

Dianne B.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



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S B COUNTY
PLANNING & DEVELOPMENT

September 7, 2016

John Robertson
Executive Officer
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

RE: Approval of Private Water Well Permits in Santa Barbara County on Parcels that Receive Municipal Water Service

Dear Mr. Robertson,

I am writing to inform you of past and upcoming Coastal Commission actions regarding private water wells in the Montecito area of Santa Barbara County and to ask for your agency's assistance in protecting coastal zone groundwater resources in the County. I appreciate your consideration of the following issues and look forward to hearing if there are ways we can work together to protect these important groundwater resources.

Since 1970, the County's Environmental Health Department has apparently issued over 550 well permits within the Montecito Water District's (District) boundaries. Since the current drought began, however, the County has received a staggering surge in the number of water well applications—80 applications in the Montecito and Carpinteria area during the first year of the drought, compared with a previous average of only 9 well applications per year in that part of the County. Concerned that these new wells could impact its own high-producing groundwater wells that are located in the same storage unit of the water basin, the District sent a letter to the County on November 21, 2014 requesting a moratorium on the issuance of new water well permits within the District's service boundary until the current Water Shortage Emergency is lifted. Despite this request, the County has continued to issue well permits.

For example, in October, 2014, the County approved the installation and operation of a well at 1150 Channel Drive in Montecito. As with many other wells, this well was intended to provide water for the irrigation of extensive, non-drought tolerant landscaping and would have allowed the applicant to use a volume of water in excess of the amount otherwise allowed under mandatory water rationing imposed by the State and the local Montecito Water District. The Coastal Commission appealed this approval and, at its August 12, 2016 meeting, denied a coastal development permit for the proposed new private water well, which was proposed on an urban parcel developed with an existing single-family residence that already receives municipal water service from the District. The Coastal Commission is scheduled to hear the appeals of two additional, County-approved private water wells at its September and October 2016 hearings.

Pursuant to its recent action, the Coastal Commission has found that the permitting of private water wells on parcels that already receive municipal water service is generally inconsistent with the County's Local Coastal Program policies that protect water resources and priority land uses.

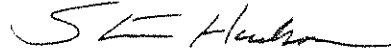
The Commission's full reasoning is available in its staff report at <http://documents.coastal.ca.gov/reports/2016/8/f13a-s-8-2016.pdf>. As described in this staff report, permitting private wells for supplemental, irrigation purposes is not only inconsistent with relevant LCP policies, but also has the potential to do lasting damage to the area's groundwater resources. As you are aware, the State is currently in its fifth year of one of the most severe droughts on record, and the Governor has declared a State of Emergency and called upon government officials throughout the State to take the necessary actions to prepare for water shortages. To facilitate this preparation, the Governor has also issued two Executive Orders to mandate substantial water use reductions and stringent water conservation measures. The County and the District have similarly declared a Water Shortage Emergency, and the District has suspended new meter water service within its service boundaries. The District has also adopted three Ordinances to require stringent water conservation measures, set water supply allocations, and establish water rationing provisions for the District's customers.

Within this context, the Commission is concerned that the potential approval of more private well permits could have lasting, negative impacts on groundwater resources and other coastal resources dependent on that groundwater. To analyze these issues, the Commission retained the services of a consulting hydrologist, Dr. Hugo Loáiciga, in August 2015 to conduct a geotechnical and hydrologic evaluation of the potential hydrologic impacts of installing and operating three, proposed, private irrigation wells in the coastal sub-basin (Storage Unit 3) of the Montecito Groundwater Basin (MGWB). In his extensive analysis of the potential impacts of the three wells, Dr. Loáiciga evaluated the applications to install and operate the wells, data concerning groundwater extraction and the conditions of the MGWB, and several previous reports concerning the hydrogeological characteristics of the MGWB. In his final report, Dr. Loáiciga concluded that the MGWB is currently in a state of overdraft due to the fact that there has been no measured recharge to the groundwater basin since the 2004-05 winter season and that private well extractions alone are presently exceeding the safe yield of the Basin. Dr. Loáiciga's report also documents strong evidence that seawater intrusion has occurred since the drought began and is ongoing within the Basin. You can find Dr. Loáiciga's report as Exhibit 6 of the Commission's staff report here: <http://documents.coastal.ca.gov/reports/2016/8/f13a-s-8-2016.pdf>.

The Commission is now contacting you to request a determination by your agency as to whether the Central Coastal Water Quality Control Board has regulatory authority or other role(s) with regard to the withdrawal of groundwater in Santa Barbara County, particularly given the potential for significant cumulative impacts to groundwater supply that can result from the above referenced types of projects. Given that the Commission only has jurisdiction over resources within the narrow coastal zone, but that groundwater is an interconnected resource that does not recognize such artificial boundaries, the Commission is interested in coordinating with your agency and Santa Barbara County on protecting the region's groundwater and groundwater-dependent resources. Any information you can provide will be greatly appreciated.

