C. PUBLIC AND PRIVATE ORGANIZATIONS

Commenter and Address	Code	Letter Date	Page
Water Resources Advisory Committee County Government Center, Room 207 San Luis Obispo CA 93401 Contact: Sue Luft, Chairperson	WRAC	August 7, 2013	XI.C.-2
Sierra Club, Santa Lucia Chapter P.O. Box 15755 San Luis Obispo, CA 93406 Contact: Andrew Christie, Chapter Director and Sue Harvey, Conservation Chair	SCSLC	August 23, 2013 June 5, 2012	XI.C.-12
Northern Cities Management Area Technical Group *(Address not provided)* Contacts: Teresa McClish, AICP, Community Development Director, City of Arroyo Grande Greg Ray, City Engineer/Public Works Director, City of Grover Beach Ben Fine, City Engineer/Public Works Director, City of Pismo Beach Gary Keefe, Interim General Manager, Oceano Community Services District	NCMATG	August 26, 2013	XI.C.-37
Northern Chumash Tribal Council 67 South Street, San Luis Obispo, CA 93401 Contact: Fred Collins, Tribal Administrator	NCTC	August 26, 2013	XI.C.-47

Water Resources Advisory Committee

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Sue Luft, **Vice Chairperson**
Courtney Howard, **Secretary**
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Jackie Crabb *County Farm Bureau*
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Annie Gillespie *Environmental At-Large*
Greg Nestor *Development At-Large*
John Neil *Atascadero MWC*
Tisdel Thomas *California Men's Colony*
John Reid *Camp SLO*
Edralin Maduli *Cuesta College*
Mark Zimmer *Golden State Water*

June 12, 2012

Honorable James Patterson
Chairperson, Board of Supervisors
County of San Luis Obispo
976 Osos Street
San Luis Obispo, CA 93408-2040

Subject: Water Resources Advisory Committee Comments on the Water Resource Components of the Revised Draft Environmental Impact Report for the Proposed Laetitia Agricultural Cluster Development

Dear Chairperson Patterson:

On May 2, 2012, the Water Resources Advisory Committee (WRAC) formed an ad hoc subcommittee, tasked with reviewing the Revised Draft Environmental Impact Report (RDEIR) for potential water supply, wastewater and groundwater impacts if the proposed Laetitia Agricultural Cluster subdivision is approved. **WRAC(a)-1**

Ad hoc subcommittee members included Alternate Member D. Chipping (Environmental at-Large), Member Garfinkel (District 2), Member Hyman (District 3), Member Winn (Nipomo CSD), Alternate Member Wald (Environmental at-Large), and Member Toomey (District 4). Member Hyman served as subcommittee chair. The subcommittee met to review the Laetitia Agricultural Cluster Subdivision RDEIR on May 14, 2012. Subsequent discussions on the issues raised at this meeting were conducted via email from May 16th through May 22nd.

On June 6, 2012, the WRAC reviewed and revised the ad hoc subcommittee's report and voted (18-0-0) to submit the attached report to you for consideration. The WRAC recommends that your honorable Board require that the issues raised in the attached report be addressed if you decide to proceed with project approval.

Purpose of the Committee:

To advise the County Board of Supervisors concerning all policy decisions relating to the water resources of the SLO County Flood Control & Water Conservation District. To recommend to the Board specific water resource programs. To recommend methods of financing water resource programs.

Excerpts from WRAC Bylaws dated 3/2/2011

Respectfully,

Michael Winn

MICHAEL WINN
Chairperson, Water Resources Advisory Committee

cc: SLO County Board of Supervisors
SLO County Planning Commission
Brian Pedrotti, County Department of Planning and Building

Attachment: WRAC Subcommittee Report on Laetitia Agricultural Cluster Subdivision Revised Draft Environmental Impact Report

WRAC Subcommittee Report on Laetitia Agricultural Cluster Subdivision Revised Draft Environmental Impact Report (RDEIR)

WRAC(a)-2

The WRAC Subcommittee met to review the Laetitia Agricultural Cluster Subdivision Revised Draft Environmental Impact Report on May 14, 2012, at the SLO County Government Center from 3 pm to 5 pm. Subsequent discussions on the issues raised at this meeting were conducted via email from May 16 through May 22 leading to this report for consideration by the Water Resources Advisory Committee.

BACKGROUND

The Laetitia project subdivides twenty-one parcels (approx 1,910 acres) out of rural and agricultural lands of the Laetitia Ranch into 102 residential lots and 4 open space lots. In September 2008, the Laetitia DEIR, which listed possible significant, adverse, and unavoidable environmental impacts, was released for public comment.
Of the ten impacts to water in the report, each was reduced to "less than significant" with mitigation measures.

A subcommittee was formed to review the Laetitia DEIR. The members visited the project site and submitted their report to WRAC, which subsequently adopted that report on February 4, 2009.

At the end of the DEIR public comment period, issues regarding water resources and applicant modifications to the project necessitated the need to re-circulate sections of the DEIR, resulting in a delay of the preparation of a Final EIR.

The revised DEIR (RDEIR) released April 26, 2012, consists of the sections of the DEIR that include water resources, biological resources, and two additional project alternatives.

A second WRAC Subcommittee was formed on May 2, 2012, to review the RDEIR.

Subcommittee Members:
David Chipping, Environment Alternate; Bill Garfinkel, District 2;
Jim Toomey, District 4; Steph Wald, Environment-at-Large; Mike Winn, Nipomo CSD.
Marilee Hyman, District 3, Chair.

May 22, 2012

WRAC Subcommittee Report on Laetitia Agricultural Cluster Subdivision Revised Draft Environmental Impact Report (RDEIR)

The WRAC Subcommittee reiterates and expands the following concerns expressed in the first WRAC Laetitia Agricultural Cluster Subdivision DEIR report submitted February 4, 2009. **WRAC(a)-3**

RECOMMENDATION THAT LAETITIA RANCH RETAIN CONTROL OF WATER TREATMENT FACILITY AND WASTE WATER FACILITY

WRAC concurs with the RDEIR condition recommendation (V78, 79) that control of wastewater disposal rest with the developer. Going one step further, WRAC urges the expansion of this recommendation to also include the entire water supply system. The residential water supply is closely tied to agricultural supply. If the wells, water treatment, distribution system as well as the wastewater management system were under the single management of the developer, conflicts would be avoided during drought conditions or a system component failure.

CLARIFY ALLOCATIONS BETWEEN AGRICULTURE AND RESIDENTIAL USERS

The RDEIR describes two separate water supply and distribution systems for agricultural and residential uses, and also describes intended plumbing interconnection between those systems. County policy dictates that increased residential water use on agricultural parcels should not adversely impact agricultural operations. The Final EIR should better describe the manner in which supply and distribution problems (such as well failures) in one of the systems will be addressed by adjustments from the other system. This should clarify any potential problems such as water quality or well capacity that might arise. **WRAC(a)-4**

The WRAC Members believe that the proposed project has not demonstrated compliance with the County's Agriculture Element AGP11 ("Agricultural Water Supplies"). It appears that the proposed project is allocating water to residential development before meeting maximum agricultural development uses. **WRAC(a)-5**

The WRAC Subcommittee expresses the following concerns after review of the Laetitia Agricultural Cluster Subdivision Revised Draft Environmental Impact Report (RDEIR). **WRAC(a)-6**

WATER DEMAND

With the water duty factors for primary dwelling units set at 0.44 acre feet per year, the calculations for water demand and water supply demonstrate there is sufficient water for the Laetitia project. The WRAC is skeptical of the water duty factor of 0.44, is a realistic figure and how it can be imposed on the residential units should be provided. The revised RDEIR water duty factor of 0.44 AFY places this project considerably out of sync with other similar projects. **WRAC(a)-7**

Varian Ranch	1.50
Woodlands	1.50
Santa Margarita Ranch	1.44
County Master Water Plan	1.44
Initial Laetitia Proposal	1.12
Revised Laetitia Proposal	0.44

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WRAC Subcommittee Report on Laetitia Agricultural Cluster Subdivision Revised Draft Environmental Impact Report (RDEIR)

The water duty factor used by the applicant is more suitable to small lot urban developments than to 1-acre rural properties. Even if one accepts these low demand estimates there does not appear to be adequate measures in place to implement and enforce the proposed water conservation methods. **WRAC(a)-7 (cont'd)**

If the project is to control water use through CC&Rs, the RDEIR must address the likely success of enforcement of water use restrictions. **WRAC(a)-8**

Having little, if any, margin for error is of concern. A relatively small increase in the Laetitia water duty factor from 0.44 to 0.60 AFY (to include the Ranch Headquarters) would nearly equal the estimated sustainable yield of 62.4 AFY (102 x 6=61.20, +1=62.2). The addition of 13 AFY for the Dude Ranch exacerbates the problem. **WRAC(a)-9**

UNRELIABILITY OF WATER FROM FRACTURED ROCK **WRAC(a)-10**

The well tests and analysis appear to be adequate, but well production is from fractured bedrock in several of the major wells tapping into the Monterey Formation and Obispo Tuff.

The unreliability of wells from fractured rock is well known. Anecdotal evidence from local residents verifies that wells drilled in fractured rock may initially produce heavily but often decline over time and sometimes suddenly run dry. Having a plan in place in the event a well runs dry is advisable.

SUSTAINABILITY OF WATER SUPPLY **WRAC(a)-11**

Declining ground water levels and a decline in creek flow place the sustainability of the water supply in doubt. WRAC is concerned that the RDEIR and DEIR are unable to provide any long-term data on the groundwater levels on the Laetitia property or from nearby that would show some hydrologic connectivity to the proposed project. RDEIR V67-68 states "Although there are only a few data points for Wells F&T-1, F&T-2, FVW-1, and FVW-3, over periods of several years, the data show a general decline in groundwater elevation at these wells over 30 years."

This particularly troubling statement, in combination with recorded declines in flow in Los Berros Creek, suggests that existing water use of 222.3 AFY may be mining the aquifers and that the 280 AFY of projected use would not be sustainable.

WELL WATER EXTRACTION AND THE CUMULATIVE EFFECTS ON LOS BERROS CREEK

It is critical to note that use of any wells tapping the riparian creek underflow elevate the decreased flow in Los Berros Creek to a Class I immitigable impact. The concern is that the total amount of water withdrawn from the Los Berros Creek underflow may be excessive. The RDEIR has failed to address this possible cumulative impact of well extraction on Los Berros Creek. This issue should be addressed in the Final EIR along with the possible impacts to the watershed. **WRAC(a)-12**

It should also be noted that historically the use of these wells has not been necessary to meet vineyard and ag facility needs. With the exception of Well #9, all wells currently used to meet Laetitia needs are located in the lower western portion of the property. **WRAC(a)-13**

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WRAC Subcommittee Report on Laetitia Agricultural Cluster Subdivision Revised Draft Environmental Impact Report (RDEIR)

Table 5 (RDEIR) clearly demonstrates that significant dewatering of Los Berros Creek has taken place since the 1970s. The cumulative effect of the entire well field on creek flow should be better defined if it is possible that any well showing fast recovery response to rain might have a deleterious effect on the creek and if its cone of depression intersects the underflow. **WRAC(a)-14**

IMPACTS TO LOS BERROS CREEK: Use of Wells #5 and #8 **WRAC(a)-15**
Well #5 and Well #8 appear to have a dependence on Los Berros Creek underflow as both showed fast recovery after rain (RDEIR V67).
Well #8 appears in the RDEIR in the context of hydrographs that indicate strong dependence on Los Berros Creek underflow (RDEIR V67). There is no further discussion of Well #8 except the statement that it is an agricultural supply well. Failure to factor in Well #8 impact weakens the assertion that impacts (WAT Impact 7) to Los Berros Creek can be reduced to less than significant (RDEIR V81) as this conclusion has been evaluated on potentially incomplete data.

IMPACTS TO LOS BERROS CREEK: Restricted Use of Well #11
In response to comments in the DEIR that Well #11 directly impacts Los Berros Creek underflow, the RDEIR proposes to restrict pumping of Well #11 to December through July, the historically low production months. **WRAC(a)-16**

Noted are errors in Figure 1 of the Geosync letter to Shawna Scott. Well #11 needs to be depicted as a project well. Well #9 should be shown as a non-project well. **WRAC(a)-17**

IMPACTS TO LOS BERROS CREEK: Uncertainty on Use of Well #9 **WRAC(a)-18**
The fast recovery of Well #9 after heavy rains suggest connectivity to Los Berros Creek. Other bedrock-supplied wells did not show a similar recovery (RDEIR V67).
The RDEIR also notes that there could be future well interference between Well #9 and domestic production wells, although the well tests show no evidence of this. The RDEIR (V67) notes that replenishment rates for wells in the Monterey Formation are likely to be low, and that well interference with Wells #10 and #11 is a future possibility (V68).

IMPACTS TO LOS BERROS CREEK: Potential Use of Wells #12 and #13
Wells #12 and #13 that draw from the creek underflow are connected to the water supply system (Figure VB5 V47). The RDEIR recommends that Wells #12 and #13 be removed from the calculated project water supply due to their likely negative impact on Los Berros Creek; however, the two wells will remain connected to the supply system. Should other well production fail or fall short of requirements or for any other reason, these wells have the possibility of being used as a water supply. The connection to the water supply system should be removed. **WRAC(a)-19**

Water could be obtained from these wells without the knowledge of outside authorities or even the residents. At risk is drawdown of the creek underflow and critical species habitat for steelhead and red-legged frog. No conditions or prohibitions have been placed **WRAC(a)-20**

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WRAC Subcommittee Report on Laetitia Agricultural Cluster Subdivision Revised Draft Environmental Impact Report (RDEIR)

on well use nor is there in place a requirement to cap or fill it to permanently remove the possibility of future use. **WRAC(a)-20 (cont'd)**

The conclusion under WAT Impact 7 that impacts to Los Berros Creek can be reduced to less than significant (RDEIR V81) has been evaluated on incomplete data.

RECHARGE OF GROUNDWATER AND CREEK **WRAC(a)-21**

The total water budget for the agricultural and residential uses produces a net increase in water use from 222.3 AFY to 280 AFY that will be reflected in a net reduction in outflow for the Los Berros Creek system. WRAC supports adherence to mitigation WAT/mm 10 in the project design, with a strong emphasis on the optimization of groundwater recharge to bedrock aquifers and the use of surface impoundment.

CUMULATIVE EFFECTS OF WELL WATER EXTRACTION ON STEELHEAD HABITAT OF LOS BERROS CREEK **WRAC(a)-22**

The National Marine Fisheries Service has designated Los Berros Creek as steelhead Critical Habitat in the Estero Bay Hydrologic Sub-unit 3310 and the Oceano Hydrologic Sub-Area 331031.

The RDEIR should discuss the serious potential that federal and state agencies may impose a minimum daily flow requirement to conserve the endangered species habitat. A habitat plan could require pumping be reduced or even terminated if shown to be directly or indirectly dewatering the creek.

The RDEIR fails to relate minimum allowable flows for success of steelhead in Los Berros Creek to the probable impacts of increased well pumping affecting the creek.

CUMULATIVE EFFECTS OF WELL WATER EXTRACTION ON RED-LEGGED FROG HABITAT OF LOS BERROS CREEK **WRAC(a)-23**

The possibility of additional water demand for the endangered frog habitat should be addressed in the RDEIR. The RDEIR discusses mitigation of impacts associated with the red-legged frog habitat, including the preservation of ponds and wetlands especially through the dry summer months. These impacts are discussed only in the context of construction activities and not in terms of a possible prolonged and large-scale dewatering of the area.

CUMULATIVE WATER IMPACT OF DUDE RANCH **WRAC(a)-24**

The cumulative impact of a Dude Ranch is missing from the DEIR. The information provided on the Dude Ranch is inadequate to evaluate the cumulative impact on water demand. There is no way to determine if the needs of Dude Ranch will potentially exceed the water supply.

The derivation of the 13-acre feet water need is not described in either the DEIR or RDEIR. The Dude Ranch lists 75 units but does not elaborate on the livestock needs, include the number of staff or list amenities that would increase water demand.

