**JTT-40 (cont'd)**

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Shawna Scott
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San Luis Obispo, CA 93401

13 September 2010

**Subject: Request for Additional Testing During Dry Season for Sustainable Yield Assessment**
**Proposed Laetitia Agricultural Cluster Subdivision**
**San Luis Obispo County**

where is document

Dear Shawna,

Geosyntec has conducted an initial review of the Laetitia Well Testing and Sustainable Yield Assessment dated July 2010 prepared by Cleath Harris Geologists (CHG) for the Laetitia Agricultural Cluster proposed development in San Luis Obispo County.

**Background**

The County requested a third party provide review of existing information, conduct independent testing, and evaluate if the existing wells can provide a sustainable water supply to meet the needs of the proposed development project[1].

As described in our August 2009 proposal, we assumed that the methodology of the pumping tests should satisfy California Environmental Quality Act (CEQA) and California Water Code regulations and guidelines. The California Water Code outlines two methods for evaluation of well capacity in fractured bedrock[2]. Method 1 requires a report that includes well testing, evaluation of hydrogeology, historical use, and monitoring data from other local wells. Method 2 requires either a 72 hour or 10 day test without the more comprehensive report. Method 2

[1] Original scope requested by the County is described in an email dated 21 August 2009 email from SWCA to Geosyntec.

[2] http://www.cdph.ca.gov/certlic/drinkingwater/Pages/Lawbook.aspx
Section 64554 (g) (h) and (i) are the basis for the guidance. These regulations were part of the California Water Works Standards which became effective in March 2008.

engineers | scientists | innovators

JTT-40
(cont'd)

Shawna Scott
13 September 2010
Page 2

specifies that if the water level recovery requirements[3] are met, a production rate equal to 25% of the pumping rate during the 72-hour test will be granted or 50% of the pumping rate will be granted by for a 10-day test.

At the meeting in the County's offices on 7 January 2010, the applicant's consultants (CHG) proposed a testing program specifically designed for the project and setting, which would be consistent with Method 1 of the California Water Code Methods for Well Capacity Determination in fractured rocks. The County agreed that instead of the third party consultant (Geosyntec) conducting the testing, it was acceptable for CHG to conduct the testing with oversight by Geosyntec. My understanding was that CHG would provide us with a workplan presenting their proposed testing methodology and that Geosyntec would review the testing plan and provide comments. We also understood that CHG would provide us with the monitoring data for review during the testing period. This would have facilitated third-party review, approval of the testing methodology, oversight of the testing program, including when to terminate the testing program. However, we did not receive a testing workplan or any data during the testing. The first information we have received since the site meeting and site visit on 7 January 2010 is the July 2010 report documenting the testing. Not Indicate

**Summary of Testing Conducted to Date**

Intermittent pumping alternated between two pairs of wells: Wells 10 & 11, which are completed in tuffaceous rocks of the Obispo Formation, and Wells 14 & 15, which are completed in the siliceous shales of the Monterey Formation. During the first phase of pumping from mid October to mid January, which is termed the dry season, the wells were pumped for 2 to 5 days and then shut off for 4 to 15 days. During the second phase of pumping from mid January to mid May, which is termed the wet season, the wells were pumped for 3 to 8 days and then shut off for 2 to 9 days. The total volume of groundwater pumped over seven months was 69.3 acre feet (AF), which is substantially more than the allocated project demand of 46.3 acre feet per year (AF/Y).

[3] The tested well must demonstrate that, within a length of time not exceeding the duration of the pumping time of the pump test (72 hours or 10 days), the water level has recovered to within two feet of the static water level measured at the beginning of the well capacity test or to a minimum of ninety-five percent of the total drawdown measured during the test, whichever is more stringent.

ENCLOSURE #2

JTT-41



prior to commencement of construction activities. The Dust Control Plan shall:

a. Use APCD approved BMPs and dust mitigation measures;
b. Provide provisions for monitoring dust and construction debris during construction;
c. Designate a person or persons to monitor the dust control program and to order increased watering or other measures as necessary to prevent transport of dust off-site. Duties should include holiday and weekend periods when work may not be in progress;
d. Provide the name and telephone number of such persons to the APCD prior to construction commencement.
e. Identify compliant handling procedures.
f. Fill out a daily dust observation log.

AQ/mm-4 Prior to approval of subdivision improvement plans or issuance of grading permits, and subsequent individual lot construction permits, the applicant shall:

a. Obtain a compliance review with the APCD prior to the initiation of any construction activities;
b. Provide a list of all heavy-duty construction equipment operating at the site to the APCD. The list shall include the make, model, engine size, and year of each piece of equipment. This compliance review will identify all equipment and operations requiring permits and will assist in the identification of suitable equipment for the catalyzed diesel particulate filter;
c. Apply for an Authority to Construct from the APCD.

AQ/mm-5 Prior to approval of subdivision improvement plans or issuance of grading permits, and subsequent individual lot construction permits, the following mitigation measures shall be shown on all project plans, included in the Dust Control Plan, and implemented during the appropriate grading and construction phases.

a. Reduce the amount of the disturbed area where possible.
b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible.
c. All dirt stockpile areas shall be sprayed daily as needed.
d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.

JTT-42

ENCLOSURE #3



Table 90: Per capita urban water use by county from the USGS (gallons per day)

| County | GPCD | | County | GPCD |
|---|---|---|---|---|
| Alameda | 53 | | Orange | 72 |
| Alpine | 78 | | Placer | 138 |
| Amador | 128 | | Plumas | 181 |
| Butte | 211 | | Riverside | 192 |
| Calaveras | 278 | | Sacramento | 101 |
| Colusa | 187 | | San Benito | 160 |
| Contra Costa | 139 | | San Bernardino | 141 |
| Del Norte | 100 | | San Diego | 87 |
| El Dorado | 216 | | San Francisco | 47 |
| Fresno | 228 | | San Joaquin | 175 |
| Glenn | 299 | | San Luis Obispo | 147 |
| Humboldt | 114 | | San Mateo | 102 |
| Imperial | 156 | | Santa Barbara | 112 |
| Inyo | 474 | | Santa Clara | 80 |
| Kern | 173 | | Santa Cruz | 126 |
| Kings | 168 | | Shasta | 240 |
| Lake | 120 | | Sierra | 635 |
| Lassen | 310 | | Siskiyou | 216 |
| Los Angeles | 113 | | Solano | 95 |
| Madera | 205 | | Sonoma | 135 |
| Marin | 82 | | Stanislaus | 251 |
| Mariposa | 350 | | Sutter | 224 |
| Mendocino | 214 | | Tehama | 431 |
| Merced | 221 | | Trinity | 192 |
| Modoc | 295 | | Tulare | 221 |
| Mono | 268 | | Tuolumne | 321 |
| Monterey | 103 | | Ventura | 113 |
| Napa | 92 | | Yolo | 193 |
| Nevada | 306 | | Yuba | 191 |

The USGS also provides estimates of water use by county for the United States (Figure 5) (USGS 2005). Per-capita urban water use was obtained by dividing the quantity Domestic, total use (withdrawals + deliveries) by the total population of the county. Domestic use is the sum of self-supplied withdrawals (for example, from a well, spring, or river) and deliveries from public supply.

The values from DWR and USGS are not directly comparable, as they are compiled for different geographic boundaries, but the general patterns appear the same, and values are similar. The

Enclosure #4

JTT-43

## Water Use in the Home

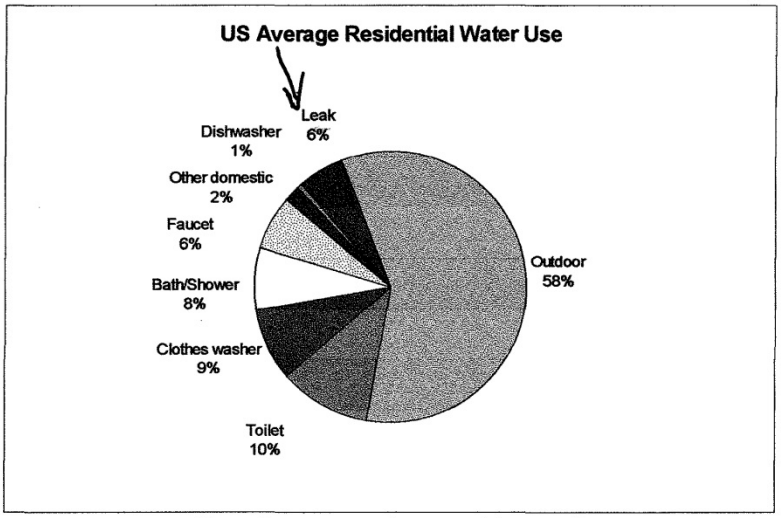


**Figure 2: Average US Residential Water Use[2]**

In the United States, residential water use is typically dominated by landscape water use and California is no exception. Figure 2 above shows the relative importance of various water uses throughout the home. There is a wide amount of variability in the above percentages. How much water an individual home will use is largely dependent on four factors: the number of residents; the types of fixtures (toilets, showerheads, faucets); the size of the home lot, and the type of landscaping (turf and pools using the most water.)

Indoor Water Use

The 2008 California Green Building Standards Code (CGBSC)[3] sets new standards for the flow rate of fixtures in new construction. The standards come into effect in 2011 and will call for a 20% reduction in indoor water use. The code also includes guidance on how to calculate the "baseline" indoor water use for a current new single family home. Table 1 lists the fixture flow rates and usage amounts assumed in the code for present day construction. The current fixture flow rates were set by the Federal Energy Policy Act of 1992, which became effective in 1994. Before that time, flow rates for these fixtures were much higher. In California, the 1980 plumbing code set showerhead flow rates at 2.5 gallons per minute (gpm) and toilet flow rates at 3.6 gallons per flush (gpf.) Before 1980, those values were typically 3.5 gpm and 5.0 gpf respectively. Table 2 shows the historical flow rates of showers, faucets, and toilets, as well as the flow rates which will become effective in 2011. Low flow faucets and showerheads should not add to the cost of the home. Currently, there is an approximately $50 premium on low-flow toilets, but that price has dropped dramatically over the past two years.

[2] http://www.aquacraft.com/Publications/resident.htm
[3] http://www.documents.dgs.ca.gov/bsc/2009/part11_2008_calgreen_code.pdf

ENCLOSURE #5

JTT-44

**Table V-B.5 Project Water Demand Estimates**

| Land Use | Quantity | Use Factor[1] | | Total Demand (AFY) | Projected Water Demand AFY/ unit | Unit |
|---|---|---|---|---|---|---|
| **Residential** | | | | | | |
| Single-Family | 422 units | 2.5[2] | persons/unit | 118.2 | 0.280[3] | unit |
| Multi-Family | 51 units | 2.05[2] | persons/unit | 11.1 | 0.218[3] | unit |
| Senior Housing | 360 units | 1 | persons/unit | 36.3 | 0.101[3] | unit |
| **Subtotal** | | | | **165.6** | | |
| **Commercial** | | | | | | |
| Hotel including restaurant and visitor /wine center | 150 rooms | – | – | 29.1 | 0.194[4] | room |
| **Subtotal** | | | | **29.1** | | |
| **Recreation and Open Space** | | | | | | |
| Golf Course | 1 course | 30 | acres | 57.0 | 1.900[5] | acre |
| Golf Course Retail | 1 shop | 50 | parking spaces | 0.1 | 0.002[3] | parking space |
| (employees) | – | 15 | employees | 0.2 | 0.011[3] | employee |
| Park (Play Field) | 1 park | 1[6] | acres | 3.1 | 3.064[7] | acre |
| Park (Community Garden) | 1 garden | 6 | acres | 3.0 | 0.500[8] | acre |
| **Subtotal** | | | | **63.3** | | |
| **Other** | | | | | | |
| Losses | – | 2% | – | 5.2 | – | – |
| **Subtotal** | | | | **5.2** | | |
| **Total[9]** | | | | **263.2** | | |
| **Agriculture** | | | | | | |
| Orchards/vineyards | – | 104.6 | acres | 52.3 | 0.500[8] | acre |
| **Subtotal** | | | | **52.3** | | |
| **Grand Total** | | | | **315.5** | | |

**Notes**

1. Use factors are assumed based on information contained in the Specific Plan, the City's General Plan (where noted), and other reasonable assumptions based on nature and goals of the proposed development.
2. Source: City of Pismo Beach General Plan, including amendments through 2008. A housing density of 2.5 and 2.05 people/unit/day were assumed for single- and multi-family residences, respectively.
3. Source: Tchobanoglous, G. & Burton, F.L. (1991). Water Resources and Environmental Engineering). San Francisco: McGraw Hill, Inc.
4. Source: City of Pismo Beach (2004). Water Master Plan.
5. Source: Environmental Institute for Golf. (2009). Golf Course Environmental Profile, Volume II. Water Use and Conservation Practices on U.S. Golf Courses.
6. Of the 17 acres of the proposed park, 1 acre of irrigable turf grass requiring municipal supply was assumed. A community garden will cover an additional 6 acres. The remaining park footprint will be planted with native, drought-tolerant landscape, or otherwise left in its natural condition. The entire park will be served with a combination of recycled water, supplemented with private, non-potable groundwater wells.
7. Based on park irrigation data contained in the City of Pismo Beach's Water Reuse Study (2007).
8. Source: City of Pismo Beach (2011).

JTT-45

ENCLOSURE 5b

Geosyntec reduced the estimated yield for Well 11 from 38 acre-feet per year to 28.1 acre-feet per year by first distributing the sustainable yield evenly throughout the year, then eliminating pumping during four months (as a stream flow impacts mitigation measure) and finally by increasing production "slightly" (10 percent) during the remaining eight months. No rationale is given for why Well 11 would not be able to pump the estimated sustainable yield of 38 acre-feet, from December through July of each year. The well is capable of pumping in excess of 100 gallons per minute (gpm), a rate which would produce 38 acre feet in less than three months.

**GENERAL COMMENTS**

**#4) Rainfall**

*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 a correlation of the on-site data with a private guage in east Arroyo Grande Valley, the rainfall 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.* ***(page V-35)*** V.P.-3

The referenced isohyetal map (from DWR, 2002) does not include rain stations (such as Station 175.1) that would reflect the effects of orographic lift on precipitation in upper Los Berros Canyon. Station 175.1, active from 1965 to 1998, registered 22.53 inches average precipitation approximately 1/4 mile east of Laetitia and at a similar elevation. Station 38, which was the closest gage used for the DWR contour map and which was also used by Geosyntec for site characterization, is two miles south of Laetitia and at a lower elevation in the Nipomo Valley.

The location and elevation of Station 175.1, along with close to 30 years of records, makes this upper Los Barros Canyon station the best available choice to represent on-site precipitation in the vicinity of the project wells. Based on a comparison of on-site data with historical monthly averages at Station 175.1, total rainfall in the project area between July 2009 and March 2011 was 116 percent of average, with rainfall during Phase 1 and Phase 2 (used for the sustainable yield baseline period) approximately 105 percent of average.

**#5) Hydrogeology description**

*The project site is underlain by Early Miocene age rocks of the Obispo and Monterey Formations, Pliocene-Pleistocene are rocks of the Paso Robles Formation, and localized shallow unconsolidated alluvial deposits along Los Berros Creek, Adobe Creek, and other drainages. The location of onsite wells and underlying geology is shown in Figures V.B.-3 and*

JTT-46

ENCLOSURE #5a

**San Luis Obispo County Public Works**

**Volunteer Precipitation Gauge Station**

**MONTHLY PRECIPITATION REPORT**

Station Name and no. Penny Ranch # 175.1 *** All units are in inches ***

| Water Year | JUL | AUG | SEP | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUN | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1997-1998 | 0.00 | 0.00 | 0.00 | 0.00 | 5.73 | 4.08 | 6.24 | 16.03 | 4.29 | 4.18 | 4.85 | 0.07 | 45.47 |
| 1996-1997 | 0.00 | 0.00 | 0.00 | 3.35 | 5.38 | 8.90 | 10.42 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 28.05 |
| 1995-1996 | 0.00 | 0.00 | 0.00 | 0.00 | 0.59 | 0.36 | 4.71 | 10.02 | 1.89 | 1.45 | 0.94 | 0.00 | 19.96 |
| 1994-1995 | 0.00 | 0.00 | 0.45 | 1.10 | 2.14 | 0.85 | 14.35 | 2.66 | 11.60 | 0.31 | 1.10 | 1.00 | 35.56 |
| 1993-1994 | 0.48 | 0.00 | 0.00 | 0.20 | 2.10 | 2.05 | 2.80 | 4.52 | 1.57 | 1.25 | 1.23 | 0.00 | 16.20 |
| 1992-1993 | 1.15 | 0.00 | 0.00 | 0.00 | 0.30 | 5.10 | 8.73 | 7.93 | 4.72 | 0.00 | 0.00 | 0.00 | 27.93 |
| 1991-1992 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2.97 | 9.40 | 3.62 | 0.00 | 0.00 | 0.00 | 15.99 |
| 1990-1991 | 0.00 | 0.00 | 1.02 | 0.00 | 0.40 | 0.85 | 1.24 | 2.27 | 14.63 | 0.31 | 0.00 | 0.26 | 20.98 |
| 1989-1990 | 0.00 | 0.00 | 1.11 | 1.25 | 0.60 | 0.01 | 3.36 | 2.87 | 0.55 | 0.27 | 1.25 | 0.00 | 11.27 |
| 1988-1989 | 0.00 | 0.00 | 0.00 | 0.00 | 2.67 | 7.58 | 1.04 | 1.59 | 2.60 | 0.44 | 0.05 | 0.00 | 15.97 |
| 1987-1988 | 0.00 | 0.00 | 0.00 | 2.86 | 1.27 | 3.77 | 2.48 | 2.62 | 0.84 | 4.07 | 0.16 | 0.00 | 18.07 |
| 1986-1987 | 0.15 | 0.00 | 0.20 | 0.00 | 0.30 | 2.15 | 2.45 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 5.25 |
| 1985-1986 | 0.01 | 0.00 | 0.00 | 0.50 | 2.35 | 1.30 | 2.35 | 7.50 | 7.25 | 0.90 | 0.00 | 0.00 | 22.16 |
| 1984-1985 | 0.00 | 0.00 | 0.00 | 1.55 | 3.50 | 2.55 | 1.30 | 2.45 | 2.30 | 0.05 | 0.00 | 0.00 | 13.70 |
| 1983-1984 | 0.00 | 0.50 | 0.43 | 2.50 | 5.27 | 3.03 | 0.15 | 0.40 | 1.10 | 0.65 | 0.00 | 0.00 | 14.03 |
| 1982-1983 | 0.00 | 0.00 | 1.17 | 0.85 | 5.20 | 3.40 | 6.55 | 9.09 | 8.50 | 2.80 | 0.10 | 0.00 | 37.66 |
| 1981-1982 | 0.00 | 0.00 | 0.00 | 1.25 | 3.93 | 2.25 | 4.60 | 1.85 | 6.10 | 2.45 | 0.05 | 0.15 | 22.63 |
| 1979-1980 | 0.00 | 0.00 | 0.25 | 1.65 | 1.15 | 2.30 | 8.25 | 7.25 | 0.00 | 0.50 | 0.00 | 0.00 | 21.35 |
| 1977-1978 (2) | 0.00 | 0.00 | 1.53 | 0.00 | 2.25 | 1.20 | 11.00 | 10.17 | 8.05 | 5.25 | 0.00 | 0.00 | 39.45 |
| 1977-1978 | 0.00 | 0.00 | 1.53 | 0.00 | 2.25 | 1.20 | 10.10 | 10.17 | 8.05 | 4.25 | 0.00 | 0.00 | 37.55 |
| 1968-1969 | 0.00 | 0.00 | 0.00 | 3.05 | 1.97 | 2.37 | 4.30 | 12.35 | 1.10 | 3.10 | 0.00 | 0.00 | 28.24 |
| 1967-1968 | 0.00 | 0.00 | 0.00 | 0.00 | 2.65 | 2.20 | 0.95 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 5.80 |
| 1966-1967 | 0.00 | 0.00 | 0.73 | 0.00 | 4.12 | 8.46 | 6.72 | 0.75 | 3.01 | 7.36 | 0.00 | 0.00 | 31.15 |
| 1965-1966 | 0.00 | 0.00 | 0.00 | 0.00 | 1.19 | 4.20 | 1.98 | 1.68 | 0.00 | 0.20 | 0.00 | 0.00 | 9.25 |

Page 2 of 26

→5b OVER

ENCLOSURE # 6

JTT-47



- **Minor agricultural cluster:**
  - Number of residences: Number of residences is based on the number of parcels qualifying under a conventional subdivision, plus up to a 25 percent density bonus (or at least one parcel).
  - Location: Minor agricultural cluster subdivisions may occur on any land designated Agriculture or Rural Lands, except in Exclusion Areas.
  - Clustered area: Residential development must be clustered on 10 percent of the site, leaving 90 percent of the site open for agricultural uses.

The County's first agricultural cluster subdivision, Varian Ranch, was recorded in 1987. Since that time, the County has processed and approved several agricultural cluster subdivisions, resulting in the creation of 367 residential cluster parcels. Another two agricultural cluster projects (Laetitia and Estrella River Vineyard) have been accepted for processing under the current ordinance and are currently under environmental review. If approved, as currently proposed, these projects would add 102 and 18 new cluster parcels, respectively. Table 2.4-1 summarizes the approved cluster projects. Figure 2.4-1 shows the locations of the approved cluster projects as well as the pending Laetitia and Estrella-Vineyard projects.

**Table 2.4-1: Approved Agricultural Cluster Subdivisions**

| Subdivision | Type | Units | Site Area[1] | Location | Approval | Built-out? |
|---|---|---|---|---|---|---|
| Varian Ranch *Tract 1254* | Major | 48 | 3,250 ac (68 ac / unit) | Edna Valley | 12/16/86 | Yes |
| Edna Ranch *Tract 2138* | Major | 51 | 1,651 ac (32 ac / unit) | Edna Valley | 10/18/94 | Yes |
| Talley Farms *Tract 2408* | Major | 84 | 5,000 ac (60 ac / unit) | Arroyo Grande Valley | 01/12/06 | Partially |
| Huer Huero Ranch *Tract 2526* | Major | 55 | 834 ac (15 ac / unit) | Rural Paso Robles | 08/14/04 | No |
| Santa Margarita Ranch *Tract 2586* | Major | 111 | 3,778 ac (34 ac / unit) | Rural Santa Margarita | 12/23/08 | No |
| Jespersen Ranch *Tract 2811* | Minor | 6 | 120 ac (20 ac / unit) | Rural San Luis Obispo | 12/31/07 | No |
| Morabito *CO 04-0582* | Minor | 3 | 56 ac (19 ac / unit) | Rural San Luis Obispo | 8/07/06 | No |
| OCW II *CO 06-0087* | Minor | 3 | 118 ac (39 ac / unit) | Nipomo Valley | 11/07/06 | No |
| Linthicum *CO 07-0143* | Minor | 3 | 144 ac (48 ac / unit) | Edna Valley | 01/08/08 | No |
| Gardner *CO10-0025* | Minor | 3 | 124 ac (41.33 ac /unit) | Edna Valley | 04/04/11 | No |

*Source: County of San Luis Obispo Department of Planning and Building Permit Tracking Records*

[1] Site areas are approximated.

JTT-48

Enclosure #7

**FUGRO WEST, INC.**

660 Clarion Court, Suite A
San Luis Obispo, California 93401
Tel: (805) 542-0797
Fax: (805) 542-9311

April 23, 2009
Project No. 3014.033

County of San Luis Obispo
Department of Planning & Building
County Government Center, Room 200
San Luis Obispo, California 93408

*Attention: Mr. Brian Pedrotti*

**Subject: Hydrogeologic Peer Review**
**Water Resources Section of the Draft Environmental Impact Report**
**Laetitia Agricultural Cluster Subdivision, Tentative Tract Map and Conditional Use Permit, SCH No. 2005041094**

Dear Mr. Pedrotti:

In accordance with our proposal dated January 12, 2009, and County of San Luis Obispo (County) Purchase Order No. 25005028 dated March 18, 2009, we have completed a peer review of hydrogeologic information provided to us by the County and the firm of SWCA related to the proposed project. The purpose of this study is to provide a peer review of the technical reports and analyses of the water supply reports prepared by Cleath and Associates (Cleath) in support of the proposed Laetitia Agricultural Cluster Subdivision. The results of the Cleath reports are generally described in the project Draft Environmental Impact Report (DEIR) prepared by SWCA.

