

COLAB SAN LUIS OBISPO COUNTY

WEEK OF MARCH 16-22, 2014



THE COALITION OF LABOR,
AGRICULTURE, AND BUSINESS

COLAB

San Luis Obispo County

5th Annual

DINNER & FUNDRAISER

2014

Thursday, March 27, 2014

Alex Madonna Expo Center, San Luis Obispo

5:15 pm - Social Hour, No Host Cocktails

6:15 pm - Filet Mignon Dinner including Wine

\$125 per person / \$1100 per table of ten
Reserved seating for Tables of Ten

For tickets, mail your check to:
COLAB, PO Box 13601,
San Luis Obispo, CA 93406

For more information call: (805) 548-0340
or email to colabslo@gmail.com

**Remember to bring your ticket to enter in the
door prize drawing!**

Keynote Speaker

**Dr. Sam
Blakeslee**

The Honorable Dr. Sam Blakeslee founded the Institute for Advanced Technology and Public Policy at Cal Poly in 2012. With a portfolio of experience as a scientist, business owner and legislator, his goal is to bring these diverse worlds together with cross-disciplinary thinkers at Cal Poly to solve some of the most complex public policy challenges facing society today. Blakeslee was elected to the California State Assembly in 2005 and later to the State Senate. Elected by his fellow legislators, Blakeslee served as Assembly Minority Leader. In this role, he was a member of the "Big 5" with responsibility for negotiating the state budget and major policy initiatives. In 2009 and 2012, the Sacramento Bee Identified Blakeslee as one of "Sacramento's Most Bipartisan Legislators."



Come join us in the celebration!

**Cocktail Attire Optional
(We still love those jeans too!)**

**BOARD DECLARES DROUGHT EMERGENCY
(NOW WHAT?)**

**MORE “ROBUST” (STRICT) PASO ROBLES
GROUNDWATER MANAGEMENT PLAN
PROPOSED**

**COUNTY AWAITS LEGISLATIVE COUNSEL OPINION ON
PROPOSED PASO BASIN WATER MANAGEMENT
DISTRICT**

Board of Supervisors Meeting of Tuesday, March 11, 2014 (Completed)

Item 16 - Drought Report and Adoption of Local Emergency. The Board unanimously adopted a Declaration of a State of Local Emergency to deal with the drought.

COLAB urged caution because a declaration of a local emergency allows jurisdictions to waive California Environmental Quality Act (CEQA) reviews. The Board has already tasked staff with creating a long list of new regulations, restrictions, and land use ordinance expansions by way of implementing the Paso Robles Basin water/development moratorium. It has also directed staff to figure out how to apply such regulations to other water basins. Many of these would require, at a minimum, environmental assessment of their potential impacts. We expressed caution and concern that the state of a local emergency could be used to circumvent normal protections. Board members chose not to directly answer the concern. Instead, the small audience and the media were treated to comments such as:

Mecham: “I’m going to support all of staff’s recommendations. I’m tired of talking about it... .”

Hill: “Truth is we are not going to get rain to get us out of the drought. It would take several months of rain.”

“Climate change will affect future drought issues. This is one of the most serious impacts of climate change --- It will become more and more of a problem.”

Hill went on to state that he “... was heartened by what we did last week. There may be more fires, more dry winds, fire suppression issues... .”

Ray asked County Counsel if it was true that a declaration of a local state of emergency could allow the County to circumvent CEQA. Counsel responded, “Yes,” but added, “It

depends on the facts.” The Supervisor also exhorted the staff to make sure the County undertook water saving actions within its own facilities. She noted that she had not personally visited the main Administration Building men’s room but had heard that the urinals were of a water wasting variety.

Arnold asked if the declaration would increase the use of the County’s police powers. The CAO sidestepped the question, stating that the situation was not like a sudden catastrophe “where the County might ban liquor sales.” Obviously, the question was in the context of water restrictions, issuing citations for prospective water use violations, and enforcing other regulations that are being prepared.

As noted above, the Board members never answered the simple question of whether they would use the State of Emergency to allow the processing of many of the new ordinances, plan amendments, and regulations without environmental assessment.

COLAB also pointed out that the Declaration of a State of Emergency allows jurisdictions to avoid normal purchasing, competitive bidding, and contracting procedures. We asked the Board members if they thought that this could happen to the many contracts which are being issued for amending plans, adding to regulatory ordinances, implementing conservation measures, examining alternate sources of water supply, and further studying of the Paso Basin and other basins.

Instead, we received a digression on the men’s room urinals.

Ominously, Hill is reported to have stated on a 6 PM standup TV news interview that the controversial stuff is coming.