Thank you for your consideration of this request. If you have any questions about this letter, please do not hesitate to contact our South Central Coast District Staff at (805) 585-1800.

Sincerely



Steve Hudson
Deputy Director

cc: Jack Ainsworth, Acting Executive Director, CCC
Glenn Russell, Director, Santa Barbara County Planning and Development
✓ Diane Black, Assistant Director, Santa Barbara County Planning and Development

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September 7, 2016

Santa Barbara County Environmental Health Services
Attn: Lawrence D. Fay, Jr.
225 Camino del Remedio
Goleta, California 93110

RE: Approval of Private Water Well Permits on Parcels that Receive Municipal Water Service

Dear Mr. Fay,

I am writing to inform you of past and upcoming Coastal Commission actions regarding private water wells in Santa Barbara County. I believe the Coastal Commission's recent action—and possibly its future actions as well—will affect the manner in which your agency needs to consider future Coastal Development Permit applications for private water wells in the County's coastal zone. I appreciate your consideration of the following issues and look forward to working with your agency to protect groundwater and groundwater-related coastal zone resources, in compliance with the County's Local Coastal Program.

As you know, your agency and the County have approved numerous applications for private water wells in the coastal zone over the past few years. For example, in October, 2014, the County approved the installation and operation of a well at 1150 Channel Drive in Montecito.¹ This well was intended to provide water for the irrigation of extensive, non-drought tolerant landscaping and would have allowed the applicant to use a volume of water in excess of the amount otherwise allowed under mandatory water rationing imposed by the State and the Montecito Water District (District). The Coastal Commission appealed this County approval and, at its August 12, 2016 meeting, denied a coastal development permit for the proposed new private water well,² which was proposed on an urban parcel developed with an existing single-family residence in the Montecito area that already receives municipal water service from the Montecito Water District. The Coastal Commission is scheduled to hear the appeals of two additional, County-approved private water wells³ at its September and October 2016 hearings. These wells were also permitted by the County for the irrigation of landscaping on residential, developed urban parcels that already receive water service from the District.

The construction of a well and extraction of water constitutes "development" as defined by the County's Local Coastal Program (LCP), and such development must be authorized by a Coastal Development Permit, which the County may issue only if is consistent with the policies and provisions of the LCP. Although the County retains broad discretion over how to interpret and carry out its LCP policies, the Coastal Act has given the Commission, and not the County, the

¹ APN 009-352-027

² See staff report, at <http://documents.coastal.ca.gov/reports/2016/8/f13a-s-8-2016.pdf>

³ Located at 1685 Fernald Point Lane (APN 007-374-006) and 1169 Hill Road (APN 009-352-038)

final word on questions on LCP interpretation. *Charles A. Pratt Const. Co., Inc. v. California Coastal Com'n* (2008) 162 Cal.App.4th 1068, 1078. Where the Commission has interpreted an LCP in the context of a permit appeal, the Commission's decisions shall guide future local government actions pertaining to the same issue. Pub. Resource Code § 30625(c). Here, the Commission has now interpreted some provisions of the County's LCP in a way that should guide future County actions on water well applications.

Pursuant to its recent action, the Coastal Commission has found that the permitting of private water wells on parcels that already receive municipal water service is generally inconsistent with County LCP policies that protect water resources and priority land uses. Land Use Plan Policy 2-4 of the County's certified LCP, as well as Coastal Act Section 30250(a), require all new, non-agricultural development within designated urban areas to be serviced by a municipal water district exclusively, if such service is available. This LCP policy, as well as Coastal Act Sections 30250(a) and 30254, are intended to direct the prudent allocation of water resources for new development and to ensure the availability of limited water resources for priority land uses, such as agriculture and coastal dependent land uses. Each of the three subject water wells that were permitted by the County are located within a designated urban residential area, would not be used for agricultural purposes, and are located on properties that already receive water service from the District. To permit a second water connection for a private residential use directly conflicts with Policy 2-4 and raises significant issues regarding the proper allocation of water resources during an extended drought and the availability of groundwater supplies for higher priority land uses.

Additionally, Land Use Plan Policy 2-2 and Coastal Act Section 30231 require that the long-term integrity of groundwater basins within the coastal zone shall be protected and proscribe the depletion of groundwater supplies. As you are aware, the State is currently in its fifth year of one of the most severe droughts on record, and the Governor has declared a State of Emergency and called upon government officials throughout the State to take the necessary actions to prepare for water shortages. To facilitate this preparation, the Governor has also issued two Executive Orders to mandate substantial water use reductions and stringent water conservation measures. The County and the District have similarly declared a Water Shortage Emergency, and the District has suspended new meter water service within its service boundaries. The District has also adopted three Ordinances to require stringent water conservation measures, set water supply allocations, and establish water rationing provisions for the District's customers.