The focus of the hydrogeologic peer review was on data and conclusions contained in reports prepared by Cleath. These reports, and other relevant information that we were provided for the purposes of the peer review, are listed as follows (the numbers assigned to these references will be referred to throughout the following peer review analysis):

1. Water Supply Assessment for Laetitia Vineyard and Winery, Arroyo Grande, California. Cleath & Associates, January 27, 2004.
2. Water Resources Studies for Laetitia Vineyard Property, Arroyo Grande, San Luis Obispo County. Cleath & Associates, October 6, 2005.
3. Revised Water Demand and Source Capacity for Laetitia Agricultural Cluster, San Luis Obispo County. Cleath & Associates, October 6, 2005.
4. Additional Water Resource Development, Laetitia Vineyard and Winery, Arroyo Grande, California. Cleath & Associates, October 6, 2005.
5. Response to County Comments on Water Resources, Laetitia Agricultural Cluster EIR, Arroyo Grande, San Luis Obispo County. Cleath & Associates, March 28, 2008.

JTT-48 (cont'd)



6. Draft Environmental Impact Report, Laetitia Agricultural Cluster Subdivision, Morro Group/SWAC. September 2008.
7. Mitigation of Stream Flow Impacts, Laetitia Agricultural Cluster, Arroyo Grande, San Luis Obispo County, Cleath & Associates. November 4, 2008.
8. Laetitia Mitigated Plan, Description of Proposed Mitigations in Response to September 2008 DEIR & Acceptability of Mitigation Measures, RRM Design Group. November 6, 2008.
9. Pertinent water resource comment letters received on the DEIR. Compiled and provided to Fugro by SWCA. Transmittal letter dated December 29, 2008.
10. Water Resources Advisory Committee, Agenda Item 5, Laetitia Ranch Development DEIR. Mr. Sylas Cranor, March 4, 2009.

**Proposed Project Description**

The proposed project, as described in the DEIR prepared by SWCA, consists of the subdivision of 21 parcels of approximately 1,910 acres into 106 lots, including 102 residential lots of one acre each in size, four open-space lots of some 1,787 acres, and approximately 25 acres of internal residential roads. Approximately 113 acres of existing vineyards would be removed and approximately 140 acres of vineyards replanted. The open space lots would include a HOA facility, recreation center, and a community center. As described in the Draft Environmental Impact Report (DEIR) prepared by SWCA, (September 2009) the project would be developed in three phases. Infrastructure to support the development would include construction of a wastewater treatment plant, wastewater storage ponds, a wastewater irrigation system, various potable and non-potable water lines, water storage, the drilling of two new water wells, and other amenities. The water resources sections of the DEIR were derived from reports prepared by Cleath as referenced above. The DEIR cites a project water demand for the proposed project at build-out of 168.6 acre-feet per year (AFY), including a 10 percent water reserve, and also a reasonable "worst-case" analysis approach during a 3-year drought of 175.3 AFY. Water supply to meet this estimated demand(s) is proposed to be obtained from four wells, two of which produce from fractured shale of the Monterey Formation, and two producing from resistant volcanic tuff units of the Obispo Formation. The sustainable, long-term supply from these four wells, based on 41-hour to 72-hour discharge pump tests performed by Cleath at the time of construction and an analysis of aquifer storage and annual yield, was estimated at 197 AFY.

The project's water demand estimate and methodology associated with the annual yield of the aquifer (and wells) sustainable supply contained in the DEIR received a number of comments, prompting this hydrogeologic peer review. In particular, there were global concerns about the impact assessment issues, standards of analysis, thresholds of significance, proposed mitigations, and Cleath's conclusions relative to sustainability of supply and offsite impacts. The CEQA guidelines relative to thresholds of significance states that project specific impacts would occur 1) if the project substantially depletes groundwater supplies or interferes substantially with groundwater recharge such that there would be a net deficit in aquifer volume

JTT-48 (cont'd)



or a lowering of the groundwater table and, 2) if the project does not have sufficient supplies available to serve the proposed project from existing resources.

**General Remarks Regarding Groundwater Demand Analysis**

Relative to project water demand, Cleath provides several estimates. Water demand estimates and sources of water supply for the existing Laetitia winery and related improvements are described in Reference #1 dating from January 2004. The capacity of the various water supply wells were described, as well as the general water system, storage reservoirs, and the typical irrigation practices of the existing vineyards. Applied irrigation water volumes for various vineyard blocks are presented. The report does not describe the proposed agricultural cluster project and accordingly there are no water demand estimates for the project.

Reference #3 dating from October 2005 presents a water demand analysis for the Laetitia Agricultural Cluster. The residential, equestrian center, Ranch Headquarters HOA, and landscape buffer area project elements are briefly described. Water demand for the proposed project is estimated at an average of 119.6 AFY at project build-out. A residential water demand of 1.12 AFY per lot (102 lots proposed) was estimated by Cleath, based on a comparison of similarly sized estate lots in Santa Barbara and SLO County. No discussion of return water flow reductions to offset the average annual estimated project demand is presented.

The next project demand estimates are contained in Reference #5 prepared by Cleath dating from March 2008. This letter appears to be a (ADEIR) response letter to a number of County of SLO comments on the Laetitia Agricultural Cluster EIR directed to the Morro Group, who were preparing the project EIR. Relative to residential indoor and outdoor water use, Cleath cites a revised water demand estimate of 1.26 AFY. A discussion is also provided of offsets to project water demands related to the return of produced water to groundwater. A table is provided that assumes 90 percent of indoor use and 20 percent of outdoor use, totaling 56.3 AFY, is returned to the aquifer through return flow. The total project demand is estimated by Cleath to be 86.7 AFY. The technical analysis and basis for how the return flow estimate is determined is not provided, nor is the manner in which the "return flow" would benefit either the project's groundwater supply or the Santa Maria basin (i.e., the downstream users).

The water demand figures in the September 2008 DEIR (Reference #6) reflect three estimates, including:

- A "Proposed Project Estimated Demand" of 132.6 AFY based on water duty factors provided in Cleath's October 2005 report (Reference #3);
- A "CWMP Estimated Demand" of 168.6 AFY based on water duty factors from the 1998 County of San Luis Obispo Water Master Plan, and;
- A "Woodlands Estimated Demand" of 175.3 AFY based on "reasonable worst-case" water duty factors from the Woodlands Specific Plan EIR (1998).

JTT-48 (cont'd)



Subsequent to the publication of the DEIR, Cleath revised the project water demand estimates in a November 4, 2008 letter (Reference #7) that addresses the mitigation of stream flow impacts. The Cleath November 2008 report describes an estimated project total water demand of 73.7 AFY (reduced from 143 AFY). A revised spreadsheet of the return flow estimates are provided, again with no supporting technical basis, which estimates the project's consumptive water use at 33 AFY, based on return flows of 40.7 AFY.

A summary of the various water demand estimates is provided in Table 1 – Summary of Water Demand Estimates.

**Table 1. Summary of Water Demand Estimates**

| Date | Reference | Total Water Demand (AFY) | Return Flow (AFY) | Net Consumptive Water Demand (AFY) |
|---|---|---|---|---|
| October 2005 | #3 | 119.6 | – | – |
| March 2008 | #5 | 142.9 | 56.3 | 86.7 |
| September 2008 | #6 | Proposed Project – 132.6<br>Co. Water Master Plan – 168.6<br>Woodlands "Worst-Case" – 175.3 | | |
| November 2008 | #7 | 73.7 | 40.7 | 33 |

**General Remarks Regarding Groundwater Supply Analysis**

The proposed water supply for the development is discussed in the October 6, 2005 report prepared by Cleath (Reference #4). In that report information is provided on the geologic setting of the project area, the design and capacity of the four water supply wells proposed to be used, the estimated volume of groundwater in storage in the bedrock aquifers from which the wells produce, and a discussion of aquifer recharge and yield.

A summary of project water well information including design, producing aquifer, and pumping test data as presented in the October 6, 2005 report is provided in Table 2 - Summary of Project Well Data. A discussion of the pumping test data for each well is also provided.

JTT-48 (cont'd)



**Table 2. Summary of Project Well Data**

| Well Name | Producing Aquifer | Well Depth (feet) | Perforated Interval (feet below ground surface) | Estimated Annual Yield (AFY) | Pump Test Yield (gpm) | Anticipated Pumping Level (ft below ground) | Stable Pumping Level Achieved during Pumping Test? | Observed Recovery | Boundary Condition Encountered during Pumping Test |
|---|---|---|---|---|---|---|---|---|---|
| 2004-1 (13) | Monterey Shale/Chert | 560 | 220-340 370-560 | 63 | 200 | 210 | No | Incomplete | Yes at 600 minutes |
| 2004-2 (12) | Monterey Shale/Chert | 510 | 190-320 370-510 | 58 | 100 | 180 | No | Incomplete | Yes at 1,200 minutes |
| 2004-3 (10) | Obispo Tuff | 330 | 150-240 280-330 | 34 | ND | 140 | No | Incomplete | Yes |
| 2005-1 (11) | Obispo Tuff | 305 | 115-305 | 42 | 190 | 135 | No | Incomplete | Yes at 1,000 minutes |

**Well 2004-1**. The constant-rate pumping test for Laetitia Well 2004-1 was conducted at an average pumping rate of 200 gallons per minute (gpm) for a duration of 2,680 minutes. The data provided in Appendix C of the Cleath report (Reference #4) shows a calculated transmissivity (T) value of 24,000 gallons per day per foot of aquifer (gpd/ft). However, the actual T value should be 2,400 gpd/ft; a typographical error was apparently made by adding an extra zero to the calculation results. The resulting hydraulic conductivity (K) value based upon 310 feet of screened zone is 1.0 feet/day. As indicated on the pumping test plot, a discharge boundary condition was encountered approximately 600 to 700 minutes into the pumping test. The discharge boundary condition suggests the well is pumping from an aquifer of limited areal extent.

The recovery test was of insufficient duration (420 minutes) to draw definitive conclusions; however, a projection of the rate of recovery using available data suggests the well would be far short of complete recovery at a recovery time equivalent to the pumping time. Projection of the slope of the late-time recovery data suggests the water level in the well would be about 30 feet below the static water level of 121 feet at a recovery time (2,680 minutes) equivalent to the pumping time. This amount of recovery equates to about 70 percent of the total drawdown. The insufficient recovery demonstrated by this well test indicates over-pumping or mining of the aquifer and is typical of a well encountering a discharge boundary condition during pumping and/or too high of a pumping rate, and typically would lead to a significant down-grade in its sustainable long-term pumping rate.

**Well 2004-2**. The static water level prior to start of the step-drawdown test on December 26, 2004 was 45.5 feet. It is noted that the range of step-drawdown pumping rates (100 to 225 gpm) severely overstressed the aquifer and resulted in a final pumping water level of 320 feet. Water level recovery from the step-drawdown test was far from complete by the onset of the constant-rate pumping test on December 27, 2004, when a standing water level of 102 feet was measured (from an original standing level of 45.5 feet). It should be noted that any interpretation of the constant-rate pumping test data, such as described below, is compromised

JTT-48 (cont'd)



by the fact that constant-rate pumping was superimposed on ongoing recovery from the step-drawdown test.

The constant-rate pumping test for Laetitia Well 2004-2 was conducted at an average pumping rate of 100 gpm for a duration of 4,230 minutes (almost three days). The results in Appendix C of the Cleath report (Reference #4) show a calculated T value of 1,200 gpd/ft, which is equivalent to a K value of 0.6 feet/day based upon the 270 feet of screened zone. The pumping rate throughout the test was erratic, which makes interpretation of the data difficult. As was the case with Well 2004-1, interpretation of the data indicates the presence of a discharge boundary condition (at about 3,000 minutes of pumping) that is indicative of an aquifer of limited areal extent.

The constant-rate test recovery data are of insufficient duration (230 minutes) to draw definitive conclusions. In addition, the constant-rate test recovery is superimposed on the ongoing step-test drawdown recovery. Projection of the slope of the late-time recovery data suggests the water level in the well would be about 40 feet below the static water level of 45.5 feet at a recovery time equivalent to the pumping time (4,230 minutes). This amount of recovery amounts to less than 70 percent of the total drawdown from the step and constant rate pumping tests. The insufficient recovery demonstrated by this well test is typical of a well encountering a discharge boundary condition during pumping, and typically would lead to a significant down-grade in its sustainable long-term pumping rate.

**Well 2004-3**. The pumping test for Laetitia Well 2004-3 was conducted for about three days (4,350 minutes) and was not a constant rate test. The pumping rate apparently had to be reduced several times from an initial rate of 530 gpm to 200 gpm due to severe declines in the pumping water level, yet the time-drawdown data slope remained fairly constant. Thus, it is not possible to neither calculate T and K values for this test nor evaluate boundary conditions. The anticipated well yield would be far less than the lowest pumping rate used in this test (200 gpm) due to the continuing steep decline in water levels at the lowest pumping rate utilized for the test.

Recovery data of greater duration (12,830 minutes) were collected for this test, but again aquifer parameter interpretation is difficult due to the nature of the drawdown portion of the test. It is important to note that the recovery of water levels after a recovery time equal to the pumping time (4,350 minutes) is still 35 feet short of the static water level, which equates to only 33 percent of the total drawdown. This severe lack of sufficient recovery from the pumping test again indicates that a relatively low long-term pumping rate should be assigned to this well.

**Well 2005-1**. The constant-rate pumping test at Laetitia Well 2005-1 was conducted at an average pumping rate of 190 gpm for 4,320 minutes (3 days). It is noted that the pumping rate varied from 200 to 240 gpm in the initial 30 minutes of pumping, then gradually declined to a final pumping rate of 185 gpm for the final hour of pumping. The time-drawdown data show multiple and increasingly steeper rates of water level decline over time, indicating the presence of discharge boundary conditions and also possibly resulting from the decline of the water level into the screen interval. Calculation of aquifer parameters is uncertain due to the lack of a

JTT-48 (cont'd)



stable time-drawdown slope; however, the calculated T value of 4,800 gpd/ft would correspond to a K value of 3.4 feet/day if assumed to be valid.

Recovery data were collected for an insufficient duration (1,260 minutes), but indicate that recovery would be about 70 percent of total drawdown after an equivalent recovery time (4,320 minutes). This lack of complete recovery again is often associated with a well that was pumped at too high of a pumping rate and/or encountered discharge boundary conditions during pumping.

**Aquifer Storage and Recharge**. Relative to water level data, aquifer storage, and recharge Cleath concludes that water levels would be lowered at each of the wells and that recharge would be induced from Los Berros Creek to the wells if the project were developed using the proposed water supply wells. During periods of no surface flow in the creeks (Los Berros and Adobe Creek) there would be depletion of groundwater in storage in the alluvial aquifers.

Groundwater in storage within the bedrock aquifers was grossly estimated by Cleath by using the static water level data for each well in late 2004, the well depth, the inferred reservoir (aquifer) length, and an assumed specific yield (essentially the porosity of the fractured bedrock). The aquifer storage volume was appropriately reduced to the saturated volume available using the static water level as measured in late 2004 to the top of the perforations. The resultant volume estimates for groundwater in storage for each well as calculated by Cleath are provided in Table 3 - Estimated Aquifer Storage Volumes

**Table 3. Estimated Aquifer Storage Volumes**

| Well Name | Total Estimated Storage (AF) | Available Storage Volume (AF) |
|---|---|---|
| 2004-1 | 510 | 110 |
| 2004-2 | 460 | 140 |
| 2004-3 | 235 | 70 |
| 2005-1 | 260 | 55 |

It should be understood that the estimated available volumes of groundwater to each well as suggested above are very approximate and assume the aquifers(s) release groundwater in storage to each well uniformly. The pumping test data, however, show pronounced aquifer boundary conditions within the cone of influence of each well, given the inclined, linear nature and degree of fracturing of the aquifers. This is supported by the inability of the wells to either sustain a constant rate of discharge during the pumping tests and/or a need to reduce the rate of discharge during the pump tests to keep the pumping water level from dropping below the top of perforated well screen interval. Moreover, relative to the anticipated annual yield from each well (refer to Table 2) as advanced by Cleath, the storage volumes are quite low and provide a

JTT-48 (cont'd)



limited factor of safety of anticipated demand versus supply from each well given the uncertainty in the storage volume estimates.

Recharge to the bedrock aquifers from which the wells produce is inferred by Cleath (Reference #4) to derive from Los Berros Creek, Adobe Creek, and percolation of precipitation. While various stream flow records dating from the early 1980s are discussed, the conclusion is advanced that stream flow recharge to the aquifers must be occurring since the number of days of stream flow (in Los Berros Creek) has declined in recent years. Annual recharge to each well by stream flow recharge is estimated by the number of days of current stream flow, the geometry of the aquifer under the creek that can receive recharge and a hydraulic conductivity value obtained from the pumping tests. Cleath (Reference #4) provides a summary table of expected recharge to each well during a 2-year drought, to which a nominal value of recharge by precipitation is added. The estimated amount of annual recharge during a 2-year drought, as calculated by Cleath, is shown in Table 4 – Calculated Recharge to Aquifers.

**Table 4. Calculated Recharge to Aquifers**

| Well Name | Total Annual Recharge (AFY) |
|---|---|
| 2004-1 | 26 |
| 2004-2 | 11 |
| 2004-3 | 11 |
| 2005-1 | 24 |

Relative to the anticipated demands from each well (Table 2) and the estimated available storage (Table 3), the project water supply from the four wells is considered limited not only in actual amounts but the uncertainty associated with the estimates.

**Aquifer Yield**. The definition of aquifer yield as presented in the DEIR is the volume of water that can be pumped from each aquifer during drought conditions without depleting groundwater in storage in the aquifer. However, Cleath (Reference #4) suggests that a certain volume of the groundwater in storage (Table 3, above), coupled with the annual recharge estimates (Table 4, above), can be combined to estimate the annual yield of each well. The estimates of aquifer and well yield, as calculated by Cleath, are shown in Table 5 – Estimated Aquifer Yield.

JTT-48 (cont'd)



**Table 5. Estimated Aquifer Yield**

| Well Name | Available Storage (AF) | Total Annual Recharge (AFY) | Estimated Annual Yield (AFY) |
|---|---|---|---|
| 2004-1 | 110 | 26 | 63 |
| 2004-2 | 140 | 11 | 58 |
| 2004-3 | 70 | 11 | 34 |
| 2005-1 | 55 | 24 | 42 |
| | | Total Aquifer Yield | 197 |

**Peer Review Comments**

**Water Demand**. Relative to the estimates of project water demand there have been several iterations, the most recent occurring in a letter prepared by Cleath in November 2008 (Reference #7) suggesting the project water demand to be 73 AFY, with a net consumptive demand of 33 AFY. This estimate however was provided after the circulation of the DEIR, and the suggested methods to reduce demand are not included in the project description. For purposes of comparison to water supply, we believe the water duty factors presented in the DEIR (Table V.B-3) are appropriate. A worst-case total project water demand estimate on the order of 168.6 AFY to 175.3 AFY is considered reasonable. However, given the size of the project and the range of water demand estimates, the limited available water supply, and the very small margin between demand and supply, we recommend that a detailed water demand analysis be conducted. In addition, if credit for return flows to the aquifer is proposed that would result in a net consumptive demand estimate, the nexus between the return volume and benefit to the aquifer should be demonstrated.

**Well Yield**. Relative to a review of the pumping test data we believe in all cases the pumping rates of the wells during the tests were too high. The inability to maintain constant pumping rates and the general decline of pumping rates throughout the tests makes the resulting interpretation of the time-drawdown data questionable. Discharge boundary conditions were encountered in all of the pumping tests, which have significant implications relative to assigning long-term well yields and to a credible interpretation of aquifer extent and yield. In most cases, the recovery data collection period was insufficient but nonetheless demonstrated aquifer storage depletion over a relatively short period of time related to the pumping stress. The amount of recovery data collected at three of the four wells was insufficient. The duration of recovery measurements should be at least equal to the length of the pumping period.

Based on the limitations associated with the pumping test data, we suggest a pumping test program be developed in which the tests be performed at lower pumping rates (50 gpm maximum) for longer durations (10 to 20 days) to determine the long-term viability of each well. The pumping rates must be held constant and not allowed to decrease over time; hence the need for a sufficiently low enough pumping rate at the start of the test. Recovery data should be

JTT-48 (cont'd)



collected for a length of time equal to the pumping period. Long-term well yields should be assigned only after careful consideration of longer-term pumping and recovery tests, with careful consideration of discharge boundary conditions and recovery data.

**Aquifer Storage and Yield**. Depending on the outcome of the suggested retesting of the wells we are concerned that insufficient data exist to reasonably estimate aquifer storage volumes and perform a credible water balance and estimate annual recharge amounts. Since limited to no history of water level data exist for the aquifers proposed to be used, the estimates of creek recharge can be considered gross estimates. The creek recharge amounts suggested by Cleath are in part based on the assigned hydraulic conductivity values of the fractured bedrock aquifers. As indicated in this review, the pump test data may overstate these values considerably, and hence the estimated recharge amounts.

It should be noted also that the annual recharge estimates provided by Cleath are misleading in that they imply a component of available aquifer storage as recharge during a critical drought. The volume of groundwater in storage is very small given the limited extent of the bedrock aquifers and that amount cannot be used as a component of sustainable supply. It is simply a reservoir of available water to buffer periods of deficient recharge. Based on the data presented in the Cleath reports and the DEIR, it is our opinion that the annual recharge estimates to the wells provided by Cleath (derived essentially all from creek recharge) are significantly less than the long term project demand estimate.

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If you have any questions, please do not hesitate to call us.

Sincerely,

Fugro West, Inc.

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ENCLOSURE #8

JTT-49

**FUGRO WEST, INC.**

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June 9, 2009
Project No. 3014.033

County of San Luis Obispo
Department of Planning & Building
County Government Center, Room 200
San Luis Obispo, California 93408

*Attention: Mr. Brian Pedrotti*

**Subject: Supplemental Hydrogeologic Review
Water Resources Section of the Draft Environmental Impact Report
Laetitia Agricultural Cluster Subdivision, Tentative Tract Map and Conditional Use Permit, SCH No. 2005041094**

Dear Mr. Pedrotti:

This supplemental hydrogeologic review comments on information contained in a letter prepared by Cleath & Associates dated November 4, 2008 entitled *"Mitigation of Stream Flow Impacts, Laetitia Agricultural Cluster, Arroyo Grande, San Luis Obispo County"*. The Cleath letter, issued after preparation of and circulation of the project Draft Environmental Impact Report (DEIR), was previously reviewed by Fugro and discussed in our review letter dated April 23, 2009 relative to various revised estimates of the project's water demand (*cf.* Table 1 of the Fugro letter dated April 23, 2009). Our earlier review did not, however, specifically comment on the proposed changes in the source of the project water supply (*i.e.*, replacement of Well Nos. 12 and 13 with use of Well Nos. 14 and 15) to mitigate stream flow impacts. At the time, we had understood that the scope of our review was to focus on reports prepared by Cleath that formed the basis of the approved project description (PD) and that were contained in the water supply analysis prepared by SWCA and contained in the circulated DEIR. This letter supplements our earlier review and specifically comments on the revised project water demand and the proposed use of Well Nos. 14 and 15 as discussed in the letter prepared by Cleath dated November 4, 2008.

The Cleath letter essentially speaks to three issues: 1) revised project water demand, 2) depletion of groundwater in storage related to the proposed use of Well Nos. 12 and 13, and 3) the proposed use of Well Nos. 14 and 15. Each of these issues is discussed more fully below.

**Revised Project Water Demand.**

As briefly discussed in our letter of April 23, 2009, (page 4), the Cleath letter of November 4, 2008 revised the project water demand from 143 acre-feet per year (AFY) to 73.7 AFY. The basis for the downward revision is contained in the DEIR as a mitigation measure

JTT-49 (cont'd)



that would limit exterior landscape irrigation on each of the proposed 102 lots to a maximum of 1,500 square feet, of which no more that 20 percent of this amount could be turf (*i.e.* 300 square feet). Based on this, Cleath assigns an exterior water use for each lot at 0.33 AFY, for a combined exterior water demand (102 units) of 33.8 AFY. A spreadsheet is attached to the Cleath report that uses a monthly turf and low-water use plant landscape coefficient derived from Department of Water Resources (DWR) and University of California Cooperative Extension (UCCE) data. The general approach is considered reasonable by Fugro.

