



COLAB SAN LUIS OBISPO COUNTY



WEEK OF JULY 26-AUG. 1, 2015

**SAVE YOUR WATER RIGHTS TO SAVE
YOUR PROPERTY**

ATTEND THURSDAY, JULY 30, 2015

**(PLANNING COMMISSION FINAL HEARING ON THE MORATORIUM,
AG OFFSET REQUIREMENTS, AND MORE)**

9:00 AM

SEE PLANNING COMMISSION ITEM 5, PAGE 5 BELOW

**NO BOARD OF SUPERVISORS MEETING ON
TUESDAY, JULY 28, 2015**

**SUPPORT PG&E DIABLO PLANT RELICENSING
WED. AUGUST 5, 2015**

(SEE NOTICE AND DETAILS ON PAGE 13)

**SAVE TUESDAY, AUGUST 11, 2015
(FOR THE BOARD OF SUPERVISORS HEARING ON THE
MORATORIUM, AG OFFSET REQUIREMENTS, AND MORE
TIME TO BE DETERMINED**

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

Item 2 - Introduction of amendments to Title 8 (Health and Sanitation) and Title 19 (Building and Construction) of the County Code to adopt a portion of the provisions of the so-called County Water Conservation Program. The Board voted 3/2 (Hill and Gibson dissenting) to delay the noticing for portions of the so-called Water Conservation Program until the Planning Commission actually finishes its deliberations, reviews the EIR, and prepares

recommendations for public and Board of Supervisors consideration. Arnold and Compton were adamant that proper procedures and adequate public noticing be provided. Mecham went along. He was nervous about the appearance of the Board jamming the ordinances and plan amendments through. He stated, "We need to do this right."

As COLAB has been pointing out repeatedly, since the Commission is not meeting until July 30th, how can the Commission prepare written recommendations in time for a public notice (which must conform to the Commission's adopted findings and recommendations) that must be published on or before July 31st? How could the Board of Supervisors notice and consider the product of an event on July 22nd, which has not yet taken place (scheduled for July 30th) at the Planning Commission?

The result of this action: The result of this action (proper noticing) is that the first reading (and the hearing) on the so-called Countywide Water Conservation Program will take place on Tuesday, August 11, 2015. A second reading will be required at a subsequent meeting. This in turn means that there will be a gap between the expiration of the Paso Robles Urgency Moratorium and the effective date of this new permanent program because State law requires that a 30-day period elapse between the final adoption of an ordinance and its effective date.

Related Atmospheric: As usually happens when someone disagrees with what Hill and Gibson want to do, they were petulantly unhappy.

Hill: *I guess...this is a delaying tactic....I don't know what the message is that we are sending.*

It's not something that I think is ...

This is a manufactured question about process...

This is an effort to delay...

These remarks seemed to be directed at Mecham in an ad hominum way. So much for the civility project.

Gibson: *This is quite astonishing to me to suggest that the public doesn't know about this...*

Gibson then went on to talk about how people had been involved in various advisory committees with the inference that this constituted knowledge for the impacted general public. Actually, committees such as the Paso Basin Water Advisory Committee and the Water Resources Advisory committee are heavily tilted to agency representatives, who are usually bureaucrats with a stake in expanding the public trough, patronage, and political power.

Background: WE REPEAT a portion of last week's review because this is so important and sets the context for the Commission review and the Board of Supervisors water majority insistence that this is a done deal no matter what. The Planning Commission has not taken action on the Title 22 changes and will not take action until its meeting on July 30th. For this reason and

as stated in the paragraph below, the changes to Title 22 cannot be noticed for hearing by the Board of Supervisors because they don't yet exist legally because the Commission has not taken action. The item then becomes murky and obfuscatory.

No action regarding any of these proposed amendments may be taken until the August 11, 2015 hearing date. Discussion of the proposed changes can occur today; however, if those discussions result in substantial changes to the amendments, the item will need to be re-introduced on August 11, 2015, and scheduled for adoption at a subsequent public hearing date.

This passage seems to say that if no changes are made by the Board on July 22, 2015, the Board could adopt the ordinance changes even though the Commission will not have taken action until July 30th.

