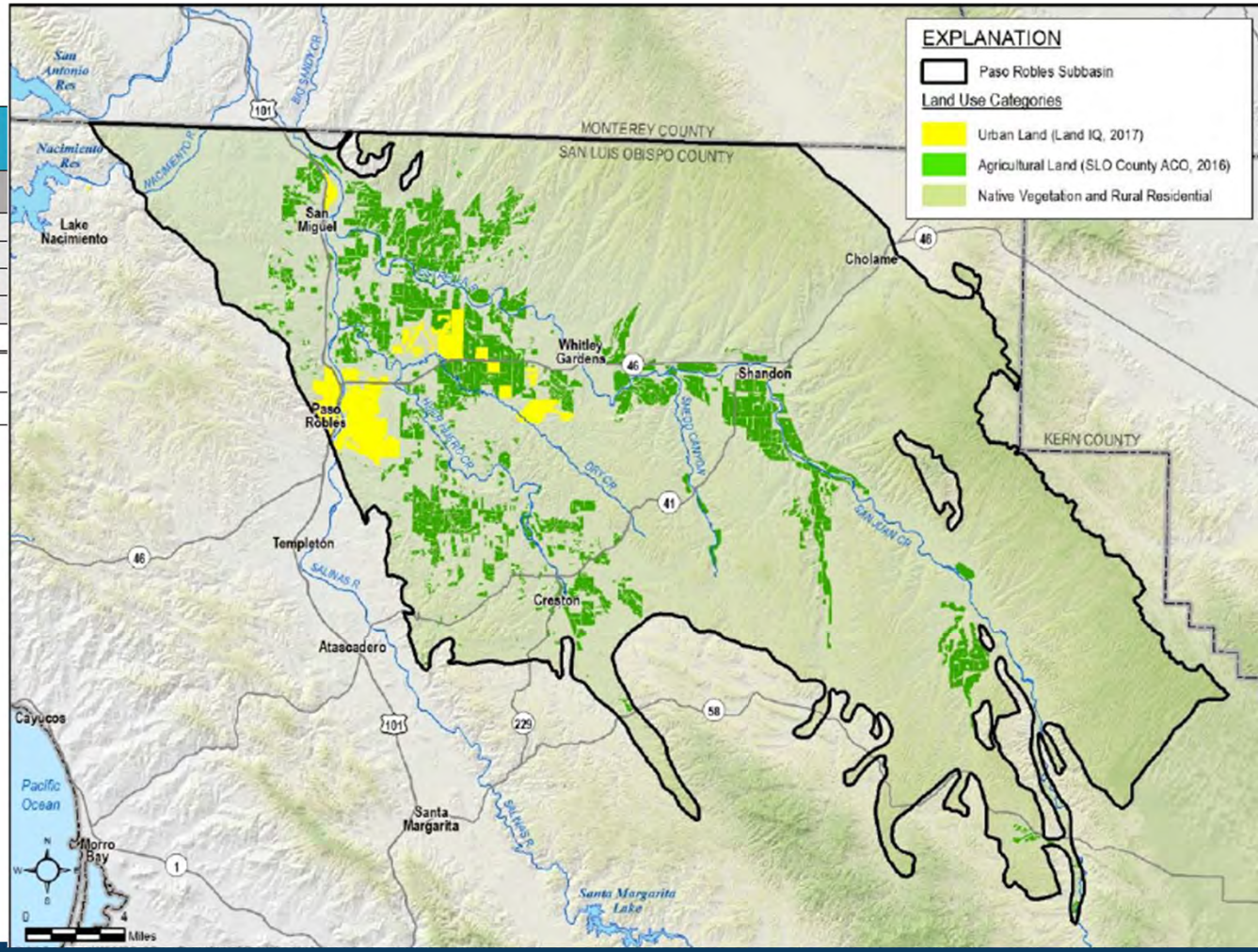
Agricultural GW Pumping = 85% (+/-) of Water Use

Water Budget

(Future Conditions)

- Sustainable Yield = 61,100 AFY
- Average GW Storage Deficit = 13,700 AFY

NEED TO REDUCE GW PUMPING BY 13,700 AFY



GROUNDWATER SUSTAINABILITY PLAN
Projects and Management Actions

Basin-wide management actions include:

- Monitoring, reporting and outreach
- Promoting best water use practices
- Promoting stormwater capture
- Promoting voluntary fallowing of irrigated crop land (MILR Program)

Area specific management actions include:

- Mandatory pumping limitations is specific areas

Projects include:

- Tertiary treated wastewater supplied and sold by City of Paso Robles and the San Miguel CSD to private groundwater extractors to use in lieu of groundwater
- State Water Project (SWP) water
- Nacimiento Water Project (NWP) water
- Salinas Dam/Santa Margarita Reservoir water
- Local recycled water
- Flood flows/stormwater from local rivers and streams

MILR Program
Why?

- The combined impacts of a multi-year drought, SGMA requirements, and lack of available and reliable supplemental surface water supplies may increase the likelihood of some irrigated agriculture in the Paso Basin may be required to temporarily come out of production.

- The water scarcity has created momentum for new voluntary incentivized programs for growers facing the difficult decision of taking land out of production and to support some amount of continued farming even if in a smaller irrigated footprint.

- Typically called repurposing, these programs can provide a strategically designed way to approach fallowing decisions and potentially find new uses for areas taken out of production.

MILR Program Examples

Examples of strategies and projects that may be considered include:

- Creation or restoration of habitat, including pollinator habitat, wetland habitat, upland habitat, and riparian habitat
- Creation of multi-benefit recharge areas
- Conversion of irrigated land to dryland farming or non-irrigated rangeland
- Planting cover crops or conservation cover
- Facilitation of renewable energy projects that have an overall net GHG reduction
- Creation of parks or community recreation areas
- Incentive payments to landowners to implement multi-benefit projects that create a public benefit for at least ten years, with priority for small and medium farmers and ranchers
- Land acquisitions to facilitate land repurposing and protect repurposed land uses
- Voluntary land transfers to qualified public entities to facilitate land repurposing and protect repurposed land uses
- Easement acquisitions to facilitate land repurposing and protect repurposed land uses

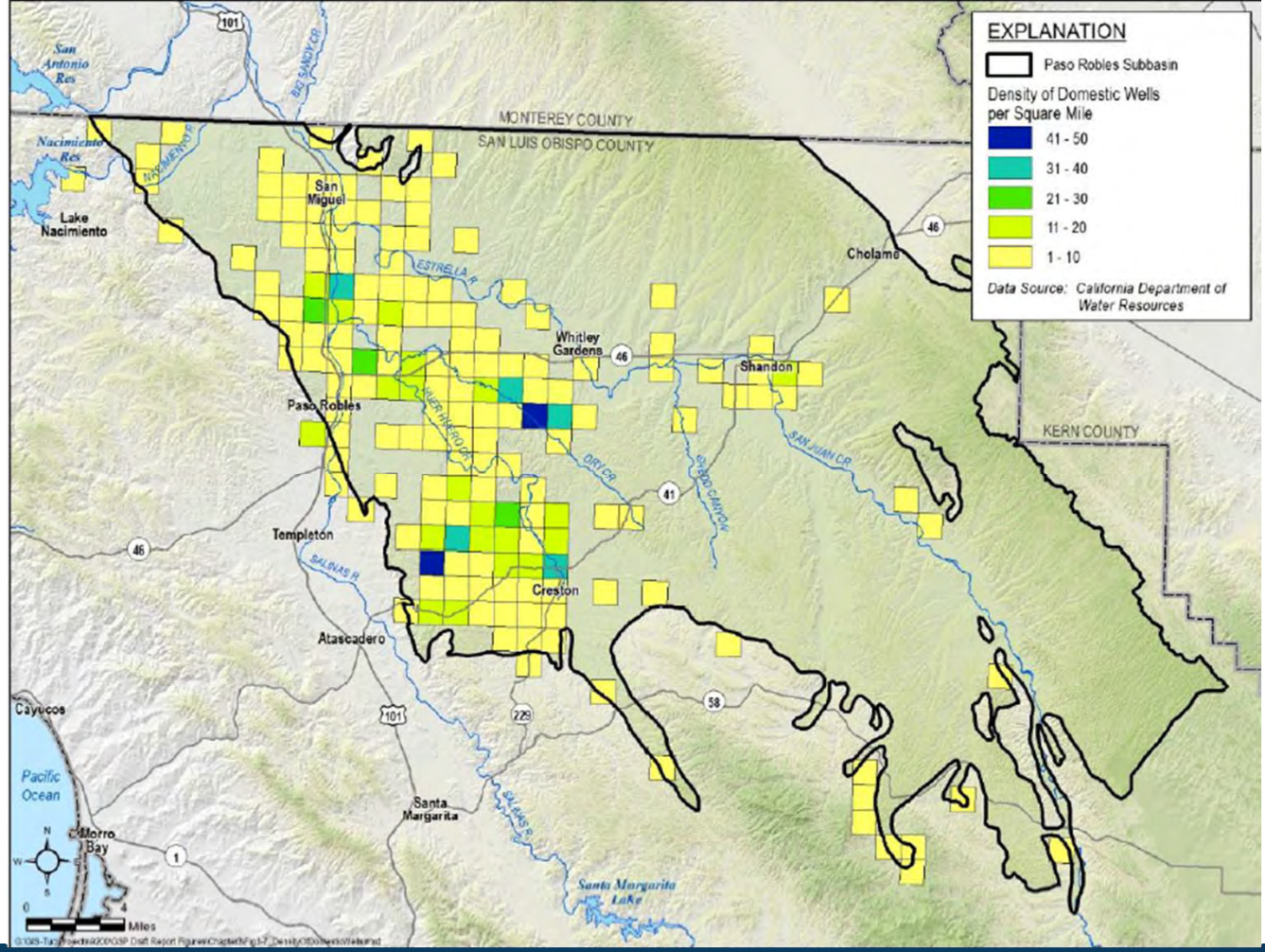
MILR Program
Desired Outcomes

Desired outcomes from the MILR Program may include:

- Reduced groundwater use
- Increased groundwater recharge
- Improved baseflows in rivers and streams
- Conversion of land to less intensive water uses while maintaining natural and working lands
- Creation and/or restoration of wildlife and pollinator habitat and/or migratory resources
- Improved water quality
- Prioritization of lands to be enrolled to maximize benefit to the groundwater basin
- Increased community outreach, involvement, and education
- Mitigation of groundwater conditions in the basin that pose risks to water adequacy and quality for domestic well users (High Priority)
- Protection of areas where interconnected surface water and groundwater systems and groundwater dependent ecosystems exist
- SGMA compliance
- Long-term groundwater basin sustainability

