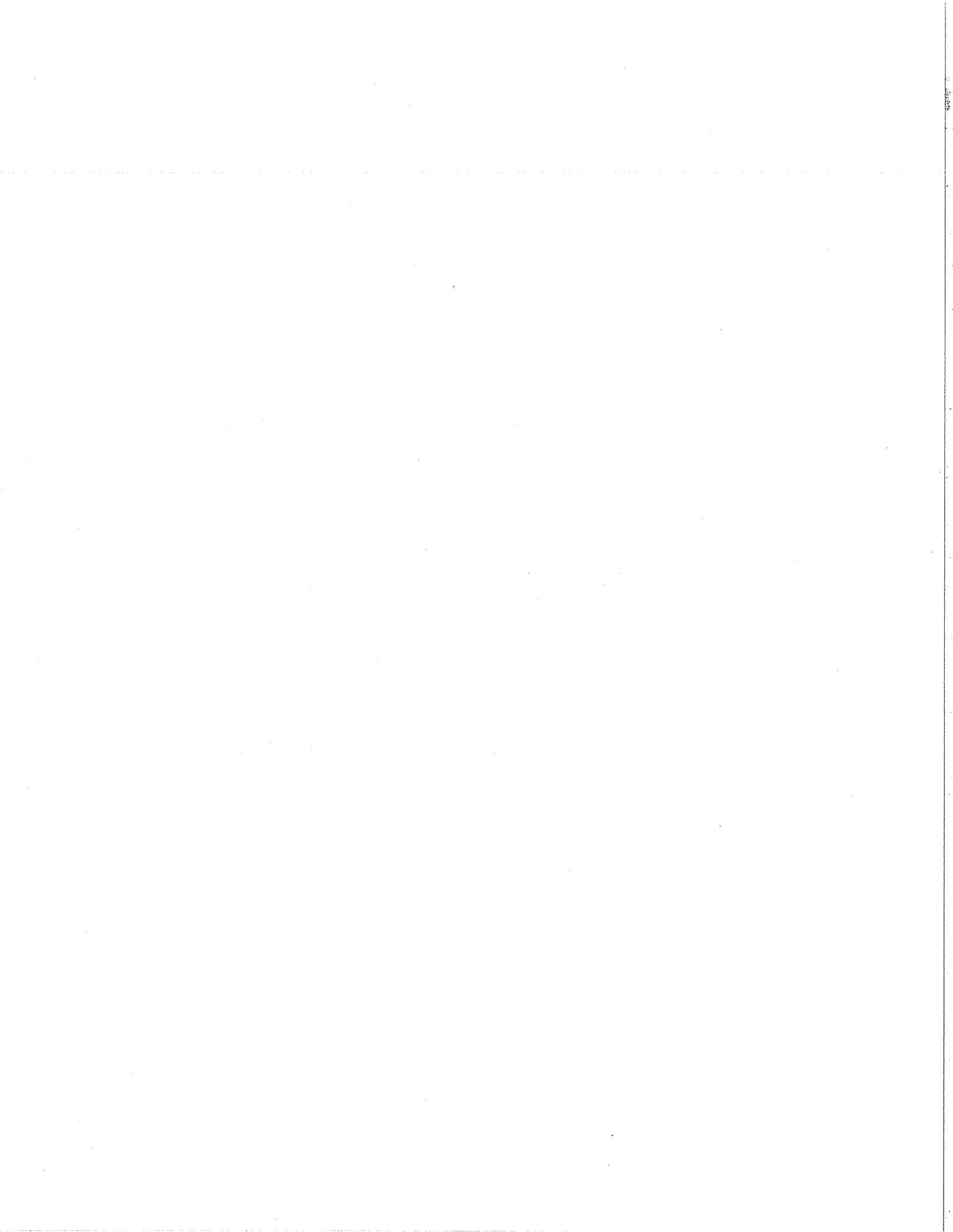


DSEIR

Comments

Received by

July 6, 2015





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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.

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.

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.

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.

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.

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

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.

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.

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-1B.pdf>) and measures recommended by the SWRCB and DWR.

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.

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.

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.

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.