- a. What if the Commission makes changes? (Which It Has and Should Make More.)
- b. This is horrible disrespect for the Planning Commission.
- c. It evinces the Board water majority's (Hill, Gibson, and Mecham) intent to jam the program through no matter what.
- d. The State statute governing the process does not permit the course that is proposed here:

50022.3. After the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the legislative body shall schedule a public hearing thereon. Notice of the hearing shall be published pursuant to Section 6066 in a newspaper of general circulation in or nearest to the adopting local agency. If there is no such newspaper in the county the notice shall be posted in the same manner as provided for the posting of a proposed ordinance. The notice shall state the time and place of the hearing. It shall also state that copies of the primary code and also copies of the secondary codes, if any, being considered for adoption, are on file with the clerk of the legislative body, and are open to public inspection. The notice shall also contain a description which the legislative body deems sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

A number of public speakers and organization representatives (including the Home Builders of the Central Coast, Protect Our Water Rights, and COLAB) warned the Board that it should not adopt the program as currently drafted and that it certainly should not process the amendments to Title 22 on August 11th when they have not been noticed in accordance with legal provisions. Observers from the Paso Wine Alliance and the Grower Shippers observed proceedings.

1. There will have been no first reading.
2. The Planning Commission will not have acted.

This is a blatant ramrod job and violation of due process. The public should be outraged.

3. The Board is Not Only Violating State Statute—It is Violating the Procedures Required in its Own Zoning Ordinance at SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE - Administration 22.70.050

Commission hearing. After review of a proposed amendment in compliance with the California Environmental Quality Act, and completion of a Department staff report, the Commission will provide notice and hold a public hearing in compliance with Section 22.70.060.

The purpose of the hearing shall be to receive testimony from parties interested in the proposed amendment, consider the recommendations of the Director, and adopt a recommendation to the Board.

C. Commission recommendation. After the public hearing, the Commission shall submit a written recommendation to the Board on the proposed amendment, giving the reasons for the recommendation and the relationship of the proposed amendment to affected elements of the General Plan and any affected specific plans.

D. Board hearing and decision. After receiving the Commission recommendation, the Board shall hold a public hearing in compliance with Section 22.70.060. The Board may approve, modify or disapprove the recommendation of the Commission.

Since the Commission is not meeting until July 30th, how can the Commission prepare written recommendations in time for a public notice (which must conform to the commission's adopted findings and recommendations) that must be published on or before July 31st? How can the Board of Supervisors notice and consider the product of an event on July 22nd which has not yet taken place at the Planning Commission?

Item 12 - Authorize that a display advertisement of one-quarter page be published in a newspaper of general circulation in the County on or before July 31, 2015, indicating the general nature of the proposed **General Plan and **ordinance amendments** that will be considered on August 11, 2015, can act as the alternative publication.** After considerable effort by Supervisor Arnold, the Board agreed to a larger advertisement and more detail in the published notice of the ordinances so that the public would be able to see what is being proposed. Of course, Hill and Gibson were reluctant. Supervisor Compton also got everyone to agree to place the expanded advertisements and notices in the Santa Maria Times and not just the SLO Tribune because many of the people in South County use the Times instead of the Tribune. The people who reside in all unincorporated areas of the county (not just the Paso Basin) are impacted by some portions of the ordinances.

Compounding the blatant disrespect for the process and affected public is the request by the staff for publication in the newspaper of a truncated notice of the August 11, 2015 hearing. This is one

of biggest pieces of County public policy in recent times. The law is highlighted in green on the previous page. Does anyone believe this is really “sufficient notice” and that the purpose (let alone the impacts) can be sufficiently described in a quarter-page newspaper notice?! Since the Planning Commission will not act until late in the afternoon of July 30th, how can the staff prepare physically (let alone ethically) the quarter-page ad to appear on or before July 31?

No Board of Supervisors Meeting On Tuesday, July 28, 2015 (Not scheduled)

Safe For A Week. It’s not a fifth Tuesday so the reason for the break is not clear.

