MEETING DATE: February 16, 2016

Submitting Department(s):
District 5 Supervisor

Contact: Leigh McDaniel
Phone: 934-6400

AGENDA PLACEMENT

APPOINTMENT – Appearances by: (Specify Name & Title)
Leigh McDaniel, District 5 Supervisor

Required 30 Minutes

Business – No ☐ Consent ☐
Correspondence ☐ Reports & Notices ☐

AFFECTED DEPARTMENT(S)
County Counsel
☐ Receive Concurrence

PUBLIC HEARINGS & COMMITTEE VACANCIES

☐ State ☐ Federal

Bill#: ☐ Latest Version of Bill ☐ Draft Letter Attached
☐ List of Supporters/Opposers ☐ Statement of Relevance to County Interests
☐ Description Attached

Legislation

FUNDING SOURCE/IMPACT

☐ General Fund Impact ☐ Other: ___
☐ Budgeted ☐ Transfer Attached
☐ 4/5ths Vote Required ☐ Contingency Request

Contracts, Leases & Agreements

☐ New ☐ Renewal
☐ Amendment ☐ Insurance Certificate
☐ Contract Report

Date of Original Contract:
Contract No.:
Fiscal Year:

RECOMMENDED ACTION/MOTION:

Recommendation of Supervisor McDaniel to:
1. Extend the moratorium indefinitely until new groundwater management policy is established.
2. Consider alternatives to the Water Advisory Committee as a body responsible to prepare said policy, and add language to the existing well permitting exemptions for replacement wells.
   a. Item 2.b
      A new well may replace a shared well used by adjoining properties. The new well may be placed on either of the adjoining properties regardless of the property location of the original well but still must continue to be a shared well among the adjoining properties. The new well will comply with the same requirements of Item 2a.

Reviewed By (if applicable):

Personnel Director

Department of Finance
TO: Honorable Board Members

FROM: Leigh W. McDaniel, District 1 Supervisor

DATE: February 16, 2016

SUBJECT: Well Permit Moratorium

EXECUTIVE SUMMARY
The six month well permit moratorium approved August 18, 2015 will expire February, 18, 2016. The purpose of the moratorium was to allow the Water Advisory Committee (WAC) and Technical Advisory Committee (TAC) time to revise and update the groundwater management plan to better protect and preserve this limited and vital natural resource.

The WAC and TAC quickly responded with exemptions to the moratorium, but since have been silent to any new policy requested by the Board of Supervisors. It is recommended to extend the moratorium indefinitely until the WAC brings forward an improved policy or the Board establishes an alternative entity to have policy prepared and that new entity brings forward the proposed improved policy. Better groundwater management is vital to the community of the County and in line with the new State mandates of the Sustainable Groundwater Management Act. (SGMA)

In addition, new circumstances have developed that merit clarification to the existing water permitting exemptions regarding shared wells on adjoining properties. Recommended language is included in the action item.

RECOMMENDATION(S):
It is recommended the Board:
1. Extend the moratorium indefinitely until new groundwater management policy is established.
2. Consider alternatives to the Water Advisory Committee as a body responsible to prepare this policy.
3. Add language to the existing well permitting exemptions for policy Item 2, Replacement Wells.
   a. Item 2.b
      A new well may replace a shared well used by adjoining properties. The new well may be placed on either of the adjoining properties regardless of the property location of the original well but still must continue to be a shared well among the adjoining properties. The new well will comply with the same requirements of Item 2a.

HISTORY AND BACKGROUND:
See attached Minute Orders August 18, 2015 and September 15, 2015.

FISCAL/PERSOENNEL IMPACT(S):
Unknown. Depending on the direction of the Board to get policy prepared a consultant or other alternative may impact costs.

ANALYSIS:
The Board adopted the moratorium to protect the existing wells in the County from over draft until better well management policy could be brought forward by the WAC. This policy is still unavailable.

The groundwater of the County must be protected for the health and vitality of our community and economy.

The WAC has not responded as hoped and may not have the capacity to meet the goals established by the Board. Hence, the moratorium should be extended and perhaps alternatives for establishing policy explored. This policy should follow rules being prepared by the State under SGMA. If the County is unable to move forward with effective new groundwater management strategies the State will move in and mandate policy to the County. The Board believes local control is the best policy and must find a method to improve our resource management.

The clarification of replacement well is brought forward as neighbors who have shared wells for years on adjoining properties have found the existing exemptions defined too narrowly.
The following Minute Order of the Board of Supervisors is being sent to you for information or possible action. If you have any questions concerning this matter, please call the Board's office.