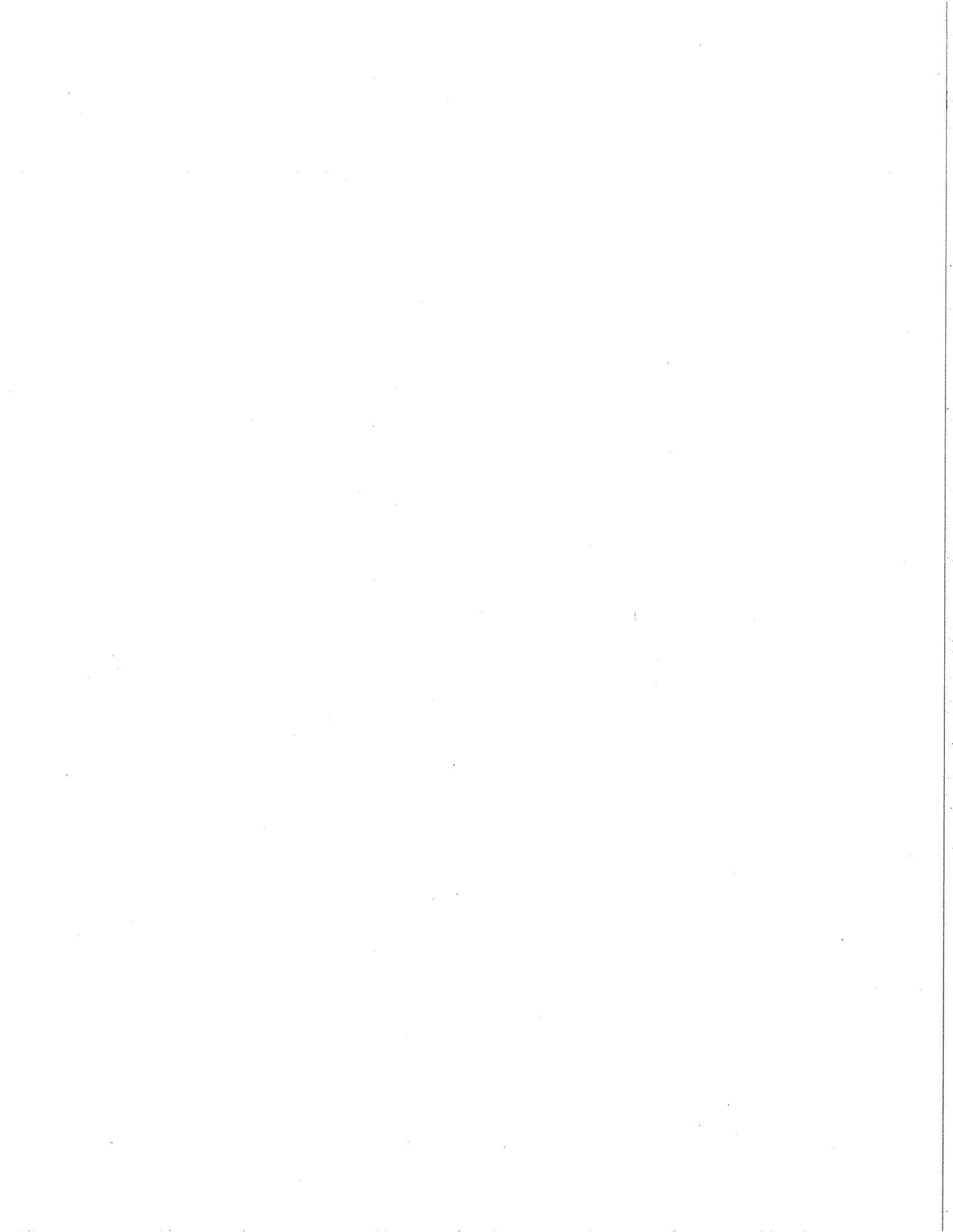
Conclusion

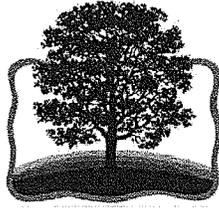
The significant, unavoidable and unmitigated impacts cited above and the severe adverse impacts that will result from a program that does not do enough to preserve these basins make a strong countywide conservation program the least harmful feasible alternative, as required by CEQA. It also accomplishes 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.

Thank you for your attention to these issues,



Andrew Christie
Chapter Director





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.

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

¹ 1.04.010 - Penalties for violation.

finer 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?

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.

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?

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?

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.

(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.

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 result 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.

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.

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.

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.

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.

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.

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

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

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.

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

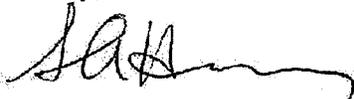
The SDEIR includes the provision that an ag offset is required for "Hobby Agriculture". There is not mention of Hobby Agriculture in the ordinance and the term should be struck from the SDEIR or the term should be defined.