Background: Staff cites the purpose of declaring a local state of emergency and what it means in the paragraph below: *A local emergency may be proclaimed when there is a condition of extreme peril or potential peril to the safety of persons and property, and the condition is beyond the capability of the local forces to control effectively. Having a local emergency proclamation in place will allow the county to respond more promptly to immediate needs, such as the ability to make immediate purchases or fund other immediate needs in order to obtain vital supplies, equipment, and other resources that are lacking and needed for the protection of life and property. Because all public employees in California are disaster service workers, the proclamation would also require as necessary, the emergency services of any county officer, employee, or resources from any County department. A proclamation of local emergency could also more easily demonstrate the need for state or federal drought related assistance, including funding, should any become available.*

Board of Supervisors Meeting of Tuesday, March 18, 2014 (Scheduled)

Item 6 - Minor Use Permit Cost Not So “Minor.” An applicant for a single-family oceanfront house is being required to pay an additional \$35,000 for special consultants

to review his application to construct the home. The item indicates that this is in addition to costs he has already paid for the special consultants. The item does not provide information on how much has been paid previously or what his total costs have been so far for all other fees. He should have bought a stack-and-pack house next to the railroad.

Item 7 - Salinas Las Tablas Resource Conservation District (RCD) \$158,000

Contract to Develop An Agricultural Water Offset Program for the Paso Robles Basin.

The RCD will prepare a program of offsets and conservation measures. Presumably, the Board will then adopt them and agriculturalists will be subject to a new set of regulations and processing requirements. The substantive areas of regulation according to the contract include:

1. Rural Residential Fringe & Hobby Farm Landowners

Multiple rural “ranchettes” are interspersed in the basin. Many have irrigated pasturelands, horse boarding facilities, and small production irrigated agriculture. Additionally, some areas have more densely populated clusters of homes with individual domestic wells that altogether create a larger water impact than some single family units that are spread over a large area.

Permit process. The RCD proposes to develop an offset process for landowners wishing to expand outdoor water use beyond the limited outdoor irrigation that the County is reviewing or beyond what is already irrigated, as of the date of the urgency ordinance. Getting water use efficiency education to the varying types of domestic and/or small scale commercial operations will be another important component of this program element.

The provisions above would appear to pave the way to make permanent the Urgency Ordinance 1:1 offset and other provisions. Otherwise, it would not be needed.

2. Crop conversion

A large number of agricultural producers will be seeking to redevelop their crop operations based on consumptive water use. Under this scenario, a producer may wish to stop cultivating X acreage of alfalfa in exchange for Y acreage of a higher or lower water using crop. Offset water credits will need to be evaluated using known water use data for the differing crops to determine the appropriate acreage

3. New Irrigated Agriculture

Any lands overlying the Paso Robles Groundwater Basin that are converted from non-irrigated to irrigated agricultural land will require water use offsets of a one-to-one ratio. Other producers may seek to expand crop production to a previously un-irrigated area of an existing agricultural property. These scenarios will require the development of an analysis tool which takes multiple data strains into consideration, including these more important aspects: site specific or region specific historic water usage, water use by crop type, and precipitation and recharge rates. This type of water balancing will involve an analysis of the proximity of the impact relative to the proximity of the offset, which will be evaluated and developed in this element.

4. Consumptive Water Use

Under this scenario, Agricultural users may want to install or employ facilities or processes that generate a net consumptive water use. Such operational changes may include installation of frost control devices and/or irrigation water storage reservoirs in addition to the establishment of a new wine processing facility which increases water use. Technology efficiencies will be incentivized here through our cost sharing program partner, NRCS. SLO County may also be able to assist with short term equipment loans. Lastly, all forms of farm redevelopment will require a high degree of cross collaboration and outreach which will be provided as part of this program.

5. Water Transaction (Banking) Program

The use of a water bank could be a viable future management option for the Paso Basin that may be operated under a Groundwater Management District. There are major complexities involved in the creation of a water bank in addition to the many types of water banking styles. This program element will consist of developing a framework for a water transaction program that includes procedures and approaches for attracting, managing, tracking, and monitoring offset credits that landowners contribute to the program (usually with compensation) and other landowners purchase and use for offsets in the appropriate location. The RCD

Item 18 - Update the Paso Robles Groundwater Management Plan. The Public Works Department is seeking authorization from the Board to update the Plan. The goal is to make the Plan more “robust.” The word “robust” is used throughout the documents related to this item. In this case, the word “robust” is a broad euphemism for adopting more strict, restrictive, and onerous rules and regulations for managing the basin.

Some of the potential powers include:

- Limit or suspend extractions from the Basin if the Board determines that alternative supplies of water have been insufficient.
- Collect Fees and Assessments.
- Conduct testing and measurements to facilitate more regulation and enforcement.

Process Issues: It turns out that the Board must adopt a Resolution stating its intent to amend the Groundwater Management Plan. If greater than 50% of the landowners, by acreage in the basin, file protests, the process cannot go forward.