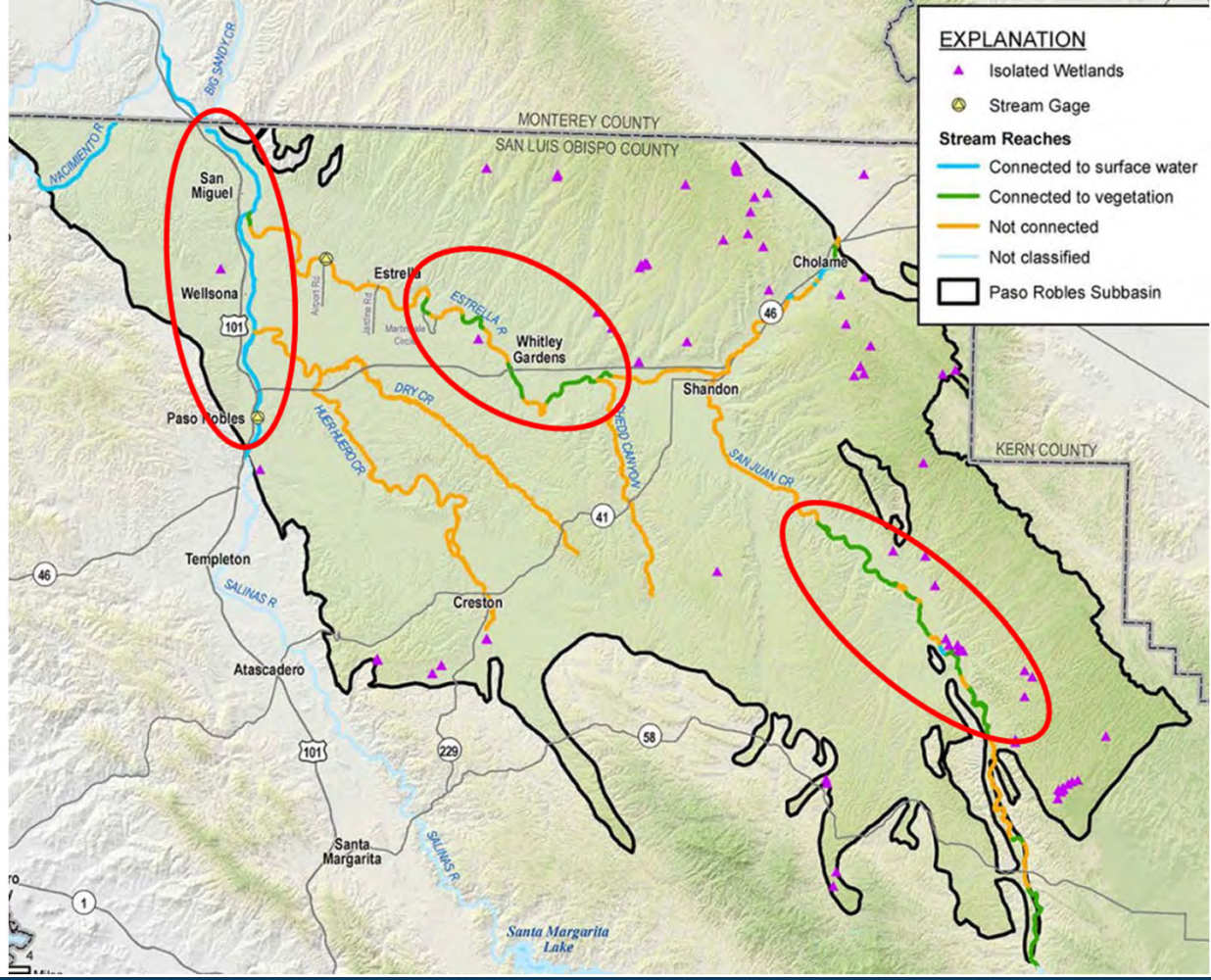
Domestic Well Locations

4500 (approx.)
Domestic Wells



Interconnected Surface Water Locations

- Used multiple data sets to identify interconnected stream reaches and GDEs
- Delineated interconnected stream reaches
  - Salinas River (Alluvial Aquifer)
  - Estrella River middle reach
  - Upper San Juan Creek



MILR PROGRAM ELEMENTS

- Program Description, Rules and Regulations
- Program Administration and Management Entity
  - Paso GSA CC, JPA, 3rd Party Contractor?
- Farming Unit Registration
- Consumed Groundwater Use Measurement
  - Satellite-based Evapotranspiration (Default)
  - Physical Metering (Opt-Out option)
- Groundwater Usage Fees
  - Tiered Fee Structure
  - New GW Users
  - Exempt Users (Threshold Farming Unit Size?)
- Groundwater Accounting, Data Management, Reporting
- Financial Accounting, Billing and Auditing
- Enforcement and Penalties
- Link to Mandatory Pumping Reduction / Allocation Program (If Required)
- Nexus to Land Use Ordinances (Agricultural Offset Ordinance / Planting Ordinance)

NEXT STEPS

- **Many details to be worked out!**
- Request appointing an ad hoc committee to convene and develop recommendation to bring back to the Paso Basin Cooperative Committee for further consideration
- Develop RFP for consultant to develop program details and assist in program implementation
- Retain consultant team

Thank you.

Contact:
Blaine Reely, PhD,PE
Dept. of Groundwater Sustainability, SLO County
(805) 781-4206
breely@co.slo.ca.us

PASO BASIN COOPERATIVE COMMITTEE
October 26, 2022

Agenda Item #10 – Update on SGMA GSP Implementation Round 1 Grant Implementation

Recommendation
None; information only.

Prepared By
Blaine Reely, County of San Luis Obispo Groundwater Sustainability Director

Discussion
An update on Sustainable Groundwater Management Program Round 1 Grant implementation is provided as Attachment 1.

Attachments
1. Round 1 Grant Implementation Update

* * *

Update on Grant-Funded Project Implementation

Background

- DWR Sustainable Groundwater Management Round 1
- Paso Basin awarded $7.6M (3-year period)

Current Status

- Grant agreement executed on August 1, 2022
- Begin planning for grant component implementation

Awarded/Funded Projects

No.	Description	Awarded	Est. Cost
1	**Grant Admin**	✓	**$250,000**
2	**Recycle Water Project** a. City of Paso Salinas Segment	✓	**$3,500,000**
3	**Recycle Water Project** a. San Miguel CSD	✓	**$1,000,000**
4	**Data Gaps – High Priority** a. Expand/Improve Existing Basin Monitoring Network b. Supplemental Hydrogeologic Investigations c. Install New Monitoring Wells, Stream Gauges, Climatologic Stations	✓	**$1,400,000**
5	**Management Actions – High Priority** a. Well Verification and Registration Program b. Groundwater Extraction Measurement Program c. Well Interference Mitigation Program d. Multi-Benefit Land Repurposing Program	✓	**$800,000**
6	**Supplemental Water Supply Feasibility / Engineering Studies** a. Nacimiento Lake b. State Water Project c. Santa Margarita Lake d. Well Impact Mitigation and Alternative Water Supply Projects	✓	**$650,000**
	TOTAL FUNDED		**$7,600,000**

PASO BASIN COOPERATIVE COMMITTEE
October 26, 2022

Agenda Item #13 – Report on Amended GSP Public Comments

Recommendation
None; information only.

Prepared By
Blaine Reely, County of San Luis Obispo Groundwater Sustainability Director

Discussion
On January 21, 2022, the California Department of Water Resources (DWR) issued an "incomplete" determination for the Paso Basin Groundwater Sustainability Plan and outlined several deficiencies and proposed corrective actions. The Paso Basin Cooperative Committee amended and submitted a revised GSP to DWR by the July 20, 2022 regulatory deadline and DWR expects to provide a final GSP determination by late 2022/early 2023.

DWR held a 60-day public comment period following the resubmission of the amended GSPs (July 21, 2022 through September 19, 2022) and the following entities/individuals submitted comments which are provided as Attachment 1.

No.	Submitted by	Entity	Comment Date
1	Ngodoo Atume	Clean Water Action	7-6-22
2	David Chipping	California Native Plant Society – SLO Chapter	7-8-22
3	Susan Harvey	Sierra Club and North County Watch	9-9-22
4	Kim Murry	League of Women Voters of SLOCO	9-17-22
5	Rick Rogers	National Marine Fisheries Service	9-19-22
6	Russell Hodin		9-19-22

Attachment
1. Amended GSP Public Comments

* * *

Attachment 1

Comment 1

ENVIRONMENTAL LAW FOUNDATION

July 5, 2022

Paul Gosselin
Deputy Director
Sustainable Groundwater Management
Department of Water Resources
Paul.Gosselin@water.ca.gov

GROUNDWATER SUSTAINABILITY AGENCYS' OBLIGATIONS FOR PUBLIC PARTICIPATION

Dear Deputy Director Gosselin:

The above signed organizations submit this letter to highlight the lack of meaningful public engagement by Groundwater Sustainability Agencies (GSAs) during the revision of Groundwater Sustainability Plans (GSPs) following an "incomplete" determination by the Department of Water Resources pursuant to the Sustainable Groundwater Management Act (SGMA) (Water Code § 10720 et seq.) and the regulations implementing SGMA (Cal Code Regs., tit. 23, § 350 et seq.). Our organizations were hopeful that the "incomplete" designation for so many GSPs would trigger a new awareness of the need for robust engagement. As explained below, we are discouraged by the efforts of many GSAs to date. The failure to meaningfully engage beneficial users of groundwater will, we fear, continue to impact the quality of the plans as they are developed to meet the requirements of SGMA.

Under SGMA, GSAs must "consider the interests of all beneficial uses and users of groundwater." (Water Code § 10723.2). Additionally, GSAs must "encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the GSP." (Water Code § 10727.8). Following an "incomplete" determination, the GSPs remain in the development phase. Therefore, the GSAs must continue to encourage the active involvement of groundwater beneficial users within the basin. SGMA's requirements for a transparent and

inclusive process presents an opportunity to meaningfully include diverse communities in the decision-making process and create groundwater management plans that understand these communities' vulnerabilities and are sensitive to their interests.

Despite these clear obligations, many GSAs are not offering meaningful opportunities for active involvement by all groundwater beneficial users in the GSP revisions required by DWR. Most groundwater sustainability agencies have failed to make proposed revisions public or offer opportunities for the public to provide feedback during the revision process. Further, where revisions are made public prior to adoption, many GSAs do not provide the amended language in a readily accessible format for stakeholders to provide comments and feedback. The GSAs' failure to solicit public feedback as they address the deficiencies identified by DWR excludes many beneficial users from decision-making related to their groundwater resources. Therefore, the needs of diverse social, cultural, and economic elements of the population are not being heard, adequately accounted for, or addressed in the ultimate decisions made by the GSAs.

We therefore submit this letter to elevate our concerns that the GSAs are not adequately encouraging the active involvement of groundwater users within their basins as they revise their groundwater sustainability plans. Without these opportunities, the GSPs will fall short of fulfilling SGMA's promise of achieving just and sustainable allocation of groundwater resources. Moreover, the GSP development process will fail to have met SGMA's demands for meaningful public engagement. Recognizing that robust engagement and feedback is unlikely this late in the revision process, we ask that the Department of Water Resources require GSAs to publish revised plans before adoption. We also ask that revised chapters be provided in an accessible format with track changes or addendum that easily identifies changes. Finally, we ask that DWR require GSAs to identify in their submittal letters how beneficial groundwater users and interested parties have been engaged in the GSP revision process.

Thank you for considering our comments as you review the revised GSPs.

Sincerely,

Nataly Escobedo Garcia
Water Policy Coordinator
Leadership Counsel for Justice and Accountability

Tom Collishaw
President/CEO
Self-Help Enterprises

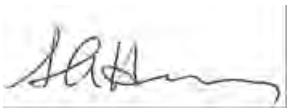
Ngodoo Atume
Water Policy Analyst
Clean Water Action/Clean Water Fund

Kyle Jones
Policy and Legal Director
Community Water Center

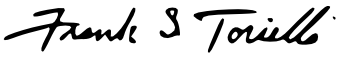
Drevet Hunt
Legal Director
California Coastkeeper Alliance

Brian Shobe
Interim Policy Director
California Climate & Agriculture Network

Roger Dickinson
Policy Director
CivicWell (formerly Local Government Commission)



Susan Harvey
President
North County Watch



Frank Toriello
President
We Advocate Thorough Environmental Review (W.A.T.E.R.)