Los Berros Creek has been identified as being impacted by nitrate loading by the Regional Water Quality Control Board. Proposed project agricultural activities including

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WRAC Subcommittee Report on Laetitia Agricultural Cluster Subdivision Revised Draft Environmental Impact Report (RDEIR)

the Dude Ranch would potentially exacerbate the loading. It is recommended that water quality protections be considered in project design to address potential increases in water quality impacts as regards nitrate loading in Los Berros Creek.
The impacts of the Equestrian Center on Los Berros Creek were eliminated when it was removed from the project, but there is question that the creek may be similarly impacted by the Dude Ranch in both water quantity impacts and water quality impacts. **WRAC(a)-24 (cont'd)**

IMPACTS TO SURROUNDING AREA

Oceano Flood Plain: Lower Los Berros Creek and Arroyo Grande Creek are in Flood Control Zone 1 and 1A and are subject to flooding at peak flow. The project hardscape will increase peak runoff (RDEIR Table V B6, V73) creating a deleterious effect on both creeks. Current best practice engineering guidelines for new subdivisions recommend sufficient retention to reduce the hydrograph peak of a 50-year storm to that of a 2-year storm. (2011 San Luis Obispo County Design Standards). WRAC requests the Final EIR address the project design requirements to attain this standard, including placement of retention structures and impacts to the existing resources such as oaks. **WRAC(a)-25**

Santa Maria Ground Water Basin: Although the Laetitia area is not within the Santa Maria Groundwater Basin, it is a significant part of the recharge for the "Northern Cities" Management Area. **WRAC(a)-26**

Salt Water Intrusion: The Laetitia project in time of drought may contribute to the drawdown of the water table enough to exacerbate the threat of salt-water intrusion at the coast. **WRAC(a)-27**

CONSIDERATION OF NEW WATER REGULATIONS

New regulations from the many agencies that govern water, wastewater, and health along with others who issue water related permits may have additional, significant effects on the project as proposed. **WRAC(a)-28**

The Central Coast Regional Water Quality Control Board has recently adopted an updated Conditional Ag Waiver Discharge program (March 15, 2012), which includes requirements to control irrigation and storm water runoff.

The RWQCB has also approved a Total Maximum Daily Load (TMDL) for Nitrate (May 3, 2012) for the Los Berros Creek sub watershed. The Laetitia project would be subject to the TMDL. An update to the EIR regulatory setting section with nitrate TMDL is therefore warranted. The project's potential addition of nitrate to surface and groundwater, or use of groundwater by agriculture and residential development in an already nitrate-impacted sub watershed, points to a need for additional water quality analysis. **WRAC(a)-29**

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Responses to Water Resources Advisory Committee's 2012 Comments

Comment No.	Comment
WRAC(a)-1	Please refer to responses to specific comments below, in addition to Final EIR Section W.P. Water Resources and responses to comment letter WRAC(b).
WRAC(a)-2	Please refer to responses to specific comments below.
WRAC(a)-3	The commenter's statements and concerns regarding the separation of management responsibilities will be considered by the County decision makers.
WRAC(a)-4	Please refer to responses to comments WRAC(b)-21, WRAC(b)-35 and WRAC(b)-36. The systems would be separate, and would not supplement each other.
WRAC(a)-5	Please refer to EIR Table IV-4 Consistency with Agriculture and Open Space Element, which notes that the project is potentially inconsistent with AGP11 (Agricultural Water Supplies), because the applicant proposes to limit irrigation of agricultural crops in the event of a drought.
WRAC(a)-6	Please refer to responses to specific comments below, and responses to comment letter WRAC(b).
WRAC(a)-7	Please refer to response to comment WRAC(b)-27.
WRAC(a)-8	Please refer to responses to comments WRAC(b)-27, WRAC(b)-34, and WRAC(b)-38.
WRAC(a)-9	Please refer to responses to comments WRAC(b)-9, WRAC(b)-34, and WRAC(b)-38.
WRAC(a)-10	Please refer to response to comment WRAC(b)-31. Please also refer to mitigation measures WAT/mm-1, which requires preparation and implementation of a Drought Water Management Program.
WRAC(a)-11	Please refer to response to comment WRAC(b)-13, WRAC(b)-15, WRAC(b)-16, WRAC(b)-17, WRAC(b)-30.
WRAC(a)-12	Please refer to response to comment WRAC(b)-13 and WRAC(b)-15. Please also refer to mitigation measure WAT/mm-1, which includes well yield limitations to protect base flow within Los Berros Creek. The cumulative analysis states that the use of groundwater by existing and reasonably foreseeable developments and agricultural operations within the Los Berros Creek watershed would result in a significant impact cumulative effect on water resources. Please refer to WAT Impact 6, which identifies a potentially significant cumulative impact to the Los Berros Creek watershed as a result of the project. Mitigation is identified (WAT/mm-1) that would restrict domestic water demand, require limitations on well yields, require water metering on all residences, require long-term monitoring of water use, and require preparation and implementation of a Water Master Plan and Drought Water Management Program. Implementation of identified mitigation measures would address the project's contribution to this cumulatively significant impact.
WRAC(a)-13	Please refer to Final EIR Section V.P. Water Resources, 1. Existing Conditions, a. Hydrogeology and Water Supply, 1) Wells and Infrastructure (page V.P.-5), which identifies the existing agricultural wells (Wells 1, 4, 5, and 9 (F&T 2, F.V. Wells 3, F.V. Wells 1, and F&T 1). As shown in Final EIR Figure V.P.-3, many of the older agricultural wells are located in the western portion of the property.
WRAC(a)-14	Please refer to response to comment WRAC(a) 12, WRAC(b)-13, WRAC(b)-14, WRAC(b)-15, and WRAC(b)-17.
WRAC(a)-15	Please refer to response to comment WRAC(b)-14.
WRAC(a)-16	The commenter's statement and summary of the EIR is noted.
WRAC(a)-17	Please refer to corrected figure V.P.5 Topographic Map in the Final EIR.

Comment No.	Comment
WRAC(a)-18	Please refer to response to comment WRAC(b)-13. Wells 9 and 11 are separated by a distance of approximately 2000 feet, but are completed in the same fractured tuff unit. Testing indicated hydraulic connection between Wells 9 and 11, but small influence of pumping from one on the other (CHG, July 2010). However, Well 9 is close the local north-south trending drainage which is also close to Well 10. If pumping from Well 10 induces increased recharge from this drainage to the fractured tuff unit in which Well 10 is completed, less water may be available downstream for recharge to lower fractured tuff unit in which Well 9 is completed (e.g. Figures 1 & 2 CHG, July 2010).
WRAC(a)-19	Wells 12 and 13 would not be connected to the domestic water supply system.
WRAC(a)-20	Wells 12 and 13 would not be used for domestic water supply. Use of these wells for agricultural irrigation is not currently limited by the County in the project area, and use of these wells for agricultural irrigation is not included in the discretionary actions to be considered by the County decision makers. As noted, mitigation measures would apply towards domestic wells only, therefore the EIR notes a significant cumulative impact to the creek due to use of water sources and wells within the Upper Los Berros watershed. The EIR identifies mitigation that would restrict yield from domestic wells (WAT/mm-1) and long-term monitoring of stream flow (WAT/mm-7), which would reduce the project's contribution to cumulative impact WAT Impact 7.
WRAC(a)-21	Please refer to response to comment WRAC(b)-11 and mitigation measures WAT/mm-9 and WAT/mm-10 in the Final EIR.
WRAC(a)-22	Please refer to response to comment WRAC(b)-19.
WRAC(a)-23	Please refer to response to comment WRAC(b)-20.
WRAC(a)-24	Please refer to responses to comments WRAC(b)-5 through WRAC(b)-9.
WRAC(a)-25	Please refer to responses to comments WRAC(b)-39 through WRAC(b)-42.
WRAC(a)-26	Please refer to response to comment WRAC(b)-11 and WRAC(b)-12.
WRAC(a)-27	Please refer to Final EIR Section V.P.5.a.1.a Water Resources, Santa Maria Groundwater Basin, Seawater Intrusion, and Subsidence for additional information.
WRAC(a)-28	Please refer to Final EIR Section V.P. Water Resources, 5. Project-specific Impacts and Mitigation Measures, a. Project-wide, 5) Agricultural Operations for additional information regarding the discharge program. The existing and proposed groundwater pumping at the project site does not have the potential to increase the threat of salt-water intrusion or subsidence of coastal aquifers. The site is approximately six miles from the coast, and the lowest water level elevations during testing of the four domestic wells were hundreds of feet above sea level. Drawdown of groundwater levels below sea level is not possible in the project wells because the bottom of the screened intervals is well above sea level (refer to Figures 9 and 10, Geosyntec, 2011).
WRAC(a)-29	Please refer to Final EIR Section V.P. Water Resources, 2. Regulatory Setting, b. State Policies and Regulations, 6) Los Berros Creek Subwatershed Total Maximum Daily Load.

Water Resources Advisory Committee

Sue Luft, **Chairperson**
John Ashbaugh, **Vice Chairperson**
Courtney Howard, **Secretary**
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Edralin Maduli *Cuesta College*
Mark Zimmer *Golden State Water*

August 7, 2013

Honorable Bruce Gibson
Acting Chairperson, Board of Supervisors
County of San Luis Obispo
1050 Monterey Street
San Luis Obispo, CA 93408

Subject: WRAC Comments on the Water Resources Components of the Laetitia Agricultural Cluster Development Revised Recirculated Draft Environmental Impact Report

Dear Acting Chairperson Gibson:

The Revised Recirculated Draft Environmental Impact Report (RRDEIR) for the Laetitia Agricultural Cluster Subdivision is complete and available for public review and comment. RRDEIR comments are due by August 26, 2013 (45-day public comment period). WRAC(b)-1

The RRDEIR consists of several revised sections of the 2008 Draft Environmental Impact Report (DEIR), including water resources, biological resources, and alternatives analysis, and along with the 2008 DEIR, addresses the environmental impacts that may be associated with an Agricultural Cluster subdivision of twenty-one parcels (approximately 1,910 acres) into 106 lots, including 102 residential lots for the future construction of 102 single-family homes and four open space lots.

On May 2, 2012, the Water Resources Advisory Committee (WRAC) formed an ad hoc subcommittee whose purpose was to review and comment on the water resources components of the subject RRDEIR Subcommittee members included Member Garfinkel (District 2), Alternate Member David Chipping (Environmental At-Large), Alternate Member Steph Wald (Environmental At-Large), Member Jim Toomey (District 2), Member Vierheilig (Nipomo Community Services District), and Member Brown (City of Arroyo Grande). Member Chipping served as chair of the ad hoc subcommittee. The subcommittee met on July 18, 2013, and subsequently developed a subcommittee report (attached).

On August 7, 2013, the WRAC reviewed and approved the ad hoc subcommittee's report and voted (17-0-2 abstentions) to submit the attached comments to your Honorable Board for further consideration.

Given the seriousness of the issues and lack of information, unless corrected, we do not believe you will have a certifiable EIR.

Respectfully,

SUE LUFT
Chairperson, Water Resources Advisory Committee

Purpose of the Committee:
To advise the County Board of Supervisors concerning all policy decisions relating to the water resources of the SLO County Flood Control & Water Conservation District. To recommend to the Board specific water resource programs. To recommend methods of financing water resource programs.
Excerpts from WRAC Bylaws dated 8/28/2012

cc: SLO County Board of Supervisors
SLO County Planning Commission
Brian Pedrotti, County Department of Planning and Building

Attachments[1]: Subcommittee Report on Water Resources Components of the Laetitia Agricultural Cluster Subdivision RRDEIR

[1] Related correspondence submitted to the WRAC can be found at:
http://www.slocountywater.org/site/Water%20Resources/Advisory%20Committee/Submittals/

WRAC Subcommittee Report on Laetitia Agricultural Cluster Subdivision Revised Recirculated Draft Environmental Impact Report (RRDEIR)

PREFACE

The Water Resources Advisory Committee has criteria under which comments are submitted in the CEQA process. These are: WRAC(b)-2

1- Does the project introduce a change in water policy (however small) that would affect the county elsewhere?

and/or

2- Is the project of such a scale that it would have a regional impact on the water supply?

Commentary on this proposed project concerns major policy issues regarding water management, criteria for judging long-term sustainability, stream and wildlife habitat alteration, the quality of data that is acceptable, and the degree to which an individual project can appropriate more water than originates on the project site. The proposed project introduces large numbers of houses into undeveloped or agricultural lands.

The scale of the proposed project is such that the original entity (Laetitia) and the new entity (a proposed Mutual Water Company serving a large number of users) might need to resolve issues concerning the use of a common water source, and that the proposed project might impact recharge into the water supplies of the 'Northern Cities Management Area (NCMA)', specifically Los Berros, Arroyo Grande and Oceano.

The WRAC Subcommittee met to review the Laetitia Agricultural Cluster Subdivision Revised Recirculated Draft Environmental Impact Report on July 18, 2013 at the SLO County Government Center from 1 pm to 3 pm. Subsequent discussions on the issues raised at this meeting were conducted via email leading to this report for consideration by the Water Resources Advisory Committee.

BACKGROUND

The Laetitia project subdivides twenty-one parcels (approx 1,910 acres) out of rural and agricultural lands of the Laetitia Ranch into 102 residential lots and 4 open space lots. In September 2008, the Laetitia DEIR, which listed possible significant, adverse, and unavoidable environmental impacts, was released for public comment. Of the ten impacts to water in the report, each was reduced to 'less than significant' with mitigation measures.

A subcommittee was formed to review the Laetitia DEIR. The members visited the project site and submitted their report to WRAC, which subsequently adopted that report on February 4, 2009. At the end of the DEIR public comment period, issues regarding water resources and applicant modifications to the project necessitated the need to re-circulate sections of the DEIR, resulting in a delay of the preparation of a Final EIR. **WRAC(b)-2 (cont'd)**

The revised DEIR (RDEIR) released April 26, 2012 consists of the sections of the DEIR that include water resources, biological resources, and two additional project alternatives. A second WRAC Subcommittee was formed on May 2, 2012 to review the RDEIR. While comments from WRAC were submitted, the comments were later discarded when the RDEIR was withdrawn and the RRDEIR later created to address water and wildlife issues following changes in the project description. WRAC has therefore formed another subcommittee to review and comment on the RRDEIR.

COMMENTS OF THE WRAC SUBCOMMITTEE TO REVIEW THE LATITIA AGRICULTURAL CLUSTER SUBDIVISION RRDEIR

ORGANIZATION OF COMMENTS WITHIN THIS DOCUMENT

General issues are considered under headings, but where the issue appears in different sections of the RRDEIR they will be treated together under the same heading. Page numbers from the RRDEIR will be given where possible at the start of a comment to aid in locating the point of discussion. Major issues are defined by headings that are 'all caps and in bold font'. Subsidiary issues in 'all caps'. Direct quotations from other documents are in italics.

COMMENTS REGARDING APPLICATION OF CEQA GUIDELINES SECTION 15988.5 (I-1) **WRAC(b)-3**

The RRDEIR states: "*the Final EIR will include responses to written comments on the remainder of the Draft EIR (2008), and responses to comments on this recirculated version of the Introduction, Biological Resources, Water Resources, and Alternatives Analysis sections of the Draft EIR (2013)*".

Although WRAC made comments on the original document concerning the covered issues, these will apparently not be addressed in the FEIR as they are not part of the "*remainder*". The WRAC subcommittee wants all comments addressed, including those made on earlier issuances of the DEIR.

COMMENT CONCERNING DUDE RANCH AND EQUESTRIAN CENTER **WRAC(b)-4**

In the RRDEIR the proposed project has eliminated the equestrian center. The RRDEIR also addresses a future 'dude ranch' and states "*the dude ranch is included in this EIR as a future development proposal*".

WRAC had submitted the following comment to the RDEIR, which it resubmits to the RRDEIR: **WRAC(b)-5**

The cumulative impact of a Dude Ranch is missing from the DEIR. The information provided on the Dude Ranch is inadequate to evaluate the cumulative impact on water demand. There is no way to determine if the needs of Dude Ranch will potentially exceed the water supply.

The derivation of the 13-acre feet water need is not described in either the DEIR or RDEIR. The Dude Ranch lists 75 units but does not elaborate on the livestock needs, include the number of staff or list amenities that would increase water demand. **WRAC(b)-6**

Los Berros Creek has been identified as being impacted by nitrate loading by the Regional Water Quality Control Board. Proposed project agricultural activities including the Dude Ranch would potentially exacerbate the loading. It is recommended that water quality protections be considered in project design to address potential increases in water quality impacts as regards nitrate loading in Los Berros Creek. **WRAC(b)-7**

The impacts of the Equestrian Center on Los Berros Creek were eliminated when it was removed from the project, but there is question that the creek may be similarly impacted by the Dude Ranch in both water quantity impacts and water quality impacts. **WRAC(b)-8**

There has not been any change, as on page V.P.-35 the RRDEIR notes that Cleath (2008) had estimated 13 afy for the dude ranch, but that "*it is not included in the current project application*". The WRAC subcommittee believes future uses of groundwater should be considered in a calculation of safe sustainable yields. **WRAC(b)-9**

COMMENTS CONCERNING ESTIMATIONS OF ANNUAL RAINFALL AND USE IN WATER DEMAND CALCULATIONS **WRAC(b)-10**

V.P.-3 The WRAC subcommittee agrees with the RRDEIR in assuming an average rainfall of about 17 inches. The amount and timing of rainfall is important in estimating irrigation requirements and expected well production. It is therefore important that irrigation requirements not be measured for a highly atypical year. The RRDEIR states that rainfall "*between July 2009 and March 2011 was 138 percent of average*", and this is supported by Appendix H, p.5 of letter to Scott from Thrupp and Gotberg, 18 April 2012. This letter references data from the Nipomo Mehlschau #38 gauge. For the 2010-2011 water year 28.95 inches were recorded while the average water year precipitation between 1920 and 2012 is 16.75 inches. The Mehlschau 2009-2010 water year yielded 21.84 inches.

