

## Legislation Text

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File #: REP 13-842, Version: 1

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**Receive report from EAA staff on the proposed stakeholder process regarding conceptual changes to the EAA Rules pertaining to the conversion of base irrigation groundwater.**

STAFF RECOMMENDED MOTION:

None. This is a report item only.

SUMMARY:

The purpose of this agenda item is for EAA staff to report on the proposed stakeholder process for the conceptual changes that have previously been discussed with the Permits/Enforcement Committee regarding the EAA's Base Irrigation Groundwater ("BIG") rules as they pertain to changes in land use and other property-related limitations. Sections 711.338, 711.340, and 711.342 of the EAA rules address the ways in which a permit holder may convert BIG to Unrestricted Irrigation Groundwater("UIG").

Currently, under Section 711.342 of the EAA's rules, conversion applications can be approved if the applicant can show a change in land use has occurred whereby 75% of the land that is the subject of the application meets the characteristics of new development. In the alternative, such an application may be approved if the applicant demonstrates that the historically irrigated land is no longer practicable to farm. To provide such a showing, the historically irrigated land cannot have been irrigated for five or more years, and the applicant must meet two or more of the following limitations:

1. The land is located within a city's corporate limits or the city's extraterritorial jurisdiction;
2. The land is sufficiently boarded by development; and
3. The land has been re-zoned such that it can no longer be used for agricultural purposes.

EAA rulemaking is currently under way to amend what types of scenarios may be considered to convert base irrigation groundwater. EAA staff plans to share the draft concepts discussed at the February 28 Committee meeting with select individuals who are familiar with the conversion process to obtain initial feedback and constructive criticism. It is anticipated that the Committee, and ultimately the Board, will formally consider Proposed Rules during the August/September timeframe. If approved as Proposed Rules, a public comment process on the amendments will be initiated.

A copy of the proposed concepts is attached for the Committee's reference. Staff will be available to answer questions and explain the process at the June 27 meeting.

M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

STRATEGIC PLAN REFERENCE:

This agenda item does not relate to a specific goal within the Strategic Plan, but supports the general EAA mission.

FISCAL IMPACT:

None.