



COLAB SAN LUIS OBISPO COUNTY



WEEK OF APRIL 26-May 2, 2015

**NO BOARD OF SUPERVISORS MEETING ON
TUESDAY APRIL 28TH**

**BOS SENDS PASO WATER DISTRICT APPLICATION
TO LAFCO**

**PLANNING COMMISSION CONSIDERS AG CARBON
SEQUESTRATION PROGRAM
(NOT AS INNOCENT AS PRESENTED)**

**SAVE TUES. MAY 12, 2015 LAS PILITAS RESOURCES
APPEAL HEARING
(SEE PAGE 8 FOR DETAILS)**

Board of Supervisors Meeting of Tuesday, April 21, 2015 (Completed)

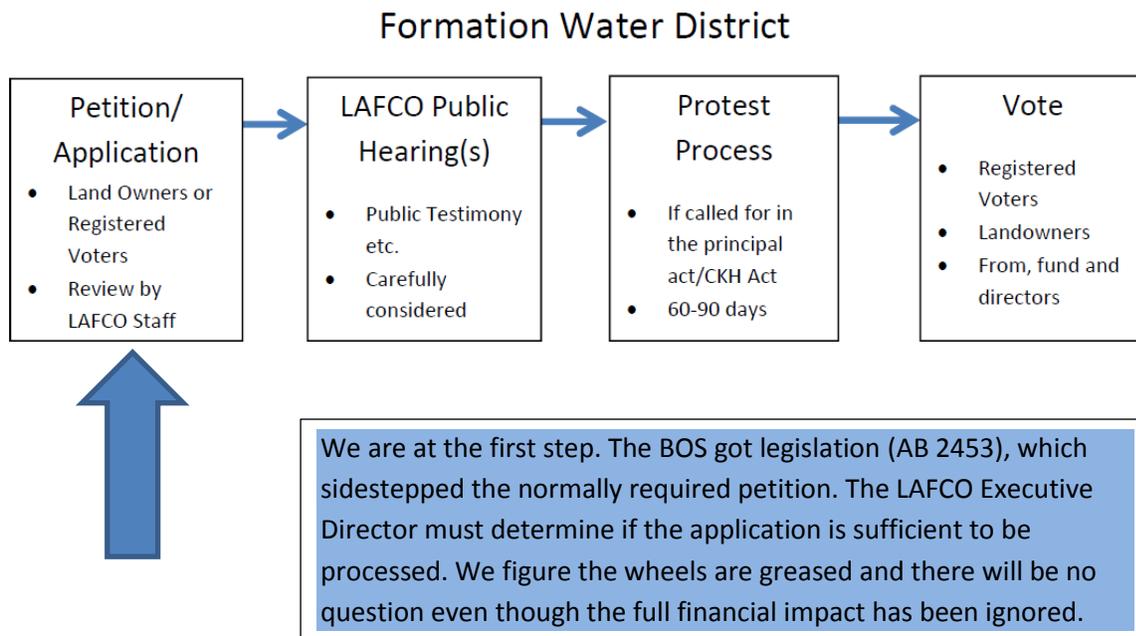
Item 26 - Discussion and approval of the Resolution of Application and Plan for Services for the proposed Paso Robles Basin Water District and file a Notice of Exemption per Public Resources Code Section 21000 et seq. The Board of Supervisors approved the application on a 3/2 vote (Arnold and Compton dissenting) and directed staff to forward it to LAFCO. We will report on the LAFCO process and schedule as it ramps up over the coming months.

There were 39 speakers, of which 15 were in support, 23 were opposed, and 1 incomprehensible. Mecham led the majority policy position, stating that local control and the need to conform with SB 1168 (the Pavely/Dickenson Groundwater Sustainability Act of 2014) required immediate action. He again repeated the mantra that failure to act would result in a state takeover. Actually if the County did nothing by 2017, the State would place it on probation, not take it over.

It turned out that the very vague financial plan prepared a by consultant had been omitted from the agenda package and was submitted late. The consultant who prepared the analysis and plan wasn't even in the room to present the report or answer questions from the Board members.

Supervisor Compton presented a very comprehensive list of issues in an effort have the Board spend some time and actually engage the issues and questions. The Board water majority Hill, Gibson, and Mecham (HGM³) did not interrupt or try to speed her up as usual, but then rejected the idea of examining the application in detail. No modifications were made and the application as submitted by staff was adopted and sent to LAFCO.

The general process outline for LAFCO is illustrated below:



Key Issues at this Point:

1. What is the actual schedule?
2. Will the LAFCO Executive Director determine that the County's application contains sufficient information in terms of section 56653 of the Cortese-Knox-Steinberg Act to be processed?