COMMENTS CONCERNING IMPACTS TO LOS BERROS CREEK

(1) INCREASED WATER DEMAND IN LOS BERROS CREEK WATERSHED **WRAC(b)-11**

WRAC comments on the RDEIR stated:

The total water budget for the agricultural and residential uses produces a net increase in water use from 222.3 AFY to 280 AFY that will be reflected in a net reduction in outflow for the Los Berros Creek system. WRAC supports adherence to mitigation WAT/mm 10 (sic) in the project design, with a strong emphasis on the optimization of groundwater recharge to bedrock aquifers and the use of surface impoundment.

WRAC(b)-11 (cont'd)

V.P.-3 The RRDEIR notes that Los Berros Creek is in the Oceano Hydrologic Subarea and outside of the Santa Maria Groundwater Basin. The WRAC subcommittee notes that Oceano is included in "The Northern Cities Management Area" (NCMA). The Northern Cities were party, along with San Luis Obispo County to the Stipulated Settlement regarding the disposition of water originating in Santa Maria and being exported into San Luis Obispo County. The adjudicated judgment, which incorporated the stipulated settlement and made it binding on all stipulating parties, and the ongoing oversight of the court demonstrate that the signatories are committed to help preserve the water supply. The Settlement states that there will be no new wells in the Northern Cities Management Area, and only the County has the discretionary power to permit new (or replacement) wells outside the boundaries of the incorporated cities.

WRAC(b)-12

In a related issue, Oceano CSD in a letter to Nipomo CSD, dated April 24, 2013, state:

For nearly 30 years, Oceano Community Services District has limited pumping from the Santa Maria Groundwater Basin so as to not exceed the basin's safe yield. However, continued growth on the Nipomo Mesa, which currently depends entirely on groundwater from the Santa Maria Groundwater Basin, has taxed the basin and contributed to a deepening groundwater depression underlying the Nipomo area that threatens the entire region

The WRAC subcommittee introduces this issue, which is not discussed in the RRDEIR, as it is clear that every inflow into the Arroyo Grande- Oceano watershed is important and that any diminution in the contribution from Los Berros Creek will be significant. Under the Stipulated Settlement the County has a commitment to help preserve the groundwater basin in the NCMA, which would be impaired if they approved an increase in non-ag water demand in Oceano's primary recharge zone.

WRAC(b)-13

(2) V.P.-4 ESTIMATION OF PROJECT IMPACTS ON LOS BERROS CREEK FLOW AND UNDERFLOW

<u>(a) Domestic And Agricultural Well Reallocation In The RRDEIR As Impacts On Flow</u>

The substitution of Wells 10, 11, 12, 13 with Wells 10, 11, 14, 15 for domestic supply is supported by the WRAC subcommittee . While it has been shown that wells 12 and 13 affected Los Berros Creek, it cannot be assumed that lowering water tables due to production of the other wells will not also have an effect on the creek. Los Berros Creek historically behaved as an effluent stream that flowed long into the dry season due to recharge from nearby aquifers. In WRAC's comments on the RDEIR, it was noted, in regard to Well 9:

The fast recovery of Well #9 after heavy rains suggest connectivity to Los Berros Creek. Other bedrock-supplied wells did not show a similar recovery (RDEIR V67) (sic). *The RDEIR also notes that there could be future well interference between Well #9 and domestic production wells, although the well tests show no evidence of this. The RDEIR (V67)* (sic) *notes that replenishment rates for wells in the Monterey Formation are likely to be low, and that well interference with Wells #10 and #11 is a future possibility (V68)* (sic). **WRAC(b)-13 (cont'd)**

and in regard to Wells 5 and 8: **WRAC(b)-14**

Well #5 and Well #8 appear to have a dependence on Los Berros Creek underflow as both showed fast recovery after rain (RDEIR V67).

Well #8 appears in the RDEIR in the context of hydrographs that indicate strong dependence on Los Berros Creek underflow (RDEIR V67) (sic). *There is no further discussion of Well #8 except the statement that it is an agricultural supply well. Failure to factor in Well #8 impact weakens the assertion that impacts (WAT Impact 7)* (sic) *to Los Berros Creek can be reduced to less than significant (RDEIR V81)* (sic) *as this conclusion has been evaluated on potentially incomplete data.*

Please note that the page and section references in the above quotes are copied from the original document and do not refer to the RRDEIR.

<u>(b) Evidence Of Negative Impacts To Los Berros Creek From Current Operations</u> **WRAC(b)-15**

V.P.-4 Stream gauge data for Los Berros Creek (Table 1 Appendix H1) shows that the stream flowed year round until 1981, with the exception of 1977, 1979 and 1980. There is reference to the Bartleson Development Plan which states that Los Berros Creek maintained base flow throughout the summer

""*....during the dry season prior to approximately 1981 when groundwater pumping was increased from the fractured tuff aquifers of the Obispo Formation. The stream gauging data also show zero flow prior to 1981 in the creek during the dry season in 1977, 1979, and 1980."*

On the same page:

"*no gauging data for Los Berros Creek are available for the period from 2002 to 2005. Some field records with the County indicate that the creek was dry during that period but no data logs have been found to confirm the creek stage or flow during this period.*"

Laetitia increased irrigated acreage tenfold in 1982 (source: Laetitia's web page) at about the time creek flows are sharply diminished. Impacts would be felt as new wells penetrated both the underflow of the stream and bedrock that was providing effluent flow to the creek. There is historical evidence of significant drawdown in the water table at Laetitia. On p. V.P.-41 the RRDEIR states

"*Although there are only a few data points for Wells F&T-1, F&T-2, FVW-1, and FVW-3,*

over periods of several years, the data show a general decline in groundwater elevation at these wells over 30 years" **WRAC(b)-15 (cont'd)**

Appendix H1, figure 18, shows that F&T 1 dropped 40 ft. in a decade, FVW-1 dropped 40 ft. in 20 years, F&T 2 dropped 80 ft. in 10 years, and FVW- 3 about 10 ft. in 10 years. This suggests that an overdraft condition already exists in the area, that the existing production for the vineyard is unsustainable in the long term, damaging to Los Berros Creek ecosystems, and reducing recharge to the Arroyo Grande Subarea aquifers. **WRAC(b)-16**

The RRDEIR fails to either interpret or establish the history of long term storage changes with either the history of agricultural well water extraction at Laetitia or with the flow history of Los Berros Creek, although much of the data appears to be present in the document and its appendices. The FEIR should examine the thin evidence on water storage changes in terms of future projections of water levels and impacts to Los Berros Creek. **WRAC(b)-17**

The 1968-2001 flow data is processed as monthly averages in Appendix H1 Figure 5. This does seem to show a significant decrease in January average flow in Los Berros Creek when years 1981-2001 are averaged, compared to the 1966-2001 average which is weighted toward older data. January flow dropped by a third, suggesting a possible deficit in underflow storage has developed through the summer and fall months. This would detract from surface flow until underflow capacity was reached. **WRAC(b)-18**

(c) Insufficient Or Missing Information Concerning Los Berros Creek Flows

The RRDEIR states that the County has stream gauge data: "*for the period from 1978 to March 2011. However, no gauging data for Los Berros Creek are available for the period from 2002 to 2005.*" There is a question as to why 2006-2011 data is not presented along with the analysis of the 1968-2001 data in Appendix H1 Figure 5.

(3) Cumulative Effects Of Well Water Extraction On Steelhead And Red-Legged Frog Habitat Of Los Berros Creek

The National Marine Fisheries Service has designated Los Berros Creek as steelhead Critical Habitat in the Estero Bay Hydrologic Sub-unit 3310 and the Oceano Hydrologic Sub Area 331031. Impact mitigations listed in Chapter 4 of the RRDEIR as Bio/mm-1 through Bio/mm-12, and WAT/mm-1 through WAT/mm-15, say nothing about increasing mean daily flows in the creek. **WRAC(b)-19**

As steelhead are present in the creek (V.E.-15) the RRDEIR should discuss the serious potential that federal and state agencies may impose a minimum daily flow requirement to conserve the endangered species habitat. A habitat plan could require pumping be reduced or even terminated if shown to be directly or indirectly dewatering the creek.

The RRDEIR fails to relate minimum allowable flows for success of steelhead in Los Berros Creek to the probable impacts of increased well pumping affecting the creek.

Most of what has been said above for steelhead can be repeated for red-legged frog. The possibility of additional water demand for the endangered frog habitat should be **WRAC(b)-20**

addressed in the FEIR. The RRDEIR discusses mitigation of impacts associated with the red-legged frog habitat, including the preservation of ponds and wetlands especially through the dry summer months. These impacts are discussed only in the context of construction activities and not in terms of a possible prolonged and large-scale dewatering of the area. **WRAC(b)-20 (cont'd)**

COMMENTS CONCERNING RESIDENTIAL SYSTEM LINKAGE TO THE AGRICULTURAL SYSTEM **WRAC(b)-21**

V.P.-6 The RRDEIR states that the looped water main distribution system for the domestic supply "*will be separate from the agricultural/irrigation water supply and storage system.*" The WRAC subcommittee requests further information on the accuracy of this statement, as it is possible that physical connections between domestic and agricultural systems will remain in place but would be unused. Based on the answer to the question, the WRAC subcommittee would like to see information on any foreseeable situation where cross connections would be used. For example, would or could irrigation well water be diverted to domestic use if unexpected production losses were experienced on the domestic side? If the agricultural and domestic water supply was to be controlled by a single entity, would cross-connection be in the interests of all parties? Does California Water Code Section 106 that states that residential use is a higher use than agricultural use come into effect? In addition, water quality data of the irrigation water at any proposed point of interconnection should be presented so that it can be determined whether water quality, after processing by the proposed Mutual Water Company, will meet State Environmental Health & Safety Agency standards.

COMMENTS CONCERNING ESTIMATIONS OF AGRICULTURAL WATER DEMAND **WRAC(b)-22**

V.P.-6 discusses existing water use estimations in agricultural operations. The RRDEIR uses the 208 af pumped in 2011 as the basis for describing both existing and projected demand (see also Table V.P.-1). The basis of this number, as given by Cleath and Associates, cannot be verified as supportive documentation is not provided, such as well production logs, and is referenced only as an email communication (Appendix H-2, p.2).

The WRAC subcommittee requests that better documentation be provided in defense of this low irrigation application rate. This is especially important as 2011 was a heavy rainfall year (see comments on V.P.-3 above), and thus irrigation would be less than normal.

The subcommittee offers evidence from SLO County records that the use of 2011 irrigation data is misleading. Using the data from the Nipomo Mehlschau #38 site, and using the 2010-2011 water year as the basis for establishing spring and summer water conditions for 2011, the precipitation was 28.95 inches. As the average water year precipitation for the site between 1920 and 2012 is 16.75 inches, it is evident that irrigation amounts would have been much reduced from average requirements. The other two years for which irrigation data is ostensibly available were given as 1994 and 2003,

but the data is not provided or apparently used and the preceding water years 1993-1994 and 2002-2003 yield 13.37 inches and 16.98 inches. **WRAC(b)-22 (cont'd)**

The subcommittee supports the use of irrigation values based on the Master Water Plan, minus allocations for frost protection. The RRDEIR notes the low Master Water Plan value of 0.7 AFY/A would be reduced to 0.45 AFY/A (Appendix H2, p.7) with frost protection removed, as the Master Water Plan assumed 0.25 AFY/A frost protection would be needed in coastal areas (see also Appendix D, Master Water Plan). The 0.45 AFY/A from Appendix H2 and the projected vineyard use of 291.2 AFY gets no further mention in the DEIR, even though the Appendix states : **WRAC(b)-23**

"*Because available records of irrigation rates for the Laetitia vineyards are apparently limited to three years (1994, 2003, and 2011) and rainfall in 1994 and 2011 was well above the estimated average for the Project Area (Geosyntec, 2010), we have used a reasonable conservative approach to calculate baseline water demand of the Laetitia vineyards based on the low water demand value of 0.7 AF/Y per acre for WPA 7 in Table A1 and subtraction of the assumed 0.25 AF/Y per acre for frost protection, which is included in the 0.7 value: 0.7 – 0.25 = 0.45 AF/Y per acre*".

The subcommittee questions using Master Water Plan vineyard water numbers derived from Water Planning Area WPA 2 for Cambria and WPA 3 (Cayucos) rather than those for Laetitia's geographic location in WPA 7 (South Coast). The evapotranspiration rates for these WPA's are 38.5, 38.2 and 52.1 respectively. In the letter from Geosyntec to Shawna Scott of 4/18/12, the consultants state on p.4: **WRAC(b)-24**

"Thus, although the reported vineyard water demand values of 0.26 to 0.34 AF/Y per acre for the Laetitia vineyards are substantially lower than predicted for WPA 7 based on calculated water demands (ESA, 2010) presented in Appendix D of the County MWP (Corollo, 2012), the Laetitia vineyard reported values are similar to predicted values for other WPAs in the County if indeed no water is used for frost protection".

The WPAs were developed because there are significant differences in such factors as evapotranspiration rates, so the application of data to WPA 7 from WPAs 2 & 3 is not appropriate.

The WRAC subcommittee also questions the lack of availability of irrigation data, which would usually be an important factor in wine production, and the selection of high rainfall years in providing the limited information available. **WRAC(b)-25**

The subcommittee notes an inconsistency between V.P.-5, which states "*Average annual production from the onsite irrigation wells was 161 afy between 1999 and 2003.*", and the statement that records were only available for the years 1994, 2003 and 2008. If an average annual production was calculated, where is the data for 1999-2002? **WRAC(b)-26**

As the subcommittee was meeting, the County provided a copy of a letter from Cleath and Harris (CHG) to John Janneck on July 18, 2013, which was copied to San Luis Obispo County. They question a linkage between drought and increased irrigation use and defend figures used in the DEIR and state:

"CHG has documented vineyard water use at Laetitia over several years, including a drought year, where water use was less than the current rate (1994; 13.37 inches of precipitation at County gage #38; 0.25 acre-feet per acre of vineyard). Historical average annual water use in the vineyard has ranged from 0.25 to 0.34 acre-feet per acre, which is much more realistic for future Laetitia water demand than the RRDEIR figures." **WRAC(b)-26 (cont'd)**

The differing opinions of experts regarding irrigation demand and rainfall should not be cause to simply accept the numbers provided in the RRDEIR. As vineyard water demand is a critical factor in groundwater sustainability, more supportive data is needed before an average figure is chosen. For example the WRAC subcommittee is concerned that rainfall data and irrigation data is not available for each year that Laetitia has been in wine production, and that water use and local rainfall data cannot be substantiated. This would seem unusual for a weather-dependent agricultural operation.

Without greater substantiation the subcommittee considers that, relative to 2011, precipitation is likely to be lower and irrigation requirements are likely to be higher.

COMMENTS CONCERNING ESTIMATIONS OF RESIDENTIAL WATER DEMAND **WRAC(b)-27**

V.P.-36 In the RRDEIR Geosyntec states that they concur with applicant's estimate of 0.44 afy/lot, noting that it is higher than the standardized rate of 0.36 afy/lot. The supporting arguments are given in an April 2013 document contained in Appendix H of the RRDEIR. That document supports the duty factor by incorporating assumptions utilized in the Department of Water Resources Model Water Efficiency Ordinance and the 2011 California Green Buildings Standards Code (CGBSC). However the CGBSC cited homes are described as 3 bedroom with 4 occupants without reference as to size. Laetitia is proposing 3000 to 5000 square foot homes on 1 acre lots. For comparison Nipomo CSD's 2010 Urban Water Management Plan prepared by WSC [Water Systems Consulting, Inc.] has recorded actual usages as Multi Family 0.28AFY; Duplexes/Secondary 0.28AFY; Parcel less than 12,768 sq. ft. 0.40AFY; Parcel between 12,769 and 25,536 sq. ft. 0.68AFY; Parcel greater than 25,536 sq. ft. 0.82AFY.

