

8.0 RESPONSES to COMMENTS

This section includes the comments received during circulation of the Draft Supplemental Environmental Impact Report (SEIR) for the Countywide Water Conservation Program (Program) and responses to those comments. Where a comment resulted in a change to the Draft SEIR text, a notation is made in the response indicating that the text is revised. Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (underline font) where text is added. In addition, new appendices added for informational purposes are included in this Final EIR as Appendix C and minor revisions to Section 2.0, *Project Description*, have been added for clarification. The information and appendices added to the SEIR clarifies or amplifies the analysis and conclusions of the Draft SEIR. These changes do not introduce significant new information or otherwise affect the analysis or conclusions of the SEIR and thus do not require recirculation under State CEQA Guidelines § 15088.5.

The Draft SEIR was circulated for a 45-day public review period that began on April 1, 2015 and ended on May 15, 2015 and a second 45-day public review period that began on May 22, 2015 and ended on July 6, 2015. The County of San Luis Obispo (County) received 22 written comment letters on the Draft SEIR. In addition, the County held public hearings to obtain comments on the Draft SEIR on May 14, 2015, May 29, 2015, and June 4, 2015. Verbal comments received at the public hearings were summarized by County staff and are included in this Final SEIR as letter 14. The commenters and the page numbers on which each commenter's letters appear (as applicable) are listed below.

Letter No.	Commenter	Agency/Organization	Date	Page No.
1.	Michael S. LeBrun, General Manager	Nipomo Community Services District	May 12, 2015	8-3
2.	Devin Best, Executive Director	Upper Salinas-Las Tablas Resource Conservation District	May 13, 2015	8-7
3.	Willy Cunha, Member	Paso Robles Ground Water Basin advisory Committee	May 13, 2015	8-11
4.	Patricia Wilmore, Government Affairs Coordinator	Paso Robles Wine Country Alliance	May 13, 2015	8-13
5.	Jordan Blasingame, Chairperson	Santa Margarita County Service Area No. 23 Advisory Board	May 14, 2015	8-16
6.	Daniel Heimel, Water Systems Consulting, Inc.	Northern Cities Management Area (NCMA) Technical Group	May 15, 2015	8-25
7.	Sue Luft, President; Laurie Gage, Vice President; Jan Seals, Treasurer; and Cheryl Coats, Secretary	PRO Water Equity	May 15, 2015	8-27
8.	Bettina L. Mayer, District Engineer	Templeton Community Services District	May 15, 2015	8-29
9.	Joe Patterson, SMAAC Chariman	Santa Margarita Area Advisory Council	May 15, 2015	8-31
10.	Sophie Treder, Treder Land Law	Paso Robles Water Integrity Network	May 15, 2015	8-54
11.	Unknown	North Coast Advisory Council	No Date	8-64
12.	Mike Broadhurst, Chair; George Kendall, Lowell Zelinski, Sue Luft	WRAC Ad Hoc Subcommittee to Review Agricultural portions of Countywide Water Conservation Program	No Date	8-68
13.	Joy Fitzhugh, Legislative Analyst	San Luis Obispo County Farm Bureau	No Date	8-79



Letter No.	Commenter	Agency/Organization	Date	Page No.
14.	Multiple	Verbal Comments Received at Public Hearings	May 14, 2015	8-81
15.	Richard Wright, Correspondence Secretary	South County Advisory Council	May 27, 2015	8-94
16.	Claire Wineman, President	Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties	May 28, 2015	8-100
17.		San Luis Obispo County Farm Bureau	May 29, 2015	8-105
18.	Sheila Lyons	Private Citizen	June 9, 2015	8-109
19.	Sheila Lyons, Chairperson	Creston Advisory Board	June 30, 2015	8-112
20.	Diane Jackson	Private Citizen	June 30, 2015	8-122
21.	Maria Lorca	Creston Citizens for Agricultural Land Preservation	July 3, 2015	8-126
22.	Susan Harvey, President	North County Watch	July 6, 2015	8-134
23.	Andrew Christie, Chapter Director	Sierra Club Santa Lucia Chapter	July 6, 2015	8-142

The comment letters and the County's responses follow. Each comment letter has been numbered sequentially and each separate issue raised by the commenter, if more than one, has also been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 2.1, for example, indicates that the response is for the first issue raised in Comment Letter 2).



NIPOMO COMMUNITY

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Letter 1

May 12, 2015

Xzandrea Fowler
San Luis Obispo County
Department of Planning & Building
976 Osos Street
Room 200
San Luis Obispo, CA 93408
efowler@co.slo.ca.us

Dear Ms. Fowler:

**SUBJECT: PROPOSED COUNTYWIDE WATER CONSERVATION PROGRAM DRAFT
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

On May 12, 2015, the Nipomo Community Services District Board of Directors reviewed the draft Supplemental Environmental Impact Report (SEIR) which supports the proposed Countywide Water Conservation Program (Conservation Program). The District appreciates the opportunity to review and comment on the draft SEIR and proposed Conservation Program prior to consideration by the Planning Commission and Board of Supervisors.

The District offers the following comments and suggestions:

In general, we are concerned that by developing the Conservation Program and drafting the SEIR concurrently, the impact of the final Conservation Program cannot be adequately addressed. As the Program's Project Description and Objectives are still being developed, it is difficult to accurately assess the environmental impacts of the Program.

1.1

One of the four Project Objectives is to "Substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III." Not only is this objective unclear and unmeasurable, it does not address depletion of a basin that, by the County's criteria, is at the highest level of concern with demand equal to or in excess of available supply. The objective should be revised to adhere to the County's Resource Management System recommended actions for addressing Level of Severity III resources, namely; to reduce the level of severity with a goal of achieving LOS I.

1.2

A second Project Objective is to "Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins ... in a manner that fully offsets projected water use." At best, this Objective would maintain status quo in a basin that is at LOS III with demand equal to

1.3

supply. In basins where demand already exceeds supply, failure to achieve and maintain offsets would result in new permanent demand and further exacerbate the level of severity in the basin.

Offsets result in theoretical water savings – we know a new fixture saves a set amount of water per use or per minute relative to the old fixture, but we don't know how much the device (e.g. sink, toilet, shower) is or will be used, how long it will be in service, and we don't know that it will be used as designed. The value of landscape related offsets are even more problematic to define and rely on over time. For this reason, it is appropriate to use offsets as a means to lessen resource demands of current basin users in LOS III settings, but it is ill advised and inappropriate to use an offset program as the basis for allowing new development with its potential for permanent new resource demands.

1.3

A third Project Objective is to "Reduce the wasteful use of water in the County". The objective needs to be strengthened and better defined. Consideration should be given to revising the goal to 'eliminating water waste in the County' and including measurable goals based on reasonable estimates of current levels of water waste in the County.

1.4

In 2005, the County Board of Supervisors certified water resources underlying the Nipomo Mesa Water Conservation Area (NMWCA) as LOS III and subsequently adopted Ordinance 3090. The Ordinance requires development and land divisions to pay a water development fee to offset new urban water demand that will result from the development. The land division can then proceed while the development fee is directed to obtain water resources to meet the proposed project's needs. As it is currently unclear how the proposed Conservation Program would affect Ordinance 3090, this interrelationship needs to be discussed in the draft SEIR.

1.5

Finally, the draft SEIR must specifically evaluate the water resource impacts of the proposed Conservation Program. As outlined above, we do not believe this impact can be presumed to be positive.

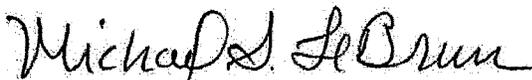
1.6

We strongly encourage the County to improve the Project Description and define measurable and meaningful Project Objectives that will serve to address the critical level of severity in the NMWCA. The District Board and staff are committed to assisting in this effort in every way possible.

1.7

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael S. LeBrun
General Manager

Cc (by email): 4th District Supervisor Lynn Compton
4th District Planning Commissioner Jim Harrison
4th District Legislative Assistant Jocelyn Brennan
Director of Planning and Building James A. Bergman

Letter 1

COMMENTER: Michael LeBrun, General Manager, Nipomo Community Services District

DATE: May 12, 2015

Response 1.1

The commenter expresses concern over developing the Conservation Program and drafting the SEIR concurrently. It is typical for Programs (such as General Plans or the Countywide Water Conservation Program) to be prepared concurrent with environmental review under CEQA. The Program as described in Section 2.0, *Project Description*, is what was considered in the Draft SEIR. Any future substantive changes to the proposed Program would be subject to subsequent CEQA review.

Response 1.2

The commenter makes a recommendation regarding the project objective to “substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III.” The commenter recommends that this be revised to adhere to the County’s Resource Management System (RMS) recommended actions for addressing Level of Severity (LOS) III resources. While adherence to the County’s RMS is a worthwhile goal, this is not the specific goal or objective of the proposed Program. Therefore, no revisions have been made in response to this comment.

Response 1.3

The commenter expresses disagreement over the project objective to “Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins...in a manner that fully offsets projected water use,” suggesting that offsets are inappropriate for use to allow new development. As analyzed in the Draft SEIR, one of the project objectives is to “Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins to the requirements of the County General Plan and County Code, in a manner that fully offset projected water use.” Offsets are a common practice used for water conservation efforts and have been implemented in other certified LOS III groundwater basins within the County (i.e. Los Osos). In absence of this offset program, new development would substantially increase the cumulative demand on groundwater resources in certified LOS III groundwater basins.

Response 1.4

The commenter suggests that the third project objective (to “Reduce the wasteful use of water in the County”) should be strengthened. The referenced project objective is further defined within the proposed revisions to Title 8 (Health and Sanitation) of the County Code. Although specific quantitative water conservation figures have not been defined in the proposed Program, the County is currently undergoing efforts to determine the quantity of groundwater that needs to be supplied (methods include conservation, supplemental water, etc.) to bring the County’s groundwater basins to a sustainable yield.



Response 1.5

The commenter suggests that the SEIR consider how the proposed Program might affect Ordinance 3090. Ordinance 3090 was adopted by the San Luis Obispo County Board of Supervisors in May 2006, and requires new subdivisions within Nipomo Mesa Water Conservation Area to pay a supplemental water fee toward the cost of providing supplemental water in the Nipomo community (via the Nipomo/CSM intertie). This ordinance would remain in effect upon implementation of the proposed Program, and the proposed Program would serve as additional regulation over and above Ordinance 3090. Thus, the proposed Program would not affect Ordinance 3090.

Response 1.6

The commenter suggests that the SEIR evaluate the water resource impacts of the proposed Program. Impacts to water resources are addressed in Section 4.3.8 (Hydrology/Water Quality) in Section 4.3, *Effects Found not to be Significant*. As noted therein, because WNND requirements are focused on offsetting future demand, they would neither increase nor decrease water use over current levels. Rather, they would maintain current water use while allowing for development to occur consistent with the adopted General Plan and Zoning Ordinance. In contrast to WNND requirements, which would allow development to proceed while maintaining current water use, the WWP program would result in a net decrease in water use countywide but would not alter development potential. As such, overall the Program would result in water conservation and would help to reduce the existing strain on the county's groundwater resources.

It should also be noted that the No Project Alternative, under which no amendments to the Agriculture Element, COSE, or County Code would be made but under which existing programs would continue to be implemented, would be expected to result in more wasteful water practices than the proposed Program (refer to Section 5.0, *Alternatives*). In addition, the requirement to offset water use in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would cease with the expiration of the Paso Robles Groundwater Basin Urgency Ordinance after its expiration on August 27, 2015.

Response 1.7

The commenter recommends that the County modify project objectives. Refer to responses to comments 1.2 through 1.4 above.



Upper Salinas-Las Tablas Resource Conservation District

65 S. Main St. Ste. 107 Templeton, CA 93465 | 805.434.0396 x 5 | www.us-ltrcd.org

May 13, 2015

Letter 2

Xzandrea Fowler
Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Dear Ms. Fowler,

Thank you for this opportunity to comment on the San Luis Obispo Countywide Water Conservation Program Draft Environmental Impact Report (DEIR). The proposed project is two-fold consisting of a Water Neutral New Development (WNND) and Water Waste Prevention Program. These two programs will be amended into the County General Plan and County Code. The WNND program is for Level of Severity (LOS) III, which are basins that meet or exceed dependable supply due to current demand. The three LOS III groundwater basins in San Luis Obispo County are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin, and the Nipomo Mesa Management Area. The Upper Salinas – Las Tablas Resource Conservation District (RCD) has reviewed the EIR and has the following comments and recommendations to make to San Luis Obispo County Planning Department (hereafter referred to as “County”) for the Agricultural Water Offset program.

2.1

Proposed Preferred Agricultural Water Offset Program

In the proposed project for Agricultural Water Offset program, the County proposes a simplified version. The RCD’s Agricultural Offset Program for the Paso Robles Groundwater Basin provided a framework for the County to adopt and implement for a 1:1 offset program. The program proposed by the County is an overly simplified version of the Agricultural Offset Program. For instance, the proposed project by the County eliminates much of the technical level of analysis and assessment needed to verify a 1:1 offset for irrigated agriculture. Although this may be in an effort to simplify the process for applying and receiving offset credits, it does not take into account the hydrologic connection between sending and receiving sites nor does it provide for accountability between sites, especially in Category II: Off-site Offsets. Furthermore, the proposed project by the County lacks the mechanism to quantify and verify offsets credits. Without a monitoring component, it is nearly impossible to verify compliance a 1:1 offset is achieved. The one requirement in the County’s proposed project for monitoring is installation of a well meter. This is an important first step, yet the programs fails to ensure a 1:1 Agricultural Water Offset is maintained throughout the program without verification (e.g. annual reporting).

2.2

If the County proceeds with a simplified version of the Agricultural Water Offset Program, it should continue to include the essential elements of the Paso Robles Agricultural Water Offset

Upper Salinas-Las Tablas Resource Conservation District

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Program developed by the RCD. The RCD would strongly encourage the County to incorporate more components of the RCD's Agricultural Offset Program into their proposed program for two reasons. First, the RCD provided varied levels of technical information necessary to apply for an agricultural offset. These were developed and designed with the understanding of the diversity of agricultural users and application types (*i.e.* Categories). Removing these components from a permit application process does not enable the County the ability to accurately quantify where groundwater is being offset and applied within the Paso Robles Groundwater Basin. This is likely to become an intrinsic component in a Groundwater Sustainability Plan (GSP) and feels shortsighted by the County to not incorporate those elements into the proposed project. Secondly, because the County's proposed program eliminates many of the technical aspects of the RCD's Agricultural Water Offset Program, impacts to shallow aquifer wells or to hydrogeologically connected sub-basins cannot be assessed and mitigated for. The proposed program should envelop some of this analysis in the offset application process to avoid or minimize environmental and economic impacts to local stakeholders in the Paso Robles Groundwater Basin.

2.2

Summary of Significance of Impacts

The proposed project, and every alternative, have a multitude of potentially significant impacts. The DEIR states the only two significant impacts would be to *Agricultural Resources* and *Land Use*. The Countywide Water Conservation program should also evaluate impacts to hydrology, water quality, and biological resources in the final EIR. It is unclear how the DEIR can make the determination one alternative is environmentally preferred than another when environmental resources such as hydrology and biological resources were not evaluated. The County should, before proceeding with the proposed program, assess and evaluate the impacts to these resources to determine if the proposed program is the preferred alternative.

2.3

General Comments

The proposed Agricultural Water Offset component of the Countywide Water Conservation Program is not likely effective for providing a 1:1 offset that is protective of current water users in the Paso Groundwater Basin, nor does it resolve the issue of alleviating the severity of groundwater depletion. As an organization committed to natural resource conservation and management, the program, as currently proposed, does not meet the goals of providing a means to, "substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin," as stated in the Executive Summary (ES-2). Instead, the proposed program authorizes and permits new irrigated agriculture without assessment of impacts to neighboring wells, quantifying interactions between hydrogeologic strata, or verification the permitted new irrigated agriculture is achieving a 1:1 offset in the Paso Robles Groundwater Basin. Lastly, the DEIR is meager in its analysis of the summary of significant environmental impacts associated from the alternatives proposed. The additional environmental impacts listed above should also be analyzed and, if needed, mitigated for in the DEIR.

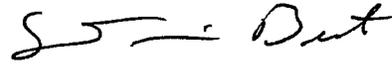
2.4

Upper Salinas-Las Tablas Resource Conservation District

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The RCD would like to offer its services and expertise to the County. If you have any questions please feel free to contact Mr. Devin Best by phone at (805) 434-0396 ex. 5 or via email at devin@us-ltrcd.org.

Sincerely,



Devin Best
Executive Director

Letter 2

COMMENTER: Devin Best, Executive Director, Upper Salinas-Las Tablas Resource Conservation District

DATE: May 13, 2015

Response 2.1

The commenter summarizes the proposed Program. The comment is noted.

Response 2.2

The commenter suggests that the Agricultural Offset program is overly simplified, and should retain more of the elements of the Paso Robles Agricultural Water Offset Program developed by the Upper Salinas-Las Tablas Resource Conservation District (RCD). The Agricultural Offset program has been designed based on guidance from the County Board of Supervisors, and is intended to be a simplified version of the RCD's existing program. As noted in Section 1.0, *Introduction*, unlike the Upper Salinas-Las Tablas Resource Conservation District developed agricultural water offset program for the Paso Robles Groundwater Basin, the proposed Agricultural Offset program would not require a proximity analysis, evaluation of drawdown impacts on neighboring irrigation and domestic wells, hydrogeological strata analysis or third party monitoring/annual inspections. This is intentional; the scope of the proposed Agricultural Offset program is not intended to be as extensive as the RCD program. Therefore, no modifications to the program have been made in response to this comment.

Response 2.3

The commenter suggests that the SEIR should evaluate impacts to hydrology, water quality, and biological resources. Refer to Sections 4.3.8 (Hydrology/Water Quality) and 4.3.3 (Biological Resources) in Section 4.3, *Effects Found not to be Significant*, for a discussion of these impacts. As described therein, impacts to hydrology/water quality and biological resources would not be significant.

Response 2.4

The commenter suggests that the Agricultural Offset program would not provide a 1:1 offset that is protective of current water users in the Paso Robles Groundwater Basin, nor resolve the issue of alleviating the severity of groundwater depletion. According to the commenter, this is because the Agricultural Offset program does not contain some of the technical features of the RCD's program. Refer to response 2.2.

The commenter additionally suggests that hydrology, water quality, and biological resources impacts should be evaluated. Refer to response 2.3 above, and Section 4.3, *Effects Found not to be Significant*.



Letter 3



proposed Ag Offset ordinance language
Willy Cunha to: xfowler@co.slo.ca.us

05/13/2015 08:36 AM

History:

This message has been replied to.

Xzandrea,

I am Willy Cunha a member of the Paso Robles Ground Water Basin Advisory Committee . You spoke to our Management Subcommittee meeting on May 4th at the Paso Library and listened to some of our concerns regarding the proposed Ag Offset Ordinance. I wanted to reiterate my two main concerns regarding sending sites for Ag Offsets for reducing irrigation on one site in our Basin and moving it to another site within our Basin. Applications that move the location of use a short distance, a mile maybe half a mile, should have very little paperwork or review. If these two sites are within the same topographic area the effects should be relatively equivalent. They should not need to notice the neighbors. For those sending and receiving sites that are more discontinuous, more than a mile or in separate topographic areas, the level of scrutiny should be much higher. The cost of the requisite studies should be borne by the applicant. The neighbors of the receiving site should definitely be notified at the expense of the applicant. This should apply to any area of the Paso Basin. It should not be aimed only at "red zones". Increasing water use in any area will potentially lead to new local "red zones". Increased pumping in one part of the basin can cause impacts on nearby properties even if pumping is reduced elsewhere. Notice should be provided to surrounding landowners near a proposed discontinuous receiving site when the application is accepted for processing.

3.1

The idea of a one to one offset to allow for reasonable use of our existing water and agricultural resources is a good one. The Ag economy is at the very heart of our local economy , our State economy and our National economy. They are resources that we truly need and we truly need to manage in a responsible and long term sustainable fashion. To allow reasonable transfers of water use is a good thing. To allow one property owner to create a new use in a discontinuous area of the basin at the cost of his neighbors is not fair and that use is not mitigated by reducing use in another discontinuous part of the basin. The water in our groundwater basin is connected but does not slosh back in forth like the milk in a bowl of cheerios. Our use of water in the basin and the resulting uneven water levels have shown that quite clearly. While it may be convenient to declare that the water is connected, in reality the connections are tenuous and in many areas it may take from tens of years to hundreds of years for water levels to respond. There are areas where the connection is very strong and the response is very rapid. The applicant for a discontinuous transfer of water should bear the cost of demonstrating that.

Is there a place on your website where you have posted or will be posting the latest suggested language?

Thank you,

Willy Cunha

Letter 3

COMMENTER: Will Cunha, Member, Paso Robles Groundwater Basin Advisory Committee

DATE: May 13, 2015

Response 3.1

The commenter suggests that applications for the Agricultural Offset program that would move the location of use a short distance should not require extensive review or paperwork, whereas applications for two sites that are more discontinuous should require a higher level of scrutiny. Per Board of Supervisors direction, the proposed Agricultural Offset program has been designed to be ministerial so as to make it simple for people to apply. As proposed, the Agricultural Offset program would limit the available area for proposed plantings in off-site offset applications, but would process those applications at a ministerial level. One of the limitations includes prohibition of off-site offsets on sites overlying areas of severe groundwater decline, as defined by Figure XY in Title 22 of the County Code.





Letter 4

May 13, 2015

San Luis Obispo County Planning Commission
County Government Center
San Luis Obispo, CA

RE: Draft WNND Implementation Language for County Land Use Ordinance (Title 22)

Dear Chairperson Topping and Members of the Commission:

The Paso Robles Wine Country Alliance Government Affairs Committee has reviewed the above referenced draft and also had the opportunity to discuss it with County Planning Staff. We provide the specific comments below (in italics) for your consideration, followed by general comments.

22.30.204. A. "In no case shall a request for an agricultural offset clearance be granted for a site outside the PRGWB." *We request that the Bulletin 118 boundary be used to provide more options and consistency with the Sustainable Groundwater Management Act (SGMA).*

22.30.204. E1. "Eligible sites for participation. On-site offset. Conversion or intensification on the same site will require an offset clearance." *This was not understood as part of the Urgency Ordinance and should not apply to replanting on the same site if that activity does not intensify crop production resulting in increased water.*

22.30.204. E2. *The explanation of the requirements for contiguous property and same ownership for sender/receiver is acceptable; however, we do not want any proximity requirements attached to this. Under the same owner, an offset on another property within the PRGWB should be allowed. Since it is required to be the same landowner or contiguous parcels a proximity limiting factor is not needed.*

22.30.204. G2. "Proposed sending sites predominantly composed of soils designated as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland will remain in some form of crop production." *If you reduce or eliminate water use in the sending site, how can you meet the criteria to keep it in crop production?*

22.30.204. G5. "Sending sites will be determined by current demand of irrigated crop production on the sending site." *What historical data will be required to verify the current demand?*

22.30.204. G7. Deed restriction. *Add language that makes it clear that the deed restriction is lifted immediately upon sunset of the ordinance.*

22.30.204. H. Termination. "The provisions of this section shall expire upon the adoption of a Groundwater Sustainability Plan for the PRGWB." *This may be on or before 2020 so this language is too vague and creates undue difficulty for agriculturists who need to plan well in advance.*

4.1



We want to emphasize the need for a clear, ministerial process that will not require any public notice so that applicants may conduct business with a degree of assurance. It has been suggested by some that notification cards should be sent to neighbors; however, this may create undue controversy. How much detail would such a notification provide?

4.2

It is important that a sufficient number of years are allowed before planting when in receipt of an offset clearance to allow for such agricultural contingencies as the availability of disease free plants.

4.3

In conclusion, we want to thank Planning Staff members Xzandra Fowler, Cheryl Cochran and Michael Hanebutt for meeting with us to discuss and receive comments on the Draft. We look forward to your deliberations and will be in attendance to provide input and answer any questions that you may have.

Sincerely,
Patricia Wilmore
Government Affairs Coordinator
Paso Robles Wine Country Alliance
pwilmore@pasowine.com

Letter 4

COMMENTER: Patricia Wilmore, Government Affairs Coordinator, Paso Robles Wine Country Alliance

DATE: May 13, 2015

Response 4.1

The commenter provides comments on proposed revisions to the County Land Use Ordinance (Title 22). All of the recommended revisions were considered by the Planning Commission during a series of study sessions/public hearings. The Planning Commission directed staff to make revisions to the proposed amendment language that resulted in further clarification of the proposed Program language.

Response 4.2

The commenter expresses a preference for a ministerial process with no formal notification requirements. During a series of study sessions/public hearings, the Planning Commission considered alternatives to the ministerial process. As a result, the program implementation would be through the ministerial process; however, a courtesy notice would be sent to all CSDs which provide water service and have a site within their jurisdiction upon acceptance of an Agricultural Offset application.

Response 4.3

The commenter notes the importance of allowing a sufficient number of years before planting when in receipt of an offset clearance to allow for such agricultural contingencies as the availability of disease free plants. The proposed Agricultural Offset program would be subject to sections 22.64.060 (Land Use Permit Time Limits) and 22.64.070 (Land Use Permit Extensions of Time). This would allow flexibility in situations where planting cannot occur prior to the expiration date of the offset clearance.



SANTA MARGARITA COUNTY SERVICE AREA NO 23 ADVISORY BOARD
P.O. BOX 1056, Santa Margarita, CA 93453
Smcsa23@yahoo.com

May 14, 2015

To: Xzandrea Fowler, Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Subject: CSA 23 Advisory Group response to Draft Environmental Impact Report (EIR) for the Countywide Water Conservation Program.

The CSA Advisory Groups Preamble states: " ... to better serve the public, health, safety and welfare of the Santa Margarita Community by providing a conduit for public input to the San Luis Obispo County Board of Supervisors on topics such as:

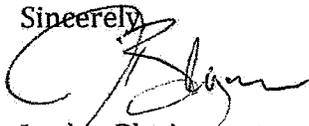
- Water supply quality, quantity and affordability.
- Certain planning topics pertaining to health, safety and public welfare.
- Development plans that affect drainage, water usage, water quality or public health and safety.

The Group's area of concern is within the urban reserve line. The Group may also consider topics from outside the urban reserve line that have a direct impact on the community's public health, safety and welfare."

The Santa Margarita CSA 23 Advisory Group is submitting the attached response to the Draft EIR of Countywide Water Conservation Program. In recognition of the current drought emergency and rapidly evolving water management planning affecting surrounding areas the Advisory Group has reviewed the Draft EIR and believes that portions of the document does not accurately represent conditions in CSA 23 and the surrounding area surrounding Santa Margarita.

Thank you for your consideration of our comments on this program.

Sincerely,



Jordan Blasingame
Chairperson

5.1

SANTA MARGARITA COUNTY SERVICE AREA NO 23 ADVISORY BOARD
P.O. BOX 1056, Santa Margarita, CA 93453
Smcsa23@yahoo.com

May 14, 2015

CSA 23 Review of Draft Environmental Impact Report (DEIR) for the Countywide Water Program

In the opinion of the CSA 23 Advisory Board, The County Wide Program DEIR falls short in providing accurate information and or identifying specific details in the Community of Santa Margarita.

General Concerns:

- The Atascadero Subbasin should remain excluded from the Program and language should be added stating that the subbasin is not experiencing conditions seen in the Estrella area of concern. The Paso Robles Groundwater Basin is currently certified as Level of Severity III (LOS III). Well levels in the Atascadero Sub-basin have been stable during this “exceptional drought”, and the area is not experiencing the same groundwater depletion that is being experienced in areas near Paso Robles and the Estrella area of concern. The Atascadero Subbasin was not included in the Urgency Ordinance in recognition of this fact. In the opinion of our board, the DEIR is inconsistent in its characterization of the situation in the Atascadero Subbasin and that the unincorporated rural, urban and agricultural areas of the Atascadero Subbasin remain excluded from the Water Net Neutral Development program and that references to CSA 23 and surrounding areas such as Santa Margarita and Garden Farms be struck from the record. 5.2
- It is not clear how the system of water credits and urban/rural retrofits will be implemented by the program. Water credits for urban/rural should only fund urban/rural projects. Funds generated by the program should not be used to fund projects in unrelated areas, i.e. funds generated in Paso Robles Groundwater Basin should not be used in the Los Osos Groundwater Basin. It is not clear how these credits are to be distributed and divided to developers and landowners for new projects and remodels. Retrofitting programs could have negative impacts on property values for area landowners, and these should be addressed in the Final EIR 5.3
- **Section 4. Environmental Impact Review General:** The figures used in Section 4 to delineate the Paso Robles Groundwater Basin are not consistent with the boundaries established by the Urgency Ordinance. The Atascadero Subbasin has not been declared LOS III, and questions remain as to the interconnectivity between the Atascadero Subbasin and the Paso Robles Groundwater Basin. Our board feels that only areas with proven water supply issues, regions certified LOS III, should be subject to the WNND. Use maps consistent with the boundaries established by the 5.4

Urgency Ordinance or clearly delineate the Rinconada Fault and Atascadero Subbasin in published figures.

5.4

- **Section 5, Alternatives:** CSA 23 recognizes that San Luis Obispo County is currently experiencing a challenging drought. The “exceptional drought” has led to LOS III being declared in the 2014 RMS that were previously “none” or “I”. We also recognize that the Countywide Water Conservation Program is meant as a “stopgap” to dictate policy between the sunset of the Urgency Ordinance in August, 2015 until the formation of a Groundwater Sustainability Agency or implementation of a Groundwater Sustainability Plan, which could be up to 20 years. Alternative #5 should be included in the Final EIR to explore a program that is only in affect when the United States Drought Monitor declares “exceptional drought” conditions are present for the relevant LOS III basin.

5.5

2.3 Proposed Countywide Water Conservation Program Concerns

- **2.2.1. pg2-1:** San Luis Obispo County is the only county in the California that uses LOS classifications to determine policy. The 2014 update to the RMS attempted to place Santa Margarita into LOS III for water supply based on outdated data. Efforts by the Santa Margarita Area Advisory Council, CSA 23 and concerned citizens led to County staff revising from LOS III to “none”. Our board does not feel that the RMS should be used to dictate policy, but that regional differences need to be accounted for in management programs, rather than a “one size fits all” approach.

5.6

- **Figure 2.3.1. pg2-6:** The Urban/Rural Water Offset component of the WNND provides incentives for homeowners in affected areas to remove turf and install more water efficient fixtures. The DEIR acknowledges that agriculture implements Best Management Practices to conserve resources out of its own self-interest, but does not recognize this to be true for urban/rural landowners. CSA 23 listens to community input and monitors well levels, and believes that homeowners will conserve water resources out of their own self-interest. The Final EIR should target larger community goals that revenue from this program can finance after efficiency improvement targets are realized and groundwater basins become more sustainable.

5.7

- **Figure 2.3.1. pg2-8:** The WNND program states that “new or expanded irrigated agricultural development is defined as follows: ...d. Hobby agriculture for rural residential users” is vague. Define what constitutes hobby agriculture is in the Final EIR.

5.8

- **2.3.2. pg2-12:** The proposed requirements of the Waste Water Prevention (WWP) program defines water wasting activities. One such activity is “use of potable water in a fountain or other decorative water feature”. It is unclear what sources of water are to be used in outdoor water features and the Final EIR should clarify the County’s expectations for what this means.