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

Item 5 - Water Conservation Program/General Plan and Land Use Ordinance Amendments:

- 1. Make the Paso Water and Development Moratorium Permanent.¹**
- 2. Creation of a Water Offset Program (Pay to Use Your Own Water)**
- 3. Miscellaneous Restrictions on the Use of Water**

The purpose of this item is to complete the Commission’s review of the proposed ordinance amendments and General Plan amendments, which collectively constitute the County’s so called **Water Conservation Plan**. The Commission’s role is to review the various provisions proposed by staff, to make modifications, and to then determine if it will recommend the program to the Board of Supervisors.

Best Outcome: The best possible outcome would be for the Commission to reject the program and to so inform the Supervisors. The second best outcome would be for the Commission to send the matter back to staff for analysis of a recently exposed error in the calculations of the current and potential overdraft of the basin on which the whole program logically depends. This will be discussed further in this article.

The Jamming Problem: A problem for the current Board of Supervisors’ Water Majority (Hill, Gibson, and Mecham) is that due to a prior noticing mistake the Planning Commission final action had to be delayed. This in turn required delay in the Board of Supervisors’ consideration. See items 2 and 12 above from last week’s Board of Supervisors meeting for an understanding of the process issues which have impacted the schedule for future work on this

¹ The ordinance says that it will sunset when a sustainable water management plan is approved. Does anyone think the State will approve a plan that doesn’t contain all the restrictions and regulations proposed to be adopted here?

item. Because of the scheduling issues there will be a time gap between when the current Urgency Moratorium Ordinance runs out and new permanent ordinances can take effect. Suffice it to say, there are provisions in State law which require that local governments provide adequate timing and notice for citizens to consider proposed ordinances and ordinance amendments. The Board Majority is seeking to jam the program through to avoid or minimize the gap. In the end public objection caused Mecham to defect from his two colleagues Hill and Gibson in the name of legal and correct procedure. The Planning Commission should not be hurried by the zeal and desperation of Mecham, Hill, and Gibson to lock down the basin.

The Water Use Calculation Problem: It turns out that a large technical-substantive problem has now been exposed. The calculations on which the justification of the entire Water Conservation Program (basin overdraft) were based on the wrong numbers for grape growing. The original calculation for the amount of water needed for grape production (as claimed in the Draft Environmental Impact Report (DEIR) was significantly higher than the actual amount required, as is now presented in the Final EIR. The amended finding shows that grapes use much less water than had been previously claimed.

1. The Draft EIR: The justification for the program was based on data that the Paso Basin is in overdraft because various users, including cities, rural residents, and agriculture are pumping more water from the basin than flows in from rain, stream flow, and sub-surface sources. Agriculture is the largest user and currently the largest agricultural user is made up of grape growers. The original program design and the accompanying Draft Environmental Impact Report (DEIR) calculated that grapes require somewhere between 1.2 and 2.7 acre feet per year of water (an acre-foot = 325,851 gallons). The DEIR indicated that the mid-range was 1.7 acre-feet. This comports closely with overall data in the County’s 2014 Paso Basin Computer Model Update, which indicates that over 30 years grapes used an average of 1.8 acre feet per year. The data in the Model Update is a part of the basis for the entire program proposal.

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

Crop	Applied Water Ranges Salinas/Estrella WPA		
	Low	Medium	High
Strawberries ³	2.0	2.3	2.6
Small Grains ³	1.0	1.2	1.4
Nursery	2.0	2.5	2.9
Pasture ²	4.2	4.8	5.5
Vegetables ¹	1.6	1.9	2.2
Vineyard	1.4	1.7	2.1

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

1 Assumes two vegetable crops planted per acre per year.

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

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

The Final EIR: At some point and after the DEIR was circulated, various representatives of the wine industry and experts from the University of California pointed out that grapes in the Paso basin actually only use 1.2 acre-feet per year. Many growers indicate that they use less than 1

acre-foot per year. Accordingly, the County staff has changed the numbers in the Final Environmental Impact Report (FEIR).

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

Crop	Applied Water Ranges Salinas/Estrella WPA		
	Low	Medium	High
Alfalfa	3.8	4.5	5.2
Citrus	4.9	2.3	2.7
Deciduous ²	3.0	3.5	4.4
Strawberries ³	2.0	2.3	2.6
Small Grains ³	4.0	4.2	4.4
Nursery	2.0	2.5	2.9
Pasture ²	4.2	4.8	5.5
Vegetables ¹	4.6	1.9	2.2
Vineyard	4.4	1.725	2.4

Source: Table 29 of the Final Report on the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.