While the 0.36 afy/lot might be defended on the basis of severely restricted landscape irrigation and engineered water-saving devices that would be policed through CC&Rs, such CC&Rs may either be changed in the future or violations of the CC&Rs ignored. Regardless of residence fixture flow rates at the time of first occupancy, personal comfort levels and habits will frequently cause residents to modify flow in devices like showers.

For these reasons, the WRAC subcommittee considers the 0.36 afy/lot to be marginally credible but probably underestimating likely future use.

COMMENTS CONCERNING AQUIFER AND WELL TESTING **WRAC(b)-28**

(1) GENERAL COMMENTS

During the evolution of the RRDEIR there have been a number of documents that have questioned both the methodology used in aquifer and well testing, and the interpretation of the results. These include the original tests by Cleath and Associates, peer review of the tests by Fugro West, and in the RRDEIR analysis by Geosyntec. The WRAC subcommittee also received commentary on the Geosyntec studies by Cleath and Harris. The subcommittee also realizes that the conflicts between experts, which is not uncommon in the CEQA process, will be an obstruction to making an optimal decision that maximizes development without threatening long term sustainability of the water supply and wildlife. For this reason, project approvals should error on the side of caution. **WRAC(b)-28 (cont'd)**

(2) VALIDITY OF PUMP TEST RESULTS IN PREDICTING LONG TERM SUSTAINABLE YIELD **WRAC(b)-29**

The RRDEIR's Appendix H "Review of Well Testing and Sustainable Yield Assessment" has a section starting on p. 21 giving "Conclusions and Recommendations". The following quotes are pertinent:

"The projections of downward water level trends exhibited during testing and the unknown time to possibly achieve equilibrium pumping conditions underscores that time frame is an important issue with respect to long-term viability of the wells to meet the proposed project demands."

and

"With continued pumping at Phase 3 rates, an expanding cone of depression of groundwater elevation will result in capture of more groundwater and an equilibrium condition accompanied by stable water levels may be attained. However, equilibrium groundwater flow conditions may not occur for decades or longer .....) Based on the water level records during Phase 3 pumping, if the linear trend in decreasing groundwater elevations continues at the rates observed during the Phase 3 testing, the water levels in the wells will likely drop below the top of the well screens-- within months in Wells 10 and 14, and within a few years in Well 15".

The RRDEIR states on V.P.-30 that: **WRAC(b)-30**

"Based on the available data, groundwater production needed for the proposed project is feasible, but will result in long-term average declines in groundwater levels. Additional depletion of groundwater storage associated with each proposed domestic well appears to be necessary to sustain long-term water production to meet project demands. With continued pumping, equilibrium water levels may be attained in time (Geosyntec 2011, 2013)."

Neither Geosyntec nor the WRAC subcommittee consider that this project meets the full definition of sustainability, but Geosyntec indicates that the four wells in the domestic loop would be able to produce 62.4 afy or 38.7 gpm. (V.P.-32) and satisfy project demand. However the degree to which this well production removes water from storage, or further reduces subsurface recharge to Los Berros Creek have not been quantitatively

established. Geosyntec defends this production level even after consideration of the following: **WRAC(b)-30 (cont'd)**

"The estimates of viable long-term groundwater production rates reported herein are based on evaluation of water levels recorded in four wells for the period from October 2009 to March 2011, which included several months of pumping. However, we caution that rainfall during the testing program was 138 percent of average, and also that long term yields of water wells producing from bedrock aquifers, which may have linear fracture systems, commonly are substantially less than short-term yields."

(3) ADDED COMMENTS BY WRAC SUBCOMMITTEE REGARDING SUSTAINABILITY

Several people have expressed concern that production of water from fractured aquifers can be highly productive until the fractures are drained, so that water production will drop quickly and in some cases not recover. Geosyntec notes the difference between fractured aquifers and homogenous aquifers, but sudden production loss was not discussed. **WRAC(b)-31**

The long term sustainability of groundwater-dependent projects would depend on the balance between withdrawals and recharge. Given the use of 17 inches as an average annual precipitation, and the total project acreage of 1,910 acres, the 1.42 ft of precipitation yields 2,712 AFY on project lands. **WRAC(b)-32**

The project water demands are stated (p.VP-37) as a wide range between a very low 277.75 AFY to highs of both 494 FY or 938 AFY based on different conditions and using Master Water Plan numbers. The higher numbers are presented in a letter submitted to Shawna Scott from Gordon Thrupp (Appendix H2) by ESA. This would require capture of between 10% to over 30% of the total rainfall as groundwater recharge, both of which are very high numbers compared to the hydrologic literature. For example one global study gives a recharge of 0.1 to 5% of rainfall (Bridget R. Scanlon et. al., 2006, Global synthesis of groundwater recharge in semiarid and arid regions, Hydrological Processes v. 20 p. 3335-3370). This is due to both evapotranspiration and runoff taking the majority of the rainfall. Given a very optimistic capture of 5% of precipitation recharging groundwater, it would only provide about half of the lowest water demand (277.75 AFY) of this project. The other half would either have to be taken from other nearby properties or taken from incoming flows of Los Berros Creek.

There is unfortunately no restriction of the amount of water that an individual land owner can extract, which leads to the accumulation of individual parcel overdrafts.

COMMENTS ON V.P.-42 AND WAT IMPACT 1- ISSUES CONCERNING MANAGEMENT STRUCTURE

(1) CREATION A MUTUAL WATER COMPANY AND A HOMEOWNERS ASSOCIATION TO IMPLEMENT PROJECT MITIGATIONS THROUGH A MASTER WATER PLAN **WRAC(b)-33**

On V.P. 42 Mitigation WAT/mm-1 in the RRDEIR requires a Master Water Plan be prepared that provides "*guidelines for residents covering water conservation techniques, and lists of ornamental drought-tolerant plants that would do well in the native soils, etc.). The program shall address all consumer-controlled water uses...*". The MWP would define limitations on exterior irrigation, a drought management plan, a monitoring program to police pumping periods and production volumes, and be enforced by the Homeowners Association (HA) and Mutual Water Company (MWC). **WRAC(b)-33 (cont'd)**

On V.P. 44-45 WAT/mm-1 would make demonstration of compliance a condition before the project advanced to the next phase of the phased development. The other mitigations in this section (WAT/mm-2 through WAT/mm-7) recommend methods by which water use could be minimized,

The WRAC Subcommittee concurs that WAT/mm-1 provides for application of project mitigations through to the completion of Phase 3. However, the missing part of this discussion is the long term policing of water use after the development is built out at the end of Phase 3. There are substantial issues with the creation of an MWC to manage water production and use, and issues concerning the separation or space between, an MWC and an HA. While California law requires that they be separate corporate entities, there is no restriction regarding common membership for their boards. There is some possibility that highly restrictive CC&Rs could be altered by the HA by a vote of the HA after Phase 3 is completed, after which there might be no external policing of water use. The subcommittee therefore would like to see the FEIR define the legal framework that would protect mitigations from degradation upon completion of Phase 3. **WRAC(b)-34**

(2) PROBLEMS ASSOCIATED WITH SEPARATION OF DOMESTIC PRODUCTION MANAGEMENT AND AGRICULTURAL PRODUCTION MANAGEMENT **WRAC(b)-35**

Once vineyard water operations are divorced from those of the area covered by the Homeowners Association (HA), there will be nothing to prevent the current ability of the vineyard to pump at any desired level, as the Mutual Water Company (MWC) would have a separate jurisdiction on a different subset of water wells. Any MWC problems concerning well production and safe yield could not be addressed by changing vineyard operations.

V.P.-23 discusses groundwater rights, noting the rights of overlying landowners to withdraw water for beneficial use, which would imply parallel rights to the MWC and to Laetitia. The RRDEIR also notes the "reasonable use" provision. It is possible that side-by-side operations might result in litigation, each blaming the other for damage to their systems from over-pumping.

The subcommittee would draw attention to California Water Code 106 that states:
106. It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for

irrigation. The FEIR should address this code section in the light of possible conflicts between vineyard and domestic usage. **WRAC(b)-35 (cont'd)**

The WRAC subcommittee recommends a better analysis of both the depth of separation and the allowable provision for mutual aid that would be possible if a MWC is created.

Having addressed the WRAC subcommittee's concerns regarding divorcing a Mutual Water Company from Laetitia's agricultural concern, the concern is magnified by the terms of WAT/mm-1. This concerns the creation of a Master Water Plan that addresses "*all consumer-controlled water uses*" and "*shall be administered by the Mutual Water Company and enforced by the Homeowners Association*". It places well-specific limitations on pumping from wells 10, 11, 14 and 15 and requires a Drought Management Plan with specific triggers for action. While this appears perfectly sensible for a stand-alone development, in this case there is no mention of any involvement of the agricultural operations. There is no provision for diverting agricultural water toward residences, nor any suggested change in agricultural operations. This reinforces the fact the water supply for the Mutual Water Company may at risk from agricultural operations over which they have no control. **WRAC(b)-36**

For the above reasons the WRAC subcommittee recommends that WAT/mm-1 not be implemented until the specific issues of relations with Laetitia and post- Phase 3 management issues are addressed. **WRAC(b)-37**

COMMENTS ON MITIGATIONS WAT/MM-2 THROUGH WAT/MM-6 **WRAC(b)-38**

The WRAC subcommittee considers these mitigations that minimize water use to be sensible, providing that the imposed conditions can be satisfactorily policed. For example WAT/mm-5 requires installation of low flow showerheads, but how would this be policed after a home is occupied? Although removing water conservation measures inside the home would violate County codes and ordinances, the actions themselves would be impossible to police.

COMMENTS ON V.P. -47 WAT IMPACT 2- CONCERNING RUNOFF AND AQUIFER RECHARGE

Table V.P.-7 shows that the Net Peak Runoff Rate after development will be increased by 4.4% for the 10-year storm, 3.8% for the 25-year storm and 2.8% for the 100-year storm. In response to the County regulation that there should be no increase in peak flow, a number of flow-reducing mitigations must be implemented. The WRAC Subcommittee believes that County regulation must be upheld. **WRAC(b)-39**

The WRAC subcommittee supports the water recharge options listed in WAT/mm-10. However on V.P-48 it states that "*No onsite water stormwater detention basins are proposed.*" The WRAC subcommittee would support the development of retention basins **WRAC(b)-40**

for both removal of sediment, the greater delay of peak discharge, and the possibility that basins can recharge bedrock aquifers and the Los Berros Creek alluvial prism. **WRAC(b)-40 (cont'd)**

The subcommittee does not concur with the RREIR that flood risks are reduced to a less than significant level by mitigations WAT/mm-9 and WAT/mm-10 as peak flow will still be increased and downstream flooding is a current problem. The mitigations in the RRDEIR will be helpful for controlling small events, but will be of little use in large events where retention basins would have the greatest effect. **WRAC(b)-41**

The WRAC committee also notes that Coastal San Luis Resource Conservation District, in comments on RRM's Hydrology and Hydraulic Report for the original EIR, was concerned that the report had not addressed flooding issues on Arroyo Grande Creek. As the RRDEIR still does not directly address the issue, the FEIR should examine the impacts of the project on both Los Berros and Arroyo Grande Creeks. **WRAC(b)-42**

SMALL EDITORIAL ISSUES

Appendix H Table A-2 **WRAC(b)-43**

Appendix H Table A-2 appears to have the spreadsheet headers misplaced. It appears that projected vineyard demand for the South Coast varies from 0.7 to 1.2 AF/A/YR (SLO County)

Geological Cross Section A-A' Figure V.P.-4 **WRAC(b)-44**

There is a small error in the Key to the Geological Cross Section, in which the unit 'Tmmb' is stated to be Obispo Formation rather that Monterey Formation

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Responses to Water Resources Advisory Committee's 2013 Comments

Comment No.	Comment
WRAC(b)-1	Please refer to responses to specific comments below.
WRAC(b)-2	Commenter's preface and background summary are noted.
WRAC(b)-3	Please refer to responses to comments WRAC(a)-1 through WRAC(a)-29. Where applicable, responses refer to comment responses identified in this table (WRAC[b]).
WRAC(b)-4	As noted in the Final EIR (Chapter III.D.11 Project Description, Project Components, Future Development Proposal): "The applicant is not currently requesting a land use permit for the proposed dude ranch, and has not submitted grading or development plans". Limited information about the dude ranch is provided, including estimated areas and anticipated activities, and the analysis of potential effects is subsequently limited.
WRAC(b)-5	The County acknowledges that the information provided on the dude ranch is limited, and notes that "In the event the applicant moves forward with a land use permit request for a Dude Ranch, the subsequent additional water demand would be approximately 13 afy, to be provided by an onsite private well. Currently, a shallow (six feet deep) well in the Los Berros Creek channel provides water to a residence located on the parcel proposed for the Dude Ranch. Use of this well to provide water for the Dude Ranch may result in adverse effects to Los Berros Creek, including a reduction in base stream flow during dry months. At the time an application is submitted, project-specific information would be provided including identification of the well(s) proposed to provide water supply, and a project-specific analysis of hydrological impacts" (refer to EIR Section V.P.6 (Water Resources, Cumulative Impacts).
WRAC(b)-6	Please refer to response to comment WRAC(b)-5 above. The commenter correctly notes that the derivation of the 13 afy is not specified in the EIR. Based on review of information provided by the applicant, this amount is determined for a 75-room facility (9.8 afy), with a 150-person capacity restaurant (3 afy), and a beauty spa (0.2 afy) (Cleath and Associates 2008). This estimate does not include water demand for livestock; however, additional details including barns and other facilities would be required prior to consideration of a use permit for the dude ranch. The applicant is not including the dude ranch in the project application, and approval of the dude ranch will not be included as part of the County's action. The EIR is a disclosure and informational document, and provides a level of detail and level of analysis based on available information. This lack of detail does not impair the impact determination, because the County will not be adopting findings for potential impacts occurring as a result of the dude ranch (because it is not part of the requested discretionary action).
WRAC(b)-7	Please refer to EIR Section V.P.2 (Water Resources, Regulatory Setting, Los Berros Creek Subwatershed Total Maximum Daily Load). As described in the Final EIR: "Central Coast Water Board staff has identified sources of nitrate that are causing or contributing to water quality impairment (e.g., primarily irrigated agriculture and natural sources), has identified parties responsible for these sources, and has proposed load allocations necessary to achieve the TMDLs. The Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands in the Central Coast Region (Agricultural Order) is the existing regulatory mechanism to achieve the TMDLs. No new regulatory mechanisms were proposed to implement and achieve the TMDLs. Agricultural owners and operators are required to comply with the requirements outlined in the Agricultural Order, and subsequent revisions of the Order" (page V.P.-17). Therefore, non-discretionary actions such as agricultural production are subject to the Agricultural Order to address water quality impairment in Los Berros Creek. The Order states that: "This Order regulates discharges of waste from irrigated lands by requiring individuals subject to this Order to comply with the terms and conditions set forth herein to ensure that such discharges do not cause or contribute to the exceedance of any Regional, State, or Federal numeric or narrative