5.9

3.2 Program Area Setting Concerns:

- **3.2.1. pg3-3:** Garden Farms should be struck from the document. CSA 23 and neighboring area wells have remained relatively stable during this most recent drought cycle, and the statement “...portions of the Paso Robles Groundwater Basin have experienced significant water level declines over the past 15 to 20 years” does not apply to the Atascadero Sub-basin. The Atascadero Subbasin was recommended for LOS I in 2011 Resource Capacity Study and was not subject to the Urgency Ordinance.
 - Recommendation: Add a statement about the Atascadero Subbasin not experiencing same significant water level declines over the past 15 to 20 years as the Estrella area of concern.

5.10

Letter 5

COMMENTER: Jordan Blasingame, Chairperson, CSA 23 Advisory Group

DATE: May 14, 2015

Response 5.1

The commenter summarizes the purpose and intent of the CSA 23 Advisory Group. The comment is noted. The commenter additionally references the attached comments on the Draft SEIR. Refer to responses 5.2 through 5.10 below for responses to specific comments on the Draft SEIR.

Response 5.2

The commenter suggests that the Atascadero Sub-basin should be excluded from the proposed Program. It should be clarified that the Atascadero Sub-basin is excluded from the Program. In response to this comment, this fact has been clarified in the Final SEIR via revisions to figures (as described in responses 5.4 and 9.2) and revision to the following text in Section 2.3.1(b) (Proposed Water Neutral New Development) in Section 2.0, *Project Description*:

- ii. Agricultural Offset program. As described below, the County worked with the Upper Salinas – Las Tablas Resource Conservation District to develop an agricultural water offset program for the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin, which is not experiencing the same groundwater depletion as the rest of the basin). The proposed Agricultural Offset program is a simplified version of the originally proposed Program and would provide a formal framework for the transfer of offset credits to/from agricultural operations within the basin.

Section 3.2.1 in Section 3.0, *Setting*, has also been revised as follows:

3.2.1 Paso Robles Groundwater Basin

The Paso Robles Groundwater Basin encompasses an area of approximately 790 square miles and ranges from the Garden Farms area south of Atascadero in San Luis Obispo County to San Ardo in Monterey County, and from the Highway 101 corridor east to Shandon. The Atascadero Sub-basin is located in the western portion of the Paso Robles Groundwater Basin and has an area of approximately 0.02 square miles, which makes up about three percent of the area of the Paso Robles Groundwater Basin. The Atascadero Sub-basin is a hydrologically distinct Sub-basin within the Basin, and encompasses the Salinas River corridor area south of Paso Robles and includes the communities of Garden Farms, Atascadero, and Templeton. The Atascadero Sub-basin has not experienced the same groundwater depletion as the rest of the basin, and is therefore excluded from the proposed Program. The Paso Robles Groundwater Basin (including the Atascadero Sub-basin) supplies water for 29 percent of San Luis Obispo County's population and an estimated 40 percent of its agricultural production. The municipal and industrial water demands on the portion of the Paso Robles Groundwater



Basin covered by the Program include the cities City of Paso Robles and Atascadero, the communities of Templeton, Shandon, Creston, and San Miguel, Bradley, Camp Roberts, and the small community systems in Whitley Gardens and Garden Farms (City of Paso Robles, February 2011).

...On August 27, 2013, the Paso Robles Groundwater Basin Urgency Ordinance was adopted by the County Board of Supervisors, establishing a moratorium on new or expanded irrigated crop production, conversion of dry farm or grazing land to new or expanded irrigated crop production, as well as new development dependent upon a well in the Paso Robles Groundwater Basin unless such uses offset their total projected water use by a ratio of 1:1. The Paso Robles Groundwater Basin Urgency Ordinance does not cover the Atascadero Sub-basin.

Table 4.1-1 in Section 4.1, *Agricultural Resources*, has also been revised as follows:

**Table 4.1-1
 FMMP Important Farmland Statistics for San Luis Obispo County**

FMMP Land Use Category	San Luis Obispo County		Portion of the Paso Robles Groundwater Basin <u>Subject to Program</u> ¹	
	Acres	Percent of Land Area	Acres	Percent of Land Area
Prime Farmland	41,319	2 %	40,473 <u>10,017</u>	2.9%
Farmland of Statewide Importance	21,132	1 %	41,827 <u>11,517</u>	3.3%
Unique Farmland	39,950	2 %	20,290 <u>20,243</u>	5.6 <u>9</u> %
Farmland of Local Importance	307,325	16 %	38,980 <u>36,043</u>	10.8 <u>4</u> %
Farmland of Local Potential	Included in Farmland of Local Importance	N/A	36,363 <u>34,097</u>	40.1 <u>9</u> %
Grazing Land	1,181,015	63 %	248,102 <u>212,223</u>	61 <u>0</u> .4%
Urban and Built-Up Land	45,017	2 %	8,624 <u>7,179</u>	2.41%
Other Land	242,998	13 %	45,797 <u>13,664</u>	4.4 <u>0</u> %
Water Area	8,780	<1 %	--	--
Not Surveyed	--	--	900	0.2 <u>3</u> %
Total Area Inventoried	1,887,536	100 %	<u>345,885</u>	<u>100</u> %

Source: California Department of Conservation, 2010; County of San Luis Obispo 2005 & 2006.

1. Excluding the Atascadero Sub-basin; refer to Figure 4.1-1.



In addition, throughout the Final SEIR, references to the Paso Robles Groundwater Basin in the context of either the proposed Agricultural Offset program or the existing Paso Robles Groundwater Basin Urgency Ordinance (which does not apply to the Atascadero Sub-basin) have been revised as follows. These revisions are shown in Sections 1.0, *Introduction*, 2.0, *Project Description*, 4.1, *Agricultural Resources*, 4.2, *Land Use*, 4.3, *Effects Found not to be Significant*, 5.0, *Alternatives*, and 6.0, *Other CEQA Sections*:

...the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin)...

Response 5.3

The commenter states that it is unclear how the system of water credits and urban/rural retrofits would be implemented by the proposed Program. The proposed Program specifies that credits must originate and be used from within the same groundwater basin. It further stipulates that credits obtained from agricultural uses must be used for new agricultural plantings only, and those generated from urban/rural sources must be used for new development.

The commenter additionally states that retrofitting programs can have a negative impact on property values, and suggests that this issue be addressed in the Final SEIR. The commenter does not provide evidence to support the statement that such programs can negatively impact property values. In addition, the EIR is not intended to account for economic effects of the proposed Program, in accordance with CEQA guidelines. As stated in CEQA Guidelines Section 15064(e) and 15131(a), economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, such effects are not considered in the Final SEIR.

Response 5.4

The commenter notes that figures in the Draft SEIR include the Atascadero Sub-basin portion of the Paso Robles Groundwater Basin, and suggest that these areas should be excluded, consistent with the Paso Robles Groundwater Basin Urgency Ordinance. In response to this comment, Figure 2-2 has been modified to clearly delineate the area of the Paso Robles Groundwater Basin that is subject to the proposed Program, which excludes the Atascadero Sub-basin. Refer to the revised Figure 2-2 in Section 2.0, *Project Description*. Refer also to response 5.2.

Response 5.5

The commenter suggests inclusion of a fifth alternative that includes a program that is only in affect when “exceptional drought” conditions are present for the relevant LOS III basins. Refer to Alternative 4 in Section 5.0, *Alternatives*. Under this alternative, both the Urban/Rural Water Offset requirements and Agricultural Offset program could sunset under any one of several conditions, including Board of Supervisors declaration of an end to emergency drought conditions.



Response 5.6

The commenter expresses the opinion that the County's Resource Management System (RMS) system should not be used to dictate policy, and that regional differences should be accounted for in management programs. Consideration of an alternative to the Resource Management System as a means to evaluate policy changes is outside the scope of this Draft SEIR.

Response 5.7

The commenter suggests that homeowners will conserve water resources out of their own self-interest, and that the Final SEIR should acknowledge this fact. While it is true that many homeowners already choose to conserve water, and more may choose to conserve water in the future, the proposed Program is intended to ensure that such conservation efforts are taking place consistently throughout the County to achieve the goal of reducing the wasteful use of water in the county.

The commenter additionally suggests that revenue from the Urban/Rural Offset component of WNND should target larger community goals after efficiency improvement targets are realized. Although property owners may already be engaged in similar conservation efforts, the proposed Program ensures greater participation in water conservation efforts. Any revenue generated from the proposed Program can only be used for its implementation.

Response 5.8

The commenter requests that hobby agriculture be defined in the Final SEIR. Reference to activities defined as hobby agriculture has been removed from the proposed Program. Section 2.3.1 in Section 2.0, *Project Description*, and Section 5.4.1 in Section 5.0, *Alternatives*, have also been revised as follows:

- a. Irrigated agricultural crop conversions;
- b. New irrigated agricultural development on previously un-irrigated land; and
- c. Replanting of existing irrigated crops (of the same crop type) where the replanting results in an increase of crop density or other modification that leads to increased water use (e.g. change in irrigation system or cropping patterns); ~~and~~
- d. ~~Hobby agriculture for rural residential users.~~

Response 5.9

The commenter requests clarification regarding the source of water to be used in outdoor water features. The Planning Commission directed staff to make revisions to the proposed amendment language that resulted in further clarification of the proposed Program language, regarding the source of water used for outdoor water features. This clarification has been added to the proposed Program language in Section 8.69.030 and Section 8.69.030, and does not affect the analysis contained in the SEIR.



Response 5.10

The commenter suggests that the community of Garden Farms be excluded from Section 3.2.1 (Program Area Setting, Paso Robles Groundwater Basin) and that the text acknowledge that the Atascadero Sub-basin is not experiencing the same water level declines as the remainder of the Paso Robles Groundwater Basin. Refer to response 5.2.



Letter 6



NCMA TG Comments _DSEIR Countywide Water Conservation Program

Daniel Heimel to: xfowler@co.slo.ca.us

05/15/2015 03:46 PM

Bob Perrault, "Erin Olsen (eolsen@pismobeach.org)" , "Fine,
Cc: Benjamin", "Geoff English (genglish@arroyogrande.org)", "Gregory
Ray (gray@grover.org)", Jeffery Szytel , "Jim Garing

Hi Xzandrea

Thanks for the opportunity to comment on the DSEIR for the Countywide Water Conservation Program .
The following comments were provided by the Northern Cities Management Area (NCMA) Technical
Group. Please let me know if you have any questions on the comments provided .

- Reconsider Large Offset Requirement Alternative 2, which would require a 2:1 offset, rather than 1:1 for urban and rural development for the NMMA , as a greater than 1:1 offset is required to correct the loss in basin storage (i.e. cumulative overdraft) that has occurred as a result of pumping that exceeds recharge for over the last 10 years. (00 Executive Summary, page 3) 6.1
- Reconsider Expanded Agricultural Offset Program Alternative 3, which would apply the Agricultural Offset Program to NMMA and Los Osos in addition to just the Paso Basin to help prevent further overdraft or pumping that exceeds recharge in the NMMA. (00 Executive Summary, page 4) 6.2
- The proposed water waste measures listed in the Project Description should be revised to incorporate State Emergency Drought conservation regulations . (2.0 Project Description, page 12) 6.3

Daniel Heimel, M.S., P.E.

dheimel@wsc-inc.com
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Letter 6

COMMENTER: Daniel Heimel, Water systems Consulting, Inc., Northern Cities
Management Area Technical Group

DATE: May 15, 2015

Response 6.1

The commenter suggests that Alternative 2 (Larger Offset Requirement) be reconsidered because a larger than 1:1 offset requirement is necessary to correct the loss in basin storage over the last 10 years. As noted in Section 5.0, *Alternatives*, the Larger Offset Requirement Alternative would reduce water demand in the certified LOS III groundwater basins (rather than being water demand neutral, as with the proposed Program). As a result, this alternative would be potentially more consistent with the County's land use policy framework that promotes water conservation. However, because more agricultural land could be fallowed as a result of this alternative, impacts related to agricultural resources would be greater than for the proposed Program (although they would remain less than significant). The commenter's preference for Alternative 2 over the proposed Program is noted.

Response 6.2

The commenter suggests that Alternative 3 (Expanded Agricultural Offset Program) be reconsidered because it would help prevent further overdraft or pumping that exceeds recharge in the Nipomo Mesa Water Conservation Area. As noted in Section 5.0, *Alternatives*, because the Expanded Agricultural Offset Program Alternative would extend the Agricultural Offset program to new irrigated agricultural development overlying all LOS III groundwater basins (rather than the Paso Robles Groundwater Basin only), this alternative would increase the amount of agricultural water offsets in the county. Because this alternative would increase the amount of agricultural water offsets, a larger amount of agricultural land could be fallowed under this alternative. Thus, Alternative 3 would have greater impacts to agricultural resources than the proposed Program (although they would remain less than significant). The commenter's preference for Alternative 3 over the proposed Program is noted.

Response 6.3

The commenter suggests that proposed water waste measures should incorporate State Emergency Drought conservation regulations. The Planning Commission directed staff to make revisions to the proposed amendment language that resulted in further clarification of the proposed Program language, regarding its relationship to statewide conservation regulations. This clarification has been added to the proposed Program language in Section 8.69.030 and does not affect the analysis contained in the SEIR.



Letter 7



comments on Draft SEIR for Countywide Water Conservation Programs

Karl and Laurie Gage to: xfowler

05/15/2015 03:47 PM

Dear Ms. Fowler,

One of the ideas presented during public comment at yesterday's Planning Commission study session was to consider a 20-acre and below exemption from the ordinance's requirements. While recognizing the needs of small family farms, PRO Water Equity is quite concerned this might lead to increased small vineyard plantings exempted from the proposed 1:1 offset.

7.1

Please consider a smaller acreage exemption such as 5 acres or less which would provide for most small family farms to be able to implement new plantings or expansion of existing production without undue burden on either them or the Basin.

Thank you.

PRO Water Equity
Sue Luft, President
Laurie Gage, Vice President
Jan Seals, Treasurer
Cheryl Coats, Secretary

Letter 7

COMMENTER: Sue Luft, President; Laurie Gage, Vice President; Jan Seals, Treasurer; and Cheryl Coats, Secretary, PRO Water Equity

DATE: May 15, 2015

Response 7.1

The commenter references an idea presented during public comment that the Program include a 20-acre and below exemption. The commenter expresses a preference for a smaller acreage exemption (such as 5 acres or less). The Planning Commission directed staff to make revisions to the proposed amendment language that resulted in further clarification of the proposed Program language to allow for a de minimus groundwater extraction exemption for new crop production on previously unplanted sites, limited to no more than 2.5 AF per year.



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TEMPLETON COMMUNITY SERVICES DISTRICT

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May 5, 2015

Xzandrea Fowler
Mike Hannebutt
San Luis Obispo County Planning Dept
County Government Center,
San Luis Obispo, CA 93408

Subject: Proposed Water Neutral New Development (WNND) Ordinance and related proposed programs, policy and code changes.

Dear Xzandrea and Mike:

Thank you for the opportunity to review the draft proposed Countywide Water Neutral New Development Ordinance and related proposed programs, policy and code changes. Our comments are primarily focused on the Atascadero Sub-basin as it is an important water supply for the District. The Atascadero Sub-basin is treated separately from the Paso Robles Basin in all County actions specific to the Paso Robles Basin and was specifically excluded from the emergency ordinance. The recent County Resource Summary Report treats them separately and gives the Atascadero Sub-basin no level of severity, whereas the Paso Robles Basin is assigned an LOS III. The proposed ordinance does not make this distinction and we strongly feel that it should. We request that the Atascadero Sub-basin be specifically excluded in the proposed WNND Ordinance requirements and related regulations.

8.1

Our comments are as follows:

1. The Atascadero Sub-basin is being sustainably managed and has no level of severity assigned to it, whereas the Paso Robles Basin has a level of severity (LOS) III. For consistency and recognizing the distinction, the Atascadero Sub-basin should be specifically excluded wherever regulations for the Paso Robles Basin are stated. This comment applies to the new WNND ordinance as well as to the proposed changes to Titles 22, 19, 8, and the County General Plan and Conservation and Open Space Element.
2. The map Figure 7.2 does not clearly show boundaries of the Paso Robles Groundwater Basin and the Atascadero sub-basin should be added and shown here.

8.2

Please feel free to contact me at (805) 434-4915 should you have any questions.

Sincerely,


Bettina L. Mayer, PE
District Engineer

Letter 8

COMMENTER: Bettina Mayer, District Engineer, Templeton Community Services District

DATE: May 15, 2015

Response 8.1

The commenter suggests that the Atascadero Sub-basin be excluded from the proposed Program. Refer to response 5.2. The proposed Program does exclude the Atascadero Sub-basin, which has been clarified in the Final SEIR text and figures.

Response 8.2

The commenter suggests that the boundaries of the Paso Robles Groundwater Basin and Atascadero Sub-basin be clearly shown on Figure 7.2. It is assumed the commenter is referring to Figure 2-2 in Section 2.0, *Project Description*, which shows certified LOS III groundwater basins. Refer to response 5.5. As discussed therein, Figure 2-2 has been revised accordingly. Refer also to response 5.2.



Letter 9

Santa Margarita Area Advisory Council
 www.smaaonline.org
 PO Box 627
 Santa Margarita, CA 93453

Attn: Xzandrea Fowler
 SLO County Planning & Building Dept.
 County Government Center
 San Luis Obispo, CA 93408
 (805) 781-5600 phone
 (805) 781-1242 fax

Re: SMAAC Comments for the Draft SEIR – Countywide Water Conservation Program

Dear Xzandrea,

The Santa Margarita Area Advisory Council (SMAAC) has reviewed the Draft Supplemental Environmental Impact Report (SEIR) for the Countywide Water Conservation Program and has made a list of comments you may find below. We would appreciate these comments be addressed during planning commission hearings, board of supervisors meetings, and in the FEIR. The comments presented here are a compilation of questions, comments, or suggestions made by various members of SMAAC during our Special Meeting held on Monday, May 11, 2015 or through email correspondence with members of the council. Not all council members are in full agreement with each item listed, however, for the purposes of commenting on the SEIR we are including all comments for review. If you require further clarification or have questions please contact me.

Thank you,

Joe Patterson
 SMAAC Chairman

ITEM	SEIR Reference Section	Comment
A	Page 2-5, Figure 2-2, Map of LOS III Groundwater Basins	SMAAC agrees with the boundaries as shown in this map. This map was also used in the Urgency Ordinance. This map correctly identifies the basin as NOT extending into the area known as the Atascadero Sub-Basin (Templeton, City of Atascadero, Garden Farms, Santa Margarita, and Santa Margarita Ranch). The other maps within this SEIR conflict with this map.
B	Page 2-8, last line at bottom of the page, item D	Please provide clarification on the definition of "hobby agriculture for rural residential users".
C	Page 2-8, last line at bottom of the page, item D	Please remove the language "hobby agriculture for rural residential users" from this document.
D	Page 2-12, WWP, Subsection B, 4 th Bullet Point	Please provide clarification on what it means to prohibit the use of potable water in water fountains or other decorative water features. We suggest this proposed requirement be redefined to require recirculated water for such decorative water features.
E	Page 3-2, Last Paragraph and continuing on to Page 3-3	The written definition of the Paso Robles Groundwater Basin should specifically exclude "Garden Farms" in the first sentence. The last sentence of the paragraph should specifically exclude "The City of Atascadero", "The Community of Templeton", and "Garden Farms". The written description should be consistent with the boundaries as shown on Page 2-5 in Figure 2-2.

9.1

9.2

9.3

9.4

9.5

9.6

F	Page 4.1-5, Figure 4.1-1	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.7
G	Page 4.1-8, Figure 4.1-2	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.8
H	Page 4.1-9, Top of the Page	Numbered items 4, 5, and 6 at the top of the page appear to be redundant to numbered items 1, 2, and 3 on page 4.1-7 and should be removed from the document.	9.9
I	Page 4.1-9 through 4.1-12, Section "Impact AG-1"	<p>The SEIR in this section may produce unwanted results from this ordinance, which will have lasting negative effects to water usage and property values.</p> <ol style="list-style-type: none"> 1. The offset values of the Prime Farmland, Farmland of Statewide Importance, and Unique Farmland may be directly correlated to the current water usage of the land. If this SEIR is approved as written it may incentivize the current landowners to irrigate their farmland as much as possible if they desire to sell their land as an "offset" value to a developer who intends to develop on currently unfarmed land. This seems contrary to the intention of this SEIR. 2. As land value increases and decreases within the area, it is anticipated the potential buyers would consist of out-of-town, foreign, or large corporations who can afford to spend the amount of money required for the offset program. This may drive out local farmers, local produce, and the farm-to-table movement. 3. This section appears to require irrigation of crops on Prime Farmland, Farmland of Statewide Importance, and Unique Farmland every four years or else that piece of land loses the designation of farmland. This requirement appears to force landowners to use their land in a manner dictated by the government and may severely impact property rights. Please consider re-writing this section to honor property rights and not force use specified by the government. 	9.10
J	Page 4.1-15, Figure 4.1-3	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.11
K	Page 4.2-2, Figure 4.2-1a	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.12
L	Section 5.0 "Alternatives"	<p>Multiple commenters recommend the EIR consider a fifth alternative. This alternative should include both a "trigger" clause as well as a "sunset" clause. It is very important this ordinance has clear definitions of when the ordinance should be implemented and when it should end. The SLO County weather patterns consistently cycle between very dry years and very wet years. This cycle of droughts and floods will directly affect the water issues within the County. When the water levels are high an offset program is not necessary. Conversely, when the water levels are low an offset program is imperative. For this reason, we recommend a trigger clause in combination with a sunset clause.</p> <p>The commenter requests the Planning Staff and the EIR consultant review the potential "trigger" clauses for acceptance in the FEIR. The trigger clauses below are suggestions. We encourage the County and the FEIR consultant to consider additional potential trigger clauses as well. The trigger clause would enable the terms of the ordinance until a sunset clause removes the requirements of the ordinance.</p> <p>Another commenter stated the "trigger" clause should be decided when the basin is in decline or is recovering and not based on drought or flood. Please consider multiple approaches for a trigger and sunset clause combination.</p>	9.13

		<p>Suggestions for trigger clauses are listed below:</p> <ol style="list-style-type: none"> 1. Upon declaration of a Drought State of Emergency by the California Governor 2. Upon declaration of a Drought State of Emergency by the County Board of Supervisors 3. When documented well levels drop below 50% of the average monthly levels within a continuous twelve month period 4. When documented well levels run dry within a continuous 6 month period 5. When the basin is in decline 6. Other <p>Suggestions for sunset clauses are listed below:</p> <ol style="list-style-type: none"> 1. Upon declaration of an end to emergency drought conditions by the California Governor 2. Upon declaration of an end to emergency drought conditions by the Board of Supervisors 3. When documented well levels are within 20% of the average monthly levels within a continuous six month period 4. When the basin is in recovery 5. Other 	9.13
M	General Note	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.14
N	General Note	There is a discrepancy between the boundaries shown in this map and the map shown on Page 2-5, Figure 2-2. The boundary on this map should specifically exclude the Atascadero Sub-Basin boundary including the Community of Templeton, the City of Atascadero, Garden Farms, Santa Margarita, and the Santa Margarita Ranch.	9.15
O - 1	General Note	<p>Multiple commenters recommend the removal of all uses of the terms "Level of Severity", "LOS", and "LOS III" from this SEIR. Levels of severity attempt to apply a "one size fits all" approach to managing the groundwater within our County. Every groundwater basin in our County is unique and presents different challenges. Even the subareas within each basin are unique. Applying a level of severity over a blanketed area impacts large and small property owners throughout the County even if their particular area does not have groundwater issues. By removing "levels of severity" from this document, reasonable judgments may be made by the Planning Commission and the Board of Supervisors on how to act within specific areas or regions within the County in regards to water shortage concerns. By allowing "levels of severity" to remain in this document, the document drives policy as opposed to allowing the Planning Commission and the Board of Supervisors to make informed decisions in regards to water shortage concerns. A "one size fits all" approach impacts reasonable mitigation measures for specific concerns and has the potential to negatively impact property values and property rights.</p> <p>Some commenters would prefer the continued use of Levels of Severity, however, the PRGWB LOS III is applied too broadly over the entire geographic areas within the Paso Robles Basin. Management by smaller geographic areas within the basin seem more appropriate.</p>	9.16
O - 2	General Note	Some commenters would prefer the continued use of Levels of Severity, however, the PRGWB LOS III is applied too broadly over the entire geographic areas within the Paso Robles Basin. Management by smaller geographic areas within the basin seem more appropriate.	9.17
P	General Note	Some commenters recommend the Planning Staff and the EIR Consultant consider an additional alternative for WNNR requirements for residential and commercial development as listed in Section 2.3.1. It is understood the residential plumbing retro-fit and turf removal programs are limited. There are a limited number of homes with inefficient plumbing fixtures. There are more homes with turf landscape, however, at some future time that avenue for credits will be maximized.	9.18
		Please consider an alternative for credits that provides continual opportunities. The commenters propose the County consider the development of a program that involves removal of trees within the creek BEDS of overgrown creeks and streams within the County. The commenters DO NOT recommend removal of trees on the creek BANKS . This would require coordination with the CA	

		<p>Dept of Fish and Wildlife as well as the Army Corps of Engineers. The creek beds are overgrown with willow trees and cottonwoods that consume approximately 1,500 – 2,500 gallons of water daily. There are also other trees and shrubs growing within the limits of the creek beds. By removing the trees, this can provide a significant amount of water for basin recharge and potentially allow surface water flow in our creeks. When these trees grow in the creeks they overcrowd the area for wildlife to thrive, consume a considerable amount of water daily, and alter the flow of water in the watersheds. During flood events these trees are knocked down, carried down stream, and may negatively impact County infrastructure such as bridges, culverts, and roadways. By implementing a plan to thin the creek beds the County can proactively maintain its current infrastructure, remove trees consuming unnecessary amounts of water, and provide credits for WNNd for residential and commercial developers with a continuous supply for obtaining credits.</p> <p>If this option is considered, Section 4.3 will require further consideration by the EIR consultant.</p> <p>Some commenters are not in agreement with this item and requested it not be included as a comment by SMAAC as an entire body. However, for the purpose of following the CEQA process we have left this suggestion for review but it should be noted the SMAAC is not in unanimous agreement on this item.</p>
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9.18

Letter 9

COMMENTER: Joe Patterson, Chairman, Santa Margarita Area Advisory Council

DATE: May 15, 2015

Response 9.1

The commenter introduces the Santa Margarita Area Advisory Council (SMAAC) comments, and notes that not all SMAAC members are in full agreement with the comments. The comment is noted. Refer to responses 9.2 through 9.18 below for responses to specific comments on the Draft SEIR.

Response 9.2

The commenter notes agreement with Figure 2-2 in Section 2.0, *Project Description*, which shows the Paso Robles Groundwater Basin as excluding the Atascadero Sub-basin. The comment is noted. In addition, figures in Section 4.1, *Agricultural Resources*, and 4.2, *Land Use*, have been revised for consistency with Figure 2-2. Refer also to response 5.2.

Response 9.3

The commenter requests a definition of “hobby agriculture for rural residential users.” Refer to response 5.8.

Response 9.4

The commenter suggests removing the language “hobby agriculture for rural residential users” from the Final SEIR. As shown in Response 5.8, reference to activities defined as hobby agriculture has been removed from the proposed Program and Final EIR.

Response 9.5

The commenter requests clarification regarding the prohibition of potable water in water fountains and other decorative features, and suggests that this proposed requirement be redefined to require recirculated water for such features. Refer to response 5.9.

Response 9.6

The commenter suggests that the definition of the Paso Robles Groundwater Basin should exclude Garden Farms, Atascadero, and Templeton. Refer to response 5.10.

Response 9.7

The commenter suggests that the boundary on Figure 4.1-1 should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figure 4.1-1 has been revised, as shown in Section 4.1, *Agricultural Resources*.



Response 9.8

The commenter suggests that the boundary on Figure 4.1-2 should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figure 4.1-2 has been revised, as shown in Section 4.1, *Agricultural Resources*.

Response 9.9

The commenter points out that the numbered items on the top of page 4.1-9 are redundant with the numbered items on the bottom of page 4.1-7. In response to this comment, the following revision has been made to Section 4.1, *Agricultural Resources*:

The Agriculture Element offers the following policy direction:

1. Storage of water in or under the watershed should be maximized, thereby minimizing discharges that are lost out of the watershed.
2. Recharge of groundwater basins should be preserved and enhanced by protecting stream bed gravels that are a major source of recharge from sediment deposition. Other alluvial areas should be protected from impervious surfaces or compaction.
3. Water that is extracted from storage should be properly used in a manner that maximizes its beneficial use and that minimizes evaporative losses.
- ~~4. Storage of water in or under the watershed should be maximized, thereby minimizing discharges that are lost out of the watershed.~~
- ~~5. Recharge of groundwater basins should be preserved and enhanced by protecting stream bed gravels that are a major source of recharge from sediment deposition. Other alluvial areas should be protected from impervious surfaces or compaction.~~
- ~~6. Water that is extracted from storage should be properly used in a manner that maximizes its beneficial use and that minimizes evaporative losses.~~

Response 9.10

The commenter suggests that the SEIR may incentivize current landowners to over irrigate their farmland in advance of selling their land as an offset to a developer. It should be clarified that credits for the Agricultural Offset program would be calculated using average water rates for different types of crops, as shown in Table 2-3 in Section 2.0, *Project Description*. By utilizing pre-established rates for specific crop types, rather than actual water use measurements, the Agricultural Offset program would not incentivize over irrigating as a means of increasing the calculated offset value.

The commenter further suggests that potential buyers would consist of out-of-town, foreign, or large corporations who can afford to spend the amount of money required for the Agricultural Offset program, which may drive out local farmers. It should be clarified that the EIR is not intended to account for economic effects of the proposed Program, in accordance with CEQA guidelines. As stated in CEQA Guidelines Section 15064(e) and 15131(a), economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, such effects are not considered in the Final SEIR.



The commenter additionally suggests that the analysis in Impact AG-1 appears to require irrigation of crops every four years, thus forcing landowners to use their land in a manner dictated by the government. The analysis and associated mitigation for Impact AG-1 in Section 4.1, *Agricultural Resources*, has been revised, as shown below. These revisions are made to acknowledge that a change in Farmland Mapping and Monitoring Program (FMMP) designation (e.g. Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) does not constitute a significant impact under CEQA. Rather, a significant impact would occur if the Program would directly convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. Fallowing of agricultural land is not considered a non-agricultural use; thus, the Agricultural Offset program would not convert these areas to non-agricultural use, and the impact would be less than significant, rather than significant but mitigable. Because of this change in impact level, mitigation is no longer required. The mitigation would have required that these areas not be fallowed, and also that changes in irrigation type/method remain consistent with criteria under the FMMP, which may have required irrigation of crops every four years, as noted by the commenter. Because this mitigation measure has been eliminated, the commenter's concern has been addressed.

Impact AG-1 The Agricultural Offset program component of the Countywide Water Conservation Program ~~would~~ could result in the fallowing of agricultural fields, but would not convert crop conversion, or conversion of irrigation systems as a means of reducing water consumption which could result in direct conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Impacts would be Class III, less than significant but mitigable.