CONCLUSION

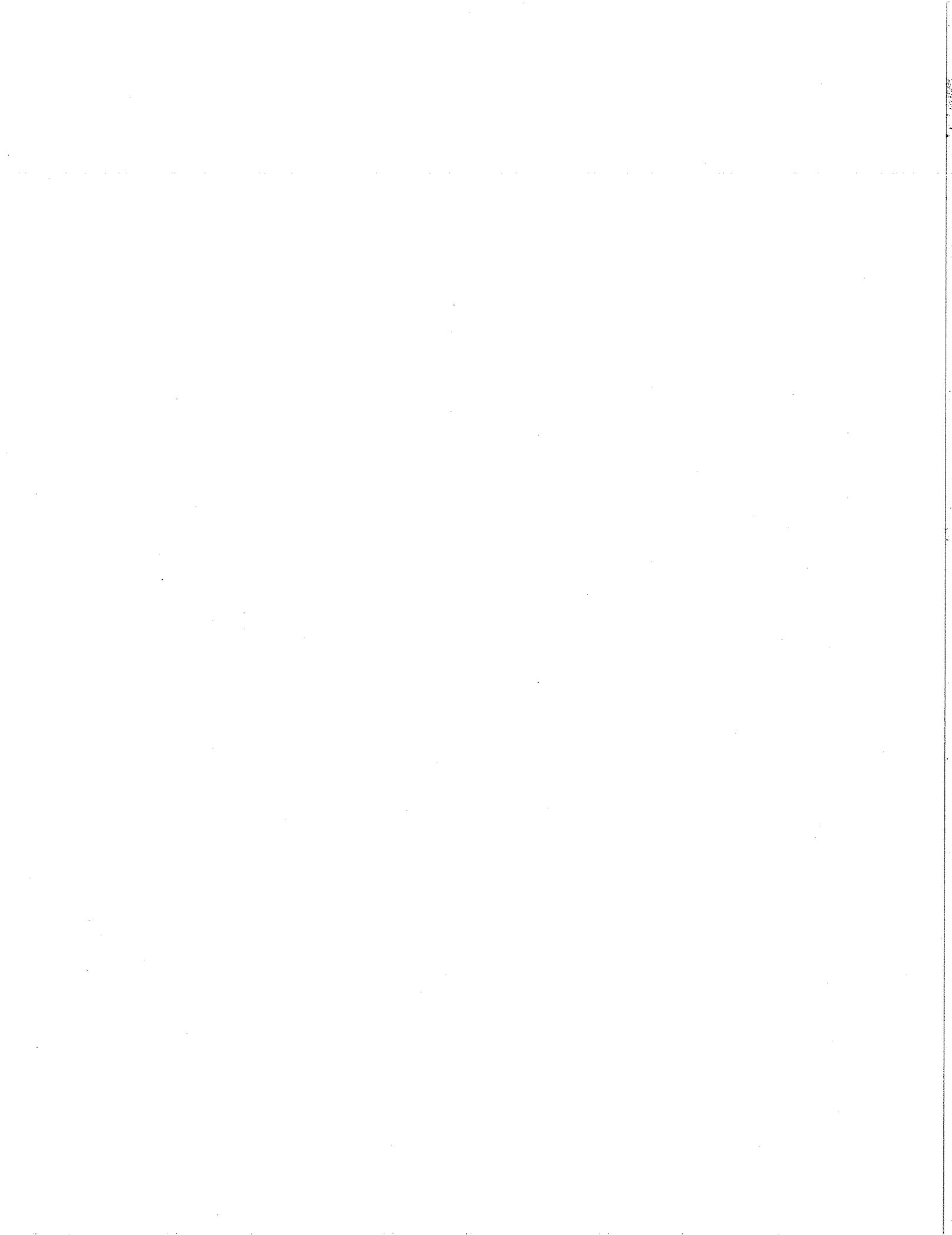
A finding of no impact or mitigable impact cannot be made without mandating provisions for a proximity analysis, evaluation of drawdown impacts on neighboring irrigation and domestic wells, hydrogeological strata analysis, and third party monitoring/annual inspections. These and similar provision must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

Thank you for your consideration of our comments.

Sincerely,



Susan Harvey, President
(805)239-0542



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.

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.

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.

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.

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;

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.

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.

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.

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.

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?

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

groundwater extractions. We believe this alternative would have the support of rural residential stakeholders.

~Starting with large production wells - measure the demands and limit the amount of extraction to the Basin's safe yield.

~Increase the offset ratio to 2:1.

~ All ag transfer projects must be discretionary with all documents including the landowner agreements made public and posted on the Basin website.

~Limit transfers to contiguous parcels under the same ownership.

~Add back the well interference criteria and evaluation procedures from the original RCD ag offset program.