Nathaniel Kane
Executive Director
Environmental Law Foundation
Attorneys for California Sportfishing Protection Alliance

Comment 2

CALIFORNIA
NATIVE PLANT SOCIETY

June 29, 2022

To: Craig Altare

Supervising Engineering Geologist:
Sustainable Groundwater Management Office
California Dept. Water Resources
901 P Street, Room 213
Sacramento, CA 94236

Mr. Altare:

Attached you will find the comments of the California Native Plant Society on the Draft Program Environmental Impact Report SCH#2021080222, Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance

Our organization is concerned that this Planting Ordinance runs counter to the goals of SGMA to recover the groundwater conditions in the Paso Robles Groundwater Basin by enabling additional extraction, and wishes to bring this to the attention of your office

David Chipping

Conservation Chair: San Luis Obispo Chapter CNPS

[redacted]

(805) 528-0914 dchippin@calpoly. edu

CALIFORNIA
NATIVE PLANT SOCIETY

June 27, 2022

Comments by the San Luis Obispo Chapter of the California Native Plant Society on Draft Program Environmental Impact Report SCH#2021080222

Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance

CNPS Mission, Introductory Statement, and Project Description

The Mission of the California Native Plant Society (CNPS) is to protect CA's native plants and their natural habitats, today and into the future, through science, education, stewardship, gardening and advocacy. The CNPS 2022-2026 Strategic Plan includes goals and strategies enabling its Chapters to engage in advocacy for conservation purposes.

As stated by CDFW in their comment letter on the Notice of Preparation: "The County proposes to adopt the Paso Basin Land Use Management Area Planting Ordinance consisting of amendments to the County Land Use Ordinance (Title 22) and Agriculture and Conservation and Open Space Elements of the County General Plan (LRP2021-00001) to require ministerial land use approval ("a planting permit") until 2045 for new or expanded planting of irrigated crops irrigated with water from groundwater wells located within the Paso Basin Land Use Management Area with a two-tier framework."

Page 1-1 of the DPEIR states: "If this PEIR is certified by the lead agency's (County) decision-makers, the County would be able to issue ministerial planting permits for water neutral crop plantings if such plantings meet the requirement presented in Section 2.5, *Project Characteristics*. Certification of the PEIR would also result in exemption of new or expanded crop plantings with an estimated total water demand of 25 AFY or less per site, including existing crops. No subsequent activities that would be allowed by the proposed ordinance would require discretionary permits from the County. **Therefore, additional CEQA clearance would not be required for individual requests to allow plantings once the proposed ordinance is effective**."

The California Native Plant Society (CNPS) expresses its concern regarding the Planting Ordinance's impacts on the increasingly degraded condition of riparian and wetland ecosystems in the Paso Robles Basin. Historically many springs existed within the basin, and some wells had continued artesian flow to wetlands.

Continued over exploitation of groundwater has lessened the availability of water being discharged to streams and lessened the length of the season in which there is channel flow.

CNPS finds the analysis of impacts by the Draft Program Environmental Impact Report (DPEIR) to be largely correct and thorough. We note that the Biological Resources Section identifies Significant and Unavoidable adverse effects on (1) candidate, sensitive or special status species; (2) sensitive habitats, including riparian habitats; and (3) wildlife movement. The following is a point-by point analysis of the document. We thank the County for this opportunity.

Comment on Impacts on Biological Resources

CNPS concurs with the DPEIR that an expanded footprint of irrigated agriculture into lands that were formerly grassland or native habitat will have an impact that might not be mitigated, given the protection given under law that exempts production agriculture from expansion provided no listed species would be affected.

We are especially concerned about riparian habitats. We reiterate what CDFW has indicated in their comment letter on the NOP: "Project activities have the potential to result in temporary and permanent impacts to these features through groundwater pumping, habitat conversion, grading, fill, and related development. Riparian and associated floodplain and wetland areas are valuable for their ecosystem processes such as protecting water quality by filtering pollutants and transforming nutrients; stabilizing stream banks to prevent erosion and sedimentation/siltation; and dissipating flow energy during flood conditions, thereby spreading the volume of surface water, reducing peak flows downstream, and increasing the duration of low flows by slowly releasing stored water into the channel through subsurface flow."

Under the DPEIR, potential impacts are correctly identified as Significant and Unavoidable (Class I). The DPEIR includes only 3 mitigations for biological resources: (1) a 50 ft. setback for riparian and wetland areas, (2) monitoring of water use; and (3) a hydrology report showing non-interference with neighboring wells.

The PDPEIR states that any subsequent analysis would be considered by the next tier of studies under the Program part of the DPEIR. However, such analysis will be ministerial, out of the public eye and not subject to public input or scrutiny.

CNPS concurs with Section 4.3.4 of the DPEIR that "*There are no additional feasible mitigation measures available to reduce impacts to biological resources*." However the 25 AFY additional parcel demand allowed under this ordinance is a functional gifting of a public resource under which additional conditions might be imposed by the County. **Thus CNPS suggests, for any parcel seeking the 25 AFY exemption, that mitigation be demonstrated for any impacted listed species that are identified under any project covered by the umbrella of the PEIR. CNPS draws**

attention to section 1.2 of the DPEIR that states "Use of a PEIR provides the County (as the CEQA lead agency) with the opportunity to consider broad policy alternatives and program-wide mitigation measures and provides the County with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis."

Comments on Project Objectives

The first listed objective is: *Continue to exercise the County's land use authority to regulate the planting of production agriculture irrigated from groundwater wells within the PBLUMA with ministerial permits not subject to CEQA review.*

This authority is proposed to be ministerial, which closes the granting of planting permits to public review. For example, there is a requirement under the Ordinance that if parcels are contiguous and under one ownership, they would be limited to a single exemption. This could be circumvented by registering each parcel to a different family member, which is a game played successfully in the Westlands Water District in the Central Valley. Removal from public review of what would be a selective approval process also raises the spectre of possible corruption of favoritism in the granting of exemptions.

Not withstanding that CNPS opposes any additional 25 AFY exemptions, if the Ordinance was to include the parcel exemption, CNPS suggests that the Ordinance include language that voids an award of the 25 AFY exemption to any division of ownership within a parcel considered a single unit at the time the ordinance comes into effect.

•The second listed objective is: *Require new crop plantings that are to be irrigated from groundwater wells within the PBLUMA to be "water neutral," meaning new crops replace crops that are estimated to have had the same water demand and have been fallowed/removed within a certain time frame.*

This is the heart of an offset ordinance, but as it is subject to the diminishment in effectiveness which is allowed under every Alternative but Alternative 4, it is meaningless.

•The third listed objective is: *Allowance of an exemption for farms to plant irrigated crops that were not able to under the existing agricultural offset requirements.*

This is the poison pill that voids both the second objective of moderating water demand and the requirements of SGMA.

•The fourth listed objective is: *Conserve groundwater resources in the PBLUMA for use by production agriculture in a manner that is equitable and consistent with groundwater rights.*

This objective fails to recognize that agriculture is not the only user of groundwater in the basin, although it already takes the 'lion's share'. Groundwater law is complicated, especially in regard to the regulation of the water itself, considered in law to be a 'commons', and, also in law, the right of individuals to pump from beneath their land. Therefore the phrase "*consistent with groundwater rights*" raises the issue of whose rights are we talking about. Urban users, fisheries, riparian health and listed species all hold values that might be defended in court. An individual"s 'right' to pump will also be potentially diminished under SGMA.

•The fifth listed objective is: *Support and promote a healthy and competitive agricultural industry in the PBLUMA, whose products are recognized in national and international markets as being produced in San Luis Obispo County.*

This seems to be at odds with a planned aggravation of groundwater deficit problems allowed by this same ordinance, making production more expensive, lowering irrigation water quality due to mineralization of the deep waters of the basin, and pushing marginal operations into economic stress.

For example, The Los Angeles Times reported on June 12, 2022 reported that the the Central Valley's Community Alliance with Family Farmers noted that "*few agencies have been considering the effects on farmers that cultivate small acreages and typically have shallower wells..... that while larger farms are regularly drilling deeper wells, smaller farms with shallower wells have been going dr*y".

The sixth objective is: *Encourage and facilitate smaller production agriculture operations.*

That smaller groundwater withdrawals will be required in the near future is beyond doubt, both due to depletion of supply and by the requirements of SGMA. However, because of the increased cost of irrigation due to deeper well requirements and possible production quality due to worsening water quality, it is likely that smaller farm operations will be forced to sell out to the largest farming operations. So we will see larger production agriculture operations, not smaller. (see L.A. Times quote above).

<u>Comments on Project Alternatives</u>

The current agricultural offset ordinance requires that any new groundwater-supplied irrigated crop plantings must be offset to the extent that there is no net loss to groundwater storage in the basin. The Sustainable Groundwater Management Act (SGMA) makes this a long-term requirement for the Paso Robles Groundwater Basin. The DPEIR states on p. ES-3:

The existing overdraft conditions in the Paso Robles Subbasin, which are projected to be 13,700 AFY in the Paso Robles Subbasin Groundwater Sustainability Plan (GSP), will be addressed through management actions implemented by the Groundwater Sustainability Agencies (GSAs). Such actions are separate from the proposed project and therefore are not subject to this PEIR.

CNPS is concerned that divorcing the impacts of this Ordinance from the ability of a Groundwater Sustainability Agency (GSA) to reach its conservation goals, as required by law, is a fundamental weakness of the Ordinance and analysis under the PEIR. This is particularly concerning as the County is a major member of the GSA and is displaying a potential conflict of interest.

The DPEIR makes an accurate analysis of project alternatives, showing that continuation of the existing 25 AFY so-called 'de-minimus' exemption will have adverse impacts. This impact is allowed under the proposed ordinance, Alternative 2 (continuation of existing ordinance) and partially in Alternative 3 (for parts of the Basin not under 'severe decline') would contribute a further groundwater demand of 396 AFY under Alternative 3, and an astounding 13,360 AFY under Alternative 2. This clearly antithetical to the goals of SGMA, that require not just well water level stabilization, but well water level recovery.

Alternative 1 allows the existing ordinance to expire, removes any regulations on irrigated crop acreage, and appears to rely on the Paso Basin Groundwater Sustainability Plan as the means of controlling groundwater extractions. As SGMA requires that groundwater stabilization be achieved by 2040, and the DPEIR shows this Alternative would increase demand each and every year by a further 666-1,306 AFY, this clearly would tax basin resources so severely that future storage capacity would be impacted.

CNPS concurs that Alternative 4 is the environmentally superior alternative, as it removes the 25 AFY exemption and requires full offsets throughout the basin, resulting in no increase in overall irrigated cropland, ground disturbance, accessory infrastructure, or vehicle trips, and therefore fewer impacts to biological resources. Even this does nothing to decrease existing deficit pumping, which will probably require a reduction in irrigated demand to satisfy SGMA requirements.

<u>Comment on proposed changes to the Conservation and Open Space Element of the General Plan.</u>

The DPEIR on page 2-14 notes that the Existing Water Resources Policy 1.14 is to *avoid a net increase in use in groundwater basins certified at Level of Severity II or III for water supply*, would be changed to instead *limit a net increase in water use except where the new increase is the result of actions to promote the agricultural use of the supply in a manner that is equitable and consistent with groundwater rights.*

This contradicts the expected requirements of SGMA, not just for Paso Robles but for the entire inland portion of the county. CNPS finds this proposed change in the General Plan to be unacceptable, raising the power of agricultural users over those of all other competing users of the resource.

