



SAN LUIS OBISPO COUNTY FARM BUREAU

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September 13, 2021

Department of Planning and Building
ATTN: Planting Ordinance/Kylie Hensley
976 Osos Street, Room 300
San Luis Obispo, CA 93408
By email to: khensley@co.slo.ca.us

Re: Comments on EIR Scoping of Paso Basin Planting Ordinance

On behalf of San Luis Obispo County Farm Bureau, I would like to provide input on the scope and focus of the Environmental Impact Review (EIR) for the Paso Basin Planting Ordinance (Ordinance).

Issue 1 – Estimating Increased Groundwater Pumping

- a. What assumptions will the EIR use in estimating the number of potential sites who could elect to increase their water use from 5 acre feet per year (AFY) to 25 AFY?
- b. How will the definition of a “site” under Section 22.80.030 actually be interpreted by the County under different ownership scenarios? Will that definition allow property owners to place properties under different ownership structures (such as in the name of a partner, family member, or other legal entity) to circumvent the intent of limiting the exemption to an individual parcel or contiguous set of parcels under common ownership? This interpretation will change the number of sites eligible for increased groundwater pumping.
- c. Based on recent history, the EIR should contemplate how changes to the “Area of Severe Decline” also known as the “Red Zone” could affect findings in the EIR. For example, the Board of Supervisors revised the Red Zone criteria on November 17, 2020. The County has established a precedent that it will change the area of severe decline map when updated measurements or hydrologic analysis show the groundwater elevation levels did not decline 50 feet or more from Spring 1997 to Spring 2017. Changes in the Red Zone will change the number of sites eligible to use the 25 AFY exemption.

Issue 2 – Impact of An Expanded Timeline

- a. The EIR should consider the impacts of this Ordinance’s significantly longer timeframe. As stated in the Initial Study, the current Agricultural Offset Requirements in Section 22.30.204 have always been “intended to be a temporary measure set to expire when the GSP was adopted.” This Ordinance has an expiration date of 2045. That is, there must be a consideration in the EIR of what essentially is a 23-year ban on new irrigated crop plantings that do not fall within the Tier 1 or Tier 2 Ordinance categories. There was no indication in the Initial Study’s Environmental Checklist under Section 2. Agriculture and Forestry Resources on how a 23-year restriction on new crop plantings will be a potentially significant impact to be addressed in the EIR.
- b. Page 3 of the Initial Study states “Existing uses of groundwater from this area for irrigated crop plantings would be allowed to continue their existing water uses and are not included in the scope of this environmental review.” The change from the current short-term restrictions that farmers have been operating under in Section 22.30.204 to a 23 year restriction should be included in the scope of the EIR.

- c. Similarly, the EIR should fully consider the potentially significant impact of how the Ordinance will affect Agriculture Resources because it “will likely regulate plantings in certain areas where water use is unlikely to be limited by the GSAs (only area-specific pumping limitations are contemplated in the GSP) and regulate plantings for which an adequate allocation exists under GSP regulations,” (from Page 8 of the Initial Study).
- d. Absent from the Initial Study is acknowledgement that the EIR’s scope ought to assess the impact to Agriculture Resources from the Ordinance’s creation of a second regulatory map. By not using the State Department of Water Resources (DWR) Bulletin 118 boundary for the Salinas Valley – Paso Robles Area Groundwater Basin, property owners are subject to a different map that comes with a different set of permitting restrictions. The EIR should consider how such a system will negatively impact farmers who must now expend resources to understand and comply with two separate regulatory structures for the next 23 years. That is, farmers will have to comply with possibly conflicting forthcoming restrictions under the Groundwater Sustainability Plan in addition to this Ordinance.

Issue 3 – Consideration of Mitigation Measures and Alternatives

- a. If the goal of the Ordinance is to “allow farms to plant irrigated crops that have not been able to under the Agricultural Offset Requirements” will alternative methods to achieve this be considered in the EIR?
- b. Will the EIR consider how investment in new sources of water could mitigate the impact of increased groundwater pumping?
- c. Will the EIR consider how measures like a fallowing registry or the allowance of off-site offsets might mitigate increased groundwater pumping?

Sincerely,



Brent Burchett, Executive Director
San Luis Obispo County Farm Bureau