1 Assumes two vegetable crops planted per acre per year.

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

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

The Paso Robles Groundwater

Basin Computer Model Report of 2014 Update/AKA The Todd Report: A significant problem is that the overall Basin Model, which provides the data for justifying the whole program, used an average of 1.8 acre feet for grapes. On this basis it asserts that the Basin is currently in 2,473 acre-feet of overdraft per year, which would grow to 26,159 acre-feet per year if agriculture grew by 1% per year over the next 30 years. The Report states in this regard:

A Draft Final Report for the Paso Robles Groundwater Basin Computer Model Update, distributed for public review and comment on November 13, 2014, reported updated outcomes of the Paso Robles Groundwater Basin's perennial yield estimate and future year simulations based on "no-growth" and "growth" scenarios (San Luis Obispo County, January 2015). In summary, the period of 1982 to 2010 is representative of the historical average rainfall over the Paso Robles Groundwater Basin. The updated estimate for the perennial yield based on that period is 89,648 acre-feet per year (AFY). For the period of 1981 to 2011, outflows exceeded inflows to the Paso Robles Groundwater Basin by 2,473 AF on an average annual basis (i.e. more water left the Paso Robles Groundwater Basin than was replenished). Future year simulations project that the "no-growth" scenario projects would exceed inflows on an average annual basis over the thirty year period by 5,592 AFY. The "growth" scenario projects have projected outflows to exceed inflows on an average annual basis over the thirty year period by ~~20,900~~ 26,159 AFY (Geoscience and ToddGroundwater, December 2014).

The table (from the Computer Model Update) on the next page below shows the derivation of the 1.8 acre foot in the lower right hand corner (by the red arrow). This table and the table above in the Final Environmental Impact Report are in conflict.