Summary of CNPS Concerns regarding the Proposed Ordinance and its analysis under the DPEIR.

(1) The Ordinance aggravates the deteriorating groundwater conditions in the Paso Robles Basin, and is antithetical to the intent of SGMA

(2) The Ordinance makes no accommodation of likely changes necessitated by irrigation reductions that will probably be required under SGMA.

(3) Of the Alternative Projects analyzed by the DPEIR, only Alternative 4 does not aggravate demands, but even that does not address to the manage a reduction of the demand by irrigated agriculture.

(4) The Ordinance does not attempt to condition additional 25 AFY exemptions to protecting natural resources, nor does the DPEIR discuss the concept of moving beyond CEQA agricultural exemptions

(5) CNPS strongly objects to proposed changes of Existing Water Resources Policy 1.14

(6) CNPS objects to using a PEIR to cover ministerial projects away from the eyes of the public, especially when impacts to surface water resources may be both adverse and cumulative in time of drought.

CNPS thanks you for this opportunity to comment.

David Chipping: Conservation Chair.

SLO Chapter of the California Native Plant Society

Contact: dchippin@calpoly.edu (805) 528-0914

Comment 3

SIERRA CLUB
SANTA LUCIA

North County Watch
Looking Out Today For Tomorrow

California Department of Water Resources
901 P Street, Room 213
Sacramento, CA 94236

Electronic Submitted Via SGMA Portal https://sgma.water.ca.gov/portal#gsp

September 10, 2022

RE: Revised Paso Robles Basin Final Groundwater Sustainability Plan
Sierra Club/North County Watch comments on **3-004.06 PASO ROBLES AREA**

Climate Projections

The estimates for attaining sustainability for the Paso Robles Area 3-004.06 groundwater basin are based on the look back period of 2011-2016. While the period 2011-2016 reflects some impacts from drought, the Plan does not incorporate the future impacts from climate change, that are, at this point, an undeniable factor in future yields.

According to a study[i] by UCLA Climate Scientist Park Williams published in February 2022 and reported in the Los Angeles Times[ii] by Ian James, we are in a 22-year megadrought that may continue for years:

> The extreme dryness that has ravaged the American West for more than two decades now ranks as the driest 22-year period in at least 1,200 years, and scientists have found that this megadrought is being intensified by humanity's heating of the planet.
>
> In their research, the scientists examined major droughts in southwestern North America back to the year 800 and determined that the region's desiccation so far this century has surpassed the severity of a megadrought in the late 1500s, making it the driest 22-year stretch on record. The authors of the study also concluded that dry conditions will likely continue through this year and, judging from the past, may persist for years.

The researchers found that the current drought wouldn't be nearly as severe without global warming. They estimated that 42% of the drought's severity is attributable to higher temperatures caused by greenhouse gases accumulating in the atmosphere.

> "The results are really concerning, because it's showing that the drought conditions we are facing now are substantially worse because of climate change," said Park Williams, a climate scientist at UCLA and the study's lead author. "But that also there is quite a bit of room for drought conditions to get worse."[iii]

The Williams et al. report cites that 2021 was "an exceptionally dry year…." South Western North American "precipitation was 8.3% below the 1950–1999 average and temperature was 0.91 °C above average…." The report states:

> Soil moisture is a particularly important integrator of drought. Soil moisture impacts runoff ratios and therefore streamflow, agricultural productivity and irrigation demand, ecosystem productivity and health, wildfire activity and land-atmosphere feedbacks such as heatwave intensity. Summer soil moisture is particularly crucial as summer is when water demand from ecosystems humans and the atmosphere is generally highest….
>
> Models consistently simulate SWNA [south western north America] drying under ACC [anthropogenic climate change] because warming without compensatory precipitation…increases the atmosphere's evaporative demand[iv].

The take away here is that anthropogenic climate change (ACC) contributed to ranking the current drought the driest in three centuries and has measurably contributed to the severity, duration and likely the continued duration of drought conditions into the future. The research found that the drought severity is intensified by 42% due to the higher temperatures caused by increased greenhouse gases in the atmosphere.

There is no quick fix to the impacts of changing climate nor any near-term reduction in impacts to temperature or drought conditions. We will likely be seeing a continuation of extreme dry soil conditions, which will not be reversed by a few higher-than-normal years of rainfall, and we can expect continued negative impacts from extreme heat. All of these conditions directly influence current basin yield and foretell unequivocally sharply reduced future basin yield. A five-year snapshot of basin conditions and yield is, in no way, a suitable predictor of the future sustainability of the basin without a robust assessment of anthropomorphic climate change (ACC) and is an inadequate basis for the assumption that we can continue that current use without immediate cutbacks in pumping or that outflows (pumping and other losses) will stay at current levels.

The failure to incorporate adequate climate models taints all of the assumptions for sustainability in the Plan.

- Soil infiltration assumptions will be not function as in historic models. As soil moisture declines, soils become less able to quickly absorb waters in rain events.
- The Basin model adopted for the Plan relied on the numerous basin studies over the last two decades. The studies looked at static points in basin history and did not assess impacts from climate change. The Plan does not appear to have incorporated any climate impact parameters looking to the future basin safe yield. The look back period 2012-2016 included drought conditions but in light of the six years of accelerated climate rise and extensive research on ACC, the Plan must be based on a realistic climate scenario.
- Riparian Evapotranspiration remains constant in all assessments of basin outflow. Given the dramatic worldwide increases in daily summer temperatures, this seems like a serious failure in allocation of the requirements for healthy riparian sustainability and biodiversity of species that rely on riparian habitats.
- The assumptions for future inflow are inadequate because they fail to assess the real impacts of climate change on weather patterns, temperatures and rainfall patterns. Streamflow percolation[v], deep percolation of precipitation, and surface inflow to the basin are not likely to achieve the predictions in the Plan. The largest component of inflow assumptions is Agricultural Irrigation Return Flow at 13,000 af/y. This is over 4 times what rural residential pumpers use annually. An inflow of 13,000 af/y of return ag irrigation makes no sense. Either ag irrigation is seriously wasting water, or this inflow assumption is wildly inaccurate.
- Streamflow will continue to decline as aridification increases with higher temperatures and less rain.
- As anthropomorphic climate change accelerates, outflow components of the model will change significantly. The model assumption of 'no increase in demand or pumping' is improbable and unrealistic. As less and less water is retained in the soil year over year, crops will require more irrigation. Hotter windy summers will increase evapotranspiration dramatically. Even with no growth in irrigated lands, more water will be required to generate the current production levels.

  All of the above contradict the Plan's assumptions regarding the impacts of climate change:

  > "The estimated future sustainable yield is similar to the estimated sustainable yield for the historic base period. This similarity indicates that potential future changes in climate are not projected to have a substantial impact on the amount of groundwater that can be sustainably used compared to historical conditions."[vi]

<u>Basin Pumping Assumptions</u>

The Plan is based on the assumption that ag demand and pumping will remain the same. From the Plan:

> "Projections for agricultural water demand are not available. Agricultural water demand was assumed to remain constant into the future to be

> consistent with the overarching assumption that future growth will be groundwater neutral through the implementation of this GSP."[vii]
>
> "An overarching assumption is that any future increases in groundwater [viii]use within the Subbasin will be offset by equal reductions in groundwater use in other parts of the Subbasin, or in other words, groundwater neutral through implementation of the GSP."

And the Plan relies on the continuation of the County's 1:1 Offset program to assure the neutral impacts of ag pumping.

> "The County of San Luis Obispo Water Demand Offset Ordinance is acknowledged as an important tool for controlling new land uses dependent on groundwater until groundwater management controls can be finalized as part of GSP implementation."[ix]

The Plan may not rely on the County's Offset Ordinance as it is set to expire. The County Planning Department is preparing a PEIR for a Paso Robles Land Use Management Area Planting Ordinance that will greatly expand pumping rights for ag zoned land in the basin via a ministerial permit to pump 25 af/y for new plantings. https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Planning-Projects/Paso-Basin-Land-Use-Planting-Ordinance/Draft-Program-Environmental-Impact-Report/Paso-Basin-Planting-Ordinance-Draft-PEIR.pdf

The Draft PEIR has an extensive list of Class 1 impacts including to Hydrology:

> **Impact HYD-2.** The proposed planting ordinance would result in a combination of decreasing water levels and increasing pollutant amounts throughout the PBLUMA that may degrade surface or groundwater quality. Impacts would be significant and unavoidable (Class I).
> **Impact HYD-3.** The proposed planting ordinance would decrease groundwater supplies such that sustainable groundwater management of the Paso Robles Subbasin would be impeded. Impacts would be significant and unavoidable (Class I).
> **Impact HYD-5.** The proposed planting ordinance may result in water quality impacts within the Paso Robles Subbasin that conflict with goals reducing water quality pollution, achieving water quality objectives, and maintaining beneficial uses identified in the Basin Plan. Impacts would be significant and unavoidable (Class I).
> **Impact HYD-6.** Increased groundwater extraction allowed by the proposed planting ordinance would conflict with the GSP's goal of sustainable groundwater management and with the GSP's projections for groundwater extraction within the Paso Robles Subbasin. Impacts would be significant and unavoidable (Class I).

Per New Times "Over the next 22 years, the EIR estimates it would spawn 250 new, 20-acre vineyards, which would add close to 10,000 AFY of demand on the basin – almost double what the basin's overdraft is already estimated at now."

With the expiration of the Offset ordinance, there will be no County requirements for an offset for new planting. The proposed planting ordinance conflicts directly with the Draft GSP.

Section 106

According to SLO County there are 5,164 wells documented in the Paso basin. Of those, approximately 4,500 are domestic wells and 600 are irrigation wells (County of SLO Public Health Department, June 2019 GSP 3-13). The Paso basin serves as the only water supply for over 15,000 rural residents.

Residential use accounts for about 4% of the water pumped from the aquifer annually. (Table 6-10 Paso GSP). Irrigated Ag accounts for 90% of the pumped water.

The Paso Robles Area GSP offers much to commercial agriculture and shows little concern for the real impacts to rural residential users. The thresholds for undesirable results in the GSP are very likely to negatively impact the domestic wells long before the allowed 30 feet of decline is reached or 10% of the wells go dry.

California Water Code Section 106 provides "It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation."

California courts have held that Section 106 is a policy that governs administrative agencies' water allocation decisions. (*City of Beaumont v. Beaumont Irrigation District* (1965), 63 Cal.2d 291, 381, 46 Cal.Rptr. 465, 469 application of "section 106 of the Water Code…is binding upon every California agency," including irrigation districts which were parties to the case.)

Meridian v. San Francisco[x] (1939) stated "It should be the first concern of the court in any case pending before it and of the department in the exercise of its powers under the act to recognize and protect the interests of those who have prior and paramount right to use the waters and streams. The highest use in accordance with the law is for domestic purposes, and next highest use is for irrigation."

California Supreme Court in *National Audubon Society v. Superior Court*[xi] (1983) stated "[a]lthough the primary function of [Water Code Sections 106 and 106.5], particularly section 106, is to establish priorities between competing appropriators, these enactments also declare principles of California water policy applicable to any allocation of water resources."

Central & West Water Basin Replenishment District v. So. California Water Co. (2003) [xii]held that court-supervised mass adjudications of water rights are subject to and governed by Section 106, and it therefore rejected a proposal for water banking by some of the adjudicated parties because the proposal did not comply with the policy in Section 106 of prioritizing domestic use.