The Water Neutral New Development (WNND) requirements would require that new or expanded irrigated agricultural development overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) offset water use at a minimum 1:1 ratio. This would be accomplished through the Agricultural Offset program, which as described in Section 2.0, *Project Description*, would allow for creation of water credits to be transferred within and between agricultural properties. Water offsets could be granted under this program by allowing a potential grower on currently vacant land to purchase water credits from a grower willing to reduce or eliminate existing crops, switch to a less water intensive crop, or change to a more efficient irrigation system. If an existing grower eliminates existing crops as a means to provide the water credit, existing agricultural fields could go fallow, including land currently designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, as shown in Figure 4.1-1. However, fallowing of agricultural land is a common occurrence, and would not be considered a change in land use. Further, the proposed Agricultural Offset program would not alter existing land use or zoning designations, nor facilitate development on agricultural land. Thus, the Agricultural Offset program would not convert agriculture (including Prime Farmland, Farmland of Statewide Importance, and Unique Farmland) to non-agricultural use, and impacts would be less than significant.



In order to meet the definition of Prime Farmland and Farmland of Statewide Importance, agricultural land must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date, which equates to every four years. Thus, any water conservation method which results in the loss of irrigation (crop conversion to non-irrigated crops or fallowing) of Prime Farmland or Farmland of Statewide Importance for a duration of four years or more, would lead to a loss of a property's designation as Prime Farmland or Farmland of Statewide Importance.

Similarly, if Unique Farmland were to stop producing high-value crops or began producing excluded crops (such as grains) and this change lasted four years or more, it would lose its designation as such. Similar rules would also apply to Farmland of Local Importance. Unique Farmland and Farmland of Local Importance do not have irrigation requirements and would likely only be impacted through Agricultural Offset program through crop conversion or fallowing of fields. As defined in San Luis Obispo County, land can remain designated as Farmland of Local Potential, which is a sub-category of Farmland of Local Importance, without any active agriculture as long as it has characteristics of Prime or Statewide Farmland and is not cultivated.

Figure 4.1-1 illustrates the prevalence of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland in the Paso Robles Groundwater Basin.

Table 4.1-1 identifies the total quantity and percent of Prime Farmland and Farmland of Statewide Importance in the Paso Robles Groundwater Basin that could potentially be converted under Agricultural Offset program if they are used to provide water credits using fallowing or conversion to non-irrigated crops. As shown in Table 4.1-1, there is the potential for the conversion of up to 10,473 acres (2.9 percent of the area) of Prime Farmland and 11,827 acres (3.3 percent of the area) of Farmland of Statewide Importance. While in reality it is unlikely that all Prime Farmland and Farmland of Statewide Importance in this area would participate in the Agricultural Offset program, due to the importance of these resources as well as the small percentages of both Prime Farmland and Farmland of Statewide Importance in the Paso Robles Groundwater Basin, any conversion of these lands to a different FMMP designation or non-agricultural uses would be a potentially significant impact.

While irrigation is not required to meet the definition of Unique Farmland, land under this category is usually irrigated though it may include non-irrigated orchards or vineyards. There are 20,290 acres (2.9 percent of the area) of Unique Farmland in the Paso Robles Groundwater Basin. Unique Farmland in this area could be impacted due to crop conversion from a high water usage crop to a crop that does not require irrigation, or is low water usage and therefore no longer meets the definition of a high economic value crop. Examples of high economic value crops include oranges, olives, avocados, rice, grapes, and cut flowers. Because irrigation is not required to meet the definition of Unique Farmland, changes in crop type (less water intensive) or changes in irrigation do not necessarily result in a loss of the Unique Farmland designation. For this reason not all crop conversions would result in a conversion of Unique Farmland. However,

~~because conversion of Unique Farmland could potentially occur as a result of crop conversion or fallowing, impacts would be considered potentially significant.~~

Amendments to the policies and goals proposed under the proposed Program would not have an adverse effect on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as the policies and goals are intended to protect these same resources. In addition, because the Agricultural Offset program also allows for planting credits to be obtained through a shift to less water intensive crops (rather than fallowing), the Agricultural Offset program may result in a net increase in agricultural acreage in agricultural areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). The transfer of planting credits and conversion of high water use crops (e.g. alfalfa) to low water use crops (e.g. vineyards) could yield potential new irrigated agriculture acreage – all while maintaining current water demand.

Additionally, the Water Waste Prevention (WWP) program would identify a series of best management practices (BMPs) aimed at increasing water use efficiency in agricultural practices. This includes expansion/clarification of existing policy regarding increased water efficiency efforts and increased educational outreach. However, the WWP program would not alter existing land uses, including agriculture, and would therefore have no influence on the conversion of Prime Farmland, Farmland of Statewide Importance or Unique Farmland. In addition, the WWP program would serve to conserve water, which is a vital component necessary for a successful agricultural industry.

~~In summary, potentially significant impacts would include the following types of FMMP classification changes resulting from changes in irrigation regime or crop types:~~

- ~~• Prime Farmland converted to Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, or non-agricultural uses.~~
- ~~• Farmland of Statewide Importance converted to Unique Farmland, Farmland of Local Importance, Grazing Land, or non-agricultural uses.~~
- ~~• Unique Farmland converted to Farmland of Local Importance, Grazing Land, or non-agricultural uses.~~

~~Mitigation Measures. No mitigation is required. The following mitigation would reduce potentially significant impacts to Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to a less than significant level.~~

- ~~AG-1 Sending sites participating in the Agricultural Offset program shall be consistent with the following:
 - a. Prime Farmland, Farmland of Statewide Importance, and Unique Farmland shall not be fallowed as a means of providing water offset credits.
 - b. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Prime Farmland must remain consistent with criteria for~~



~~Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Prime Farmland, land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years prior to the mapping date.~~

- ~~e. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Farmland of Statewide Importance must remain consistent with criteria for Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Farmland of Statewide Importance, land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years, prior to the mapping date.~~
- ~~d. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Unique Farmland must remain consistent with criteria for Unique Farmland, Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Unique Farmland, land must have been used for the production of specific high economic value crops at some time during the two update cycles, or the last four years, prior to the mapping date.~~

Significance After Mitigation. ~~With the implementation of Mitigation Measure AG-1, I~~ Impacts would be less than significant.

As a result of the above revisions, the *Mitigation Measures* and *Significance After Mitigation* discussion for Impact AG-2 in Section 4.1, *Agricultural Resources*, has been revised as follows:

Mitigation Measures. ~~Mitigation Measure AG-1 would prevent the following of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. Each of these categories of farmland could be under Williamson Act contract; therefore, implementation of Mitigation Measure AG-1 would partially address this impact. However, because other categories of potentially irrigated farmland subject to Williamson Act could be followed, the~~ The following mitigation measure would be required.

AG-3 The following provision shall be added to the proposed Agricultural Offset program:

Sending sites providing planting credits shall remain consistent with the provisions of any existing Williamson Act contract for the property and County of San Luis



Obispo Rules of Procedure to Implement the California
 Land Conservation Act Of 1965.

Significance After Mitigation. Implementation of Mitigation Measure AG-3 as well as Mitigation Measure AG-1 would reduce potential impacts associated with conflicts with the Williamson Act to a less than significant level.

In addition, Section 4.1.2(c) (Cumulative Impacts) has been modified as follows:

c. Cumulative Impacts. Cumulative impacts would not occur as a result of conversion of agriculture under the proposed Program beyond those considered in the San Luis Obispo County General Plan. As discussed above and in Section 4.3, *Land Use*, the proposed Program would facilitate new urban and rural development in certified LOS III groundwater basins and new irrigated agricultural development in agricultural areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), however it would do so consistent with existing San Luis Obispo County General Plan and Zoning Ordinance land use designations. The Agricultural Offset program could result in the fallowing of agricultural land, including land designated as Prime Farmland, Unique Farmland, and/or Farmland of Statewide Importance. However, as discussed under Impact AG-1, the fallowing of agricultural land is a common occurrence, and does not constitute conversion to non-agricultural use. The Program does not involve any amendments to land use designations or zoning, and therefore would not generate development that would convert these areas to non-agricultural use. ~~Implementation of Mitigation Measure AG-1 would prevent downgrades of FMMP classifications for Prime Farmland, Farmland of Statewide Importance, and Unique Farmland; however, there~~ There is the potential for some irrigated Farmland of Local Importance, Farmland of Local Potential or Grazing Land to also be fallowed as a result of the proposed Program, unless it would conflict with an existing Williamson Act contract (per Mitigation Measure AG-3). Agricultural lands would only be fallowed under the proposed Program as a means of water offset to allow other agriculture uses to be developed or intensified and water offsets generated through fallowing of agricultural would not be used to facilitate non-agricultural development types. Therefore, the contribution of the proposed Program to cumulative impacts related to the conversion of agriculture would be less than significant.

Table ES-1 in the *Executive Summary* has also been revised for consistency:

**Table ES-1
 Summary of Environmental Impacts, Mitigation Measures and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
AGRICULTURAL RESOURCES		
Impact AG-1 The Agricultural Offset program component of the Countywide Water Conservation Program would could result in the fallowing of agricultural fields, <u>but would not convert crop conversion, or conversion of irrigation systems</u>	No mitigation measures are necessary. AG-1 Sending sites participating in the Agricultural Offset Program shall be consistent with the following: e. Prime Farmland, Farmland of Statewide Importance, and Unique Farmland shall not	Less than significant.



**Table ES-1
 Summary of Environmental Impacts, Mitigation Measures and Residual Impacts**

Impact	Mitigation Measures	Residual Impact
<p>as a means of reducing water consumption which could result in direct conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to <u>non-agricultural use</u>. Impacts would be Class III, <i>less than significant but mitigable</i>.</p>	<p>be followed as a means of providing water offset credits.</p> <p>f. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Prime Farmland must remain consistent with criteria for Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Prime Farmland land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years prior to the mapping date.</p> <p>g. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Farmland of Statewide Importance must remain consistent with criteria for Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Farmland of Statewide Importance land must have been irrigated for the production of irrigated crops at some time during the two update cycles, or the last four years, prior to the mapping date.</p> <p>h. Changes in irrigation type/method and conversions of crops on agricultural lands designated as Unique Farmland must remain consistent with criteria for Unique Farmland, Farmland of Statewide Importance or Prime Farmland as defined by the Department of Conservation FMMP. To be classified as Unique Farmland land must have been used for the production of specific high economic value crops at some time during the two update cycles, or the last four years, prior to the mapping date.</p>	

In addition, Table 4.2-1 in Section 4.2, *Land Use*, has been revised as follows:

**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
<i>Land Use Element – Framework for Planning (Inland)</i>	
<p>Principle 1. Preserve open space, scenic natural beauty and natural resources. Conserve energy resources. Protect agricultural land and resources.</p>	<p><u>Potentially Consistent.</u> The WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and BMPs in agricultural areas, with potential fines for non-compliance in non-agricultural areas. Although WNND requirements may facilitate new urban and rural development in groundwater basins certified at LOS III for water supply, and new irrigated agricultural development in the Paso Robles Groundwater Basin, it would do so only if that development could offset its water use at a 1:1 ratio. This may occur by allowing some agricultural lands to go fallow. As noted in Section 4.1, <i>Agricultural Resources</i>,</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
	<p>fallowing of agricultural fields as a means of reducing water consumption within the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>) <u>would not be considered a conversion to non-agricultural use, and impacts would be</u> could result in direct conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. However, Mitigation Measure AG-1 prohibits the fallowing of these lands, thus reducing the impact to a less than significant level. Some development facilitated by the ordinance could occur in open space or scenic areas. However, this development would be subject to existing land use regulations.</p>
<p>Policy 6. Encourage the protection and use of agricultural land for the production of food, fiber and other agricultural commodities, and support the rural economy and locally-based commercial agriculture.</p>	<p><u>Potentially Consistent.</u> The Agricultural Offset program, as part of WNNND requirements, would allow new irrigated agriculture which overlies the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). The goal is to maintain current water demand which could strengthen the rural economy and locally-based commercial agriculture. However, new irrigated lands would be planted at the expense of other, existing agricultural areas, which would either be planted with less water intensive crops, or left fallow in order to offset the new water demand. If the new agricultural development is offset with less water-intensive crops, the net impact to agricultural production would be positive because more acres would be used for agriculture. If offset with fallowing of land, however, the net result could be negative. However, Mitigation Measure AG-1 in Section 4.1, <u>Agricultural Resources</u>, prohibits the fallowing of lands designated as <u>impacts would be less than significant, as fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be considered a conversion to non-agricultural use.</u> This mitigation would reduce potential impacts to a less than significant level, and would similarly serve to protect agricultural land, which is <u>Because the Program would either result in a net benefit or less than significant impacts to agriculture, the Program would be potentially consistent with this policy.</u></p>
<p>Land Use Element – Framework for Planning (Coastal)</p>	
<p>Objective 3.d. Preserve urban and rural open space as an irreplaceable resource for future generations by: Protecting agricultural, natural and other rural areas between communities, and working with landowners and these communities to maintain rural character and land uses.</p>	<p><u>Potentially Consistent.</u> The WWP program would promote water conservation through the prohibition of water wasting in urban and rural areas and application of BMPs in agricultural areas, with a threat of fines for non-compliance in non-agricultural areas. Although WNNND requirements may facilitate new urban and rural development within groundwater basins certified at LOS III for water supply, and new irrigated agricultural development in the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), it would do so only if that development could offset its water use at a 1:1 ratio. In the Paso Robles Groundwater Basin, this may occur by allowing some agricultural lands to go fallow. As noted in Section 4.1, <u>Agricultural Resources</u>, fallowing of agricultural fields as a means of reducing water consumption <u>could</u> <u>would not</u> result in direct conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
	<p>use. Thus, impacts related to conversion of important farmland would be less than significant. However, Mitigation Measure AG-1 prohibits the following of these lands, thus reducing the impact to a less than significant level. Some development facilitated by the ordinance could occur in open space or scenic areas. However, this development would be subject to existing land use designations.</p>
Agriculture Element	
<p>Goal AG1. Support County Agricultural Production.</p> <ul style="list-style-type: none"> a. Support and promote a healthy and competitive agricultural industry whose products are recognized in national and international markets as being produced in San Luis Obispo County. b. Facilitate agricultural production by allowing a broad range of uses and agricultural support services to be consistently and accessibly located in areas of prime agricultural activity. c. Support ongoing efforts by the agricultural community to develop new techniques and new practices. d. Develop agricultural permit processing procedures that are rapid and efficient. Do not require permits for agricultural practices and improvements that are currently exempt. Keep the required level of permit processing for non-exempt projects at the lowest possible level consistent with the protection of agricultural resources and sensitive habitats. 	<p>Potentially Consistent. WNND requirements include an Agricultural Offset program, which would facilitate the planting of new or more intensively irrigated agriculture in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) by allowing the potential grower to purchase water credits from an existing grower, thereby maintaining current water demands. As noted in Section 4.1, Agricultural Resources, following of although agricultural fields (including Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) may be followed as a means of reducing water consumption, this would not be considered a conversion to non-agricultural use. could result in direct conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. However, Mitigation Measure AG-1 prohibits the following of these lands, thus reducing the impact to a less than significant level. In addition, because the Agricultural Offset program also allows for water credits to be obtained through a shift to less water intensive crops (rather than following), the program may result in a net increase in agricultural acreage overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). In this way, the WNND requirements could help to implement this policy.</p> <p>WNND requirements may also allow planting credits to be obtained by improving irrigation efficiency, which may support ongoing efforts by the agricultural community to develop new techniques and practices (of conserving water). In addition, the element of the WWP program aimed at reducing water waste in agricultural areas would include two parts: a) expansion/clarification of existing policy regarding increased water efficiency efforts and b) educational outreach. Measures would be implemented which would identify wasteful practices, describe BMPs, and provide better resources for education of agricultural water application to both the agriculture industry and public, potentially consistent with this policy.</p>
<p>Goal AG3. Protect Agricultural Lands.</p> <ul style="list-style-type: none"> a. Establish criteria in this element for agricultural land divisions that will promote the long-term viability of agriculture. b. Maintain and protect agricultural lands from inappropriate conversion to non-agricultural uses. Establish criteria in this element and corresponding changes in the Land Use Element and Land Use Ordinance for when it is appropriate to convert land from agricultural to non-agricultural 	<p>Potentially Consistent. The Countywide Water Conservation Program would not result in agricultural land divisions. Thus, Goal AG3(a) is not applicable to the Program. Although the Agricultural Offset program could result in the following of some existing agricultural land, following of agricultural lands is a common occurrence Mitigation Measure AG-1 in Section 4.1, Agricultural Resources, would prohibit the following of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. Thus, the Program would not convert</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
<p>designations.</p> <p>c. Maintain and strengthen the county's agricultural preserve program (Williamson Act) as an effective means for long-term agricultural land preservation.</p> <p>d. Provide incentives for landowners to maintain land in productive agricultural uses.</p>	<p>these areas to non-agricultural use or change any existing agricultural land use designations, and would provide an incentive for maintaining land in productive agriculture. Thus, the Program would be potentially consistent with Goals AG3(b) and AG3(d). Mitigation Measure AG-3 would also ensure that implementation of the Program would not result in conflicts with existing Williamson Act contracts, potentially consistent with Goal AG3(c).</p>
<p><u>Policy AGP24. Conversion of Agricultural Land.</u></p> <p>a. Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:</p> <ol style="list-style-type: none"> 1. Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Advisory Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe. 2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations. 3. Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines. 4. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines. 	<p><u>Potentially Consistent.</u> The Countywide Water Conservation Program would not expand urban service, urban reserve, or village reserve lines, nor would it change land use or zoning designations. Further, the Program would not result in the location of public facilities outside urban and village reserve lines. The Program would not redesignate agricultural lands to create new rural residential development. Although the Agricultural Offset program may result in fallowing of some existing agricultural lands in areas overlying the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), <u>this would not be a conversion to non-agricultural use</u>. Mitigation Measure AG-1 in Section 4.1, <i>Agricultural Resources</i>, would prohibit the fallowing of land designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Thus, the Program would not convert important farmland to a non-agricultural use, and may allow more intensive agriculture in some areas.</p>
<i>Conservation and Open Space Element</i>	
<p><u>Goal AQ 3.</u> State and federal ambient air quality standards will, at a minimum, be attained and maintained.</p>	<p><u>Potentially Consistent.</u> As discussed in Section 4.4, <i>Effects Found not to be Significant</i>, prohibiting the application of water to exposed hard surfaces and unpaved roadways in urban and rural areas may inhibit the ability to mitigate for fugitive dust. However, multiple alternate strategies exist for the reduction of fugitive dust emissions (e.g. chemical stabilizers/dust suppressants, track-out devices, and enclosures/wind fencing for stockpiles). Thus, prohibiting the application of water in these instances would not increase fugitive dust.</p> <p>In addition, while reduced irrigation and/or fallowing of agricultural lands may incrementally increase the amount of exposed land susceptible to wind-blown fugitive dust within areas of the county overlying the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), it would represent a small portion of the county's overall fugitive dust emissions and would not contribute substantially to an existing or projected violation of state and federal ambient air quality standards. Mitigation Measure AG-1 would preclude the fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique</p>



**Table 4.2-1
 Policy Consistency: County of San Luis Obispo General Plan**

County of San Luis Obispo General Plan Policy	Consistency Discussion
	<p>Farmland. While the Agricultural Offset program may result in an increase in the fallowing of some classes of agricultural land, fallowing of fields is a typical agricultural practice and occurs regularly throughout the county. Therefore, while reduced irrigation and/or fallowing of agricultural lands may temporarily increase the amount of exposed land susceptible to wind-blown fugitive dust within the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>), it would not contribute substantially to an existing or projected air quality violation.</p>
<p><u>Goal SL 3.</u> Important Agricultural Soils will be conserved.</p>	<p><u>Potentially Consistent.</u> As discussed in Section 4.1, <u>Agricultural Resources</u>, the Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption within the Paso Robles Groundwater Basin (<u>excluding the Atascadero Sub-basin</u>). <u>However, this would not</u> which could result in direct conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. However, Mitigation Measure AG-1 prohibits the fallowing of these areas, <u>Impacts would be less than significant and the Program would protect thus protecting</u> Important Agricultural Soils consistent with this policy.</p>
<p><u>North County Area Plan</u></p>	
<p><u>Goal 2.</u> Agriculture as a primary focus of economic activity, with agricultural land uses maintained and protected. (Applies to the El Pomar-Estrella sub-area)</p>	<p><u>Potentially Consistent.</u> The Agricultural Offset program, as part of WNNND requirements, would allow new or expanded irrigated agriculture within the Paso Robles Groundwater Basin, which underlies the El Pomar-Estrella sub-area. However, new irrigated lands would be planted at the expense of other, existing agricultural areas, which would either be planted with less water intensive crops, or left fallow in order to offset the new water demand. If the new agricultural development is offset with less water-intensive crops, the net impact to agricultural production would be positive because more acres would be used for agriculture. If offset with fallowing of land, however, the net result could be reduction in farmed land. <u>However, Mitigation Measure AG-1 in Section 4.1, Agricultural Resources, prohibits the fallowing of lands designated as impacts would be less than significant, as fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be considered conversion to non-agricultural use. This mitigation would reduce potential impacts to a less than significant level, and Because the Program would not convert agriculture to non-agricultural uses, would similarly serve to maintain agriculture would remain</u> as a primary focus of economic activity, potentially consistent with this policy.</p>

The third and fourth paragraphs on page 4.3-5 in Section 4.3, *Effects Found not to be Significant*, have also been revised as follows:

...Therefore, the proposed Program could result in reduced irrigation and/or the partial or complete fallowing of some agricultural lands. ~~Land designated as Prime Farmland,~~



~~Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed Program as required by Mitigation Measure AG-1.~~

According to the SLOAPCD Emissions Inventory, farming operations (including farm equipment) and fugitive windblown dust make up approximately 16 percent of the county's fugitive dust emissions, while paved and unpaved road dust and construction and demolition activities make up over 60 percent of the county's fugitive dust emissions (SLOAPCD, 2005). ~~As noted above, Mitigation Measure AG-1 would preclude the fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland.~~ While the Agricultural Offset program may result in an increase in the fallowing of some classes of agricultural land, fallowing of fields is a typical agricultural practice and occurs regularly throughout the county...

The second paragraph on page 4.3-13 in Section 4.3, *Effects Found not to be Significant*, has been revised as follows:

As such, the proposed Program could result in reduced irrigation and/or the partial or complete fallowing of some agricultural lands overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), which could result in increased exposure of topsoil to erosion. However, land designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed Program as required under Mitigation Measure AG-1, which would limit the potential loss of topsoil from fallowed fields. While the Agricultural Offset program may result in an increase in the fallowing of some agricultural areas, fallowing of fields is a typical agricultural practice and occurs regularly throughout the county. Therefore, impacts would be less than significant.

The first full paragraph under *Drainage and Flooding* in Section 4.3.8 (Hydrology and Water Quality) in Section 4.3, *Effects Found not to be Significant*, has been revised as follows:

a-b) As described above, the proposed Program could result in reduced irrigation and/or fallowing of agricultural lands in areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), which may result in minor changes to drainage and runoff patterns in localized areas. ~~Land designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed Program as required by Mitigation Measure AG-1.~~ However, reducing irrigation and fallowing of fields are typical agricultural practices and occur regularly throughout the county. Therefore, drainage patterns and runoff patterns in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) would not differ substantially from existing conditions. Impacts would be less than significant.

The first paragraph on page 4.3-35 in Section 4.3, *Effects Found not to be Significant*, has been revised as follows:



While the proposed Agricultural Offset program could result in the partial or complete fallowing of agricultural lands in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), this would not be considered a conversion to non-agricultural useland designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland would not be permitted to be fallowed as offset credits under the proposed Program (Mitigation Measure AG-1). While the fallowing of some properties could represent a change in visual character for individual properties it would not result in cumulative impacts to the aesthetic character of the county given that fallowed lands are a common feature in the pastoral landscape. In addition, the fallowing of lands is a typical practice for agricultural areas in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). Fallowed land would not substantially increase PM₁₀ emissions, result in the loss of topsoil, or result in substantial changes to drainage and runoff patterns.

The *Agricultural Resources* discussion in Section 5.2.2 (Impact Analysis) in Section 5.0, *Alternatives*, has been revised as follows:

Agricultural Resources. The Los Osos Basin and ~~NMMA~~ Nipomo Mesa Water Conservation Area do not have existing Agricultural Water Offset programs. In areas overlying the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), the existing Agricultural Water Offset program [as described in Section 2.3.1(a) of Section 2.0, *Project Description*] would continue to apply through August 27, 2015. During this time, similar to the proposed Program, water offsets could be granted by fallowing an existing agricultural property. This could result in ~~impacts to fallowing of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, and may also conflict with existing Williamson Act contracts. Mitigation Measure AG-1 in Section 4.1, Agricultural Resources, would prohibit the fallowing of these important farmlands, and would restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands. This measure would reduce impacts of the Program to important farmlands and Williamson Act contracts to a less than significant level.~~ The No Project Alternative would allow potential fallowing of agricultural land in areas overlying the Paso Robles Groundwater Basin through August 27, 2015, ~~without the benefit this mitigation measure. Thus, the impacts of this alternative would be unmitigated, and therefore greater than the proposed Program.~~ Similar to the proposed Program, the fallowing of these lands would not constitute a significant impact; therefore, impacts related to conversion of Important Farmland under this alternative would be less than significant, similar to the proposed Program.

The *Agricultural Resources* discussion in Section 5.3.2 (Impact Analysis) in Section 5.0, *Alternatives*, has been revised as follows:

Agricultural Resources. As described in Section 4.1, *Agricultural Resources*, the proposed Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption. These activities would result in ~~potentially significant impacts to the fallowing of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; Williamson Act lands; resulting in conversion of Farmland.~~ These potentially significant impacts would

~~occur as a result of the Agricultural Offset program.~~ Because this alternative would increase the offset requirement from a 1:1 ratio to a 2:1 ratio, this alternative would double the amount of water required to be offset for new agricultural uses. These water offsets could be granted through the elimination of existing crops, which could result in a larger amount of agricultural land fallowed under the Program. Impacts associated with this alternative would therefore be greater than for the proposed Program. However, as with the proposed Program, ~~Mitigation Measure AG-1 would prohibit the fallowing of important farmlands~~ would not be considered a conversion to non-agricultural use, and would not constitute a significant impact~~restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands.~~ Application of this measure to Therefore, the Larger Offset Requirement Alternative would result in less than significant impacts, similar to the proposed Program.

The Larger Offset Requirement Alternative would not alter existing land use or zoning designations. Similar to the proposed Program, new development would be subject to the requirements of the County General Plan and County Code and thus it would not conflict with agricultural operations. Impacts related to conflicts with existing zoning for agricultural use would be similar to those of the proposed Program, which are less than significant.

The *Agricultural Resources* discussion in Section 5.4.2 (Impact Analysis) in Section 5.0, *Alternatives*, has been revised as follows:

Agricultural Resources. As described in Section 4.1, *Agricultural Resources*, the proposed Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption. These activities would result in ~~potentially significant impacts to the fallowing of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; Williamson Act lands; resulting in conversion of Farmland.~~ These ~~potentially significant impacts would occur as a result of the Agricultural Offset program.~~ Because the Expanded Agricultural Offset Program Alternative would extend the Agricultural Offset program to new irrigated agricultural development overlying all LOS III groundwater basins (rather than the Paso Robles Groundwater Basin only), this alternative would increase the amount of agricultural water offsets in the county. These water offsets could be granted through the elimination of existing crops, which could result in a larger amount of agricultural land fallowed under the Program. Impacts to agricultural resources would therefore be slightly greater under this alternative. However, as with the proposed Program, the fallowing of important farmlands would not be considered a conversion to non-agricultural use, and would not constitute a significant impact ~~Mitigation Measure AG-1 would prohibit the fallowing of important farmlands, and would restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands.~~ Application of this measure to Therefore, Alternative 3 would result in less than significant impacts related to important farmland conversion~~after application of the required mitigation,~~ similar to the proposed Program.



The Expanded Agricultural Offset Program Alternative would not alter existing land use or zoning designations. Similar to the proposed Program, new development would be subject to the requirements of the County General Plan and County Code and thus it would not conflict with agricultural operations. Impacts related to conflicts with existing zoning for agricultural use would be similar to those of the proposed Program, which are less than significant.

The *Agricultural Resources* discussion in Section 5.5.2 (Impact Analysis) in Section 5.0, *Alternatives*, has been revised as follows:

Agricultural Resources. This alternative would modify the sunset provision for the proposed Program and would extend the sunset provisions to the Urban/Rural Water Offset requirement (in addition to the Agricultural Offset program, which has a sunset provision under the proposed Program). Because there would be multiple scenarios under which the Program could sunset, this alternative could potentially be in effect for a shorter period of time than the proposed Program. For example, if emergency drought conditions end (condition 2) or the Paso Robles Groundwater Basin is downgraded to LOS II (condition 3), the Program would no longer apply, even if a GSP is not yet adopted.

If emergency drought conditions continue or if LOS III-certified groundwater basins maintain their current LOS certifications (i.e. if conditions 2 or 3 are not met), then this alternative would apply for a longer period of time than the proposed Program. This is because condition 1 in the Altered Sunset Provisions Alternative would allow the Program to sunset only after implementation of a GSP, rather than at the time of adoption (as with the proposed Program). Under condition 1, the alternative would potentially be in effect for a longer period of time than the proposed Program.

As described in Section 4.1, *Agricultural Resources*, the proposed Program would result in the fallowing of agricultural fields, crop conversion, or conversion of irrigation systems as a means of reducing water consumption. These activities would result in ~~potentially significant impacts to the fallowing of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance; Williamson Act lands; resulting in conversion of Farmland. These potentially significant impacts would occur as a result of the Agricultural Offset program.~~ Because this alternative could potentially allow the Agricultural Offset program to sunset earlier than the proposed Program (under condition 2 and condition 3), this alternative may decrease the amount of agricultural water offsets in the county over time, thus resulting in fewer impacts to agricultural resources. On the other hand, this alternative would potentially allow the Agricultural Offset program to continue longer than the proposed Program (if condition 1 is selected), and may therefore increase the amount of agricultural offsets (and associated impacts) over time. As with the proposed Program, the fallowing of important farmlands would not be considered a conversion to non-agricultural use, and would not constitute a significant impact. ~~Mitigation Measure AG-1 would be required. This measure would prohibit the fallowing of important farmlands, and would restrict changes in irrigation type/method or conversions of crops that would change the designation of important farmlands. Application of this measure to~~ Therefore,



Alternative 4 would result in less than significant impacts whether the alternative results in a longer-term or shorter-term Program depending on the condition under which the alternative sunsets, similar to the proposed Program.

The Altered Sunset Provisions Alternative would not alter existing land use or zoning designations. Similar to the proposed Program, new development would be subject to the requirements of the County General Plan and County Code and thus it would not conflict with agricultural operations. Impacts related to conflicts with existing zoning for agricultural use would be similar to those of the proposed Program, which are less than significant.

The *Agricultural Resources* column for the No Project Alternative in Table 5-2 has been modified to show that the alternative would result in similar impacts to the proposed Program, rather than greater impacts.