Interior water use is assigned at 340 gallons per day or 0.381 AFY. The source for the interior water duty factor is not referenced. For the proposed 102 units the interior water demand is thus estimated at 38.9 AFY. The Ranch Headquarters/HOA water demand is assumed to be 1 AFY for a combined total water demand of 73.7 AFY. With these water use restrictions, the project water demand is thus reduced by about 50 percent from the demand estimate originally stated in the DEIR. A discussion of water demand offsets related to return flow (either related to wastewater discharges or excess applied landscape irrigation water) are not discussed in the letter, but are listed in the water demand spreadsheet. How such offsets may or may not be applied or are related to project mitigation is unclear.

The scope of our hydrogeologic peer review included consideration of project water demand insofar as it related to issues of sustainable water supply to meet the estimated demand. Our scope did not include a re-evaluation or re-calculation of the project water demand, but rather a review of the validity of the approach. As a basis of such analysis, we assume that the revised project water demand estimate of 73.7 AFY provided by Cleath is generally valid. The final demand estimate proffered by Cleath seems somewhat low to us, but we acknowledge that the approach is reasonable.

If County staff agree with the final demand estimates, and if mechanisms are in place as part of the project approval process to both restrict and enforce the quite limited water use suggested by Cleath, then we are comfortable with the final demand estimates. If not, we suggest that a civil engineer qualified in estimating residential water demands (both interior and exterior) for projects similar to the proposed Laetitia Agricultural Cluster be retained to provide a rigorous water demand analysis that considers local standards, conservation measures, project phasing, seasonal peaking factors, project construction water demands, etc. such as might be available in local Urban Water Management Plans and Potable Water Supply Master Plans.

**Stream Flow and Relation to Project Wells.**

The second topic of the Cleath letter relates to the pumping of the Monterey formation bedrock aquifer Well Nos. 12 and 13 that are inferred to receive significant recharge from Los Berros Creek. In effect, during certain seasonal conditions (i.e., drought periods) Cleath, based on various stream flow measurements made in both Los Berros and Adobe Creeks, believes that pools observed in the Los Berros Creek upstream of Adobe Creek would dry up and/or streamflow would be significantly reduced due to pumping of Well Nos. 12 and 13. This potential impact was identified in the DEIR as a significant, unmitigable impact. Accordingly, the Cleath report proposes to mitigate this impact by replacing project Well Nos. 12 and 13 with Well Nos. 14 and 15. The latter two wells were constructed in 2006 at distances about 2500



Well 14 closer to creek than 12 + 13

JTT-49 (cont'd)



and 3500 feet northwest of Los Berros Creek, and are interpreted by Cleath to receive recharge from a separate, adjacent watershed that is not hydraulically connected to Los Berros Creek.

We agree that recharge to the Monterey formation Well Nos. 12 and 13 would be from the fractured shale units that underlie Los Berros Creek, the magnitude of the recharge being controlled by the thickness of the sub-alluvial outcrop area, the permeability of the fractured shale, and the hydraulic gradient. In earlier reports, Cleath suggests that creek recharge to the Monterey formation aquifer is as much as 90 percent of the overall recharge, the balance being from infiltration of precipitation on the outcrop area. While we agree with the relative importance of this creek recharge, the absolute amount of annual recharge can be considered only a gross estimate. The actual sub-alluvial outcrop area is not precisely known, nor is the permeability, number of days of surface flow that would contribute to recharge, or variations in hydraulic gradient. Nonetheless the dominant recharge source to the Monterey formation aquifer is the creek system. As stated in the DEIR, this impact (*i.e.*, use of Well Nos. 12 and 13) is a significant unavoidable impact that can not be mitigated.

**Well Nos. 14 and 15.**

As stated, Well Nos. 14 and 15 would replace Well Nos. 12 and 13 as a source of the project's water supply. Both wells were drilled in 2006, briefly tested (as described further below) and have apparently sat idle since that time. Cleath provides a State Well Completion Report, pump test data, and water quality data for both of these wells. Both wells, which are located in a small valley of approximately 80 acres in size with no incised creek, penetrate and extract groundwater from the Monterey formation shale and are completed to depths of about 600 feet with 8-inch diameter PVC casing with variable perforated intervals. The small north-south trending valley is inferred to be capped with about 20 to 40 feet of fractured shale alluvium. The shale unit of the Monterey formation that constitutes the aquifer is of limited thickness (actual thickness is not estimated by Cleath), that is inclined to the north at about 45 degrees. The aquifer is interpreted by Cleath to extend to the east and west into separate watersheds about 100 acres in size. Recharge by direct infiltration of precipitation to the aquifer is considered by Cleath to be very small.

Using the same approach as in earlier reports, Cleath estimates the "sustainable yield" from both of the wells to include an amount of groundwater in storage, resulting in a combined estimated amount of 190 acre-feet for both wells. How this amount of ground water in storage is calculated is not provided, but presumably, as in previous reports, considers a specific yield for the fractured shale and an assumed aquifer volume. For an assumed three-year drought, this aquifer storage volume would yield 63 AFY. Recharge to the bedrock aquifer wells during the same three-year drought is estimated for the three contiguous watersheds (i.e., the watershed to the east, the 80-acre valley itself, and the watershed to the west of some 100 acres). Cleath then uses a range of from 5% to 20% of precipitation falling in these watersheds as available recharge to the two wells, adjusted somewhat for below-average precipitation during droughts. A component of surface flow from Adobe Canyon Creek to the west is also considered as available recharge. An annual recharge of 30 AFY is assumed, to which Cleath adds an additional 63 AFY as groundwater in storage that would be provided during a drought.

JTT-49 (cont'd)



Combining this amount with Well Nos. 10 and 11, a sustainable well yield of 169 AFY is advanced.

Relative to the inferred sustainable supply, we previously commented that using ground water in storage as a component of sustainable yield is not appropriate. Sustainable yield, per CEQA guidelines, is that which does not result in depletion of ground water in storage. However, the sustainable yield as described by Cleath includes a component of water in storage. Sustainable yield is, by definition, considered to be average annual recharge to the aquifer which in this case is based on a number of gross assumptions. Based on the Cleath analysis and discounting the availability of groundwater in storage as a component of the sustainable yield, it appears that the annual recharge amounts would be 11 AFY for Well No. 10, 24 AFY for Well No. 11, and 15 AFY each for Well Nos. 14 and 15, for an estimated total of 74 AFY. It should be emphasized that there is considerable uncertainty associated with these recharge estimates. Furthermore, there is little factor of safety associated with the water supply estimate relative to the revised project demand of 73.7 AFY.

The Cleath letter provides pump test and recovery data for Well Nos. 14 and 15, although no discussion of the pump test data other than static water level data is provided in the letter. Well No. 14 was tested in June, 2006 for three days at a constant rate of about 233 gallons per minute (gpm). Monitoring of Well No. 15 during the pump test was apparently not performed. Severe declines in the pumping water level were observed starting early in the test period and a stable pumping level at the test discharge rate was never obtained. Interpretation of the drawdown data indicates the presence of a discharge boundary after about 600 minutes of pumping that reflects an aquifer of limited areal extent. Groundwater flow in the fractured bedrock shale in the vicinity of the well is likely linear rather than radial. The anticipated well yield would be considerably less than the pumping rate used in the test. Assuming that a stable, albeit much reduced pumping rate in the well could be achieved, it raises the question whether significant induced recharge from adjacent watersheds several thousand feet away could be achieved.

The recovery data following the cessation of pumping was observed for slightly more than one day. At the completion of the monitored recovery period, the water level in the well exhibited about 50 feet of residual drawdown, suggesting there was a significant depletion of groundwater in storage during the 3-day pumping test. Generally, the recovery period was of insufficient duration to reach meaningful conclusions, but the results of the data suggest to us an aquifer that was over-pumped during the 3-day period and susceptible to mining. Specific comments related to the pump test and recovery data for Well No. 14 are summarized below:

1) The well was pumped for three days (4,320 minutes) at an average pumping rate of 233 gpm. The static water level at the start of the test was 108 feet, with a final pumping water level of 214 feet. The top of uppermost perforated interval is at a depth of 170 feet.

2) The calculated transmissivity (T) value is 3,400 gallons per day per foot of aquifer (gpd/ft) (based on a $\Delta s$ of 18 feet) which equals a hydraulic conductivity (K) value of 1.3 feet/day. The final specific capacity was 2.2 gallons per minute per foot of

JTT-49 (cont'd)



drawdown (gpm/ft). The pumping rate gradually declined from about 250 gpm to 230 gpm during the testing, after a brief initial rate of 360 gpm.

3) It appears that a discharge boundary condition was encountered beginning at about 600 minutes that increased the Δs to 56 (about 3 times the original slope).

4) At 1440 minutes, when the water level declined into the top of the screen at a depth of 170 feet, the Δs increased to 104 feet (about 6 times the original slope). The increasing slope at this point is likely due to a combination of decreasing saturated thickness below the top of the well screen as well as discharge boundary conditions.

5) Recovery data were collected for 1,487 minutes compared to a pumping time of 4,320 minutes. At the end of the recovery time of 1,487 minutes, approximately 52% of the total pumping drawdown had been achieved.

6) The conclusion is that the well cannot sustain a long-term pumping rate of 233 gpm. It is likely that an appropriate long-term pumping rate is much less than 100 gpm.

7) Subject to the issue of the estimated annual recharge to the bedrock aquifer, consideration could be given to retesting of the well for a longer pumping duration at a lower (and constant) pumping rate, with a recovery time equal to the pumping time.

Well No. 15 was similarly pumped for a 3-day period in July 2006. During this pump test, monitoring of Well No. 14 was apparently not performed. The well was tested at a rate of 150 gpm although the data sheet records only two discharge rate measurements during the 3-day period, at the beginning of the test and at the end of the test. If indeed the rate of discharge was constant during the entire test, the drawdown data show several minor boundary condition effects (at about 600 and 1100 minutes). Recovery data were collected for three hours. Specific comments related to the pump test and recovery data for Well No. 15 are summarized below:

1) The well was pumped for three days (4,320 minutes) at a pumping rate of 150 gpm. The static water level was 204 feet with a final pumping water level of 305 feet. The top of the uppermost perforated interval is at a depth of 310 feet.

2) The calculated T value is 1,650 gpd/ft (based on a Δs of 24 feet), and the K value is 1.1 feet/day. The specific capacity at the end of the test was 1.5 gpm/ft.

3) The available data do not indicate that a boundary condition was encountered during the three days of pumping.

4) By the end of the pumping portion of the test, the water level had declined to within about five feet of the top of the screen (pumping water level of 305 feet and top of screen at 310 feet). Continued pumping at the test rate of 150 gpm would have led to the water level declining into the screened interval, which may have resulted in an increase in the steepness of the time-drawdown slope.

5) Recovery data were collected for 197 minutes, compared to a pumping time of 4,320 minutes. At the end of the recovery period, approximately 83% of the total pumping

JTT-49 (cont'd)



drawdown had recovered. However, the rate of recovery at the end of the recovery period was slowing, suggesting that further recovery may have been limited.

6) The conclusion is that the well cannot sustain a long-term pumping rate at the pumping test rate of 150 gpm. It is likely that an appropriate long-term pumping rate is less than100 gpm.

7) Subject to the issue of the estimated annual recharge to the bedrock aquifer, consideration could be given to retesting the well for a longer pumping duration at a lower (and constant) pumping rate, with a recovery time equal to the pumping time.

We understand that there has not been further testing of these wells since 2006 nor has there been the collection of additional water level data.

**Conclusions.**

The approach to calculating the revised water demand estimate appears reasonable. Thus, the revised project water demand estimate of 73.7 AFY provided by Cleath appears to be generally valid, given the constraints and limitations that would apparently be imposed on the development upon project approval. If County staff agree with the final demand estimates, and if mechanisms are in place as part of the project approval process to both restrict and enforce the limited water use outlined by Cleath, then the final demand estimate appears reasonable. If not, we recommend that a civil engineer qualified in estimating residential water demands (both interior and exterior) for projects similar to the proposed development be retained to provide a rigorous water demand analysis that considers local standards, conservation measures, project phasing, seasonal peaking factors, and project construction water demands.

The inferred stream flow impacts on Los Berros Creek related to the use of Well Nos. 12 and 13 were correctly identified in the DEIR as an impact that could not be mitigated. This conclusion appropriately led to the proposed use of Well Nos. 14 and 15 as replacement supply wells. We agree that the dominant source of recharge to Well Nos. 12 and 13 would be the creek.

Based on the pumping test data for Well Nos. 14 and 15, it is our opinion that the wells cannot sustain the tested discharge rates on a long-term operational basis. It appears that the sustainable operational discharge rate for each well is much less than 100 gpm. This conclusion could be tested with controlled long-term pumping tests, as outlined in our April 23, 2009 letter. We understand that Cleath is considering such testing, using standards for testing of wells in bedrock aquifers recently promulgated in Title 17 and 22 of the California Code of Regulations Related to Drinking Water (2009 State of California Department of Public Health (DPH) guidelines). We would be pleased to review the proposed Cleath well testing program when available.

Regardless of the outcome of the retesting of the four proposed project water supply wells, it should be understood that the estimates of annual recharge (*i.e.*, sustainable groundwater supply) is very small and essentially equal to the revised project water demand. It is our opinion that the proper definition of sustainable yield is the yield of an aquifer that does

JTT-49 (cont'd)



not result in depletion of groundwater in storage. By that definition, utilization of the groundwater in storage as a component of sustainable yield is not appropriate. Per the cited DPH regulations, recovery of water levels in bedrock aquifers is to be within 95% of the total drawdown as measured after a duration equal to the length of the pumping test. Based on the well test data we have reviewed and described above, it is unlikely that this condition will be met by retesting the wells in accordance with the DPH guidelines. Based on the Cleath analysis and discounting the availability of groundwater in storage as a component of the sustainable yield, it appears that the annual recharge to the aquifer may be an estimated 74 AFY. It should be emphasized that there is considerable uncertainty associated with these recharge estimates.

Based on an assumed aquifer yield of 74 AFY, there is little factor of safety associated with the water supply estimate relative to the revised project demand of 73.7 AFY.

*– 0 –*

If you have any questions, please do not hesitate to call us.

Sincerely,

Fugro West, Inc.

Paul A. Sorensen, C.Hg 154
Principal Hydrogeologist

David A. Gardner, C.Hg 122
Principal Hydrogeologist
Senior Vice President

Copies Submitted: (1-Pdf) Addressee

JTT-50

Enclosure #9

## Appendix A – Reference Evapotranspiration for California Cities

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Eureka | 27.5 | Santa Monica | 44.2 | Modesto | 49.7 | Lamont | 54.4 |
| Ferndale | 27.5 | San Juan | 44.2 | Los Banos | 50 | Chino | 54.6 |
| Crescent City | 27.7 | Chula Vista | 44.2 | Farmington | 50 | Gerber | 54.7 |
| Fort Bragg | 29 | Windsor | 44.2 | Los Angeles | 50.1 | Pine Valley | 54.8 |
| Point Arena | 29.6 | Yountville | 44.3 | Monrovia | 50.2 | Angwin | 54.9 |
| Fort Ross | 31.9 | Bennett Valley | 44.4 | Turlock | 50.2 | Beaumont | 55 |
| Hal Moon Bay | 33.7 | Los Alamos | 44.6 | Nicolaus | 50.2 | Elsinore | 55 |
| Garberville | 34.9 | Moraga | 44.9 | Oakdale | 50.3 | Kesterson | 55.1 |
| Weed | 34.9 | Ravendale | 44.9 | Otay Lake | 50.4 | Firebaugh | 55.4 |
| San Francisco | 35.1 | Carpenteria | 44.9 | Raymond | 50.5 | Gerber Dryland | 55.5 |
| Happy Camp | 35.1 | Hollister | 45.1 | Fair Oaks | 50.5 | San Bernardino | 55.6 |
| Soda Springs | 35.4 | Fairfield | 45.2 | Auburn | 50.6 | Esparto | 55.8 |
| Tahoe City | 35.5 | San Jose | 45.3 | Lindcove | 50.6 | Warner Springs | 56 |
| Hoopa | 35.6 | Pittsburg | 45.4 | Corning | 50.7 | Riverside UC | 56.4 |
| San Rafael | 35.8 | Lower Lake | 45.4 | Visalia | 50.7 | McFarland/Kern | 56.5 |
| Monterey | 36 | Solvang | 45.6 | Williams | 50.8 | Blackwells Corner | 56.6 |
| Mt Shasta | 36 | Gonzales | 45.7 | Crestline | 50.8 | Orange Cove | 56.7 |
| Castroville | 36.2 | Carneros | 45.8 | Coalinga | 50.9 | Temecula East II | 56.7 |
| Truckee | 36.2 | Pajaro | 46.1 | Putah Creek | 51 | Winchester | 56.8 |
| Santa Cruz | 36.6 | Valley of the Moon | 46.1 | Winters | 51 | Lost Hills | 57.1 |
| Salinas North | 36.9 | Camarillo | 46.1 | Thousand Oaks | 51 | Corcoran | 57.1 |
| Watsonville | 37.7 | Pleasanton | 46.2 | Bryte | 51 | Cathedral City | 57.1 |
| San Simeon | 38.4 | Walnut Creek | 46.2 | Durham | 51.1 | Hastings Tract | 57.1 |
| Salinas | 39.1 | Webb | 46.2 | Fresno | 51.1 | Panoche | 57.2 |
| Yreka | 39.2 | El Dorado | 46.3 | Santee | 51.1 | Patterson | 57.3 |
| Portola | 39.4 | San Diego | 46.5 | Red Bluff | 51.1 | Bakersfield/Bonanza | 57.9 |
| Oakland Foothills | 39.6 | Lodi West | 46.7 | Kerman | 51.2 | Bakersfield/Greenlee | 57.9 |
| Sierraville | 39.6 | Yuba City | 46.7 | Taft | 51.2 | Twitchell Island | 57.9 |
| Petaluma | 39.6 | McArthur | 46.8 | Manteca | 51.2 | Big Bear Lake | 58.6 |
| Long Beach | 39.7 | Fremont | 47 | La Grange | 51.2 | Lake Arrowhead | 58.6 |
| Novato | 39.8 | Rio Vista | 47 | Dinuba | 51.2 | Stratford | 58.7 |
| Torrey Pines | 39.8 | Miramar | 47.1 | Friant | 51.3 | Westlands | 58.8 |
| Morro Bay | 39.9 | Livermore | 47.2 | Reedley | 51.3 | Belridge | 59.2 |
| Arroyo Grande | 40 | San Benito | 47.2 | Willows | 51.3 | Cuyama | 59.7 |
| Weaverville | 40 | Camino | 47.3 | Claremont | 51.3 | Pearblossom | 59.9 |
| Hay Fork | 40.1 | Badger | 47.3 | Clovis | 51.4 | Kettleman | 60.2 |
| Quincy | 40.2 | Nevada City | 47.4 | Chowchilla | 51.4 | FivePoints | 60.4 |
| Benicia | 40.3 | Santa Maria | 47.4 | Denair | 51.4 | Santa Clarita | 61.5 |
| Blue Canyon | 40.5 | Brownsville | 47.4 | Oroville | 51.5 | Piru | 61.5 |
| Markleeville | 40.6 | Pomona | 47.5 | Hanford | 51.5 | Mendota | 61.7 |
| Santa Barbara | 40.6 | Groveland | 47.5 | Madera | 51.5 | Caruthers | 62.7 |
| Green Valley Rd | 40.6 | Sonora | 47.6 | Merced | 51.5 | Independence | 65.2 |
| Cloverdale | 40.7 | Soledad | 47.7 | Kingsburg | 51.6 | Palmdale | 66.2 |
| De Laveaga | 40.8 | Oakville | 47.7 | Ramona | 51.6 | La Quinta | 66.2 |
| Healdsburg | 40.8 | Colfax | 47.9 | Alpaugh | 51.6 | Victorville | 66.2 |
| Hopland | 40.9 | Courtland | 48 | Woodland | 51.6 | Lower Haiwee Res. | 67.6 |
| Ukiah | 40.9 | Grass Valley | 48 | Chico | 51.7 | Ripley | 67.8 |
| Burney | 40.9 | Goleta | 48.1 | Lemoore | 51.7 | Palo Verde II | 68.2 |
| Guadalupe | 41.1 | Santa Ana | 48.2 | Burbank | 51.7 | Bishop | 68.3 |
| Lompoc | 41.1 | Brentwood | 48.3 | Buntingville | 51.8 | Oasis | 68.4 |
| Downieville | 41.3 | Suisun Valley | 48.3 | Gridley | 51.9 | Calipatria/Mulberry | 70.7 |
| Yosemite Village | 41.4 | Isabella Dam | 48.4 | Arvin | 51.9 | Mecca | 70.8 |
| Oakland | 41.8 | Tracy | 48.5 | Sacramento | 51.9 | Lancaster | 71.1 |
| Martinez | 41.8 | Santa Ynez | 48.7 | Lincoln | 51.9 | Palm Springs | 71.1 |
| Fall River Mills | 41.8 | Shenandoah Valley | 48.8 | Parlier | 52 | Westmoreland | 71.4 |
| Santa Rosa | 42 | San Andreas | 48.8 | Buttonwillow | 52 | Blythe | 71.4 |
| Glenburn | 42.1 | Coulterville | 48.8 | Delano | 52 | Rancho Mirage | 71.4 |
| Oxnard | 42.3 | Redding | 48.8 | San Fernando | 52 | Meloland | 71.6 |
| Redondo Beach | 42.6 | Jackson | 48.9 | Orland | 52.1 | Yuma | 71.6 |
| Lakeport | 42.8 | Mariposa | 49 | Shafter | 52.1 | Palm Deser | 71.6 |
| Redwood City | 42.8 | San Ardo | 49 | Nipomo | 52.1 | Salton Sea North | 71.7 |
| Oceanside | 42.9 | Paso Robles | 49 | Dixon | 52.1 | Barstow NE | 71.7 |
| Los Gatos | 42.9 | San Miguel | 49 | Porterville | 52.1 | Inyokern | 72.4 |
| Tule lake FS | 42.9 | MacDoel | 49 | Roseville | 52.2 | Thermal | 72.8 |
| Black Point | 43 | Sanel Valley | 49.1 | Pasadena | 52.3 | China Lake | 74.8 |
| Point San Pedro | 43 | Long Valley | 49.1 | Bakersfield | 52.4 | Lucerne Valley | 75.3 |
| Bridgeport | 43 | San Juan Valley | 49.1 | Gorman | 52.4 | Seeley | 75.4 |
| Palo Alto | 43 | Stockton | 49.1 | Davis | 52.5 | Newberry Springs | 78.2 |
| Modoc/Alturas | 43.2 | Betteravia | 49.1 | Arroyo Seco | 52.6 | Death Valley Jct | 79.1 |
| Laguna Beach | 43.2 | Sisquoc | 49.2 | King City-Oasis Rd. | 52.7 | El Centro | 81.7 |
| Concord | 43.4 | Newman | 49.3 | Colusa | 52.8 | Twentynine Palms | 82.9 |
| Port Hueneme | 43.5 | Winters | 49.4 | Hollywood Hills | 52.8 | Oasis | 83.1 |
| Ventura | 43.5 | Grapevine | 49.5 | Zamora | 52.8 | Indio | 83.9 |
| Gilroy | 43.6 | Greenfield | 49.5 | Tehachapi | 52.9 | Brawley | 84.2 |
| Glendale | 43.7 | Rancho California | 49.5 | Browns Valley | 52.9 | Holtville | 84.7 |
| Atascadero | 43.7 | Woodside | 49.5 | Famoso | 53.1 | Baker | 86.6 |
| San Luis Obispo | 43.8 | Morgan Hill | 49.5 | Glendora | 53.1 | Coachella | 88.1 |
| Susanville | 44 | King City | 49.6 | Delano | 53.6 | Desert Center | 90 |
| St Helena | 44.1 | Irvine | 49.6 | Fresno State | 53.7 | Needles | 92.1 |
| Union City | 44.2 | Goleta Foothills | 49.6 | Escondido SPV | 54.2 | | |

