



BOARD OF SUPERVISORS COUNTY OF MADERA

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November 25, 2014

The Honorable D. Lynn Jones
Presiding Judge
Madera, County Superior Court
209 W. Yosemite Avenue
Madera, CA 93637



Subject: Response to the 2013-14 Grand Jury Report entitled "Madera County Ground Water Issues Final Report."

Honorable Judge Jones:

Pursuant to the California Penal Code 933.05, the Madera County Board of Supervisors submits this response to the findings and recommendations in the 2013-14 Madera County Grand Jury Report entitled, "Madera County Ground Water Issues Final Report." See Attachment #1.

The following are the Grand Jury's findings and recommendations and the Board of Supervisors' responses:

Finding 1:

On April 22, 2014, the BoS in response to resolutions passed by the City of Madera, the City of Chowchilla and actions taken by Madera Irrigation District, Gravelly Ford Water District, Root Creek Water District and others, unanimously passed a motion to work with other stakeholders to form a Joint Powers Authority to manage groundwater in the Madera Basin.

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 2:

The BoS has not proposed any revenue source which would enhance the County's ability to solve the groundwater problem. Any tax or fee that would be enacted to generate a revenue stream for ongoing groundwater remediation would be subject to approval by the impacted voters.

Response:

Disagree with the finding per California Penal Code 933.05 (a) (2). Amendments to the well permits and the Groundwater Sustainability Act, which is a the three-bill package, composed of AB 1739 (Dickinson), SB 1168 (Pavley) and SB 1319 (Pavley) authorize the County to establish fees.

In addition the Madera County Water Conservation and Flood Control Agency will be studying possible mechanisms for assessment.

Finding 3:

New tree and fruit plantings in recent years have been mostly in areas without access to surface water, thus increasing the use of groundwater for agricultural irrigation, particularly due to new plantings of almond trees.

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 4:

Any significant action to reduce the short term overdraft of groundwater must reduce the use for agricultural irrigation.

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 5:

The continuing overdraft of groundwater will result in an ongoing drop in the water table and land subsidence. Land subsidence is an irreversible process, resulting in a permanent loss of potential subsurface water storage. Land subsidence has caused damage to local, state and federal infrastructure. The sources of groundwater recharge are insufficient to maintain an adequate supply of water for Madera County (See Attachment)

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 6:

Although Madera County is a Right to Farm county, the use of land for agriculture is still subject to all the land use policies and ordinances enacted by the BoS. The Right to Farm ordinance in Madera County does not justify lack of action by the BoS to enact regulations on the Agricultural Industry.

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 7:

Over the years, the BoS has requested many studies regarding water usage; however, little change in groundwater usage has resulted.

Response:

Agree with the finding per California Penal Code 933.05 (a) (1).

Finding 8:

The Water Advisory Commission is ineffective due to the lack of access to professional staff and lack of support by the BoS.

Response:

Partially disagree with the finding per California Penal Code 933.05 (a) (2). The Water Advisory Commission has access to County staff and consultants as necessary.

Finding 9:

The only professional with water expertise on staff is the Madera County Engineer who can only devote a fraction of his time to water issues.

Response:

Disagree with the finding per California Penal Code 933.05 (a) (2). Several County Public Works staff have hydrology and hydraulics experience to address the broad issues of water within the County.

Finding 10:

Madera County has no accurate method of measuring how much groundwater is used in different areas of the county on an ongoing basis.

Response:

Disagree with the finding per California Penal Code 933.05 (a) (2). The County has accurate methods to determine groundwater consumption on Special Districts for domestic uses however not in agricultural nor private systems.

Recommendation 1:

The BoS immediately enact a moratorium on the issuance of well drilling permits for new wells for agricultural use, except for replacement wells of equal capacity.

Response:

The recommendation requires further analysis. The Board of Supervisors understands that a moratorium is not a long term sustainable option and will continue to work with other local agencies to identify and implement possible mitigation measures.

Recommendation 2:

The BoS enact an ordinance requiring the review, prior to issuing a well permit, of the location and design of new wells so as to minimize adverse impacts to existing wells on parcels under different ownership.

Response:

The recommendation requires further analysis. The Board has ordinances pertaining to well location in relation to existing surrounding wells that to some degree addresses adverse impacts. The extent to which additional ordinances are needed is the topic of ongoing discussion by the Board and, Public Works and Planning.

Recommendation 3:

The BoS develop procedures to monitor and quantify the annual use of groundwater by residential, commercial/industrial and agricultural categories.

Response:

The recommendation has not yet been implemented, but will be implemented in the future. Madera County Public Works is preparing an ordinance which will require water meters on all new development and well rehabilitations. It is anticipated that the item will be presented to the Board of Supervisors before year-end.

Recommendation 4:

The BoS prepare a plan for a fee on groundwater extraction based on usage.

Response:

The recommendation requires further analysis. The proposed Joint Powers Authority (JPA) or a Groundwater Sustainability Agency (GSA) would consider several options for groundwater management, this being one of them.

Recommendation 5:

The BoS enact an ordinance that would require the demonstration of a sustainable water supply for agricultural use before land can be converted to permanent crops with intensive water requirements.

Response:

The recommendation has not yet been implemented, but will be implemented in the future. The Planning Division of the Community and Economic Development Department will bring a draft ordinance to the Board of Supervisors in December 2014 or early in 2015.

Recommendation 6:

The BoS enact a water conservation plan which includes restrictions on agricultural, commercial/industrial and residential uses of water and publish it online.

Response:

The recommendation has been implemented. The County has an ordinance on water conservation.

Recommendation 7:

The BoS work with stakeholders to develop additional groundwater recharge, groundwater storage, and surface water delivery systems.

Response:

The recommendation has not yet been implemented, but will be implemented in the future. The County will work with the JPA or GSA to address water recharging, storage and delivery systems.

Recommendation 8:

The BoS employ in the County Engineering Department, additional professional staff with water expertise to aid in planning and implementation of sustainable water usage.

Response:

The recommendation will not be implemented because it is not warranted or is not reasonable. The Public Works Department currently has adequate staff working on water conservation and flood control agency as well as additional consultants to address groundwater sustainability plans.

Recommendation 9:

The BoS prepare an annual report quantifying the water usage of the county by residential, commercial/industrial and agriculture users. Make the report available to the public in local newspapers, posting on the county website and mailing to all property owners with property tax statements.

Response:

The recommendation has not yet been implemented, but will be implemented in the future. The type of report and frequency required from a Groundwater Sustainability Agency will be determined by the State and the County will comply with that requirement.

Recommendation 10:

The BoS initiate a land subsidence monitoring program in all areas if the county and adopt policies relating to land subsidence that are based on the premise that continuing land subsidence will permanently damage infrastructure, reduce groundwater storage capacity and negatively impact the county economy.

Response:

The recommendation has not yet been implemented however it will be implemented in the near future. Madera County Public Works is preparing an ordinance which will require water table levels monitoring and reporting on all new wells and well rehabilitations. It is anticipated that the item will be presented to the Board of Supervisors before year-end.

Recommendation 11:

The BoS adopt policies so that groundwater decisions are:

- a.) based on maintaining a sustainable balance between supply and use;
- b.) acknowledge that groundwater is a limited resource that must be managed for the common good;
- c.) recognizing the needs of domestic users and smaller farms.

Response:

The recommendation has not yet been implemented, but will be implemented in the future. The JPA or GSA will consider the 3 recommendations, among others, when policies are adopted.

Sincerely,



Tom Wheeler, Chairman
Madera County Board of Supervisors
Attachments