California Common Law codifies the longstanding principle that in allocating California's limited water supplies in times and places of scarcity, water needs for domestic purposes must take priority over water needs for commercial profit, including agriculture.

> *Alta Land & Water Co. v. Hancock* (1890) [xiii]"the rights…to the use of water for the supply of the natural wants of man and beast" must take precedence over "the rights…to use the water for purposes of irrigation."
>
> *Smith v. Carter* (1897)[xiv] "both parties [to the water rights dispute] were entitled to have their natural wants supplied, that is, to use so much of water as was necessary for strictly domestic purposes and to furnish drink for man and beast, before any could be used for irrigation purposes" and that "[a]fter their natural wants were supplied each party was entitled to reasonable use of the remaining water for irrigation".
>
> *Drake v. Tucker* (1919) [xv]the trial court "properly decided that it would be an unreasonable use of the water under all the facts and circumstances for the plaintiff to use it for irrigation before the domestic uses of the defendant had been satisfied."
>
> *Cowell v. Armstrong* (1930) [xvi]"Natural uses are those arising out of the necessities of life…such as household use, drinking, [and] watering domestic animals…[and]unquestionably the term 'domestic purposes' would extend to culinary purposes and the purposes of cleaning, washing, the feeding and supplying of an ordinary quantity of cattle, and so on."
>
> *Prather v. Hoberg* (1944)[xvii] "Without question the authorities approve the use of water for domestic purposes as first entitled to preference. That use includes consumption for the sustenance of human beings, for household conveniences, and for the care for livestock."
>
> *Deetz v. Carter* (1965) [xviii]"[p]riority conferred on domestic users by Water Code section 106 is a statutory extension of a traditional preference accorded to 'natural' over 'artificial' uses."

Our purpose in citing the primary right of domestic users is to reinforce the importance of the standing of the rural residential user. The court cases arose out of an adjudicative situation and while some might argue that enforcement of Section 106 is only the purview of the courts, all overliers have equal rights. It is in the best interest of the rural residential overliers to make it clear that the courts have repeatedly recognized the superior right of water uses for residential purposes over irrigated agriculture. The Plan is focused on the needs of irrigated agriculture. The rights of rural residential

users must be secured within the structure of any management Plan before the Plan is put in place.

We appreciate the powerful potential for the Sustainable Groundwater Management Act to preserve important aquifers throughout the state for the benefit of all residents and commerce. Agriculture has an influential and powerful presence. The priority rights of the rural residential user, per Section 106, should be acknowledged and protected throughout the state. A de minimis entitlement of 2 af/y is meaningless if the water is inaccessible or too degraded.

The assumption that residential wells that were reported as dry or inadequate prior to 2017 are no longer an issue is not supported by any data. In fact, we know of one elderly resident who has been struggling with barely enough well output since 2014.

The County has received a sizeable grant for the implementation of the Plan. The Plan must include a date certain within a year of approval of the Plan by which an adequate number of monitoring wells, in particular alluvial monitoring and pumping data are in place and data is being utilized. The basin cannot wait for 5 years for mandatory cutbacks to be enacted. In light of drought, we are in an emergency situation.

The Plan acknowledges the various other water bearing formations that underlie the Paso Robles basin formation[xix]. However, the Plan lacks any discussion of the impacts to water quality of migration of much poorer quality waters from the Monterey and Santa Margarita formations into the Paso Robles formation aquifer due to declining basin levels. The basin is facing a situation of intrusion of connate waters from the lower aquifers that have the potential to migrate and permanently contaminate Paso Robles formation waters.

Thank you for the opportunity to comment on the Paso Robles subbasin GSP.

Susan Harvey
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[i] https://www.nature.com/articles/s41558-022-01290-z.epdf?sharing_token=c3NK6h-IfnrVoTrwE0YYFtRgN0jAjWel9jnR3ZoTv0OkweMbawmVFM1UCLmLxuyBpGKtFJa1_BxzJ7UFQSQZ6IMIvVOmlNdweksOJ_Tb7J-sLpaVxBYZk2m5IVcrrvrKYaetU9hkTYt-0W5PDEiIG_94ATdcRPQe4Qw91j-DZdvuEebYFPGg8KIRpaB0FLhWl-ALhsjokYHJJa_qsy-_lSbe6VJwlg8_M8HvPcQJcsk%3D&tracking_referrer=www.latimes.com

[ii] https://www.latimes.com/environment/story/2022-02-14/western-megadrought-driest-in-1200-years Western megadrought in worst in 1200 years, intensified by climate change, study finds. Ian James

[iii] *Western megadrought in worst in 1200 years, intensified by climate change, study finds.* https://www.latimes.com/environment/story/2022-02-14/western-megadrought-driest-in-1200-years

[iv] *Rapid intensification of the emerging southwestern North American megadrought in 20-2021* a. Park Williams, Benjamin I. cook, Jason E. Smerdon https://www.nature.com/articles/s41558-022-01290-z.epdf?sharing_token=c3NK6h-IfnrVoTrwE0YYFtRgN0jAjWel9jnR3ZoTv0OkweMbawmVFM1UCLmLxuyBpGKtFJa1_BxzJ7UFQSQZ6IMIvVOmlNdweksOJ_Tb7J-sLpaVxBYZk2m5IVcrrvrKYaetU9hkTYt-0W5PDEiIG_94ATdcRPQe4Qw91j-DZdvuEebYFPGg8KIRpaB0FLhWl-ALhsjokYHJJa_qsy-_lSbe6VJwlg8_M8HvPcQJcsk%3D&tracking_referrer=www.latimes.com

[v] "Total annual average streamflow percolation in the current water budget period was approximately 10% of the streamflow percolation in the historical base period. This reflects the very low streamflows during the drought. The low streamflows had a significant impact on the groundwater basin because streamflow percolation was the most significant source of groundwater recharge during the historical period." GSP P. 6-20

[vi] GSP 6.5.3.3

[vii] GSP 6.5.1.3

[viii] GSP 6.5.1
[ix] GSP 3.9.1
[x] *Meridian v. San Francisco* (1939), 13 Cal.2d424, 450, 90 P.2d 537, 550
[xi] *National Audubon Society v. Superior Court* (1983), 33 Cal3d 419, 448, n.30, 189 Cal.Rptr. 346,366 n.30
[xii] *Central & West Water Basin Replenishment District v. So. California Water Co.* (2003), 109 Cal.App.4th 891, 912-13, 135 Cal.Rptr.2d 486
[xiii] *Alta Land & Water Co. v. Hancock* (1890), 85 Cal.219, 230
[xiv] *Smith v. Carter* (1897), 116 Cal. 587, 592
[xv] *Drake v. Tucker* (1919), 43 Cal.App 53, 58
[xvi] *Cowell v. Armstrong* (1930), 210 Cal. 218, 225
[xvii] *Prather v. Hoberg* (1944), 24 Cal.2d 549, 5562, 150 P.2d 405, 412
[xviii] *Deetz v. Carter* (1965), 232,Cal.App2d 851, 854-55, 43 Cal.Rptr. 321, 323
[xix] GSP 4.3.3.1-5

Comment 4

LEAGUE OF WOMEN VOTERS®
OF SAN LUIS OBISPO COUNTY

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September 16, 2022

Craig Altare Supervising Engineering Geologist
Sustainable Groundwater Management Office
California Dept. Water Resources
901 P Street, Room 213
Sacramento, CA 94236

RE: Paso Robles Basin Amended GSP Comments

Dear Mr. Altare:

The League of Women Voters of San Luis Obispo County has reviewed the Paso Robles Amended Groundwater Sustainability Plan (GSP), the Groundwater Solutions Inc. (GSI) analysis, the City of Paso Robles Urban Water Management Plan, and the Paso Basin Land Use Management Area Planting Ordinance (PBLUMA). This review was guided by our adopted League policy and measures for water:

"T*he League supports policies and actions which provide for protection and efficient management of water resources, with emphasis on conservation and high standards of environmental quality in all areas. The League supports consideration of a variety of water supply sources, including reclamation. The League encourages the implementation of an integrated countywide master water planning effort, with periodic review and update. These plans should include a drought contingency program, including the impact of climate change, and the monitoring of groundwater usage, recharge, and water quality. "*

Please consider the following comments.

1) The Plan did not choose the right baseline.

The Paso Robles Basin Amended GSP selected 2017 water storage levels as the target for conservation and a representative 20-year period (1991-2011) that would ostensibly record past conditions that could be applied to future planning. However, the basin in 2017 was far below the levels at the start of the 20-year study period. GSI (Groundwater Solutions Inc.) showed that 236 wells went dry between 2013-2017, and 95 more between 2018 and 2022, so the 2017 basin conditions were already causing considerable harm.

2) The plan underestimated depletion of the basin and, in addition, only acknowledged that it would occur, yet does not provide ways to mitigate depletion of the basin.

The Plan's "Future Groundwater Budget" shows that in 2040, the calculated inflow to storage in the basin will be 69,500 AFY but extractions are 83,000 AFY (74,000 AFY from pumping). The GSP accepts a progressive depletion in basin storage of 13,700 AFY. The GSP itself has calculated that between 2020 and 2040 the groundwater will be depleted by 274,000 AF over the implementation period and does not outline how it would institute a reduction in pumping.

Urban water usage points to an even more dire situation. The current City of Paso Robles Urban Water Management Plan shows that extractions in 'River Wells' will increase from 3,609 AFY in 2020 to 4,200 AFY in 2040, and deep basin wells will increase from 954 AFY to 2,378 AFY over the same period. The County has also predicted a countywide increase in rural residential water demand of 2.3%/year.

Additionally very problematic is the proposed PBLUMA which would exempt new or expanded crop plantings with an estimated total water demand of 25 acre-feet per year (AFY) or less per site**.** The PBLUMA Draft EIR states: "This would equate to an annual increase in groundwater use of approximately 450 AFY, for a total increase of 9,900 AFY by January 31, 2045." The GSP is creating a situation where attainment of 2017 levels after 2040 will be extremely difficult. This will cause a greater economic and human impact than would a plan to diminish or reverse the annual pumping deficit from the present until 2040.

It is 17 years until 2040. If we estimate the historic balance of 38% wet years to 62% dry years, we end up with a deficit of 123,260 AF over the 17 year period. Perhaps the most disturbing part of the Plan is the acknowledgment of a continuing deficit in the groundwater storage that would be made up from some other water source, for which there is absolutely no evidence of availability.

3) The plan did not address climate change impacts.
The State of California's *Fourth Climate Change Assessment* shows that climate prediction models put us between a drier southern California and a wetter northern California, but the models all agree that we will be much hotter (by 2.5-2.7 degrees F by 2039). Water demand will increase in response.

The League of Women Voters of San Luis Obispo County urges the California Sustainable Groundwater Management team to return the Paso Robles Groundwater Sustainability Plan for further revisions. Specifically, the plan should be updated to:

1. Establish a more representative baseline by which to evaluate activity and demand on the basin,
2. Propose measures that will address pumping and depletion of the basin given anticipated growth in the area; and
3. Provide analysis and propose mitigations to address climate change impacts to the basin.

Thank you for your consideration of our concerns.