56653. (a) If a proposal for a change of organization or reorganization is submitted pursuant to this part, the applicant shall submit a plan for providing services within the affected territory.

(b) The plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:

(1) An enumeration and description of the services to be extended

to the affected territory.

(2) The level and range of those services.

(3) An indication of when those services can feasibly be extended to the affected territory.

(4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.

(5) Information with respect to how those services will be financed.

COLAB NOTE: The application as submitted by the County contains a description of only one service, the preparation of a groundwater sustainability plan (GSP) over the next 5 years. It completely ignores the other functions which the district was created to undertake, including all the regulatory powers and costs (including inspections and enforcement), constructing and operating recharge facilities, constructing and operating conveyance facilities, issuing debt, etc. It excuses this huge omission on the grounds that only after the adoption of the GSP can these functions be considered. But this does not comply with act. The application should describe how these functions would be included, their prospective cost ranges, and the categories of operational costs which would be required. If the district were being set up solely to create a GSA, this limitation might be fine, but that is not the case. It doesn't say that you can wait five to seven years and then make up all the things that the district is going to do without prior LAFCO analysis.

3. Given the defects noted in item 2 above, how can the LAFCO properly understand and determine financial feasibility and set the initial assessments, fees, or taxes? To base these solely on the first 5 years of operation (overhead of a new government entity and creation of a GSP) is highly misleading to the impacted public. It's reminiscent of an old teen seduction promise from the '50's, or the more recent Obama Care dodge, "we'll have to pass it to see what's in it."



4. The Board of Supervisors water majority HGM³ refused to allow the Board to go through the powers and functions listed in AB 2453 one by one to allow proper discussion. Is LAFCO going to allow the same sham process?

5. A \$1 million per year budget (for the next 5 years) for 2 staffers and various consultants is presented. The budget provides no services other than the preparation of a groundwater sustainability plan and coordination with abutting entities plan. In other words, the district will tax the basin property owners \$5 million for a service which the County could already provide. The staff has provided a separate budget that indicates that it would cost the County the same \$5 million to perform the same work. It seems impossible, given all the data, major reports, and analyses that have been prepared over recent years, as well as plans already in effect, that a new

\$5 million on top of everything else is required. Is LAFCO going to support the County's assertion that creating a basin GSP should cost \$1 million per year for 5 years? The new district is providing no other services.

Services related to SGMA compliance, such as the development of a GSP, can be provided by the District immediately upon formation. The proposed budget, which will have had a successful Proposition 218 proceeding, only provides for enough funding to operate the District and fund the GSP. Any improvements, programs or projects deemed necessary by the GSP in order to sustainably manage the Paso Basin will need their own funding revenue source, which will be subject to the requirements of Proposition 218.

As noted above, future improvements to collect, move, recharge, store, or otherwise improve the water situation will be additional costs. The application makes no attempt to estimate what these might be at different levels and what the assessments would be. It appears that the district will provide no substantive services until after 2020 or 2022.

Any such improvements related to groundwater sustainability are not anticipated to be imposed until after the development of the GSP. Under the SGMA, the final GSP must be submitted to DWR by either 2020 or 2022. The date that will be required for the Paso Basin has yet to be determined. Therefore, any such improvements will most likely not be undertaken until at least 2020, and as discussed above, these improvements, programs or projects will be unknown until the GSP is developed

No Board of Supervisors Meeting on Tuesday, April 28, 2015 (Not Scheduled)

No meeting on this date had been placed in the original schedule. The next one is scheduled for Tuesday May 5, 2015.

Planning Commission Meeting of Thursday, April 30, 2015 (Scheduled)

Item 5 - Agricultural Carbon Sequestration. The Planning Commission will consider recommending creation of a new County program impacting agriculture to the Board of Supervisors. The proposal states in part:

Program Description:

Carbon sequestration is the net removal of CO₂ from the atmosphere. This may occur through the enhancement of natural processes (i.e., terrestrial sequestration—the uptake of carbon by trees, vegetation, and soils) or through technological processes, such as the placement of CO₂ into a geologic repository (geologic sequestration) in such a way that it will remain permanently sequestered. The term —carbon sinks is also used to describe agricultural and forestry lands that absorb CO₂. This measure directs the County to explore opportunities to sequester carbon from the atmosphere .

The Commission cites provisions in the County's adopted Climate Action Plan as calling for such actions:

39. Identify opportunities for terrestrial and aquatic sequestration in the county, including but not limited to County lands, reclaimed mining lands, agricultural lands, and other areas as appropriate.

Supporting Actions:

Support preparation of a countywide sequestration assessment of agricultural and open space lands, forests, and aquatic resources.

