

# **Stanislaus County Agricultural Advisory Board**

## **Groundwater Subcommittee Report**

January 4, 2010

On April 3, 2009 Stanislaus County Chief Executive Officer Rick Robinson sent a letter requesting that the Agricultural (Ag) Advisory Board explore groundwater protection options for our County.

The Ag Advisory Board established a subcommittee on May 4, 2009 to research the subject and study the feasibility of a groundwater ordinance. The appointed members of the subcommittee are: John Herlihy, Al Brizard, Wayne Zipser, Tom Orvis, Rowe Barney, Chris Hartley, Raul Mendez, Gary Caseri, and Denny Hoeh. Vance Kennedy and Steve Burke have also attended subcommittee meetings to add expertise. The subcommittee met at various times to follow up on the request, review documents and develop a preliminary draft ordinance.

Gary Caseri requested other Ag Commissioners in California forward copies of their county groundwater protection policies or ordinances to the Stanislaus County Ag Commissioner. After a survey of the materials received by the Ag Commissioner, it was determined to further analyze the policies/ordinances of the following counties: Glenn, Fresno, Merced, Sacramento, San Joaquin, Tehama, and Yolo. After analysis and review of each policy/ordinance, which included phone conversations with staff from various counties, the Tehama County ordinance appeared to be the most appropriate for Stanislaus County. Yolo County also had a specific section on challenges and reviews of permits that was also determined to be compatible.

The key points of interest the subcommittee wanted to address include the following:

- The exportation of groundwater would be prohibited or restricted.
- Environmental review processes would follow existing procedures so as not to add another layer of bureaucracy.
- Appropriate Stanislaus County departments would have the ability to provide comment and input on any project involving groundwater use and the installation of new wells.
- Permitting and hearing procedures would follow existing formats and not be overly onerous.
- An appeal process for an applicant needed to be in place.
- The ability for concerned parties to challenge a permit renewal, if the project could be shown to have a negative effect on surrounding groundwater use, needed to be addressed.
- Irrigation Districts and established agricultural operations would need to have assurance that historical practices and uses of groundwater would be preserved.

Early in the process, Chief Executive Officer Rick Robinson arranged for an informational meeting with management representatives from Modesto Irrigation District and Turlock Irrigation, himself and his staff, the Ag Commissioner and other key County staff from the Departments of Public Works and Environmental Resources in order to inform the districts upfront of the County's desire to address groundwater issues and to ask for their initial input and comment.

Based on the importance of preserving natural groundwater as a valuable resource in Stanislaus County for agricultural and domestic purposes, a preliminary draft ordinance was then developed for review by the subcommittee. During the process of reviewing the draft, meetings were held with various departments and agencies, and documents were examined to assure the recommendations of the committee would not unnecessarily conflict with policies or procedures of existing and historical uses of groundwater in Stanislaus County. A meeting was also held with the Planning and Community Development Department, the Department of Environmental Resources and the Ag Commissioner and his staff to discuss the various roles each department may take in the permitting process for the use of groundwater in Stanislaus County. Revisions to the preliminary draft were then made in response to comments and concerns expressed by various agencies and the subcommittee.

The preliminary draft ordinance for groundwater protection in Stanislaus County, being presented to the Ag Advisory Board, is patterned after the Tehama County ordinance with a section on challenging a permit that is based on a section of Yolo County's ordinance. Once presented, it is the Ag Advisory Board's decision of whether to forward the subcommittee's work to the Chief Executive Officer and the Board of Supervisors for consideration or to send it back to the subcommittee for any additional work or stakeholder outreach that it deems necessary.