Finally, the second and third paragraphs under Table 5-2 in Section 5.6 (Environmentally Superior Alternative) have been revised as follows:

The Larger Offset Requirement Alternative is also considered environmentally superior for one issue area. Because this alternative would reduce water demand in the certified LOS III groundwater basins (rather than being water demand neutral, as with the proposed Program), and would be potentially more consistent with the County's land use policy framework that promotes water conservation. However, because more agricultural land could be fallowed as a result of this alternative, ~~adverse impacts related to agricultural resources would be greater than for the proposed Program (though they would continue to be less than significant). Implementation of mitigation identified in this SEIR would reduce these impacts to a less than significant level.~~

The Expanded Agricultural Offset Program Alternative would result in greater impacts to agricultural resources than the proposed Program. This is because this alternative would extend the Agricultural Offset program to all certified LOS III groundwater basins, and would therefore increase the amount of agricultural water offsets in the county. These water offsets could be granted through the elimination of existing crops, which could result in a larger amount of agricultural land fallowed under the Program. Therefore, ~~adverse impacts related to agricultural resources would be greater than for the proposed Program, although they would remain less than significant. Implementation of mitigation identified in this SEIR would reduce these impacts to a less than significant level.~~ Alternative 3 would be potentially consistent with County's land use policy framework, similar to the proposed Program.

Response 9.11

The commenter suggests that the boundary on Figure 4.1-3 should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figure 4.1-3 has been revised, as shown in Section 4.1, *Agricultural Resources*.



Response 9.12

The commenter suggests that the boundary on Figure 4.2-1a should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figure 4.2-1a has been revised, as shown in Section 4.2, *Land Use*.

Response 9.13

The commenter suggests that the Final SEIR include a fifth alternative that includes both a “trigger” clause as well as a “sunset” clause, and provides several suggestions for trigger clauses and sunset clauses. Refer to Alternative 4 in Section 5.0, *Alternatives*, which includes several options for sunset clauses. In addition, the Board of Supervisors has the discretion to include any combination of a trigger or sunset clause within the proposed ordinance.

Response 9.14

The commenter suggests that the boundary shown in an unreferenced map should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figures throughout the SEIR analysis have been revised, as shown in Section 4.1, *Agricultural Resources*, and Section 4.2, *Land Use*.

Response 9.15

The commenter suggests that the boundary shown in an unreferenced map should exclude the Atascadero Sub-basin, consistent with Figure 2-2. Refer to responses 5.2 and 9.2. Figures throughout the SEIR analysis have been revised, as shown in Section 4.1, *Agricultural Resources*, and Section 4.2, *Land Use*.

Response 9.16

The commenter suggests removal of the terms “Level of Severity,” “LOS,” and “LOS III” from the SEIR. The term “Level of Severity” is used to identify the threshold for groundwater basins to be subject to the proposed Program.

The commenter additionally notes that some SMAAC commenters would prefer the continued use of Levels of Severity, but notes that the Paso Robles Groundwater Basin LOS III is applied too broadly. The Planning Commission directed staff to make revisions to the proposed amendment language that resulted in further clarification of the proposed Program language, and refinement to the boundaries of the Paso Robles Groundwater Basin that would be subject to the proposed Program (i.e. exclusion of the Atascadero Sub-basin from the requirements of the proposed Program).

Response 9.17

The commenter notes that some SMAAC commenters would prefer the continued use of Levels of Severity, but notes that the Paso Robles Groundwater Basin LOS III is applied too broadly. Refer to response 9.16, above.



Response 9.18

The commenter recommends consideration of an alternative for credits for WNND requirements that involve removal of trees within creek beds of overgrown creeks and stream banks within the County. Removing trees within overgrown creeks and stream banks would be more appropriately included in larger sustainability projects for the basin, such as a watershed management program, and is outside the scope of the proposed Countywide Water Conservation Program. In addition, such an alternative would not meet two of the four project objectives, including: providing a mechanism to allow new development to proceed in certified LOS III groundwater basins subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; or providing a mechanism to allow new or expanded irrigated agriculture to proceed in the Paso Robles Groundwater Basin, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use. Further, this alternative would have potential impacts to biological resources, including special status plant and animal species. For these reasons, the commenter-suggested alternative is not included in the Final SEIR.





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May 15, 2015

Xzandrea Fowler
SLO County Planning & Building Dept.
976 Osos Street
San Luis Obispo, CA 93408

Re: Countywide Water Conservation Program DEIR Comments

Dear Ms. Fowler,

On behalf of the Paso Robles Water Integrity Network (PR-WIN), I am submitting the following comments on the Draft Supplemental EIR for the Countywide Water Conservation Program. Comments are organized by chapter, and each comment is preceded by a reference to a page and/or section number, where appropriate.

Introduction

Section 1.1: This section states that the current EIR is a Supplemental EIR that is tiered off of a 2010 EIR prepared for the Conservation and Open Space Element, but there is no explanation as to how the two project are related, why a tiered EIR is appropriate, what subjects were addressed in the previous EIR that will not be addressed in the current one, or even where the public can obtain copies of the previous EIR. Without this information, the SEIR is inadequate, and the appropriateness of relying on the previous EIR per CEQA Guidelines § 15163 cannot be ascertained.

10.1

Project Description

Section 2.2: The DEIR should include more detail on the “exceptional drought,” since that is the basis for the proposed program, instead of just providing a conclusory statement and definition. Referencing footnote 1 at the bottom, data should be provided on the crop and pasture losses to date, the shortages of water in the local reservoirs, and the specific streams and wells that are failing, as that would help focus this environmental review. This information should be provided in the Environmental Setting of the EIR, in order to provide

10.2

the public with an accurate picture of the existing baseline. Inclusion of this data in the current EIR baseline would also help the public measure whether the program has been successful, in the event it is amended down the road in some manner that triggers additional CEQA review.

10.2

Agricultural Resources

PR-WIN believes that this Chapter did not adequately assess the potential impacts of the program on agricultural land conversion, nor the actual feasibility of MM AG-1. Whether or not certain levels of farmland are precluded from participating (which definitions are difficult to apply), the program still incentivizes the following of currently-productive land.

10.3

This is likely to result in impacts to biological resources that were not studied in this EIR—for instance, irrigated alfalfa serves as prime foraging habitat for kit fox. Many other species rely on production agriculture within their range. The impacts (or lack thereof) of the program on special-status species throughout the County should be disclosed.

10.4

The Chino Basin is a perfect example of how the creation of a market for water transfers can drive out agriculture. A representative of dairy farmers in the Chino Basin went on record at a water conference in Marina Del Rey in May 2014 as stating that, if people value agriculture, they should not introduce a water transfer market, as the urban uses will eventually purchase all of the agricultural credits, and will always have more purchasing power. It is suggested that the EIR look to the Chino Basin, which has had a market for in-basin transfers since the 1970’s, and now has almost no production agriculture left, as an example of unintended environmental consequences, and for guidance on further mitigation measures that would keep that from happening here.

10.5

Alternatives

Section 5.2.1: The following statement at the bottom of page 5-5 and top of page 5-6 is inaccurate: “It is possible that a GSP... would be adopted and would require offsetting, but it is unclear at this time whether a GSP would address the same concerns as the proposed Program would address.” In order to correctly evaluate the No Project Alternative, the EIR should be amended to disclose that a GSP *must* be adopted under CEQA, and what is required as well as encouraged to be included in a GSP, pursuant to the Sustainable

10.6

Groundwater Management Act (SGMA). SGMA is fairly specific about what must be included in a GSP, and what concerns a GSP must address—this should be included in the No Project Alternative so that the public can fairly compare the two courses of action. 10.6

The EIR also did not study a reasonable range of alternatives, and no time was allowed for the public to provide input on the scope of the proposed alternatives to be studied, since the project has been drastically altered since the NOP was sent out. 10.7

At a minimum, the EIR should consider the possibility of exempting hobby agriculture for residents who irrigate less than 15 acres as a means of achieving the objectives of the project, while minimizing potential impacts to species and habitat. 10.8

Notice of Availability/Notice of Completion

PR-WIN is concerned that the availability of this document was not properly noticed, depriving the public of enough time to review the document and provide meaningful comments. Specifically, no Notice of Availability or Notice of Completion of the DEIR was posted in the County Clerk’s office pursuant to Public Resources Code § 21092.3. On May 8, 2015, at approximately 3 p.m., I went to the County Clerk’s office and reviewed all environmental notices that had been posted from the beginning of March, 2015, through the beginning of May, 2015, and was unable to find any notice related to this document, which purportedly was released on March 31, 2015. I understand that numerous stakeholder groups also complained that they were unaware of the document’s publication and asked for extensions of time to comment on the DEIR, which requests were denied. Where inadequate public notice has deprived the public of the ability to meaningfully review and comment on a DEIR, the DEIR must be recirculated. 10.9

General Comment: Meaningful CEQA Review

PR-WIN is concerned that the current CEQA process represents a mere formality without the opportunity for meaningful input or review. One of the core tenants of CEQA is that a lead agency should not commit to a specific project or a course of action prior to the completion of environmental review, as to do otherwise runs the risk that alternatives and mitigation measures that might otherwise have been considered will be foreclosed. (See CEQA Guidelines § 15004(b).) 10.10

On February 24, 2015, County Staff came before the Board of Supervisors to seek direction on whether to proceed with an Agricultural Water Offset Program, in order to determine whether an EIR needed to be completed. At the conclusion of that hearing, instead of asking Staff to come up with options for a such program, to study the environmental effects via an EIR, and return with recommendations—which would have been the appropriate course of action—Supervisor Frank Mecham made a motion that the Board pursue an ordinance which would specifically provide that: “all new development must be water neutral, no new vested rights, this would—I hate to use the word sunset—but it would sunset upon the establishment of a Groundwater Sustainability Plan. The provisions that are in the urgency ordinance, and the language would basically be adopted to go along with this. This is the Paso Groundwater Basin only.” Supervisor Hill then seconded the motion by saying “Let’s do it.” Supervisor Gibson endorsed the motion by saying “I think that that is exactly what we need to do.” The motion was then adopted by the Board on a 3-2 vote.

To the public, this represents commitment to a “definite course of action” prior to the completion of environmental review, and strongly implies that the results of the environmental review of the ordinance are immaterial to the chosen course of action.

10.10

In further support of this implication, it should be noted that a hearing to consider the ordinance was held by the Planning Commission on May 14, 2015, *before the public comment period on the DEIR had even closed*. This hearing was not noticed as a “workshop,” or even a chance for the Planning Commission to receive verbal comments on the DEIR; instead, it was noticed as consideration of the action ordinance and program for implementation. Such consideration is wholly premature and improper until the environmental impacts of the proposed program are fully known. Consideration of the program prior to the close of environmental review strongly indicates that the public’s comments on the DEIR are not material to the decision. This runs counter to the principle that, “besides informing the agency decision makers themselves, the EIR is intended to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action.” (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 136.)

According to the California Supreme Court, CEQA should not be “reduced to a process whose result will be largely to generate paper, to produce an EIR that describes a journey



whose destination is predetermined.” (*Id.* at 135-136.) That is exactly what appears to have happened here.

In order to ensure that the environmental effects of the proposed program were meaningfully considered, and that no possible impacts, alternatives or mitigation measures were improperly brushed aside in pursuit of a predetermined course of action, any consideration of this program by the County of San Luis Obispo should be deferred until the DEIR is recirculated for further public comment.

10.10

Regards,

Sophie Treder

Sophie Treder
TREDER LAND LAW

Letter 10

COMMENTER: Sophie Treder, Treder Land Law, Paso Robles Water Integrity Network

DATE: May 15, 2015

Response 10.1

The commenter claims that the SEIR provides no explanation as to how the proposed Countywide Water Conservation Program is related to the Conservation and Open Space Element, why a tiered EIR is appropriate, what subjects were addressed in the previous EIR that are not addressed in the current SEIR, or where the public can obtain copies of the previous EIR.

Refer to Section 1.3 (Decision to Prepare the Supplemental EIR) in Section 1.0, *Introduction*. As noted therein, the County of San Luis Obispo, as lead agency, determined that a Supplemental EIR must be prepared for the proposed Program. The Program that is now being proposed and evaluated in this Supplemental EIR includes amendments to the County General Plan and County Code that will affect water use in both new and existing development, as well as agricultural operations. The Program proposes amendments to the Conservation and Open Space Element and Agriculture Element of the County General Plan as well as a number of revisions to Titles 8, 19, and 22 of the County Code. The SEIR focuses on these amendments and revisions and does not revisit the environmental impacts of aspects of the County's existing water conservation policy framework that would not change as a result of the proposed Program.

Determination of whether additional CEQA documentation was required to evaluate any changes was based on the criteria contained in Section 15162(a) (Subsequent EIRs and Negative Declarations) and 15163 (Supplement to an EIR) of the *State CEQA Guidelines*.

Although *State CEQA Guidelines* Section 15163(b) states, "The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised," the County of San Luis Obispo determined that all impact areas will be addressed for this Program. These assessments are included in Section 4.0, *Environmental Impact Assessment*, of the Draft SEIR. In order to provide a robust analysis, each issue analysis in the Draft SEIR (including Section 4.1, *Agricultural Resources*, Section 4.2, *Land Use*, and each issue addressed in Section 4.3, *Effects Found not to be Significant*) contains a summary of the 2009 COSE EIR findings for that issue. Following the summary of 2009 COSE EIR findings, the potential environmental effects resulting from the proposed Program are described for each checklist item included in Appendix G of the *State CEQA Guidelines*.

The 2009 COSE EIR is available on-line at:

<http://www.slocounty.ca.gov/Assets/PL/Conservation+and+Open+Space+Element/COSE+Draft+EIR/COSE+Final+EIR.pdf>

The Final SEIR (excluding Draft SEIR sections) is available on-line at:

<http://www.slocounty.ca.gov/planning/water-amendments/environmental-review.htm>



Response 10.2

The commenter requests additional detail regarding the exceptional drought, and suggests that this information be included in Section 3.0, *Environmental Setting*. “Exceptional drought” is defined in both Section 2.0, *Project Description*, and 3.0, *Environmental Setting*. In addition, in response to this comment, the following text has been added to Section 2.0 of the SEIR:

The Board of Supervisors authorized the Department of Planning and Building to propose several amendments to the County General Plan and County Codes with the objective of the development and implementation of a Countywide Water Conservation Program to substantially reduce increases in groundwater extraction in areas that have been certified LOS III; provide a mechanism to allow new development and new or altered irrigated agriculture to proceed in certified LOS III areas, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and to reduce the wasteful use of water in the county.

The following language has been added to Section 3.0:

In response to the water scarcity concerns throughout San Luis Obispo County, the Board of Supervisors declared three groundwater basins, Nipomo Mesa (part of Santa Maria Groundwater Basin), the Los Osos Groundwater Basin, and the Paso Robles Groundwater Basin, at Level of Severity (LOS) III, which indicates that groundwater demand has met or exceeded the dependable supply.

In addition, the Board of Supervisors authorized the Department of Planning and Building to propose several amendments to the County General Plan and County Codes with the objective of the development and implementation of a Countywide Water Conservation Program to substantially reduce increases in groundwater extraction in areas that have been certified LOS III; provide a mechanism to allow new development and new or altered irrigated agriculture to proceed in certified LOS III areas, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and to reduce the wasteful use of water in the county.

Refer also to responses 12.14 and 12.15.

Response 10.3

The commenter claims that Section 4.1, *Agricultural Resources*, does not adequately assess the potential impacts of the Program on agricultural land conversion, nor the feasibility of mitigation measure AG-1. The commenter does not provide specific criticisms of the impact analysis contained in Section 4.1, *Agricultural Resources*. Refer to response 9.10. As shown therein, Impact AG-1 has been revised to be less than significant and mitigation measure AG-1 has been removed from the Final SEIR.



Response 10.4

The commenter suggests that fallowing of currently-productive agricultural land is likely to result in impacts to biological resources that were not studied in the SEIR. Refer to Section 4.3.3 (Biological Resources) in Section 4.3, *Effects Found not to be Significant*. As noted therein, fallowing of agricultural fields would not result in direct impacts to or loss of habitat for special status animals. This is because, while some special status animal species may travel through or utilize agricultural fields when moving between habitats or foraging, agricultural lands are not likely to support special status animal species, as they are frequently disturbed by agricultural operations. With respect to kit fox specifically, these animals can and do use agricultural fields but the extent of movement through such areas depends on what is being grown and how it is grown (e.g., small areas with little to no ground disturbance and with a clear movement corridor to grassland habitat could support denning/breeding [i.e., edge of an orchard]). Fallowing of fields would potentially open up areas to more than just movement activity by kit fox; therefore, fallowing of certain types of agricultural fields, which is a typical agricultural practice and occurs regularly throughout the county, could result in a positive impact to this species.

Response 10.5

The commenter suggests that the creation of a market for water transfer can drive out agriculture, citing the Chino Basin as an example. The commenter's suggestion is that urban uses will eventually purchase all of the agricultural credits. It should be clarified that the Agricultural Offset program would only apply to new or expanded irrigated agricultural development overlying the Paso Robles Groundwater Basin, such that urban uses would not qualify as a receiving site for the water credits. Stated simply, urban uses would not be allowed to purchase any agricultural credits, as suggested by the commenter.

Response 10.6

The commenter disagrees with the statement in Section 5.0, *Alternatives*, that "It is possible that a GSP, prepared pursuant to the Sustainable Groundwater Management Act, would be adopted and require offsetting, but it is unclear at this time whether a GSP would address the same concerns that the proposed Program would address." The commenter suggests that the full requirements of a GSP, pursuant to the Sustainable Groundwater Management Act (SGMA), be disclosed. The SGMA is discussed more fully in the regulatory setting in Section 4.2, *Land Use*. As noted therein, the SGMA requires the designation of groundwater sustainability agencies (GSA) and the adoption of Groundwater Sustainability Plans (GSP) for basins designated as medium- or high-priority by the Department of Water Resources (DWR). GSPs must be developed to eliminate overdraft conditions in aquifers and to return them to a condition that assures long-term sustainability within 20 years of plan implementation. The Act requires that a GSA be identified for all medium- and high-priority groundwater basins by June 30, 2017, and that GSPs for these basins be adopted by January 31, 2022. For basins subject to critical overdraft conditions, a GSP must be adopted by January 31, 2020. The proposed Agricultural Offset program would have a sunset provision upon adoption of a GSP for the Paso Robles Groundwater Basin.



The statement in Section 5.0, *Alternatives*, is intended to acknowledge that it cannot be known at this time if the GSP would require offsetting, or otherwise be similar to what is currently proposed as part of the Countywide Water Conservation Program. However, to clarify that the statement is not questioning whether a GSP would be adopted, the statement on page 5-6 has been revised as follows:

It is possible that a GSP, prepared pursuant to the Sustainable Groundwater Management Act, would ~~be adopted and~~ require offsetting, but it is unclear at this time whether a GSP would address the same concerns that the proposed Program would address.

Response 10.7

The commenter suggests that the SEIR did not study a reasonable range of alternatives, but does not suggest what other alternatives should have been considered. Section 5.0, *Alternatives*, includes four alternatives, including:

- *Alternative 1: No Project*
- *Alternative 2: Larger Offset Requirement*
- *Alternative 3: Expanded Agricultural Offset Program*
- *Alternative 4: Altered Sunset Provisions*

Four alternatives is a reasonable range given the scope of the proposed Program. In addition, the alternatives provide a range of types of alternatives.

The commenter further claims that no time was allowed for the public to provide input on the scope of the proposed alternatives, since the Program changed drastically since release of the Notice of Preparation (NOP). The NOP was released on August 15, 2014 and distributed for the required 30-day review period from August 15 to September 17, 2014. A public scoping meeting was also held on August 27, 2014, and three public hearings were held on October 28, 2014, February 3, 2015 and February 24, 2015. During the NOP review period, the County received six comment letters from public agencies and other commenters. These comment letters are summarized in Table 1-1 in Section 1.0, *Introduction*. It should be noted that several commenters suggested possible alternatives to the proposed Program, and that the current commenter did not provide a comment letter during the NOP review period.

In addition, the Draft SEIR was recirculated for a second 45-day public review period from May 22, 2015 to July 6, 2015.

While the project description changed slightly since release of the NOP, these revisions were fairly minor [as described in Section 1.5 (Amendments to the Project Description Since NOP Publication)] and did not add programs that were not previously included.



Response 10.8

The commenter suggests that the SEIR consider an exemption for hobby agriculture for residents who irrigate less than 15 acres. Refer to response 5.8 regarding the definition of hobby agriculture. Refer to response 7.1 regarding exemptions for small farms.

Response 10.9

The commenter suggests that no Notice of Availability or Notice of Completion of the Draft SEIR was posted in the County Clerk's office. The commenter further suggests that numerous stakeholder groups requested additional time to comment on the Draft SEIR, but that such requests were denied. The commenter is correct that a notice of the Draft SEIR was erroneously not posted in the County Clerk's office. Therefore, the Draft SEIR was recirculated for a second 45-day public review period from May 22, 2015 to July 6, 2015.

Response 10.10

The commenter suggests that the current CEQA process is a mere formality without the opportunity for meaningful input or review. Refer to responses 10.7 and 10.9.

The commenter additionally suggests that County decision-makers displayed a definite course of action prior to completion of the environmental review. The County Board of Supervisors provided direction to refine the scope of the project description at public hearings on February 3 and February 24, 2015. The proposed Program is analyzed for its environmental effects as required by CEQA and is compared to range of alternatives via this EIR. The Board will consider the information in the EIR as part of its decision-making process.

It should also be noted that the Planning Commission meeting on May 14, 2015 served as a forum for the public to provide comments on the proposed Program and this SEIR. A summary of verbal comments received at that meeting is provided as Letter 14 herein, and responses are provided in responses 14.1 through 14.33. Additional study sessions were held by the Planning Commission on May 29, 2015 and June 4, 2015. These three, full-day study sessions included robust discussion on both the Draft SEIR and program components. Two opportunities for public comment were also accommodated at each of these study sessions to allow for further public input.



LRP2013-00012 COUNTY OF SLO FIVE (5) proposed general plan or ordinance amendments. The Board of Supervisors recently authorized for processing a number of program amendments dealing with county-wide water resources. The Dept. of Planning and Building is currently preparing an initial study pursuant to the California Environmental Quality Act (CEQA) for this project. They seek our timely review of and comments on the proposed project.

1. Proposed county wide retrofit –on-sale ordinance to require all pre-1994 properties sold within the unincorporated area of the County to replace older, high water –using plumbing fixtures (toilets and shower heads)in existing buildings with more efficient models prior to completing real estate transactions.

Recommendation

- Set a specific standard of high efficiency for water using fixtures for all properties (residential, commercial...) even homes built post -1994, since there have been increases in efficiency of fixtures since then. Apply it county wide, not only in unmanaged ground water basins certified at level of service 2 or 3. Adding time and costs for sellers is secondary importance to conserving water.

- If County standards are more-conserving than those of Nipomo, Los Osos, and Cambria, they should override those area and district ordinances.

- In response to retrofit –on-sale of agricultural properties requiring modernization of irrigation systems: yes county wide.

2. Proposed ordinance amendments to require Water Supply Assessments for all new land divisions within certified Level of Severity 3 groundwater basins (presently, Los Osos and Paso Robles ground water basins and Nipomo Mesa Management Area).

Recommendation-

Although this advisory council area of supervisorial district 2 contains no certified LOS 3 groundwater basins. The Cambria CSD did declare a water resource LOS3 in 2001. That LOS 3 has not been certified by the Board of Supervisors. We would like to see credible Resource capacity Studies of groundwater basins countywide, and adoption of them, with credible certified levels of Service, by the Board of supervisors, so that theses proposed amendments that take the trigger for required WSAs up to LOS 2. Assessment of the resource prior to allocation is our priority.

- We request that the Cambria service area be certified LOS III

3. Proposed ordinance amendments to establish new landscaping requirements for all new construction, remodels, additions and all other private and public development(s). With focus on requiring ultra-low water using plantings based on revised county approved list and other outdoor water uses, such as water features. The amendments would apply to urban and rural areas.

Recommendation –

- Exceptions should be provided for the planting of vegetables, fruit and nut bearing trees, herbs –gardens for comestible. Gardens for food production are a big part of life style in this county.

- A revised County approved list should stress plants native and appropriate to specific areas of the County, i. e. maritime natives (coastal bluff), Monterey Pine forest, oak woodland . Etc. These are the plants best adapted to precipitation patterns, are less likely to introduce pathogens to rare or endangered natives, and associated with native fauna.

- If increased fire hazard is a concern, the revised County approved list might make every effort to list options which are both low water using and fire resistant.

- Amendments should focus on every means of capture of roof run-off and on –site cisterns and tanks to store for landscaping purposes, as well as systems for use of non-portable water, rather than the types of plantings.

- Limitations on water features should be considered.

- Dry farming is highly recommended when appropriate.

11.1

11.2

11.3

4. Proposed requirements for offsetting new water demand from new developments-residents, businesses and irrigated agriculture.

11.4

Recommendation- No Comment

5. Proposed new water waste ordinance which would limit and /or prohibit certain water using activates in the unincorporated areas, exempting CSD's with possible future inclusion of CSD's if circumstances so require. Possible limitations; hose shut off when washing cars, no water use to clean driveways, no water run off to paving from irrigation systems, watering landscape certain times of the days, fix leaks, limit ornamental fountains, water in restaurants on requests, limited Ag. Overhead watering, fix Ag. Leaks, maintain irrigation, protocol for public reporting water waste.

Recommendation –

- There should be a strong enforcement provision.

- Applicability should be countywide.

- Additional limitation to those listed in the referral document; filling and refilling of hot tubs and swimming pools, commercial and residential. This would be naturally having some impact on local life style as well as visitor –serving uses i.e. motels, hotels, vacation rentals.

- Prohibit rather than limit overhead agricultural watering if feasible for certain crops, and to prohibit irrigation of fallow land for the purpose of establishing water use history.

- Limit laundering of lodging sheets and towels by customer request only.

Motion to approve all 5 of the above proposals and recommendations- First Motion –Mary Webb and seconded – Debbie Mix

11.5

Council vote–Unanimous.

Letter 11

COMMENTER: North Coast Advisory Council

DATE: No Date

Response 11.1

The commenter suggests that a specific standard of efficiency for water using fixtures required for retrofit-on-sale be set, and that the standard be applied countywide. Retrofit-on-sale was not included in the analysis of this Draft SEIR because it was eliminated from the project description prior to release for public review.

The commenter additionally suggests that any higher countywide water fixture efficiency standards override existing standards individual basins. The comment further recommends that a requirement for retrofit-on-sale for agricultural irrigation systems be applied countywide. Retrofit-on-sale for an agricultural use was not included in the analysis within this Draft SEIR because it was not included in the proposed Program. The program as proposed does not allow for offset credits to be used interchangeably between agricultural and urban/rural uses.

Response 11.2

The commenter references a proposed ordinance amendment to require Water Supply Assessments (WSAs) for all new land divisions within certified LOS III groundwater basins. A WSA was not included in the analysis of this Draft SEIR because it was eliminated from the project description prior to release for public review.

The commenter additionally requests that the Cambria service area be certified LOS III. The comment is noted. The Countywide Water Conservation Program includes amendments to the County General Plan and County Code that will affect water use in both new and existing development, as well as agricultural operations. The proposed Program does not dictate or influence the process with which groundwater basins are certified at LOS III for water.

Response 11.3

The commenter suggests that exceptions to landscaping requirements be provided for home gardens, and that a revised County-approved planting list stress native plants appropriate to specific areas of the county, including both low-water and fire-resistant plants. Refer to response 7.1 regarding exemptions for small agricultural plantings where new crop production is proposed to be limited. New landscaping requirements were not analyzed in this Draft SEIR because they are not within the scope of the project description. The County plans to fully research an update to the landscape ordinance as a separate project from the one analyzed within this Draft SEIR.

The commenter additionally suggests that the Program should focus on capturing roof runoff and on-site cisterns and tanks, as well as systems for non-potable water. The commenter's



suggestion is noted and will be addressed during the environmental review process for the new landscape requirements, which are not within the scope of the subject project description.

The Commenter additionally suggests considering limitations on water features and to promote dry farming where possible. As noted in Section 2.0, *Project Description*, the proposed ordinance component of the WPP program would prohibit the use of potable water in a fountain or other decorative water feature (refer also to response 5.9). The proposed Programs do not limit the establishment of dry farms within the County, but also do not promote one type of farming over another.

Response 11.4

The commenter states that they have no comment on the proposed requirements for offsetting new water demand from new development and irrigated agriculture. The comment is noted.

Response 11.5

The commenter suggests that the WWP program have a strong enforcement provision, be applied countywide, and contain additional limitations and prohibitions (such as prohibiting rather than limiting overhead agricultural watering, and limiting laundering of lodging sheets and towels). The County would rely upon enforcement provided through existing provisions within the County Code and with the Code Enforcement Division. Prohibition of specified irrigation practices is not a component of the proposed Program, though educational efforts and promotion of best management practices regarding agricultural water use are a part of the Water Waste Prevention (WPP) program. Both urban/rural and agricultural components of the WWP program are applicable Countywide.



**WRAC Ad Hoc Subcommittee to Review Agricultural portions of Countywide
Water Conservation Program**

Subcommittee members

Mike Broadhurst (Chair of subcommittee), George Kendall, Lowell Zelinski, Sue Luft

Documents reviewed by subcommittee

Countywide Water Conservation Program Draft Supplemental Environmental Impact Report
(supplemental to EIR for COSE)

Revisions to Title 22 regarding crop production

Revisions to Title 8 regarding wineries

Revisions to Agriculture Element and Conservation and Open Space Element (COSE)

Comments on each document

Title 22 - General

How is the offset program enforced (monitoring, penalties for non-compliance, etc.)?

Offset credits should be available for a limited duration if desired by the landowners. This might make the cost of the credits more affordable to small farmers.

12.1

Title 22, Chapter 22.06.040

Figure XX should show the Paso Robles Groundwater Basin as delineated in DWR Bulletin 118, excluding the Atascadero sub-basin. A footnote should be provided stating "Paso Robles Groundwater Basin as identified and defined in Bulletin 118 or as modified pursuant to Water Code Section 10722 et seq, excluding the Atascadero sub-basin as delineated by the Rinconada fault." Similar language is used in the draft ordinance regulating the exportation of groundwater.

12.2

Title 22, Chapter 22.30.204, Table 1

This table would be clearer if the term "crop water use" was used instead of "crop production".

12.3

Title 22, Chapter 22.30.204, Table 1

The restriction that the receiving site cannot be within the area of severe decline makes sense. However, this will have an impact on the ability to use the offset program. Also, the area of severe decline (which well level decline contour) needs to be defined.

12.4

Title 22, Chapter 22.30.204. G.2.

This provision is not enforceable since a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation.

12.5

Title 22, Chapter 22.30.204. G.3.

This statement seems unnecessary since a Williamson Act contract must be complied with whether the site is involved in the offset program or not.

12.6

Title 22, Chapter 22.30.204. G.5.

Add "as listed in Table 2" at the end of the sentence.

12.7

Title 22, Chapter 22.30.204. G.6., regarding landowner agreements

Are there standardized landowner agreements to simplify the process, particularly for small farmers?

12.8

Title 22, Chapter 22.30.204. G.7.

Do deed restrictions end when ordinance sunsets?

12.9

Title 22, Chapter 22.30.204. G.8.

Flowmeters should be installed on wells at both the sending and receiving sites. Reports of water use should be turned into the County on an annual basis. County staff should review this data to ensure compliance with this program.