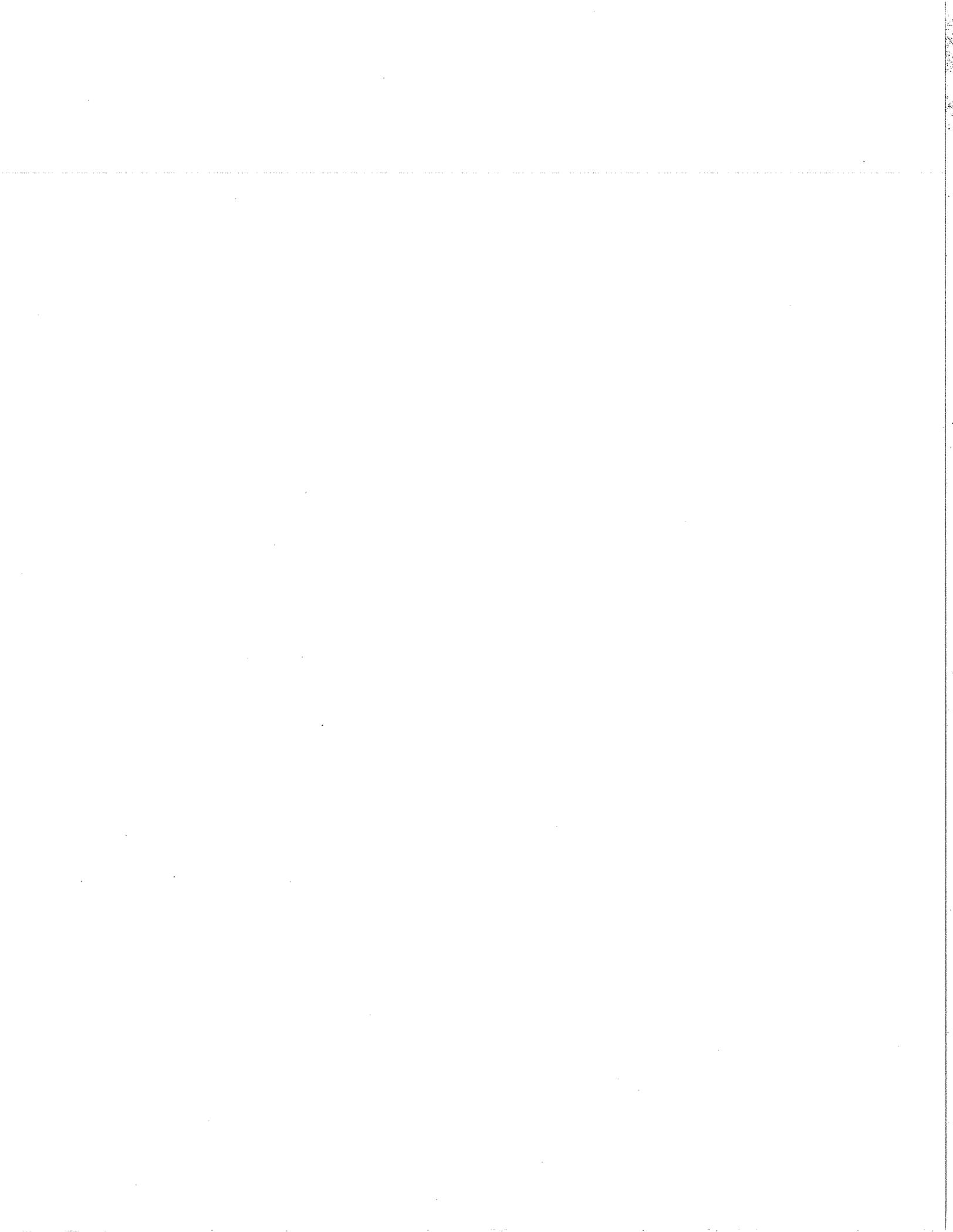
Alternative for protection during the gap

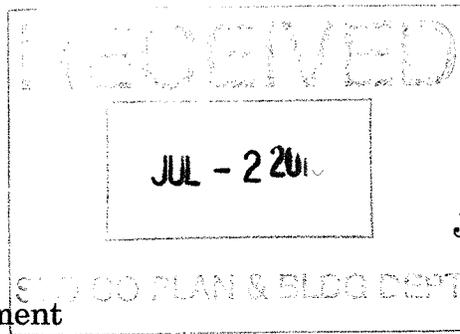
The plain fact that the rush to drill and plant was actually made worse by the UO is evidence that the Basin can no longer be left exposed to such ruthless exploitation. During the gap, the County could ask the Court for a temporary stay on drilling and planting until or unless a qualified hydrologist 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.

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.





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

June 30, 2015

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.

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.

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.

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.

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."

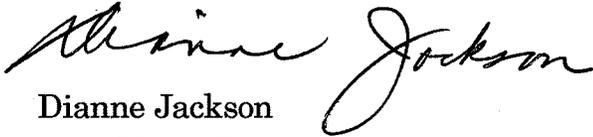
In regard to Page 2-23, AGP11, b. **"Do not approve proposed general plan amendments or rezoning that will result in increased residential density or urban expansion if the subsequent development would adversely affect: (1) water supplies and quality, or (2) groundwater recharge capability needed for 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

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?

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.