**Minute Order of the Board of Supervisors**  
**September 15, 2015 Regular Meeting**  
**County of Glenn, State of California**

8. **Moratorium - Issuance of Well Permits**  
   Also Present: Leigh McDaniel, District 5 Supervisor/Lisa Hunter, Water Coordinator  
   Matter: Pursuant to Minute Order 9 of the August 18, 2015 Board of Supervisors meeting, hear from Ms. Hunter on progress made by the Water Advisory Committee on ordinance language and report on progress to allow relief of both domestic and ag wells and provide direction to staff.
   Proceedings:  
   a. Ms. Hunter reviewed the aforesaid matter, advised that the Water Advisory Committee/Technical Advisory Committee met on August 29, presented the Board with draft ordinance language and asked the Board for direction;  
   b. Discussion was held regarding the allowance of repairs and existence of replacement wells, well activity and the permitting process;  
   c. Supervisor Foltz suggested an evaluation of our current fee schedule and adopting a new schedule change to put in place a fine for non-removal of old wells;  
   d. On motion of Supervisor Foltz, seconded by Supervisor McDaniel to accept recommendation lines 2 (a) (b) (c), line 3, line 4, excluding line 1 as presented from the Water Advisory Committee, and come back with recommendations for additional verbiage for line 1 regarding fines for non-destruction of existing well;  
   e. Supervisor McDaniel asked for clarification of the exemption for livestock wells, whereby Cooperative Extension County Director Betsy Karle spoke of the types of livestock wells and feedback she had received from a focus group of dairy producers;  
   f. Discussion was held regarding livestock wells and whether they would be considered domestic or ag wells;  
   g. The motion in (d) above was unanimously ordered.
The following Minute Order of the Board of Supervisors is being sent to you for information or possible action. If you have any questions concerning this matter, please call the Board’s office.

**Minute Order of the Board of Supervisors**
**August 18, 2015 Regular Meeting**
**County of Glenn, State of California**

9. **Moratorium – Issuance of Well Permits**
   Also Present: Leigh McDaniel, District 5 Supervisor
   Matter: Recommendation of Supervisor McDaniel to adopt a Moratorium prohibiting the issuance of well permits by Glenn County Environmental Health, effective immediately, to be reviewed by the Glenn County Board of Supervisors on March 15, 2016, or sooner if the Water Advisory Committee, Technical Advisory Committee, and the Water component of the Agriculture Department present to the Board of Supervisors, and the Board approves and adopts by ordinance, a revised groundwater management plan to better protect and preserve this limited and vital natural resource.

   Proceedings:
   a. Supervisor McDaniel reviewed the aforesaid matter;
   b. Supervisor Corum spoke of his concerns and stated there should be specific provisions for domestic wells;
   c. Discussion was held regarding the difference between domestic and ag wells and restricting sizes of wells rather than wells in general;
   d. Orland resident Sharron Ellis spoke in support of the moratorium and collaborating with other counties and entered into the record a signed petition from Glenn County residents to pass an urgency well ordinance; whereby the Clerk entered this into the record as exhibit A;
   e. Orland resident Trish Saintevans spoke in support of the moratorium and urged the Board to take action now;
   f. Glenn resident Wally Cramer suggested the moratorium be specific to reflect only the areas that were in need;
   g. Glenn County Irrigation District General Manager Thad Betteen spoke of the issues and challenges with service water and stated land use are the problem, not necessarily wells or groundwater and recommended an evaluation be done on land use;
   h. Orland resident Mike McDonald spoke in support of the moratorium;
   i. Ornd Bend resident Seth Flack spoke in opposition of a blanket moratorium;
   j. Orland resident Mike Vereschagin spoke in opposition of the moratorium and suggested individual water use be looked into;
The following Minute Order of the Board of Supervisors is being sent to you for information or possible action. If you have any questions concerning this matter, please call the Board's office.

**Minute Order of the Board of Supervisors**  
**August 18, 2015 Regular Meeting**  
**County of Glenn, State of California**

k. Glenn County resident Colleen Cecil spoke in opposition of the moratorium stating it could do harm to the ag community;

l. Orland resident Ray Collette spoke in opposition of the moratorium and his concerns on the effects of domestic wells;

m. Orland resident Joanne Overton spoke in support of the moratorium and stated no water should leave Glenn County;

n. Supervisor McDaniel suggested a 6 month blanket moratorium and prepare a more clear policy;

o. Supervisor Corum thanked the public for their input, spoke in favor of the moratorium and stated that those fixing domestic wells should be able to and staff should come up with basic guidelines and bring back to the Board;

p. Supervisor Foltz spoke in support of a 6 month moratorium to stop the release of new permits;

q. Supervisor Viegas spoke in support of the moratorium stating the county needs to be more proactive in the area of water management;