If the basin is in adjudication, the process can not go forward. No wonder the Board has been so adamantly opposed to the Quiet Title action. It is possible that the filing of the Quiet Title action could cause suspension of this effort.

The Chart below summarizes these and other provisions and the sequencing:

Objective	Water Code Sections (WCS)
1(A) - Ensure that Plan amendments include participation of interested landowners and their support so that a majority protest does not result.	WCS 10753.6(c)(2) Amendments cannot be adopted if protests are submitted from landowners with greater than 50% of assessed value of land.
1(B) - Ensure that the development of amendments do not create obligations or impacts that would trigger an adjudication of the Basin.	WCS 10753(a) Amendments cannot be adopted and implemented by a local agency in a basin that is subject to a court order, judgment or decree.
1(C) - Ensure that amendments includes a comprehensive funding plan.	WCS 10753.7 and 10754 et. Seq. To implement an amended Plan budgets will be needed.
1(D) - Ensure that amendments include funding authorizations.	WCS 10754.3 Majority vote in favor in an election of registered voters is required.
1(E) - Ensure that the development of amendments provides for the adoption of rules and regulations by the District.	WCS 10753.9 Implementing agencies must adopt rules and regulations to implement and enforce an amended Basin Plan.
1(F) - Ensure that the amendments are acceptable to the Board of Supervisors, acting on behalf of the Flood Control District.	WCS 10750.7 Amendments cannot be adopted and implemented by a local agency in the service area of another entity without the agreement of the other entity.
1(G) - Develop more robust technical plan components.	WCS 10753.9 The Plan needs to have more robust technical components to adopt rules and regulations.
1(H) - Clearly identify the Sequencing of Issues and Decision-Making.	Developing amendments requires addressing many issues, and many future decisions. Sequencing or flowcharting those decisions in Plan amendments will help with clarifying future steps.
1(I) - Ensure that the Plan provides for coordination with other Agencies and other efforts.	Identifying in the plan how coordination will occur with other entities and other efforts will be important for implementing an amended Plan.

The Pro Water Equity group is exhorting people to turn out and support the process to develop a more “Robust” Plan. A notice on its website includes:

Paso Robles Groundwater Basin Management Plan

Posted on **March 12, 2014** by prouser

Paso Robles Groundwater Basin Management Plan

Two years ago SLO County adopted some portions of the AB3030 Groundwater Management Plan. The Blue Ribbon Committee is the advisory body for that plan. Next Tuesday, March 18, the Board of Supervisors will hold a public hearing to consider amendments to the existing plan. If approved, the County Public Works Department will hold public workshops in coordination with the new Basin Advisory Committee, other local agencies, and community groups to draft potential Plan amendments.

When: Tuesday, March 18, 2014, 1:30pm **Where:** SLO County Government Building, 1055 Monterey Street, and SLO

Enabling Legislation For Customized California Water District Update (As of March 13th)

Last week it was revealed that there could be legal issues that would prevent the passage of enabling legislation. The exact legal problem or problems have not been publicly detailed.

A March 6, 2014 article in the Cal Coast News quoted Supervisor Mecham on the surprise:

“It looks like it’s dead,” said First District Supervisor Frank Mecham about the district plan upon his return from Sacramento, where he discussed the proposed district with Sen. Bill Monning, (D-Carmel), Assemblyman Katcho Achadjian (R-San Luis Obispo) and staff members.

“I wish we’d heard about this problem earlier,” he added.

Mecham said the county contingent was told that legislation introduced recently by Achadjian appears to be in conflict with the state constitution. The most apparent issue, said the lawmakers, was the makeup of the governing board. The supervisor was accompanied by San Luis Obispo County Administrator Dan Buckshi and Public Works Director Paavo Ogren.

“We wanted to find out if this thing (the formation plan) was going anywhere,” said Mecham, “and what we heard was that ‘there might be some issues here.’”

Monning told the county group that they “may have hit a brick wall here,” Mecham said.

“This wasn’t my deal, I just tried to bring folks together on this,” Mecham said. He told members of two local groups who had been supporting the district formation plan about the potential problems Thursday morning.

As noted above, at least Supervisor Mecham believed, based on whatever conversations he had in Sacramento, that the idea was dead. Reportedly, PRAAGS/Pro Water equity coalition members met privately with Supervisor Mecham.

Subsequently and in an informal conversation with members of the PRAAGS/Pro Water Equity coalition, we were told that they were in a “wait and see mode.” More recently, we have heard that the State Legislature’s legal counsel was reviewing the issue and might have a verbal opinion late next week.

It is not clear at this point where Mecham stands on formation of the district. In other words, is it *his deal* or not? Hill, Gibson, (and Ray - subject to one person one vote on formation) all appear to support formation of the district. Arnold has opposed the formation of the district.