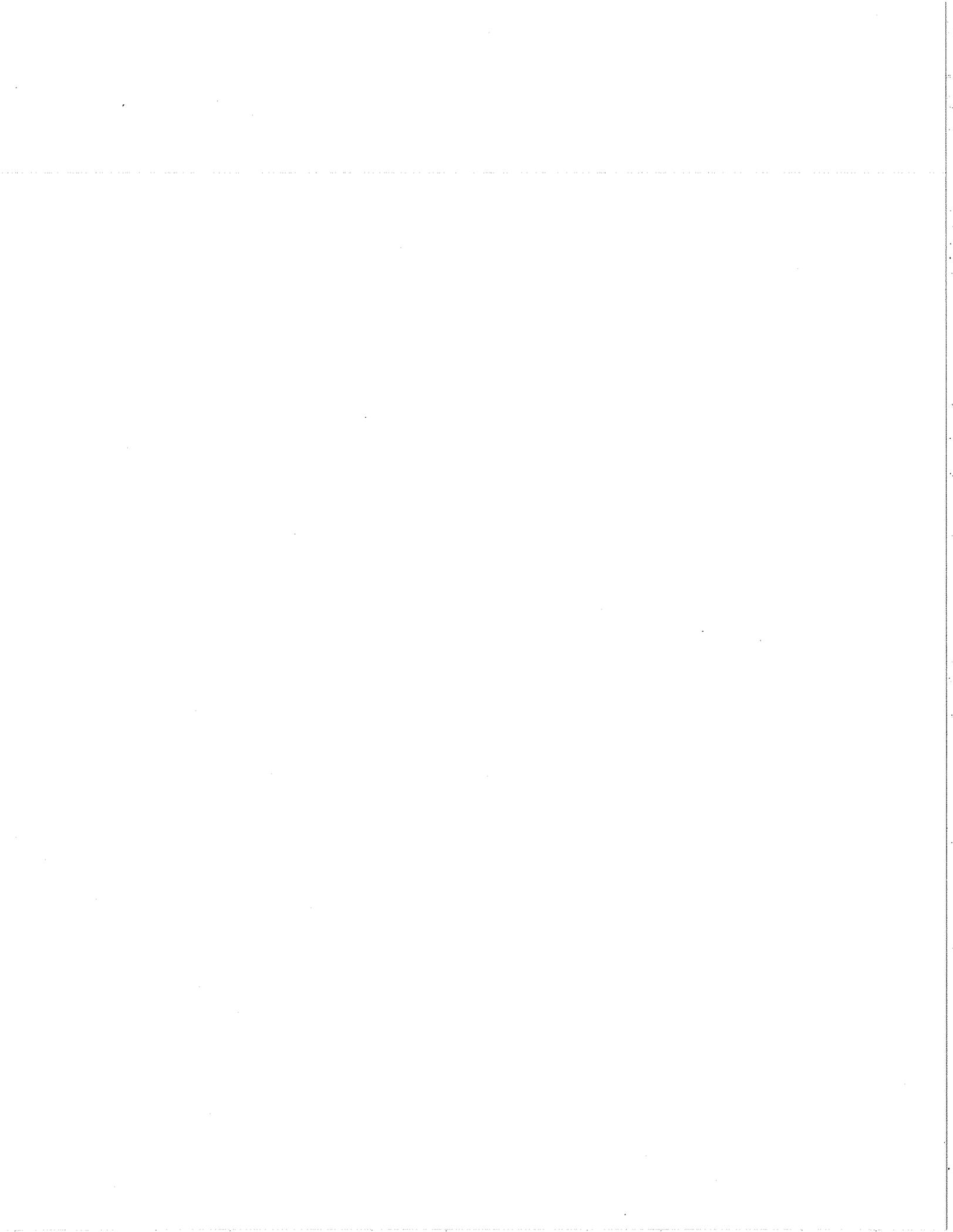
Sincerely,

A handwritten signature in cursive script that reads "Dianne Jackson". The signature is written in black ink and is positioned above the typed name.

Dianne Jackson

6880 Union Road

Paso Robles, CA 93446



Creston Advisory Body



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

JUL - 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

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

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.
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.
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?
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

- receiving site on their single parcel? There seem to be many ways to subvert the intent of this program.
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.
 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.
 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.
 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.
 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.
 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.
 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).

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.
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.

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.

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."

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

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.

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.

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 Harrision – 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-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.