Page 13 of 13

## Responses to James T. Toomey's Comments

| Comment No. | Comment |
|---|---|
| JTT-1 | Please refer to responses to comment letters JT(a) and JT(b) (Final EIR Section X.D. Response to Comments Public 2008 DEIR). |
| JTT-2 | Please refer to responses to the Water Resources Advisory Council (WRAC). Responses to additional comments are provided below. |
| JTT-3 | The following information has been added to the Final EIR in order to provide additional information and assumptions regarding water use during construction: "*Water demand during construction would include provisions and storage for fire safety and use of water for dust control. Standard requirements for dust suppression include use of reclaimed, non-potable water, applied by a water truck. The water could be supplied by the construction fleet or obtained from on-site wells. The quantity of water required for dust suppression would vary depending on area of disturbance on a given day and wind speeds, but may vary from 750 to 3,500 gallons per day*" (refer to Final EIR Section V.P.5.a.1 (Water Resources, Project-specific Impacts and Mitigation Measures, Project-wide, Sustainable Water Supply). |
| JTT-4 | As noted in Appendix H (Geosyntec 2013), the 2011 California Green Building Standards estimate water demand of 46,849 gallons (or 0.14 acre feet) per unit per year, for a family of four. As noted by the commenter, this represents the low end; however, the U.S. EPA (Water Conservation Plan Guidelines) cites a high range of water demand as 0.29 afy, which is less than the estimated interior water demand (0.381 afy). The low end estimates are not used in the analysis. Converting 0.381 afy to gallons per day results in a demand of 340 gallons per day per residence (interior use), noting that this demand estimate incorporates proposed water conservation measures. This estimate is greater than cited sources (DWR and EPA). |
| JTT-5 | The water demands noted by the commenter identify a higher rate of use (0.65 – 0.94 afy) for existing residential uses. It is unknown how many of these existing residences are supplied with modern, water efficient appliances, and how many currently adhere to current landscaping restrictions that would apply to the proposed project. The County understands the commenter's concerns regarding human behavior; therefore metering both indoor and outdoor water use at each residence will be incorporated into the project, in addition to monitoring of each domestic well (mitigation measures WAT/mm-1). |
| JTT-6 | Based on the Review of Laetitia Residential Water Demand (Geosyntec 2013), incorporation of water use restrictions into the project description, and mitigation measures requiring metering and monitoring of water use for the life of the project, the County does not consider the water demand to be understated or the assumptions unrealistic. |
| JTT-7 | Assuming a system loss of 2-6 percent, the projected demand would increase by approximately 1 to 3 afy, within the sustainable yield estimate of 62.4 afy. |
| JTT-8 | The commenter's suggestions for additional enforcement have been incorporated into mitigation measures WAT/mm-1, including the addition of the following sentence: "*The program shall identify maximum water use of 0.44 acre feet per year, per lot*". Imposition of a fine may be considered as an additional condition of approval by the County decision makers. |
| JTT-9 | CHG (2010) defines "operational static" as a constant water level in a pumping well to which water levels recover after depletion of storage required to establish capture of groundwater equivalent to the pumping rate. CHG (2010) defines an "equilibrium interval" as an interval of cyclic pumping during which the water level in the pumping well recovers to a constant "operational static" level, which approximates steady-state conditions where the amount of water extracted and replenished within the aquifer is constant. Geosyntec (2011) reports that continuing general decline of water levels in Wells 10, 14, and 15 during the three phases of test pumping indicates that stable equilibrium groundwater conditions were not attained. Moreover, continued decline in water levels |

| Comment No. | Comment |
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| | at three of the four wells during the Phase 3 pumping indicates that the 87 AF/Y sustainable yield estimated by CHG (July 2010) will not result in full recovery to "the Phase 1 operational static water levels," but will cause additional depletion of groundwater storage. Therefore, identified mitigation limits well yields (refer to WAT/mm-1). |
| JTT-10 | The statement referenced on Draft EIR page V.P.-39 is specific to the wells proposed for production (Wells 10, 11, 14, and 15). The statement referenced on Draft EIR page V.P.-42 applies to other wells not including project domestic wells. Use of the proposed domestic wells would not reduce available groundwater in other wells. |
| JTT-11 | Please refer to responses to the comment letter provided by the applicant. The EIR includes the peer review and analysis by Geosyntec (17 inches average precipitation), as noted in the EIR (refer to Final EIR Section V.P Water Resources, introductory paragraphs). |
| JTT-12 | The commenter's statement regarding density and project alternatives will be considered by the County decision makers. |
| JTT-13 | The applicant eliminated use of Wells 12 and 13 for domestic use, which will be verified by the County through compliance with mitigation measure WAT/mm-1. At this time, there are no limitations regarding use of wells for agricultural use; however, this concern will be considered by the County decision makers. |
| JTT-14 | Although the Fugro peer reviews were not included in the EIR Appendix, these documents are incorporated by reference into the EIR (refer to Final EIR Section V.P Water Resources, introductory paragraphs and list of reports). These documents are available for public review at the County of San Luis Obispo Planning and Building Department, are part of the public and administrative record for the project and the EIR, and will be considered by the County decision makers as required by CEQA. |
| JTT-15 | The commenter references California regulations related to drinking water. It is the County's understanding that the applicant has not yet applied for a public water system permit pursuant to Article 2 Permit Requirements, §64552. Initial Permit for Public Water System. As noted in EIR Appendix H (Geosyntec 2011) (page 2), well tests were conducted pursuant to §64554 (g)(h)(i), which outline two methods for evaluation of well capacity in fractured bedrock. |
| JTT-16 | Please refer to response to comment CSLRCD-2. 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 to ensure project design incorporates measures for groundwater recharge, and to ensure runoff does not exceed the estimated pre-development rate (refer to mitigation measures WAT/mm-9 and WAT/mm-10). |
| JTT-17 | As shown in EIR Table V.P.-2 Variation in Vineyard Irrigation Demand (Using WMP [WPA 7 South Coast] Rates) and documented in the Baseline Water Demand (Final EIR Appendix H, 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. This is noted in Baseline Laetitia Water Demand (Geosyntec 2012), appended to the EIR. Although the Baseline letter notes that the rate provided by the applicant is similar to rates in other areas of the County (page 4), the actual calculation on page 5 of the letter applies the WPA 7 rate (0.7 afy – 0.25 afy [no frost protection] = 0.45 afy). Final EIR Table V.P.-1 has been corrected as noted: existing vineyards and orchards (212.4 afy); total existing (226.7 afy); and total (existing and planned agricultural demand (235.85 afy). The paragraph following Table V.P.-1 has been corrected, as well. Final EIR Table V.P.-6 has been corrected as noted: vineyards and orchards (existing) (212.4 afy); existing water use (226.7 afy); and total water use (existing plus proposed demand) (282.2 afy). Total water demand identified in the first paragraph on Final EIR page V.P.-32 has been corrected (282.2 afy). These minor edits do not change the analysis or findings presented in the EIR. |

| Comment No. | Comment |
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| JTT-18 | The EIR presents a range of agricultural water demand including estimates based on irrigation data and yields from agricultural wells over time, and estimates provided in noted reports including the Water Master Plan (WPA 7). 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. |
| JTT-19 | The source is the Environmental Impact Report for Santa Margarita Ranch Agricultural Residential Cluster Subdivision Project and Future Development Program (State Clearinghouse No. 2004111112). Please note that the EIR analysis recognizes that 32 percent recharge is not applicable due to water conservation measures including drip irrigation applied to the onsite vineyards. |
| JTT-20 | Curtailment of pumping from Well 11 as noted is proposed to address potentially significant impacts to baseflow in Los Berros Creek as a result of domestic well pumping, which would reduce the project's significant adverse effect to less than significant. |
| JTT-21 | As noted in responses to the applicant, and as noted in peer reviews conducted during analysis of the project (Fugro 2009), quantifying available water within the Los Berros Creek canyon and watershed is complicated by the underlying fractured bedrock and the fact the wells in the area are not drawing from the same "pool" of water (such as what would occur for wells within a groundwater basin). Therefore, aquifer properties are defined based on best available information, including, but not limited to, well testing results, rainfall records, and well pumping records, as documented in the EIR and technical report (Geosyntec 2011) . Records such well drilling reports and pumping records were not requested from all property owners within the Los Berros Creek watershed; however, information submitted by the public during the public review period has been reviewed. |
| JTT-22 | Irrigation of 40 acres of citrus plantings would require water for irrigation, and would contribute to the cumulative demand within Los Berros Canyon. The EIR considers potential effects due to interference (refer to EIR Section V.P.5.a.1.c (Water Resources, Project-specific Impacts and Mitigation Measures, Project-wide, Sustainable Water Supply, Interference). In addition, the EIR includes mitigation (WAT/mm-1) to avoid well production that would have an adverse effect on base flow in Los Berros Creek (due to evidence of hydrologic connectivity) and subsequently other wells along the Los Berros Creek corridor. |
| JTT-23 | Please refer to response to comment VGC-6. |
| JTT-24 | Potential development of the dude ranch is considered in the EIR; however, information is limited, and more specific water demand and analysis would be required as part of subsequent CEQA review. The dude ranch is not currently part of the applicant's request. The EIR identifies a significant impact due to cumulative demand for water supply, and the project's contribution to this demand would be mitigated by implementation of WAT/mm-1. |
| JTT-25 | The County concurs with the commenter, as noted in Final EIR Section V.B. Agricultural Resources. |
| JTT-26 | Please refer to response to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, and H&B-8 regarding hard rock aquifers and the results of the long-term testing program. |
| JTT-27 | The County is currently in a severe drought, and based on letters submitted by the public through the public review process, there are wells in the area that are no longer producing water. Please refer to responses to comments WRAC(b)-15, WRAC(b)-16, WRAC(b)-17, H&B-6, and BH-9. |
| JTT-28 | Please refer to specific responses above and below. The County decision makers will consider all submitted comments. |
| JTT-29 | The information provided by the commenter has been reviewed by the County; specific comments are addressed above and below. |

| Comment No. | Comment |
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| JTT-30 | As documented in the EIR, the reduced water demand is a result of water conservation measures incorporated into the project, including a 92 percent reduction in allowable turf and landscaping, consistent with language identified in the County Land Ordinance. For example, the original project considered 7,000 square feet of irrigated landscaping; this has been reduced to 1,500 square feet per lot (maximum). |
| JTT-31 | Please note that while Geosyntec did not develop the well testing program, the methods and results were reviewed though a peer review process, and additional testing was recommended to provide additional data during dry months (Geosyntec 2011). |
| JTT-32 | Please refer to responses to comments JTT-5, JTT-6, and JTT-7 above. |
| JTT-33 | As described in Section 4.3 and shown on Figure 18 (Final EIR Appendix H, Geosyntec, 2011, page 13), hydrographs for four irrigation wells at the project site based on water level data show downward water level trends (C&A January 2004, Table 4). Geosyntec added additional data provided by CHG during the testing program for Wells FV-1 (Well 5) and F&T 1 (Well 9) and estimated data points for Wells F&T 2 (Well 1) and FV-3 (Well 4) from the graph provided with the comments (Figure 7, CHG June 2012). F&T 2 (Well 1) and FV-1 (Well 5) still show downward trends of water level despite increase in rainfall in 2010 and 2011 (Geosyntec 2011, Figure 8).<br>The groundwater production rates of 21 afy sustained from each of Wells 5 and 9 for 11 to 26 years, respectively, based on available data (CHG 2010; Geosyntec 2011) supports that a combined production rate of 65 to 75 afy from the four project wells is feasible. Moreover, the lowest recorded water levels in Wells 5 and 9 are well above the top of the well screens. Based on these data, even if the average downward water level trends continue, the average pumping rates, a portion of which is derived from depletion of storage (groundwater mining), are sustainable for many decades. |
| JTT-34 | The commenter is correct in that there is currently no restriction on wells that would not be used for domestic purposes. The County decision makers will consider this concern. |
| JTT-35 | California law recognizes three classifications of groundwater:<br>1. percolating groundwater;<br>2. subterranean streams, and<br>3. underflow of surface waters.<br><br>"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:<br><br>1. presence of a known and definite subsurface channel;<br>2. the channel is bounded by relatively impermeable bed and banks;<br>3. the course of the channel is known or can be determined; and<br>4. groundwater must be flowing in the channel.<br><br>Groundwater that does not meet these four criteria is "percolating groundwater" and is not subject to the State Board's permitting authority.<br><br>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 (Geosyntec 2011, Table 2 and Appendix A). 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 (C&A 2004; Geosyntec 2011, page 8). The |

| Comment No. | Comment |
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| | 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.<br><br>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. |
| JTT-36 | Please note that Geosyntec does not provide the same determination of "safe yield" as CHG. Please refer to response to comments WRAC(b)-15 through WRAC(b)-17. |
| JTT-37 | Please refer to response to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, and H&B-8 regarding hard rock aquifers and the results of the long-term testing program. The County is currently in a severe drought, and based on letters submitted by the public through the public review process, there are wells in the area that are no longer producing water. Please also refer to responses to comments H&B-6 and BH-9. Based on extensive testing, substantial evidence is presented in the EIR supporting the noted finding. |
| JTT-38 | The EIR evaluates the reasonable foreseeable impacts that would result from the proposed project. Through the EIR process, modifications to the project have occurred, including changes in wells to avoid adverse effects to Los Berros Creek, strict limitations on water use, restrictions on well yield, and implementation of metering and monitoring for the life of the project to reduce adverse effects. |
| JTT-39 | The enclosed attachment has been reviewed, and will be considered by the County decision makers. |
| JTT-40 | The enclosed attachment was prepared by the County's hydrogeological consultant and will be considered by the County decision makers. |
| JTT-41 | The enclosed attachment includes an excerpt from the Draft EIR. |
| JTT-42 | The enclosed attachment was reviewed and is addressed in response to comments above. |
| JTT-43 | The enclosed attachment was reviewed and is addressed in response to comments above. |
| JTT-44 | The enclosed attachment was reviewed and is addressed in response to comments above. |
| JTT-45 | The enclosed attachment was reviewed by the County during preparation of responses to comments from the applicant. |
| JTT-46 | The enclosed attachment was reviewed and is addressed in response to comments above. |
| JTT-47 | The enclosed attachment was reviewed and is addressed in response to comments above. |
| JTT-48 | The enclosed attachment was reviewed during preparation of the EIR and incorporated by reference into the EIR analysis. |
| JTT-49 | The enclosed attachment was reviewed during preparation of the EIR and incorporated by reference into the EIR analysis. |
| JTT-50 | The enclosed attachment was reviewed and is addressed in response to comments above. |

August 19, 2013

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

RE: RDEIR, Laetitia Agricultural Cluster Subdivision

Dear Mr. Pedrotti:

As was true of the previous environmental impact reports related to the proposed Laetitia project, the current RDEIR fails to adequately address the issues related to the uncertain water supply of the project, the mitigation of traffic on existing roadways, and the biological damage to adjacent Los Berros Creek. **MF-1**

Concerning the water supply, it is already well known that the Nipomo area is experiencing a water shortage as indicated by the failure of various wells in the areas near the Laetitia project boundaries. Current NOAA reports indicate our area is in a severe drought (http://droughtmonitor.unl.edu/). Water studies and reports previously submitted to the County and referenced in the RDEIR (for example the April 23, 2009 Fugro West Inc. Hydrogeologic Peer Review) indicate that the safe yield, recharge, and storage data used by the project applicant are misleading and in fact incorrect since by nature the underlying fractured shale aquifer is unable to provide a reliable source of water for the project. **MF-2**

Concerning traffic, the proposed project relies for circulation on existing winding and narrow roads. Already somewhat dangerous because of sight distance issues and lack of adequate shoulders for pulling off, the added daily traffic volume associated with the proposed development would greatly increase the risk of using these roadways. My home is directly adjacent to the Laetitia property to the south and east and I use the roads on a daily basis, so I know first-hand that they are not adequate to support the projected daily car trips that would be associated with the Laetitia project. The most dangerous road section is the "S" curve southeast of the intersection of Upper Los Berros Road and North Dana Foothill Road, which is not addressed at all in the RDEIR. **MF-3**

Concerning the biological damage to Los Berros Creek, Laetitia's pumping of groundwater for irrigation has already effectively dried up the lower reaches of the watershed. Since the creek bed crosses my property I am very well aware that the creek no longer flows even during years with average rainfall. Since I have lived adjacent to Laetitia since 2005 and have observed the flow of the creek since that time, I know first-hand that the expansion of the grape plantings has required significantly more pumping of groundwater and is the direct cause of the creek no longer flowing across my property or further downstream. Prior to the expansion of the grape plantings, the creek flowed either year round or ten to eleven months of the year even in years with less than average rainfall. Since the proposed Laetitia development calls for an increase in **MF-4**

grape acreage in addition to the dwelling units and the future dude ranch, there can be no question that Los Berros Creek will never again flow across or downstream of my property if the project is approved. A dry creek bed does not support the wildlife that used to thrive in the area so it would seem that the resultant damage to the Los Berros Creek ecosystem will be permanent . **MF-4 (cont'd)**

The REDIR does not indicate that the above issues are adequately mitigated by the proposed project, so I must conclude that the Laetitia Subdivision should be denied until these issues are addressed. **MF-5**

Sincerely,

Mark Fugate

Mark Fugate
620 Spring Canyon Lane
Nipomo, CA 93444
(805) 481-4695

## Responses to Mark Fugate's Comments

| Comment No. | Comment |
|---|---|
| MF-1 | Please refer to responses to specific comments below. |
| MF-2 | Please refer to response to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, H&B-8, and BH-5 regarding concerns related to fractured shale.. Please refer to EIR Section V.P. Water Resources and Appendix H (Geosyntec 2011). The review conducted by the County's hydrogeological consultant included review of documentation by CHG and Fugro. Please refer to responses to comments provided by the applicant, including responses to CHG. Geosyntec provides an estimation of well yield that is less than that estimated by the applicant, and other differences of opinion are noted, such as determination of recharge and storage data. The resulting analysis in the EIR is based on the peer review and independent assessment of aquifer properties and well testing data. |
| MF-3 | Please refer to response to comment BH-4 regarding traffic. As noted in EIR Section V.N. Transportation and Circulation, road improvements are identified including widening and construction of shoulders along Los Berros Road, including the portion with the noted "S" curve (refer to TR Impact 9 and mitigation measure TR/mm-10). While the 'S' curve is not specifically called out, the EIR notes that Los Berros Road does not meet County standards. |
| MF-4 | Please refer to response to comment BH-8. The proposed increase in well yield for domestic use is addressed in the EIR (Section V.P. Water Resources and Appendix H), and mitigation is identified to maintain and monitor baseflow within Los Berros Creek (refer to WAT/mm-1 and WAT/mm-7). The planting of additional vineyards is not currently a discretionary action, and may be conducted at any time. The County is not requiring the applicant to plant additional vineyards, and is not recognizing the replacement of the vineyards as a mitigation measure in order to allow the vineyard manager to conduct crop production without additional oversight. In addition, the County does not currently regulate use of agricultural wells in this area; however, this issue will be considered by the County decision makers. Regarding the dude ranch, this use is not currently proposed for development, and subsequent environmental review will be required when an application is submitted and additional details regarding the facility are provided. |
| MF-5 | Please refer to responses to comments MF-2, MF-3, and MF-4 above. |

Roberta H. Gehring
540 Sycamore Creek Lane
Nipomo, CA 93444

August 19, 2013

Brian Pedrotti
SLO County Planning Department
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Subject: Proposed Laetitia Winery 102 Home Subdivision

Dear Mr. Pedrotti:

There is a lot not to like about the proposed Laetitia development. Increased traffic to the houses from Thompson, to Sheehy, to Dana Foothill, to Upper Los Berros Road could represent a "nightmare" all by itself. This letter, however, is to specifically talk about my deep concern pertaining to our most precious resource, water. **RHG-1**

I am a homeowner who lives in the Nipomo foothills. My home was built in Nipomo in 1997 on a 10 acre parcel in Rancho Nipomo. My particular property borders Upper Los Berros Road, and the Los Berros Creek runs alongside one edge of my property. Until Laetitia started increasing both their vineyard plantings and pumping of ground water, the Los Berros Creek flowed virtually year-round. Los Berros Creek was a seasonal creek, teeming with wildlife, but I watched as the water in this creek went from a moderate flow, to diminished, to trickle, to *gone*. Now, the only time I see any water in the Los Berros Creek is if there have been major sustained rains in this locale and the Nipomo foothills; the water flow subsequently diminishes to "zip" very quickly. Los Berros Creek is no longer home to steelhead trout, pond turtles, and other distressed species...this treasure has been lost to vineyards. Laetitia has not been a good neighbor where water is concerned. ..and now Laetitia wants more! Laetitia's new DEIR claims to solve the problem of depleting the water in Los Berros Creek by not using wells numbers 12 and 13 for the housing project, due to their close proximity to the creek. However, these two wells would still be used for the irrigation of the vineyards, which will be increased by 27 acres according to the plan. This just doesn't make sense to me – water is water! **RHG-2** **RHG-3**

As has been well-documented and reported to SLO County Planning Department previously, well water in the Nipomo Hills comes from fractured shale formations – not a sandy aquifer as is found on the Nipomo Mesa. Fractured shale is noted for being a very unpredictable and unreliable source of water. There have already been documented cases of numerous wells surrounding Laetitia that have either gone dry or had to be dug deeper due to reduced output. Reports indicate that this is typical of wells located above fractured shale. All of the water needed for the Laetitia project would be provided from wells located on the agricultural cluster subdivision. What potentially can happen if the Laetitia development extracts an additional 102,000 gallons of water per day from our fractured shale formation! What will the value of our property be if we have no water? **RHG-4**

There are already many vacant lots in the immediate area to the south of Laetitia Winery. These lots have previously been approved for building, most having been approved for two home sites. Specifics: There are about 20 unimproved lots in the Rancho Nipomo tract; 10 lots within the Fitz-Gerald Ranch; 3 lots in the Wittsrom minor ag cluster, and about 3 lots on Rim Rock Road. All of these approved lots, when homes are built, will be obtaining their water from the same fractured shale that Laetitia is proposing for their water source. As additional homes are built on approved lots in this geographical area, will there be enough water to go around for everyone...troubling question. **RHG-5**

It's very clear that expert opinions differ! The developer hired and paid Cleath Harris Consultants (CCH) to do the initial hydro geological study for Laetitia. About 200 individuals living near the proposed Laetitia subdivision formed a group called, "Nipomo Hills Alliance." This group meticulously reviewed the initial DEIR and expressed significant concerns. Because of these concerns, three peer reviews were performed of CCH's work, all of which differed significantly with many of CCH's conclusions. The CCH study cited techniques appropriate for real aquifers, not for fractured rock **RHG-6**

Page 2 – August 19, 2013
To: Brian Pedrotti, SLO County Planning Department
From: Roberta Gehring

formations, with all their uncertainties and unknowns. The hydrogeology company, Geosyntec, states in their October 2011 letter, *"This indicates that the long term capacities of the fractured bedrock aquifers to transmit groundwater are **lower than previously estimated** and sustainable production potential of the Project Site wells based on the short term tests were **unrealistically high**. Initial yields from wells in fractured bedrock aquifers often are not representative of longer term yields, which are typically lower."* **RHG-6 (cont'd)**

Five years ago Laetitia estimated the water requirements for this tract to be 143 acre feet per year (128,000 gallons per day). Negative comments were received, and they reduced their estimate to 73.7 acre feet. In their latest rendition, the water requirements were reduced to 46.3 acre feet. The hydro geologist, Paul Sorenson of Fugro West, Inc., after thorough studying the Laetitia CCH report, stated in his letter to the County," "A worst case total project water demand estimate on the order of 168.6 acre ft/yr to 175.3 acre ft/yr is considered reasonable." The WRAC brings up the point that the Woodlands and Varian Ranch were estimated to use 1.50 acre ft/yr per residence. Laetitia's numbers seem like they've been "pulled out of the air!" Realistically, how will the residents of the 102-home agricultural cluster subdivision be monitored/policed to be sure they only use these reduced amounts of water. The new DEIR offers "solutions" to mitigating the water problem (e.g., lawn size; water-saving devices). Laetitia does propose to enforce water conservation through CCR's, the Homeowners' Association and/or a Mutual Water Company. I urge you to <u>oppose</u> the formation of a mutual water company; the residents of an HOA would not have the expertise to manage a system drawing water from such an *uncertain source*. A mutual water company could not reasonably monitor and regulate their impacts on the water supply; they would have no control over how much water was pumped in any given year for agriculture. I urge the Planning Department to <u>require</u> that Laetitia retain responsibility for the water supply of these homes in perpetuity. With all the pumping under one ownership, the demands on this fragile fractured rock system can be coordinated. Without this, the developer (Laetitia) will be absolved of any and all responsibility once the lots are sold. **RHG-7** **RHG-8** **RHG-9**

Too much of the language in the "Recirculated Draft EIR" (RDEIR) assumes that the Laetitia project will be approved regardless of having inadequate water. I urge the SLO County Planning Department to reject the Laetitia project, and list out the issues that need adequate, thorough, and substantiated answers before the project is approved in any form (e.g., phases). I keep coming back to the fact that ***both Fugro West and Geosyntec have independently expressed doubt that adequate water exists for this proposed ag cluster.*** **RHG-10**

One only has to read the local newspaper (including Letters to the Editor) about the dire water situation in Paso Robles to know that something of a similar nature could happen here. County Supervisor, Frank Mecham of Paso Robles was quoted in the Tribune on June 16, 2013 as saying, *"I just hope that we are not in the situation where the guy with the most money wins. That would be a very sad situation. Everyone needs to be considered in this whole scheme of things. "Surely* this same sentiment applies to homeowners and landowners in the Nipomo Hills – not just the billionaire from Los Angeles, Selim Zilkha, the owner of Laetitia Winery. Please proceed with great care! **RHG-11**

Sincerely,

Roberta H. Gehring

## Responses to Roberta H. Gehring's Comments

| Comment No. | Comment |
|---|---|
| RHG-1 | Please refer to responses to specific comments below. |
| RHG-2 | Please refer to response to comment BH-8. The County does not currently restrict use of wells for agricultural use; however, this concern will be considered by County decision makers. |
| RHG-3 | Please refer to response to comment MF-4. |
| RHG-4 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, H&B-8, and BH-5 regarding concerns related to fractured shale. |
| RHG-5 | Please refer to response to comment VCG-6. |
| RHG-6 | Please refer to response to comment BH-20. |
| RHG-7 | Please refer to responses to comments H&B-19 and H&B-20 regarding determination of water demand. The EIR documents how the substantial reduction in outdoor landscaping significantly reduces estimated water demand. |
| RHG-8 | Please refer to response to comment H&B-21; in addition to water conservation measures, water use would be metered and monitored. |
| RHG-9 | The commenter's concerns regarding the mutual water company, and control over agricultural wells, will be considered by the County decision makers. |
| RHG-10 | The EIR evaluates the project as proposed, and presents information for consideration by the public and decision makers. Geosyntec's review of the project and long-term well testing is incorporated into the EIR analysis, including identification of yield limitations and recommendations for monitoring for the life of the project (refer to mitigation measure WAT/mm-1). |
| RHG-11 | The commenter's concerns will be considered by the County decision makers. |

Brian Pedrotti
County Planning Dept
976 Osos St, Rm 300
San Luis Obispo, CA 93408-2040

August 5, 2013

RE: The Laetitia Housing Project in Nipomo

Dear Sir,

Rancho Nipomo is a 44 lot development very near the proposed Laetitia Housing Project. Rancho Nipomo is located on Dana Foothill Road. Rancho Nipomo has a water system to provide domestic water for household consumption, residential landscape, and fire protection. MB-1

The Rancho Nipomo Homeowners Association (RNHOA) is very concerned about the proposed Laetitia Housing Project for numerous reasons, as follows:

1. **Traffic Impact** MB-2

   There is only one way in and out of Rancho Nipomo --- through Dana Foothill Rd. to Sheehy Road. These are narrow country roads with no shoulders. It is very curvy at some parts. It is frequently potholed and in need of repair.