Sincerely,

Cindy Marie Absey, President
president@lwvslo.org

Neil Havlik, Co-Chair, Natural Resources Committee
Kim Murry, Co-Chair, Natural Resources Committee
naturalresosurces@lwvslo.org

Comment 5

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

September 19, 2022

Paul Gosselin, Deputy Director
Sustainable Groundwater Management
California Department of Water Resources
901 P Street, Room 213
Sacramento, California 94236

Re: NOAA's National Marine Fisheries Service's Comments on the Resubmitted Groundwater Sustainability Plan for the Paso Sub-basin

Dear Mr. Gosselin:

NOAA's National Marine Fisheries Service (NMFS) is the federal agency responsible for managing, conserving, and protecting living marine resources in inland, coastal, and offshore waters of the United States. We derive our mandates from numerous statutes, including the Federal Endangered Species Act (ESA). The purpose of the ESA is to conserve threatened and endangered species and their ecosystems.

The Paso Groundwater Sustainability Agency[1] (Paso GSA) recently released their Resubmitted Groundwater Sustainability Plan (Resubmitted GSP) for the Paso Sub-basin, located in the southern Salinas Valley near the town of Paso Robles, California. The Resubmitted GSP is in response to the California Department of Water Resources (DWR) reviewing the original GSP and on January 21, 2022, deeming it inconsistent with Sustainable Groundwater Management Act (SGMA) regulation. By regulation, the Paso GSA had six months during which they could amend and resubmit a GSP, followed by a 60-day period during which DWR would accept public comment on the Resubmitted GSP.

Waterways that overlie portions of the Paso Sub-basin (e.g., Salinas River) support federally threatened South-Central California Coast (S-CCC) steelhead (*Oncorhynchus mykiss*) and their designated critical habitat. Surface water and groundwater appear to be hydraulically linked in the Paso Sub-basin, and this linkage is critically important in creating seasonal habitat for S-CCC steelhead. Where the groundwater aquifer supplements streamflow, the influx of cold, clean water is critically important for maintaining temperature and flow volume. Pumping water from these aquifer-stream complexes has the potential to affect steelhead habitat by lowering groundwater levels and interrupting or altering hyporheic flow between the aquifer and stream. NMFS is concerned that groundwater extraction in the Paso Sub-basin may compromise instream habitat critical to S-CCC steelhead survival and recovery.

[1] Four individual GSAs comprise the Paso Sub-basin (City of Paso Robles GSA: Paso Basin - County of San Luis Obispo GSA, San Miguel Community Services District (CSD) GSA, and Shandon - San Juan GSA.

Comments

Page 3-29: In discussing beneficial uses of surface water within the basin, the Resubmitted GSP fails to list migration of aquatic organisms, and cold freshwater habitat, which are beneficial uses identified by the Central Coast Regional Water Quality Control Board.[2] The impact analysis within the document fails to consider impacts to these two-surface water beneficial uses.

Page 5-31: The Resubmitted GSP states the following:

> "Based on a review of the available stream flow records, any depletion of surface flow within the Estrella River occurred prior to 2015, and subsequent pumping has not resulted in the depletion of stream flow."

Figure 5-15, which is used to support the statement above, shows flow-duration curves for Salinas and Estrella rivers for four three-year time intervals and based on this figure the GSP states:

> "As documented in Figure 5-15, low flows in the Estrella River have become progressively shorter in duration over the past five decades, indicated by the curves shifting progressively to the left. In contrast, the curves for the Salinas River have remained in a cluster, with no trend to the right or left. These curves suggest that flows upstream of the Estrella gage may have historically been interconnected with groundwater and subject to depletion by groundwater pumping and lowered groundwater levels. Based on a review of the available stream flow records, any depletion of surface flow within the Estrella River occurred prior to 2015, and subsequent pumping has not resulted in the depletion of stream flow. SGMA does not require that GDEs be restored to any condition that occurred prior to 2015."

Comparing periods of very short intervals (i.e., three-year) can be biased by dry or wet years. For example, we developed two flow duration curves (Figure 1) for the Salinas River during the last two decades at longer intervals (i.e., 10-year). Based on these curves and the GSP analysis, low flows in the Salinas River at Paso Robles Gate have become shorter in duration over the past two decades, indicated by the curves shifting to the left. However, flow-duration curves represent flows without regard to the sequence of occurrence (Searcy, 1959), and the analysis does not estimate how pumping affects streamflow. Therefore, it is not clear how the GSP can measure streamflow depletion caused by groundwater pumping based on the flow-duration curves.

Page 5-26: Section 5.5 states that "Interconnection with stream flow occurs when the water table is near the stream bed elevation." This statement is not clear since there can be interconnection when the water table is below the streambed elevation. SGMA regulation (23 CCR §351(o)) defines "Interconnected surface water" as surface water that is hydraulically connected at any point by a continuous saturated zone to the underlying aquifer and the overlying surface water is not completely depleted.

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[2] https://cawaterlibrary.net/document/water-quality-control-plan-for-the-central-coastal-basin/

Page 5-43: The author inappropriately reasons that groundwater pumping does not materially impact passage opportunity of steelhead because "passage is only possible during relatively high flows and pumping from the Paso Robles Formation Aquifer has little effect on Salinas River flows…" Concerning the latter point, please see our comment immediately above. Also, steelhead passage does not only occur during high flows; juvenile steelhead smolts migrate downstream to the ocean and parr relocate to suitable freshwater habitat. For example, steelhead smolt outmigration typically occurs during the receding hydrograph following storms (Booth 2020), and may continue until impassable water depth or other environmental factor (e.g., water quality) precludes passage. Streamflow depletion caused by groundwater extraction can shorten the period during which passage opportunities exist for these two life-stages, an impact that was not evaluated, or proposed for future evaluation, in the Resubmitted GSP.

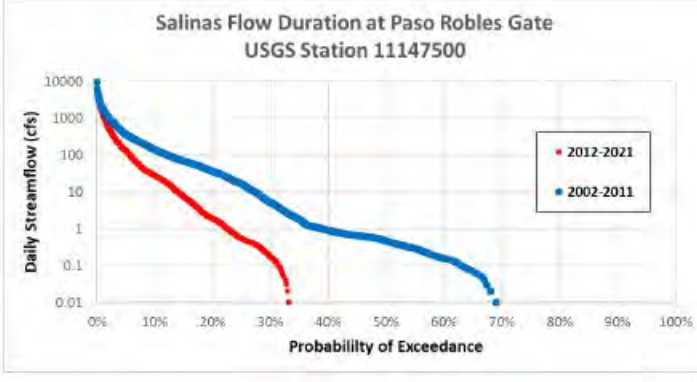

Figure 1. Flow-Duration Curves for Salinas River at Paso Robles Gate.

Page 6-4: NMFS has previously provided the following comments on Section 6.2.1 (Model Assumptions and Uncertainty) and Appendix E (see NMFS' letter of May 8, 2020):

> "Section 6.2.1 (Model Assumptions and Uncertainty) states that the GSP model was considered appropriated for the final GSP. We have reviewed Appendix E which briefly describes the GSP model. Appendix E shows differences between simulated values of the GSSI model (an original hydrologic model developed by Geoscience Support Services, Inc.) and other simulated values of the GSP model (an adapted GSSI model for the GSP), but it does not show the GSP model calibration results (i.e., differences between observed and simulated streamflow and groundwater levels). The final GSP refers to a report of the original GSSI model (GSSI 2016). This report indicated that the GSSI model performance was only good for simulated streamflows at the Salinas River near Bradley gage. However, the location of this gage is not within the updated Paso GSP boundary.

> On the other hand, GSSI (2016) pointed out the following limitations of the model performance at gages located within the updated Paso GSP boundary: 1) The GSSI model tends to overestimate flow at Salinas River above Paso Robles gage during the lowest measured flow rates (i.e., base flow); and 2) available measured data at Estrella River near Estrella gage is too limited to provide a clear understanding of the model's performance at this gage. These limitations should be clearly discussed in Section 6.2.1, and resolved before the GSSI model is adapted for the GSP. Moreover, the modeling approach is at semi-annual time scale, which can mask important ecological processes that occur at shorter (e.g., daily) time steps. Therefore, we suggest the GSP further refine the modeling approach to estimate daily streamflow depletion values occurring at representative sites throughout the Paso Basin, and present detailed information of the updated GSP model calibration process."

These issues remain unaddressed in the Rebubmitted GSP for the Paso Sub-basin.

Page 8-34: The Resubmitted GSP states the following:

> "The minimum threshold for interconnected surface water is a decline in the alluvial water table elevation as measured at Alluvial Aquifer RMS wells in the spring measurement round along the Salinas River, middle reach of the Estrella River (from Shedd Canyon to Martingale Circle) or San Juan Creek upstream of Spring Creek that is 1) likely caused by groundwater pumping in the Paso Robles Formation Aquifer, 2) is more than 10 feet below the spring 2017 elevation, 3) persists for more than two consecutive years, and 4) occurs along more than 15 percent of the length of any of the three stream reaches."

The above statement requires far more explanation than what is provided. For instance, what is the significance of a 10-foot depth and the time period of spring 2017 as they relate to groundwater extraction impacting beneficial uses of surface water? Likewise, how does a decline in the alluvial water table occurring "along more than 15 percent of the length of any of the three stream reaches" inform whether surface water beneficial uses, or ESA-listed S-CCC steelhead and its habitat, are impacted significantly and unreasonably? Finally, aquatic organisms survive or perish based upon habitat conditions occurring at a specific time and place. Requiring two consecutive years of impacts before an undesirable result is acknowledged has no ecological basis, and is not appropriate for avoiding impacts to ESA-listed species. Similar concerns exist for the proposed measurable objective (e.g., "five-year moving average of spring groundwater elevations…that are no more than five feet below the spring 2017 groundwater elevations").

Page 8-34: Using groundwater levels as a proxy for streamflow depletion requires that "significant correlation exists between groundwater elevations and the sustainability indicators for which groundwater elevation measurements serve as a proxy.[3]" The Resubmitted GSP does not show that significant correlation between the two exists, but instead uses the questionable

[3] See 23 CCR § 354.30(d)

conclusion reached earlier in the document that the likely magnitude of streamflow depletion impacts on steelhead is likely "negligibly small" (see earlier comment).

Also, Section 8.9.2 (Minimum Thresholds) states:

> "SGMA regulations specify that the minimum threshold for interconnected surface water shall be defined as "the rate or volume of surface water depletions caused by groundwater use that has adverse impacts on beneficial uses of the surface water and may lead to undesirable results" (Regulations §354.28(c)(6)). However, the regulations also allow the use of groundwater elevations as a reasonable proxy for the rate of flow depletion if such approach is "supported by adequate evidence" (Regulations §354.28(d)). In the Paso Robles Subbasin, depth to water is a reasonable proxy because the resource most likely to be impacted is phreatophytic riparian vegetation, which is sensitive to depth to water but not to the rate of percolation."

How groundwater supports phreatophytic riparian vegetation is very different from how groundwater accretion to surface flow supports stream-dwelling organisms. The mechanism by which stream-dwelling organisms are impacted by groundwater pumping is habitat degradation caused by the draw-down of surface flows (Barlow and Leake 2012), and can occur in both "gaining" and "losing" stream reaches. The impacts can be both physical (e.g., pool volume shrinks as water surface elevation declines) and chemical (e.g., water quality can suffer as pools and riffles lose connectivity). Therefore, the criteria based on phreatophytic riparian vegetation should not be used as reasonable criteria to inform groundwater effects on steelhead.

Page 8-36: Concerning impacts to species listed under the ESA and California Endangered Species Act, the author states the following:

> "The SMCs (*sustainable management criteria*) for interconnected surface water are designed to sustain populations of GDE animals, including these listed species, at 2017 levels. This would avoid take."