Comment No.	Comment
	water quality standard (hereafter referred to as exceedance of water quality standards) in waters of the State and of the United States" (Order No. R3-2012-0011). Water quality protections, within the framework of existing regulations related to agricultural uses, are appropriate as defined in the EIR.
WRAC(b)-8	Based on information provided to date, there is not enough information to adequately analyze potential water quality impacts resulting from the dude ranch. Appropriately, the decision makers will not make findings regarding the dude ranch related to water supply or quality impacts, and will not consider approval or denial of the dude ranch prior to submittal of a land use application request and project-specific analysis pursuant to CEQA.
WRAC(b)-9	Based on the EIR analysis, safe yield has been determined for each identified domestic well. The EIR notes that water supply for the dude ranch would be supplied by an onsite well, and that there is an existing residential well that draws from the Los Berros Creek channel (this well is not proposed to serve the proposed subdivision, but serves an existing residence). Based on known information regarding Los Berros Creek, the EIR states that "use of this well to provide water for the Dude Ranch may result in adverse effects to Los Berros Creek, including a reduction in base stream flow during dry months" (Final EIR Section V.P.6. Water Supply, Cumulative Effects). Further analysis would be required for the Dude Ranch project application based on project-specific information, including a clear designation of the water source.
WRAC(b)-10	Average annual production from the onsite irrigation wells was 161 afy between 1999 and 2003, which is approximately 0.26 afy/acre of irrigated vineyards (620 acres). As noted in the EIR, 208 af was pumped in 2011 (0.34 afy). Agricultural water usage is not regulated by the County; therefore, the EIR presents a reasonable range of agricultural water demand (refer to pages V.P.-12-13), including estimates greater than documented amounts.
WRAC(b)-11	The County concurs that adherence to Final EIR mitigation measure WAT/mm-9 (groundwater recharge) and WAT/mm-10 (implementation of low impact development design techniques), and compliance with current stormwater regulations is required. Enhancement of groundwater recharge in bedrock aquifers is limited by the low bulk hydraulic conductivity of the bedrock (low ease with which the water moves through fractures). The effects of recharge would be localized. The proposed project wells are existing and are not located within the Northern Cities Management Area. The EIR and technical reports incorporated by reference (Cleath and Associates, Geosyntec) consider adverse effects including reduction in Los Berros Creek baseflow. Use of Well 11, which was determined to reduce baseflow in Los Berros Creek during drought conditions in the dry season, would be limited and restricted, allowing baseflow to recharge the Los Berros Creek alluvial basin downstream.
WRAC(b)-12	The County concurs with the commenter that continued growth on the Nipomo Mesa has taxed the basin, and substantial evidence of this fact is present in numerous public documents and the Administrative Record for this EIR. Please refer to response to comments provided by the Oceano Community Services District (OCSD-2, OCSD-3, and OCSD-4). The EIR addresses potential effects to the Santa Maria Groundwater Basin and Northern Cities Management Area (NCMA), and flow within Los Berros Creek (refer to Final EIR Section V.P.5.a.1.a Water Resources, Project-specific Impacts and Mitigation Measures, Project-wide, Sustainable Water Supply, Effects to Groundwater). Project modifications and mitigation measures (WAT/mm-1) are identified that would avoid a reduction in flow within Los Berros Creek (due to use of domestic wells) and subsequently downstream flow into the NCMA. As noted in the impact analysis: "groundwater inflow from the project site comprises approximately four percent of the reported groundwater production budget for the NMMA portion of the Santa Maria Groundwater Basin. The 2011 NMMA report states that although recharge to alluvium along Los Berros Creek may be significant, "any groundwater flow from these [bedrock] formations to the NMMA is likely negligible" [page 12, NMMA, 2011]. The recommended pumping schedule for the proposed

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	domestic wells included measures to protect baseflow within Los Berros Creek. Therefore, implementation of the project would not have a substantial, or significant, adverse impact on the Santa Maria Groundwater Basin or offsite groundwater resources".
WRAC(b)-13	It is reasonable to assume that use of wells with hydrological connections to Los Berros Creek would affect stream flow. Analysis of the Los Berros Canyon, and all properties and wells located within the alluvium of Los Berros Creek, and pumping records of these wells over the past 40 years would provide comprehensive information regarding the effects of pumping with the canyon and Los Berros Creek streamflow. The EIR and supporting technical reports assess the effects of the project on the underlying aquifers and Los Berros Creek. This analysis was limited to the discretionary aspects of the project (the domestic wells), and known information regarding agricultural wells is also included. Based on the well tests, the hydrograph for Well 9 (an agricultural well) (Appendix H1, Geosyntec 2011, Figure 16) shows a gradual increase in water level approximately coinciding with the end of Phase 3 testing. These data look typical of recovery of water levels if pumping of Well 9 had stopped. Water level rise is evident in Well 9 in response to the heavy rainfall in December 2010 and January 2011. Increase of water levels in response to rainfall was much more pronounced in Well 11, which is also a bedrock well completed in the Obispo Formation (Figure 11, Geosyntec, 2010). And increase of water levels in response to heavy rainfall was apparent in Wells 12 and 13, which are bedrock wells competed in the Monterey Formation. Wells 11, 12, and 13, are all close to Los Berros Creek. Wells 9 and 11 are separated by a distance of approximately 2000 feet, but are completed in the same fractured tuff unit. Testing indicated hydraulic connection between Wells 9 and 11, but small influence of pumping from one on the other (CHG, July 2010). However, Well 9 is close the local north-south trending drainage which is also close to Well 10. If pumping from Well 10 induces increased recharge from this drainage to the fractured tuff unit in which Well 10 is completed, less water may be available downstream for recharge to lower fractured tuff unit in which Well 9 is completed (e.g. Figures 1 & 2 CHG, July 2010).
WRAC(b)-14	The data for Well 5 (agricultural well) do not show a rapid increase in water levels after periods of high rainfall. The hydrograph for Well 5 (Appendix H1, Geosyntec 2011, Figure 16) shows a gradual increase in water level at the beginning of the Phase 2 and Phase 3 testing. This may be due to recovery of water levels in Well 5 if it was pumping before the testing, but turned off when Phase 2 and 3 pumping began. The County concurs with the comment that water levels in Well 8 (agricultural well, also known as Enloe #1) increased rapidly after periods of high rainfall. This is attributed to hydraulic communication between Los Berros Creek and the localized alluvial aquifer along the within which Well 8 is screened. Well 8 was installed in 1999, which is stated and illustrated in Appendix H1 (Geosyntec 2011, page 12, and Figure 16). Page 12 and Table 2 of the report (Geosyntec 2011) also indicated that Well 8 is completed in shallow alluvium along Los Berros Creek. Note however that influence of pumping from Well 8 on Los Berros Creek is accounted for in the gauging of Los Berros Creek because Well 8 is upstream of the gauging station (e.g. Figure 2, Geosyntec, 2011). No increase in production is proposed at Well 8 for the proposed development. Limitations of pumping from Well 8 during dry months would help preserve the baseflow and riparian ecology of Los Berros Creek; however, this well would be used for agriculture and the County is not currently regulating agricultural water use at this project site. WAT Impact 7 relates to drainage patterns and runoff flow rates affecting Los Berros Creek; the comment appears to be referencing recharge to the creek. Regardless, the County understands that the commenter is concerned about use of alluvial wells (such as Well 8) and the potential effect on the creek. As noted, Well 8 is an agricultural well and would not be used for domestic purposes. The project has been designed, and would be required to comply with mitigation

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	measures, that would protect alluvial flow. The EIR evaluates potential impacts resulting from the project, which is limited to the wells to be used for domestic use. Use of agricultural wells and agricultural production is not currently under discretionary review by the County.
WRAC(b)15	As reported by Cleath and Associates (2005) and Geosyntec (2011) the Bartleson Development Plan (Morro Group, 1996) indicated that discharge of groundwater maintained base flow in Los Berros Creek during the dry season prior to approximately 1981 when groundwater pumping was increased from the fractured tuff aquifers of the Obispo Formation. Future monitoring of flows in Los Berros Creek is recommended (refer to WAT/mm-7). The depth and extent of the alluvial aquifer along the lower reaches of Los Berros Creek is small and the capacity for storage is minor. The geologic map, the boring log, and hydrograph for Well 8, also called Enloe 1 (Appendix A and Figure 16 of Geosyntec 2011), illustrate the limited capacity of the shallow alluvial along Los Berros Creek: • the alluvium along the lower portion of Los Berros Creek is only a few hundred feet wide; • at Well 8 the depth from the ground surface to the bottom of the alluvium is approximately 65 feet (the well is screened from 25 to 65 feet); • water level in Well 8 rises quickly to within 10 to 20 feet of the ground surface in response to large rainfall events. The rapid response of water level in Well 8 to rainfall events is a consequence of the small storage capacity of the alluvial aquifer along Los Berros Creek. As shown in the testing results for Wells 11, 12, and 13, these wells are influenced by Los Berros Creek. Existing documentation indicates that increased pumping from the alluvial basin, and Obispo tuff adjacent to the alluvial basin that has hydraulic connectivity to the creek over the past 30 years has reduced stream flow in the creek. For this reason, the project has been modified to avoid use of domestic wells 12 and 13, and restrictions are placed on all domestic wells including 10 and 11 to minimize potentially significant impacts to base flow within Los Berros Creek.
WRAC(b)-16	As described in the EIR and supporting technical reports provided by the applicant (Cleath and Associates 2005), the agricultural irrigation system includes Wells 1, 4, 5, and 9 (F&T 2, F.V. Wells 3, F.V. Wells 1, and F&T 1). Appendix H1 (Geosyntec 2011, Figure 18) shows a general decline in water levels based on the data from Table 4 of Cleath and Associates 2004. An updated figure provided in Appendix H4 (refer to Attachment 1) includes more recent water level data for the four irrigation water wells, shows recovery of water levels in irrigation well F&T 1 (Well 9), but continued long-term drop in water level in Wells F&T 2 (Well 1) and FV 1 (Well 5). The four irrigation wells are all completed in the fractured tuff of the Obispo Formation. Additional wells included a shallow domestic well (Enloe-1) completed in alluvium adjacent to Los Berros Creek. The oldest agricultural/irrigation well onsite is F.V. Well #1 (Well 5), which was constructed in 1983 (irrigated 132 acres of vineyards). The next well was constructed in 1988 (F.V. Well #2) (Well 7) for the winery and estate residence. Groundwater production rates of 21 afy have been sustained from each of agricultural Wells 5 and 9 for 11 to 26 years, respectively, based on available data (CHG, 2010; Geosyntec, 2011). Records of water levels and pumping for Well 5 include a multiple-year period of drought from 1987 to 1991. Although water level data are not available during this drought, the water levels in Well 5 were only approximately 40 feet lower than the initial water level in 1983 when it was installed (the total depth of the well is nearly 400 feet). Thus if groundwater levels dropped substantially during the drought in the late 1980s, they recovered.
WRAC(b)-17	Regarding historic conditions, as indicated in the EIR Appendix (Geosyntec 2011, page 6), Cleath and Associates (2005), and the Bartleson Development Plan (Morro Group 1996), discharge of groundwater maintained base flow in Los Berros Creek during the dry season prior to approximately 1981 when groundwater pumping was increased from the fractured tuff aquifers of the Obispo Formation. The stream gauging data (Table 1, Geosyntec, 2011), however, also

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	shows a few months prior to 1981 with zero flow in the creek during the dry season: October & November 1977, (1978 insufficient data), August – December 1979, and September – December 1980. The County is not aware of well data or stream flow data to evaluate if pumping in the 1970s decreased baseflow of Los Berros Creek. These periods of zero flow in Los Berros Creek occurred prior to planting of 145 acres of vineyards and drilling and use of well 5 (FV Well 1) in 1983 on the project site. This well yielded 26 afy. The Environmental Assessment of Water Resources Availability Bartleson Development Plan (Morro Group 1996) documents an increase in agricultural crops, and pumpage in both the upstream alluvial ground water basin and upstream fractured rock. The pumpage within fractured rock was 575 afy (including 52 afy for vineyard irrigation on the project site), which provided irrigation for 391 acres of agricultural crops (including 145 acres of vineyard on the project site). Pumpage within fractured rock in 1985 was 22.5 afy for residential uses. In 1977, the yield from fractured rock was 80.4 afy, which provided water for 33 acres of crops and 5 residences. By 1994, vineyard acreage on the project site increased to 184 acres, and pumpage increased to 66 afy from fractured rock. The total agricultural acreage in Los Berros Valley (upstream of the Bartleson site) was 478 acres (699.4 afy for agricultural irrigation). 39 afy was pumped for residential use. The classic "cone of depression" of the water table (or potentiometric surface) associated with pumping of groundwater from an aquifer may not be applicable in a fractured bedrock aquifer because systems of fractures can function as localized isolated aquifers each of which can have different drawdown. Also, evaluation of drawdown influence of pumping from the project wells is particularly difficult without any observation (monitoring) wells. Regarding 1968-2001 flow data, some of the monthly average flows presented by Table 1 of the Geosyntec Report (2011) are incorrect, although the data presented graphically in Figure 5 are correct. A revised Table 1 with corrected monthly averages is provided in Appendix H4 (refer to Attachment 2). Although the data do indeed show a lower average flow in Los Berros Creek during January in more recent years, inspection of the data provided by the revised Table 1 (Appendix H4, Attachment 2) shows that the historical average flow value for January is strongly influenced by a very high flow in January of 1969, which could be considered an outlier. Moreover, January data are missing for seven years from 1992 to 2001. Accordingly, the statistical validity of the January average flow data is questionable.
WRAC(b)-18	Please refer to response to comment WRAC(b)-17 above. The County provided data for Los Berros Creek for 2006 through 2010; however, the data were incomplete. Processing of the additional historical data and future monitoring of flows in Los Berros Creek to enable the County to analyze monthly flows is recommended in accordance with WAT/mm-7.
WRAC(b)-19	The EIR assessed project impacts, from domestic wells, including the potential for reduced stream flow (refer to impacts WAT Impact 1 and BIO Impact 7. The County is not currently regulating wells designated for agricultural use. The EIR does not include recommendations to increase stream flow as a result of this project; however, compliance with recommended mitigation to conserve water and limit well yields (WAT/mm-1) and ordinances requiring low impact development, groundwater recharge, and prevention of water pollution would mitigate the project's potential effects to aquatic species and their habitat (refer to WAT/mm-2 through WAT/mm-14). There is no known current minimum daily flow requirement for steelhead within Los Berros Creek; however, as noted, the project was modified by the applicant to avoid use of domestic wells that would result in a reduction in flow within Los Berros Creek (refer to Chapter III Project Description and mitigation measure WAT/mm-1). Installation of a stream gauge (WAT/mm-7) would assist the County's monitoring of streamflow in Los Berros Creek, and this information could be shared with agencies and organizations tasked with monitoring and developing plans for steelhead habitat protection.

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WRAC(b)-20	Please refer to response to comment WRAC(b)-19 above. CEQA requires analysis of project impacts on the environment, as defined as existing conditions, or baseline. The analysis is limited to the proposed project, which is defined as the requests outlined in the use permit and subdivision request.
WRAC(b)-21	Based on information provided by the applicant, the domestic system and the agricultural systems would be separate. The proposed project does not include transfer of irrigation water into the domestic water system. The agricultural water and domestic water systems would be managed by separate entities, as proposed by the applicant. The EIR evaluates the project, as proposed, which does not include substitution or supplement of water from the agricultural wells to the domestic water system. Based on the long-term testing, the proposed domestic wells have capacity to serve the project , as restricted by mitigation measure WAT/mm-1 and supplemental water from agricultural wells is not considered to be necessary. Use of water for domestic purposes is required to meet existing codes, and no interconnection is proposed.
WRAC(b)-22	Geosyntec concurs that the amount and timing of rainfall is important in estimating irrigation requirements. And as documented (e.g. Geosyntec, Oct 2011), short term variation in rainfall also influences the potential production capability from wells such as Well 11 for which rapid recharge response to rainfall is attributed to hydraulic connection to base flow of Los Berros Creek. However, short term (e.g. <1 year) variation of rainfall does not influence the production capability from the other project wells (Wells 10, 14, and 15) because they do not have direct connection to surface water and recharge to groundwater tapped by these wells is a slow process. As addressed in the baseline water demand evaluation (Geosyntec, 2012), historical water use for the Laetitia Vineyards and facilities as reported by Cleath and Associates (2004, 2005) was based on available pumping records for 1994 and 2003. The estimated vineyard water demand for 1994 and 2003 was 0.26 AF/Y per acre of vineyards. And, an additional water demand estimate for the Laetitia vineyard and facilities was based on metering data during 2011. The estimated vineyard water demand for 2011 was 0.34 AF/Y per acre of vineyards, substantially higher than the estimate for 1994 and 2003. Based on discussion at the WRAC special meeting on August 7, 2013 we understand that additional historical metering data are available for groundwater pumping for the Laetitia vineyards and facilities. We recommend that estimates of the historical irrigation rates for Laetitia vineyards are updated by the applicant based on review of all the available historical metering data, and provided as a supplemental source of information for the record.
WRAC(b)-23	As discussed above in WRAC(b)-22, and as addressed in the baseline water demand evaluation (Geosyntec, 2012), historical water use for the Laetitia Vineyards and facilities as reported by Cleath and Associates (2004, 2005) was based on available pumping records for 1994 and 2003. The estimated vineyard water demand for 2011 was 208 AF, which equates 0.34 afy per acre of vineyards, substantially higher than the estimate for 1994 and 2003. Based on further discussion of frost protection measures used at the Laetitia vineyards, subtraction of the 0.25 afy allocated by the Draft Master Water Plan for the County (Carollo, 2012) for frost protection is indeed appropriate as presented in the Baseline Water Demand letter (Geosyntec, 2013) because fans are used for frost protection instead of water.
WRAC(b)-24	As shown in Table V.P.-2 Variation in Vineyard Irrigation Demand (Using WMP [WPA 7 South Coast] Rates) and documented in the Baseline Water Demand (Geosyntec 2012), the WPA 7 rate ranges from 0.7 afy (low) to 1.3 afy (high), which include 0.25 afy for frost protection. As documented in the Baseline Water Demand, which is incorporated by reference into the EIR analysis, and as documented in the applicants reports (Cleath and Associates 2004) no frost protection has been used on the existing vineyards. The EIR presents a range of agricultural water demand including estimates based on irrigation data and yields from agricultural wells over