12.10

Title 22, Chapter 22.30.204, Table 2

This table differs from Table 2-3 in the Draft SEIR. However, the vineyard applied water value in Table 2 may be a more appropriate number than the value in Table 2-3.

12.11

Title 8, Chapter 8.69, Section 8.69.110

Since the Agricultural Offset Program applies only in the Paso Robles Groundwater Basin, the agricultural processing uses - wineries should also only apply in the Paso Robles Groundwater Basin. Discussions should be held with industry representatives to determine appropriate best management practices which would provide meaningful reductions in water use.

12.12

Revisions to COSE, Page 10.7, Policy WR 1.7 Agricultural operations

Since the proposed requirements Agricultural Offset Program applies only in the Paso Robles Groundwater Basin, this policy should be applicable only to the Paso Robles Groundwater Basin.

12.13

Countywide Water Conservation Program Draft SEIR

Executive Summary, Project Description

Although the “exceptional drought” has exacerbated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed.

12.14

2.0 Project Description, 2.2 Background

Although the “exceptional drought” has exacerbated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed.

12.15

3.0 Environmental Setting, 3.2 Program Area Setting

These three groundwater basins were certified as LOS III long before the current drought. The discussion of drought should either be removed or moved to later in this section.

12.16

3.0 Environmental Setting, 3.2 Program Area Setting, 3.2.1 Paso Robles Groundwater Basin

Last sentence of this section. The outflows are projected to exceed inflows by 26,159 AFY (see page ES-10 of

12.17

<http://www.slocountywater.org/site/Water%20Resources/Water%20Forum/Computer%20Modeling/pdf/Final%20Executive%20Summary.pdf>).

Letter 12

COMMENTER: Mike Broadhurst, George Kendall, Lowell Zelinski, and Sue Luft, WRAC Ad Hoc Subcommittee to Review Agricultural portions of Countywide Water Conservation Program

DATE: No Date

Response 12.1

The commenter asks how the Agricultural Offset program would be enforced, and suggests that offset credits be available for a limited duration if desired by the landowners. The County would rely upon enforcement provided through existing provisions within the County Code and with the Code Enforcement Division. As proposed in the Agricultural Offset program, Agricultural Offset Clearances would be valid in the same manner as a Zoning Clearance. A temporary offset clearance is not proposed as part of the program. Any switching of crop overlying the Paso Robles Groundwater Basin would need to be approved through the proposed Program.

Response 12.2

The commenter suggests that a figure in Chapter 22.06.040 exclude the Atascadero Sub-basin and include a footnote. A revised figure showing a map of the Paso Robles Groundwater Basin, excluding the Atascadero sub-basin, has been included in the proposed Program. Refer also to responses 5.2 and 9.2.

Response 12.3

The commenter suggests the use of the term “crop water use” rather than “crop production.” Crop production is referenced in the proposed Program as it is an existing definition found within Title 22. Average water duty factors for various crop commodity groups are shown in Table 3 of the proposed Program.

Response 12.4

The commenter suggests that the area of severe decline needs to be defined. As identified at the Planning Commission hearings during the public comment period, severe decline has been defined as 50 feet of well decline or greater, as referenced by the Spring Groundwater Elevation Change 1997-2013 map (included as Appendix C.4 of this EIR). A new figure showing this area of severe decline is included in the proposed Program and as Figure 8-1.

Response 12.5

The commenter suggests that provision G.2 is not enforceable. This provision was amended upon further input from stakeholders and the Planning Commission. Refer also to response 9.10. As noted therein, mitigation measure AG-1 has been removed from the Final SEIR.



Response 12.6

The commenter states that provision G.3 (now G.2) is unnecessary because a Williamson Act must be complied with whether the site is involved in the Agricultural Offset program or not. This provision was amended, as follows, to further clarify requirements regarding participation in a Williamson Act contract and obtaining an Agricultural Offset Clearance:

- G.2. Proposed sending sites will maintain an eligible use in compliance with the provisions of any existing Williamson Act contract for the property and County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act of 1965.

Response 12.7

The commenter suggests adding text to provision G.5 (now G.4). This provision was amended to further clarify requirements regarding planting credits and crop specific applied water figures, as follows:

- G.4. Sending site credits will be determined by current demand of irrigated crop production on the sending site, as listed in Table 3.

Response 12.8

The commenter asks whether there will be a standardized landowner agreement to simplify the process. This comment has been forwarded to the County decision-makers for consideration.

Response 12.9

The commenter asks whether deed restrictions end when the ordinance sunsets. This provision was amended to further clarify that deed restrictions would sunset at the same time as the program. This clarification does not affect the analysis included in the EIR.

Response 12.10

The commenter makes several suggestions pertaining to program reporting. The comment is noted.

Response 12.11

The commenter notes a discrepancy between Table 2 in the Title 22 revisions and Table 2-3 in the Draft SEIR. The tables in the Draft SEIR has been amended in the Final SEIR to match the proposed Program as shown below.



**Table 2-3
 Crop-Specific Applied Water (af/ac/yr) by Crop Type and Water Planning Area**

Crop	Applied Water Ranges Salinas/Estrella WPA		
	Low	Medium	High
Alfalfa	3.8	4.5	5.2
Citrus	1.9	2.3	2.7
Deciduous ²	3.0	3.5	4.1
Strawberries ³	2.0	2.3	2.6
Small Grains ³	1.0	1.2	1.4
Nursery	2.0	2.5	2.9
Pasture ²	4.2	4.8	5.5
Vegetables ¹	1.6	1.9	2.2
Vineyard	1.4	1.725	2.1

Source: Table 2g of the Final Report on the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.

1 Assumes two vegetable crops planted per acre per year.

2 Values for Deciduous crops and Pasture are modified from the values presented in the County's Master Water Report and are calculated based on original data used to prepare the County's Master Water Report.

3 Information obtained from Current Cost and Return Studies, UCCE, UC Davis (Small grains 2013 data, Strawberries 2011 data)

Response 12.12

The commenter suggests that additional requirements apply within the Paso Robles Groundwater Basin. This comment has been forwarded to the County decision-makers for consideration.

Response 12.13

The commenter suggests that Policy WR 1.7 apply only to the Paso Robles Groundwater Basin. Policy WR 1.7 is currently found in the Water Resources chapter of the Conservation and Open Space Element of the County's General Plan. This policy applies throughout the County, and any revisions as part of the Countywide Water Conservation Program would not change the policy's applicability.

Response 12.14

The commenter notes that well levels have been in decline for many years, and suggests removal of the first sentence of the Executive Summary, which references the current exceptional drought. In response to this comment, the following revision has been made on page ES-1 of the *Executive Summary*:

Water levels in groundwater basins and surface lakes and reservoirs throughout the County have been in decline for over a decade, and the current San Luis Obispo County is in the midst of an "exceptional drought" that has lowered water levels in



groundwater basins and surface lakes and reservoirs throughout the County exacerbated this decline.

Response 12.15

The commenter notes that well levels have been in decline for many years, and suggests removal of the first sentence of Section 2.0, *Project Description*, which references the current exceptional drought. In response to this comment, the following revision has been made on page 2-1 of Section 2.0, *Project Description*:

Water levels in groundwater basins and surface lakes and reservoirs throughout the County have been in decline for over a decade, and the current San Luis Obispo County is in the midst of an “exceptional drought” that has lowered water levels in groundwater basins and surface lakes and reservoirs throughout the County exacerbated this decline.

Response 12.16

The commenter notes that the three groundwater basins were certified at LOS III for water supply long before the current drought, and suggests removing discussion of the drought or moving the discussion later in the section. In response to this comment, the following revisions have been made to Section 3.2 (Program Area Setting) in Section 3.0, *Environmental Setting*, of the Final SEIR:

As stated in Section 2.0, *Project Description*, the Water Neutral New Development (WNND) requirements of the overall Program would require that all new development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at Level of Severity (LOS) III by the Board of Supervisors. WNND also requires that, in the Paso Robles Groundwater Basin, all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio.

There are three areas of the county that are currently certified at LOS III for water supply. These areas are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin (Los Osos Basin), and the Nipomo Mesa portion of the Santa Maria Groundwater Basin (known as the Nipomo Mesa Water Conservation Area). These basins were certified at LOS III for water supply in February 2011, February 2007, and November 2004, respectively. If the WNND is approved, the new development offset provisions could also apply to any areas certified at LOS III for water supply in the future. However, any changes to implement the WNND in other areas of the County would need to go through a new public vetting and hearing process. Currently, the Cuyama Valley, Morro-Chorro and North Coast groundwater basins are all recommended in the 2010-2012 Resource Summary Report at LOS III but have not yet been certified by the Board of Supervisors.

The Water Waste Prevention (WWP) program component of the overall Program would apply throughout the unincorporated areas of the county wherever a similar program is not already in place.



Water levels in groundwater basins, including the three groundwater basins currently certified at LOS III for water supply, and surface lakes and reservoirs throughout the County have been in decline for over a decade. These issues have been exacerbated by the current “exceptional drought” situation.

On January 15, 2014, the United States Department of Agriculture designated San Luis Obispo County, along with 26 other counties in California, as a primary natural disaster area due to a recent drought. Subsequently, on January 17, 2014, California Governor Edmund G. Brown, Jr. declared a drought state of emergency and directed state officials to take all necessary actions to prepare for drought conditions. In response to the Governor’s declaration, the California Department of Water Resources (DWR) reported on January 31, 2014 that customers of the State Water Project (SWP) would receive no deliveries in 2014, with the exception of a small amount of carryover water from 2013. The DWR noted that areas served by the SWP would have to rely on other sources of water, such such as groundwater, local reservoirs, and other supplies (DWR, January 2014).

In response to the exceptional drought conditions, the County of San Luis Obispo Board of Supervisors adopted Resolution No. 2014-64 on March 19, 2014, proclaiming a local emergency in the entire County. According to the U.S. Drought Monitor report released on March 19, 2015, the County of San Luis Obispo is experiencing an “exceptional drought” (D4), the the worst federal drought rating (U.S. Drought Monitor, March 2015).

~~As stated in Section 2.0, *Project Description*, the Water Neutral New Development (WNND) requirements of the overall Program would require that all new development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at Level of Severity (LOS) III by the Board of Supervisors. WNND also requires that, in the Paso Robles Groundwater Basin, all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio.~~

~~As stated previously, there are three areas of the county that are currently certified at LOS III for water supply. These areas are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin (Los Osos Basin), and the Nipomo Mesa portion of the Santa Maria Groundwater Basin (known as the Nipomo Mesa Management Area; NMMA). If the WNND is approved, the new development offset provisions could also apply to any areas certified at LOS III for water supply in the future. Currently, the Cuyama Valley, Morro-Chorro and North Coast groundwater basins are all recommended in the 2010-2012 Resource Summary Report at LOS III but have not yet been certified by the Board of Supervisors.~~

~~The Water Waste Prevention (WWP) program component of the overall Program would apply throughout the unincorporated areas of the county wherever a similar program is not already in place.~~

The following revision was also made to the last paragraph in Section 2.3.1(b)(i) (Urban/Rural Water Offset) in Section 2.0, *Project Description*:



...Also as noted previously, if WNND requirements are approved, the new development offset provisions could also apply to any areas certified as being at LOS III for water supply in the future. However, any changes to implement the WNND in other areas of the County would need to go through a new public vetting and hearing process. Currently, the Cuyama Valley, Morro-Chorro, and North Coast groundwater basins are all recommended in the 2012-2014 Resource Summary Report as LOS III, but have not been certified by the Board of Supervisors.

Response 12.17

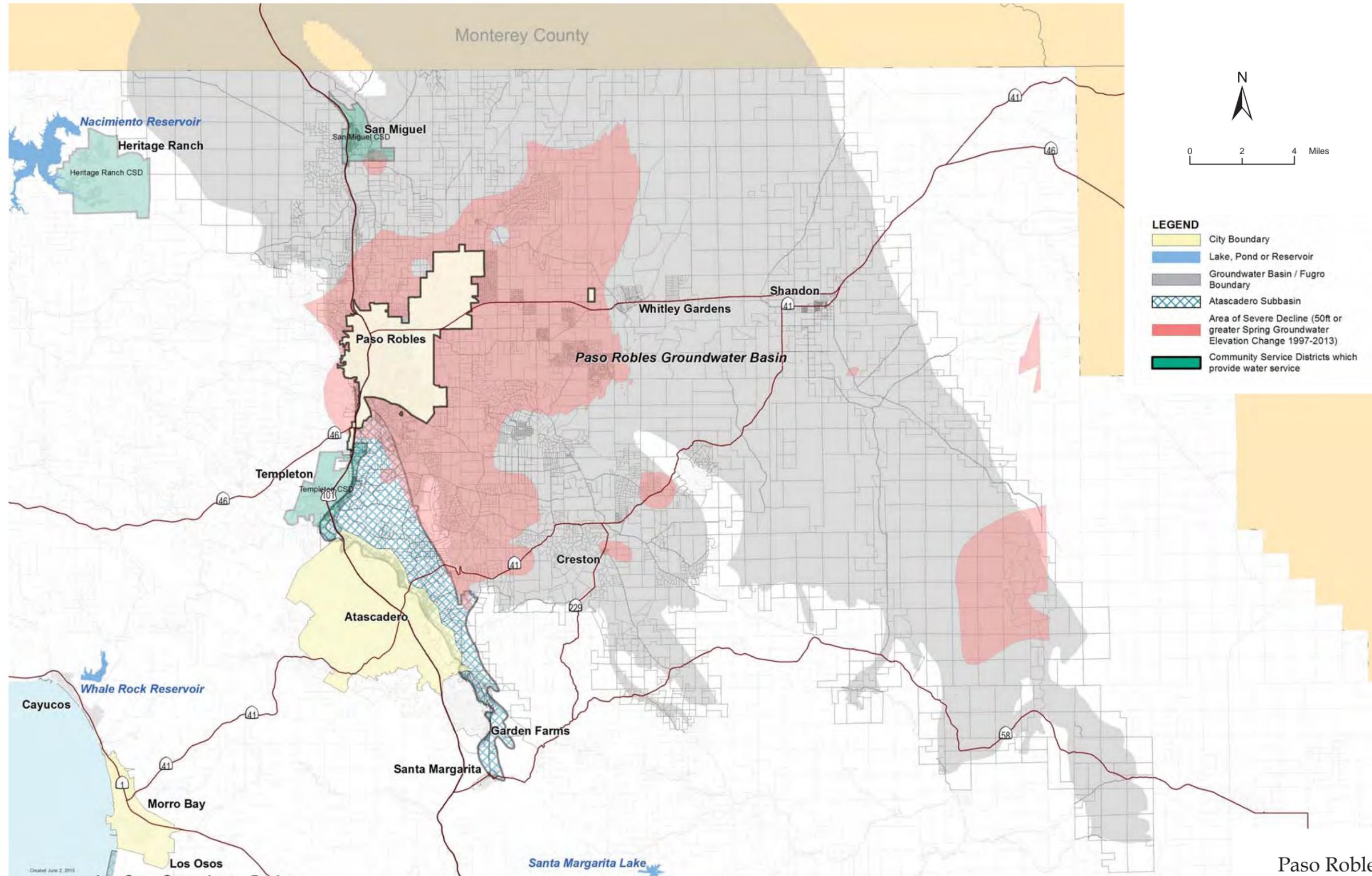
The commenter suggests a revision to the figure provided for outflows for the Paso Robles Groundwater Basin. In response to this comment, the following revision has been made to the last sentence of Section 3.2.1 (Paso Robles Groundwater Basin):

The “growth” scenario projects have projected outflows to exceed inflows on an average annual basis over the thirty year period by ~~20,900~~ 26,159 AFY (Geoscience and Todd Groundwater, December 2014).

In addition, the following reference has been added to Section 7.0, *References and Preparers*:

Geoscience and Todd Groundwater. December 19, 2014. Paso Robles Groundwater Basin Model Update [Executive Summary]. Available at:
<http://www.slocountywater.org/site/WaterResources/WaterForum/ComputerModeling/pdf/FinalExecutiveSummary.pdf>





Paso Robles Groundwater Basin with Area of Severe Decline Overlay



SAN LUIS OBISPO COUNTY FARM BUREAU

4875 MORABITO PLACE ♦ SAN LUIS OBISPO, CA 93401

PHONE (805) 543-3654 ♦ FAX (805) 543-3697 ♦ www.slofarmbureau.org

Letter 13

Commissioners
San Luis Obispo County Planning Commission
976 Osos St.
Rm. 200
San Luis Obispo, CA 93401

Re: Countywide Water Conservation Program

Dear Commissioners:

The San Luis Obispo Co. Farm Bureau (SLOCFB) appreciates this opportunity to comment on the Countywide Water Conservation Program, especially the amendments relating to the Offset Ordinance.

As SLOCFB reviewed the proposed offset program, one major need for change in the program surfaced. Short-term offsets would make the program more affordable for the smaller growers. It is hoped that any short-term offsets created would also have limited fees. The short-term offset would be for 1 to 3 or 4 years, which would be fitting with certain types of crops such as annual vegetable or seed crops. This is different from an offset for the Paso Robles Basin that continues till SGMA is adopted, which is much more appropriate for longer term crops such as vineyards and orchards.

13.1

The fees relating to the offset ordinance are referenced in Title 22, but unfortunately they are not yet part of the County's fee schedule so the public has no idea what participation in the offset program will really cost. We hope that the fee schedule for the offsets will be published before the ordinance is adopted so that public comment will be possible.

13.2

In Section G, the offset clearance review and approval it states that a sending site "will remain in some form of crop production". As the Water Resources Advisory subcommittee stated "a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation". We concur and hope that this requirement will be stricken from the program.

13.3

We are thankful that the staff stated in their response to the subcommittee's correspondence that deed restrictions will end with the end of the program. This is a serious issue as nothing "automatically ends" even though this was stated in staff's response. Unfortunately, history shows that too often what the public understands as a program end turns out to have a continuing life. If this ordinance becomes permanent there is a serious concern regarding ongoing deed restrictions even if the basin is in balance and feel that it needs to be clarified in the ordinance that the deed restriction will end with the program.

13.4

Finally, the offset program is billed as voluntary yet history shows that voluntary too often becomes mandatory and permanent. What assurance is there that this won't happen with the offset program?

13.5

I hope that these comments and the other comments by the WRAC subcommittee will be given serious consideration in the development of the Countywide Water Conservation Program.

Thank you,

Joy Fitzhugh
Legislative Analyst

Letter 13

COMMENTER: Joe Fitzhugh, Legislative Analyst, San Luis Obispo County Farm Bureau

DATE: No Date

Response 13.1

The commenter suggests that short-term offsets be included to make the proposed Program more affordable to smaller growers. The comment is noted.

Response 13.2

The commenter requests that the County's fee schedule for the offsets be published prior to ordinance adoption. The comment is noted.

Response 13.3

The commenter states that a landowner cannot be mandated to continue in crop production. Refer to response 9.10. As noted therein, mitigation measure AG-1 has been removed from the Final SEIR. In addition, this provision of the Program was amended upon further input from stakeholders and the Planning Commission.

Response 13.4

The commenter expresses concern regarding ongoing deed restrictions. The comment is noted.

Response 13.5

The commenter requests assurance that the voluntary Agricultural Offset program does not become mandatory and permanent. The Agricultural Offset program is not proposed as a mandatory program, and also includes a sunset provision (refer to Section 2.0, *Project Description*).



Staff Summary of Public Comments Received on the DSEIR

May 15, 2015

Executive Summary, Project Description

- Although the “exceptional drought” has exasperated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed.

14.1

1.0 Introduction

2.0 Project Description, 2.2 Background

- Although the “exceptional drought” has exasperated the problem, well levels have been in decline in the three listed groundwater basins for many years. The first sentence should be removed. Also see mention of past conditions for Environmental Setting chapter mentioned below.

14.2

2.3 Proposed Countywide Water Conservation Program

- WNND: The specific offset techniques (plumbing retrofits and turf removal) are not shown to save a specific quantity of water to achieve the goals of the water supply depletion and/or water supply replenishment. How many plumbing retrofits are eligible today? How much turf is available to remove today? If all these eligible properties are remediated, how much water is offset? Will this stop or reverse the water supply depletion? By how much? (pg: 2-3)

14.3

- WNND: All references to Nipomo Mesa Management Area should be changed to Nipomo Mesa Water Conservation Area pending County discussions.

14.4

- WNND: Retrofit requirements for existing plumbing fixtures in areas overlying the PRGWB, as per Reso 2014-56: These should be stricter and include more options for water savings, including hot water recirculation pumps. (Since this section refers to existing program requirements, I don’t think this would have to be amended?) (pg:2-3, 2-6)

14.5

- WNND: Should WNND have a sunset clause like Ag does? This could potentially be added to Title 19 changes.

14.6

- What is the definition of Hobby agriculture? (pg: 2-8)

14.7

- Consider an exemption for Hobby agriculture, farm-to-table, or just smaller parcels (pg:2-8) | 14.8
- Revise deed restriction language to only mandate deed restrictions on parcels associated with off-site offset clearances that are sending sites. Also clarify that deed restrictions would sunset along with the sunset of the proposed program (pg: 2-11) | 14.9
- WWP: The proposed requirements are qualitative, and their measures of effectiveness in achieving the goals are not identified. The requirements are not shown to save a specific quantity of water to achieve the goals of water supply depletion and/or water supply replenishment. How much water is currently being wasted because these requirements are not followed? How much water will each requirement save? How much water is currently being used for irrigation referred to in this requirement? What is the basis for selection of 3 days per week limitation? Is there a limitation of the duration of irrigation in each of those 3 days? Will this stop or reverse that water supply depletion? By how much? (pg: 2-12) | 14.10
- Need a definition of tail water systems (pg: 2-12) | 14.11
- What source of water, other than potable water, could be used for fountains or other decorative water features? Possibly add that the water must be recirculated (pg: 2-12) | 14.12
- Need specificity on times of day and duration of water for landscaping (pg: 2-12) | 14.13
- Table 2-3 Crop numbers should be reflective of different soil types, areas, species. Allow for unique situations to be analyzed by the Ag department. (2-10) | 14.14

3.0 Environmental Setting, 3.2 Program Area Setting, 3.2.1 Paso Robles Groundwater Basin

- Greater discussion of conditions for SLO County groundwater basins (especially PRGWB) before the drought. Discussion, data, and figures to be provided (pg: 3-2) | 14.15
- References to Garden Farms and Santa Margarita should be removed from all descriptions of the PRGWB, since they are part of the Atascadero Sub-basin, or at minimum mention that they are in the Atascadero sub-basin, and not subject to WNND component of this program. (pg: 3-3) | 14.16
- Different figure of projected outflows to exceed inflows on an average annual basis over the thirty year period. This should be 26,159 AFY as found in the PRGWB model update (the new study was recently released) (pg:3-3) | 14.17

- These three groundwater basins were certified as LOS III long before the current drought. The discussion of drought should either be removed or moved to later in this section. 14.18
- The NMMA did not reach the Severe Water Shortage Condition criterion in 2014. (pg: 3-4) 14.19
- Table 3-1: Why use 2000 population data instead of 2010 census data? (Because County plans are old?). (pg: 3-5) 14.20

4.0 Environmental Impact Analysis, 4.1 Agricultural Resources, 4.2 Land Use, 4.3 Effects Found Not to be Significant

- Neither the WNND nor the WWP are shown to have an environmental impact on the water supply of the NMMA. If these program components are designed to have a favorable environmental impact, they should be rated as Class IV impacts. However, since no quantitative water savings are predicted by the project objectives or project descriptions, no significant positive or negative impacts can be asserted. This failure to describe and classify the environmental impacts is a defect in the DSEIR. (pg: 4-1) 14.21
- There shouldn't be a penalty for not farming agricultural land. (pg: 4.1-10) 14.22

Mitigation Measure AG-1

- This provision is not enforceable since a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation. 14.23

Mitigation Measure AG-3

- This statement seems unnecessary since a Williamson Act contract must be complied with whether the site is involved in the offset program or not. 14.24
- Last paragraph will need revisions expanded discussion around the Nipomo Mesa Water Conservation Area, its relation to the larger Santa Maria Groundwater Basin, and reference to Callender-Garret stricken. (pg: 4.2-5) 14.25
- Not enough clarification on why/how it was determined that Biological resources would not be impacted...also needs a revision so as not to reference Section 4.4 (pg: 4.2-9) 14.26

- Policy Consistency: Most if not all of the consistency discussion is speculative (“Potentially Consistent”) with the word “may” used conditionally throughout. Since no numerical goals or predictions of project water savings are made, the speculations fail to add value to the impact analyses. No mention is made of the consistency of this program to Ordinance 3090 to Ordinance 3090 requires supplemental water for new developments. Ordinance 3090 requires supplemental water for any General Plan amendments that increases non-agricultural water demand, and a fee of \$13,500 per dwelling for any land division that increases non-agricultural water demand. (pg: 4.2-14)

14.27
- How is it possible that all of the project objectives can be achieved, when allowing for new development and new or more irrigated crop production results in additional water use. (pg: 4.2-32)

14.28

5.0 Alternatives

- Additional Alternative: Proposed Countywide Water Conservation Program only takes effect when the Board of Supervisors declares emergency drought conditions and would end once the Board of Supervisors has declared an end to the emergency drought conditions.

14.29

List of Figures: Figure 2-2, 4.1-1,4.1-2,4.1-3,4.2-1a,and 4.3-1

- Figures that show the Paso Robles Groundwater Basin as delineated in DWR Bulletin 118, should exclude the Atascadero sub-basin. A footnote should be provided stating “Paso Robles Groundwater Basin as identified and defined in Bulletin 118 or as modified pursuant to Water Code Section 10722 et seq, excluding the Atascadero sub-basin as delineated by the Rinconada fault.” Similar language is used in the draft ordinance regulating the exportation of groundwater. Or use the Fugro / Water Master Plan map

14.30
- Request from Planning Commission for copies of Public Works maps (levels of decline, etc.) to be included in the EIR.

14.31

List of Tables: Tables 2-2 – Crop Group and Commodities Used for the Agricultural Demand Analysis, and 2-3 – Crop-specific Applied Water (af/ac/yr) by Crop and Water Planning Area

- The source of Table 2-2 needs to re as follows: *Source: Table 3 of the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.* Additionally, this reference needs to change if we still have the report as an appendix instead of the program

14.32

- Table 2-3 table differs from Table 2 in the proposed amendments to Title 22, Chapter 22.30.204. The vineyard applied water value in Table 2 (1.25) is a more appropriate number than the value in Table 2-3. Table 2 in our draft ordinance corresponds to Table 9 in Appendix B. See above for reference regarding this table. Additionally, the “small grains” row needs to be deleted as grains in the County are all dry farmed.

14.33

Letter 14

COMMENTER: Staff Summary of (Verbal) Public Comments Received on the DSEIR

DATE: May 14, 2015

Response 14.1

The commenter notes that well levels have been in decline for many years, and suggests removal of the first sentence of the Executive Summary, which references the current exceptional drought. Refer to response 12.14.

Response 14.2

The commenter notes that well levels have been in decline for many years, and suggests removal of the first sentence of Section 2.0, *Project Description*, which references the current exceptional drought. Refer to response 12.15.

Response 14.3

The commenter requests additional detail regarding the available quantity of plumbing retrofits and turf removal, and amount of water this would offset. The proposed Program is not intended to increase water supply, but to allow development to continue without substantially increasing the cumulative demand on groundwater resources in certified LOS III groundwater basins.

Response 14.4

The commenter suggests that all references to Nipomo Mesa Management Area (or NMMA) be changed to Nipomo Mesa Water Conservation Area. In response to this comment, such references have been updated throughout the Final SEIR. These revisions are shown in the *Executive Summary*; Section 1.0, *Introduction*; Section 2.0, *Project Description*; Section 3.0, *Environmental Setting*; Section 4.2, *Land Use*; Section 4.3, *Effects Found not to be Significant*; and Section 5.0, *Alternatives*. Figure 4.2-1c in Section 4.2, *Land Use*, has also been updated to reflect this change.

Response 14.5

The commenter recommends stricter plumbing retrofit requirements, and additional retrofit options. The County requires that new development, at a minimum, comply with California Green Building Code requirements. Replacement fixtures used for retrofits which result in further water savings may be eligible for additional credits over less efficient fixtures.

Response 14.6

The commenter suggests inclusion of a sunset clause as part of Water Neutral New Development (WNND). A sunset provision is included as part of the Agricultural Offset



program, as well as urban/rural offsets for the Paso Robles Groundwater Basin. No sunset is proposed for the urban/rural offset provisions within the Nipomo Mesa Water Conservation Area.

Response 14.7

The commenter requests a definition of “hobby agriculture.” Refer to response 5.8.

Response 14.8

The commenter suggests an exemption for hobby agriculture, farm-to-table, or smaller parcels. Refer to responses 5.8 and 7.1.

Response 14.9

The commenter suggests revisions to deed restriction language. Revisions in Table 1 and Item G.6 of the program reflect the suggested changes to the deed restriction language.

Response 14.10

The commenter requests additional details regarding the Water Waste Prevention (WWP) program. The goal of the proposed WWP program is not to enforce quantitative conservation efforts, but to limit the most severe water wasting practices.

Response 14.11

The commenter requests a definition of “tail water systems.” Definition for tail water systems has been included in proposed Program language.

Tail water: Surface runoff resulting from crop irrigation. Irrigation practices such as flood irrigation and sprinkler irrigation can result in applied water in excess of the infiltration rate of the soil. Sloped fields can also allow for the excess water to run off the field.

Tail water system: A facility to collect, store, and transport irrigation tail water for reuse in a farm irrigation distribution system.

Response 14.12

The commenter questions what source of water could be used for fountains or other decorative water features, and suggests that this water be required to be recirculated. Refer to response 9.5.

Response 14.13

The commenter requests specificity on times of day and duration of water for landscaping. Revisions to the program in Section 8.69.030 of the County Code reflect the requested clarification indicating that watering of residential or commercial ornamental landscaping shall be prohibited between the hours of 9:00 a.m. and 7:00 p.m.



Response 14.14

The commenter suggests that Table 2-3 in Section 2.0, *Project Description*, be revised to include soil types, areas, and species, and suggests that the Agricultural Commissioner's Office be allowed to analyze unique situations. The figures found in Table 2-3 originate from the County Master Water Report and represent an average of crop water use over all soil types and areas within the Paso Robles Groundwater Basin. The County Agricultural Commissioner may be involved in any future application for an Agricultural Offset Clearance, at the office's discretion.

Response 14.15

The commenter requests inclusion of additional discussion regarding groundwater basins before the drought. Refer to response 12.16.

Response 14.16

The commenter suggests removing references to Garden Farms and Santa Margarita as part of the Paso Robles Groundwater Basin, since they are part of the Atascadero Sub-basin and excluded from the proposed Program. Refer to response 5.2.

Response 14.17

The commenter references an updated figure for outflows from the Paso Robles Groundwater Basin. Refer to response 12.17.

Response 14.18

The commenter notes that the three groundwater basins were certified at LOS III for water supply long before the current drought, and suggests removing discussion of the drought or moving the discussion later in the section. Refer to response 12.16.

Response 14.19

The commenter notes that the Nipomo Mesa Management Area (now referred to as the Nipomo Mesa Water Conservation Area; refer to response 14.4) did not reach the Severe Water Shortage Condition criterion in 2014. The Nipomo Mesa Water Conservation Area remains at a certified LOS III based upon the forecast estimate demand for 15 years, which shows the water supply is less than the forecast water demand, according to the 2012-2014 Resource Management System Biennial Report.