The above passage appears to misunderstand the issue of unauthorized take of a species listed under the ESA. Under the ESA, take of an individual protected organism means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The Resubmitted GSP does not explain why sustaining steelhead populations at 2017 levels would avoid taking individuals of the species, or modifying or degrading species habitat. Without this analysis and explanation, the conclusion that take would be avoided is baseless. On the contrary, the fact that 2017 groundwater levels were historically low at many monitored sites (Figure 5-14), and, by extension, surface water depletion historically high, indicates take may very well occur under the proposed SMCs.

Appendix K: NMFS has previously provided the following comment on Appendix K (Model Results that Demonstrate Sustainability) (see NMFS' letter of May 8, 2020):

> "The model results presented in Appendix K only measure sustainability by plotting semi-annual groundwater elevations against chosen elevation thresholds. Because the chosen thresholds lack any apparent correlation to significant and unreasonable impacts to identified beneficial uses of surface water within the basin, concluding the results demonstrate sustainability is unfounded."

These issues remain unaddressed in the Amended GPS for the Paso Subbasin.

NMFS appreciates the opportunity to comment on the Paso Sub-basin Resubmitted GSP. After careful review, NMFS recommends DWR reject the plan until the critical flaws identified above are addressed. Addressing streamflow depletion through effective groundwater management is essential to ensuring the survival and recovery of S-CCC steelhead within the Salinas River and tributaries.

If you have any questions or concerns regarding this letter, please contact Mr. Rick Rogers at 707-578-8552 (nick.rogers@noaa.gov) or Mr. Bill Stevens at 707-575-6066 (William.Stevens@noaa.gov).

Sincerely,

A. Ingham

Amanda Ingham
Central Coast Branch Chief
North-Central Coast Office

cc: Angela Murvine, CDFW, angela.murvine@wildlife.ca.gov
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Chris Olivera, DWR, Christopher.Olivera@water.ca.gov
Copy to File: FRN 151416WCR2019SR00210

References

Booth, M. T. 2020. Patterns and Potential Drivers of Steelhead Smolt Migration in Southern California. North American Journal of Fisheries Management 40(4): 1032-1050.

Searcy, J. K. (1959). Flow-Duration Curves. Manual of Hydrology: Part 2. Low-Flow Techniques. Water Supply Paper 1542-A. U.S. Geological Survey.

Comment 6:

Russell Hodin (09/19/2022)

The management plan for the Paso Robles groundwater basin must be rejected outright. The plan makes assumptions of groundwater recharge based on climate scenarios unrelated to local historical trends, historical agricultural expansion, and recent legislation adopted by the basin governing board which facilitates expansion of water extraction. Simply put, the plan ignores the math. The math, i.e. basin extraction data, both historical and projected, is key to basin sustainability and the whole reason for the enactment of SGMA. The governing bodies overseeing the Paso Robles basin clearly are blowing smoke. The CA DWR must stand firm and reject the recent plan based on its fictional assumptions. Since this is the second deficient plan submitted by the county, a plan which doesn't rectify the overdrafts, the argument can be made that the local basin managers are not taking the goals of SGMA seriously. There is one solution, and that is that the DWR must therefore take over basin management, the sooner the better.

Paso Basin Cooperative Committee
Minutes
July 27, 2022

The following members or alternates were present:

Debbie Arnold, Chair, County of San Luis Obispo
Matt Turrentine, Vice Chair, Shandon-San Juan Water District
John Hamon, Treasurer, City of Paso Robles
Dustin Pittman, Alternate, San Miguel Community Services District

1. Call to Order	Chair Arnold: calls the meeting to order at 5:00 p.m.
2. Pledge of Allegiance	Chair Arnold: leads the Pledge of Allegiance.
3. Roll call	Project Manager, Blakslee: calls roll.
4. Meeting Protocols	Project Manager, Blakslee: provides an overview of meeting protocols.
5. Public Comment – Items not on Agenda	*Meeting Audio: Item start ~ 00:01:51* Chair Arnold: opens the floor for public comment. Greg Grewal: comments every property in the county is assessed a special tax that goes to the State Water Project (SWP). That money is supposed to go in a special account for state water. In 2008 and 2013 the county sold water for a total of 2.68 million dollars. Greg has been asking for years where is that money. He notes that the money was placed in a different account and not in the SWP account. He reports that the grand jury did an investigation and found that the money needs to be put back in the correct account. He says the point has not been addressed that the money was used to make a profit and the people are owed over 10 years of interest on the 2.68 million dollars. He says the money was not being used properly and other people benefitted from that money and there is a need to keep an eye out for these kinds of situations. He said, often, tabs are not being kept on other government agency and what they think they can do with other people's money. Greg continues to say, if an individual is going to be a shareholder then there should be profit sharing when the asset is sold that is required to pay for.
6. Approval of April 27, 2022, Regular Meeting Minutes	*Meeting Audio: Item start ~ 00:04:18* Chair Arnold: opens discussion for Agenda Item 6 Approval of April 27, 2022, Regular Meeting Minutes; asks for comments from the Committee. Chair Arnold: opens the floor for public comment. No comment. **Motion by:** Vice Chair Turrentine **Second by:** Treasurer Hamon **Motion:** Committee moves to approve April 27, 2022, Regular Meeting Minutes.

Members	Ayes	Noes	Abstain	Recuse
Debbie Arnold (Chair)	X			
Matt Turrentine (Vice Chair)	X			
John Hamon (Treasurer)	X			
Dustin Pittman (Alternate)	X			

7. Response to Previous Public Comments	*Meeting Audio: Item start ~ 00:06:00* Chair Arnold: opens discussion for Agenda Item 7. Response to Previous Public Comments. Groundwater Sustainability Director Blaine Reely reports there are no additional comments.
8. Update on Submittal of Amended GSP	*Meeting Audio: Item start ~ 00:06:12* County Groundwater Sustainability Director (GSD), Blaine Reely: provides an update on the submittal of the amended Groundwater Sustainability Plan (GSP). Mr. Reely informs the committee the California Department of Water Resources (DWR) has yet to provide their comments. Mr. Reely thanks Todd and GSI for all their hard work on working on the amended GSP. Chair Arnold: opens the floor for public comment. There are no additional comments.
9. Report on Spring 2022 Groundwater Levels	*Meeting Audio: Item start ~ 00:08:30* Meeting materials for Agenda Item are available at: www.slocounty.ca.gov/pasobasin Mr. Reely: reports spring 2022 groundwater measurement in the Paso Basin. He notes the purpose of this report is due to DWR's requirement that groundwater levels in medium, high, and critically overdraft basins be submitted to DWR semiannual (in the spring and fall). Mr. Reely reviews the groundwater elevation change map from spring 2021 to spring 2022 and based on measurements in 53 wells there is an estimated change in groundwater storage of -81,800 acre-feet (AF). He notes the reason for this change is the ongoing drought and not being able to recharge. Treasurer Hamon: asks how the groundwater elevation figure correlates with the water basin in the reservoirs on the surface waters and their reduction. Mr. Reely: replies there are no surface reservoirs in the Paso Basin, Nacimiento is very low. He continues to say both groundwater and surface water is declining in the county and the State. Treasurer Hamon: asks if the three monitoring wells in the area showing the worst change in groundwater level decline provided all the data. Mr. Reely: replies that those three wells were used along with other wells that are not shown in the figure. Chair Arnold: opens the floor for public comment.

	Greg Grewal: speaks. Kevin Peck: speaks. Vice Chair Turrentine: says it is important wherever possible to implement continuous monitoring on these wells.
10. Monitoring Network Enhancement Presentation	*Meeting Audio: Item start ~ 00:19:58* Mr. Reely: introduces the topic of the monitoring network enhancement presentation. GSI Consultant Nate Page: provides an overview of the existing monitoring network and noted that using the existing 23 representative monitoring sites, 67 existing wells, and 8 new wells would bring the monitoring total to 98. He illustrates how a pumped well's groundwater levels can fluctuate by 50 feet. Vice Chair Turrentine: asks if the immediate next step is getting grant funding for some of the items presented. Mr. Reely: replies the next step is to use the recently awarded $1 million grant funding to addresses these issues/data gaps. He notes the presentation shown show how these data gaps would be filled including additional monitoring like stream gauge installations. Treasurer Hamon: asks how long it would take to get the monitoring network updated. Mr. Reely: replies bringing in existing wells into the monitoring network is mostly getting access agreements with landowners, which could be completed by the end of this year. He says he expects the instrumentation of 40 wells with transducers to be completed in time for the 2023 spring round measurement. Treasurer Hamon: asks if the proposed monitoring network is a mix of agricultural and non-agricultural wells. Mr. Reely: replies this is a mix of both where some are in areas of heavy irrigation and some in areas that are intended to protect domestic users. Chair Arnold: opens the floor to public comment. There are no additional comments.
11. Update on Grant-Funded	*Meeting Audio: Item start ~ 00:39:40*

Project Implementation	Mr. Reely: provided an overview of the recently awarded DWR Sustainable Groundwater Management Program Round 1 Grant totaling $7.6 million and reports the grant agreement is being reviewed by DWR's legal. He continues to say DWR expects to execute the agreement by end of July 2022 and staff will begin planning for grant component implementation. Mr. Reely reviewed awarded projects which is included in the meeting packet. Chair Arnold: opens the floor to public comment. Greg Grewal: speaks. Ann Myhre: speaks.
12. Update from Member GSAs	*Meeting Audio: Item start ~ 00:50:36* Matt Thompson: Says the City of Paso Robles (City) received a $3.5 million grant for construction of the Salinas River segment, which is about 1,900 feet long. He continues to say the project is being spilt out of the larger recycled water distribution plan set, with the intent of taking it out to bid this winter. He says the larger recycled water distribution project is a major undertaking and is the second largest capital improvement project in the City's history. He reports that a 24" diameter purple pipe will extend 4.75 miles from the City's wastewater treatment plant all the way to the City's eastern limits to a 2-million-gallon tank. He explains the intent is to supply irrigation water to golf courses and grape vineyards and in the near-term recharging the surplus water into the Huerhuero Creek for the purpose of recharging the underlying groundwater. The first half of the City's recycled water program is complete which is the initiation of a tertiary treatment facility of the City's wastewater treatment plant, which produces between three-to-four-thousand-acre feet of tertiary water annually. He explains the environmental permitting and design are complete, the project is close to being ready to bid, and financing is being pursued for the $35 million project. The SRF staff told Mr. Thompson the Paso Robles recycled distribution project is slated for a $10.2 million grant in conjunction with the SRF loan. Mr. Thompson continues to explain there may be recycled water by 2025.
13. Committee Member Comments	There are no additional comments.
14. Upcoming meeting(s)	*Meeting Audio: Item start ~ 00:58:12* Mr. Reely: notes the next meeting is on October 26, 2022.
15. Future Items	There are no additional comments.
16. Adjourn	Chair Arnold moves to adjourn the meeting at 6:25 p.m.

Rob Roberson, Secretary of the Paso Basin Cooperative Committee
Drafted by: Taylor Blakslee/Joshua Montoya, Hallmark Group

PASO BASIN COOPERATIVE COMMITTEE
October 26, 2022

Agenda Item #15 – Adopt Resolution 2022-004 Amending the Conflict of Interest Code

Recommendation

It is recommended that the Paso Basin Cooperative Committee (Committee) adopt the attached Resolution amending Appendix A of the Committee Code to remove the County of San Luis Obispo Engineer position to the designated position list.