Estimated Annual Agricultural Irrigation Demand and Applied Water Rates B

Water Year	Annual Precip [inches]	Alfalfa		Citrus		Deciduous		Nursery		Pasture		Vegetable		Vineyard	
		Irrigation Demand	Applied Water												
1981	12.4	3.2	5.1			3.0	4.7	1.8	2.9	3.4	5.4	2.7	4.3	1.3	2.3
1982	16.3	2.9	4.7			2.8	4.4	1.6	2.5	3.1	4.9	2.7	4.2	1.3	2.2
1983	28.9	2.9	4.6			2.7	4.2	1.5	2.3	3.0	4.8	2.7	4.2	1.2	2.1
1984	7.3	3.5	5.5			3.1	4.9	1.9	3.0	3.6	5.7	2.8	4.4	1.5	2.6
1985	9.6	3.3	5.2			3.0	4.8	1.7	2.8	3.4	5.5	2.7	4.3	1.4	2.3
1986	20.5	3.2	4.9			2.9	4.4	1.7	2.6	3.4	5.2	2.7	4.1	1.1	1.9
1987	8.4	3.4	5.2			3.1	4.5	1.9	2.9	3.5	5.5	2.7	4.2	1.4	2.2
1988	12.7	3.2	4.9			2.9	4.2	1.7	2.5	3.4	5.2	2.7	4.2	1.2	2.0
1989	9.1	3.3	5.1			3.0	4.5	1.8	2.8	3.5	5.4	2.6	4.1	1.4	2.3
1990	7.3	3.3	5.1			3.0	4.4	1.9	2.8	3.5	5.3	2.7	4.1	1.6	2.6
1991	12.8	3.2	4.8			3.0	4.2	1.8	2.8	3.4	5.1	2.7	4.1	1.4	2.0
1992	12.5	3.3	4.9			3.1	4.3	1.8	2.7	3.5	5.3	2.8	4.1	1.3	1.9
1993	23.3	3.2	4.7			3.0	4.1	1.7	2.5	3.4	5.1	2.7	4.1	1.1	1.7
1994	11.3	3.2	4.7			2.9	4.1	1.5	2.3	3.4	5.1	2.6	3.9	1.3	1.9
1995	31.4	3.2	4.7			2.9	4.1	1.6	2.3	3.3	5.0	2.7	4.0	1.0	1.5
1996	15.3	3.3	4.6			3.0	4.0	1.7	2.4	3.4	4.9	2.7	3.9	1.3	1.8
1997	17.6	3.5	4.8			3.2	4.2	1.9	2.7	3.7	5.3	2.8	3.9	1.2	1.7
1998	26.8	3.0	4.2			2.7	3.6	1.4	1.9	3.1	4.5	2.6	3.6	1.0	1.4
1999	9.4	3.4	4.8			3.0	3.9	1.5	2.1	3.4	4.8	2.7	3.8	1.4	1.9
2000	13.2	3.3	4.7	1.6	2.2	3.0	4.0	1.7	2.3	3.5	4.9	2.8	3.8	1.3	1.7
2001	15.4	3.3	4.8	1.7	2.3	3.1	4.0	1.7	2.4	3.6	5.1	2.8	3.8	1.2	1.6
2002	8.3	3.4	4.9	1.8	2.4	3.1	4.1	1.7	2.3	3.6	5.1	2.7	3.8	1.2	1.7
2003	13.8	3.1	4.5	1.6	2.0	2.9	3.7	1.5	2.0	3.3	4.7	2.7	3.5	1.1	1.4
2004	9.5	3.4	4.9	1.9	2.5	3.2	4.1	1.8	2.3	3.7	5.3	2.8	3.6	1.3	1.6
2005	33.2	2.8	4.0	1.5	1.9	2.6	3.4	1.5	1.9	2.9	4.2	2.5	3.3	0.9	1.2
2006	18.3	2.9	4.2	1.6	2.1	2.8	3.6	1.6	2.1	3.0	4.3	2.7	3.6	1.0	1.4
2007	6.6	3.5	5.1	2.0	2.6	3.2	4.1	1.9	2.5	3.6	5.1	2.7	3.5	1.4	1.9
2008	13.8	3.6	5.1	2.1	2.7	3.3	4.2	2.0	2.5	3.8	5.4	2.8	3.5	1.2	1.6
2009	9.1	3.7	5.3	2.1	2.6	3.4	4.3	1.9	2.5	3.8	5.4	2.8	3.6	1.3	1.7
2010	21.0	3.0	4.2	1.6	2.0	2.7	3.5	1.6	2.0	3.2	4.6	2.6	3.4	1.0	1.3
2011	22.0	2.8	4.0	1.5	1.9	2.6	3.4	1.4	1.8	3.0	4.2	2.4	3.0	0.8	1.1
Min	6.6	2.8	4.0	1.5	1.9	2.6	3.4	1.4	1.8	2.9	4.2	2.4	3.0	0.8	1.1
Max	33.2	3.7	5.5	2.1	2.7	3.4	4.9	2.0	3.0	3.8	5.7	2.8	4.4	1.6	2.6
Ave	15.4	3.2	4.8	1.7	2.3	3.0	4.1	1.7	2.4	3.4	5.0	2.7	3.9	1.2	1.8

Notes:

All irrigation demand and applied water values in acre-feet per acre per year (or feet per year)

Vineyard consumptive use and applied water rates reflect the combined ROI and non-ROI rate weighted according to the assumed percentage of vineyards under each irrigation management method

1 - Annual Rainfall at Paso Robles rain gauge (46730)



The Entire Program Needs to be Corrected: The table below and to the right shows the potential acre-feet of use under different assumptions. Note that the difference between 1.7 acre-feet and 1 acre-foot yields an overall 26,250 positive, which would more than extinguish the current projected 2,473 acre-foot deficit.

The Planning Commission needs to stop this whole process and have staff redo the assumptions and eliminate the contradictions on which the proposed draconian program rests.