Response 14.20

The commenter questions why 2000 population data was used in Table 3-1 rather than 2010 census data. Table 3-1 is based on the San Luis Obispo County General Plan Land Use Element (2014), which used 2000 census data. Table 3-1 has been revised to reflect updated Community profiles for unincorporated communities within the certified LOS III groundwater basins, their



2010 Census population data, General Plan buildout population, and projected buildout year, as shown below:

**Table 3-1
 Area Plan Buildout Populations**

Plan Area	2000 Population	Buildout Population	Projected Buildout Year
Paso Robles Groundwater Basin			
Adelaida	3,114	3,136	1990
El Pomar-Estrella	7,294	7,603	2010
Los Padres	319	1,191	2020+
Salinas River	61,906	95,166	1990 to 2020+
Shandon-Carrizo	2,476	53,691	2020+
Los Osos Basin			
Estero	28,626	53,691	2020+
Nipomo Mesa Management Area			
South County	21,464	37,323	1995 to 2020+

Source: San Luis Obispo County General Plan Land Use Element, 2014

**Table 3-1
 Community Buildout Populations**

Community	2010 Population	General Plan Buildout Population	Projected Buildout Year
Paso Robles Groundwater Basin			
Creston Village	94	336	2040+
San Miguel	2,337	6,829	2040+
Shandon	1,295	5,259	2040+
Urban Paso Robles: Unincorporated	2,054	3,904	2040+
Whitley Gardens Village	274	392	2040+
Rural ¹	18,094	38,679	2040+
Los Osos Groundwater Basin			
Los Osos ²	13,908	21,304	2040+
Nipomo Mesa Water Conservation Area			
Black Lake Village	867	867	Built out
Callender-Garrett Village	1,192	2,440	2040+
Los Berros Village	213	213	Built out
Nipomo	15,267	23,462	2040+
Palos Mesa Village	2,341	2,908	2040+



**Table 3-1
Community Buildout Populations**

<u>Community</u>	<u>2010 Population</u>	<u>General Plan Buildout Population</u>	<u>Projected Buildout Year</u>
Woodlands Village	576	2,812	2040+
Rural ³	11,192	20,291	2040+

Source: San Luis Obispo County Department of Planning and Building, 2014, based on 2010 US Census, and San Luis Obispo County 2040 Population, Housing and Economic Forecast prepared for San Luis Obispo Council of Governments, by AECOM, August 2011

Notes:

- 1) Population figures for rural area in the North County Planning Area include those that overlie the Paso Robles Groundwater Basin and those that do not*
- 2) Population figures for Los Osos include only those within the URL and does not include those that overlie the Los Osos Groundwater Basin, but outside the URL*
- 3) Population figures for rural area in the South County Planning Area include those that overlie the Nipomo Mesa Water Conservation Area and those that do not*

Response 14.21

In reference to Section 4.0, *Environmental Impact Analysis*, the commenter suggests that the Draft SEIR fails to describe and classify environmental impacts related to water supply. It should be clarified that environmental impacts related to water supply, hydrology, and water quality are discussed in Section 4.3, *Effects Found not to be Significant*. The commenter further suggests that the Draft SEIR cannot assert positive or negative impacts in terms of water savings. As described in Section 4.3, *Effects Found not to be Significant*, the proposed Program would result in beneficial (Class IV) impacts on groundwater resources.

Response 14.22

The commenter suggests that there should not be a penalty for not farming agricultural land. The commenter is referring to page 4.1-10 in Section 4.1, *Agricultural Resources*, which describes the methodology used for identifying land as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland, in accordance with the Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP). As this text is describing an existing mapping program, the text does not suggest that the Program - or a mitigation measure - penalizes anyone for not farming agricultural land.

Refer also to response 9.10. As noted therein, Impact AG-1 has been modified and mitigation measure AG-1 has been removed from the Final SEIR.

Response 14.23

The commenter notes that mitigation measure AG-1 is not enforceable because a landowner cannot be mandated to continue in crop production, particularly if the economics do not support the operation. Refer also to response 9.10. As noted therein, Impact AG-1 has been modified and mitigation measure AG-1 has been removed from the Final SEIR.



Response 14.24

The commenter suggests that mitigation measure AG-3 is unnecessary since a Williamson Act contract must be complied with whether the site is involved in the Agricultural Offset program or not. The comment is noted. The mitigation measure is included to provide additional assurance that sending sites providing planting credits remain consistent with the provisions of any existing Williamson Act contract for the property and County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act Of 1965.

Response 14.25

The commenter suggests revisions to the last paragraph on page 4.2-5. Revisions to the paragraph have been included on page 4.2-5 of the Final SEIR, as follows:

As shown in Figure 4.2-1c, the ~~NMMA~~ Nipomo Mesa Water Conservation Area is located within both the South County Coastal Planning Area and the South County (Inland) Planning Area. In addition, the community of Nipomo and the village areas of Black Lake, Callender-Garrett, Los Berros, Palo Mesa, and Woodlands overlie this area. Urban services are available in the Nipomo community and various services can be found in the South County villages. The dominant land use on the Nipomo Mesa outside of these areas is rural residences at a one unit per five-acre density. There are also a wide range of agricultural uses on the Nipomo Mesa including avocado and citrus orchards, nursery specialties, tree farms, and fruit and vegetable crops. The Nipomo Mesa and its environs are also an appealing destination for recreation. The rural landscape has attracted recreational development associated with destination resorts and rural residential living (County of San Luis Obispo, 2014).

Response 14.26

The commenter suggests that the statement on page 4.2-9 of the Draft SEIR that the Program would not generate impacts to biological resources requires additional clarification. Refer to Section 4.3.3 (Biological Resources) in Section 4.3, *Effects Found not to be Significant*.

The commenter additionally highlights an erroneous reference to Section 4.4. This typographical error on the bottom of page 4.2-9 has been revised as follows:

For further detail see Section 4.4 4.3, *Effects Found not to be Significant*.

Response 14.27

The commenter suggests that the policy consistency analysis is speculative due to the use of the phrase “potentially consistent” and the word “may.” The vague language reference by the commenter is intentional. The policy consistency discussion in Section 4.2, *Land Use*, is intended to guide policy interpretation, but is not intended to replace or supplant County decision-makers. The final determination of consistency will be made by County decision-makers when they act on the proposed Program. Thus, the use of “potentially” and “may” is deliberate to indicate that the County decision-makers will ultimately make this determination.



The commenter additional questions whether the proposed Program would be consistent with Ordinance 3090. As noted in Response 1.5, this ordinance would remain in effect upon implementation of the proposed Program, and the proposed Program would serve as additional regulation over and above Ordinance 3090. Thus, the Program would not be inconsistent with Ordinance 3090.

Response 14.28

The commenter asks how it is possible for all of the project objectives to be achieved, when allowing for new development and new or more irrigated crop production. As described in Section 2.0, *Project Description*, the following are the project objectives:

- *Substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III;*
- *Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use;*
- *Provide a mechanism to allow new or expanded irrigated agriculture to proceed in the Paso Robles Groundwater Basin, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and*
- *Reduce the wasteful use of water in the county.*

The proposed Program has been designed to meet these objectives. The objectives include the allowance of new development to proceed in certified LOS III groundwater basins, as well as to allow new or expanded irrigated agriculture in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin). As described in Section 4.3, *Effects Found not to be Significant*, despite allowing such development to proceed, the Program would result in beneficial (Class IV) impacts on groundwater resources.

Response 14.29

The commenter suggests consideration of a new alternative that would only take effect during emergency drought conditions, as declared by the Board of Supervisors. Refer to Alternative 4 in Section 5.0, *Alternatives*. Under this alternative, both the Urban/Rural Water Offset requirements and Agricultural Offset program could sunset under any one of several conditions, including Board of Supervisors declaration of an end to emergency drought conditions.

Response 14.30

The commenter suggests that figures showing the Paso Robles Groundwater Basin should exclude the Atascadero Sub-basin. Refer to responses 8.2 and 9.2; these revisions have been made. The commenter additionally suggests the inclusion of a footnote, which has been added to the figures. Refer to the revised figures in Sections 2.0, *Project Description*, 4.1, *Agricultural Resources*, and 4.2, *Land Use*.



Response 14.31

The commenter suggests that a request from Planning Commission for copies of Public Works maps should be included in the SEIR. All reference documents presented to the Planning Commission by County Public Works have been added to Appendix C to this Final SEIR.

Response 14.32

The commenter suggests an update to the source for Table 2-2 in Section 2.0, *Project Description*. In response to this comment, the following revision has been made to Table 2-2:

Source: Table 3-1 of the Final Report on the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.

Response 14.33

The commenter states that Table 2-3 in Section 2.0, *Project Description*, differs from Table 2 in the proposed amendments to Title 22, Chapter 22.30.204. Refer to response 12.11.





SOUTH COUNTY ADVISORY COUNCIL

PO Box 2355 Nipomo, CA 93444-2355

May 27, 2015

Supervisor Lynn Compton, 4th District Supervisor
County Government Center
San Luis Obispo, CA 93408

Dear Supervisor Compton:

On May 18, 2015 at the SCAC meeting, the Council heard a presentation by County Planner Cheryl Cochran regarding the SLO County Water Conservation Supplemental Environmental Impact Report (SEIR) and its impact on the SCAC area.

The Council discussed the issue and decided to allow Council members additional time to review the SEIR and a May 8, 2015 letter (attached) from the Nipomo Community Services District (NCSD) to County Planning on the issue prior to taking any definitive action.

Following the Council's review and a motion to endorse the NCSD's position, the Council voted unanimously to recommend the positions outlined in the NCSD's letter regarding the SEIR's Project Objectives.

On behalf of the South County Advisory Council,



Richard Wright,
Correspondence Secretary

15.1

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: MAY 8, 2015

AGENDA ITEM

E-2

MAY 12, 2015

**CONSIDER COUNTYWIDE WATER CONSERVATION PROGRAM AND
DRAFT ADDENDUM EIR**

ITEM

Consider Countywide Water Conservation Program and Draft Addendum EIR [RECOMMEND CONSIDER DRAFT AEIR AND DIRECT STAFF].

BACKGROUND

The County of San Luis Obispo is considering a Countywide Water Conservation program and has drafted an environmental impact report in support of program adoption. The Conservation program includes two components, Water Neutral New Development and Water Waste Prevention.

The County Planning Commission is scheduled to make its initial of three planned reviews of the proposed Conservation Program and draft EIR on May 14. The Planning Commission will develop recommendation for the Board of Supervisors. The Board of Supervisors is scheduled to consider the Program and EIR in mid to late June. The County's goal is to get the proposed Conservation Program enacted prior to the expiration of the Paso Groundwater Basin Urgency Ordinance.

Your Board's Facilities and Water Resources Committee considered the proposed Conservation Program and draft Addendum EIR on May 5, 2015. San Luis Obispo County Planning Department staff attended and participated in the Committee meeting. The Committee directed District staff prepare a draft comment letter for Board consideration.

RECOMMENDATION

Consider staff report, draft comment letter, and Committee's recommendation. Direct staff.

ATTACHMENTS

- A. Draft May 13, 2015 Comment Letter

15.2

May 12, 2015

E-2

ATTACHMENT A

NIPOMO COMMUNITY

BOARD MEMBERS
CRAIG ARMSTRONG, PRESIDENT
DAN GADDIS, VICE PRESIDENT
BOB BLAIR, DIRECTOR
ED EBAY, DIRECTOR
DAN WOODSON, DIRECTOR



SERVICES DISTRICT

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MICHAEL S. LEBRUN, GENERAL MANAGER
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MICHAEL W. SEITZ, GENERAL COUNSEL

Celebrating 50 Years of Service to the Community, 1965 - 2015

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

May 13, 2015

Xzandrea Fowler
San Luis Obispo County
Department of Planning & Building
976 Osos Street
Room 200
San Luis Obispo, CA 93408
efowler@co.slo.ca.us

Dear Ms. Fowler:

**SUBJECT: PROPOSED COUNTYWIDE WATER CONSERVATION PROGRAM DRAFT
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

On May 12, 2015, the Nipomo Community Services District Board of Directors reviewed the draft Supplemental Environmental Impact Report (SEIR) which supports the proposed Countywide Water Conservation Program (Conservation Program). The District appreciates the opportunity to review and comment on the draft SEIR and proposed Conservation Program prior to consideration by the Planning Commission and Board of Supervisors.

The District offers the following comments and suggestions:

In general, we are concerned that by developing the Conservation Program and drafting the SEIR concurrently, the impact of the final Conservation Program cannot be adequately addressed. The Program's Project Description and Objectives are still being developed, therefore it is difficult to accurately assess environmental impacts of the Program.

One of the four Project Objectives is to "Substantially reduce increases in groundwater extraction in basins that have been certified at Level of Severity III." Not only is this objective unclear and unmeasurable, it is inadequate to reduce the depletion of a basin that, by the County's criteria, is at the most critical level of concern with demand equal to or in excess of available supply. The objective should be revised to adhere to the County's Resource Management System recommended actions for addressing Level of Severity III resources, namely; to reduce the level of severity with a goal of achieving LOS I.

A second Project Objective is to "Provide a mechanism to allow new development to proceed in certified LOS III groundwater basins ... in a manner that fully offsets projected water use." At best, this Objective would hold status quo in a basin that is at LOS III with demand equal to supply, however, in LOS III basins where demand is in excess of supply, or if the theoretical

15.3

offset is not achieved or maintained, the LOS III condition would be further exacerbated by the new permanent demand resulting from the allowed new development.

Offsets result in a theoretical water savings – we know the new fixture saves a set amount of water per use or per minute relative to the old fixture, but we don't know how much the device (e.g. sink, toilet, shower) is or will be used, how long it will be in service, and we don't know that it will be used as designed. The value of landscape related offsets are even more problematic to define and rely on over time. For this reason, it is reasonably appropriate to use offsets as a means for attempting to lesson resource demands of current basin users in LOS III settings, but it is ill advised and inappropriate to use an offset program as a basis for allowing new development and its related permanent new resource demands.

A third Project Objective is to "Reduce the wasteful use of water in the County". The objective needs to be strengthened and better defined. Consider a goal of 'eliminating water waste in the County' and include measurable goals based on reasonable estimates of current level of water waste in the County.

15.3

In 2005, the County Board of Supervisors certified water resources underlying the Nipomo Mesa Water Conservation Area (NMWCA) as LOS III and subsequently adopted Ordinance 3090. The Ordinance requires development and land divisions to pay a water development fee to offset new urban water demand that will result from the development. The land division can then proceed while the development fee is directed to obtain water resources to meet the proposed project's needs. It is currently unclear how the proposed Conservation Program would affect Ordinance 3090, this interrelationship needs to be discussed in the draft SEIR.

Finally, the draft AEIR must specifically evaluate water resources impacts of the proposed Conservation Program. As outlined above, we do not believe this impact can be presumed to be positive.

We strongly encourage the County to improve the Project Description and define measurable and meaningful Project Objectives that will serve to address the critical level of severity and protect NMWCA water resources. The District Board and staff are committed to assisting in this effort in every way possible.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael S. LeBrun
General Manager

cc: 4th District Supervisor Lynn Compton
4th District Planning Commissioner Jim Harrison
4th District Legislative Assistant Jocelyn Brennan
Director of Planning and Building James A. Bergman

Letter 15

COMMENTER: Richard Wright, Correspondence Secretary, South County Advisory Council

DATE: May 27, 2015

Response 15.1

The commenter notes the process by which the South County Advisory Council (SCAC) considered the Draft SEIR, and states that they unanimously endorse the Nipomo Community Service District's (NCSD) position, as outlined in their May 8, 2015 letter. Refer to response 15.3 below and responses 1.1 through 1.7.

Response 15.2

The commenter provides the agenda item for the SCAC Board of Directors meeting to consider the Draft SEIR. The comment is noted.

Response 15.3

The commenter provides a letter from the NCSD. Although the date of the letter provided by the commenter is May 13, 2015, it is the same letter as comment letter 1 from the NCSD (dated May 12). Refer to responses 1.1 through 1.7 for responses to this letter.





May 28, 2015

San Luis Obispo County Planning Commission
976 Osos Street, Room 200
San Luis Obispo, CA 93408

Re: San Luis Obispo Water Regulations

Dear Planning Commissioners,

Thank you for the opportunity to provide oral comments at the May 14, 2015 meeting and to submit this letter. The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents over 160 growers, shippers, farm labor contractors, and supporting agribusinesses. **Our members grow diverse crops such as broccoli, strawberries, vegetable transplants, and wine grapes. The policies being contemplated could have a potential lasting impact on local farmers' ability to grow safe, local produce for our communities.** We have members operating within the Nipomo Mesa Management Area and throughout the southern portion of the County. **Water is the Association's top priority.**

We concur with the following points raised by our colleagues at the San Luis Obispo County Farm Bureau (letter presented 5.14.15) and/or the Paso Robles Wine Country Alliance (letter dated 5.13.15): short-term offsets should be an option; deed restrictions must terminate with the end of the program; there should not be a numerical proximity requirement for the transfer; and requiring land to remain in agricultural production is not feasible.

Attachment A: Proposed revisions to the Agriculture Element

- **The termination provisions for the Paso Robles Basin that are included in Title 22 should also be included in the Agriculture Element.**
- We have long-standing concerns with the **fundamental flaws of the proposed agricultural offset program**, even as revised. Both the technical design and implementation of the program are inadequate. Although this language is currently targeted at the Paso Robles basin, it could easily be expanded to other areas in the future.
- **We do not support including a bullet list of best management practices** as presented in Attachment A, page 2, number 2. The statement that precedes it—"Encourage farmers to use best management practices in order to best promote the efficient use of water"—is adequate and will better enable the agricultural community to continue to innovate.
- **Nonprofits should be included in the list of potential cooperators** on Attachment A, page 2, number 3.

Attachment A: Proposed revisions to the Conservation and Open Space Element

- The proposed additions to policies **WR 1.7, 1.7.1, and WR 1.14** (Attachment A, page 5) are **overly broad**. These aspects are better handled in other revisions and could result in unintended consequences. They are **duplicative** of current basin adjudications and/or implementation of the Sustainable Groundwater Management Act. We ask that the proposed additions to WR 1.7, 1.7.1, and 1.14 on Attachment A, page 5 **be removed**.

Attachment C: Proposed Ordinance Changes for Title 19, Plumbing Code

- We are confused by the language on “Water meter installation and reading” in Attachment C: Title 19, on page 4, number 4, roman numeral i. We ask that you clarify this language with an exemption for agricultural uses, particularly if installing a replacement well.
- We suggest a termination provision for the proposed changes to the plumbing code.

16.4

Attachment D: Proposed Ordinance Changes for Title 22

We have grave concerns with the provisions of Attachment D: Title 22 if they were to apply to additional areas of the county in the future. As repeatedly mentioned, we have significant concerns with the agricultural offset program, even with its revisions.

- We are particularly concerned with the potential unintended consequences on current operators whose normal, historical business practices could be misconstrued as “intensified” irrigated crop production and trigger the offset program. More specifically, many of the vegetable nurseries and greenhouses on the Nipomo Mesa and in other areas of the County have annual and seasonal fluctuations in production. Orchards and vineyards must periodically replant their crops as plants age, plant breeding improves, and market demands evolve. We do not believe that the current wording for “Exemptions. Sites with Existing irrigated crop production which have been under continuous rotational operation” is adequately protective of these common, existing production situations and ask that the intention to exempt existing operations be clearly memorialized in the proposed Ordinance (Attachment D, page 3, item B).
- Offsets should also include common *operators* as a criteria, which would be more representative of many vineyard management and row crop arrangements (Attachment D, page 4, item E).
- We question whether requiring an on-site offset is necessary and merits the applicant’s time, administrative burden, and expense (Attachment D, page 4, item E).
- We are not in agreement with the water use figures in Table 2. Even if these numbers are intended to simplify the implementation of the offset program, they are inherently establishing a precedent of setting water use numbers, which will vary by year, geography, and individual operation (Attachment D, page 6, item G9)
- The definition “New or Expanded Irrigated Crop Production” includes “other improvements.” This creates too much uncertainty in future interpretation. Will all of these definitions be removed upon termination?

16.5

Other logistical questions to consider in the contemplated changes to Title 22 include:

- Will County staff have the agricultural expertise to review applications?
- How will the changes to important farmlands be monitored or enforced?
- How will deed restrictions be removed upon the termination of the program?
- Is this a taking of rights?

Finally, we ask that the termination provisions in Title 22 be mirrored in the other Ordinances and emphasize our concerns with the offset program.

Thank you for your consideration and hope you will incorporate these comments into your recommendations.

Sincerely,

Claire Wineman

Claire Wineman, President

Letter 16

COMMENTER: Claire Wineman, President, Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties

DATE: May 28, 2015

Response 16.1

The commenter notes concurrence with the San Luis Obispo County Farm Bureau letter (letter 13 herein) and the Paso Robles Wine Country Alliance letter (letter 4 herein). The comment is noted. Refer to responses 13.1 through 13.5 and 4.1 through 4.3 for responses to those letters.

Response 16.2

The following responses address each of the bullet points included in comment 16.2.

The General Plan is the County's long-term policy document for important issues that affect the lives of County residents. Any specific reference to a termination date of a particular ordinance, even one in connection with policy language in the General Plan, is unnecessary and does not reflect the purpose of the General Plan.

The proposed Agricultural Offset Program cannot be easily expanded as implied. Any expansion of the proposed program or other offset program applicable to other areas of the County would have to go through a similar public process which would include many rounds of outreach, public vetting, and subsequent hearings at both the Planning Commission and Board of Supervisors.

The list of Best Management Practices included as part of AGP 10, Implementation Measure 2 is purely informational and represents only voluntary examples of what could work in agricultural practice within San Luis Obispo County. The example BMPs are in no way meant to be mandatory and does not reflect a minimum or maximum number or type that may be used in an agricultural operation.

AGP 10, Implementation Measure 3 directs the County Agricultural Commissioner's office to work collaboratively with many groups on a wide range of efforts to improve education regarding agricultural practices. The participants listed are only an example of readily available institutions, and is not intended to limit stakeholder groups in future educational efforts. Stakeholders may contact the Agricultural Commissioner's office at any time to provide information that is both accurate and informative to enhance agricultural education.

Response 16.3

Changes to the Conservation and Open Space Element policies and implementation measures are intended to be broad in order to encompass a wide array of management efforts. General Plan policies are intended to provide direction for future programs and not specific program



language that may conflict with various efforts either County-wide or in specific areas of the County.

Response 16.4

The following responses address each of the bullet points included in comment 16.4.

Title 19 is the County's Building Ordinance, and does not apply to agricultural operations, unless a building permit is needed for a new use. A meter and documentation of usage is required as part of the program to keep record that the new use has achieved the 1:1 offset required for approval of the new development.

A termination provision was added to the Urban/Rural offset component of WNND for affected areas that overlie the Paso Robles Groundwater Basin. This change occurred after input at the County Planning Commission to be consistent with the Agricultural Offset program which also applies only to the Paso Robles Groundwater Basin, excluding the Atascadero Sub-basin.

Response 16.5

The following responses address each of the bullet points included in comment 16.5.

See comment 16.2.2 for a response to the first bullet in this comment.

The proposed Agricultural Offset program only applies to sites overlying the Paso Robles Groundwater Basin, excluding the Atascadero Sub-basin. It is not proposed to apply to any other portion of the County, including the Nipomo Mesa. See comment 16.2.2 for further discussion.

The term "collectively operated" was added after discussion at the County Planning Commission, and may apply to a site that is part of an application for an Agricultural Offset Clearance.

The comment in the fourth bullet of this comment is noted.

The water use figures referenced were originally sourced from the County Master Water Report, used by the Upper Salinas-Las Tablas Resource Conservation District in its proposed Agricultural Offset program for the Paso Robles Groundwater Basin, and represent an average use for each crop type in the north county area. Additionally, the average use for the Vineyard crop type was further refined in consultation with the Agricultural Commissioner's Office and the University of California Cooperative Extension of San Luis Obispo County to ensure the figure is a better representation of vineyards in the north county. The County recognizes that usage for individual operations may vary from the averages referenced; however, the use of averages ensures that the program will be applied consistently to all applicants seeking an Agricultural Offset Clearance.



The new definitions for “Agricultural Offset Clearance” and “New or Expanded Irrigated Crop Production” would not terminate or sunset with the provisions of Chapter 22.30.204 because they are contained within a different Section of Title 22.

County Planning staff would consult with the County Agricultural Commissioner’s Office as necessary to process Agricultural Offset Clearance applications. Any farmland designations in connection with the State’s Farmland Mapping and Monitoring Program would not change the ability to farm a particular site as the soil classification would not change. Deed restrictions would include language which clearly states the termination of the restrictions upon the termination of the ordinance. The County has land use authority, and all land use and zoning regulations result in the restriction of the rights of individual owners to use their property as they otherwise could. Such land use or zoning regulation is permissible if it is reasonable and not arbitrary; if it bears a reasonable and substantial relation to the public health, safety, comfort, morals, and general welfare; and if the means employed are reasonably necessary for the accomplishment of its purpose.





SAN LUIS OBISPO COUNTY FARM BUREAU

4875 MORABITO PLACE ♦ SAN LUIS OBISPO, CA 93401

PHONE (805) 543-3654 ♦ FAX (805) 543-3697 ♦ www.slofarmbureau.org

May 29, 2015

San Luis Obispo County Planning Commission
976 Osos St.
Rm. 200
San Luis Obispo, CA 93401

PLANNING COMMISSION

AGENDA ITEM: Water
DATE: 5/29/15

DO NOT REMOVE FROM FILE

Re: Countywide Water Conservation Program

Dear Commissioners:

The San Luis Obispo County Farm Bureau (SLOCFB) appreciates the opportunity to comment on the Countywide Water Conservation Program, particularly the Offset Ordinance amendments. The SLOCFB Board of Directors requests your attention on the following points:

- 1. In regards to the language in relation to water reduction and 1:1 ratio, on page 2-3 of Section 2.0 Project Description of the Draft EIR the statement is made: "The proposed Agricultural Offset program is... intended to substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin..." What is the basis for an end product that results in less groundwater extraction? A 1:1 ratio would likely result in equal extraction volumes. 17.1
- 2. Is the answer to the above paragraph possibly found in the statement "minimum 1:1 ratio"? The statement in the first paragraph of 2-3 reads that "all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio". Is the intent that the ratio can be a great reduction in use? Lesser than 1 to 1. For example, the requirement could actually be the agriculture use that would be allowed may be 75% or 50% (.75:1 or .50:1)? 17.2
- 3. As the process of adopting an offset ordinance progresses SLOCO Farm Bureau Board of Directors urges clarification of the definition of "new crop production". Table 1 shows that "New crop production on site of crop being replaced" as a clearance category. It needs to be clearly understood and stated that if one is "replacing" an existing crop, such as grape vines or apple trees, with the same crop (grape vines or apple trees) and in the same intensity there should be no offset requirement. There are many reasons for a plant or plants to require removal with new ones planted in their place. Disease and economics or new varieties which might 17.3

Mission Statement:

"To lead San Luis Obispo County in the protection, promotion and advocacy of agriculture for the benefit of our members and community."

even be more drought resistant are examples of positive replacements. These types of replanting should not trigger an offset requirement.

4. As Farm Bureau stated at the prior hearing, Section G-2 stating that the sending site(s) "will remain in some form of crop production" should be stricken. A landowner should not be mandated to continue in crop production – regardless of the availability water – if economics, disease or other factors make continued production impossible. There may come a time when grazing might be the best use of this land. Would this offset condition preclude grazing at some time?

17.4

5. SLOCFB would like to urge the Planning Commission to support a short-term offset program of 1 to 4 years, which would be more appropriate for certain types of crops such as annual vegetable or seed crops. This is separate from the currently proposed program that is proposed to last until SGMA is adopted and possibly beyond.

17.5

6. Some SLOCFB members have asked about "vested rights". It is our understanding that the Board of Supervisors directed that no new "vested rights" would be allowed in the new offset ordinance. But, if the Planning Department has approved a landowner as having satisfied the "vested rights" criteria and he/she is in the process of planting but has not yet been able to plant the crop, will he/she be allowed to complete the planting after August 15 when the urgency ordinance expires?

17.6

Please give consideration to these comments and questions during the decision making process.

Sincerely,

(SAE)



Carlos Castañeda
President
San Luis Obispo County Farm Bureau

Mission Statement:

"To lead San Luis Obispo County in the protection, promotion and advocacy of agriculture for the benefit of our members and community."

Letter 17

COMMENTER: San Luis Obispo County Farm Bureau

DATE: May 29, 2015

Response 17.1

The commenter queries how the proposed Program would substantially reduce increases in groundwater extraction based on the 1:1 offset ratio. The following change to the text on page 2-3 in Section 2.0, Project Description, has been made in response to this comment:

The first major component of the Program is Water Neutral New Development (WNND). WNND would require that all new development offset new water use at a minimum 1:1 ratio in all groundwater basins certified at LOS III by the Board of Supervisors. WNND also requires that, in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin), all new or more intensively irrigated agriculture offset new water use at a minimum 1:1 ratio. The proposed Agricultural Offset program is an implementation tool for the WNND irrigated agriculture offset requirement, and is intended to substantially reduce increases in groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) only. The proposed Agricultural Offset program would have a sunset provision upon adoption of a Groundwater Sustainability Plan prepared pursuant to the Sustainable Groundwater Management Act.

Response 17.2

The Agricultural Offset program would be implemented to reflect a minimum 1:1 offset ratio. Any offset ratio proposed or achieved by an applicant that is greater than 1:1 would be on a voluntary basis.

Response 17.3

Replacement of existing crops with a new crop of the same crop type, as defined by Tables 2 and 3 in the proposed Agricultural Offset program would qualify for an exemption from the proposed ordinance, so long as the existing crop acreage is not exceeded by the new planting.

Response 17.4

The commenter suggests that provision G.2 of the draft program is not enforceable. This provision was amended upon further input from stakeholders and the County Planning Commission. Refer also to response 9.10. As noted therein, mitigation measure AG-1 has been removed from the Final SEIR.



Response 17.5

The commenter's suggestion to implement a short-term offset program of 1 to 4 years is noted and has been forwarded to County decision-makers for consideration.

Response 17.6

The Paso Robles Groundwater Basin Urgency Ordinance has limited plantings to those with either a vested right, or those that have achieved a 1:1 offset. The proposed Agricultural Offset program would have no vested rights provision, as the Urgency Ordinance has already allowed two full years for plantings of those cases to proceed. Any vested rights approved under the Urgency Ordinance would expire at the same time as the Urgency Ordinance itself and would not carry over under the Agricultural Offset program.





FW: east bay express -turning water into wine
Sheila Lyons to: xfowler, ccohran, mhanebutt

06/09/2015 04:59 PM

Hi folks,

I've been reading the proposed changes for the proposed changes to the following:

http://www.slocounty.ca.gov/Assets/PL/environmental/COUNTYWIDE+WATER+CONSERVATION+PROGRAM/DraftAmen/Draft_Ag+and+COSE+Policy+Changes.pdf

I am aghast at how slanted the changes are in favor of agriculture and the attempts to insure their continued expansion while stopping all residential construction basically in it tracks. I know you guys know better than this. I suspect there is a lot of political pressure on each of you.