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	time, and estimates provided in noted reports including the Water Master Plan. The actual irrigation rates at the Laetitia vineyard are noted to be lower based on practices including drip irrigation and periodic irrigation (documented in the 2005 Cleath and Associates report), such as irrigating one or two days a week.
WRAC(b)-25	Irrigation rates were identified based on information provided by the applicant, in referenced reports. Irrigation rates range from 0.22 to 0.39 afy depending on the vineyard block, averaged to 0.26 afy, as show in Table 3 Well Production of Irrigation Wells Laetitia Vineyard and Winery (Cleath and Associates 2004). The report documents irrigation records in 1994 and 2003.
WRAC(b)-26	Cleath and Associated noted a vineyard irrigation range of 0.25 to 0.34 afy, which is consistent with the EIR's estimate of 0.34 afy. These figures are supported by documentation provided by the applicant (Cleath and Associates 2004, CHG 2013).
WRAC(b)-27	The water duty factor of 0.44 afy per residential unit that is assigned to calculate residential demand for the proposed development is within the range of 0.22 to 0.36 afy per unit calculated by Geosyntec (April 2013) (refer to EIR Appendix H) based on current references and guidelines for residential water usage in California, and noted restrictions on water use. The County concurs that CC&Rs are needed to monitor, regulate and enforce compliance with the water usage that limitations. On August 16, 2012, the California Supreme Court held that in a common interest development, a developer (and the individual owners) may bind an association to an arbitration covenant in a recorded declaration of CC&Rs. One option would be for the project applicant to record a declaration of CC&Rs, which would include water usage limits and required monitoring of water levels in wells and flow in Los Berros Creek. Once the first owner accepts the covenants and restrictions in the declaration by purchasing one of the residences, as long as the terms are reasonable, they become enforceable equitable servitudes (see footnote 4 below). In addition to previously identified restrictions, the following sentence has been added to WAT/mm-1 to ensure future homeowners are clearly aware of water restrictions: "The program shall identify maximum water use of 0.44 acre feet per year, per lot".
WRAC(b)-28	The County notes the commenter's concerns. Responses to specific comments are addressed in this table.
WRAC(b)-29	Commenter's summary of portions of the EIR and technical reports are noted.
WRAC(b)-30	Based on the long-term testing conducted, the pumping of groundwater from the four project wells can meet the project demand of 46.3 afy for decades, and the recommended reduction in pumping from Well 11 during the dry months would help minimize direct impact on Los Berros Creek. As reported, decreasing water levels in some of the wells at end of the Phase 3 testing indicates that depletion of storage of groundwater continued (following Phase 3 pumping rates, which are higher than proposed well yield rates). Accurate quantification of the depletion of storage is not possible, particularly for fractured bedrock aquifers for which the connected porosity (useable storage) is not well defined and would require use of monitoring wells located in the same fractured bedrock system as pumping wells.
WRAC(b)-31	Geosyntec concurs that sudden decrease of production is possible in wells completed in fractured bedrock because pumping can drain water stored in discrete fracture networks. However, the long-term testing (several months) conducted at the Wells 10, 11, 14 and 15 did not show an increasing rate of drawdown with time, which would occur if influence of pumping reaches an impermeable boundary. Moreover, as stated in the Geosyntec Report (2011), 11-year and 26-year records of groundwater production rates of 21 AF/Y reported by CHG (July 2010) for each of two irrigation wells (wells 5 and 9) at the Project Site supports that long-term groundwater production from wells completed in the fractured bedrock at the site is possible.
WRAC(b)-32	Geosyntec agrees that local recharge of 5% of rainfall to groundwater is optimistically high. However, the recharge to the fractured bedrock aquifers is not limited to the Laetitia project land.

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	Recharge to the deep fractured bedrock hundreds of feet below the ground surface, in which Wells 10, 14, and 15 are screened, is a slow diffuse process for which the influence of variation in rainfall is delayed and attenuated. The recharge occurs as leakage of groundwater from adjacent fractured bedrock to which seepage from local streams and percolation of rainfall contribute. A substantial portion of recharge to the fractured bedrock may occur where the fractured bedrock outcrops, which is unrelated to the both the Laetitia property and local watershed boundaries. In addition, the entire Los Berros Creek watershed, which is nearly 15 square miles in area, contributes to the local recharge of Well 11 because it is influenced by creek flow. While there are no current restrictions on well yields, mitigation is recommended that would restrict domestic well yields to avoid an adverse effect on Los Berros Creek.
WRAC(b)-33	Summary of identified mitigation measures is noted.
WRAC(b)-34	Mitigation measure WAT/mm-1 requires the Mutual Water Company to prepare an annual report demonstrating compliance with the project Water Master Plan. The report shall be stamped by a Registered Engineer and submitted by the Homeowners Association to County Public Health and Planning and Building Department. No additional permits of any kind that require use of water supply would be issued if the Homeowners Association is out of compliance.
WRAC(b)-35	The commenter is correct that yields of agricultural irrigation wells would not be limited, unless otherwise determined by the County decision makers. The applicant has noted that agricultural practices would be adjusted in the event of a drought requiring such action. At this time, such action is voluntary, and the County is not currently imposing any restrictions on the agricultural operations. Any legal ramifications would be the burden of the applicant and subsequent owners. The EIR evaluates the impacts of the project on the environment, and speculation regarding potential conflicts due to changes to the project description (which are not proposed by the applicant) are outside of the scope of environmental analysis. Regardless, these concerns are noted for County decision makers' consideration.
WRAC(b)-36	Based on the EIR analysis (Chapter V.P. Water Resources), existing agricultural wells would continue to provide irrigation water for vineyards onsite, and proposed domestic wells would provide water for the proposed development. The County does acknowledge that limitations on agricultural well yields and irrigation rates are voluntary, and no current restrictions exist. Assuming the vineyard would continue to apply similar irrigation rates as documented by the vineyard manager, there is no substantial evidence that use of the wells for respective uses would result in a conflict as noted by the commenter.
WRAC(b)-37	The commenters concern is noted and will be considered by the County decision makers.
WRAC(b)-38	The County recognizes that it is difficult to police appliance installation; therefore, mitigation is identified that requires metering of water use on each residential lot, in addition to restrictions on domestic well yields (refer to WAT/mm-1).
WRAC(b)-39	The EIR identifies a potentially significant impact due to increase stormwater runoff, and Final EIR WAT Impact 2 has been clarified to note that the increase runoff may result in flooding off-site, including Arroyo Grande Creek. Although retention of stormwater is not proposed by the applicant, compliance with the County Land Use Ordinance (Section 22.52.110) will likely require construction of a basin and/or implementation of other stormwater management improvements to ensure runoff does not exceed the estimated pre-development rate. Please refer to Final EIR Section V.P. Water Resources, 5. Project-specific Impacts and Mitigation Measures, a. Project-wide, 3) Drainage and Flooding, which includes additional information regarding flooding in Arroyo Grande Creek. Mitigation measure WAT/mm-9 has been revised to specifically require analysis of 2-year, 5-year, and 10-year storm events using the recommended model to demonstrate to the County Public Works Department that the project would not increase stormwater flow within Arroyo Grande Creek. WAT/mm-9 and WAT/mm-14 identify several

Comment No.	Comment
	potential measures to manage and diffuse stormwater. Compliance with identified mitigation measures requires a final drainage study demonstrating no net increase in stormwater runoff. The discussion of residual impacts has been expanded to address potential secondary impacts resulting from construction and operation of retention basins.
WRAC(b)-40	Please refer to response to comment WRAC(b)-39.
WRAC(b)-41	Please refer to response to comment WRAC(b)-39.
WRAC(b)-42	Please refer to responses to comments (CSLRCD).
WRAC(b)-43	The misplaced headings on Table A-2 from the County Draft Water Management Plan are noted.
WRAC(b)-44	Geosyntec also concurs that the Key to the Geologic Cross Section identified the geologic unit Tmmb as the Obispo Formation rather than the Monterey Formation. A corrected version of the Cross Section is provided in Appendix H4 (refer to Attachment 3).

SIERRA CLUB
FOUNDED 1892

Santa Lucia Chapter
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August 23, 2013

Mr. Brain Pedrotti, Project Manager
County Planning & Building Dept.
County Government Center, Rm 300
San Luis Obispo, CA 93408-2040

Re: Revised Recirculated Draft Environmental Impact Report, Laetitia Agricultural Cluster Development

Dear Mr. Pedrotti,

Following are the comments of the Sierra Club on the RRDEIR. Also please find attached our previous comments as submitted on June 5, 2012, which we are re-submitting for the record as the issues they address have not yet received response or been resolved. **SCSLC-1**

We raise the following additional issues: **SCSLC-2**

None of the well pumping tests appear to have occurred during the summer when vineyard and proposed domestic use will be at its peak. Please clarify.

As a result of further well capacity testing for the RRDEIR, Geosyntec recommends modification to production schedules for Well 11: **SCSLC-3**

> Although the production capacity of Well 11 was substantially higher than the other wells, water level data in this well show rapid recharge likely due to good hydraulic connection between the aquifer and base flow in Los Berros Creek. Based on review of this data, Geosyntec recommends a modified production schedule, which includes curtailment of pumping from Well 11 from August through November each year to help preserve base flow in Los Berros Creek during the dry season, but a slight increase in Well 11 pumping from December through July. (p V 52)

Well 11 is a riparian well. Pumping from Well 11 should also be curtailed from November through March to ensure that the narrow window for fish migration is not interrupted during the winter months.

There does not appear to be any discussion of water allocation for biological and public trust assets. How will the ground water pumping impact sensitive plant and animal species? **SCSLC-4**

WAT/mm-1 b.5 states "Proposed drought-management policies shall not include a "reduction or periodic cessation of agricultural irrigation." This requirement appears to conflict with Water Code Section 106, wherein "It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation." Enforcement of this section is supported by numerous court cases[1]. Further consideration of the Doctrine of Reasonable and Beneficial Use would curtail agricultural pumping in the instance of overdraft. In the instance of extreme drought or overdraft, agricultural pumping will be curtailed – a violation of Ag Cluster Ordinance 22.22.150 B.5.a and d.[2] **SCSLC-5** **SCSLC-6**

The applicant intends to develop a mutual water company. We EIR should analyze the option of a Mutual Water District to retain control of the pumping and delivery for the agricultural production in order to ensure that water is monitored for the entire cluster and vineyard operations to ensure adequate water resources for all demands. **SCSLC-7**

We are concerned that in order to eliminate the impacts of water demand resulting in a Class I unmitigable impact, the applicant has reduced the paper water use of the ag cluster homes to .44 afy per home rather than reduce the number of proposed homes to guarantee adequate water for the agriculture and housing into the future. **SCSLC-8**

The project includes the use of approximately 37 afy of tertiary treated water for agricultural irrigation, which would contribute to groundwater recharge. (P. V 64). How can the project guarantee the 37 afy of tertiary water in the likely event that individual homeowners install **SCSLC-9**

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[1] *Meridian v. San Francisco* (1939); *National Audubon Society v. Superior Court* (1983); *Central & West Water Basin Replenishment District v. So. California Water Co.* (2003); *City of Beaumont v. Beaumont Irrigation District* (1965); *Deetz v. Carter* (1965); *Prather v. Hoberg* (1944); *Cowell v. Armstrong* (1930); *Drake v. Tucker* (1919); *Smith v. Carter* (1897; *Alta Land & Water Co. v. Hancock* (1890)

[2] 22.22.150 B.5.a The proposed project will result in the continuation, enhancement and long-term preservation of agricultural resources and operations consisting of the production of food and fiber on the subject site and in the surrounding area.

d. The water resources and all necessary services are adequate to serve the proposed development, including residential uses, as well as existing and proposed agricultural operations on the subject site and in the site vicinity.

graywater or other water capture systems? The EIR should consider the scenario of homeowners limited to .44 afy, thus significantly incentivized to capture graywater, resulting in a correspondingly significant reduction in the projected 37 afy of tertiary water. **SCSLC-9 (cont'd)**

Thank for your consideration of these issues.

Andrew Christie
Chapter Director

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June 5, 2012

via e-mail and U.S. mail

Brian Pedrotti, AICP
San Luis Obispo County
Department of Planning & Building
970 Osos Street
San Luis Obispo, CA 93408-2040

RE: **Laetita Agricultural Cluster, recirculated Draft Environmental Impact Report, Tentative Tract Map and Conditional Use Permit: SUB2003-00001 (Tract 2606), SCH#2005041094**

Dear Mr. Pedrotti,

The proposed project consists of the agricultural cluster subdivision of 21 parcels (totaling approximately 1,910 acres) into 106 lots, including 102 residential lots of one acre each; four build-able open space lots totaling approximately 1,787 acres; and approximately 25 acres of internal residential roads. Approximately 6.6 percent of the 1,910-acre project site would be developed by residential lots and internal access roads. **SCSLC-10**

Riparian water from Los Berros Creek is available for use only to the original underlying parcels that are contiguous with Los Berros creek. It is impossible to determine the original parcelization from the mapping information in the RDEIR. This is of particular importance in regards to wells #11, #12, and #13. The output from these wells is connected into the general water infrastructure for the vineyard and the proposed subdivision. The underflow from these wells cannot be utilized on adjacent parcels. Riparian water rights cannot be transferred to non-riparian owners. It appears that no analysis or determination has been made of the legality of using water from wells #11, #12, #13 for the vineyard or the residential subdivision. It would appear that the water from these wells cannot be legally utilized for the proposed agricultural subdivision. We recommend that as a condition of permitting, these wells be shut down and legally abandoned and no further permits issued for wells tapping riparian water, including any newly created or remnant parcels contiguous with Los Berros Creek.

In addition, water taken by riparian right cannot be impounded for deferred use, as in water storage tanks or reservoirs. This would seem to prohibit the subdivision from pumping water from wells #11, #12, and #13 for storage in the proposed water storage tank[1] and distribution in a water delivery system. **SCSLC-11**

All water uses in California are subject to the standard of "reasonable and beneficial" use by virtue of amendment of the California Constitution, Article X, Section 2. The standard of reasonable and beneficial use extends protection of water resources to include protection of public trust assets such as fish and wildlife[2]. Los Berros Creek has been designated as critical habitat for steelhead. We have concerns that expansion of irrigated farming operations (from 70 to 700 acres) has resulted in the de-watering of Los Berros Creek to the detriment of wildlife and the endangered salmonid population as evidenced by the failure of the creek to flow year round, as it has historically. The resources of Los Berros Creek are subject to the public trust doctrine, i.e. the property of all citizens and under the continued jurisdiction of the state. As such, the uses and appropriation of riparian waters are subject to "reconsideration and reallocation."[3] The RDEIR fails to consider the legal disposition of the riparian waters or to consider competing water rights of fish and wildlife. As the courts give increased consideration to protecting instream water uses, this failure opens the door to future court action to curtail the use of wells #11, #12, and #13, if not other wells that may be drawing from underflow. **SCSLC-12**

The real possibility that the expansion of irrigated ag has resulted in the de-watering of Los Berros Creek, as evidenced by substantially less flow, demonstrates that there is no "excess water" for residential use and the project represents a violation of Ag Policy 11 and the Ag Cluster ordinance. **SCSLC-13**

The RDEIR fails to make assess the impacts of further withdrawals from Los Berros Creek on sea water intrusion on coastal monitoring wells in the Oceano area. Los Berros Creek drainage is part of this recharge basin (Figure VB-1). **SCSLC-14**

We take issue with the claims regarding the annual water use of each residence, which is set at .44 afy. Annual water use of .44 afy is not consistent with other analyses of water use on larger residential parcels[4]. To certify a water use estimate premised on a per household use of .44 afy (a reduction from the more believable original estimate of over 1.5 afy), the lead agency must include verifiable, enforceable conditions that will limit water use. Otherwise, water remains a Class 1 unmitigable impact. **SCSLC-15**

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[1] " A riparian right entitles the landowner to use a correlative share of the water flowing past his or her property. Riparian rights do not require permits, licenses, or government approval, but they apply only to the water which would naturally flow in the stream. Riparian rights do not entitle a water use to divert water to storage in a reservoir for use in the dry season or to use water on land outside of the watershed. Riparian rights remain with the property when it changes hands, although parcels severed from the adjacent water source generally lose their right to the water." http://www.waterboards.ca.gov/waterrights/board_info/water_rights_process.shtml