The County Water Conservation Program:

Vineyard Acres Paso Basin ~ 37,500

37,500 x 1.7AF = 63,750AF

37,500 x 1.25AF = 46,875AF

37,500 x 1.0AF = 37,500AF

37,500 x 0.8AF = 33,000AF

~~~~~

1.7AF - 1.25AF = .45AF  
= 16,875AF per acre annually

1.7AF - 1.0AF = .7AF  
= 26,250AF per acre annually

1.7AF - .8AF = .9AF  
= 30,750AF per acre annually

According to the staff report the overall purpose of the program is described as:

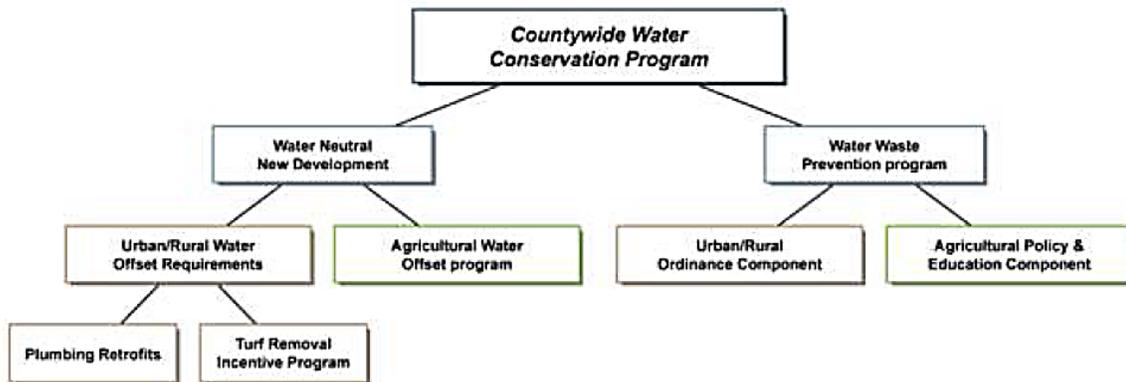
**PROJECT DESCRIPTION**

*The objectives of the development and implementation of the proposed Countywide Water Conservation Program (Program) are to substantially reduce increases in groundwater extraction in areas that have been certified LOS III; provide a mechanism to allow new development and new or altered irrigated agriculture to proceed in certified LOS III areas, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and to reduce wasteful use of water in the county.*

**The write-up goes on:**

*The proposed Program is comprised of two components, Water Neutral New Development (WNNND) and Water Waste Prevention (WWP). The figure below shows the individual components of the Countywide Water Conservation Program.*

The chart below illustrates the key strategy components of the program. No information is presented on how much water will be saved through the implementation of each category. How can the Commission recommend a public policy with major impacts on peoples’ property and lives without reviewing any detailed performance estimates backed by current data (of which there is a huge amount)?



**PLAN DETAILS**

The implementing details are contained in sections of the County’s zoning ordinances, safety ordinances, and Plan of Development elements. They are intertwined and somewhat

interdependent. The actual language is too extensive to include in this update. For this reason direct links are provided below.

**County General Plan and County Code Amendments:**

Implementation of the proposed Countywide Water Conservation Program requires amendments to the County General Plan and the County Code. The implementation of the proposed Water Neutral New Development component of the Countywide Water Conservation Program requires amendments to Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance), as well as the amendments to policies and implementation strategies identified in Agricultural Element and the Conservation and Open Space Element of the County General Plan.

The implementation of the proposed Water Waste Prevention component of the Countywide Water Conservation Program requires amendments to Title 8 (Health and Sanitation Code) of the County Code, as well as amendments to policies and implementation strategies in the Agricultural Element of the County General Plan to address agricultural and urban water waste prevention efforts.

Links to revised drafts of proposed implementation language with revisions from the Planning Commission study sessions are provided below. These revised drafts will be used for discussion by the Planning Commission on July 30, 2015, and potentially forwarded to the Board of Supervisors for consideration of final adoption on August 11, 2015. It is important for readers to click on the links to understand the breadth of this program.

**1. Building and Construction Restrictions:**

<http://www.slocounty.ca.gov/Assets/PL/environmental/COUNTYWIDE+WATER+CONSERVATION+PROGRAM/REVDraft+Title+19+New+Development.pdf>

**2. Huge Restrictions on Agriculture and Homes.**

<http://www.slocounty.ca.gov/Assets/PL/environmental/COUNTYWIDE+WATER+CONSERVATION+PROGRAM/REVDraft+Title+22+Ag+Offset+Ordinance.pdf>

**3. Restrictions on Wells, Swimming Pools, Wine Processing, Lawns and Ornamental Plants, car washing, etc.**

<http://www.slocounty.ca.gov/Assets/PL/environmental/COUNTYWIDE+WATER+CONSERVATION+PROGRAM/REVDraft+Title+8+Urban+-+Rural+WW+Ord.pdf>

**4. Revisions to the Agricultural Element of the General Plan Providing More Restrictions.**

<http://www.slocounty.ca.gov/Assets/PL/environmental/COUNTYWIDE+WATER+CONSERVATION+PROGRAM/REVDraft+Ag+and+COSE+Policy+Changes.pdf>

Note: All proposed new language is shown as underlined text within the documents on these sites.