Prepared By

Blaine Reely, County of San Luis Obispo Groundwater Sustainability Director

Discussion

The Political Reform Act (Gov. Code, § 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes governing the political activities and financial disclosure requirements of certain officers and employees. A conflict of interest code tells public officials, governmental employees, and consultants who are listed within the code what financial interests they must disclose on their Statement of Economic Interests (Form 700). Consistent with this requirement, on February 14, 2018, the Commission voted to adopt the Paso Basin Cooperative Committee Conflict of Interest Code ("the Code"), including a designated position list (Appendix A to the Code).

The Political Reform Act also requires every local government agency to amend its Conflict of Interest Code when change is necessitated by changed circumstances, including the creation of new positions and to submit any amendments to its conflict of interest code for approval to the County Board of Supervisors, as the code reviewing body. (Gov. Code, §§ 87306).

On September 14, 2021, the County Board of Supervisors voted to approve the creation of the Groundwater Sustainability Department and Groundwater Sustainability Director position. The Groundwater Sustainability Director is the County staff person responsible for the implementation of the Paso Basin Groundwater Sustainability Plan and compliance with the requirements of the Sustainable Groundwater Management Act in accordance with direction provided by the County Board of Supervisors. Therefore, the County of San Luis Obispo Engineer is no longer needed and that position should be removed as a designated position from Appendix A of the Code. Because the Code adopts the state's model code and any subsequent amendments thereto, the Committee Code Coordinator (the Groundwater Sustainability Director or his/her designee) recommends this amendment to the Committee Code.

Attachments

1. Committee Code
2. Resolution Amending Appendix A to the Committee Code

ATTACHMENT 1
COMMITTEE CODE

CONFLICT OF INTEREST CODE OF THE
PASO BASIN COOPERATIVE COMMITTEE

The Political Reform Act (Gov. Code, § 81000, et. seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes governing the political activities and financial disclosure requirements of certain of their officers and employees. The Fair Political Practices Commission ("FPPC") has adopted a regulation (Cal. Code Regs., tit. 2, § 18730) that contains the terms of a standard conflict of interest code, which may be adopted by local agencies and its provisions incorporated by reference as the agency's code. After public notice and hearing, the FPPC may amend section 18730 to conform to amendments in the Political Reform Act. Therefore, the terms of Title 2 of the California Code of Regulations, section 18730, and any amendments to it duly adopted by the FPPC are hereby adopted and incorporated herein by reference as the Conflict of Interest Code of the Paso Basin Cooperative Committee ("the Committee"), together with the attached appendices, designating positions (Appendix A) and establishing disclosure requirements (Appendix B). (The full text of Section 18730 is reproduced and included herewith.)

Individuals holding designated positions shall file their statements of economic interests with the Clerk of the Board of Supervisors of the County of San Luis Obispo ("Clerk of the Board"), who is hereby designated as the filing official for all statements of economic interest filed pursuant to this code. All statements will be retained by the Clerk of the Board in accordance with applicable law, and, upon request by any member of the public, such statements will be made available for public inspection and reproduction in accordance with Government Code Section 81008. Upon the Committee's behalf, the Clerk of the Board will maintain the statements at the clerk's office located at 1055 Monterey Street, Suite D430, San Luis Obispo, CA 93408.

California Code of Regulations, Title 2
§ 18730. Provisions of Conflict of Interest Codes.[1]

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.
The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.
The persons holding positions listed in the [Appendix A] are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.
This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.[1]
Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her

[1] **This version of Section 18730 of Title 2 of the California Code of Regulations is effective as of February 6, 2018, the date this was reproduced for purposes of its adoption as the Committee's Code. Any officer or employee who is designated in Appendix A, attached hereto, is advised to ensure that this reproduced version is the most current version of the FPPC's model code.**

statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.
The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.[2]

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Service member's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.
Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.
Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.
Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.
Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.
Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.
When an investment or an interest in real property[3] is required to be reported,[4] the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property equals or exceeds $2,000, exceeds $10,000, exceeds $100,000, or exceeds $1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,[5] the statement shall contain:

1. The name and address of each source of income aggregating $500 or more in value, or $50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was $1,000 or less, greater than $1,000, greater than $10,000, or greater than $100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,[6] the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than $10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of $470.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than $470 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed $500 at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive

a personal loan of $500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of $100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than $250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.
No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth $2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth $2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating $500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating $470 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.
No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.
In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value $1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.
When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.
Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(**12) Section 12. Violations.**
This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

_____

[1] Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.
[2] See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.
[3] For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.
[4] Investments and interests in real property which have a fair market value of less than $2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.
[5] A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.
[6] Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

CONFLICT OF INTEREST CODE FOR THE

PASO BASIN COOPERATIVE COMMITTEE

APPENDIX A - Designated Position List

Position	Disclosure Category
Cooperative Committee Members	1,2
City of Paso Robles Director of Public Works	1,2
San Miguel Community Services District, District Engineer	1,2
Shandon-San Juan Water District—Designated Employee to Committee	1,2
County of San Luis Obispo Groundwater Sustainability Director	1,2
Attorney	1,2
Consultants/New Positions	*

Note: The position of Attorney is filled by an outside consultant, but acts in staff capacity.

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Committee may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Committee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

APPENDIX B – Disclosure Categories

1. Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources of the type that provide services, supplies, materials, machinery, or equipment of the type utilized by the Committee.

2. Interests in real property located within the jurisdiction of the Committee, or within two miles of the jurisdictional boundaries of the Committee, or within two miles of any land owned or used by the Committee.

ATTACHMENT 2

RESOLUTION AMMENDING APPENDIX A TO THE COMMITTEE CODE

RESOLUTION NO. 2022-004

RESOLUTION OF THE PASO BASIN COOPERATIVE COMMITTEE AMENDING APPENDIX A TO ITS CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act (Gov. Code, § 81000 et seq.) requires every state and local government agency to adopt and promulgate a conflict of interest code pursuant to Government Code section 87300; and

WHEREAS, on February 14, 2018, the Paso Basin Cooperative Committee adopted the Paso Basin Cooperative Committee Conflict of Interest Code; and

WHEREAS, Appendix A to the Committee's Conflict of Interest Code identifies those officials and employees who shall file statements of economic interests with the Clerk of the Board of Supervisors, upon assuming office, leaving office, and during each year in office disclosing those financial interests set forth in Appendix B of the Conflict of Interest Code; and

WHEREAS, due to the creation of the County Groundwater Sustainability Department and addition of the Groundwater Sustainability Director position to the Committee's Conflict of Interest Code, the County of San Luis Obispo Engineer position is no longer needed and should be removed from the Conflict of Interest Code.

NOW, THEREFORE, be it resolved and ordered by the Paso Basin Cooperative Committee that:

1. Appendix A of the Conflict of Interest Code for the Paso Basin Cooperative Committee is hereby amended to remove the position of County of San Luis Obispo Engineer as set forth in Exhibit A attached hereto and incorporated herein by this reference.

2. Except as set forth in Paragraph 1, Appendix A and the Conflict of Interest Code shall remain unchanged and in full force and effect.

3. The County of San Luis Obispo Groundwater Sustainability Director, or his/her designee, is hereby directed to submit the Committee's code amendment, as adopted herein, to the Clerk of the Board of Supervisors for approval by the board in accordance with Government Code section 87303 and 87306.

PASSED AND ADOPTED by the Paso Basin Cooperative Committee on the 26th day of October 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Debbie Arnold, Chair, Cooperative Committee

ATTEST: _____

AMENDMENT TO APPENDIX A TO PASO BASIN COOPERATIVE COMMITTEE CONFLICT OF INTEREST CODE (REDLINE/STRIKETHROUGH)

CONFLICT OF INTEREST CODE FOR THE

PASO BASIN COOPERATIVE COMMITTEE

APPENDIX A - Designated Position List

CONFLICT OF INTEREST CODE FOR THE

PASO BASIN COOPERATIVE COMMITTEE

APPENDIX A - Designated Position List

Position	Disclosure Category
Cooperative Committee Members	1,2
City of Paso Robles Director of Public Works	1,2
San Miguel Community Services District, District Engineer	1,2
Shandon-San Juan Water District—Designated Employee to Committee	1,2
~~County of San Luis Obispo Engineer~~	~~1,2~~
County of San Luis Obispo Groundwater Sustainability Director	1,2
Attorney	1,2
Consultants/New Positions	*

Note: The position of Attorney is filled by an outside consultant, but acts in staff capacity.

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Committee may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Committee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

AMENDMENT TO APPENDIX A TO PASO BASIN COOPERATIVE COMMITTEE CONFLICT OF INTEREST CODE (CLEAN)

CONFLICT OF INTEREST CODE FOR THE

PASO BASIN COOPERATIVE COMMITTEE

APPENDIX A -Designated Position List

CONFLICT OF INTEREST CODE FOR THE

PASO BASIN COOPERATIVE COMMITTEE

APPENDIX A - Designated Position List

Position	Disclosure Category
Cooperative Committee Members	1,2
City of Paso Robles Director of Public Works	1,2
San Miguel Community Services District, District Engineer	1,2
Shandon-San Juan Water District—Designated Employee to Committee	1,2
County of San Luis Obispo Groundwater Sustainability Director	1,2
Attorney	1,2
Consultants/New Positions	*

Note: The position of Attorney is filled by an outside consultant, but acts in staff capacity.

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Committee may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Committee's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

PASO BASIN COOPERATIVE COMMITTEE
October 26, 2022

Agenda Item #16 – Adopt the Meeting Calendar for Calendar Year 2023

Recommendation
Adopt the Meeting Calendar for Calendar Year 2023.

Prepared By
Blaine Reely, County of San Luis Obispo Groundwater Sustainability Director

Discussion
The Paso Basin Cooperative Committee (PBCC) meets on the fourth Wednesday of the month on a quarterly basis. The proposed 2023 meeting dates following this meeting cadence is provided as Attachment 1 for consideration of PBCC approval.

Attachments
1. Proposed 2023 Meeting Dates

* * *

Attachment 1

Paso Basin Cooperative Committee
Draft 2023 Meeting Calendar

PBCC Meeting Holiday

January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

PASO BASIN COOPERATIVE COMMITTEE
October 26, 2022

Agenda Item #17 – Authorize Staff to Issue an RFP and Award a Contract for Development and Submittal of Annual Reports for Water Years 2021-2022 and 2022-2023

Recommendation

It is recommended that the Paso Basin Cooperative Committee (Committee) authorize staff to issue an RFP and award a contract for development and submittal of annual reports for Water Years 2021-2022 and 2022-2023 to the California Department of Water Resources for a cost not to exceed of $200,000.00.

Prepared By

Blaine Reely, County of San Luis Obispo Groundwater Sustainability Director

Discussion

In accordance with the Sustainable Groundwater Management Act (SGMA), the California Department of Water Resources (DWR) requires Annual Reports be submitted by April 1st of each year for the proceeding water year (October 1st through September 30th).

The Annual Report for the 2022 Water Year (October 1, 2021 – September 30, 2022) is due April 1, 2023, and staff is requesting authorization to issue a request for proposals (RFP) and award a contract for the development and submittal of the annual reports for Water Years 2021-2022 and 2022-2023, including all required data to be uploaded to the DWR SGMA portal. Staff's proposal to include development and submittal of two Annual Reports is for ease of administration, reduced costs and the cost not to exceed for each Annual Report is $100,000.00 for a total cost not to exceed of $200,000.00 for Water Years 2021-2022 and 2022-2023.

Staff anticipates this will be a very similar effort to the previous Annual Report development. The County of San Luis Obispo proposes to administer the RFP as well as facilitate the cost share of Annual Report development with Paso Basin Cooperative Committee member Groundwater Sustainability Agencies.

* * *