   Many of the residents of Rancho Nipomo are alarmed at the probable **traffic increase** if the Laetitia Housing Project is allowed to proceed. The EIR mentions 1000 additional car trips per day. If there is an increase of 1000 car trips per day, the negative impact on Dana Foothill and Sheehy would be tremendous. Some of us have speculated that the increase would be over 100% of the current use.

   These roads are used for recreational walking, jogging and bike riding for residents, families, and guests. There is a bus stop on Sheehy for the Lucia Mar School District and for St. Patrick's School --- both which service younger children. There is no bus turnout, or even a shoulder. Does the DEIR address any impacts on pedestrian use or children at the bus stop? MB-3

2. **Water Impact** MB-4

   The Laetitia Housing Project is not a small development by the standards of the area. The amount of water projected to be consumed is significant at over 46 AF/Y, according to the DEIR. This is a decrease from the original

EIR (2008) of 143 AF/Y. Which number is closer to the truth? The Laetitia Housing Project projects a usage of .44 AF/Y for each lot. According to the Water Resources Advisory Committee report of June 12, 2012, other similar housing projects (The Woodlands and Varian Ranch) projected a use of 1.5 AF/Y per residence. **MB-4 (cont'd)**

There seems to be considerable dispute from another hydrologist (Fugro West) about the amount of water used in a project of this size --- "A worst case total project water demand estimate on the order of 168.8 AF/Y to 175.3 AF/Y is considered reasonable" according to Paul Sorenson in his letter to the County dated April 23, 2009. So how can Laetitia Project lots have such a small usage?

In looking at the water reports from the consultants hired by Laetitia and from the independent consultant, we note that there are many discrepancies in data gathered and the interpretation of the data. Whose analysis can we rely on? The Rancho Nipomo Homeowners Association has, in the past, had to deal with shortcomings from the developer of Rancho Nipomo. It is clear to us that the interests of the developer and the interests of the eventual residents are not the same, and we therefore have to be doubtful of any claims made by the developer and his hired consultants. **MB-5**

Residents of Rancho Nipomo are concerned about the number of wells in the immediate area that have run dry or have had to be drilled deeper. Since the well for the RNHOA is also in the immediate area of the proposed Laetitia Housing Project, we have a legitimate obligation to question further massive depletions of the water supply that we all share. We already see evidence of water from the area being used in an unsustainable way: the Los Berros Creek no longer flows on the surface along the frontage of Laetitia property; the reports of wells in the area drying up; the reports of falling water levels is other wells. These reports are not just anecdotal, but rather true facts that have caused much uncertainty and expense for many established residents. **MB-6**

There is a relationship between the development of the Laetitia Vineyard and the depletion of the water availability in the Los Berros Creek area. There seems to be no provision for controlling more agriculture and more irrigation --- already huge users of the available water --- in any of the Laetitia water studies, only the movement of well production from irrigation to domestic. Can anyone control whether the vineyard will drill other wells for irrigation when the houses are built? **MB-7**

3. **Lack of Trust**

MB-8

Finally, the Rancho Nipomo HOA has to express its distrust of the developer of the Laetitia project. There is no ability for anyone who might be damaged by this project to put responsibility and obligation on the developer --- it will be the future homeowners at Laetitia that will bear the burden of the mistakes of the developer. He will have no skin in the game, having made his huge profits when the homes are sold.

MB-9

The Rancho Nipomo HOA urges the County of SLO to not allow this development to move forward!

AUG. 20, 2013

Marc Barnum
President, Rancho Nipomo HOA
1225 Ramal Ln.
Nipomo, CA 93444

## Responses to Marc Barnum's Comments

| Comment No. | Comment |
|---|---|
| MB-1 | Please refer to responses to specific comments below. |
| MB-2 | Please refer to Final EIR Section V.N. Transportation and Circulation. As shown in Final EIR Table V.N.-5 Existing Street Roadway Segment Daily Traffic Conditions, existing volume on Sheehy Road is 1,473 trips and existing volume on North Dana Foothill Road is 451 trips. If the project is implemented in full, the trips on Sheehy Road would increase to 2,707 (83% increase) and the trips on North Dana Foothill Road would increase to 1,685 (273% increase) (refer to Table V.N.-11 Existing and Existing with Project Street Roadway Segment Daily Traffic Conditions). The EIR identifies potential impacts on the environment including the generation of additional traffic trips on local roadways (refer to Final EIR Section V.N. Transportation and Circulation). Mitigation identified for impacts to local roadways include road improvements to Sheehy Road (TR/mm-8), North Dana Foothill Road (TR/mm-9). These standards include road widening, shoulders, and traffic controls, which are triggered by average daily trip (ADT) estimates and to provide safe County roads. |
| MB-3 | Please refer to response to comment BH-4 regarding traffic and identified County road improvements that would be required if the project is approved. Such standards include road widths and shoulders; the rural standards identified by County Public Works do not include sidewalks (such as required for urban areas). These improvements will result in improved safety for pedestrians including children. |
| MB-4 | Please refer to responses to comments H&B-19 and H&B-20 regarding determination of water demand. The EIR documents how the substantial reduction in outdoor landscaping significantly reduces estimated water demand. The estimate by Fugro does not include changes to the project (refer to Chapter III Project Description and Section V.P. Water Resources). |
| MB-5 | The County decision makers are required to consider all the information available in the record when reviewing a project and making CEQA Findings. Disagreement among experts can happen during the EIR process. |
| MB-6 | Please refer to response to comment H&B-6. |
| MB-7 | At this time, the County is not regulating or restricting drilling or use of agricultural wells; however, this concern will be considered by the County decision makers. |
| MB-8 | The commenter's concerns will be considered by the County decision makers. |

**Laetitia Housing Project**
John Anderson to: Brian Peddrotti 08/21/2013 12:43 PM

From: "John Anderson" <anderson_0681@msn.com>
To: "Brian Peddrotti" <bpedrotti@co.slo.ca.us>

John Anderson
Barbara Anderson
PO Box 240
Arroyo Grande, CA 93421

August 21, 2013

Brian Pedrotti
County Planning Dept.
976 Osos Street, Rm. 300
San Luis Obispo, CA 93408-2040

Laetitia is trying to say that they are trying to save the family farm. Not Laetitia's family farm, please not to the expense of everyone elses farm and homes along the Los Berros Creek. Laetitia already knows that there is a water shortage. Laetitia housing project is not a good project for the land or for the future owners of the development, as they have no long term assurance of there being enough water, without a county source, it will be much like the Nipomo Mesa, and now Paso Robles winery's, rancher's and others that rely on well water are now starting to have problems. **JBA-1**

When the last new bridge was built on Upper Los Berros in 2005 the water was running past Laetitia Winery, and under the bridge. The construction on the Bridge was delayed for the steelhead trout to make it back through to spawn. The water was running all the way to the Ocean, at that time, not any more. General run off this year made it past Laetitia only for a day or two after a rain. **JBA-2**

The roads leading to the project were developed in the 1870's and were not any wider than what was needed at the time. The road was not developed to handle the increased weight of the newer cars and equipment. If Laetitia doesn't pay for the road improvements to handle the increase traffic, who will? Does this mean that the County will pay? **JBA-3**

As in general the Postal Carriers does not deliver down a dirt road, which starts at **JBA-4**

Upper Los Berros. With no mail delivery past Dana Foothills Road, there will be 102 mail boxes lined along the road. Maybe they can try to rent a box at the Nipomo Post Office or another mail box rental location as space becomes available. **JBA-4 (cont'd)**

John Anderson

Barbara Anderson

## Responses to John and Barbara Anderson's Comments

| Comment No. | Comment |
|---|---|
| JBA-1 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, H&B-8, and BH-5 and Final EIR Section V.P. Water Resources regarding determination of adequate water supply and recommended mitigation measures. |
| JBA-2 | Based on review of rainfall records for Mehlschau #38 located near the project site, rainfall in 2004—2005 and 2005-2006 was 25.78 and 26.55 inches. Rainfall during the 2006-2007 water year was substantially less (8.18 inches), and subsequent years (2007-2008, 2008-2009) show 15.84 and 12.15 inches (all below average rainfall). Streamflow in Los Berros Creek is influenced by the amount of annual rainfall in addition to use of wells with hydrological connectivity to the surface and subsurface alluvial basin. |
| JBA-3 | As noted in the Final EIR (Section V.N. Transportation and Circulation) mitigation is identified that would ensure the roads are constructed to meet County Road Standards (refer to TR/mm-1, TR/mm-2, TR/mm-3, TR/mm-4, TR/mm-8, TR/mm-9, TR/mm-10, and TR/mm-12). These standards include road widening, shoulders, and traffic controls, which would be paid for by the applicant. |
| JBA-4 | The applicant is required to improve and pave Upper Los Berros Road (refer to mitigation measure TR/mm-11). Regarding mail delivery, mail would be delivered within the proposed project to the ranch headquarters (refer to EIR Section III.D.2.B Project Description, Project Components, Open Space Lots, Ranch Headquarters): "Additional facilities would include…250-square foot mail gazebo". |

1500 Rocky Oak Lane
Nipomo, CA. 93444

August 21, 2013

Brian Pedrotti
County Planning Dept.
976 Osos Street, Rm 300
San Luis Obispo, CA 93408-2040

Subject: Our concerns over the proposed Laetitia Vineyard expansion and housing development

Dear Sir:

We are not generally opposed to development. However, we are very concerned with the impact this development would have on the area water supply if approved. We are aware of the serious water issues in the North County and those in the local Nipomo area. **Now is not the time to approve developments with high, or even moderate, water usage requirements!** We see that the Laetitia proposal has, over time, dropped the yearly water requirement estimate from 143 acre feet to 73.7, and then recently to 46.3. Albeit some of the drop is due to proposed water use mitigation. But, should this raise a flag? Hell yes it should! Certainly this shows that they recognize the seriousness of the water problem, but even mitigation at this time, given the drought and dropping water table, means that extreme caution must be used in evaluating this development. **TBMO-1** **TBMO-2**

**If the water table is dropping and we're in a drought, and there's little optimism that the situation will improve in the future, WHY ON EARTH WOULD ADDITIONAL HIGH/MODERATE USAGE DEVELOPMENTS BE APPROVED?** I mean, we're struggling to even hold on to the water status quo here. **TBMO-3**

We have a well on our property, our neighbors all have wells, and we're all concerned (scared) about the water situation. **We strongly support the Nipomo Hills Alliance in their efforts to halt this development!** **TBMO-4**

Thank you for considering our concerns.

Sincerely,

Tom Beckenhauer
Marysia Ochej

Tom Beckenhauer and Marysia Ochej
(Concerned homeowners and residents of Los Berros Canyon)

RECEIVED
AUG 23 2013
SLO CO PLAN & BLDG DEPT

## Responses to Tom Beckenhauer and Marysia Ochej's Comments

| Comment No. | Comment |
|---|---|
| TBMO-1 | The commenter's concern will be considered by the County decision makers. |
| TBMO-2 | Please refer to response to comment H&B-19 regarding the reduction in water demand estimates. |
| TBMO-3 | The commenter's concern will be considered by the County decision makers. |
| TBMO-4 | Please refer to responses to comment letter Hollister & Brace (H&B) (attorney for the Nipomo Hills Alliance) and Bernard Horton (BH) (see attached memo from Nipomo Hills Alliance). |

RECEIVED
AUG 23 2013
SLO CO PLAN & BLDG DEPT

**Brian Pedrotti, Project Manager**
**County Planning & Building Department**
**976 Osos Street, Room 300**
**San Luis Obispo, CA 93408-2040**

**August 21, 2013**

**Mr. Pedrotti,**

**I am opposed to the Laetitia Agricultural Cluster Subdivision and the suggested future development of a Dude Ranch on the Laetitia property. My greatest concerns are for the protection and sustainability of the water supply for the environment, existing residents and farmers, as well as ensuring the safety of the roads to and from our homes.** TG-1

**My family has owned property and resided in Upper Los Berros Canyon for over twenty years. During the last twelve years, the expanded vineyard activity has created increased traffic into and out of Upper Los Berros Canyon, by utilizing Thompson, Sheehy, Dana Foothill and Upper Los Berros Roads, to access the vineyard. This increased traffic has caused concern over the safety of those who travel on the curvy paved roads and the one lane gravel road we drive daily to and from our homes. The traffic created by farm laborers, equipment and large delivery trucks have made the road very dangerous. Our country roads are not designed to handle this increased heavy traffic. Adding an additional 1,000 vehicle trips per day will place all of the residents in our community at greater risk.** TG-2

**Historically and specifically prior to 2001, when the Maison Deutz Vineyard and Winery was purchased, and renamed Laetitia, the Los Berros Creek flowed year round. Since Laetitia's owners purchased neighboring farmland, the vineyard has been expanded into an area which was previously dry land farmed. Numerous wells have also been drilled on the property over the last several years. Recently, a lengthy pipeline was installed along the vineyard fence line bordering Upper Los Berros Road, adjacent to Los Berros Creek.** TG-3

**The decrease in the creek flow in the last several years has been obvious. Many of the wells of our neighbors to the west have gone dry or had to be dug deeper due to reduced output. Some farmers have had to purchase water elsewhere and had it trucked in to keep their crops alive. Los Berros Creek flow is critical to recharging the aquifer which supplies Oceano (within the Northern Cities Management Area) with its water. The County of San Luis Obispo is responsible for ensuring the reliability of this water source. Already, wells close to Los Berros Creek that Falcon Ridge (El Campo area) once used are not adequate, and other sources had to be implemented.**

**The ecosystem is in danger due to Laetitia's increased pumping of ground water for its vineyards. Los Berros Creek has all but dried up. Los Berros Creek was once teeming with wildlife, including distressed species such as steelhead trout, southwestern pond turtles, coast range newt, and red legged frogs. The watershed of Los Berros Creek and downstream tributaries must be protected from pollution. Laetitia has not proposed any retention basin to capture water runoff. This insensitive disregard to the ecosystem is a great danger to our environment in Nipomo.** TG-4

**The Santa Lucia chapter of the Sierra Club in its letter to San Luis Obispo County has stated, "The real possibility that the expansion of irrigated ag has resulted in the dewatering 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 Policy11 and the Ag Cluster ordinance".** TG-5

**The California Department of Fish and Game has stated in their letter to San Luis Obispo County that "The Department strongly discourages approving projects which would reduce Los Berros Creek flows".** TG-6

**The fractured shale rock formations in the Nipomo Hills, which provide our water for our homes and farms is noted for being a very unpredictable and unreliable source of water. Fractured shale does not store water, as does a sandy aquifer, such as that found on the Nipomo Mesa. Laetitia's owners cannot guarantee that it is a reliable water source. Peer review of Laetitia's estimate, by noted hydrogeologists offer documentation that it is not a reliable water source.** TG-7

**Laetitia vineyard operations have already affected nearby wells. Much of the Laetitia well testing, performed by Laetitia's consultants, was done during a relatively wet year. It is presumed that their studies would have been substantially different if performed during dryer years, which is the norm for the area of Nipomo. Many vacant properties south of the Laetitia have been approved for building. Most of them have approval for two home sites. These home sites will be obtaining their water from the same fractured shale that Laetitia is proposing to use for the Ag Cluster Subdivision. There will not be enough water to go around for all of the homes that have already received approval if this project is approved.** TG-8

**Allowing the Laetitia Agricultural Cluster Subdivision and future Dude Ranch will only aggravate an already dire water situation and dangerous traffic situation. The estimates of water use for the proposed housing project provided by Laetitia's consultants are lower than hydrogeological peer review experts have concluded. The expanded vineyard operations have already decreased the water availability in existing wells in an area of unreliable water supply. There are no proposed retention basins to protect the watershed by** TG-9

**capturing runoff from the vineyard or the proposed project. There is no reliable water source for additional homes in this area. The traffic congestion from the vineyard operations has caused overuse of our narrow curving roads, presenting a dangerous safety issue for existing residents of the Sheehy, Dana Foothill, Rim Rock Road and Upper Los Berros Road. Allowing an additional 1,000 vehicle trips per day is unreasonable.** TG-10 TG-11

**Please do not approve the proposed Laetitia Agricultural Cluster Subdivision or future Dude Ranch project.** TG-12

**Respectfully,**

Tina Grietens

**Tina Grietens**
**P.O. Box 12**
**Nipomo, CA 93444**

## Responses to Tina Grietens's Comments

| Comment No. | Comment |
|---|---|
| TG-1 | Please refer to responses to specific comments below. |
| TG-2 | Please refer to response to comment BH-4 regarding traffic. |
| TG-3 | Please refer to responses to comments WRAC(b)-13 through WRAC(b)-17, BH-8 and JBA-2 regarding Los Berros Creek streamflow. Please refer to responses to comment letters from the Northern Cities Management Area Technical Group (NCMATG) and Oceano Community Services District (OCSD). |
| TG-4 | Please refer to responses to comments BH-8 and BH-9 regarding protection of baseflow within Los Berros Creek. Please refer to response to comments CSLRCD-2 and BH-11 regarding the retention basin. |
| TG-5 | Please refer to response to comment letter SCSLC (Sierra Club, Santa Lucia Chapter). |
| TG-6 | Please refer to response to comment letter CDFG (California Department of Fish and Game). |
| TG-7 | Please refer to responses to comments BH-5, WRAC(b)-31, H&B-4, H&B-5, H&B-6, and H&B-8 regarding fractured shale and recommended limitations on yield. |
| TG-8 | Please refer to responses to comments H&B-23, WRAC(b)-13 and WRAC(b)-14 regarding consideration of rainfall occurring during the testing program. Please refer to response to comment VCG-6 regarding cumulative water use in the area. |
| TG-9 | Please refer to response to comment H&B-19 regarding determination of estimated water demand. Please refer to EIR Section V.N. Transportation and Circulation regarding potential traffic impacts. Please refer to response to comments WRAC(b)-16 and WRAC(b)-17 for additional information regarding agricultural wells on the project site. |
| TG-10 | Please refer to response to comments CSLRCD-2 and BH-11 regarding the retention basin. Please refer to responses to comments BH-5, WRAC(b)-31, H&B-4, H&B-5, H&B-6, and H&B-8 regarding well reliability and recommended limitations on yield. |
| TG-11 | Please refer to response to comment BH-4 regarding traffic. |
| TG-12 | Please note the applicant is not currently requesting approval of a dude ranch. The commenter's statement will be considered by the County decision makers. |

James and Betty Jamison
1584 Los Berros Road
Arroyo Grande, Ca

Brian Pedrotti
County Planning Dept.
976 Osos Street Room 300

Dear Sir:

This letter is in regard to the Laetitia Housing Development that is planned for the Nipomo hills north of upper Los Berros Road. I feel that since there is an extreme water shortage in this area it would be impossible to take additional water for these homes without causing hardship to the agriculture and existing homes in this area. JBJ-1

We have lived at 1584 Los Berros Road for 32 years. We purchased our home on a 1.14 acre lot so that our family could enjoy a garden, fresh fruit, and a flowing creek. Although the creek stopped running many years ago, we have very much enjoyed the country way-of-life JBJ-2

Today, however, Aug. 21st, for the first time, we have no water. We have a 2,600 gallon water tank that we purchased several years ago because water became sparse, and we wanted to be prepared. But still today we have no Water. I am not sure of our options. Perhaps we can buy imported water until it rains.

Of one thing, however, I am absolutely sure. We cannot remove more groundwater from the Los Berros Creek area, without severely harming many long time residents.

Please carefully consider the urgency of the water shortage, and refuse any Building developments in the Los Berros area. Thank you for your time and attention.

Respectfully,
James and Betty Jamison
(James is a retired policeman and Betty is a retired school teacher.)

Betty Jamison
James Jamison

## Responses to James and Betty Jamison's Comments

| Comment No. | Comment |
|---|---|
| JBJ-1 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, H&B-8, and BH-5 regarding water resources. |
| JBJ-2 | The commenter's concerns will be considered by the County decision makers. |

August 22, 2013

San Luis Planning Dept –

The latest move by Laetitia Winery is absurd! JA-1

The county must not be aware of the water situation of all the homeowners in the Los Berros area. We and many of our neighbors here had dry wells since June, and you want to allow such a huge expansion of the Winery?!! The traffic and environmental problems would be annoying, but we are talking survival here. We have to buy water at great cost now, and you would consider letting the Winery suck out all the water for their selfish use?!! JA-2

They would dig deeper & drill more wells, leaving nothing for we homeowners.

Please do not let them destroy the area. JA-3

Since you feel there is no water shortage, considering such a proposal, why don't you pipe in water for us or have the Winery buy our property?!!

Judith Aukland
1548 Los Berros Rd.
Arroyo Grande, CA 93420

## Responses to Judith Auckland's Comments

| Comment No. | Comment |
|---|---|
| JA-1 | The commenter's statement will be considered by the County decision makers. |
| JA-2 | The County is aware of the concerns and notifications from property owners regarding well failures in the Los Berros Canyon area. The County has not approved the project; the County decision makers will review all information in the record, including public letters and comment, when considering approval of the application. Please refer to Final EIR Section V.P. Water Resources, and response to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, H&B-8, and BH-5 regarding water use. Based on long-term well testing conducted for the project consistent with State standards specific to groundwater in fractured rock, sustainable well yields are identified in the EIR, in addition to mitigation measures that would ensure compliance with noted restrictions and water conservation measures during both normal rainfall years and severe drought conditions. |
| JA-3 | Please refer to response to comment JA-2 above. |

August 22, 2013

Brian Pedrotti
County Planing and Building Dept.
976 Osos Street Room 300
San Luis Obispo, CA

Dear Mr. Pedrotti,

My wife, Susan, and I are deeply concerned about and totally opposed to the Laetitia housing development proposed for Upper Los Berros Rd. **HSC-1**

Susan and I live on a 12 acre property at the "T" intersection of Sheehy Rd. and Dana Foothill. Our main property line borders Dana Foothill. All traffic traveling to Rim Rock or Upper Los Berros must turn left at the "T" and parallel our fence line. We have lived and raised a family here since 1977 and noted the transition from ranch land and orchards to a nearly suburban area with increasing acreage planted in grapes, especially the Laetitia property.