You know that the towns and rural residents use <15% of the water pumped from the PR Basin right? You know agriculture already pumps 70-80% of the water from the PR Basin right? You know we are over-drafting the PR Basin annually and that acres in being planted in grapes has continued to increase annually even since the drought began, therefore causing the overdraft problem to worsen with each year.

The proposed "offset" program is a joke. The suggestion that you can you move water from a water healthy location to a water deprived location to water new plantings of wine grapes or any other crop is just nuts. There is currently no infrastructure and even if there was the water healthy locations need to hold on to their water....we are in a drought!! Water offsets need to remain on the parcel where they currently exist or neighboring parcels owned by the same entity.

I sympathize with your dilemma but you are the next generation who is going to have to live with the consequences of putting poor policies into place now.

We know the main route of the decline in the PR Basin is the large bore deep wells belonging to the huge ag interests (not the small to medium family vineyards and not the rural residents). Figure out a way to reduce their usage...no overhead sprinklers for frost protection, no filling ponds that aren't covered, etc.). You are smart. Figure a way to do the right thing.

Please read the following article and give some consideration to making some meaningful policies.

Turning Water into Wine

Turning Water into Wine

Along the border of Sonoma and Napa counties, roughly seven miles northeast of Santa Rosa, hydrologist and forester Jim Doerksen took me to the southeastern...

View on [Preview](#)

18.1



www.eastbayexpress...

by Yahoo

Sorry I'm in such a state of disbelief I had to write this note.

Sheila Lyons

Creston

Letter 18

COMMENTER: Sheila Lyons

DATE: June 9, 2015

Response 18.1

See Response 19.9 regarding off-site offsets.



Creston Advisory Body



Chairperson: Sheila Lyons Ph. (805) 239-0917, P. O. Box 174 Creston, CA 93432
salyons@airspeedwireless.net

JUL - 2 2015

June 30, 2015

San Luis Obispo County Supervisors
San Luis Obispo County Planning Commissioners
San Luis Obispo County Government Center
San Luis Obispo, California 93408

Re: LRP2013-00012 Countywide Water Conservation Program

Dear Supervisors, Planning Commissioners, and other important parties,

The Creston Advisory Body (CAB) met on June 17, 2015 at the Creston Community Church for a regularly scheduled meeting. One topic of discussion was the proposed Agricultural (Ag) Offset component of the Water Conservation Program. As usual we had broad representation from the Creston community including rural residents at large, a PRAAGS board member, members of North County Watch, members of CALM, members of PWE, members and an alternate of the Paso Robles Groundwater Basin Advisory Committee, our 5th District Supervisor Arnold and a diverse group of local ranchers and agriculturists.

CAB reviewed specifically the Ag Offset sections of Title 22, the Draft WNND Implementation Language for County LUO, the Draft WNND and WWP Implementation Language for the County General Plan (Ag Element) and the draft Supplemental Environmental Impact Report (DSEIR) Countywide Water Conservation Program.

These documents and the proposed changes, state the following as the foundation on which this Ag Offset Program is to be built:

From the amendments to the General Plan Ag Element – “The Paso Robles Groundwater Basin (Basin) requires special conservation measures to ensure that groundwater levels do not drop significantly below historic levels.”

From the Draft SEIR - Section 2.3 “The proposed Agricultural Offset program is an implementation tool for the WNND irrigated agricultural offset requirement, and is intended to substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin only.”

There was much robust productive discussion by the CAB members and the members of the public on this particular program (Ag Offsets) and in the end the

19.1

following comments, questions and suggestions surfaced as being of the most concern to those present.

19.1

1. Is this program even legal? The County is essentially granting an allocation of an amount of water to a parcel but denying it to adjacent parcel that may not have been pumping. This is basically a new kind of water cap and trade and the courts might find this an interesting topic to tackle. Would the County be acting as a Court in this circumstance? This is the beginning of the trading of paper water and that scares many people. Will the value of parcels that are not currently conducting irrigated agriculture be reduced and the dormant water rights of those landowners infringed upon? Would then the property taxes of the parcels without allocations of water be reduced? Certainly the value of their property is reduced because they haven't been exploiting the aquifer for a monetary gain. Also, even though the description of the program does not indicate that any exchange of money will occur some present at CAB were concerned that in the end it will happen and others believed this was the whole intent of the program. The program description does not specifically forbid this from occurring.

19.2

2. The Governor's executive order calls for water savings across the state. There is no water savings built into this program using 1:1 offsets. Based on the reasons for drafting such a program that state that water is to be conserved and pumping **substantially** reduced the offset should be a minimum of 2:1 not 1:1. The PR Basin was over-pumped by 2500 AF annually between 1981 and 2011. Recent modeling studies paid for by the County indicate that with NO GROWTH the Basin will be over pumped on an average of 5600 AF annually for the next 30 years due to the most recent growth and plantings. With an estimated perennial yield of 89,600 AF this over-pumping is serious and needs to be reversed. Agriculture is the biggest pumper from the Basin (70-80% of perennial yield and climbing). This minor change to a 2:1 offset asks Agriculture to step up and begin reining in the excessive pumping.

19.3

3. There is no enforcement spelled out in the program. Who would insure that the sender is actually cutting back and that the receiver isn't using more than allocated. What happens if they violate their agreement? Will there be any penalties? Will their allocation be revoked? Who would be the objective monitor of these wells? Would the County have to create a new staff position?

19.4

4. Could an Ag parcel potentially give water to a Rural Residential parcel? Could a Rural Residential parcel be a sending site? There does not appear to be any provision allowing or preventing this from occurring. Could a parcel supply water credits to more than one parcel? Could the water credits leap frog onto multiple parcels? If someone with a pond decides to stop filling their pond, would the water they had previously been using be eligible for sending credits? Could someone accumulate credits as a

19.5

- | | |
|--|-------|
| receiving site on their single parcel? There seem to be many ways to subvert the intent of this program. | 19.5 |
| 5. The question of how the crop duty factors were determined for allocating credits arose. These numbers would be critical in insuring balance, or better yet savings. Unless there are historical usage numbers at the sending site there is no way to know whether the sender has been using more or less than the duty factors listed in the tables for the program. One CAB member also suggested that no newly planted crop on receiving sites should be allowed to use overhead sprinklers for frost protection as part of the offset program and that cover crops, between rows of vines for example, on these same parcels should be included as a crop and have a duty factor as well. | 19.6 |
| 6. The DSEIR states that there will be meters on both the sending and receiving sites but the implementation language only requires a meter on the receiving site. Meters need to be on both parcels with objective monitoring and reporting. | 19.7 |
| 7. Any Ag Offset Clearance should be reviewed as discretionary not ministerial in order to obtain appropriate input from neighbors, citizen advisories and members of the public. | 19.8 |
| 8. No receiving site should be allowed in the "red zones" or in any area where the water table has dropped more than 50 ft since 1997. There must be historical records to back any claims. Receiving sites in water depressed areas would only make the situation worse. | 19.9 |
| 9. The sending and receiving sites must be adjacent parcels not somewhere else in the basin. Ideally both sites should have the same owner. This would minimize the impact on surrounding properties of any receiving site. | 19.10 |
| 10. Can a receiving site parcel drill a new well if no well currently exists? Or if the existing well is too shallow? If a replacement well is to be drilled, should the original well be capped and abandoned? If a new well is to be drilled, there needs to be a provision requiring any new well to be a safe distance from existing wells on neighboring properties. Also, see #11 below. Also, if there are two (or multiple) wells on the sending or receiving site then both (all) should be metered. | 19.11 |
| 11. Prior to approval of a receiving site a determination must be made to show that the increased pumping at the receiving site will not impact any of the neighboring wells on adjacent parcels or within a reasonable distance of the receiving site. There should be a requirement to conduct a draw down test to confirm recharge rates, etc. The County funded Resource Conservation District (RCD) report outlined an Ag Offset program that included information on how an assessment for well interference could be conducted. This same approach should be adopted by the County, as recommended by the RCD (see letter attached, from Upper Salinas-Las Tablas Resource Conservation district dated 5/15/15 addressed to the PR Basin Advisory Committee). | 19.12 |

12. The DSEIR states that the need for a deed restriction (covenants) on the sending parcel will be conducted on a "case by case" basis (see Table 2-1). What does this mean? Every sending site must have a deed restriction. 19.13

13. Any sending site must have been growing the irrigated crop being used to determine the crop duty factor for water credits for at least five years prior to the adoption of this program. This could eliminate the potential water speculators, or water exploiters, who may have only recently planted high water usage crops to try and game the system. 19.14

Our CAB meeting was conducted in a town hall type fashion that allowed the public and the CAB members to interact continuously with questions, comments and suggestions. This format worked exceptionally well for discussing this particular topic and coming to some common conclusions.

We believe that the first consideration for a program like this one is that it will "Do No Harm." The program as currently written does not give confidence that that would be the case. The County is entering a new realm potentially acting as a Court by setting up a cap and trade system for paper water. The encumbrances on individual parcels may end up being permanent, as once policies are adopted it is difficult for them to be reversed. It is unlikely that any new GSA (Groundwater Sustainability Agency) will find time in the first years of their formation to deal with Ag Offsets, and they may not have the land use authority to do so. 19.15

No water would actually be saved with this program as written. Instead it allows pumping as usual to continue. There is broad consensus that the Urgency Ordinance (UO) was gutted prior to adoption when enormous loopholes such as "vested rights" were added and <20 acre exemptions. In the end the UO did the opposite of slowing the pumping as intended. Instead there were serious unintended consequences with a rush to drill and to plant (the annual overdraft number has more than doubled from 2500 AF/yr to 5600 AF/yr from 2011 to 2014). When considering the currently proposed Ag Offset program, one member of the public stated, "Planting should only be allowed in the blue zones, and there are no blue zones." 19.16

The County Board of Supervisors has consistently advocated for the formation of a water district over the Paso Robles Groundwater Basin to move towards a sustainable water source for all who live and work over the Basin. We have strict rules requiring rural residential (who only pump 3% of the water) to cut back and conserve but we are all "loosey goosey" when it come to cracking down on irrigated Ag (who pump 70-80% of the water) where clearly there is much more to be gained. We need a program to replace the Urgency Ordinance (UO) that actually protects us all from unscrupulous planting and over-pumping. Sustainability begins with the adoption of programs that address the over-pumping of our basin and that would in turn give people confidence that something constructive is being done to achieve the goal of reducing the Basin's overdraft. We are approaching a window of concern with a month gap between the expiration of the UO and the adoption of any new meaningful conservation measures. Several people present at CAB 19.17

expressed their fears on this point. Who do we expect to exploit that gap? It isn't likely to be rural residents. This program, if adopted, should have the strictest requirements possible to prevent further damage to our basin and should remain in place until a GSA has an alternative replacement.

19.17

The CAB members voted unanimously for CAB to send this letter expressing our concerns to County representatives who have sway over the adoption of this program. We would like these CAB comments included as part of the DSEIR.

We hope you are listening and will give serious thought to making the changes necessary for this program to be a useful tool in reaching sustainability, not just an attempt to look like something is being done when it really isn't. As another member of the public, whose business is growing food, stated, "This is no longer the Wild Wild West and people are going to have to start modifying their behaviors." Thank you for your attention to this matter.

19.18

Sincerely,


Sheila Lyons
CAB Chairperson

cc: Debbie Arnold – darnold@co.slo.ca.us
Frank Mecham – fmecham@co.slo.ca.us
Bruce Gibson – bgibson@co.slo.ca.us
Adam Hill – adhill@co.slo.ca.us
Lynn Compton – lcompton@co.slo.ca.us
David Church – dchurch@slolafco.com
Jim Irving – District #1 Planning Commissioner
Ken Topping – District #2 Planning Commissioner
Eric Meyer – District #3 Planning Commissioner
Jim Harrison – District #4 Planning Commissioner
Don Campbell – District #5 Planning Commissioner
Ramona Hedges – rhedges@co.slo.ca.us
Rita Neal – rneal@co.slo.ca.us
Xandrea Fowler – xfowler@co.slo.ca.us
Erik Ekdahl - Erik.Ekdahl@waterboards.ca.gov
Devin Best – devin@us-ltrcd.org
Martin Settevendemie – AgCommSLO@co.slo.ca.us

Attachment: Upper Salinas-Las Tablas Resource Conservation district dated 5/15/15 addressed to the PR Basin Advisory Committee

Upper Salinas-Las Tablas Resource Conservation District

65 S. Main St. Ste. 107 Templeton, CA 93465 | 805.434.0396 x 5 | www.us-lrccd.org

May 15, 2015

Sue Luft
Paso Basin Advisory Committee

Dear Ms. Luft,

The County of San Luis Obispo is preparing an Environmental Impact Report (EIR) for the San Luis Obispo Countywide Water Conservation Program. The proposed project is two-fold consisting of a Water Neutral New Development (WNND) and Water Waste Prevention Program. These two programs will be amended into the County General Plan and County Code. The WNND program is for Level of Severity (LOS) III, which are basins that meet or exceed dependable supply due to current demand. The three LOS III groundwater basins in San Luis Obispo County are the Paso Robles Groundwater Basin, the Los Osos Groundwater Basin, and the Nipomo Mesa Management Area. The Upper Salinas – Las Tablas Resource Conservation District (RCD) has reviewed the EIR and has the following comments and recommendations to make to San Luis Obispo County Planning Department (hereafter referred to as “County”) for the Agricultural Water Offset program.

Proposed Preferred Agricultural Water Offset Program

In the proposed project for Agricultural Water Offset program, the County proposes a simplified version. The RCD’s Agricultural Offset Program for the Paso Robles Groundwater Basin provided a framework for the County to adopt and implement for a 1:1 offset program. The program proposed by the County is an overly simplified version of the Agricultural Offset Program. For instance, the proposed project by the County eliminates much of the technical level of analysis and assessment needed to verify a 1:1 offset for irrigated agriculture. Although this may be in an effort to simplify the process for applying and receiving offset credits, it does not take into account the hydrologic connection between sending and receiving sites nor does it provide for accountability between sites, especially in Category II: Off-site Offsets. Furthermore, the proposed project by the County lacks the mechanism to quantify and verify offsets credits. Without a monitoring component, it is nearly impossible to verify compliance a 1:1 offset is achieved. The one requirement in the County’s proposed project for monitoring is installation of a well meter. This is an important first step, yet the programs fails to ensure a 1:1 Agricultural Water Offset is maintained throughout the program without verification (e.g. annual reporting).

19.19

If the County proceeds with a simplified version of the Agricultural Water Offset Program, it should continue to include the essential elements of the Paso Robles Agricultural Water Offset Program developed by the RCD. The RCD would strongly encourage the County to incorporate more components of the RCD’s Agricultural Offset Program into their proposed program for two reasons. First, the RCD provided varied levels of technical information necessary to apply for an

Upper Salinas-Las Tablas Resource Conservation District

65 S. Main St. Ste. 107 Templeton, CA 93465 | 805.434.0396 x 5 | www.us-ltrcd.org

agricultural offset. These were developed and designed with the understanding of the diversity of agricultural users and application types (*i.e.* Categories). Removing these components from a permit application process does not enable the County the ability to accurately quantify where groundwater is being offset and applied within the Paso Robles Groundwater Basin. This is likely to become an intrinsic component in a Groundwater Sustainability Plan (GSP) and feels shortsighted by the County to not incorporate those elements into the proposed project. Secondly, because the County's proposed program eliminates many of the technical aspects of the RCD's Agricultural Water Offset Program, impacts to shallow aquifer wells or to hydrogeologically connected sub-basins cannot be assessed and mitigated for. The proposed program should envelop some of this analysis in the offset application process to avoid or minimize environmental and economic impacts to local stakeholders in the Paso Robles Groundwater Basin.

Summary of Significance of Impacts

The proposed project, and every alternative, have a multitude of potentially significant impacts. The DEIR states the only two significant impacts would be to *Agricultural Resources* and *Land Use*. The Countywide Water Conservation program should also evaluate impacts to hydrology, water quality, and biological resources in the final EIR. It is unclear how the DEIR can make the determination one alternative is environmentally preferred than another when environmental resources such as hydrology and biological resources were not evaluated. The County should, before proceeding with the proposed program, assess and evaluate the impacts to these resources to determine if the proposed program is the preferred alternative.

19.19

General Comments

The proposed Agricultural Water Offset component of the Countywide Water Conservation Program is not likely effective for providing a 1:1 offset that is protective of current water users in the Paso Groundwater Basin, nor does it resolve the issue of alleviating the severity of groundwater depletion. As an organization committed to natural resource conservation and management, the program, as currently proposed, does not meet the goals of providing a means to, "substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin," as stated in the Executive Summary (ES-2). Instead, the proposed program authorizes and permits new irrigated agriculture without assessment of impacts to neighboring wells, quantifying interactions between hydrogeologic strata, or verification the permitted new irrigated agriculture is achieving a 1:1 offset in the Paso Robles Groundwater Basin. Lastly, the DEIR is meager in its analysis of the summary of significant environmental impacts associated from the alternatives proposed. The additional environmental impacts listed above should also be analyzed and, if needed, mitigated for in the DEIR.

The RCD would like to offer its services and expertise to the County. If you have any questions please feel free to contact Mr. Devin Best by phone at (805) 434-0396 ex. 5 or via email at devin@us-ltrcd.org.

Devin Best
Executive Director

Letter 19

COMMENTER: Sheila Lyons, Chairperson, Creston Advisory Board

DATE: June 30, 2015

Response 19.1

The commenter lists the documents reviewed by the Creston Advisory Board (CAB), notes the primary purposes of the Agricultural Offset program, and notes that there was robust productive discussion by the CAB members on the Agricultural Offset program. The comment is noted. Refer to responses 19.2 through 19.19 for responses to specific comments from CAB.

Response 19.2

The County, through the Department of Planning and Building, has the authority to regulate land use. The proposed Agricultural Offset program is a land use ordinance to regulate agriculture that overlies the Paso Robles Groundwater Basin for the conservation of groundwater. Also see Response 16.5 regarding the County's land use and zoning authority.

Response 19.3

A 2:1 offset ratio was analyzed in the Draft SEIR under Alternative 2 and may be considered by the Board of Supervisors.

Response 19.4

Enforcement and violation investigations for the proposed Agricultural Offset program would be handled through County Code Enforcement and would be subject to the provisions of Chapter 22.74 of the County Code.

Response 19.5

Planting credits from an Agricultural Offset Clearance application process could not be used as offset credits for new urban or rural development.

Response 19.6

See Response 16.5 regarding water use factors.

Response 19.7

The Program language has been revised to require meters on all wells that serve sites associated with an Agricultural Offset Clearance application.



Response 19.8

The Agricultural Offset program is proposed to operate at a ministerial level to ensure that it would be applied consistently to all applicants seeking an Agricultural Offset Clearance.

Response 19.9

Receiving sites for off-site offset applications are not allowed in areas of severe decline, defined as 50 or greater Spring Groundwater Elevation Change 1997-2013, as discussed at the County Planning Commission. See also response 12.4.

Response 19.10

Sending and receiving sites associated with off-site offsets are defined as being separated by at least one site that is not a participant in the application. Any sites that are adjoining, especially those with the same owner or are collectively operated, would be processed as an on-site offset. See Response 19.9 for further restrictions on receiving sites.

Response 19.11

A new well may be drilled only after initial compliance with the Agricultural Offset program, certifying that the applicant has met the 1:1 offset criteria. The drilling of a replacement will require the destruction of the well being replaced. Every well drilled in the County must already be a required distance from another existing well. See Response 19.7 regarding well metering.

Response 19.12

Refer to response 19.19 and responses 2.1 through 2.4.

Response 19.13

The Agricultural Offset program has been amended to reflect that deed restrictions are required on all properties associated with an Agricultural Offset Clearance.

Response 19.14

Planting credits from sending sites would be determined from existing crops only, which does not allow past crop production to be used in proposed plantings. As proposed, this would not allow crop production that had occurred at any time in the past to be used as planting credits for any new or expanded irrigated agriculture, unless those crops are currently in production. Exceptions to this criterion are for normal annual or rotational plantings, and for replanting of the same crop type. Additionally, the Paso Robles Groundwater Basin Urgency Ordinance has limited plantings to those with either a vested right, or those that have achieved a 1:1 offset, substantially decreasing the ability of new speculation on future plantings. Additionally, the proposed Agricultural Offset program would have no vested rights provision, as the Urgency Ordinance has already allowed two full years for plantings of those cases to proceed.



Response 19.15

Comment noted.

Response 19.16

Refer to Response 19.14 for discussion on vested rights in the proposed Agricultural Offset program.

Response 19.17

The proposed Agricultural Offset program specifically addresses the “gap” between the expiration of the Urgency Ordinance and the effective date of the proposed program. Any new plantings on sites that overlie the Paso Robles Groundwater Basin, excluding the Atascadero Sub-basin, would not qualify as credits in any future offset application. If the proposed Agricultural Offset program is adopted as currently scheduled, this “gap” would be a month or less.

Response 19.18

Comment noted.

Response 19.19

The commenter provides a copy of a May 15, 2015 letter from the Upper Salinas-Last Tablas Resource Conservation District. Although the Upper Salinas-Last Tablas Resource Conservation District letter included in this Final SEIR as letter 2 is dated May 13, 2015, it is the same letter as the one provided by the commenter. Refer to responses 2.1 through 2.4 for responses to this letter.



JUL - 2 2015

June 30, 2015

Xzandrea Fowler
Senior Planner/EIR Manager
County Planning and Building Department
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

Dear Ms. Fowler,

Thank you for the opportunity to respond to the proposed WNND and WWP as a part of the Countywide Water Conservation Program.

I am a rural resident living over the Paso Robles Groundwater Basin, declared at a LOS III, which is in rapid decline and continually below safe yield.

I would like to express the importance of the fact that the offset proposals will not enhance the health of the basin. Without significant **decreases** in groundwater pumping, the Paso Robles Groundwater Basin will continue to be in a LOS III.

20.1

This multifaceted WNND seems to be in direct opposition to California Water Code Section 106, which states that "the use of water for **domestic** purposes is the **highest** use of water and that the next highest use is for **irrigation**." Instead of assuring a potable water supply for years to come for the benefit of domestic purposes, the offset proposals are embracing the continued expansion of a plant crop, which is **not** a **food** crop, but rather a volatile wine grape, alcoholic commodity attached to a current global market demand.

It is clearly stated in the goals, in AG1: a. "**Support and promote a healthy and competitive agricultural industry whose products are recognized in national and international markets as being produced in San Luis Obispo County.**" I am certain it is referring to the wine grape industry and not strawberries. So as cotton was once KING, now the wine industry wears the crown. However cotton could provide a multitude of fiber products for the enhancement of human existence. Wine grapes fulfill only one "want" not a "need" for our basic human requirements. As a rural resident I am offended by the lack of consideration for me and my neighbor, unless my neighbor is a vineyard of course.

20.2

It appears that the proposal makes it less complex for Viticulture to plant, instead of making that industry more responsible and considerate of the consequences of their actions. At this moment, all of California is experiencing the effects of a

historic drought; it is difficult for me to comprehend the encouragement of any continued use of our most precious resource.

20.2

From my perspective, the project objective of providing a mechanism to allow new development to continue in certified LOS III groundwater basins and allow new or altered irrigated agriculture to proceed in the Paso Robles Groundwater Basin should cease and desist. The offset of "projected" water use is hypothetical and nebulous, as it is just "projected" and allows only continued decline of the Paso Robles Groundwater Basin. What is the "plan" basing the water use upon? Current wine grape crop demands? And how is the use of that water being monitored and accounted for? It is beneficial to no one except for the tax dollars contributed to the county and the monetary gain of an unsustainable crop, which was grown with water from a basin in severe decline and exported out of this county, state and country, and staggeringly with no consideration for a neighbor.

20.3

Now is the time for everyone to be accountable for the water they use. It is time to stop giving the Viticulture industry carte blanche; it is time to stop planting and to stop fulfilling the demands of their business plans. Life as we knew it is over. If indeed this is the new normal, then it is up to this County to make sure there is enough water for generations to come and put out a fire! Add a clause to your proposal, which states "restrictions will be lifted upon a continued oversupply of water in the basin. However, until such time that any Level of Severity exists; there should be no additional planting."

20.4

In regard to Page 2-23, AGP11, b. **"Do not approve proposed general plan amendments or rezoning that will result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for agricultural use.** Once again I am offended, "only if it affects supply or quality for agriculture." And once again, catering to the wine grape industry, without a shred of consideration for me or my rural neighbors. Personally, I don't care if another stick ever goes in the ground. However, **not for the benefit of agriculture, but for the benefit of the basin.** A perfect example of absurdity, is the 74 acre site proposal on Highway 46 East, for a 140 room resort hotel with café and business center; a 32 suite boutique hotel with café restaurant; 20 vacation casitas and another restaurant; 30 additional vacation casitas with a spa and clubhouse; a winery production and tasting facility; a 4 bedroom bed and breakfast with an additional guest house; and a "viticulture learning center" with a viticulture library, workshop and related buildings? The parcel currently has a single residence on it. How in the world can this "multiphase

20.5

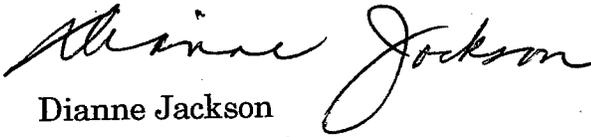
resort" ever comply with your WNND when the property is undeveloped and lies over the most drastically impacted portion of the Paso Robles Groundwater Basin?

20.5

Bringing another consideration to the forefront, that has not been addressed, is the amount of water it will take to process any additional crop put in the ground. Therefore it is impossible for any additional wine grape plantings to be considered water neutral.

20.6

Sincerely,



Dianne Jackson
6880 Union Road
Paso Robles, CA 93446

Letter 20

COMMENTER: Diane Jackson

DATE: June 30, 2015

Response 20.1

The proposed WNND programs are designed to conserve water in ways which would still allow for modest development to occur. Efforts to manage the Paso Robles Groundwater Basin for long-term sustainability are currently underway pursuant to the Sustainable Groundwater Management Act.

Response 20.2

The proposed WNND requires a 1:1 offset for both new agricultural production and urban/rural development. See Response 20.1 for further discussion regarding sustainability of the groundwater basin.

Response 20.3

See Response 16.5 for further discussion regarding water use factors.

Response 20.4

A termination clause for the Agricultural Offset program is included in the proposed Program, which takes effect upon the adoption of a Groundwater Sustainability Plan pursuant to the Sustainable Groundwater Management Act. Altered sunset provisions were analyzed as part of the Draft SEIR in Alternative 4, and may be considered by the Board of Supervisors.

Response 20.5

AGP 11 is part of the Agricultural Element of the General Plan, and thus reflects specific policies to promote and enhance agriculture practices within the County. Additionally, AGP 11b is existing language which promotes keeping agricultural areas in agriculture and by discouraging the expansion of urban development.

Response 20.6

Measures to address wine processing are addressed in the proposed Water Waste Prevention ordinance, Section 8.69.110.



July 3, 2015

**To: Xzandrea Fowler, Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Submitted electronically to waterprograms@co.slo.ca.us**

**From: Creston Citizens for Agricultural Land Preservation (CCALP)
Contact person: Maria Lorca, PO Box 502, Creston, CA 93432
(805) 226-7551**

**Re: Comment on Agricultural Water Offset Program section of
Countywide Water Conservation Program Draft Supplemental
Environmental Impact Report (DSEIR)**

These comments apply only to the proposed Agricultural (Ag) Offset program for the Paso Robles Groundwater Basin (Basin). While understanding the time pressure and urgency to establish protection for the Basin, we urge you to approach this experimental program with caution. Before setting up an untested private water market we recommend adopting simplified alternatives. Harm can come from the unintended consequences of establishing a poorly understood, complicated, legally risky and impossible to enforce ordinance.

21.1

In general, this DSEIR with bland assertions of no significant impact reads like a document prepared to ratify a decision already made: that is, to support the need to get "something" in place before the Urgency Ordinance (UO) expires.

21.2

CEQA requires actual analysis, especially when the Ag Offset program as proposed is a project with an uncertain legal authority, is inconsistent within itself, is an untried experiment not evaluated for economic impact, will effectively be an adjudication and rezoning of ag parcels overlying the Basin and has the potential to enable more damage to water resources.

21.3

Uncertain legality

The lead agency must determine that the county is not acting as a court in awarding a given parcel the right to pump a specific amount of water (thus making an allocation that can be sold and transferred) while denying that same water allocation or right to another parcel. Is this a taking of unexercised dormant water rights from ag parcels overlying the Basin?

The water duty factors (Table 2-3 DSEIR) confer an allocation without a determination of the Basin's ability to sustain that allocation. In addition, these allocations of water are only estimates. We have no way to prove what the sending parcel is pumping, yet landowners would be making investment-backed decisions for years based on these same estimates with no provision for reduction or increases should Basin conditions change.

21.4

Overliers are entitled to reasonable and beneficial use on their own land. Are they entitled to transfer their water rights to another person's land?

Project inconsistent within itself

The DSEIR failed to show that the intention of the project will be achieved with the mechanism proposed.

The proposed Agricultural Offset program is an implementation tool for the WNND irrigated agriculture offset requirement, and is intended as a measure to substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin only.

- Provide a mechanism to allow new or altered irrigated agriculture to proceed in the Paso Robles Groundwater Basin, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use;

21.5

The problem is the conflict between the objective and the mechanism.

In order to substantially reduce groundwater extraction and lowering of groundwater levels in the Basin, a mechanism to continue ag development therefore insure continued demand is not feasible and can never meet the program objective. A more sensible remedy would be to decrease the initial demand not transfer it around.

Not evaluated for economic impact

The DSEIR states that implementation of the proposed program could result in economic and population growth, but presents no evidence for their conclusion that the impact would be less than significant. This program is a risky experiment so should be as limited as possible until the impacts are known.

Since this program could be in place for 20 years (page 2-11) changes in ag production could create both significant economic growth and or significant economic loss. Not considered is the impact on small farmers growing food crops. Under this program would the incentive be to sell water rather than grow food ?

The denial of water allocations to parcels with dormant water rights is already a significant negative economic factor for real property values. Taking water rights and an allowed use from ag parcels over the basin is in practical effect a rezoning.

21.6

The DSEIR fails to consider the economic impact that will result when large vineyards or alfalfa farms with equally large ag ponds convert to dry farming and sell their water. In anticipation of this ordinance, excessive planting, pumping and deep well construction are going on in the Basin now. These are already significant impacts. In the Creston area new wells are exceeding 1,500 feet with 16-inch casings. Local alfalfa sprinklers operate even on hot and windy days.

Landowners who say they are changing their practices or crops will have water credits to sell, having been allocated those credits by excessive pumping, stranding neighboring wells and placing the Basin in overdraft.

Not evaluated is the question of the Public Trust and preservation of an essential natural resource. How much of the basin yield should be used to subsidize private, commercial activities ?

Potential to enable significant damage to water resources

The failure to consider that setting up an untested water transfer program has the possibility of a significant irreversible impact is one of the chief flaws in this document. This is an avoidable and unnecessary risk.