Commonly, water purveyors and private well owners increase groundwater extraction during periods of drought to compensate for the reduced availability of surface water sources. Since 2013, the District's groundwater wells have been extracting *five times* more groundwater (nearly 500 AFY) than the wells' pre-drought extraction rate. This strategy of resorting to groundwater supplies to mitigate temporary shortfalls of surface water supplies, with the expectation that rainfall will return to replenish aquifer storage and restore normalcy, is jeopardized when a drought lasts longer than usual. This strategy poses significant adverse impacts to coastal groundwater sub-basins, because groundwater storage may be severely depleted, leading to such impacts as heightened seawater intrusion (potentially to the point of irreversible freshwater

groundwater basin degradation), hydraulic (well) interference, reduction in well yields, and, eventually, well failures.

The Commission retained the services of a consulting hydrologist, Dr. Hugo Loáiciga, in August 2015 to conduct a geotechnical and hydrologic evaluation of the potential hydrologic impacts of installing and operating the three appealed irrigation wells in the coastal sub-basin (Storage Unit 3) of the Montecito Groundwater Basin (MGWB). In his extensive analysis of the potential impacts of the three wells, Dr. Loáiciga evaluated the applications to install and operate the wells, data concerning groundwater extraction and the conditions of the MGWB, and several previous reports concerning the hydrogeological characteristics of the MGWB. In his final report, Dr. Loáiciga concluded that the MGWB is currently in a state of overdraft due to the fact that there has been no measured recharge to the groundwater basin since the 2004-05 winter season and that private well extractions alone are presently exceeding the safe yield of the Basin. Dr. Loáiciga's report also documents strong evidence that seawater intrusion has occurred since the drought began and is ongoing within the Basin.

Land Use Plan Policy 2-3 mandates the responsible management of groundwater extraction through record-keeping. Although groundwater is an essential coastal resource that can be over-utilized and degraded, it appears that records of individual or cumulative water extraction are not maintained by the County. It remains unknown how much groundwater is being extracted by District customers via private water wells within the District service area to supplement the water they are obtaining from the District, nor is it known how much water private water companies are extracting within the District's service area. Since 1970, your Department has apparently issued over 550 well permits within the District's boundaries, most without the environmental analysis required as part of a Coastal Development Permit, and there have been no mechanisms with which to accurately determine the actual number of active wells, private well water use and demand, or monitor the extraction of groundwater from aquifers within the District's service area. As you know, the County has received a staggering surge in the number of water well applications since the drought began—80 applications in the Montecito and Carpinteria area during the first year of the drought, compared with a previous average of only 9 well applications per year in that part of the County. Each of the three subject private water wells that were approved by the County would be installed within this intensely groundwater-mined portion of Storage Unit 3. As you are aware, the majority of the District's own high-producing groundwater wells are located in Storage Unit 3, and at least three other private water companies extract from Storage Unit 3 as their sole source of potable water to service approximately 60 residential properties.

On November 21, 2014, the District sent a letter to the County requesting the placement of a moratorium on the issuance of new water well permits within the service boundary of the District until the Water Shortage Emergency is lifted. However, despite this request from the agency charged with management of the groundwater aquifer, the County has continued to issue well permits. To allow these private water wells to extract supplemental water supplies for irrigating extensive, non-drought tolerant landscaping obviates the need for the applicants to conserve water consistent with State, County (including LCP), and District rules and policies. The Commission has already found that approval of the coastal development permit for one of these

three water wells is inconsistent with LCP Policy 2-4, which directs new development to use District services, if available. The LCP does not contain *any* policies that allow the installation and operation of private wells for the purpose of supplementing the District's water service and thereby circumventing its water use restrictions, especially during a water shortage emergency.

Therefore, the Commission requests that the County halt issuance of any new private water well permits for residential properties in designated urban areas with existing municipal water district service connections. It also requests that the County abide by the Commission's interpretation of relevant, groundwater-related LCP policies, as identified in the Commission's recent action on the proposed well at 1150 Channel Drive, Montecito.⁴ The Commission would also like to work with the County to avoid these types of appeals in the future, which result in increased workload for both our staffs, and costly delays and confusion for applicants. The Commission is requesting your assistance in this matter to ensure that the County continues to prioritize coordination between the County and the Commission to resolve the above issues and minimize the number of future appeals.

Thank you for your consideration of this request. Commission staff remains prepared to work with you and your staff toward this goal. If you have any questions about this letter, please do not hesitate to contact our South Central Coast District Staff at (805) 585-1800.

Sincerely



Steve Hudson
Deputy Director

Cc: Jack Ainsworth, Acting Executive Director, CCC
Glenn Russell, Director, Santa Barbara County Planning and Development
✓ Diane Black, Assistant Director, Santa Barbara County Planning and Development
John Robertson, Executive Officer, Central Coast Regional Water Quality Control Board

⁴ See <http://documents.coastal.ca.gov/reports/2016/8/f13a-s-8-2016.pdf>.