Support research and implementation through the development of a working group to convene agriculturalists, researchers, and other experts to explore local opportunities and best practices to capture and store carbon.

Explore opportunities for carbon sequestration to be integrated with existing open space acquisition for conservation programs.

Explore opportunities for carbon sequestration to be integrated with natural resource or conservation-based mitigation banking and offset programs.

The item requests the Board to create a new project to develop and ongoing operating program:

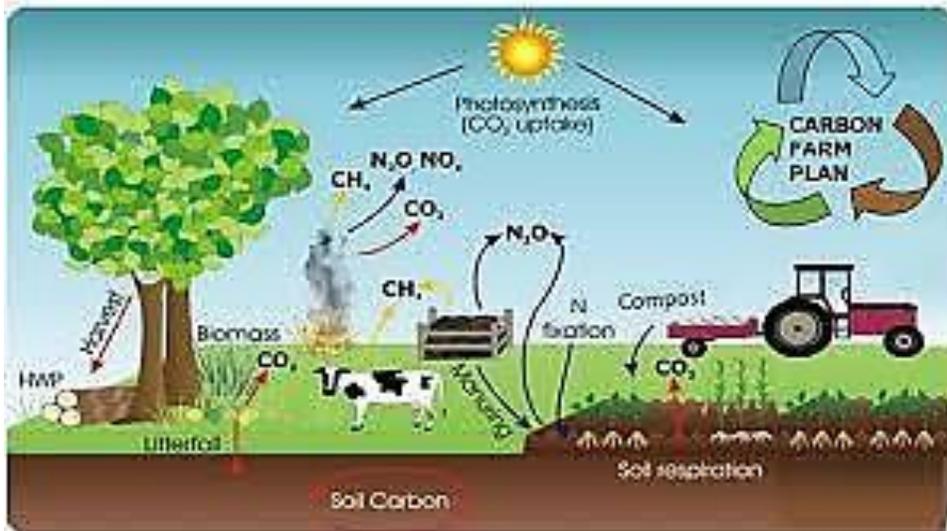
The Commission asks your Board to provide direction to County staff to implement these important programs of the County General and EnergyWise Plans as well as additional actions such as:

- 1. Engage the agricultural community as stakeholders/partners in the development of sequestration programs.*
- 2. Direct staff to apply for SALCP grant funding opportunities with the support of the agricultural community.*
- 3. Use a technical committee format to develop sequestration programs.*
- 4. Design implementation of these programs to be on a voluntary basis.*
- 5. Direct staff to work with the technical committee for all program development activities and have the Planning Commission represented on the committee.*

Background:

Carbon sequestration describes long-term storage of **carbon** dioxide or other forms of **carbon** to either mitigate or defer global warming and avoid dangerous climate change. It has been proposed as a way to slow the atmospheric and marine accumulation of greenhouse gases, which are released by burning fossil fuels.

It is a global warming program.



Types and Implications of Agricultural Carbon Sequestration Programs (ACSP's):

There are at least six groupings of ACSP's including: 1) Changing farm/ranch practices; 2) Establishing Economic Carbon Offset Incentives and Disincentives; 3) Establishing restrictive easements; 4) Taking land out of agriculture; 5) Placing the land in a conservancy; and 6) Terminating Agriculture and planting forests.

Beyond whatever millenarian anti-climate change benefits are claimed, all restrict the future flexibility of the owners' use of the land, dilute or reduce private property rights, and may reduce value.

The proposed Commission letter to the Board is not specific on these. The letter is not clear about exactly what the Commission has in mind substantively. It suggests yet another "stakeholder" Delphi group process populated with decoy duck and ringer representatives where staff can manipulate outcomes. Voluntary participation is promised in any programs which emerge. Do you trust the Board that imposed the Paso Water Moratorium? Do you trust the Board that said the moratorium was a temporary time out, but is now making it permanent? Do you trust that Board to keep any promise?

1. Changing/Restricting Farm/Ranch Practices: The National Resource Conservation Service chart below lists some of the techniques in most general terms, but what do they really mean? For example, consider conservation tillage and reduced field pass intensity (is this no or less plowing?). How about efficient nutrient management? How does this one stack up with the draconian Regional Water Quality Control Board Ag Order, which severely restricts fertilizers and pesticides?