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

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 15, 2015

Sue Luft
Paso Basin Advisory Committee

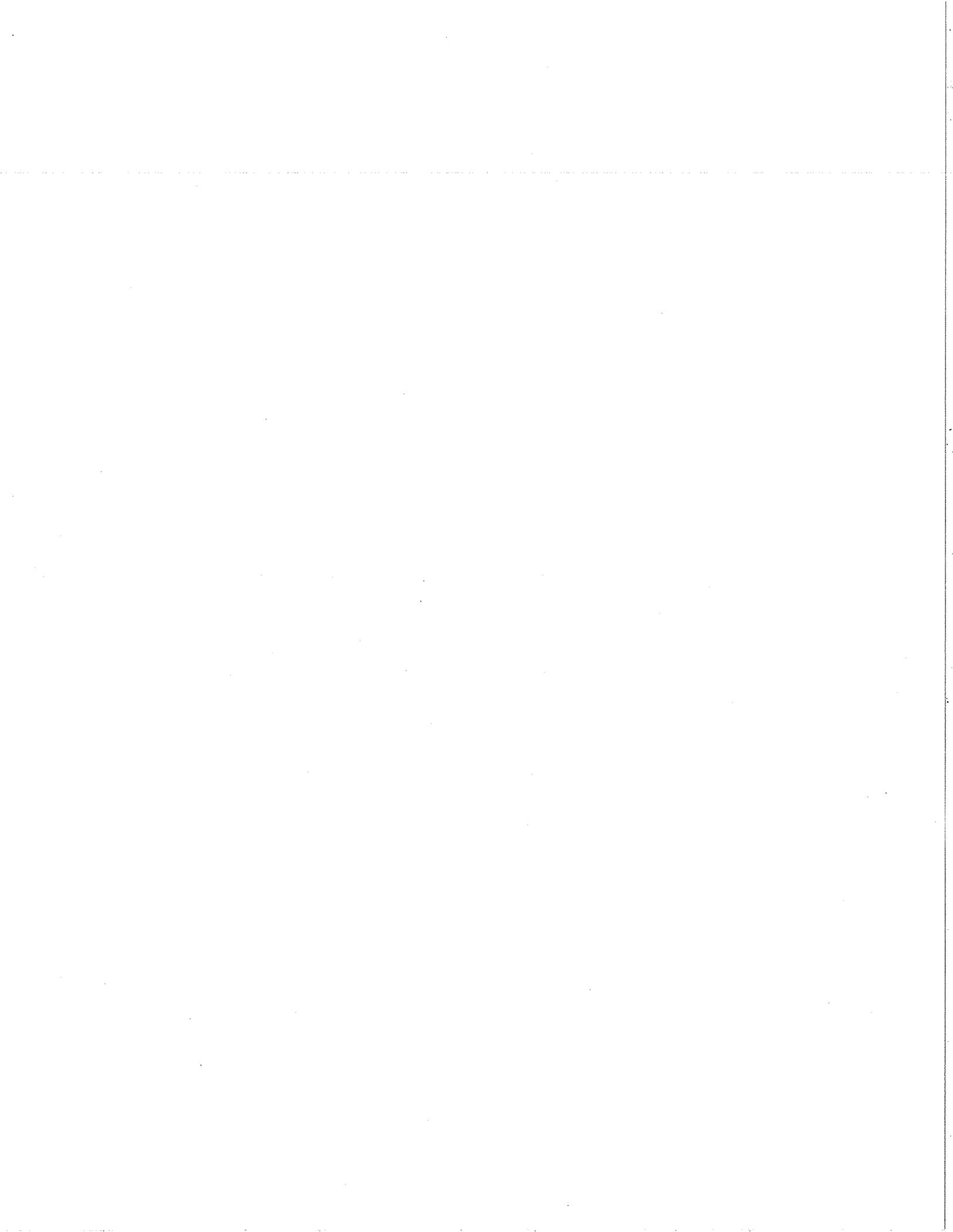
Dear Ms. Luft,

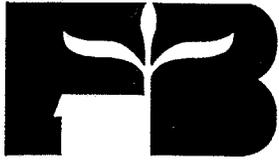
The County of San Luis Obispo is preparing an Environmental Impact Report (EIR) for the San Luis Obispo Countywide Water Conservation Program. The proposed project is two-fold consisting of a Water Neutral New Development (WNND) and Water Waste Prevention Program. These two programs will be amended into 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).

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





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.
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)?
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 varietals which might

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?
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.
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?