## **NEED FOR BROADER COMMISSION REVIEW:**

**The Commission’s review should include the analyses (which have been completed – no new work) and it should retain jurisdiction over the item and undertake the following prior to considering sending it to the Board of Supervisors).**

**1. The Commission Should Send the Program Back to Staff and Require them to recalculate the water use data for grapes based on the new information. The Commission should also require staff to explain how the program is justified given the new data.**

**2. Planning Commission Should Revise, Restructure, and Redo its Review Process.** The staff report and substantial accompanying attachments are designed by staff to lead the Commission to support the proposed so-called “Water Conservation Program.” Rather than simply watching the proverbial movie, the Commission should:

a. Direct staff to prepare a more complete chart, which shows each of the program components that are included under the boxes in the chart below.

b. This new chart should be accompanied by a table showing the purpose, the geographic areas impacted by each program component, the estimated amount of water to be saved from current use (if any), and the estimated amount of water to be saved by forestalling growth.

Right now the entire program is based on subjective opinion.

c. The Commission should then set up a schedule and order for its consideration of each component.

2. The Commission should direct staff to present data in a complete and non-relative way.

For example, for the Paso Basin offset program:

a. The Commission should receive a presentation on the new Paso Basin model from the consultants who prepared the model. One cannot approach policy-making without a clear understanding of the facts contained in this report.

b. The Commission should pay particular attention to the amount of pumping by agriculture, municipal, residential, commercial, and so forth.

c. It is absolutely essential for the Commission to understand how the proposed program would impact each of these categories.

d. It is especially important and necessary that the staff break down the amount of water used by the major agricultural subcategories, including irrigated agriculture (and then further estimates of grapes, alfalfa, nut trees, and other major subcategories). This should be relatively easy since the staff already has the Resource Conservation District Report on the program design, which shows

how much water each crop type uses. The staff also has the acreage for each crop type and other land uses, which was generated by the County's LAFCO consultant, NBS, from the County Assessor's parcel data.

Note: The Commission should receive a presentation from NBS (not about district financing, but its analysis of the land use categories.)

e. Other ag. uses include grazing, 143,184 acres of the 453,729-acre Paso Basin (SLO County portion).

f. Similarly, single-family residential consists of approximately 85,000 acres. What percentage of the water do single-family residences use? How much would the moratorium extension save in this category?

The Commission cannot properly assess the proposed so-called "Water Conservation Program" without this data.

**3. The Commission should receive a briefing from County Counsel on the impact of the current Quiet Title Adjudication proceeding and its ultimate impact on the proposed program.** The Protect Our Water Rights group indicates that nearly 500 separate owners, representing 17,000 acres, have signed up to defend their water rights against the County and other municipal appropriators. The trial has been set for December 7, 2015. If the basin is placed in adjudication, can the County enforce the offset and other restrictions?

**4. How much water used by the municipal appropriators (Paso Robles, Atascadero, Templeton CSD, the County itself) and others will be exempt from the program?** The County planning and zoning laws do not pertain to the cities, and Templeton CSD is tying itself to the Atascadero Water Company's assertion that the Atascadero sub-basin should not be subject to any of this.

**5. The Commission should carefully examine the water credit program, which is an intrinsic part of the larger program as it applies to the Paso Basin.** The Commission should receive a report from the Las Tablas Resource Conservation District staff on this subject. County staff should provide the Commissioners with copies of the RCD's report, which contains some strong warnings.

**Local Agency Formation Commission (LAFCO) – Not Scheduled**

No LAFCO meeting is scheduled for July 2015. A huge LAFCO meeting is scheduled at the Paso Robles Event Center (Fair Grounds) for Thursday August 20, 2015 at 5:30 PM.