Figure 7. Agricultural practices and benefits. Source: NRCS. http://soils.usda.gov/survey/global_climate_change.html

Conservation Practice	GHG Objectives	Additional Benefits
<i>CROPS</i>		
Conservation tillage and reduced field pass intensity	Sequestration, emission reduction	Improves soil, water and air quality. Reduces soil erosion and fuel use
Efficient nutrient management	Sequestration, emission reduction	Improves water quality. Saves expenses, time and labor.
Crop diversity through rotations and cover crops	Sequestration	Reduces erosion and water requirements. Improves soil and water quality.
<i>ANIMALS</i>		
Manure management	Emission reduction	On-farm sources of biogas fuel and possibly electricity for large operations, provides nutrients for crops.
Rotational grazing and improved forage	Sequestration, emission reduction	Reduces water requirements. Helps withstand drought. Increases long-term grassland productivity.
Feed management	Emission reduction	Reduces quantity of nutrients. Improves water quality. More efficient use of feed.

2. Establishing Economic Carbon Offset Programs: These include carbon taxes on those who exceed potentially established standards and government incentive payments to farmers who reach lower levels by undertaking the measures listed under item 1 above.

3. Establishing Restrictive Easements: These would go beyond the Williamson Act and would encourage farmers and ranchers to permanatize their promise to keep the land in agriculture. Perhaps carbon tax proceeds would be used as an incentive.

4. Taking Land Out of Agriculture: According to some of the published science, plowed and irrigated land is less reflective of sunlight than natural land. Thus if agricultural land were returned to its natural state, more sunlight would be reflected back into space, helping to reduce global warming.

5. Placing Your Land in a Conservancy: We are not exactly sure how this one reduces global warming, but in the end the large non-governmental not-for-profits that own huge acreage now and are trying to take more, would be able to implement items 1, 3, and 4.

6. Terminate Agriculture and Plant Trees: Trees suck in CO₂ and generate oxygen. The problem is that when the trees die or are burned, the CO₂ is released to the atmosphere. For this reason some of the faithful are proposing the burial of the old and dead trees on a massive scale to prevent the release of the CO₂. No, we are not kidding.

Just which ones of these will program manager/uber planner James Caruso get the planted decoy duck committee to recommend?



More decoy duck stakeholders spinning around.

**ACTION ALERT: BOARD OF SUPERVISORS
HEARING/SUPPORTER BBQ FOR THE LAS PILITAS
RESOURCES QUARRY**

UPDATE REGARDING THE LAS PILITAS RESOURCES QUARRY, AN IMPORTANT
LAND USE BATTLE EAST OF SANTA MARGARITA.

On May 12th, the San Luis Obispo County Board of Supervisors will be reviewing and voting on the project. The FEIR and project details can be viewed by
visiting: www.laspilitasresources.com.

The May 12 Board of Supervisors hearing and subsequent vote is critical for the Las Pilitas Resources proposal, and we encourage our membership to consider aiding in their efforts by attending the Board of Supervisors hearing, speaking in support of the project and/or writing a letter to the editor and/or the Board of Supervisors to tell them why Las Pilitas will be a positive benefit in our community.

Please show your support by sending a letter or email the County expressing your opinion. Emails or letters can be sent to the following addresses:

Supervisor Debbie Arnold, Board Chair: darnold@co.slo.ca.us

Supervisor Lynn Compton, Board Vice-Chair: lcompton@co.slo.ca.us

Supervisor Frank Mecham, District One: fmecham@co.slo.ca.us

Supervisor Bruce Gibson, District Two: bgibson@co.slo.ca.us

Supervisor Adam Hill, District Three: ahill@co.slo.ca.us

You can also make yourself heard by writing letters to the editor to any local newspaper outlet. If you'd like, you can also request assistance with preparing your letter or obtaining talking points by contacting the Applicant at info@laspilitasresources.com, or (805) 438-4370.

Ultimately, attending the hearings and speaking in support of the project will make all the difference to ensure the project's success.

Details regarding the Board of Supervisors hearing are as follows:

What: Board of Supervisors Hearing re. Las Pilitas Resources Quarry

When: Tuesday, May 12th

Where: Board of Supervisors Chambers (Room #D170) in the County Government Building, located at 1055 Monterey Street in San Luis Obispo

Time: 9:00 a.m. (*suggested arrival time is 8:30 a.m.*) Except for a few preliminaries, the entire day will be dedicated to the Las Pilitas appeal.

BBQ

Mike Cole and Steve Souza, the project partners for the Las Pilitas Resources project, would also like to invite you to join them for a **free** Supporter BBQ they'll be holding at Steve's home on April 30th.

The details regarding the Supporter BBQ are as follows:

What: Supporter BBQ for Las Pilitas Resources Project

When: Thursday, April 30th

Where: Steve Souza's home, located at 8475 Tassajara Creek Road in Santa Margarita

Time: 5:30 p.m. to 8:00 p.m.

Thank you for your consideration and participation. If you'd like to learn more about the proposal, please visit www.laspilitasresources.com contact Project Manager Ken Johnston by calling (805) 438-4370 or sending him an email at ken@laspilitasresources.com.