

Shandon-San Juan Water District

Shandon-San Juan Groundwater Sustainability Agency

June 15, 2020

Chairman Jean-Pierre Wolff
Central Coast Regional Water Quality Board
895 Aerovista Place, Ste. 101
San Luis, Obispo, CA 93401-7906

Re: Comments on Draft Ag Order 4.0

Dear Chairman Wolff and Members of the Board:

The Shandon-San Juan Groundwater Sustainability Agency (SSJ GSA) and Shandon-San Juan Water District (SSJWD) were created specifically to protect the groundwater and surface water resources of our area. All of us who live and work in the Paso Robles Groundwater Basin are highly reliant upon the annual precipitation that falls upon the Basin and surrounding watersheds to refill the Basin each year. SSJ GSA strongly supports the mission of the Central Coast Regional Water Quality Board and hopes to see an effective, practical, and achievable Ag Order 4.0 Final Draft that recognizes and protects this important water resource and the many benefits that arise from the multiple uses of that water.

The Riparian protection in the Draft Ag Order 4.0 contains significant overreach. We agree the Order should preserve and protect existing riparian areas. If evidence exists of recent disturbance or degradation of riparian areas, those areas should be identified, and projects implemented to restore and/or re-establish them. Language in the Order, such as that on page 43, section 13, should be modified to protect existing aquatic and riparian ecosystems and **not require landowners to create new riparian habitat where none has ever existed.** The soils, slopes, and relationship to nearby drainages of many specific sites that would be included in the current language of the Order are clearly incapable of supporting riparian vegetation. Requiring property owners to attempt to create riparian habitat in such conditions is illogical and ultimately an expensive fruitless waste of time, resources, and effort. The Order needs to include specific language to identify types of existing areas of riparian habitat and then site specific and appropriate procedures and processes to protect them.

- a. **Requirements to restore, re-establish or to create new habitat should only occur in response to cases where a landowner has encroached, disturbed, or destroyed such habitat.**
- b. Riparian setbacks are estimated to fallow over 4,000 acres in Findings Section 27, and those calculations seem to be an underestimate of the acres that could potentially be included by the current Order language.
- c. In high priority areas, the requirements to “reestablish” riparian vegetation will be very expensive. The current ephemeral nature of the Ag Order’s “Phases” places the whole of Region 3 at risk of inclusion to the Orders most restrictive and punitive dictates. The current language allows the requirement to apply to many miles of “streams” and dry washes where vast stretches could be ordered “restored” to habitats that in many stretches and areas never supported riparian plants and animals.

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Comments on the draft Ag Order 4.0 (cont'd)

Many acres of these areas if planted with riparian species the natural conditions will never support them. The current order allows the EO to expand riparian high priority areas to encompass the whole watershed.

- d. Actual intent of Board Staff is likely more in alignment with our suggested approach, but the language in the Order needs to be specific, logical, proportional, and realistic. If there are specific sites where Staff would like to reach back farther in time to rectify past practices, those sites should be explicitly and completely described and any anticipated or expected remediation justified.

Thank you for considering input from the Shandon-San Juan GSA.

Sincerely,

A handwritten signature in blue ink that reads "Willy Cunha". The signature is written in a cursive, flowing style.

Willy Cunha, President of the Board
Shandon-San Juan Water District / Shandon-San Juan Groundwater Sustainability Agency