Stanislaus County Groundwater Ordinance and Discretionary Well Permitting: Lessons Learned and Tools for Sustainable Groundwater Management

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Stanislaus County Groundwater Basins
Causes for Concern

- Groundwater Exports
- Developing Drought Conditions
- Land conversion (“Right to Farm”)
  - 30,000 acres of native rangeland => Orchards & Vines
  - Extensive Groundwater Development (sole source)
  - Large diameter/high capacity wells
- Well Interference/Groundwater “Mining”
  - Impacts to existing users, in particular domestic wells.

*Sustainability??*
Northeast County Foothills Area

- No developed, or very little, surface water supply

- Located in an hydrogeologically vulnerable area (aquifer margin, up gradient, poor recharge)

- Very little known hydrogeologic data
  - Water levels
  - Aquifer characteristics
  - Withdrawal quantity
“To evaluate the status of the groundwater resources of Stanislaus County in order to identify and develop programs and practices that ensure a reliable and sustainable groundwater supply for the benefit of its citizens, present and future, and to make recommendations to the County Board of Supervisors to adopt public policy that empowers such identified actions.”
Options to Bridge the Gap

✓ Continue with Existing Programs
✓ Emergency Moratorium
✓ Groundwater Ordinance
  ❏ Export Prohibition
  ❏ Well Permitting
  ❏ Groundwater Management
✓ Zoning Ordinance
  ❏ Zoning Overlays
  ❏ Zoning Changes
✓ Implementation Guidelines
100 Day Action Plan

- County Board of Supervisors adopted Groundwater Management Action Plan (GMAP) on June 10, 2014
- Framework Document (5 year program; $800K)
  - Thresholds
  - Monitoring
  - Governance
  - Funding
  - Enforcement
- *Groundwater “Mining” definition*
Approach to Permitting Program

- Framework developed based on conservative assumptions and CEQA precedents
- Establish Procedures for Application, Review and Documentation
- Establish Management Zones
- Establish Triggers for Supplemental Requirements and Permit Conditions

Monitoring Triggers  Action Triggers  Prohibition Thresholds
Permitting Program Objectives

- Comply with County Groundwater Ordinance
- Comply with California Environmental Quality Act (CEQA)
- Forward-looking to Sustainable Groundwater Management Act (SGMA)
- Protective but not unduly burdensome
- Defensible, objective and well documented
Groundwater Ordinance

Deliberation and Judgment

Prohibition of Unsustainable Extraction

- Groundwater Level Decline
- Groundwater Storage Reduction
- Surface Water Depletion
- Subsidence
- Water Quality Degradation

Substantial Evidence
**MANAGEMENT OBJECTIVE**

Prevent interference draw-down that substantially interferes with the ability to support existing land uses, or land uses for which permits have been granted.

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<th>BASELINE APPLICATION SUBMITTALS</th>
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<td>Proposed Well Location; Pumping Rate, Schedule and Volume; Well Design</td>
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**MANAGEMENT OBJECTIVE**

Prevent regional drawdown that will interfere with the ability to support existing or permitted land uses, or substantially increase the cost to extract groundwater.

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Exemptions

“White Areas”
- Prohibition Applies

Exempt Areas
- Exempt

New Wells

Incorporated Areas
- Ordinance does not Apply
CEQA Considerations

✓ Ministerial well permits associated with discretionary projects subject to CEQA
✓ Ministerial projects associated with discretionary well permits subject to CEQA
✓ Alignment between SGMA and CEQA
  ❑ CEQA Initial Study Questionnaire and Undesirable Results in SGMA
  ❑ Significant Impacts (CEQA) vs. Significant and Unreasonable Undesirable Results (SGMA)
The Bridge to SGMA
Refine/Streamline Well Permitting
Conduct regional analyses to better understand groundwater resource management needs and streamline the permitting process.

Improve Water Supply Resilience
Consider integrated surface and groundwater management impacts and identify gaps and opportunities.

Integrate Water Resource Planning
Evaluate integrated effects of existing surface and groundwater management plans (IRWMPs, UWMPs, AWMPs, GWMPs) and future scenarios.

Stakeholder Engagement
Engage potential GSAs and other stakeholders, promoting collaboration and helping to contribute to successful GSA formation.

Integrate Land Use and Water Resources Planning
Evaluate broad-based impacts associated with water management and develop MMRP that integrates land use and water resources planning.

Groundwater Model Development
Develop/advance groundwater model useful for evaluation of future projects and management scenarios.

Benefits of a Programmatic EIR for Implementation of a Groundwater Ordinance
Ordinance Post-GSP Applicability

Exemption expands to include White Areas; Ordinance becomes backstop to GSPs

Prohibition can be provisionally applied to any new or existing well
PEIR Objectives

- Streamline CEQA review and technical evaluation for discretionary well permit applications
- Create more robust technical basis for well permitting program
- Begin data compilation, model construction and evaluation efforts that will help inform GSAs in groundwater management planning and GSP development
- Scheduled for completion in early 2018
The Bridge to SGMA

We cannot solve our problems with the same thinking we used when we created them.
- Albert Einstein