21.7

This project describes itself as necessary in order to protect water resources from increased pumping and planting after the UO expires. As proposed the 1:1 offsets will have no impact on water resources yet provide an incentive for more vineyard planting. A shift in cropping systems to high value perennial crops like wine grapes reduces the flexibility of agricultural water demand. Inflexible demand makes agriculture even more reliant on groundwater during dry periods.

21.7

Because our group has had years of experience * with the problems created by the Transfer of Development Credits (TDC) program we believe this DSEIR has not fully considered the potential significant impacts of setting up a private water market to transfer an essential natural resource from one parcel to another.

From our base of experience, we recommend starting with the transfers most likely to do no harm. The sending and receiving parcels should be contiguous and under the same ownership. To protect neighboring wells, we also recommend adding back the well interference criteria and evaluation procedures from the original RCD Ag Offset program.

21.8

Impossible to enforce

If not enforced, water use regulations can destroy the incentive for conservation. The UO response is evidence that some individuals and entities will continue to drill and plant regardless. Is Code Enforcement funded and structured to ensure compliance? Who will enforce the deed restrictions for the life of their existence? Who will monitor the transfer arrangements? How will the public be notified or even know that the ag clearance regulations are being followed?

21.9

Simplified Common Sense Alternatives

Section 15126.6(c) of the State CEQA Guidelines requires that the alternatives to a proposed project "include those that could feasibly accomplish most of the basic objectives of the project."

~As an alternative to this program, manage growth of irrigated acres in Basin in a manner similar to the growth management policies applied to residential growth. This alternative would be easier to understand, implement and enforce and would actually reduce

21.10

- | | |
|---|-------|
| groundwater extractions. We believe this alternative would have the support of rural residential stakeholders. | 21.10 |
| ~Starting with large production wells - measure the demands and limit the amount of extraction to the Basin's safe yield. | 21.11 |
| ~Increase the offset ratio to 2:1. | 21.12 |
| ~ All ag transfer projects must be discretionary with all documents including the landowner agreements made public and posted on the Basin website. | 21.13 |
| ~Limit transfers to contiguous parcels under the same ownership. | 21.14 |
| ~Add back the well interference criteria and evaluation procedures from the original RCD ag offset program. | 21.15 |

Alternative for protection during the gap

<p>The plain fact that the rush to drill and plant was actually made worse by the UO is evidence that the Basin can no longer be left exposed to such ruthless exploitation. During the gap, the County could ask the Court for a temporary stay on drilling and planting until or unless a qualified hydrologist certifies that the new well or increased pumping and or new or intensified crop will not harm neighboring wells or the Basin. When the Court and or the Supervisors are satisfied that adequate Basin protections are in place the temporary stay could be removed.</p>	21.16
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Thank you for this opportunity to comment.

***Transfer of Development Credits (TDC) program**

As an example of good intentions gone wrong, even after it was clear that the TDC program was operating opposite to its intent it took 12 years of conflict and extensive County and community resources to get it amended. Along the way there were several lawsuits, two Grand Jury reports, a Blue Ribbon Committee, expired credits still being sold, appeals to the Supervisors of TDC subdivision projects, Planning Commission hearings and study sessions, and both Nipomo and South Atascadero forced to create community plans to protect themselves from transferred development rights.

Letter 21

COMMENTER: Maria Lorca, Creston Citizens for Agricultural Land Preservation

DATE: July 3, 2015

Response 21.1

The commenter suggests consideration of simplified alternatives to the proposed Program. Refer to responses 21.10 through 21.15 for responses to the commenter's specific suggestions of alternatives.

Response 21.2

The commenter suggests that the Draft SEIR is written as a decision has already been made on the Program. Refer to response 10.10. The County Board of Supervisors provided direction to refine the scope of the project description at public hearings on February 3 and February 24, 2015. The proposed Program is analyzed for its environmental effects as required by CEQA and is compared to range of alternatives via this EIR. The Board will consider the information in the EIR as part of its decision-making process.

Response 21.3

The commenter makes several claims about the Agricultural Offset program and suggests that economic impacts of the Program have not been analyzed. Refer to responses 21.4 through 21.16 below for responses to specific comments about the Program. It should also be noted that the EIR is not intended to account for economic effects of the proposed Program, in accordance with the CEQA Guidelines. As stated in CEQA Guidelines Section 15064(e) and 15131(a), economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, such effects are not considered in the Final SEIR.

Response 21.4

See Response 19.2 regarding legality of offset programs.

Response 21.5

See Response 17.1 regarding goals of the Agricultural Offset program.

Response 21.6

The commenter states that the Draft SEIR fails to account for economic impacts of the proposed Program. As stated in response 21.3 above, the EIR is not intended to account for economic effects of the proposed Program, in accordance with the CEQA Guidelines. As stated in CEQA Guidelines Section 15064(e) and 15131(a), economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, such effects are not considered in the Final SEIR.



Once the Paso Robles Groundwater Basin Urgency Ordinance comes into effect, no new or expanded irrigated agriculture could occur without demonstrating a 1:1 offset. Any planting proposed pursuant to the provisions of the proposed Agricultural Offset program would have to obtain credits from existing agricultural plantings and still offset at a 1:1 ratio. Additionally, see Response 19.17 regarding plantings during the “gap” period.

Response 21.7

The commenter suggests that the proposed Program would result in a significant irreversible impact, but does not indicate to what issue area. Therefore, a specific response is not possible. The comment is noted.

The commenter further suggests that the Draft SEIR does not fully consider the potential significant impacts of setting up a private water market. The Draft SEIR analyzes the Program as proposed. The findings of this analysis are presented in Sections 4.1 through 4.3 of the Draft SEIR.

Response 21.8

See Response 19.10 regarding off-site offsets.

Response 21.9

See Response 19.4 regarding enforcement.

Response 21.10

The implementation of the proposed Agricultural Offset program would effectively serve as a growth management tool for irrigated crop production, because it limits new irrigated crop production based on the existing groundwater resources conditions.

Response 21.11

See response 19.11 regarding metering. See response 19.4 regarding enforcement/monitoring.

Response 21.12

The commenter suggests an alternative that increase the offset ratio to 2:1. This alternative is analyzed as Alternative 2 (Larger Offset Requirement) in Section 5.0, *Alternatives*.

Response 21.13

See response 19.8 regarding the level of review for Agricultural Offset Clearance applications.

Response 21.14

See responses 21.8 and 19.10 regarding off-site offsets.



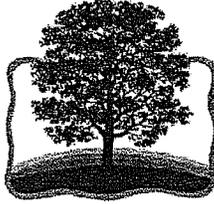
Response 21.15

See response 19.19 regarding the scope of the proposed Agricultural Offset program.

Response 21.16

See response 19.17 regarding provisions addressing the time between the expiration of the Paso Robles Groundwater Basin Urgency Ordinance and the effective date of the proposed Agricultural Offset program.





North County Watch

Looking Out Today For Tomorrow

Xzandrea Fowler, Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Via Email: xfowler@co.slo.ca.us

July 6, 2015

Re: Comments on SDEIR for Countywide Water Conservation Ordinance

Dear Ms. Fowler,

North County Watch is a 501c3 public benefit corporation whose mission is to promote economic and environmental policies that maintain and enhance the uniqueness of our community.

The Countywide Water Conservation Program includes amendments to the County General Plan and County Code that will establish an agricultural offset program for new or expanded irrigated agriculture.

FINDINGS CANNOT BE MADE BASED ON THE SDEIR

22.30.204 *The purpose of the Agricultural Offset Clearance is to allow for new, intensified, or conversion of irrigated crop production overlying the PRGWB while protecting the critical resource of groundwater.*

The primary failures of the ordinance rest with the decision to remove the provisions contained in the Upper Salinas Las Tablas Resource Conservation District report that required a proximity analysis, evaluation of drawdown impacts on neighboring irrigation and domestic wells, hydrogeological strata analysis, and third party monitoring/annual inspections.

22.1

A finding that a 1:1 offset will protect a critical resource cannot be made. A 1:1 offset will not guarantee the protection of “the critical resource of groundwater” without adequate monitoring, metering, and third party oversight of the sending and receiving site.

22.30.204 G does not contain a requirement for metering and monitoring of sending site. Further, achieving even a 1:1 offset will require recourse for non-compliance. Violation is a misdemeanor. Enforcement actions outlined in Section 1.04.010¹ are wholly inadequate and the

22.2

¹ 1.04.010 - Penalties for violation.

fines will become merely the cost of doing business. That said, it is unclear to us whether even the minimal enforcement in 1.04.010 also applies to the ag offset program, or does it only apply to the residential program?

22.2

According to the most recent basin update (2011), the basin is experiencing a drawdown of 2,500-5,600 af/y. The proposed ag offset program contains no provisions for reversing the drawdown and will result in increased deficits because of the lack of oversight and thorough preliminary and follow-up analysis. For the proposed 'cap and trade' style offsets to ensure the desired outcome, the analysis of water use on the sending site must be based on a determination of actual median water use on the site over a climatologically representative period.

22.3

Regarding Category 1 – On-site Offset, How will current water use for category 1 offsets be determined? Verification presents an insurmountable hurdle in most cases. The ordinance does not define how verification will be independently determined. Total water use varies from year to year depending on climate and other factors including cropping. In order to make a finding of no impact, total water use must be based on a determination of median use over an extended period, at a minimum, a reasonable projection based on median rain fall and actual daily temperatures over the projected period. How will the county determine if increased crop density has occurred absent the landowner applying to the county for an offset?

22.4

Regarding Category II - Off-site Offset, how will the county verify that a proposed decrease in applied water on a sending site results in an actual reduction in pumping at the sending site? Without an accurate determination of water use as a baseline, how will operational changes that are not specifically a change in crops but only a change in operational irrigation techniques be quantified and monitored?

22.5

Assumptions based on water duty factors can be wildly misleading. Further, it is necessary to determine the real time use of water on the sending site in order to monitor the pumping, via flow meter, on the sending site to ensure that the sending site is not exceeding its allocation. Any other system is purely speculative and will result in further drawdown of groundwater resources.

22.6

(a) No person shall violate any provisions, or fail to comply with any of the mandatory requirements of this code. Any person violating any of the provisions, or failing to comply with any of the mandatory requirements of this code is deemed guilty of a misdemeanor, unless by ordinance it is made an infraction.

(b) Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

(c) Every violation determined to be an infraction is punishable by a fine of not exceeding fifty dollars for a first violation; a fine not exceeding one hundred dollars for a second violation of the same ordinance within one year; a fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year.

(d) Title 25, the mobilehome park rent stabilization ordinance, is exempt from this section.

(Ord. 3063 § 1, 2005; Ord. 2229 § 1, 1985; Ord. 1722 § 1, 1977; Ord. 1651 § 5, 1976; prior code § 1-003)

SDEIR ASSUMPTIONS AND CONTRADICTIONS

There are a number of assumptions and contradictions in the SDEIR that need to be clarified. According to Board actions, general assumptions, and the 2011 Paso Robles Basin Model Update, the Atascadero subbasin is treated as a basin sufficiently separate from the main Paso basin to be excluded from the provisions of the proposed ordinance and is determined to not be in an LOS III condition.

22.7

The safe yield for the entire basin is stated as 89,000 af/y in the 2011 update. The Atascadero subbasin is described as having a 16,000af/y yield according to earlier studies and historic statements by the Atascadero Mutual Water District. Deducting the Atascadero subbasin yield from the 89,000 af/y number, the Paso main basin can be assumed to have an annual yield of 73,000 af/y.

The SDEIR lists low 1.4, medium 1.7, and high 2.1 water duty factors for the Salinas Estrella Water Planning Area. The Draft Ordinance language eschews all of these numbers and uses a vine water duty factor of 1.25. How does the SDEIR reconcile an analysis based on the range in the Salinas Water Planning Area and then use a number with no nexus to the numbers in the SDEIR analysis?

The SDEIR concludes that the ag offset program will not results in impacts to the basin but contradictory and unresolved water factor numbers do not support that conclusion. The SDEIR needs to include an analysis looking at the divergent numbers and the main basin yield. For simplicity we will look at only vineyard consumption based on 45,000 acres of vines over the main basin (excluding the Atascadero subbasin). A water duty factor of 1.4 results in an annual 63,000 af/y vineyard use and a resulting residual of 12,500-16,500 af/y use for rural residential, urban, commercial, industrial uses based on a yield of 73,000 af/y and a drawdown of 2,500-5,600. A factor of 1.7 results in an annual 76,500 af/y use for vineyard pumping alone which exceeds the reported yield by 3,500 af/y combined with the cumulative annual use by rural residential, urban, commercial, industrial. A factor of 2.1 results in annual vineyard pumping of 94,500 af/y, exceeding yield by 21,500 plus use by rural residential, urban, commercial, industrial.

22.8

The water duty factor used in the draft ordinance language is 1.25 results in vineyard annual pumping of 56,250 af/y with a remainder of 16,750 af/y for rural residential, urban, commercial, industrial use. It appears that the 1.25 water duty factor was arrived at by reverse engineering - working the safe yield numbers backwards, then determining that a 1.25 water duty fit the pigeon hole. If the numbers in the Salinas Estrella Water Planning Area are reliable, or based on some kind of science, the minimum water duty factor for vines should be at least a simple average (1.7) of the 3 factors. However, geographically, temperatures across the Paso main basin must vary. The SDEIR should include an assessment of the geographic temperature variances across the affected basin and, at a minimum, base the water duty factor on that median temperature and then assign a water duty factor.

Additionally, the proposed ordinance and SDEIR should be re-evaluated based on the disturbing evidence that vineyard pumping in the main basin likely far exceeds the assumptions of a 2,500-5,600 af/y exceedance. It appears to us that we are well on our way to emptying the basin.

The SDEIR is very muddled and cannot be relied upon for a determination of no or mitigable impact.

22.8

COSE AGP 10

Adoption of Best Management Practices identified in the COSE Draft AGP 10(2) (a-f) should be mandatory on sending and receiving sites.

22.9

ECONOMIC ANALYSIS

The ordinance requires that a deed covenant is recorded for the sending site. The transfer of water rights will impacts the economic value of the sending site and could result in a significant change in property tax valuation. While it is unlikely that this kind of impact can be adequately determined, the SDEIR should comment on the impact.

22.10

IMPACT AG 2

While Impact AG 2 proposes to mitigate loss of prime farmland by limiting water transfer to other agricultural use and prohibits transfer for residential or commercial use, it does not require the receiving site to actually engage in agriculture, or require the water to be used for the production of food or fiber. The intent of the ordinance is the growth of actual agriculture – the production of food and fiber. Water could be used for industrial or some other water intensive use allowed under ag zoning other than the production of food and fiber.

22.11

Thus, the literal assumption that the ordinance will not result in a net decrease in the amount of designated agricultural land may be accurate, but the amount of land dedicated to production of food and fiber could decline. The SDEIR should address this issue.

GEOGRAPHIC APPLICABILITY

The ordinance will fail to accomplish it goals because the ordinance only applies to a portion of the basin, i.e. the Fugro boundaries; however, the entire Bulletin 118 basin boundary is designated as high priority and the areas outside the Fugro boundary has not been determined to not be within the Paso Robles groundwater basin. The SDEIR should discuss the impacts of excluding significant portions of the basin.

22.12

PRIME FARMLAND

The SDEIR mistakenly defines prime soil as having irrigation capability. The SDEIR should be corrected before it is certified. According to the county COSE soils are prime and require mitigation whether or not they have irrigation capability. From the SDEIR:

Agricultural Soils. The San Luis Obispo County Agriculture Element utilizes the soil classifications as determined by the Natural Resources Conservation Services (NRCS) in Agricultural Handbook No. 210 (1961). Soils are classified into capability classes which range from Class I soils to Class VIII soils. **Irrigation capability is required for a soil to be designated as Class I or II soil** in the following descriptions. These irrigated soils

22.13

are commonly referred to as "prime soils". Each soil class is described below. (Emphasis Added.)

22.13

BENEFICIAL IMPACT

Based on our comments above, a finding of beneficial impact on groundwater resources and a determination that the program would not result in potentially significant impacts related to water quality cannot be made under Section 4.3 Effects Found Not To Be Significant.

22.14

e. Findings. The proposed Program would have a beneficial impact on groundwater resources and would not result in potentially significant impacts related to water quality or drainage and flooding. 4.3.9

HOBBY AGRICULTURE

The SDEIR includes the provision that an ag offset is required for "Hobby Agriculture". There is not mention of Hobby Agriculture in the ordinance and the term should be struck from the SDEIR or the term should be defined.

22.15

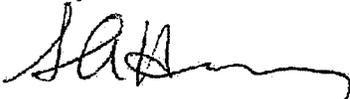
CONCLUSION

A finding of no impact or mitigable impact cannot be made without mandating provisions for a proximity analysis, evaluation of drawdown impacts on neighboring irrigation and domestic wells, hydrogeological strata analysis, and third party monitoring/annual inspections. These and similar provision must be included as mitigation for the Program.

22.16

Thank you for your consideration of our comments.

Sincerely,



Susan Harvey, President
(805)239-0542

Letter 22

COMMENTER: Susan Harvey, President, North County Watch

DATE: July 6, 2015

Response 22.1

See response 19.19 regarding the scope of the proposed Agricultural Offset program.

Response 22.2

See response 21.11 regarding metering and monitoring.

Response 22.3

See responses 20.1 and 20.2 regarding long-term sustainability efforts for the Paso Robles Groundwater Basin.

Response 22.4

See response 16.5 regarding water use factors.

Response 22.5

See response 16.5 regarding water use factors and response 21.11 regarding metering and monitoring.

Response 22.6

See response 16.5 regarding water use factors.

Response 22.7

The commenter notes that the Atascadero Sub-basin is treated as a basin sufficiently separate from the main Paso Robles Groundwater Basin. Refer to response 5.2. The proposed Program excludes the Atascadero Sub-basin, which has been clarified in the Final SEIR text and figures.

Response 22.8

The commenter notes a discrepancy between Table 2 in the Title 22 revisions and Table 2-3 in the Draft SEIR. The tables in the Draft SEIR have been amended in Section 2.0, *Project Description*, of the Final SEIR to match the proposed Program. See also response 12.11.

See Response 16.5.5 regarding water use factors.



Response 22.9

This comment is noted and has been forwarded to the County decision-makers for consideration.

Response 22.10

The commenter suggests that the Draft SEIR analyze economic impacts of the proposed Program. The EIR is not intended to account for economic effects of the proposed Program, in accordance with the CEQA Guidelines. As stated in CEQA Guidelines Section 15064(e) and 15131(a), economic and social changes resulting from a project shall not be treated as significant effects on the environment. Therefore, such effects are not considered in the Final SEIR.

Response 22.11

The commenter states that Impact AG-2 proposes to mitigate the loss of prime farmland by limiting water transfer to other agricultural use (rather than residential use). It should be clarified that Impact AG-2 is less than significant (Class III) and therefore no mitigation is identified for this impact. Impact AG-1, which did require mitigation in the Draft SEIR, has been revised to a less than significant level (refer to response 9.10).

The commenter also suggests that while the Agricultural Offset program would not result in a net decrease in the amount of designated agricultural land, it may reduce the amount of land dedicated to food and fiber production. As outlined in Section 4.1.2(a) (Methodology and Significance Thresholds) in Section 4.1, *Agricultural Resources*, an agricultural resources impact is considered significant if implementation of the Program would result in any of the following:

1. *Direct conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency and defined by Public Resources Code Section 21061.1, to non-agricultural use;*
2. *Indirect conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance, resulting from a net decrease in the amount of designated agricultural land in the county, as represented by the Agricultural Resource and Agriculture, Watershed, and Open Space designations on the current San Luis Obispo County General Plan Land Use Map;*
3. *Conflict with existing zoning for agricultural use, or a Williamson Act contract; and/or*
4. *Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use or conflicts with agricultural use or agricultural operations (e.g. placement of urban and other uses adjacent to agricultural uses resulting in potential conflicts).*

In accordance with the above thresholds, a reduction in the amount of land on an agriculturally designated parcel dedicated to food and fiber production is not considered an environmental impact under CEQA.



Response 22.12

The commenter suggests that the proposed Program should apply to a larger area, and suggests that the Draft SEIR discuss the impacts of excluding a portion of the Paso Robles Groundwater Basin. The EIR analyzes the effects of the Program as proposed, which excludes the Atascadero Sub-basin.

Response 22.13

The commenter states that soils may be Prime regardless of irrigation capability. The comment is noted. The analysis in the Draft SEIR assesses whether the proposed Program would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, in accordance with the thresholds identified in Section 4.1, *Agricultural Resources*. These designations are established by the Farmland Mapping and Monitoring Program (FMMP) and are different from irrigated and non-irrigated capability class.

Response 22.14

The commenter suggests that a finding of beneficial impact on groundwater resources cannot be made based on earlier comments. Refer to responses 22.1 through 22.13 for responses to specific comments.

Response 22.15

The commenter requests that hobby agriculture be defined in the Final SEIR. Refer to response 5.8; reference to activities defined as hobby agriculture has been removed from the proposed Program.

Response 22.16

The commenter summarizes her previous comments. Refer to responses 22.1 through 22.15.





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RECEIVED

July 6, 2015

JUL 7 2015

Xzandrea Fowler, Senior Planner/ EIR Manager
County Planning & Building Department
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

PLANNING & BUILDING

Subject: Comments on the DSEIR of the "Countywide Water Conservation Ordinance"

Dear Ms. Fowler:

The Sierra Club submits the following comments on the Environmental Impact Report (EIR) for the San Luis Obispo Countywide Water Conservation Program in keeping our goals of practicing and promoting the responsible use of the earth's ecosystems and resources and educating and enlisting humanity to protect and restore the quality of the natural and human environment.

In general, we are concerned that the County is responding to the severely deteriorating conditions of three local groundwater basins with a County-wide Conservation Ordinance whose main focus appears to be minimal water waste programs and water-neutral development, with insufficient concern for the prospect of that development proceeding without conclusive evidence that the water supply can support that development. We believe the program as drafted is not commensurate with the reality of the conditions of these basins (rapidly declining water tables and/or rapidly advancing seawater intrusion), made significantly worse by the worst drought on record. The present ordinance ignores the reality that people, businesses, and dependent environmental resources face devastating consequences if these resources continue to deteriorate. The drought has likely reduced the recharge of these basins by more than half for four years. The full effects of this drought, especially on deep aquifers, will not be felt for years, and there is no end in sight to the drought.

23.1

These are not conditions that can be successfully addressed with a conservation ordinance that focuses on development and attempts to maintain status quo. The State has recognized the Paso Robles and Los Osos basins as "high-priority" basins requiring sustainable management, which means that the LOS III designation is not adequate. The highest level of the RMS signifies only that water demand has reached

or exceeded the yield of the Basin. In Los Osos extractions have exceeded safe yield by over 30 % for more than 35 years, pulling seawater more than a mile into the Basin, threatening many wells and greatly reducing the Basin's capacity. The Paso Robles Basin's well levels have dropped 75 feet or more in some areas. These basins will not be preserved by maintaining water-neutral development and minimal water waste programs. "Bold, decisive, and immediate action" is needed, as the County and Los Osos water purveyors have stated in the Los Osos Basin Plan.

23.1

Given that authorities generally recognize conservation as the quickest and most cost-effective way to address threatened water supplies, and the fact that the Sustainable Groundwater Plans (SGPs) for the Paso and Nipomo Basins will not be in effect for five years or more, the County has the opportunity and responsibility to create a Basin-wide conservation program that preserves and restores these vital water sources as the SGPs are being developed. The County, as party to the Los Osos Basin adjudication, must ensure a conservation program is developed that maximizes that basin's sustainability (please see our comments on the Los Osos Groundwater Basin Plan). As the land use authority for these areas, the County must also limit development as needed unless the County can show there is ample water to sustainably support that development long term.

23.2

The Countywide Conservation Program as proposed in the EIR fails to protect and restore these Basins and fails to prevent unsustainable development. We recommend improvements to the ordinance and additional alternatives in the EIR that address these issues.

Water Neutral New Development (WNND)

Agricultural offset: To improve the WNND such that it has significant benefits for the Paso Basin, we support a 2:1 offset of water use. We support the recommendations of the Upper Salinas-Las Tablas Resource Conservation District that mechanisms to quantify and verify offset credits be part of the program, including ongoing monitoring of all wells. Section 22.30.204 G of the ordinance does not contain a requirement for metering and monitoring of sending sites. A finding that offsets will protect the resource cannot be made without monitoring, metering, and third-party oversight of the sending and receiving sites. We also support the other technical measures the Upper Salinas-Las Tablas District recommends to verify that offsets will have the desired benefits and not adversely impact nearby wells. Adoption of Best Management Practices identified in the COSE Draft AGP 10(2) (a-f) should be mandatory for sending and receiving sites.

23.3

Finally we believe the enforcement actions outlined in Section 1.04.010 are wholly inadequate. The fines are merely the cost of doing business. The penalty for non-compliance should be more stringent, e.g. a misdemeanor.

23.4

Expanding the program to include offset of water use at a 2:1 ratio should be effected using conservation/water use efficiency measures, including recycled water reuse and rainwater harvesting, dryland farming strategies, and other practices that substantially reduce potable water use. The program should apply to onsite use as

23.5

well as offsite use, i.e. to growers who share technologies and techniques with other growers (receiver sites) to achieve a measureable reduction in their water use. 23.5

This program should be encouraged/incentivized with the potential of adding crop production and by an award/recognition program initiated by the County to honor growers who participate in the program achieving similar or greater crop production with significantly less potable water use. 23.6

We understand that the Paso Robles Groundwater Basin Committee (PRGWB) has been developing a list of conservation measures. These should be reviewed and incorporated into the program, along with the measures recommended by the Pacific Institute (See <http://www.nrdc.org/water/files/ca-water-supply-solutions-ag-efficiency-IB.pdf>) and measures recommended by the SWRCB and DWR. 23.7

Urban/rural residential offset: We share the concerns of the Coastal Commission on the proposed 1:1 offsets in their September 12, 2014, comments on the NOP inquiring as to whether the offset program will mean automatic approval of new development, leading to unsustainable development. Our concerns also apply to the Title 19 offset program for Los Osos. We believe development should not be allowed in "high-priority" Basins until it can be conclusively shown that the water supply can sustain the development. For that reason, we are opposed to conserve/retrofit-to-build programs in high-priority Basins. Such programs will reduce water use initially but ultimately increase use by hardening demand at levels higher than previous conservation levels. In these basins, the first priority must be to stabilize and restore the Basin by reducing potable water use as much as possible with strong conservation programs for the existing population. Once Basin sustainability is established, building could occur. This is consistent with County and State regulations, statutes and policies requiring an ample water supply to support development. The unavoidable impact represented by a 1:1 urban/rural offset is not analyzed in the SEIR. Further, it is not an impact that can be addressed by greater offsets. It must be addressed by establishing a sustainable water supply through a variety of programs and sustainable groundwater management (with verifiable benefits). This goal can be achieved with the Water Waste portion of the ordinance, which should be renamed "Water Use Efficiency Ordinance." The Urban/rural offset program should be eliminated on the basis of its significant unavoidable impacts. 23.8

Water Waste Prevention Ordinance

Agricultural Water Waste: This program currently involves only education/outreach for those who express an interest in receiving it. The program is unlikely to produce significant or measurable water savings. A program that involves progressive enforcement measures similar to the urban water waste program can produce significant results. While we appreciate the wish to employ positive methods (incentives) rather than negative ones (fines), we also recognize that voluntary participation will not produce the dramatic results needed to protect these basins. 23.9

Thus the ordinance should require that growers use a set of basic conservation practices and BMPs. It should provide a series of appropriate incentives and

consequences for not doing so. In addition, the ordinance should require a targeted reduction in water use and require metering and monitoring of all water use. Without metering and monitoring, the effectiveness of conservation programs cannot be determined, which makes enforcement and continuous improvement impossible. A range of positive incentives should also be part of this program, including rebates and recognition for those who achieve significant water savings.

23.9

Urban/Rural Water Waste: This program should be extended to include a comprehensive set of indoor and outdoor water use efficiency measures (including grey water, rainwater and recycled water reuse), with appropriate incentives and consequences to ensure program effectiveness. It should also include per capita water use targets at achievable low levels (e.g., 50 gallons per capita per day, indoor and outdoor use), and metering and monitoring of all wells.

23.10

Conclusion

The significant, unavoidable and unmitigated impacts cited above and the severe adverse impacts that will result from a program that does not do enough to preserve these basins make a strong countywide conservation program the least harmful feasible alternative, as required by CEQA. It also accomplishes the development objective of the ordinance by providing the quickest, surest, and most economical way to allow sustainable growth to occur. We applaud the County for recognizing that a Countywide Conservation Ordinance is needed, but it must be one that preserves and restores these basins and water resources countywide. Preserving county water resources, especially the three basins that are the focus of this ordinance, requires the County to take bold, dramatic action now to deal with the unprecedented threat. We strongly encourage the Planning Commission and the Board of Supervisors to take such action with improvements to the current ordinance.

23.11

Thank you for your attention to these issues,



Andrew Christie
Chapter Director

Letter 23

COMMENTER: Andrew Christie, Chapter Director, Sierra Club Santa Lucia Chapter

DATE: July 6, 2015

Response 23.1

See responses 20.1 and 20.2 regarding long-term sustainability efforts for the Paso Robles Groundwater Basin.

Response 23.2

See responses 20.1 and 20.2 regarding long-term sustainability efforts for the Paso Robles Groundwater Basin.

Response 23.3

The commenter expresses support for an offset of 2:1. This alternative is analyzed as Alternative 2 (Larger Offset Requirement) in Section 5.0, *Alternatives*. The commenter's support for this alternative is noted. The commenter additionally expresses support for recommendations of the Upper Salinas-Las Tablas Resource Conservation District related to how offsets are calculated. The comment is noted.

Response 23.4

See response 19.4 regarding enforcement. This comment has been forwarded to the County decision-makers for consideration.

Response 23.5

The commenter reiterates their preference for a 2:1 offset. Refer to response 23.3.

Response 23.6

Comment noted.

Response 23.7

Suggested changes by the Paso Basin Advisory Committee have been considered by the County Planning Commission and been incorporated into the proposed Agricultural Offset program. See Response 19.19 regarding the scope of the proposed Agricultural Offset program.

Response 23.8

Fulfilling the 1:1 offset requirement for new development does not mean a building permit would be automatically issued. The offset requirement is an additional step in the building



process, along with any additional measures required by a water purveyor, where applicable. Comments regarding a building moratorium for high priority basins have been forwarded to County decision-makers for consideration.

Response 23.9

The agricultural component of the WWP program is designed as an educational outreach effort due to its application county-wide and the wide range of agricultural commodities grown in the county. The source of water use in the county for agriculture production is almost exclusively pumped groundwater. Many operations in the county have improved efficiencies greatly over the past several decades, such as switching irrigation practices from surface applications to micro-sprinkler or drip systems. The educational outreach efforts would expand on the availability of this information, and would be geared towards members of the public, as well as frequently updated information for the agricultural community to continue the gains in agricultural water use efficiency already seen in the County.

Response 23.10

This proposed urban/rural water waste ordinance would be a permanent conservation effort, similar but more comprehensive to the measures in the State's drought declaration mandates. Further limits on use would be best addressed by individual water purveyors as they have the data needed to implement usage targets. Additionally, the scope of the proposed CWWCP did not include a program to fund individual water storage and reuse systems.

Response 23.11

The commenter summarizes their comment letter. Refer to responses 23.1 through 23.10 above.



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