**United States Nuclear Regulatory Commission (NRC) Wednesday, August 5, 2015  
(Scheduled)**

**Support PG&E's Diablo Power Plant license renewal.** The Plant is the County's largest private sector employer and single largest property taxpayer. In terms of payroll, purchases, direct economic impact, and indirect economic impact (multipliers), the Plant generates \$950 million dollars per year in SLO and northern Santa Barbara Counties.

The Plant has a strong safety record and recently passed its annual safety review by the NRC with no major or intermediate safety issues that need fixing. On any given day it generates 10% of all the electric power in California and 20% of all the electric power in PG&E's service area. Nuclear power is truly renewable and powers the stars. Failure to take advantage of renewable nuclear technology (as is used in most of the rest of the world) and the lack of storage for spent fuel is the result of Federal Government inaction and ideology.

**Situation:** On August 5, 2015, the Nuclear Regulatory Commission will be hosting two public meetings in San Luis Obispo to provide the public with opportunities to comment on issues to be covered by an Environmental Impact Statement (EIS) report for Diablo Canyon Power Plant. During the two meetings, the NRC will present an overview of the environmental review process, will describe the process of review of the DCPD license renewal applications, and will receive public comment on the scope of the EIS report. Comments may be submitted in writing through August 31. All functions of Corporate Affairs are working with DCPD staff to prepare for the meeting and encourage meeting attendance.

**Background:** PG&E submitted its license renewal application for Diablo Canyon Power Plant (DCPD) on Nov. 23, 2009, seeking to extend the licenses of Units 1&2 for an additional 20 years beyond the current expiration dates. In early 2010, the NRC conducted a public scoping process for an EIS. However, in May 2010, the NRC suspended its review of the application at PG&E's request. The NRC has decided to resume its review, re-open the scoping process, and proceed with developing the EIS, since the seismic research has been completed.

**Where:**

**Courtyard by Marriott San Luis Obispo  
1605 Calle Joaquin Road  
Wednesday, August 5  
1:30-4:30PM  
7:00- 10:00PM**

No: 15-043

July 1, 2015

CONTACT: Scott Burnell, 301-415-8200

## NRC Seeks Public Comment on Environmental Issues for Diablo Canyon Nuclear Plant License Renewal

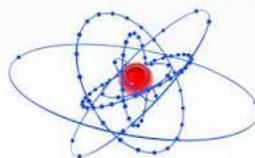
The Nuclear Regulatory Commission today announced its intention to develop and publish an environmental impact statement (EIS) for the proposed license renewal of the Diablo Canyon Nuclear Power Plant, Units 1 and 2, and is seeking public comment on issues to be covered by the report.

NRC staff will conduct two public meetings in San Luis Obispo on Aug. 5 to describe the EIS process and receive public comment on the scope of the report. Comments may also be submitted in writing through August 31.

Pacific Gas and Electric Co. (PG&E) submitted its license renewal application for Diablo Canyon on Nov. 23, 2009, seeking to extend the licenses for an additional 20 years beyond the current expiration dates of Nov. 2, 2024, for Unit 1 and Aug. 26, 2025, for Unit 2. The NRC conducted a public “scoping” process for an EIS in early 2010. However, in May 2010, the NRC suspended its review of the application at PG&E’s request. The NRC staff has decided to resume its review and re-open the scoping process and proceed with developing the EIS.

The Aug. 5 public meetings will be held at the Courtyard by Marriott San Luis Obispo, 1605 Calle Joaquin Road. The first session will run from 1:30-4:30 p.m., and the second from 7-10 p.m. These meetings will be transcribed. NRC staff will also be available to meet informally with members of the public for an hour before each session. Please be advised that comments or information provided to the staff outside of the public meetings will not be included in the docket.

Written comments may be submitted over the federal government’s rulemaking website, [www.regulations.gov](http://www.regulations.gov), using Docket ID NRC-2009-0552, or by mail to Cindy Bladey, Office of Administration, Mail Stop: OWFN-12 H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.



Reader Quiz: What atom is this? That’s Atom not Adam.