With these changes have come a lowering water table and increasingly closed and restricted access areas. Increased traffic flow on narrow and poorly maintained roads with no paved shoulder leaves the numerous walkers, runners, and cyclists in a dangerous position. We have seen many accidents at the "T" in our years here, especially at night; in fact, two vehicles have plowed through the fence. I point this out because the proposed project estimates that vehicle traffic would increase by 1,000 trips a day. It also means that all construction, service, and emergency vehicles would be using Sheehy and Dana Foothill roads for access. **HSC-2**

There are many other problems with the project which have been clearly documented by The Nipomo Hills Alliance, but the one that troubles all of us the most is the scarcity of water and a diminishing water table. The original wells on the Sheehy road properties ranged from 105 to 120 feet. None pumped more than 5 g.p.m, but that was adequate for basic needs. Our first well went dry after 3 years. The second well was approximately 150 feet, and with a storage tank we were able to manage until 1989 when it, too, went dry. Our present well is 410 feet deep with the water level measured at 230. While it is a productive well, the water level has dropped some 20 feet since drilling. Many of our neighbors have had to deepen their wells which are still only producing a minimal amount of water. They are concerned that they will lose the wells and not be able to afford to drill new ones. **HSC-3**

The Laetitia project is so ill conceived that it's almost impossible to enumerate all of the problems it will cause. Its environmental and social impact on our area would be staggering and set a precedent for county government's misuse of water resources. **HSC-4**

We strongly urge the county to reject this project.

Respectfully,

Harold Case

Harold and Susan Case
535 Sheehy Rd.

## Responses to Harold and Susan Case's Comments

| Comment No. | Comment |
|---|---|
| HSC-1 | The commenter's concerns will be considered by the County decision makers. |
| HSC-2 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, H&B-8, BH-5, and BH-8 regarding water supply, and response to comment BH-4 regarding traffic. |
| HSC-3 | Please refer to Final EIR Section V.P. Water Resources, and referenced technical reports provided in Appendix H of the Final EIR. These documents include substantial evidence for sustainable yield of water, noting strict water conservation measures and monitoring for the life of the project to ensure compliance. Please refer to responses to the comment letter provided by the Nipomo Hills Alliance legal representation (H&B) and responses to comments BH-4 through BH-25. The commenter's concerns and information about wells along Sheehy Road will be considered by the County decision makers. |
| HSC-4 | The commenter's concerns will be considered by the County decision makers. |

Jay Hardy
550 Sycamore Creek Lane
Nipomo, CA 03444
JayRayHardy@SBDGlobal.net

August 22, 2013

Brian Pedrotti
County Planning Department
976 Osos Street, Rm 300
San Luis Obispo, CA 93408-2040

Dear Mr. Pedrotti,

Below are my comments regarding the Recirculated and Revised Draft Environmental Impact Report for the proposed Laetitia housing development in Nipomo. JH(b)-1

JH(b)-2

1. **INCREASED TRAFFIC** - The number of vehicle trips to the housing project are estimated to be about **1,000 per day**. The access to the houses will be from Thompson, to Sheehy, to Dana Foothill, to Upper Los Berros Road. Our small country roads are simply not designed, nor are they capable of, handling this heavy traffic. This overuse of our narrow curving roads will present many **dangerous safety issues**, putting all the residents of our community at risk.

JH(b)-3

2. **UNRELIABILITY OF FRACTURED SHALE** - All of the water needed for the Laetitia project would be provided from wells located on the property. Well water in the Nipomo Hills comes from the fractured shale rock formations, *not* a sandy aquifer as is found on the Nipomo Mesa. Fractured shale is noted for being a very **unpredictable and unreliable source** of water. Many wells in the Nipomo Hills have suddenly gone dry. Laetitia cannot adequately guarantee that it has a reliable water source, nor can it guarantee that it will not dry up the surrounding wells of its neighbors. The Central Coast is listed by NOAA as currently being in a "severe drought." Laetitia will only aggravate this dire situation. JH(b)-3 (cont'd)

JH(b)-4

3. **WELLS GOING DRY** – There have already been documented cases of numerous wells surrounding Laetitia that have either gone dry or had to be dug deeper due to reduced output. This is typical of wells located above fractured shale.

JH(b)-5

4. **WHO WILL ENFORCE?** - The new DEIR offers several "solutions" to mitigating the water problem, like restricting the residents from planting lawns over a certain size and engineered water saving devices. That may be fine, but who will enforce these regulations? The developer (Laetitia) will be absolved of any and all responsibility once the lots are sold. Laetitia has not provided any answers on what agency will effectively be policing these water conservation methods by the new residents. Laetitia proposes to enforce thru CC&R's, the Homeowners' Association and/or Mutual Water Company. **None of these vested interests are interested in protecting our rights.** How will the County institute a long term water usage monitoring program for these Laetitia residents? Is there an agency in place to do this?

JH(b)-6

5. **BIOLOGICAL DAMAGE** - Due to Laetitia's increased pumping of ground water for its vineyards, Los Berros Creek has all but dried up. This winter (2012-13) the creek did not flow at all next to the Laetitia property, even though there was flow in the creek upstream of Laetitia. Los Berros creek was once teeming with wildlife, including distressed species such as steelhead trout, southwestern pond turtles, coast range newt, and red legged frogs. Laetitia has now rendered it a dry wasteland in comparison. The Santa Lucia chapter of the Sierra Club in its letter has stated, *"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"* Laetitia, by it reckless and insensitive disregard for our ecosystem, has historically proven themselves to be of great danger to our environment in Nipomo. The Department of Fish and Game has stated in their 2009 letter that "*The Department* ***strongly discourages approving projects*** *which would reduce Los Berros Creek surface flows*." This proposed project is just one more way in which they intend to do more damage to biological diversity of this beautiful riparian watershed.

JH(b)-6 (cont'd)

JH(b)-7

JH(b)-8

JH(b)-9

6. **NEW DUDE RANCH** - The new DEIR mentions the building of a seven acre Dude Ranch that will require at least 13 acre feet of water per year. However, no details are provided. Is this Laetitia's sly way of slipping in the Dude Ranch without having to go through the required CEQA environmental approval process?

JH(b)-10

7. **LACK OF RETENTION** - Laetitia has not proposed any retention basin to capture water runoff; another example of their reckless disregard for our environment.

JH(b)-11

8. **TESTING IN A WET YEAR** - Most of the well testing performed by the hydrogeology consulting companies was done during a relatively wet winter (2011). In fact the rainfall was **138% above the average** (Geosyntec report Oct., 2011). It is presumed that their studies would have been substantially different had they been done in dryer years that are the norm in Nipomo.

JH(b)-12

9. **LACK OF RESPONSIBILITY** - The plan calls for Laetitia divesting itself of liability once the lots are sold. **Liability would then be transferred to the homeowners' association.** This means that Laetitia can do as much damage as they like to the environment (including ground water depletion) and the residents, as owners of the HOA, will be left holding the bag. Laetitia must be required to maintain ownership and responsibility for the project for at least 20 years, if not in perpetuity as recommended by the WRAC.

JH(b)-12 (cont'd)

JH(b)-13

10. **FAILURE OF SMALL WATER DISTRICTS** - The Laetitia development project calls for the creation of a small water district and wastewater disposal system. These small water companies have posed many problems in the past for the County and often times require a bail-out or merger with a larger system (as with Cypress Ridge). **Small water companies do not have the knowledge and expertise that it takes to run a successful water operation.** Let's not repeat past mistakes!

JH(b)-14

11. **CLASS ONE IMPACT** - The consumption of water should be a Class 1 Impact, which means that it cannot be mitigated if this project should come to fruition. The original EIR listed water consumption as a Class 1, but the new Recirculated DEIR of 2013 does not. The attorney, Peter Candy, who is an expert on land and water use matters concluded in his letter to

JH(b)-14 (cont'd)

the County that "*It is our legal opinion that the RDEIR is presently inadequate, lacks the required transparency, and cannot be used to support a finding that water supply impacts of the proposed project are Class II.*" Is Laetitia attempting to fool us into thinking that water is not an important issue anymore? If water usage is a Class I impact, which it should be, has the County prepared a "statement of overriding considerations." Exactly what would be the justification be for destroying our water supply?

JH(b)-15

12. **MANY APPOVED LOTS** - There are already many vacant lots in the immediate area to the south of Laetitia. These lots have already been approved for building. For example; there are about 20 unimproved lots in the Rancho Nipomo tract, 10 lots within the Fitz-Gerald Ranch, 3 lots in the Wittsrom minor ag cluster, and about 3 lots on Rim Rock Road. All of these approved lots, when homes are built, will be obtaining their water from the same fractured shale that Laetitia is proposing for their water source. Additionally, most of these lots are approved for two home sites. There will simply **not be enough water to go around for everyone** as additional houses are built in this area on approved lots.

JH(b)-16

13. **THE WELL SHELL GAME** - Laetitia's new DEIR claims to solve the problem of depleting the water in Los Berros Creek by not using wells number 12 and 13 for the housing project, due to their close proximity to the creek. **However, these two wells would still be used for the irrigation of the vineyard**, which will be increased by 27 acres according to the plan. Laetitia's water "shell game" is making a mockery of the CEQA process!

JH(b)-17

14. **AFFORDABLE HOUSING?** - The proposed 102 one acre lots will be turned into million dollar estates. Is this needed in Nipomo? Isn't affordable housing for the working class more important to SLO County at this time?

JH(b)-18

15. **WASTING OUR TIME AND MONEY** - The first Laetitia DEIR was presented to the County in 2008. It was not acceptable then, and it is still not acceptable now. **Why is the County allowing this to go on for five years,** while wasting the time and resources of the planning department and ultimately wasting taxpayer dollars?

JH(b)-19

16. **CAUTION FROM THE EXPERTS** – The developer hired and paid CCH (Cleath Harris Consultants) to do the initial

JH(b)-19 (cont'd)

hydrogeological study for Laetitia. Because of our concerns to the initial DEIR 3 peer reviews have been performed of CCH's work, all of which differed significantly with many of CCH's conclusions. The hydrogeology company Geosyntec states in their October 2011 letter, "*This indicates that the long term capacities of the fractured bedrock aquifers to transmit groundwater are* ***lower than previously estimated*** *and sustainable production potential of the Project Site wells based on the short term tests were* ***unrealistically high****. Initial yields from wells in fractured bedrock aquifers often are not representative of longer term yields, which are typically lower.*"

JH(b)-20

17. **WATER STORAGE IN SHALE?** - Cleath and Associates (the hydrogeology company hired by Laetitia) proposes to utilize water in storage within the fractured shale as a component of "safe yield". Two of the peer reviews indicate that this is a **violation of CEQA and should not be allowed**. Fractured shale does not typically "store water." The Fugro hydrogeology report states that *"It should be noted also that the annual recharge estimates provided by Cleath are* ***misleading*** *in that they imply a component of available aquifer storage as recharge during a critical drought. The volume of* ***groundwater in storage is very***

JH(b)-21

JH(b)-21 (cont'd)

***small*** *given the limited extent of available the bedrock aquifers and that the amount cannot be used as a component of sustainable supply"*

JH(b)-22

18. **REAL WORLD STUDY?** Laetitia claims that their housing tract will use 46.3 acre feet of water per year. Has the County conducted a study to see how much water a typical home on a one acre lot in SLO County uses? Will the County simply trust Laetitia's estimate without question

JH(b)-23

19. **CAN YOU TRUST THE NUMBERS?** - As the protests against this project mount, Laetitia continually reduces the estimated amount of the water that the housing project will use.
    a. 143 acre feet/yr (Cleath and Morro report, 2008)
    b. 73.7 acre feet/yr (Cleath, Nov. 2008)
    c. 46.3 acre feet/yr (Cleath, 2010)

    **Is the County so gullible that they will believe *any* of these numbers?**

JH(b)-24

The hydrogeologist, Paul Sorenson of Fugro West, Inc. after thoroughly studying the Laetitia-Cleath report, stated in his letter to the County that "A worst case total project water demand estimate on the order of **168.6 acre ft/yr to 175.3 acre ft/yr is considered reasonable**."

JH(b)-24 (cont'd)

Laetitia now claims that each one acre lot will use 0.44 acre ft/yr of water. The WRAC brings up the point that The Woodlands and Varian Ranch were estimated to use 1.50 acre ft/yr per residence. Laetitia's numbers are maybe more appropriate for an apartment?

JH(b)-25

20. **DRY WELLS DOWNSTREAM -** Los Berros Creek is critical to charging the aquifer which supplies Oceano (within the Northern Cities Management Area) with its water. **The County is responsible for ensuring the reliability of this water source.** Already, the wells close to Los Berros Creek that Falcon Ridge (El Campo area) once used are not adequate, and other sources had to be implemented.

Sincerely,

Jay Hardy

Jay Hardy

## Responses to Jay Hardy's Comments

| Comment No. | Comment |
|---|---|
| JH(B)-1 | Please refer to response to comment references below. |
| JH(B)-2 | Please refer to response to comment BH-4 regarding traffic. |
| JH(B)-3 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, H&B-8, and BH-5 regarding fractured shale. |
| JH(B)-4 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, H&B-8, and BH-5. |
| JH(B)-5 | Please refer to response to comment BH-7 regarding mitigation enforcement. Limitations on overall project water use identified in mitigation measure WAT/mm-1 will be enforced through interior and outdoor meters on each residential lot, and through monitoring of domestic production wells and submittal of monitoring reports to the County. The mutual water company and homeowners association would submit the reports to the County, and would be responsible for any remediation actions. |
| JH(B)-6 | Please refer to response to comment BH-8 regarding biological resources. |
| JH(B)-7 | Please refer to response to comment letter SCSLC (Sierra Club, Santa Lucia Chapter). |
| JH(B)-8 | Please refer to response to comment letter CDFG (California Department of Fish and Game) and response to comment BH-9. |
| JH(B)-9 | Please refer to EIR Chapter III.D.11.a (Project Description, Project Components, Future Development Proposal, Dude Ranch). The applicant has not submitted an application for the dude ranch, and is not requesting approval at this time. The EIR addresses the Dude Ranch based on limited information provided by the applicant, and subsequent CEQA review would be required if the dude ranch is pursued for development. |
| JH(B)-10 | Please refer to response to comment CSLRCD-2. 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 to ensure runoff does not exceed the estimated pre-development rate (refer to mitigation measures WAT/mm-9). |
| JH(B)-11 | Please refer to responses to comments H&B-23 and WRAC(b)-13, WRAC(b)-14, and NCMATG-2 regarding consideration of rainfall occurring during the testing program. |
| JH(B)-12 | Mitigation measures are bound to the project, including all requirements regarding well yields and individual lot water use. The concerns regarding liability will be considered by the County decision makers. |
| JH(B)-13 | The commenter's concern regarding small water districts will be considered by the County decision makers. |
| JH(B)-14 | A Class I impact was identified in the 2008 Draft EIR. As a result, the applicant modified the project and extensive testing, peer reviews, and studies were conducted to analyze the project's effect on water resources, and water remains an important issue. This information is fully disclosed in the EIR; additional technical information is provided in the EIR Appendix and County file. The County decision makers adopt findings upon approval of a project, which will only occur after consideration of all the information in the record, including public comment and the public hearing. The draft findings will be available in the County staff report. |
| JH(B)-15 | Please refer to response to comment VCG-6. |
| JH(B)-16 | The County does not currently restrict use of agricultural wells in this area. The commenter's concern will be considered by the County decision makers. |
| JH(B)-17 | The commenter's concern regarding affordable housing will be considered by the County decision makers. |

| Comment No. | Comment |
|---|---|
| JH(B)-18 | The commenter's concern will be considered by the County decision makers. |
| JH(B)-19 | Please note the analysis in the EIR incorporates the results of substantial peer review of documentation and water testing data (refer to Final EIR Appendix H, Geosyntec [2011]). Based on the peer review and analysis, the yield calculation is less than what was recommended by Cleath & Associates, and further restriction on use of wells demonstrating connection to Los Berros Creek is recommended. The conclusions and findings are based on the results of the peer review, and the disagreement among experts is noted by the County. |
| JH(B)-20 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, and H&B-8 regarding fractured shale and determination of safe yield. As documented in the EIR, the County's hydrogeological consultant (Geosyntec) conducted a peer review and the information presented in the EIR reflect this third party review, including determination of sustainable yield estimates which differ from, and are less than, the determination by the applicant's consultant (CHG). |
| JH(B)-21 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, and H&B-8 regarding fractured shale and determination of safe yield. |
| JH(B)-22 | Please refer to responses to comments H&B-19 and H&B-20 regarding determination of water demand. The EIR documents how the substantial reduction in outdoor landscaping significantly reduces estimated water demand. |
| JH(B)-23 | Please refer to responses to comments H&B-19, and H&B-20 regarding determination of demand. |
| JH(B)-24 | Please refer to response to comments H&B-19, and H&B-20. The estimate by Fugro does not include changes to the project (refer to Chapter III Project Description and Section V.P. Water Resources). |
| JH(B)-25 | Please refer to responses to comment letters from the Oceano Community Services District (OCSD), Water Resources Advisory Committee (WRAC), and Northern Cities Management Area Technical Group (NCMATG). The proposed project would not result in a direct or cumulatively considerable reduction in available water supply in the noted basins and management areas. |

From Ms. Laurie L. Laughlin
Mr. Charles A. Andree
1012 Upper Los Berros Rd.
Nipomo, Calif. 93444

August 22, 2013

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

August 22, 2013

Mr. Pedrotti;

By all means please stop wasting yours, the counties, everyones time with this said development proposed by Latittia winery and its developers. **LLCA-1**

Simply stating, There is not enough Water to do this 100+ homes and the said Dude Ranch proposed and yet another 27+ acres of vineyards. I urge you to end this today. Along with the increased traffic, the building of sewer system and all that goes with it. It all uses to much water that is not available. Family wells are going dry. Even Latittia's 14 wells are not preforming efficiently. **LLCA-2**

Please do the right thing to protect all the existing residents in this area and put an end to this madness. It will never bring enough revenue to the county to make this worth while. **LLCA-3**

Sincerely

Laurie L. Laughlin

Charles A. Andree

RECEIVED
AUG 23 2013
SLO CO PLAN & BLDG DEPT

## Responses to Laurie Laughlin and Charles Andree's Comments

| Comment No. | Comment |
|---|---|
| LLCA-1 | The commenter's statement will be considered by the County decision makers. |
| LLCA-2 | Please refer to Final EIR Section V.N. Transportation and Circulation and V.P. Water Resources, which present impact analysis of respective issues. |
| LLCA-3 | The commenter's statement will be considered by the County decision makers. |

August 22, 2013

Brian Pedrotti
County Planning Dept.
976 Osos Street, Rm 300
San Luis Obispo, CA 93408-2040

Re: Laetitia Housing Project

Dear Mr. Pedrotti,

I do not envy your position, within the County Planning Department, when it comes to deciding growth and development management issues. Seems to me that the complications of balancing the property rights of the individual with the environmental impacts on the rest of us has become so political and divisive that the truth of the matter tends to get lost in the scuffle. **RL-1**

Growing up in the San Fernando Valley in the early 1950's was an enchanting time with the clear blue skies, vast open fields and orange groves. By the time I started visiting the Central Coast during the 1970's the quality of life, meaning things like air, water and traffic had started to deteriorate. By the time my family acquired our Nipomo residence in 1989, I thought the San Fernando Valley couldn't get too much more congested, but of course it has.

Over the years I've had opportunities for possible economic successes by taking advantage of developing the open spaces in our area. I resisted the temptation because of my love for nature.

Being a realist and a creature of comfort, I accept the need for progress and development. I also understand that within the opposition to the Laetitia Housing Project, there are those of us, whom, if the shoe were on the other foot, may have a different opinion on this matter.

Nevertheless, I pray that our area remains an example for future generations, of what true, fair and honest sustainability looks like in our ongoing partnership with nature and the environment.

As I live nearby Laetitia and am a member of the Highland Hills Homeowners Association, we together represent 25 ten acre parcels. More than half of these parcels have homes and all of them are water well dependent. We are all very concerned about loosing access to our affordable water supply, which was primarily responsible for our investing our lives in this area. **RL-2**

No one knows whether or not this current drought will get worse, but in any event, local development should not be allow to increase beyond our collective ability to maintain sufficient waters table levels throughout the severest of conditions, no matter what the new developers may say.

Additionally, since making Nipomo my permanent residence in 1993, I have seen the traffic increase beyond our ability to mange it effectively in various parts of San Luis Obispo County. I am also very concerned about the traffic impact on Sheehy and Dana Foothill from the Laetitia Housing Project. **RL-3**

Please remember that we local homeowners will be living with the dreams of the Laetitia Housing Project developers, long after they are gone. **RL-4**

With that, I fully support the position of the Nipomo Hills Alliance and have attached their, "What's not to like about the Laetitia housing project," for your review. **RL-5**

Sincerely,

Rick London
707 Highland Hills Road
Nipomo, CA 93444

# *What's not to like about the Laetitia housing project? . . . Plenty!*

RL-6

1. **INCREASED TRAFFIC** - The number of vehicle trips to the housing project are estimated to be about **1,000 per day**. The access to the houses will be from Thompson, to Sheehy, to Dana Foothill, to Upper Los Berros Road. Our small country roads are simply not designed, nor are they capable of, handling this heavy traffic. This overuse of our narrow curving roads will present many **dangerous safety issues**, putting all the residents of our community at risk.

RL-7

2. **UNRELIABILITY OF FRACTURED SHALE** - All of the water needed for the Laetitia project would be provided from wells located on the property. Well water in the Nipomo Hills comes from the fractured shale rock formations, *not* a sandy aquifer as is found on the Nipomo Mesa. Fractured shale is noted for being a very **unpredictable and unreliable source** of water. Many wells in the Nipomo Hills have suddenly gone dry. Laetitia cannot adequately guarantee that it has a reliable water source, nor can it guarantee that it will not dry up the surrounding wells of its neighbors. The Central Coast is listed by NOAA as currently being in a "severe drought." Laetitia will only aggravate this dire situation.

RL-7 (cont'd)

RL-8

3. **WELLS GOING DRY** – There have already been documented cases of numerous wells surrounding Laetitia that have either gone dry or had to be dug deeper due to reduced output. This is typical of wells located above fractured shale.

RL-9

4. **WHO WILL ENFORCE?** - The new DEIR offers several "solutions" to mitigating the water problem, like restricting the residents from planting lawns over a certain size and engineered water saving devices. That may be fine, but who will enforce these regulations? The developer (Laetitia) will be absolved of any and all responsibility once the lots are sold. Laetitia has not provided any answers on what agency will effectively be policing these water conservation methods by the new residents. Laetitia proposes to enforce thru CC&R's, the Homeowners' Association and/or Mutual Water Company. **None of**

RL-9 (cont'd)

**these vested interests are interested in protecting our rights.**

RL-10

5. **BIOLOGICAL DAMAGE** - Due to Laetitia's increased pumping of ground water for its vineyards, Los Berros Creek has all but dried up. This winter (2012-13) the creek did not flow at all next to the Laetitia property, even though there was flow in the creek upstream of Laetitia. Los Berros creek was once teeming with wildlife, including distressed species such as steelhead trout, southwestern pond turtles, coast range newt, and red legged frogs. Laetitia has now rendered it a dry wasteland in comparison. The Santa Lucia chapter of the Sierra Club in its letter has stated, *"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"* Laetitia, by it reckless and insensitive disregard for our ecosystem, has historically proven themselves to be of great danger to our environment in Nipomo. The Department of Fish and Game has stated in their 2009 letter that "*The Department* ***strongly discourages approving projects*** *which would reduce Los Berros Creek surface flows*." This proposed

RL-11

RL-11 (cont'd)

project is just one more way in which they intend to do more damage to biological diversity of this beautiful riparian watershed.

RL-12

6. **NEW DUDE RANCH** - The new DEIR mentions the building of a seven acre Dude Ranch that will require at least 13 acre feet of water per year. However, no details are provided. Is this Laetitia's sly way of slipping in the Dude Ranch without having to go through the required CEQA environmental approval process?

RL-13

7. **LACK OF RETENTION** - Laetitia has not proposed any retention basin to capture water runoff; another example of their reckless disregard for our environment.