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

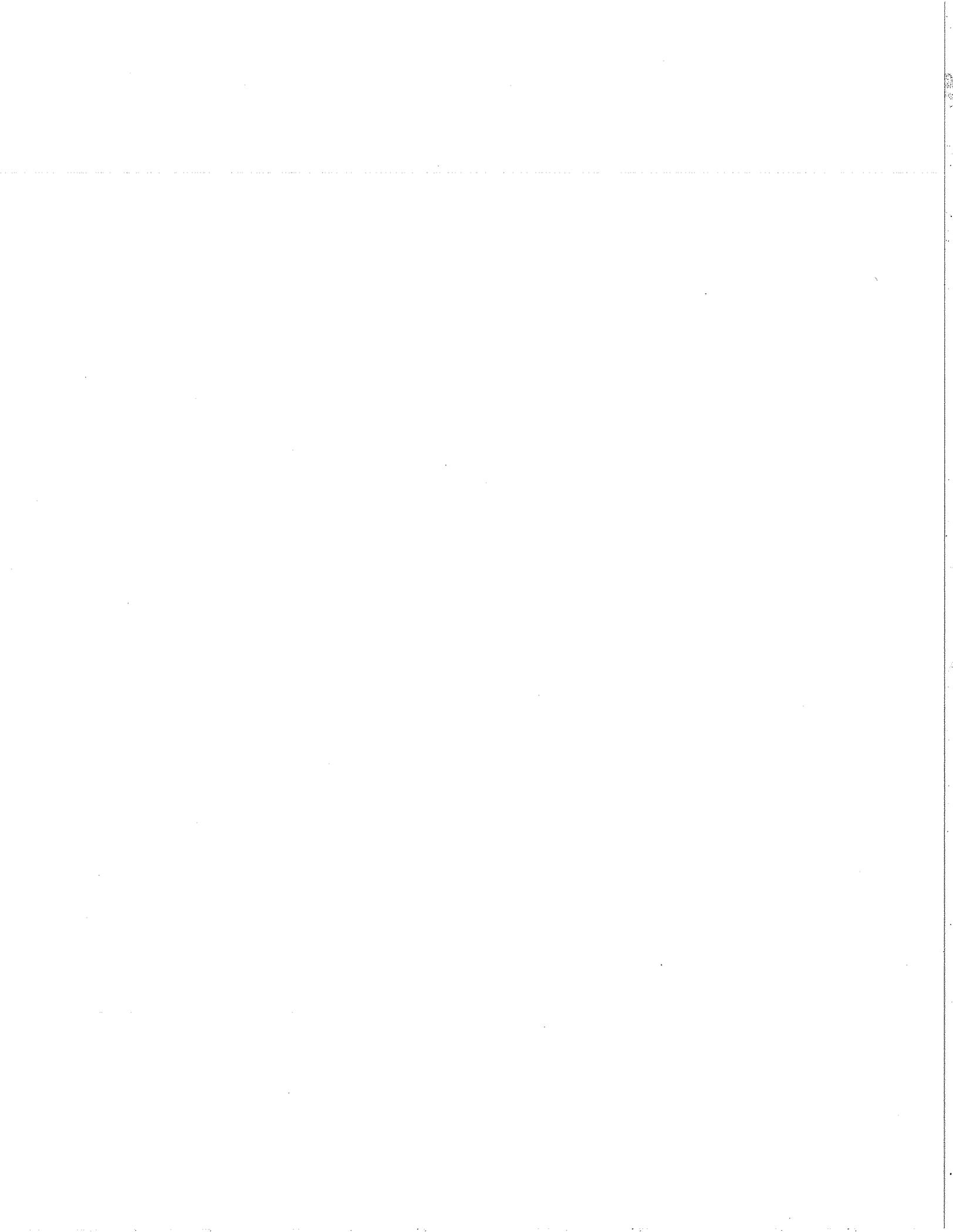
Sincerely,

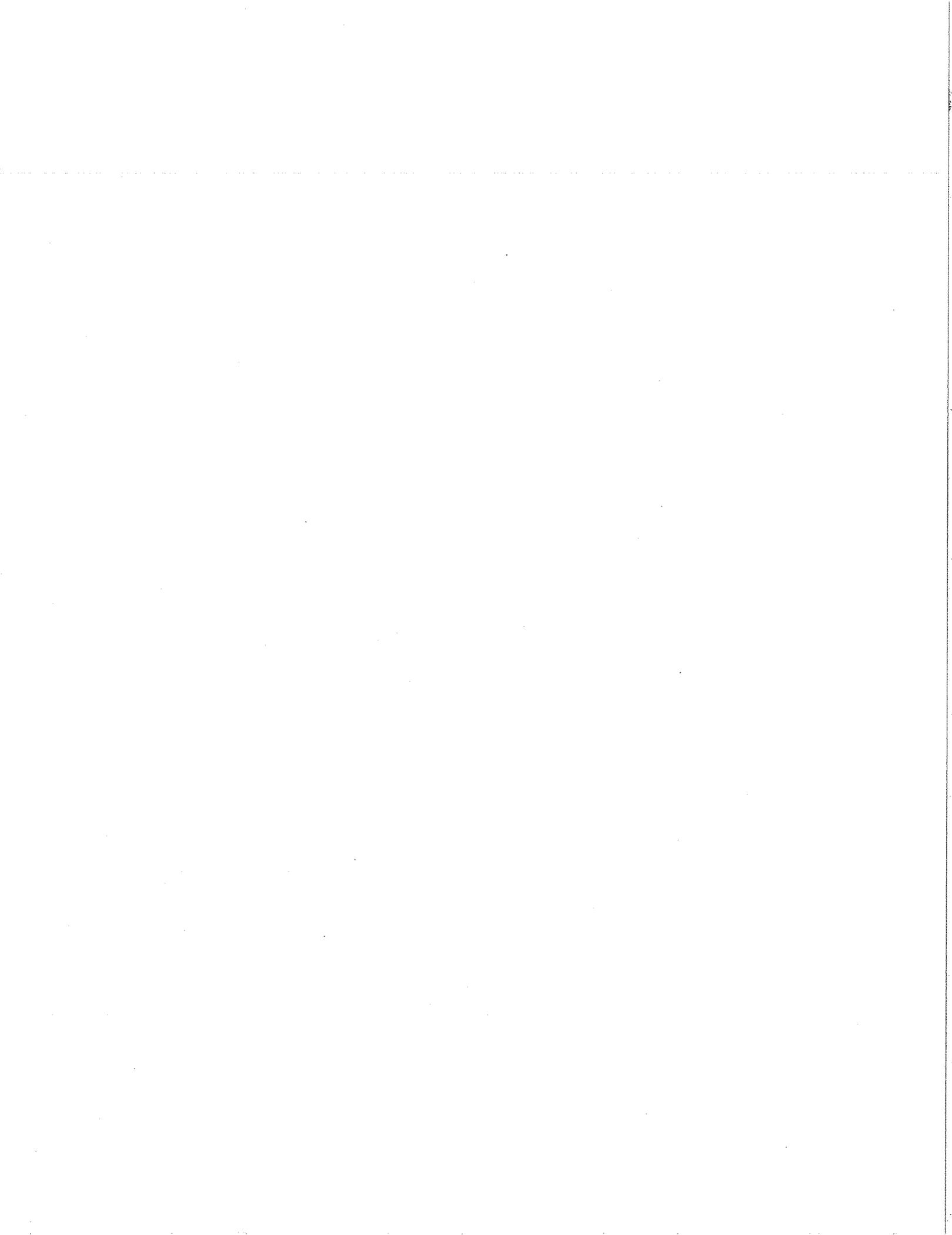
(SAE)
Carlos Castañeda

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."