r. Supervisor McDaniel requested the Water Advisory Committee (WAC) look at the language of the Colusa County Urgency Ordinance Section 3(b) regarding replacement and repair of wells and bring back to the Board at the September 15, 2015 meeting with draft ordinance language or a report; whereby WAC Chairman Larry Domenighinni stated that would be enough time;

s. On motion of Supervisor McDaniel, seconded by Supervisor Corum to approve an immediate 6 month moratorium on issuing new well permits for all wells ag and domestic with the permits currently issued still to be granted and further move to direct the WAC and the Water Coordinator Lisa Hunter to come back to the Board with ordinance language or a report on progress on September 15, 2015 to allow relief and repair of both domestic and ag wells;

t. Supervisor Foltz further moved to amend the motion to put in place a moratorium for wells larger than 6 inches in diameter; motion died due to lack of second;

u. It was unanimously ordered to approve the motion set forth in (s) above by a vote of 4-0.
EXECUTIVE SUMMARY:
Pursuant to Minute Order 9 of the August 18, 2015 regular meeting of the Glenn County Board of Supervisors (Board) that approved a six month moratorium prohibiting the issuance of well permits, the Water Advisory Committee has developed recommendations for exemptions to the moratorium.

RECOMMENDATION(S):
It is being recommended the Board:
1. Approve the recommendations for exemptions to the moratorium prohibiting the issuance of well permits, and
2. Consider direction to the Water Advisory Committee regarding development of recommendations for geographic exemptions to the moratorium prohibiting the issuance of well permits.

HISTORY AND BACKGROUND:
The Board adopted a moratorium prohibiting the issuance of well permits at the August 18, 2015 meeting. It was directed that the Water Advisory Committee and the Water Resource Coordinator develop recommendations for exemptions to the moratorium to be brought back to the Board for consideration at the September 15, 2015 Board meeting.

FISCAL/PERSONNEL IMPACT(S):
None

ANALYSIS/DISCUSSION:
The Board adopted a moratorium prohibiting the issuance of well permits at the August 18, 2015 meeting. It was directed that the Water Advisory Committee and the Water Resource Coordinator develop recommendations for exemptions to the moratorium to be brought back to the Board for consideration at the September 15, 2015 Board meeting.

A joint Water Advisory Committee/Technical Advisory Committee meeting was held August 25, 2015 to discuss and consider a response to the Board. After much consideration and discussion, the WAC approved and forwarded the recommended exemptions to the Board for their consideration (attached).

During the discussions, the committee members as well as members of the public considered immediate health and safety needs to be the primary objective for relief from the moratorium. These exemptions would allow households to continue to obtain groundwater through new or repaired private wells, or municipal supply wells.
COUNTY OF GLENN
BOARD REPORT

It was also the general consensus that other types of replacement and repairs to wells also be exempt. The categories for exemptions were left rather broad in scope due to the variability and uniqueness to each potential replacement/repair situation. The committees felt that it would be best left to the discretion of the well driller and the individuals to take actions that make sense both financially and economically, depending on the needs of the individual and water conditions at that location. It would allow any type of water user to replace their groundwater supplies, including agricultural uses for crops, livestock, dairies, and commercial processing.

It is also recommended that wells not used for groundwater extraction be exempt. This would include wells used for sampling for regulatory requirements, groundwater level measurements, and test holes that would be destroyed after the test is complete.

It is the desire of the committee to develop geographic exemptions. Due to the short timeframe and the need to consider these initial exemptions, the WAC requests that the Board allow more time to develop further recommendations for geographic exemptions and bring the recommendations to the Board at a later date.
Well Permit Moratorium Exemptions:

1. Repairs of existing water wells. (Approved by Board 10/6/15)
2. New replacement wells in the following circumstances:
   a. The new well replaces an existing well that will be abandoned and destroyed in
      conformity with the law and to the satisfaction of the Enforcement Agency within 60
      days following completion of the new replacement well. A 60 day extension may be
      granted. (Approved by Board 10/6/15)
3. New wells in the following circumstances:
   a. The new well does not extract groundwater, or does not extract groundwater for any
      purpose other than sampling to comply with monitoring requirements. Non-producing
      test holes are exempt from the moratorium. (Approved by Board 9/15/15)
   b. A new domestic well shall have a casing of 6 inches in diameter or less and be used for
      residential and livestock uses only. (Approved with changes by Board 9/15/15)
   c. A new Public Water System well, State Water System well, or Cal Code well when it
      complies with the State Water Resource Control Board, Division of Drinking Water, Safe
      Water Drinking Act and related laws. (Approved by Board 9/15/15)
4. Well Destructions. (Approved by Board 9/15/15)
5. Per existing policy, a well permit approved prior to August 19, 2015 that has not yet expired may
   be extended one time for a 12 month period. (Approved by Board 9/15/15)