RL-14

8. **TESTING IN A WET YEAR** - Most of the well testing performed by the hydrogeology consulting companies was done during a relatively wet winter (2011). In fact the rainfall was **138% above the average** (Geosyntec report Oct., 2011). It is presumed that their studies would have been substantially different had they been done in dryer years that are the norm in Nipomo.

RL-15

9. **LACK OF RESPONSIBILITY -** The plan calls for Laetitia divesting itself of liability once the lots are sold. **Liability would then be transferred to the homeowners' association.** This means that Laetitia can do as much damage as they like to the environment (including ground water depletion) and the residents, as owners of the HOA, will be left holding the bag. Laetitia must be required to maintain ownership and responsibility for the project for at least 20 years, if not in perpetuity as recommended by the WRAC.

RL-16

10. **FAILURE OF SMALL WATER DISTRICTS** - The Laetitia development project calls for the creation of a small water district and wastewater disposal system. These small water companies have posed many problems in the past for the County and often times require a bail-out or merger with a larger system (as with Cypress Ridge). **Small water companies do not have the knowledge and expertise that it takes to run a successful water operation.** Let's not repeat past mistakes!

RL-17

11. **CLASS ONE IMPACT** - The consumption of water should be a Class 1 Impact, which means that it cannot be mitigated if this project should come to fruition. The original EIR listed water consumption as a Class 1, but the new Recirculated DEIR of 2013 does not. An attorney who is an expert on land and water use matters concluded in his letter to the County that "*It is our legal opinion that the RDEIR is presently inadequate, lacks the required transparency, and cannot be used to support a finding that water supply impacts of the proposed project are Class II.*" Is Laetitia attempting to fool us into thinking that water is not an important issue anymore?

RL-17 (cont'd)

12. **MANY APPOVED LOTS** - There are already many vacant lots in the immediate area to the south of Laetitia. These lots have already been approved for building. For example; there are about 20 unimproved lots in the Rancho Nipomo tract, 10 lots within the Fitz-Gerald Ranch, 3 lots in the Wittsrom minor ag cluster, and about 3 lots on Rim Rock Road. All of these approved lots, when homes are built, will be obtaining their water from the same fractured shale that Laetitia is proposing for their water source. Additionally, most of these lots are approved for two home sites. There will simply **not be enough water to go around for everyone** as additional houses are built in this area on approved lots.

RL-18

RL-19

13. **THE WELL SHELL GAME -** Laetitia's new DEIR claims to solve the problem of depleting the water in Los Berros Creek by not using wells number 12 and 13 for the housing project, due to their close proximity to the creek. **However, these two wells would still be used for the irrigation of the vineyard**, which will be increased by 27 acres according to the plan. Laetitia's water "shell game" is making a mockery of the CEQA process!

RL-20

14. **AFFORDABLE HOUSING? -** The proposed 102 one acre lots will be turned into million dollar estates. Is this needed in Nipomo? Isn't affordable housing for the working class more important to SLO County at this time?

RL-21

15. **WASTING OUR TIME AND MONEY** - The first Laetitia DEIR was presented to the County in 2008. It was not acceptable then, and it is still not acceptable now. **Why is the County allowing this to go on for five years,** while wasting the time and resources of the planning department and ultimately wasting taxpayer dollars?

RL-22

16. **CAUTION FROM THE EXPERTS** – The developer hired and paid CCH (Cleath Harris Consultants) to do the initial hydrogeological study for Laetitia. Because of our concerns to the initial DEIR 3 peer reviews have been performed of CCH's work, all of which differed significantly with many of CCH's conclusions. The hydrogeology company Geosyntec states in their October 2011 letter, "*This indicates that the long term capacities of the fractured bedrock aquifers to transmit groundwater are* ***lower than previously estimated*** *and sustainable production potential of the Project Site wells based on the short term tests were* ***unrealistically high****. Initial yields from wells in fractured bedrock aquifers often are not representative of longer term yields, which are typically lower.*"

RL-22 (cont'd)

17. **WATER STORAGE IN SHALE?** - Cleath and Associates (the hydrogeology company hired by Laetitia) proposes to utilize water in storage within the fractured shale as a component of "safe yield". Two of the peer reviews indicate that this is a **violation of CEQA and should not be allowed**. Fractured shale does not typically "store water." The Fugro hydrogeology report states that *"It should be noted also that the annual recharge estimates provided by Cleath are* ***misleading*** *in that they imply a component of available aquifer storage as recharge during a critical drought. The volume of* ***groundwater in storage is very***

RL-23

RL-23 (cont'd)

***small** given the limited extent of available the bedrock aquifers and that the amount cannot be used as a component of sustainable supply"*

RL-24

18. **CAN YOU TRUST THE NUMBERS?** - As the protests against this project mount, Laetitia continually reduces the estimated amount of the water that the housing project will use.
    a. 143 acre feet/yr (Cleath and Morro report, 2008)
    b. 73.7 acre feet/yr (Cleath, Nov. 2008)
    c. 46.3 acre feet/yr (Cleath, 2010)

    **Is the County so gullible that they will believe *any* of these numbers?**

RL-25

The hydrogeologist, Paul Sorenson of Fugro West, Inc. after thoroughly studying the Laetitia-Cleath report, stated in his letter to the County that "A worst case total project water demand estimate on the order of **168.6 acre ft/yr to 175.3 acre ft/yr is considered reasonable**."

RL-26

Laetitia now claims that each one acre lot will use 0.44 acre ft/yr of water. The WRAC brings up the point that The Woodlands and Varian Ranch were estimated to use 1.50 acre ft/yr per residence. Laetitia's numbers are maybe more appropriate for an apartment?

RL-27

19. **DRY WELLS DOWNSTREAM** - Los Berros Creek is critical to charging the aquifer which supplies Oceano (within the Northern Cities Management Area) with its water. **The County is responsible for ensuring the reliability of this water source.** Already, the wells close to Los Berros Creek that Falcon Ridge (El Campo area) once used are not adequate, and other sources had to be implemented.

RL-28

*Prepared by the Nipomo Hills Alliance*

*www.StopLaetitia.com*

*July, 2013*

**Note:** The deadline for comments to be submitted to the County is August 25, 2013.

Mail your letters to:

Brian Pedrotti
County Planning Dept.
976 Osos Street, Rm 300
San Luis Obispo, CA 93408-2040

## Responses to Rick London's Comments

| Comment No. | Comment |
|---|---|
| RL-1 | The commenter's statements and concerns will be considered by the County decision makers. |
| RL-2 | Please refer to Final EIR Section V.P. Water Resources, which presents an analysis of the project's effect on water supply. |
| RL-3 | Please refer to Final EIR Section V.N. Transportation and Circulation, which presents an analysis of potential traffic impacts. |
| RL-4 | The commenter's statement will be considered by the County decision makers. |
| RL-5 | Please refer to references to responses to the attached document. |
| RL-6 | Please refer to response to comment BH-4 regarding traffic. |
| RL-7 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, H&B-8, and BH-5 regarding fractured shale. |
| RL-8 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, H&B-8, and BH-5. |
| RL-9 | Please refer to response to comment BH-7 regarding mitigation enforcement. Limitations on overall project water use identified in mitigation measure WAT/mm-1 will be enforced through interior and outdoor meters on each residential lot, and through monitoring of domestic production wells and submittal of monitoring reports to the County. The mutual water company and homeowners association would submit the reports to the County, and would be responsible for any remediation actions. |
| RL-10 | Please refer to WRAC(b)-15 through WRAC(b)-17 regarding historical conditions. As documented in EIR Section V.P. Water Resources, where long-term well testing data showed that use of proposed domestic wells (wells 11, 12, and 13) would significantly effect baseflow in Los Berros Creek, project changes proposed by the applicant and mitigation measures (WAT/mm-1) were identified to avoid significant, unavoidable, adverse impacts on aquatic species as a result of project implementation. Please refer to response to comment letter SCSLC (Sierra Club, Santa Lucia Chapter). |
| RL-11 | Please refer to response to comment letter CDFG (California Department of Fish and Game). Please note that mitigation is identified (WAT/mm-1), which includes a well pumping schedule and yield limitations to maintain baseflow in Los Berros Creek; in addition stream flow monitoring is required (WAT/mm-7). As noted by the commenter, there will be times of drought when there is no surface base flow in the creek (with or without the project). |
| RL-12 | Please refer to EIR Chapter III.D.11.a (Project Description, Project Components, Future Development Proposal, Dude Ranch). The applicant has not submitted an application for the dude ranch, and is not requesting approval at this time. The EIR addresses the Dude Ranch based on limited information provided by the applicant, and subsequent CEQA review would be required if the dude ranch is pursued for development. |
| RL-13 | Please refer to response to comment CSLRCD-2. 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 to ensure runoff does not exceed the estimated pre-development rate (refer to mitigation measures WAT/mm-9). |
| RL-14 | Please refer to responses to comments H&B-23 and WRAC(b)-13, WRAC(b)-14, and NCMATG-2 regarding consideration of rainfall occurring during the testing program. |
| RL-15 | Mitigation measures are bound to the project, including all requirements regarding well yields and individual lot water use. The concerns regarding liability will be considered by the County decision makers. |
| RL-16 | The commenter's concern regarding small water districts will be considered by the County decision |

| Comment No. | Comment |
|---|---|
| | makers. |
| RL-17 | A Class I impact was identified in the 2008 Draft EIR. As a result, the applicant modified the project and extensive testing, peer reviews, and studies were conducted to analyze the project's effect on water resources, and water remains an important issue. This information is fully disclosed in the EIR; additional technical information is provided in the EIR Appendix and County file. The County decision makers adopt findings upon approval of a project, which will only occur after consideration of all the information in the record, including public comment and the public hearing. The draft findings will be available in the County staff report. |
| RL-18 | Please refer to response to comment VCG-6. |
| RL-19 | The County does not currently restrict use of agricultural wells in this area. The commenter's concern will be considered by the County decision makers. |
| RL-20 | The commenter's concern regarding affordable housing will be considered by the County decision makers. |
| RL-21 | The commenter's concern will be considered by the County decision makers. |
| RL-22 | Please note the analysis in the EIR incorporates the results of substantial peer review of documentation and water testing data (refer to Final EIR Appendix H, Geosyntec [2011]). Based on the peer review and analysis, the yield calculation is less than what was recommended by Cleath & Associates, and further restriction on use of wells demonstrating connection to Los Berros Creek is recommended. The conclusions and findings are based on the results of the peer review, and the disagreement among experts is noted by the County. |
| RL-23 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, and H&B-8 regarding fractured shale and determination of safe yield. As documented in the EIR, the County's hydrogeological consultant (Geosyntec) conducted a peer review and the information presented in the EIR reflect this third party review, including determination of sustainable yield estimates which differ from, and are less than, the determination by the applicant's consultant (CHG). |
| RL-24 | Please refer to responses to comments H&B-19 and H&B-20 regarding determination of water demand. The EIR documents how the substantial reduction in outdoor landscaping significantly reduces estimated water demand. |
| RL-25 | Please refer to response to comments RL-24, H&B-19, and H&B-20. The estimate by Fugro does not include changes to the project (refer to Chapter III Project Description and Section V.P. Water Resources). |
| RL-26 | Please refer to response to comment RL-24 above. |
| RL-27 | Please refer to responses to comment letters from the Oceano Community Services District (OCSD), Water Resources Advisory Committee (WRAC), and Northern Cities Management Area Technical Group (NCMATG). The proposed project would not result in a direct or cumulatively considerable reduction in available water supply in the noted basins and management areas. |
| RL-28 | Comment consists of informational notice. |

**Ronald & Carol Lyons**
1550 Tiffany Ranch Road
Arroyo Grande, CA 93420
805-783-1550

August 22, 2013

Brian Pedrotti
County Planning and Building Department
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Dear Mr. Pedrotti,

As a property owner in the Upper Los Berros area since 1996, I continue to be very concerned about the Laetitia development proposal. Based on what I have seen and my knowledge of that general area, I feel the Revised Recirculated Draft Environmental Impact Report does not adequately address the most critical issues and that it is flawed and should be rejected. **RCL-1**

These issues include, but are not limited to:

1. Water - To put it plain and simple, there is not enough water in the area for this development. Many wells in the area are already in overdraft. The available water is limited and the supply of water is fast becoming inadequate to the needs of current residents and property owners. While the situation may not be as bad as the current status of the Paso Robles basin, it may not be far behind. It seems to me it would be better to take responsible proactive measures now rather than having to correct errors from the past at a later date. One of those measures would be to deny or at least severely restrict development in the area until such time as adequate water supplies become available, if that even ever happens. **RCL-2**

2. The continued degradation of Los Berros Creek - I have seen first-hand the reduction in the water flow in this creek, caused to a large extent by the Laetitia vineyard operation. In the past this was a year-round creek that provided water to not only human water users, but also to wildlife in the area. In fact, this creek used to support a population of steelhead trout. Sadly this creek can no longer support much of anything. Significant biological damage has already been done, and approval of the Laetitia development as proposed will almost certainly be responsible for the irreparable demise of this creek for all practical purposes. What has happened to this creek is nothing short of a disaster. **RCL-3**

3. Increased traffic - In addition to an inadequate water supply and the environmental damage in the area, I am also very concerned about the impact of increased traffic that would result from this development. Not only would the significant increase in traffic have a huge negative impact on the overall quality of life in the area, the existing roads are simply not adequate. Not only are all the issues related to the increased traffic a negative impact, the county already is unable to adequately and properly maintain its roads in general. No amount of mitigation on the part of the developer can properly and fairly address this concern **RCL-4**

This proposed project is wrong for the environment of the area, wrong for the taxpayers of the County, and wrong for the residents and other property owners in the area. I respectfully request that the entire project be denied, at least until such time as it can be proven that there is adequate water for the entire area, including sufficiently restoring Los Berros Creek to a viable stream once again, and the County has the means to make needed improvements to the roads, and further, can properly maintain the roads into the foreseeable future. **RCL-5**

Thank you for considering my concerns.

Sincerely,

Ronald S. Lyons

Ronald S. Lyons

## Responses to Ronald and Carol Lyons's Comments

| Comment No. | Comment |
|---|---|
| RCL-1 | Please refer to responses to specific comments below. |
| RCL-2 | Please refer responses to comments BH-5, WRAC(b)-31, H&B-4, H&B-5, H&B-6, and H&B-8 regarding water resources. |
| RCL-3 | Please refer to responses to comments BH-8 and BH-9 regarding Los Berros Creek and biological resources. |
| RCL-4 | Please refer to response to comment BH-4 regarding increased traffic. |
| RCL-5 | The commenter's concerns will be considered by the County decision makers. |

**Brian Pedrotti**
County Planning Dept.
976 Osos Street, Rm 300
San Luis Obispo, California 93408

**August 22, 2013**

Dear Sirs,

As a residents of the Nipomo Foothills my wife and I would like to take this moment to voice our strong objection to the proposed Laetitia Housing Development in any form. We have been lifelong Arroyo Grande residents and only just moved into this beautiful area of the county this last year. We moved for the peace and tranquility and had actually thought that this issue had finally been settled. We are dismayed that Mr. Zilka has continued to push his development despite overwhelming data that the project will be harmful to the area in so many respects. **KVN-1**

**Traffic**. My wife can currently walk our two dogs down Dana Foothill in the mornings, chat with neighbors, and soak in the beauty. I can send my teenager down the road to the mailbox without worries of being struck by a car. If the proposed development goes through, the added traffic of an estimated 1,000 extra car trips will destroy this forever. Furthermore, allowing further expansion to include a dude ranch would only further harm our rural environment. I would propose that Laetitia be required to fund and on ramp at 101 entrance to their own facility. This is already a very dangerous section of the freeway with cars forced to cross oncoming traffic coming from the south. **KVN-2**

**Water**. As residents of the foothills, we are keenly aware of the fragile state of our water resources. We have no aquafer, our wells lie over a very unpredictable fractured shale source. We have seen the wells being dug and have heard that they are deeper and more expensive to draw water. As responsible residents we have taken out much of the existing landscape from our home and are ever vigilant of keeping our water usage to the absolute minimum. One only has to look to our neighbors in Paso Robles to see the long term implications of poor planning playing out. Many residents are losing their wells, being forced into debt replacing them, or worse having to give up their homes. **KVN-3**

We find it hard to believe that one can objectively look at the available data (WRAC subcommittee report, Geosyntec 2011) and not recognize that placing further stress on our water system would lead to a similar situation. It appears that many of the positive studies occurred during particularly wet year. One can only imagine the outcome of studies had they been conducted during a drought year like 2012-13. **KVN-4**

We understand that the project has been scaled back to 102 homes/ parcels, but now includes 27 more acres of thirsty wine grapes. Will the grape planting stop there? We are curious how earlier estimates of water usage could be so dramatically altered from the inception of this **KVN-5**

project (146 acre feet/household) to its current state (46 acre feet/household). Where did the 100 acre feet of water usage go? Are the residents going to be policed on their water usage to keep it to this new low standard? This isn't the low cost housing that San Luis County needs. Can we honestly believe that the new residents of these million dollar homes aren't going to want to landscape their lots, put in a pool, maybe even their own grapes? Let's get real. We're not talking about a few new homes. Allowing this project to go forward and jeopardizing our water and our homes is careless and shows blatant disregard for the lives of the existing residents of the Nipomo foothills. What will the value of our home be if we have to have water trucked in or we can't afford to have a new well dug? We can only imagine that any tax revenue gained in the short term would surely be lost in the long term as homes depreciate and residents flee the area. We believe that the County is responsible for ensuring the reliability of this water source. Please look at the data objectively and we're sure that you will agree that the available water is not sufficient to support such a development.

KVN-5 (cont'd)
KVN-6
KVN-7
KVN-8

**Environment**. While the proposed sewage treatment plant will not directly affect our property, we empathize with the many people who worked hard to build their home on, now to have them overlook a sewage treatment facility. While we may not have to live with the visual impact of such a facility, the prevailing onshore winds will surely remind us of what is over the ridge. The potential impact of further development to the Los Berros Creek is already evident. The damage from current development is evident. The creek didn't even flow to Laetitia. It is obvious that any further development will only worsen this situation. The Department of Fish and Game and the Sierra Club, both object to projects that would further reduce the flow of the Los Berros Creek.

KVN-9
KVN-10

We respectfully ask that you will do your civic bound duty and put this folly to an end. Please examine the data objectively. We are sure that if you do so, you will come to the same conclusion, we simply can't afford to make a mistake and allow the Laetitia Development to proceed.

KVN-11

Thank you for you time and consideration,

Kelly and Vicky Newlander
671 Riata Lane
Nipomo, California 93444

## Responses to Kelly and Vicky Newlander's Comments

| Comment No. | Comment |
|---|---|
| KVN-1 | The commenter's concerns and statements will be considered by the County decision makers. |
| KVN-2 | Please refer to response to comment BH-4 regarding traffic. Regarding the Laetitia Vineyard Drive/Highway 101 intersection, please refer to Final EIR Section V.N. Transportation and Circulation, 6. Project-specific Impacts and Mitigation Measures, b. Intersection and Roadway Impacts, 2(a) Highway 101/Laetitia Vineyard Drive Intersection. As noted: "The minor street approach to the Highway 101/Laetitia Vineyard Drive intersection is anticipated to operate at LOS F with and without the project during the a.m. and p.m. peak hours. The project would increase delay (but not traffic) to the minor street approach, assuming Laetitia Vineyard Drive is not used by the proposed project for non-emergency ingress or egress. This intersection does not meet peak hour signal warrants. Caltrans staff has indicated that this intersection is deficient, and any additional trips using the driveway would worsen the existing deficient condition. Caltrans has also stated that 'no new vehicle trips, either for commercial or residential development, be added or granted access' (James Kilmer, 2006)". For this reason, the project's daily access would not occur via Laetitia Vineyard Drive and Highway 101. The construction of an interchange to solely serve the proposed project was not identified as a viable mitigation measure by Caltrans; however, this option may be considered by the County decision makers, and would require additional analysis. |
| KVN-3 | The commenter's concerns and statements will be considered by the County decision makers. |
| KVN-4 | Please refer to responses to comments WRAC(b)-31, H&B-4, H&B-5, H&B-6, H&B-8, BH-5 and BH-20 regarding water supply. Please refer to responses to comments H&B-23, WRAC(b)-13 and WRAC(b)-14 regarding consideration of rainfall occurring during the testing program. |
| KVN-5 | The proposed residential density (102 residences) has remained the same, in addition to the applicant's proposal to replant 27 acres of vineyards. The County does not currently regulate vineyard plantings in this area of the County, and is not requiring or recognizing the proposal as feasible mitigation for this reason. Please refer to responses to comments H&B-19, and H&B-20 regarding determination of estimated water demand. The EIR documents how the substantial reduction in outdoor landscaping significantly reduces estimated water demand. |
| KVN-6 | Please refer to response to comment H&B-21 regarding long-term enforcement of water use limitations. |
| KVN-7 | As noted in mitigation measure WAT/mm-1, each resident would be restricted to 0.44 afy, and water use would be metered. This measure, in addition to submittal of monitoring reports to the County and CC&Rs, would limit uses that result in an violation of allowed water usage. |
| KVN-8 | The County decision makers will consider the comment's concerns and statements. |
| KVN-9 | Please refer to response to comments DLR-10 and DLR-14 regarding the wastewater treatment facility and odor management. |
| KVN-10 | Please refer to responses to comments BH-8 and BH-9 and comment letters from Sierra Club, Santa Lucia Chapter (SCSLC) and California Department of Fish and Game (CDFG). |
| KVN-11 | The commenter's concerns and statements will be considered by the County decision makers. |

Aug 22, 2013

Patrick & Mary O'Connor
156 Sheehy Rd
Nipomo, Ca 93444

Mr Brian Pedrotti
County Planning & Building Dept
970 Osos St
San Luis Obispo' Ca 93408-2040

Dear Mr Pedrotti,

We are Patrick & Mary O'Connor and live at 156 Sheehy Road, just below the proposed *Laetitia Project.* My wife has lived here all her life and we built our house 21 years ago. In those 21 years we have had one well go dry, dug a 500 ft well without finding water, and most recently (8/6/13) have had to lower the submersible pump to just 7 ft above the well bottom. We are barely limping by and water conservation is a way of life here. **PMO-1**

This correspondence is submitted in opposition to the proposed *Laetitia Agricultural Cluster Development* off Upper Los Berros Road. The Draft Environmental Impact Report (DEIR), Recirculated Draft Environmental Impact Report (RDEIR), and the Revised Recirculated Draft Environmental Impact Report (RRDEIR) all fail to adequately address the sustainability of a consistent water supply necessary to support the proposed development. Why have the reports failed? Because they simply cannot address the water supply as fractured rock aquifers, such as what lies beneath the proposed project, tend to be less predicable and less reliable than aquifers found in sediments The proposed development is relying on fractured rock aquifers exclusively. **PMO-2**

There are a multitude of other issues such as biological concerns and traffic on a small unmarked road, the unsubstantiated water demand estimate from 143AFY in their DEIR being reduced to 46.3AFY in their RRDEIR, and the lack of contingencies for drought years, to name a few. Who is going to monitor the water usage if this proposal is approved? A sustainable water supply does not exist. As such, this proposed project must NOT BE APPROVED! **PMO-3**

Respectfully submitted,

Patrick O'Connor Mary O'Connor

## Responses to Patrick and Mary O'Connor's Comments

| Comment No. | Comment |
|---|---|
| PMO-1 | The commenter's statements will be considered by the County decision makers. |
| PMO-2 | Please refer to responses to comments BH-5, WRAC(b)-31, H&B-4, H&B-5, H&B-6, and H&B-8 regarding concerns related to fractured shale. |
| PMO-3 | Please refer to Final EIR Section V.E. Biological Resources and V.P. Water Resources for a discussion and analysis of these issues. Please refer to responses to comments H&B-19 and H&B-20 regarding determination of water demand. |

Jens Pohl, Ph.D.
650 Highland Hills Road
Nipomo, CA 93444-9708

Phone: 805-481-7023 (Home)
805-541-3750 ext 306 (Bus)
805-550-0268 (Mobile)

Fax: 805-541-1221
E-mail: jpohl@calpoly.edu

Date: 8/22/13

Mr. Brian Pedrotti
San Luis Obispo County Planning Department
976 Osos Street (Room 300)
San Luis Obispo, CA 93408-2040

Dear Mr. Pedrotti:

Re: Laetitia Housing Project

By way of introduction I have been a home owner (20 acre property with a single residence) at 650 Highland Hills Road in Nipomo since 1980. JP-1

The purpose of this letter is to voice my opposition to the proposed Laetitia Housing Project on the basis of inadequate aquifer water resources. Over the past 33 years I have seen the flow rate of our water well, which is shared by four home owners on multi-acre properties, decrease by 50% to an average flow rate of around 20 gal/min. I am therefore greatly concerned that a major residential development of the kind proposed by Laetitia will accelerate the depletion of an aquifer water supply that is barely able to support the normal gradual increases in residential structures that have been occurring on a single residence by residence basis.