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.

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?

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?

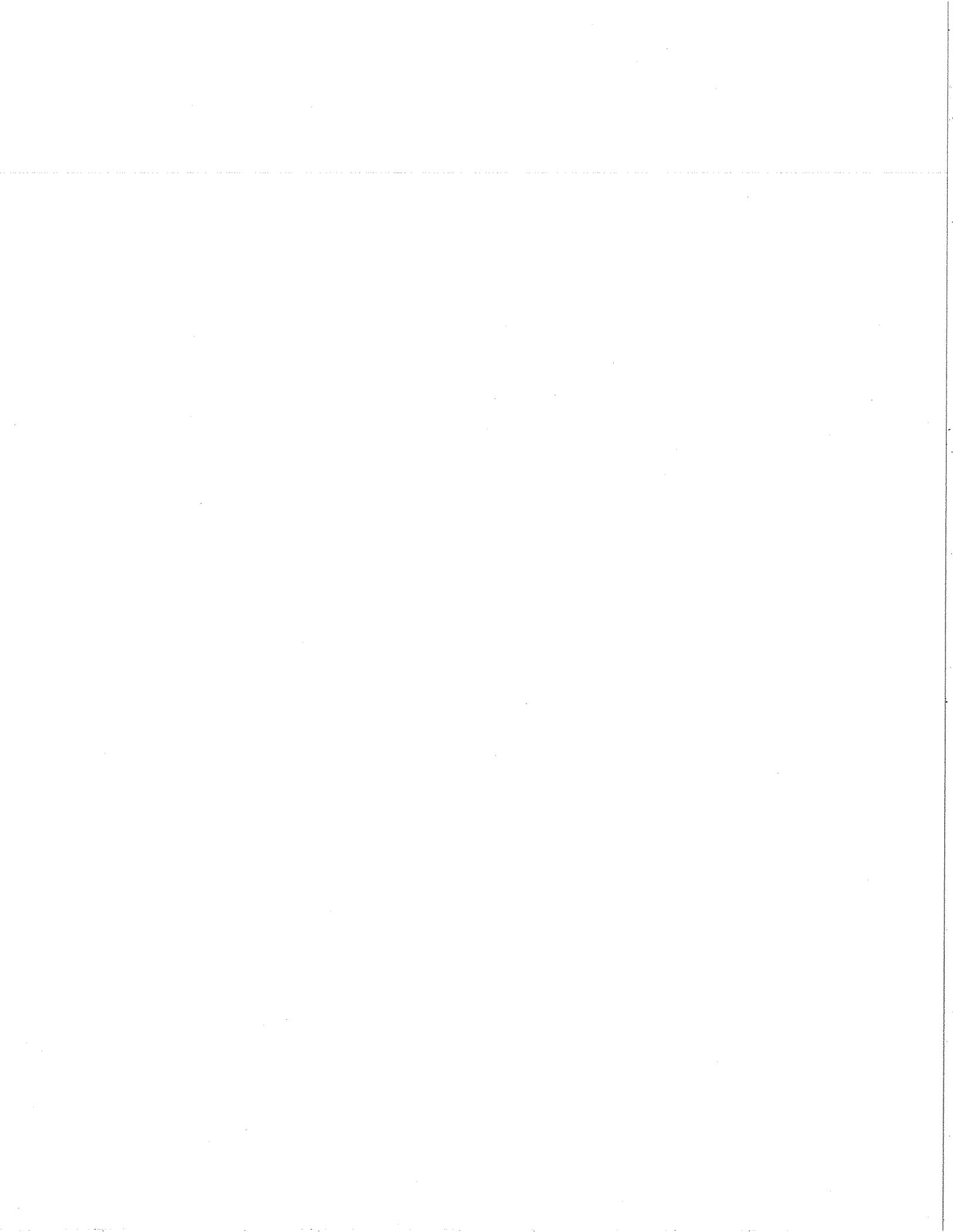
Finally, we ask that the termination provisions in Title 22 be mirrored in the other Ordinances and emphasize our concerns with the offset program.

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

Sincerely,

Claire Wineman

Claire Wineman, President





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

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

May 12, 2015

E-2

ATTACHMENT A

NIPOMO COMMUNITY

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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

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.

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





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 its 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.

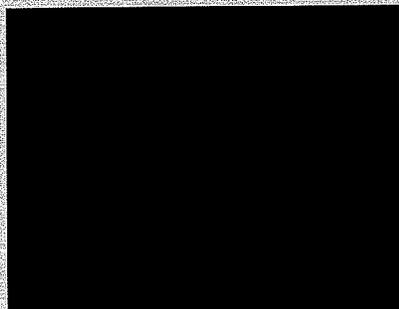
The proposed "offset" program is a joke. The suggestion that you can you move water from a water healthy location to a water deprived location to water new plantings of wine grapes or any other crop is just nuts. There is currently no infrastructure and even if there was the water healthy locations need 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

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

Sheila Lyons
Creston

