

Thursday, 18 July 2013

David Chipping, PhD  
Acting subcommittee chair  
WRAC subcommittee to investigate the Laetitia RDEIR

Thank you, David, for your courtesy in allowing me to share these concerns with your subcommittee. I will be curious about what you decide. Instead of sending everyone copies of what I had to say today, I'll send you my comments; and you, as subcommittee chair, can distribute them as you will. I will send copies to Courtney Howard and Carolyn Berg.

In no particular order:

1- The assertion by Laetitia that if the water supply is greatly reduced, they will not allow this to affect water for agriculture is totally without foundation. Residences, if permitted, have people, and the laws about public health and safety then come into play. (Common sense tells us that no houses would be sold if their titles had a mandatory disclaimer: "In times of sustained water shortage, your home will not have water and thus will not be inhabitable. This condition will continue until rainfall recharges the underlying fractured rock which is your only water source.")

Further, there is no mechanism proposed by Laetitia that would make the reservation of water for ag first legally or practically enforceable.

2- The water demand numbers for the vineyard are not in line with comparable vineyards elsewhere in the county. This needs to be verified by records of metered use in a number of similar vineyards--Cambria and Cayucos vineyards seeming most similar in climate and soil types.

3- N.B. The analysis by Geosyntec, contrary to unsubstantiated Cleath-Harris assertions, were in fact done correctly. The low numbers for well production are real. (This was asserted earlier by Fugro West--and neither of these peer reviews are cited or scientifically controverted in this RDEIR.) The C-H confusion stems from citing techniques appropriate for real aquifers, not for fractured rock formations, with all their uncertainties and unknowns.

4- The Cleath-Harris letter of 18 July 2013 claims that post-production recoveries were "satisfactory and complete"--but not actual data was attached to support this opinion. See Geosyntec's section 4.7 concerning the troubling lack of water in this fractured rock region.

5- This so-called "Recirculated Draft EIR" fails to address the concerns by the public and the experts in the WRAC in their previous DEIR. I urge your subcommittee to look at the previous subcommittee's report and incorporate the language there (not just by reference!) of the defects the developer has ignored.

6- Too much of the language in this RDEIR assumes that the project will be approved regardless of having inadequate water. I urge the WRAC to reject this project, and list the issues that need adequate answers (if adequate answers can be had) before it is approved in any form. [My advice is NOT to advocate approval in phases. Fractured rock can fail in 72 hours or 2 years--in both cases, without warning. The developer would jump at the approval of phasing, wait for the odd year in which we've had more than average rainfall (it happens 2-3 times in a 20-year cycle), and then build out and divest themselves of further responsibility.

7- I urge you to oppose the formation of a mutual water company, and require that Laetitia retain responsibility for the water supply of these homes in perpetuity. Do not let them divest themselves of responsibility for a problem they are trying to create. Why?

a. The residents in a HOA would not have the expertise to manage a system drawing water from such an uncertain source. (Talk to former Planning Commissioner Eugene Mehlschau, who has put nearly 30 wells in the adjoining area south of Laetitia, of which a large number failed over time.)

b. If a HOA has such a company forced on them, they will have to contract with a very expensive management firm to run it. And since 100 residences is too small to enjoy economies of scale - that's 1/4 of what Cypress Ridge serves, and they are constantly in trouble with the Regional Board, yet have a superior water source, a piece of the groundwater basin. John Wallace's firm served Cypress Ridge, failed to satisfy them and left, to be followed by a number of other firms. It got so bad that Cypress Ridge actually offered their waste water treatment plant and the four nearest wells to the Nipomo CSD if we would accept the liability for their operation. (We looked into it, and declined.)

c. A mutual water company could not monitor and regulate their impacts on the water supply, because they would have no control over how much water was pumped in any year for agriculture. With all the pumping under one ownership, the demands on this fragile fractured rock system can be coordinated.

8- The assertion by Laetitia that, though they proposed to take 113 acres out of ag production, they would put in 140 acres of new ag is meaningless. The idea is that residential use is not supposed to supplant agriculture. This would in fact be a Class I impact, because those 113 acres would be lost permanently. (Laetitia may well have 140 acres - or 300 acres - that is not currently being farmed, but it could be now. Only if the residences were built on land that was not arable, on soils that could not sustain crops of any sort, they would have no impact on ag production.)

9- The impacts of this proposed new non-agricultural water demand will have significant effects on Los Berros Creek, both on stream flow and on riparian underflow. Some attention has been given to this project's potential to undermine

riparian resources for the red-legged frog and salmonids, but my concern is about water for our residents in the South County. Since Los Berros Creek is a major source of water to recharge the Oceano area in the "Northern Cities Management Area" - and the County is a signatory to the Stipulated Settlement that is designed to protect Basin resources for the residents in the NCMA - the County should not approve this proposed ag cluster subdivision unless those impacts can be analyzed and shown not to pose a risk to Oceano's water supply.

Falcon Ridge, for example, which used to be supplied by Rural Water Company's wells in the Los Berros Creek area, is now served by Rural from wells up on the Nipomo Mesa. The situation is critical already without new non-agricultural uses being permitted.

10- Both Fugro West and Geosyntec have independently expressed doubt that adequate water exists for this proposed ag cluster. If the County requires a Water Supply Assessment (per Section 10.9.10), be sure it is conducted by a firm with no financial connections with the developer.

I'm sorry that RRM had no-one attend your subcommittee meeting today. They knew about it; and when Tim Walters responded to my email encouraging him to attend or send reps, I told him when and where you were meeting.

If only there were adequate water, this would be a lovely project. Who wouldn't want to live in such a setting? But with a problematic water supply, who would knowingly risk buying a home there?

Mike Winn,  
Nipomo