[2] http://www.waterboards.ca.gov/waterrights/board_info/water_rights_process.shtml

[3] http://www.waterboards.ca.gov/waterrights/board_info/water_rights_process.shtml

[4] Varian Ranch 1.50; Woodlands 1.50; Santa Margarita Ranch 1.44; County Master Water Plan 1.44; Initial Laetitia Proposal 1.12

We question the assessment of vineyard water use of .34 afy per acre. The water use assessment of 34 AF/Y per acre appears to rely on optimal conditions and the best case scenario rather than the clear information in the County's current Draft Master Water Plan and reasonable expectations of water use in the water planning area (WPA) for the project. According to Geosyntec's letter included in "B 2 Laetitia Baseline Water Demand (April 2012)," the water use demand relies on existing vineyards in WPA 2 (Cambria) and WPA 3 (Cayucos) rather than WPA 7 (South Coast), which includes the Laetitia project. WPA 7 has a middle value of 1.0 AF/Y per acre. Laetitia claims it does not use any water for frost protection. Even if 0.25 AF/Y per acre is subtracted from the 1.0 AF/Y per acre, the use would be 0.75 AF/Y per acre. We do not see a justification for using numbers from WPA 2 or 3, and using those water planning area calculations does not account for a worst-case scenario or even a plausible scenario considering that the project is located in WPA 7. We also did not see any corroborating basis for discarding the frost protection adjustment of 0.25 AF/Y per acre for WPA 7 or the project site. We are concerned that vineyard water use is drastically underestimated[5]. **SCSLC-16**

Laetitia reported that 208 AF were pumped during 2011 for vineyard irrigation. This equates to 0.34 AF/Y per acre use[6], the claimed annual usage in the RDEIR. Rainfall from July 2009 through March 2011 was 138% of average (RDEIR V.35). While the RDEIR gives a mean annual rainfall number, we do not know what the "average rainfall" number might be. In any case, we are presented with two problems: 1) Average rainfall numbers are not a good indicator of probable rainfall. Mean annual rainfall is a much better indicator. 2) The basis for the 0.34 AF/Y per acre vineyard use is derived from a year that presumably had 138% of average rainfall. More rainfall means less water applied to the vineyard. The claim of 0.34 AF/Y per acre cannot be supported and underestimates the annual water use. **SCSLC-17**

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[5] "If water is not used for frost protection at the Laetitia vineyards, then subtracting 0.25 AF/Y per acre from the low end of vineyard water demand numbers (Tables A1 and A2), results in adjusted water demand values of 0.45 AF/Y per acre of vineyards for existing or future vineyards in WPA 7, which is still substantially more than reported values at Laetitia of 0.26 and 0.34 AF/Y per acre of vineyards. Note, however, that adjusted *middle* water demand values for existing vineyards in WPA 2 (Cambria) and WPA 3 (Cayucos) are 0.15 and 0.25 AF/Y per acre after subtraction of 0.25 AF/Y per acre that is assigned for frost protection (Table A1). Furthermore, subtracting the assigned 0.25 AF/Y per acre of water for frost protection from *low* demand values in Table A1, which are all 0.5 AF/Y per acre for existing vineyards in WPA 1 (San Simeon), WPA 4 (Morro Bay), WPA 5 (Los Osos), and WPA 6 (San Luis Obispo/Avila), result in adjusted water demand values of 0.25 AF/Y per acre of vineyards. Thus, although the reported vineyard water demand values of 0.26 to 0.34 AF/Y per acre for the Laetitia vineyards are substantially lower than predicted for WPA 7 based on calculated water demands (ESA, 2010) presented in Appendix D of the County MWP (Carollo, 2012), the Laetitia vineyard reported values are similar to predicted values for other WPAs in the County if indeed no water is used for frost protection." RDEIR *B2 Laetitia Baseline Water Demand (April 2012)*

[6] **Ibid.** P. 2 Mean annual rainfall within the Arroyo Grande-Nipomo area ranges from 12 to 35 inches, with 75 percent occurring between December and March (DWR, 2002). Based on a contour map of equal mean precipitation for the period of record from 1870 to 1995, the expected mean annual rainfall for the project site is approximately 17 inches. Beginning in January 2010, rainfall was recorded at three rain gauges installed at the project site. Based on correlation of the on-site data with a private gauge in east Arroyo Grande Valley, the rainfall record was extended back to July 2009. Based on a comparison of current and historic data, the total rainfall in the project area between July 2009 and March 2011 was 138 percent of average.

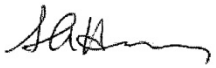
The RDEIR fails to address the problems of increased runoff from the development and impacts downstream in Los Berros Creek after the completion of the homes. There are no provisions for retention and recharge basins. **SCSLC-18**

The RDEIR states: "Initial yield from wells in fractured bedrock aquifers is often not representative of longer term yields, which are typically lower. As groundwater is released from storage in fractures, the hydraulic gradient toward the well becomes progressively lower, which causes the well yield to decline (p. v-54)." We point out that a dependence on yield based on rainwater that has collected in fractures in the underlying rock is a manageable scenario for agricultural use, where, in the event of a shortfall, a vineyard can sacrifice one year's crop and use just water enough to keep the vines alive. The same shortfall/declining yield scenario when the water is needed for a residential subdivision, however, would be a disaster. **SCSLC-19**

Finally, allowing the vineyard owners to form (and then divest themselves of) a mutual water company for the proposed homes would be problematic. The owners are not allowed to reduce farming to serve homes, but they could allow the homeowners to go dry if there was no liability for what happened to their water supply. The owners should be required to retain ownership and liability for serving any homes that are built, and they should be required to truck water in, not divert ag water, if the system fails. **SCSLC-20**

Thank you for your attention to these concerns.

Sincerely,



Sue Harvey, Conservation Chair
Santa Lucia Chapter

Responses to Sierra Club, Santa Lucia Chapter's Comments

Comment No.	Comment
SCSLC-1	Please refer to responses to specific comments below.
SCSLC-2	As documented by Geosyntec (2011) the well tests occurred during three phases: October 16, 2009 to January 16, 2010; January 16, 2010 to May 10, 2010; and September 27, 2010 to December 31, 2010. Please note Phase 3 testing was conducted immediately following summer irrigation, which provides a reasonable scenario to determine the project's effect on groundwater.
SCSLC-3	The pumping schedule and recommended limitations for Well 11 are identified to avoid significant adverse impacts to baseflow within Los Berros Creek (refer to WAT/mm-1). The mitigation recommendations include installation of stream flow gauges in Los Berros Creek to monitor stream flow (refer to WAT/mm-7).
SCSLC-4	Species potentially affected by domestic well pumping include species dependent on Los Berros Creek. As noted in the EIR, pumping exceeding rates identified in WAT/mm-1 would have an adverse effect on stream flow, and would subsequently adversely affect species dependent on the creek habitat.
SCSLC-5	The quoted mitigation measure, which would prevent a reduction in agricultural irrigation, was initially intended to avoid modifications to agricultural practices and reductions in agricultural production as a result of the residential development. Upon further consideration of this issue, this mitigation measure is no longer included in the Final EIR, releasing any restrictions on the agricultural operator to respond to extreme drought conditions.
SCSLC-6	The cited Ordinance Section (22.22.150 B.5.a and d) is a current version of the Agricultural Cluster Ordinance, which does not apply to this specific project; however, the language was retained from the applicable Section (22.52.150.G.1 and 4). As noted above in response to SCSLC-5 and as documented in the EIR (Final EIR Section V.P Water Resources) and technical reports incorporated by reference (Geosyntec 2011), the water systems would be separate, and well interference would not occur (with the exception of agricultural Well 9, which is close to project domestic wells 10 and 11). As discussed in the Final EIR (Interference, page V.P.-37), "compliance with the sustainable pumping rates identified for each proposed domestic well is recommended to avoid adverse effects to on- and offsite wells".
SCSLC-7	At this time, the County has discretion over the project as proposed. The consideration of further management and regulation under a Mutual Water District, including agricultural uses, beyond vineyard management as identified by the applicant, has been shared with the County decision makers for consideration.
SCSLC-8	Please refer to response to comment WRAC(b)-27. The estimated demand was reduced based on implementation of strict measures limiting landscaping. In the long term, limitations on use would be enforced by water metering and limitations on well yields. Chapter VI Alternatives Analysis, which includes reduced project options with fewer residences, which would further reduce the overall water demand of the project.
SCSLC-9	Under estimated conditions, the project would result in the generation of 37 afy of tertiary treated water, which would be used to irrigate vineyards. The County acknowledges that this estimate would be reduced if residents incorporated graywater or water capture systems; however, these water conservation measures would in turn reduce residential demand. Overall, these measures would offset overall water use.
SCSLC-10	All the wells on the project site are within the Los Berros Creek watershed as is illustrated by Figure 4 (Geosyntec 2011). With exception of one or two wells in shallow alluvium along Los Berros Creek which may be subject to riparian rights, the wells are all completed with bedrock and pump "percolating groundwater", which typically is not subject to water rights permitting requirements. California law recognizes three classifications of groundwater:

Comment No.	Comment
	1. percolating groundwater; 2. subterranean streams, and 3. underflow of surface waters. "The underflow of a stream is the water in the soil, sand and gravel comprising the bed of a stream in its natural state and essential to its existence. Water in a stream's underflow or an underground stream is treated like surface water for legal purposes, including State Board permitting" (e.g. Bartkiewicz et al. 2006). The State Water Resources Control Board uses four criteria to make a subterranean stream determination: 1. presence of a known and definite subsurface channel; 2. the channel is bounded by relatively impermeable bed and banks; 3. the course of the channel is known or can be determined; and 4. groundwater must be flowing in the channel. Groundwater that does not meet these four criteria is "percolating groundwater" and is not subject to the State Board's permitting authority. Two wells on Laetitia property are completed within the alluvial deposits along Los Berros Creek. Well 8 (Enloe 1) is close to Los Berros Creek and screened from 25 to 65 ft below ground surface within alluvial deposits of sand and gravel (Table 2 and Appendix A, Geosyntec, 2011). In addition, a shallow well (only six-feet deep) in the Los Berros Creek Channel reportedly provides water to a residence near the southeast corner of the Project Site (Cleath and Associates, 2004; pg 8, Geosyntec, 2011). The groundwater in the alluvial deposits along Los Berros may meet the four "subterranean stream" criteria and therefore could be subject to State Water Board permitting authority. Although most of the other wells on the project site are within the Los Berros Creek watershed, they are completed with bedrock and pump "percolating groundwater", which typically is not subject to water rights permitting requirements.
SCSLC-11	As noted in the Recirculated Draft EIR, and Final EIR, Wells 12 and 13 are no longer proposed for domestic use. Proposed Well 11 is not located within the alluvial deposits along Los Berros Creek.
SCSLC-12	Please refer to responses to comments SCSLC-3 and SCSLC-10 above. The EIR does identify Los Berros Creek as designated critical habitat for steelhead, and includes measures to maintain baseflow within Los Berros Creek. Mitigation measures WAT/mm-1 includes limitations on use of domestic well 11 to maintain baseflow in the creek for special status aquatic species. The commenter is correct that yields of agricultural irrigation wells would not be limited, including wells 12 and 13, unless otherwise determined by the County decision makers. The applicant has noted that agricultural practices would be adjusted in the event of a drought requiring such action. At this time, such action is voluntary, and the County is not currently imposing any restrictions on the agricultural operations. Any legal ramifications would be the burden of the applicant and subsequent owners. The EIR evaluates the impacts of the project on the environment, and speculation regarding potential regulations not currently in place (i.e. identification of minimum stream flow within Upper Los Berros Creek) is outside of the scope of environmental analysis. Regardless, these concerns are noted for County decision makers' consideration.
SCSLC-13	Please refer to Table IV-4 Consistency with Agriculture and Open Space Element, which does indicate the project is potentially inconsistent with AG Policy 11: "Based on the water analysis submitted by the applicant and reviewed during preparation of the EIR, water supplies are adequate to serve the existing agricultural use, proposed agricultural use, and proposed development. Water conservation measures proposed by the applicant, and recommended as mitigation measures in the EIR would reduce the anticipated demand for domestic water supply. During prolonged drought conditions, however, the applicant proposes to implement additional measures including limiting irrigation of agricultural crops and common area landscaping".

Comment No.	Comment
SCSLC-14	Please refer to response to comments WRAC(b)-11 and WRAC(b)-12. The Final EIR addresses seawater intrusion (please see Final EIR Section V.P.5.1.a Water Resources, 5) Project-specific Impacts and Mitigation Measures, Sustainable Water Supply, Effects to Groundwater).
SCSLC-15	Please refer to response to comment WRAC-(b)27 above. Water use at each residence will be monitored (both indoor and outdoor use) and water yield from each domestic well will be monitored.
SCSLC-16	Please refer to responses to comments WRAC(b)-22 through WRAC(b)-26 regarding vineyards water use.
SCSLC-17	Please refer to response to comment WRAC(b)-10 and WRAC(b)-22 through WRAC(b)-26 regarding vineyard irrigation and rainfall.
SCSLC-18	Please refer to response to comment CSLRCD-2.
SCSLC-19	Please refer to response to comment WRAC(b)-31.
SCSLC-20	Please refer to response to comment SCSLC-5. The County has considered the commenters statement that the vineyard owners should maintain ownership of the mutual water company. At this time, this requirement is not included in the Final EIR, because the agricultural and domestic wells and infrastructure are proposed to be separate to allow the vineyard operator to manage the agricultural water system, and to allow the mutual water company and homeowners association to manage, meter and monitor domestic water use. The County decision makers will consider this issue and may require an alternative management structure. Implementation of a Drought Water Management Plan by the mutual water company and homeowners association would be required to further reduce domestic water use in the event of a severe drought (refer to mitigation measure WAT/mm-1). This measure has been supplemented with a provision for the mutual water company and homeowners association to provide supplemental water to developed residential lots following implementation of measures identified in the Drought Water Management Plan.

Northern Cities Management Area Technical Group

August 26, 2013

Mr. Brian Pedrotti, Project Manager
County Planning and Building Department
976 Osos Street, Rm. 300
San Luis Obispo CA 93408-2040

Subject: Laetitia Agricultural Cluster Subdivision – NOA for Revised Recirculated Draft EIR (Tract 2606)

Dear Mr. Pedrotti:

The Northern Cities Management Area Technical Group (NCMA TG) appreciates the opportunity to comment on the proposed Laetitia Agricultural Cluster Subdivision (Project) Revised Recirculated Draft Environmental Impact Report (RRDEIR). The NCMA TG, which includes representatives from the Cities of Arroyo Grande, Grover Beach, Pismo Beach, and the Oceano Community Services District, was formed as a result of the Santa Maria Groundwater Basin (SMGB) Adjudication. A component of the Adjudication, the 2005 Stipulation, requires that NCMA TG prepare an Annual Report on the groundwater basin that documents monitoring results, quantifies changes in groundwater supplies and identifies any threats to groundwater supplies. **NCMATG-1**

The NCMA TG understands that the Project includes 102 residential lots (1-acre each) and four open space lots and is to be located approximately two miles east of the NCMA boundary. Given the proximity of the proposed Project to the NCMA and the hydraulic connectivity of the Project's and the NCMA agencies' surface and groundwater sources, the NCMA TG respectfully submits the following comments regarding the RRDEIR.

Sustainability of Water Supply - The members of the NCMA TG are concerned that the yield of the local groundwater basin is insufficient to supply existing demands and that increased withdrawal will further impact local and regional groundwater supplies. Historical water level data for the four Laetitia irrigation wells (Figure 18, Geosyntec 2011) shows a long term decrease in groundwater levels, from 1980 to 2010. The proposed Project is anticipated to increase the demand and groundwater pumping on the Project site by 46.3 AFY, which could further lower groundwater levels. **NCMATG-2**

The estimates of sustainable yield for the Project wells are based on pump tests and groundwater levels from the October 2009 to March 2011 time period (Pg 23, Geosyntec 2011). Rainfall amounts during this time period are documented to be 138% of average and thus may provide a false indicator of the amount of groundwater recharge and well yield. Additionally, Geosyntec's report states that "long term yields from water wells producing from bedrock aquifers, which may have linear fracture systems, commonly are substantially less than short-term yields".