In particular I have observed the fairly arbitrary reductions in water consumption estimates that have been provided by Laetitia over the past five years as the opposition to their housing development plans have gathered momentum; - from 143 acre feet per year to 73.7 acre feet and most recently 46.3 acre feet. Experience has shown that such estimates at the time of a major housing development proposal typically underestimate the actual water consumption after the construction of the residences. JP-2

I, like most homeowners, look to the San Luis Obispo County to protect the essential needs of the community. Perhaps the most critical of those essential needs is an adequate water supply for the future survival of our community. Please do not let your constituents down in this very important matter. JP-3

Yours sincerely,

Jens Pohl
Highland Hills Homeowner

## Responses to Jens Pohl, Ph.D.'s Comments

| Comment No. | Comment |
|---|---|
| JP-1 | Please refer to responses to comments BH-5, WRAC(b)-31, H&B-4, H&B-5, H&B-6, and H&B-8 regarding determination of yield and impacts to other wells in the area. |
| JP-2 | Please refer to responses to comments H&B-19 and H&B-20 regarding determination of water demand. |
| JP-3 | The commenter's concerns will be considered by the County decision makers. |

Aug 22, 2013

Murel Toomey
170 Sheehy Rd
P.O. Box 123
Nipomo Ca, 93444

Mr Brian Pedrotti, Project Manager
County Planning & Building Dept
970 Osos St
San Luis Obispo, Ca. 93408-2040

Dear Mr Pedrotti,

I am writing in opposition to the *Laetitia Project*. My main concerns are water and of course traffic. I live in the first house on Sheehy Rd., and currently have trouble getting out my driveway tithe the current traffic. **MT-1**

My main concern is water. I feel even the original estimated water usage is probably a very low estimate, the revised estimates are unrealistic. I feel the actual water usage will be much higher. **MT-2** If this project is approved who is going to monitor water usage? Laetitia has already over pumped and has left Los Berros Creek dry. My property has been in my family since before California was a state, I fished that creek all my life until Laetitia came along. We currently have two dry wells and struggle with water now. What value will our land have without water? This proposal would overtax an already questionable water table. Is this proposal fair to those of us who already live here and have for generations? **MT-3**

Sincerely,

Murel Toomey

## Responses to Murel Toomey's Comments

| Comment No. | Comment |
|---|---|
| MT-1 | Please refer to Final EIR Sections V.P. Water Resources and V.N. Transportation and Circulation regarding these issues. |
| MT-2 | Please refer to responses to comments H&B-19 and H&B-20 regarding determination of water demand. |
| MT-3 | Please refer to response to comment H&B-21 regarding enforcement of mitigation measure WAT/mm-1. The homeowners association and mutual water company would monitor water use, and monitoring reports would be provided to the County. |
| MT-4 | The commenter's concerns and statements will be considered by the County decision makers. |

TO:

8-23-13

Project Manager, SLO Co. Planning Dept.

We live adjacent to the Laetitia Winery on Los Berros Rd, 1 mile from the 101. RO-1

Our well has been dry since June, as have several of our neighbors. We have to buy & have water delivered at $300 a load. This is a great hardship, as we are retired on S.S. After speaking with several neighbors, who also have dry wells, we found out most everyone on lower Los Berros Rd have had water problems since the big expansion a few years ago of the Winery. RO-2

It is ludicrous to think that a proposal for such a huge development would even be considered! They already have a large number of very deep wells, sucking up all the homeowners' water. How deep would we have to drill to compete with them, and no guarantee then of even finding water?!!

How wonderful they want to build a beautiful new "town", RO-3

while we will be living in a dry "ghost town", our property values plummeting, while the rich billionaire makes more money! RO-

Please consider the people who have lived here all their lives instead of tax dollars from foreign-born developers.

Sincerely,

Robert Odom
1548 Los Berros Rd.
Arroyo Grande CA 93420
(805) 440-1259

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## Responses to Robert Odom's Comments

| Comment No. | Comment |
|---|---|
| RO-1 | The commenter's concerns and statements will be considered by the County decision makers. |
| RO-2 | The commenter's concerns and statements will be considered by the County decision makers. |
| RO-3 | The commenter's concerns and statements will be considered by the County decision makers. |

August 23, 2013

Brian Pedrotti
Project Manager
San Luis Obispo County Planning Department
976 Osos St, Room 300
San Luis Obispo, CA 93408

Dear Mr. Pedrotti,

I am writing you regarding the recent Environmental Impact Report for Laetitia's proposed subdivision in the Nipomo Hills. As a resident of Nipomo, I find the current EIR to be extremely distressing and insultingly inaccurate. **NS-1**

First of all, the updated EIR estimate for people getting by on only 52 gallons of water per day is laughable. A recent 2012 study by the U.S.G.S. Water Science School concluded that the average person uses between 80-100 gallons of water a day. For a family of four on a fully landscaped acre, the usage could easily be around 500 gallons per day—regardless of the low flow toilets and showerheads that Nipomo requires. The proposal of additional acreage of grapes being planted, as well as a dude ranch, only furthers the negative impact on our water source. Building 102 luxury homes and ancillary facilities on fully landscaped lots in a place where there are severe water shortages and drought conditions, is nothing short of irresponsible. **NS-2**

I also find the proposed removal of over 300 oaks to be unacceptable, especially since the developer is only offering to replant 50% of those. The coastal oaks are an important part of our local habitat and it would be a true shame if the Nipomo Hills were cleared of their oak and turned into another Mesa. Planting 150 young oak trees is not a proper replacement for 300 oak trees that are decades old. **NS-3**

In addition to damaging our groundwater supplies and reducing our creek flows, I am also concerned about problems from increased traffic, the negative impact on wildlife, air quality, noise, and the increase in demand on public services. **NS-4**

Furthermore, I do not think that the developer's financial contributions to the Willow exit off the 101 give them any right to develop Laetitia. The development of the Willow exit was necessary due to the development of Trilogy and any contributions should be attributed as such. **NS-5**

This letter not only expresses my sentiments, but also the thoughts of my fellow neighbors. I have not met a single Nipomo resident who supports the Laetitia development. It adds further insult to injury that Laetitia is not even owned by a local, but a foreign national who has no interest in the Nipomo community other than making money. **NS-6**

I hope you will really listen to what the residents of Nipomo are saying and stop the Laetitia development from going through. **NS-6 (cont'd)**

Thank you for your time.
Sincerely,

Natalie Sawyer
sm/NS

## Responses to Natalie Sawyer's Comments

| Comment No. | Comment |
|---|---|
| NS-1 | Responses to specific comments are addressed or referenced below. |
| NS-2 | The estimated water demand, including incorporation of strict interior and exterior water conservation measures, would be 0.44 afy per residence, which results in approximately 393 gallons per day. Please note that landscaping restrictions would be limited to 1,500 square feet per lot (Final EIR Section V.P.5.a.1 Water Resources, Project-specific Impacts and Mitigation Measures, Project-wide, Sustainable Water Supply). Please note the County is not requiring the applicant to replant 27 acres of vineyards, and does not currently recognize the proposal as mitigation. The dude ranch is not currently included in the applicant's application, and would require subsequent review if requested for consideration, based on project-specific details. |
| NS-3 | Please note that the County considers the loss of oak trees significant, adverse, and unavoidable (Class I) (refer to BIO Impact 3). |
| NS-4 | Please refer to Final EIR Sections V.P. Water Resources, V.N. Transportation and Circulation, V.E. Biological Resources, V.C. Air Quality, V.I. Noise, and V.L. Public Services and Utilities, which address noted issues. |
| NS-5 | The EIR does not consider completed improvements to the Willow Road interchange applicable mitigation related to the proposed project. |
| NS-6 | The commenter's statements will be considered by the County decision makers. |

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August 23, 2013

Mr. Brian Pedrotti, Project Manager
County Planning & Building Dept.
976 Osos Street, Room
San Luis Obispo, CA 93408-2040

RE: Laetitia Agricultural Cluster Subdivision

Dear Mr. Pedrotti:

Attached are my comments on the Revised Recirculated Draft Environmental Impact Report (RRDEIR). I have also enclosed my November 6, 2008 and June 8, 2012 letters, each with attached comments, for the initial Draft and the Revised Draft EIRs. I request that all of these submittals be reviewed, considered and responded to during the preparation of the Final EIR. RMT-1

As was previously the case, I strongly oppose the development of the Laetitia cluster subdivision. My enclosed two previous provide personal background and general rationale for my position. The detailed comments attached to this and the previous letters provide compressive discussion of concerns and issues that should be considered by County decision makers during formal reviews of the project. However, the bottom line is that any substantial development on the Laetitia property would be significant mistake for many legitimate reasons. This inappropriate development will no doubt haunt future county government officials and south county residents for decades to come. RMT-2

Foremost amongst these major problems are:

- Traffic and access related issues dealing large increase of travel on existing the country road corridor that must be used to support the project – includes fixing bridges, hairpin blind curves, lack of adequate road width and shoulders, increased noise, speeding & reduced safety, inadequate traffic impact documentation (TR forms), etc. And who will pay for the needed road improvements – clearly the applicant should, not the local taxpayers? RMT-3
- Long-term water sustainability and issues that have been discounted by absolute statements without regard to critical stated caveats and cautions. Every source expresses concerns about reduced long-term water availability of water from wells in fractured shale bedrock formations. Both water yield and demand estimates seem to be overly optimistic. Test pumping occurred during years-long period with 138% average rainfall. What happens when droughts occur and water runs out? Consider problems facing the Nipomo Mesa and Paso Robles basin. RMT-4
- Leapfrog development into an rural and agricultural area unsuited for cluster development. Just the opposite of County's "Smart Growth" planning. Accelerates erosion of our rural way of life; promotes citification. RMT-5
- Applicants intend to turn management and responsibility for the developed project over to a HOA – the ranch is one composite property and he must continue to have accountability. HOA usually prove to be ineffective. RMT-6

- Fire protection will be a continuing problem with long response times, dead-end roads, and limited access. Other community support services are also limited. **RMT-7**
- HOA or self-enforcement of many very restrictive landscaping using drought-tolerant plant material. CC&Rs and HOA are ineffective over the long-term; enforcement of restrictions to limit water usage must remain with the County and applicant/vineyard owner prior to and even after build-out of the last phase. **RMT-8**
- Why would the County support this project of very expensive homes on rural lands that are already a drag on the market, when what is needed is affordable housing for the working class population of the area? **RMT-9**

As I've previously stated in the last paragraphs of my two earlier letters, I plead the County will finally acknowledge that this property is unsuited for an agricultural cluster development. It is an isolated island of prime agricultural and grazing land fenced in by HW101 and surrounded by similar properties without the access, the support services, and most importantly the long-term water available to support subdivision development. There are enough major unresolved issues to justify rejection of the RREIR and the project. Thank you for your assistance over the extended life of this flawed project. **RMT-10**

Raymond M Toomey
1150 North Thompson Avenue
Nipomo, CA 93444

Attachment: **RMT-11**

1. Specific Comments, Laetitia RRDEIR

Enclosures:

1. Letter with attachment, Laetitia DEIR, November 6, 2008
2. Letter with attachments, Laetitia RDEIR, June 8, 2012

## Attachment 1 – SPECIFIC COMMENTS

**Revised Recirculated Draft EIR (RRDEIR) Laetitia Ag Cluster Subdivision**

**02-i. Introduction**

1. Pg I-1, A. Background, 3rd ¶, last sentence: Requests resubmission of comments against the 2008 DEIR and 2012 RDEIR for the Introduction, Biological Resources, Water Resources, and Alternatives Analysis sections. I have reviewed the thrust of my previous comments against the earlier documents and find the comments to still be generally appropriate. Rather than spend the considerable effort to repackage and repeat these earlier comments, I request they be considered during the official review of the RRDEIR. No response has been provided to either input to the process; a response is requested and anticipated. **RMT-12**

2. Pg 1 I-1, A. Background, last ¶, 2nd sentence: Mentions "elimination of the equestrian center" but does not mention addition of the "Dude Ranch." Furthermore detailed information necessary to evaluate environmental impacts of the "Dude Ranch" is not provided elsewhere in the RRDEIR. The Dude Ranch should not be accepted until it has undergone the usual environmental reviews. **RMT-13**

3. Pg I-2, 3rd ¶, last two sentences: States "---however, the dude ranch is included in this EIR as a future development project." As mentioned in comment 2 above, detailed information on the dude ranch is not included in the RRDEIR and approval should not be granted until details are given the usual environmental review. **RMT-14**

4. Pg I-7, 1st ¶, last sentence: States "---would not include a homeowner's association building/ranch headquarters---," This is an important acknowledgement that the so-called "ranch headquarters" is in reality a group of HOA buildings and facilities with little if anything to do with the operation of the vineyard and winery. **RMT-15**

5. Pg I-8, "**PLEASE NOTE**": Indicates County responses to public comments will be limited to the issues analyzed in the RRDEIR to include the Alternatives Analysis. Pages VI-4 & 5 of the Alternatives Analysis included discussions of several traffic impacts and, therefore, traffic issues are fair game for review and comments. As mentioned in the next to last paragraph of my 8 June 2012 letter (also comments 17 – 21 with Bottom Line), a major issue and adverse impact is the unacceptable increased traffic induced on the Los Berros Road, Dana Foothill, Sheehy Roads corridor. These transportation issues have been included in all my comments and have not been adequately addressed in the DEIR, RDEIR and/or RRDEIR. **RMT-16**

**04 -V.E. Biological Resources**

6. Pg 59, 3rd ¶, last sentence and 4th ¶ 2nd sentence: Note mentions of road improvements and "assumed" improvements and paving of Upper Los Berros Road. These statements reinforce validity of comment 4 above requesting assessment of adverse traffic conditions on Los Berros, Dana Foothill and Sheehy roads caused by the project. **RMT-17**

*Page 1 of 18*

**05 -V.P. Water Resources**

7. Pg V.P.-1, 1st ¶: Indicates that resubmission of comments from the DEIR and RDEIR is needed in order for comments to be addressed in writing in the Final EIR. Please note that this package includes the attachment and resubmission of my 8 Nov 2008 letter and comments on the DEIR, along with my 8 June 2012 letter and comments on the RDEIR, for County review and response. Since these comments are already included, they will not be repeated in this section but additional comments will be offered. **RMT-18**

8. Pg 1, 3rd ¶, 3rd sentence: States "---and currently proposes to use Wells 10, 11, 14, & 15 for domestic water supply. The use of the phrase "currently proposes" implies uncertainty as to whether or not these are the final wells. It seems that the applicant keeps playing a musical chairs numbers game with the wells. Are these the final wells or not? **RMT-19**

9. Pg 2, middle group mentioning RDEIR: Comments on these documents are embedded in my comments on the RDEIR. **RMT-20**

10. Pg 3, top mention of Appendix H, 1st item: Comments on the Sept 2011 Geosyntec review document are also embedded in my comments on the RDEIR. Comments on the Geosyntec April 2012 and 2013 documents are included below. **RMT-21**

11. Pg 3, ¶1.a.1) last sentence: It is important to keep in mind that the rainfall between July 2009 and March 2011 was 138% of average. Major portions of the 3 phases of well testing occurred during this period of heavy rainfall (see Table V.P.-4). **RMT-22**
Other than occasional mention of this heavy rainfall, no adjustments or estimates were made to compensate for this rare situation. What is likely to happen to pump rates during periods of extended drought? How will the County provide water should the results of Table V.P.-4 eventually prove overly optimistic and the project runs short of water? Since no other sources of water are reasonably available, what then? The multi-year extreme drought of the mid-1800's caused many local cattle ranches to go broke. There have also been periods of severe droughts during the 1900s that could leave the project without water. There are no guarantees these conditions will not reoccur in the life span of the homes to be developed. And hauling water is no solution when there is none to be had. The Nipomo Mesa and Paso Robles water shortages are other examples of the problems that could easily be in the future. **RMT-23**

12. Pg 4, 2nd ¶, next to last sentence: I agree that about 1981 was the last time Los Berros creek flowed thought out the year. As I previously mentioned in my 2008 comments, that creek not flowed year around but was a superb location to catch native trout, and pick water crest for salads. **RMT-24**

13. Pg 4, Sect 3) Hydrogeology, last sentence in 1st ¶: Note that "the majority of wells in the vicinity---are within fractured bedrock aquifers---." The four wells "currently proposed" for the project are also in these formations. Note that we will be **RMT-25**

*Page 2 of 18*

cautioned later that, for the long haul, wells in fractured shale are extremely unreliable. **RMT-25 (cont'd)**

14. Pg 6, 1st ¶: Includes the first mention that the applicant intends to develop a mutual water company to manage water for the project. But as we will later learn, the Mutual Water Company will be the responsibility of the Home Owners Association. Further the owner/operator of the ag portion of the property does not share management or responsibility for the water company and is not even a co-chair or member of the HOA. As I have previously commented, this is a mess waiting to happen. All parties to the overall project – ag & residential – should share these important responsibilities. **RMT-26**

15. Pg 13, Fig V.P.-4: Please explain the "projected" shown on the figure for Wells 10, 12, 13 & 14, but not for Well 15. **RMT-27**

15a. Pg 17, Table V.P.-1. The water demands shown in the table are considered the existing and future "Baseline Water Demands." However these were calculated using the misleading "current rates of 0.34 afy/acre" based on 138% rainfall of 2011 and the "low water demand value of 0.7 afy/acre for WPA 7." (See H2, Baseline Laetitia Water Demand, paesg 5 & 7, along with comments 64 & 65 below.) Baseline demand estimates should also be included for the more reasonable and likely to occur rate of 0.45afy/acre but adjusted for mid or higher demand values for WPA-7. Only with these comparable data can decisions makers make true assessments of the water issue.. **RMT-28**

16. Pg 19, b. Drainage and Surface Water Quality, 2nd ¶: States that Soil conditions & topography vary throughout the site---contain steep slopes or soils subject to erosion where containment of sediment onsite---." This seems reasonable but appears inconsistent to the statement contained in the preceding paragraph - "---there is little erosion or production of sediment." **RMT-29**

17. Pg 22, 6) Los Berros Creek Subwatershed Total Maximum Daily Load, last sentence in 1st ¶: Note the nexus between water quality in both surface water and groundwater when considering TMDL for Nitrates in this area. **RMT-30**

18. Pg 23, 1st ¶: First but only mention of the recent Agricultural Order that must be followed. Has this been factored into the current water planning for the entire project? **RMT-31**

19. Pg 24, 3rd to last ¶ dealing with Ag Clusters: Note "The water resources ---are adequate to serve the proposed development---." It is assumed that this is meant to apply to sustainment for the life of the project, not just initially or during periods of severe drought. I question is long-term sustainability has been adequately demonstrated for this project. Many local wells initially performed OK but failed after just a few years of use. Such is the life with water from fractured shale formations. **RMT-32**

20. Pg 26, 3.a.- CEQA Guidelines: I believe that this project could have a significant water resource impact under the criteria outlined by the 1st and 3rd bullets. Further, I **RMT-33**

*Page 3 of 18*

also believe that the pumping and studies to date to not demonstrate that the project might not violate the factors listed in the first sentence of the second paragraph, i.e., "---if demands ---exceeded the available water supply and resulted in a net deficit in aquifer volume or a lowering of the groundwater table level, ---". RRDEIR documents H1a, H2 and H3, prepared by Geosyntec, contain statements cautioning the long-term sustainability of the water supply, especially since none off the proposed achieved equilibrium but continued to drop during the pumping tests (H1a, page 19, ¶ 4.6.4). **RMT-34**

Also note page 18 of H1a ¶4.6.2, that indicates that – "Generally, the transmissivity calculated from the first cycle of pumping was substantially higher than the estimates based on long-term pumping. The initial yield from fractured bedrock commonly is not representative long-term yield." These are just two of many cautioning statements from the County's peer review but they are enough to cast doubt over the long-term sustainability of water for the project. When if fails, then what? **RMT-35**

21. Pg 27, 4. Impact Assessment and Methodology, last sentence of 1st ¶: Note the statement "---assessment of whether the project would have an adverse effect on the long-term sustainability of the aquifer." In spite of the Geosyntec conclusions contained in H1a (pg 23 ) and H2 (pg 6) that "---based on testing data, the capacity of the wells is more than adequate to sustain a continuous flow of 46 gpm for one month." And – "We consider 62.4 AF/Y a viable long-term production rate based on the water levels recorded ---from Oct 2009 to Mar 2011.' (Note that test pumping ended in Dec 2010, not Mar 2011). However even these optimistic forecasts were tempered by Geosyntec's reiteration of two important cautions. (1) Rainfall during the test period was 138% of average. [SLOC should always be so lucky.] And (2) "Wells producing from bedrock aquifers, which may have linear fracture systems, commonly are substantially less than short-term yields." Those two disclaimers make the conclusion suspect and the County should precede with caution. Otherwise the County could easily be confronted with another large area with severe water shortage. **RMT-36**

22. Pg 29, Table V.P-4, Pump Testing Rates & Schedule: It should be noted that the testing demonstrated that Wells 11 provides the most water, but Geosyntec recommends that this well not be used from August through November each year. The "Annualized afy & gpm" for this well should reflect this restriction. If this was done, the difference between the available estimated water and the proposed project demand of 46.3 afy would be considerably less, certainly less that the misleading 191% of project demand. Also note that the annualized afy and gpm for each well varied considerably during each of the three phases of pumping. And again, pumping took place during a period of 138d% of average rainfall. Conclusions drawn from this table are suspect unless the various uncertainties and variable conditions for factored into the total estimated acre-feet available over the long-term. Some of these issues are reflected in adjustments in Table V.P.-5 that should replace Table V.P.-4. **RMT-37**

23. Pg 29, last sentence, continuing of pg 30: This a particularly significant is repeated as follows. "Based on the fact that water levels in three of the four wells (Wells 10, 14, and 15) were still generally dropping during the Phase 3 pumping and **RMT-38**

*Page 4 of 18*

the groundwater in the aquifers near these wells did not reach equilibrium levels, continued pumping at the Phase 3 rates (54 gpm) will continue to deplete aquifer storage." This statement alone should be sufficient to cause the County to view the statements regarding the availability of adequate water. And there are many other statement reflecting similar concerns that should mandate caution. **RMT-38 (cont'd)**

24. Pg 30, (a) Equilibrium, 2nd ¶: Here's another statement that must receive proper attention: "Based on the available data, ground water production for the proposed project is feasible, but will result in long-term average declines in ground water 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)." Recall that Geosyntec is the County independent agent for peer review of project water matters. However, these statements generate the following comments: **RMT-39**

a. My Random House College Dictionary has the following appropriate definition of *feasible* for this usage: "probable; likely: *a feasible theory*." Not a very strong statement and sure implies a lack of conviction that enough water will be available over the long haul. **RMT-40**

b. Note no estimates provided on rate of decline or how long before the water is depleted. Remember rainfall during testing was 138% of normal. What if a prolonged drought occurs as has happened many times in the past? **RMT-41**

c. The use of "*may*" and "*attained in time*" again should generate caution and concerns. Is the County willing to accept the adverse consequences should water shortages become a severe problem, which is also feasible over the long-term? **RMT-42**

d. Equilibrium basically means that the replacement of water in the aquifer is the same as the demand for water – the input equals the output. If equilibrium is not achieved and maintained over the long-term, the project is not feasible. **RMT-43**

25. Pg 30 to33, Section 2) Sustainable Yield, entire section: The section starts with the following qualifying statement: "Sustainable yield does not have a "correct" value, but is a subjective concept, and its evaluation is an interdisciplinary issue." Running out of water is never a "subjective concept" and the County needs a high degree of confidence that the needed water will be available for the life of the project. The next several pages contain an elaborate and sometimes confusing discussion of techniques leading to Table V.P.-5 **RMT-44**

26. Pg 31, 1st ¶, last sentence: Note the statement: "And if the groundwater pumping exceeds the potential for capture, new equilibrium conditions are not possible (e.g., Bredehoeft and ----Leake, 2004)." **RMT-45**

27. Pg 31, 2nd ¶, 1st sentenced: Note statement that "The Phase 3 testing established that water levels continued to drop at 3 of the 4 wells with pumping at the estimated sustainable yield rates; thus equilibrium groundwater condition were not --- and depletion of groundwater storage continued." That pretty much says it all! However **RMT-46**

*Page 5 of 18*