

Coastal San Luis Resource Conservation District

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Alternative Review Program: Policy on Approval of Permits for Agricultural Ponds

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Article 1 Background

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The County of San Luis Obispo has developed the Alternative Review Program (ARP) as an alternative to the formal grading permit process. The program allows for specific types of agricultural projects to be exempted from County grading permit requirements if granted a permit by the Coastal San Luis Resource Conservation District (District). Agricultural ponds or reservoirs are one type of project that may be processed through ARP.

The County of San Luis Obispo has developed the Alternative Review Program (ARP) to simplify the grading permit process for agricultural landowners. The District offers ARP services as a way to support agricultural development in accordance with best practices and in a way that promotes the long-term viability of agriculture in the district. To that end, the District offers engineering review and technical assistance for ARP projects that match our priorities of soil and water resource conservation. The goal of the program is to ensure that the project meets the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG) Standards and Specifications and good erosion control practices as required by the San Luis Obispo County Grading Ordinance.

The goal of this policy is to provide guidance to District staff for assessing potential impacts associated with proposed ponds. This policy is intended to direct District staff to inquire about specific details pertaining to resource issues associated with ponds in order to determine if the proposed pond project should be processed through ARP or processed through the traditional County Grading Permit process.

ARP is an optional program for agricultural landowners. The intent is to provide a streamlined process for approval of ponds and other grading projects. Landowners wishing to construct agricultural ponds are not obligated to enroll in ARP. The standard approval process is available through the County of San Luis Obispo.

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Agricultural ponds processed through ARP may be subject to the requirements of the California Environmental Quality Act (CEQA) by virtue of the discretionary nature of the approval process. However, the use of groundwater for agricultural production is not subject to CEQA review. As such, review of agricultural ponds and reservoirs does not include CEQA analysis of impacts related to water use.

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102.00

The use of agricultural ponds or reservoirs to store water for agricultural use may impact groundwater levels and water availability for landowners using the common groundwater resource.

Article 2 Purpose and Authority

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The District has been granted the authority to permit projects through ARP by the San Luis Obispo County Grading Ordinance (Title 22). This document allows the County Department of Planning and Building to approve a grading permit exemption for projects that the District agrees to process through ARP. Title 22 does not obligate the District to process any project through ARP. The District has the authority to refuse to process or permit any project through ARP.

201.00

The purpose of this policy is to provide definitions, procedures and criteria for accepting or excluding agricultural pond projects in the Alternative Review Program (ARP).

Article 3 Procedure

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This section provides the basic procedure for the evaluation of water use impacts associated with an agricultural pond project. This procedure is specific to pond or reservoir projects. It is in addition to all other ARP procedures.

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The general procedure follows:

1. Initial Review - collection and evaluation of information pertaining to water use and potential impacts associated with the proposed project.
2. Mitigation Measures - Develop potential mitigation measures for project approval.
3. Consistency Determination – For approval, the District shall find that the project is consistent with District goals for supporting agriculture and resource conservation and our duty to protect the Public Trust.
4. Acceptance or Exclusion – The District shall accept or exclude a project from ARP. Projects accepted for ARP will be required to meet all permit requirements, including mitigation measures, as a condition of permit approval. Projects excluded from ARP may elect to apply for a grading permit through the traditional County process.

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Article 4 Initial Review

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Agricultural pond or reservoir projects shall be subject to an initial review to determine the scope and potential for negative impacts associated with the project. This review is at the expense of the applicant and in addition to ARP studies required for all other ARP projects.

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District staff is directed to collect information about the proposed pond project and the associated groundwater basin in order to assess the project's consistency with District goals for conservation. The following questions shall be answered by the applicant and confirmed by District staff as required:

1. What is the proposed storage volume?
2. What is the proposed surface area?
3. What is the estimated annual evaporation?
4. What is the primary irrigated crop?
5. Is the proposed pond for Irrigation Storage?
6. Is the proposed pond for Frost Protection?
7. Is the proposed pond for Stockwater?
8. Is the proposed pond for Heat Control?
9. How will the pond be supplied? Do you have a water right permit or license?
10. What is the flow rate of the supply pumps?
11. What are the anticipated hours of pumping to supply the pond?
12. Is lining proposed?
13. Is this pond intended to support existing irrigated land? If so, how many acres?
14. Is the pond part of an expansion of irrigated land? If so, How many acres?
15. How many acres will be supported by this pond in total?
16. What is the distance from the supply well to the nearest property line?
17. Are there any known hydrologic studies indicating potential overdraft? Or degraded surface flows?
18. Are others in the basin experiencing groundwater quantity problems?
19. Is the project in an area identified by CASGEM as high or medium priority?
20. When was the irrigation system last evaluated for Distribution Uniformity (D.U.)? What was the D.U. Value?
21. When was the irrigation system last evaluated for Irrigation Efficiency (I.E.)? What was the I.E. Value?
22. Is the pond being used to address water quality concerns (blending, etc.)?

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District Staff may, at their own discretion, add or delete initial study questions based on the nature of a specific project.

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Article 5 Acceptance into ARP

500.00

The San Luis Obispo County Department of Planning and Building and the County Agriculture Commissioner's office must approve pond projects for processing under the ARP. The District must formally agree to process the pond project by notifying the County that the project is accepted. The District is not obligated to accept any project for the ARP.

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Acceptance for processing through the ARP does not guarantee permit approval. If a permit is granted, it can be revoked by the RCD in the event that the applicant fails to meet the conditions of the permit.

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District staff may accept a pond project for ARP review based on the responses to the initial review questions. A pond project may be accepted for ARP review if District Staff determines that following conditions are met:

1. The project will not cause harm to landowners in the basin or soil and water resources in the basin.
2. The project is designed to minimize evaporation and groundwater impacts to the extent practicable.
3. The project size and scope is justified by the agricultural need.

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District staff may conditionally accept a pond project for ARP review based on the responses to the initial review questions. Acceptance is conditional based on the implementation of mitigation measures deemed appropriate by District staff. Failure to revise the project to incorporate the appropriate mitigation measures will result in exclusion from ARP.

Article 6 Mitigation Measures

600.00

At the discretion of the District staff, the District may require mitigation measures to reduce the water related impacts. These measures may include the following:

1. Improvements in irrigation system performance. This requires an initial irrigation evaluation and the installation and use of structural irrigation water management devices tools including, but not limited to:
 - a. Pressure regulators,
 - b. Pressure compensating emitters,
 - c. Flow meters,
 - d. Filters, or

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- e. Sensors for soil or weather based scheduling.
2. Structural Best Management Practices (BMPs) that promote infiltration and/or groundwater recharge.
3. Pond covers to reduce evaporation loss.

Article 7 Exclusion from ARP

700.00

The District is not obligated to accept any project for the ARP. The District may refuse to process a pond project for any reason including, but not limited to:

1. Inadequate staff time or qualifications,
2. Gross violations of County, State, or Federal policy,
3. Presumed or existing financial or environmental risk,
4. Potential for conflict with District goals for resource conservation and protecting the public trust, or
5. Failure to implement mitigation measures as required by District staff.

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Staff may exclude a pond project based on this policy without formal action from the District Board of Directors.

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An applicant may appeal the decision to exclude a project to the District Board of Directors.

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Excluding a project from ARP prior to the start of construction indicates that the project must be processed through the standard County Grading Permit Process.