Brian Pedrotti, Project Manager
County Planning & Building
Laetitia Agricultural Cluster Subdivision – Recirculated Revised Draft EIR (Tract 2606)
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The ability to maintain long-term sustainable pumping requires a balance between withdrawal and recharge. The RRDEIR does not include an analysis of the recharge component of the groundwater basin underlying the Project site. The Final EIR (FIER) should contain an analysis of the recharge potential for the Project site to provide verification that sufficient sustainable supply is available to meet the estimated demands of the existing vineyards and facilities and the proposed Project **NCMATG-2 (cont'd)**

SMGB Recharge – The Project site is located up-gradient from the NCMA and Nipomo Mesa Management Area (NMMA) of the SMGB. The SMGB relies on subsurface flow from the inland bedrock aquifers for recharge. The analysis performed for the RRDEIR estimates that approximately 27%, or 432 AFY, of the total groundwater influx (1,600 AFY) from the inland bedrock aquifers that recharges the SMGB travels across the project site. Pumping in excess of recharge within the Project site could decrease groundwater levels to the point that groundwater flow from the inland bedrock aquifers no longer recharges the SMGB. **NCMATG-3**

Los Berros Creek Flow – Due to the apparent hydraulic connectivity between Well 11 and Los Berros Creek, the NCMA TG agrees with the proposed pumping schedule that restricts production from Well 11 from August to November to preserve base flow in the creek. However, the NCMA TG remains concerned that the increased pumping on the Project site will decrease the overall flow rate in Los Berros Creek, which provides critical recharge for the SMGB and environmental flows for Arroyo Grande Creek. **NCMATG-4**

Each of the NCMA TG member agencies is also a participant in San Luis Obispo County Flood Control & Water Conservation District Zone 3 (Zone 3). Zone 3 is currently in the process of preparing and obtaining approval for a Habitat Conservation Plan (HCP) for the Lopez project. A key component of the HCP includes the development of a Downstream Release Program to provide sufficient flow and habitat for the endangered species in Arroyo Grande Creek. Development of a Downstream Release Program requires an understanding of the hydrology of Arroyo Grande Creek and each of the contributing tributaries. The FEIR should include an analysis of the impact of the Project on the flow in Los Berros Creek to enable the Zone 3 agencies to analyze the impact on Arroyo Grande Creek environmental flows and groundwater recharge. **NCMATG-5**

Storm Water Runoff – Given the upstream/up-gradient location of the Project, relative to the NCMA portion of the SMGB, the NCMA TG is concerned about the potential impact of the proposed development on stormwater run-off and water quality. **NCMATG-6**

Drainage and Flooding
The implementation of the Project will create additional impervious surfaces within the project site. The RRDEIR states that this change in land cover will increase the net peak run-off from a 10-yr storm by 4.4%, or approximately 125 cfs. This increase in storm flow will impact peak flows in Los Berros Creek and **NCMATG-7**

Brian Pedrotti, Project Manager
County Planning & Building
Laetitia Agricultural Cluster Subdivision – Recirculated Revised Draft EIR (Tract 2606)
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subsequently Arroyo Grande Creek. Given the current flood risks in Arroyo Grande Creek, any increase in the peak flows in Los Berros Creek will increase the flood risk to Flood Zone 1/1A. The FEIR should further evaluate the impact of increased runoff from the project site on downstream hydraulic features. **NCMATG-7 (cont'd)**

Water Quality
The increased amount of impervious surfaces will potentially result in increased runoff that will lead to additional sediment and pollutant transport to natural drainages. This increased pollutant loading could result in degradation of downstream water bodies. The FEIR should address the potential impact on downstream water quality due to increased runoff and should evaluate the potential for onsite stormwater capture as an appropriate mitigation measure. Onsite stormwater capture would reduce pollutant discharge to the natural drainage systems, reduce peak flows and improve groundwater recharge. **NCMATG-8**

Previously Submitted Comments – Throughout this process, the NCMA member agencies have submitted comments on the previous drafts of the Project's EIR. To ensure that all of the concerns of the NCMA agencies are addressed, the FEIR should include responses to all comments submitted on all of the drafts of the Project EIR. **NCMATG-9**

The NCMA TG appreciates this opportunity to comment on the RRDEIR and would like to continue to be involved in any future project discussion. Please include the NCMA TG in any future communications regarding the Project and any other projects that may impact the water supply resources for the NCMA agencies. **NCMATG-10**

Sincerely,

Teresa McClish, AICP
Community Development Director
City of Arroyo Grande

Greg Ray
City Engineer/Public Works Director
City of Grover Beach

Ben Fine
City Engineer/Public Works Director
City of Pismo Beach

Gary Keefe
Interim General Manager
Oceano Community Services District

References:

Geosyntec Consultants. (2011). Review of Well Testing and Sustainable Yield Assessment – Potential Laetitia Agricultural Cluster Subdivision

Responses to Northern Cities Management Area Technical Group's Comments

Comment No.	Comment
NCMATG-1	Please refer to responses to specific comments below.
NCMATG-2	Final EIR Section V.P. Water Resources includes an analysis of sustainable water supply based on a series of well pumping tests conducted pursuant to the California Water Code in order to determine sustainable yield from proposed domestic wells. As noted in the EIR, this analysis took into consideration the above-average rainfall, and included a well pumping test conducted following three years of below average rainfall (2007 to 2009). The production capacity of proposed domestic wells was not based on the short-term operational pumping rates utilized for all three phases of testing. Appendix H1 (Geosyntec 2011, Figure 18) shows a general decline in water levels based on the data from Table 4 of Cleath and Associates 2004. An updated figure provided in Appendix H4 (see Attachment 1) includes more recent water level data for the four irrigation water wells, shows recovery of water levels in irrigation well F&T 1 (Well 9), but continued long-term drop in water level in Wells F&T 2 (Well 1) and FV 1 (Well 5). Based on this analysis, water restrictions and well yield limitations are identified, which would be monitored both at the domestic wells, and at each water connection (indoor and outdoor) (refer to WAT/mm-1). The recharge to the fractured bedrock aquifers is not limited to the Laetitia project land. Recharge to the deep fractured bedrock hundreds of feet below the ground surface, in which wells 10, 14, and 15 are screened, is a slow diffuse process for which the influence of variation in rainfall is delayed and attenuated. The recharge occurs as leakage of groundwater from adjacent fractured bedrock to which seepage from local streams and percolation of rainfall contribute. A substantial portion of recharge to the fractured bedrock may occur where the fractured bedrock outcrops, which is unrelated to the both the Laetitia property and local watershed boundaries.
NCMATG-3	DWR reports inflow of 7,200 afy for the total water budget of the Tri-Cities Mesa - Arroyo Grande Plain (Table 25, pg 135, DWR, 2002), of which inland groundwater influx from bedrock comprises 22% including outflow from the project. The groundwater inflow from the entire project site compromises approximately 6% of the reported water budget for Tri-Cities Mesa - Arroyo Grande Plain portion of the Santa Maria Groundwater Basin. Monitoring of identified sustainable well yields is required as a mitigation measure, in addition to implementation of a Water Master Plan and Drought Water Management Program (WAT/mm-1).
NCMATG-4	Please refer to mitigation WAT/mm-7, which requires monitoring of streamflow within Los Berros Creek.
NCMATG-5	The EIR analysis included an assessment of potential impacts to Los Berros Creek as a result of domestic well pumping, and includes mitigation measures to monitor streamflow within the creek, and restrictions on the use of Well 11 to preserve base flow within the creek. Data from the stream gauge would be provided to the County Public Works Department, which would help inform the long-term management of Arroyo Grande Creek and Los Berros Creek. This will subsequently mitigate potential impacts to the creek flow as a result of domestic well pumping.
NCMATG-6	Responses to specific comments are presented or referenced below.
NCMATG-7	Please refer to response to comment CSLRCD-2 regarding stormwater runoff and mitigation (retention basin). The applicant is required to submit a final drainage study in compliance with County and Regional Water Quality Control Board standards and regulations (refer to Final EIR WAT Impact 2 and mitigation measure WAT/mm-9).
NCMATG-8	Please refer to response to comment CSLRCD-2 regarding retention basins and compliance with water quality regulations, in addition to Final EIR WAT Impact 2 and WAT Impact 4, and associated mitigation measures WAT/mm-9, WAT/mm-10, and WAT/mm-14, which address potential impacts to water quality as a result of stormwater runoff, including capture and filtration of runoff.

Comment No.	Comment
NCMATG-9	All comments received on the 2008 Draft EIR are included with responses in the Final EIR.
NCMATG-10	Comment noted.

Northern Chumash Tribal Council
A Native American Corporation - NorthernChumash.org
67 South Street, San Luis Obispo, CA 93401 805-801-0347

Brian Pedrotti, Project Manager
County Planning & Building Dept.
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

August 26, 2013

RE: Laetitia Agriculture Cluster Subdivision RRDEIR

Dear Brian,

Please find the Northern Chumash Tribal Council's comments concerning the above referenced project. **NCTC-1**

Because this proposed project has a significant effect on environment which include Cultural Resources, Biological Resources and Water Resources, the only alternative is "No Project."

Public Resources Code ("Pub. Res. C.") § 21000, and to "[e]nsure that the long-term protection of the environment shall be the guiding criterion in public decisions." Pub. Res. C § 21001(d) "CEQA was intended to be interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory authority."

A total of 19 sensitive wildlife species were identified, although 10 were addressed in the RRDEIR, it is our Indigenous understanding that all 19 or more sensitive species may at one time visit or have been overlook in the field assessment, and any/all mitigations measurers would not work to save the sensitive wildlife species from harassment and does not meet the requirement of CEQA, and therefore NCTC recommends that the "No Project" alternative. **NCTC-2**

Additionally, a total of 34 sensitive plant species were identified for consideration during the literature search however, only 14 sensitive plant species were determined to have suitable habitat conditions within areas of the proposed project, because of the interconnectivity of this very important plant habitat NCTC recommends that "No Project" alternative. **NCTC-3**

Santa M • Cooper's hawk • South-central California coast steelhead• Sharp-shinned hawk • southwestern pond turtle• western yellow-billed cuckoo • two-striped garter • White-tailed kite • Coast Range newt snake• Willow flycatcher • California red-legged frog• White-tailed kite • Coast Range newtargarita manzanita • California saw grass• Wells' manzanita • Dune larkspur• Marsh sandwort • Indian Knob mountain balm• Miles's milk-vetch • San Luis Obispo County lupine• Cambria morning-glory • Carmel Valley bush mallow• Obispo Indian paintbrush • Black-flowered figwort• Straight-awned spine flower • San Bernardino aster **NCTC-4**

"[T]he overriding purpose of CEQA is to ensure that agencies regulating activities that may affect the quality of the environment give primary consideration to preventing environmental damage. CEQA is the Legislature's declaration of policy that all necessary action be taken 'to protect, rehabilitate and enhance the environmental quality of the state."

Environmental & Land-Use Consulting
Educational Services teaching nature, native cultures & farming

The below BIO Impacts are significant and unavoidable, therefor the 'No Project" alternative is the only reasonable action. **NCTC-5**

The lead agency must identify all potentially significant impacts of the Project, and must therefore consider all the evidence in the administrative record, not just its initial study. Pub. Res. C. §21080 (c), (d), §21082.2. CEQA Guidelines direct lead agencies to conduct an Initial Study to "determine if the Project may have a significant on the environment." §15063(a). "All phases of the Project planning, implementation, and operation must be considered in the Initial Study"

BIO Impact 1 Construction of road crossings and other structures within jurisdictional drainages would directly impact riparian and wetland habitat quality within the site and downstream from the site

BIO Impact 2 Construction and future uses of the project could indirectly impact riparian and wetland habitat quality within the site and downstream from the site.

BIO Impact 3 Development of the proposed project would result in the removal of and/or impacts to an estimated 169 coast live oak trees that are greater than five inches DBH, as well as impacts to approximately 14.35 acres of native oak woodland habitat. In accordance with Kuehl Bill mitigation techniques, half of the estimated oak trees that are removed or impacts can be replaced, but due to the long time period required for the planted trees to develop equivalent oak woodland habitat values, and the fact there is no assurance that oak trees within lot boundaries would be protected in the future, impacts to oak trees and oak woodlands are significant and unavoidable.

BIO Impact 4 Implementation of the proposed project would directly impact natural communities that provide habitat for special-status plant and wildlife species.

BIO Impact 5 Implementation of project activities in or adjacent to natural plant communities has potential to impact birds by disturbing their nesting behavior.

BIO Impact 6 Construction of the project has potential to impact breeding and dispersal habitat for California red-legged frog.

BIO Impact 7 The proposed project would result in a decrease in water quality within Los Berros Creek and steelhead critical habitat.

BIO Impact 8 Installation of the replacement vineyards could permanently impact natural plant communities, coast live oak trees, and freshwater marsh, including special-status species and nesting birds.

BIO Impact 9 Installation and future uses of the replacement vineyards directly adjacent to waters of the U.S would increase erosion and silt deposition into the drainage system.

BIO Impact 10 Construction and future uses of the dude ranch would directly impact natural communities that may support special-status species.

BIO Impact 11 The project would contribute to the permanent loss and fragmentation of native plant communities that support special-status species, resulting in a significant cumulative impact.

An indirect impact is a physical change in the environment, not immediately related to the Project in time or distance, but caused indirectly by the Project and reasonably foreseeable. **NCTC-6**

2

CEQA Guidelines §15064(d)(2) & §15358(a)(2). Indirect impacts to the environment caused by a Project's economic or social effects must be analyzed if they are "indirectly caused by the Project, are reasonably foreseeable, and are potentially significant." CEQA Guidelines §15064(d)-(e). A lead agency may not limit environmental disclosure by ignoring the development or *other activity* that will ultimately result from an initial approval. The following water impacts cannot be mitigated, because of the future potential and present proposed uses, the Los Berros Creek watershed is extremely important Steelhead, Red legged Frog and Plant habitat, therefore the only sound and reasonable consideration is "No Project." **NCTC-6 (cont'd)**

WAT Impact 1 Development of the proposed project would potentially result in a direct, long-term impact to the surface and groundwater quantity if over-pumping or inefficient use of available domestic water resources occurs.

WAT Impact 2 Implementation of the proposed project would create additional impervious surfaces, and would result in a net increase in peak stormwater discharge, resulting in a potentially significant impact.

WAT Impact 3 Vegetation removal, grading, trenching, and construction associated with all phases of development, including tract improvements, facility construction, individual lot development, and utility installation would result in erosion and down-gradient sedimentation and pollutant discharges (e.g., sediment, oil, fuel, materials) into sources of surface water, including Los Berros Creek and its tributaries.

WAT Impact 4 The creation of additional impervious services may result in accelerated and concentrated stormwater runoff within natural drainages, causing gully erosion, down-gradient sedimentation, and discharge of fuel, oils, and other hydro-carbon based pollutants into sources of surface water including Los Berros Creek

WAT Impact 5 Incidental failure of treated effluent storage facilities could result in over-topping or sudden accidental release of treated effluent resulting in direct impacts to Los Berros Creek.

WAT Impact 6 During prolonged drought conditions, operation of the proposed project would contribute to the cumulative reduction of available water supply within the Los Berros Creek watershed, and the reduction of downstream flow.

WAT Impact 7 Implementation of the proposed project may result in cumulatively significant impacts to existing drainage patterns and flow rates within the Los Berros Creek watershed.

WAT Impact 8 Implementation of the proposed project may result in cumulatively significant impacts to water quality, including discharge of sediments and other pollutants during construction and operation of the project.

NCTC finds that this proposed project will have a significant impact on the environment and therefore must find that "No Project" is the only alternative.

Thank you for the opportunity to comment. **NCTC-7**

Fred Collins
Tribal Administrator
NCTC

3

Responses to Northern Chumash Tribal Council's Comments

Comment No.	Comment
NCTC-1	Comment noted.
NCTC-2	The EIR addresses potential impacts to special status species that have been documented onsite or have the potential to occur onsite, and includes mitigation measures known to reduce adverse effects to these species. The commenter's preference for the No Project Alternative will be considered by the County decision makers.
NCTC-3	The EIR addresses potential impacts to special status species that have been documented onsite or have the potential to occur onsite, and includes mitigation measures known to reduce adverse effects to these species. The commenter's preference for the No Project Alternative will be considered by the County decision makers.
NCTC-4	Comment noted.
NCTC-5	Based on the analysis of biological resources, potential impacts would be significant; therefore, mitigation measures are identified that would reduce adverse effects to less than significant.
NCTC-6	Based on the analysis of biological resources and water resources, potential impacts would be significant; therefore, mitigation measures are identified that would reduce adverse effects to less than significant.
NCTC-7	The commenter's preference for the No Project Alternative will be considered by the County decision makers.