



WEEKLY UPDATE
MAY 2 - 8, 2021

COLAB
San Luis Obispo County



DINNER & FUNDRAISER

12th Anniversary

SAVE THE DATE!

Thursday September 9th, 2021

Alex Madonna Expo Center

more details coming soon...

***We're Back
& We Will always Be Here!***

COLAB San Luis Obispo County
805-548-0340 colabslo@gmail.com



NEWSOME RECALL QUALIFIES FOR BALLOT

THIS WEEK

IT SHOULD BE A FAIRLY TENSE WEEK AT THE BOS

COMPREHENSIVE ANNUAL FINANCIAL REPORT (GOOD)

SAN JUAN WATER DISTRICT WATER GRAB (BAD/UGLY)

COVID STATS (GOOD)

BUT WE NEED TO GO TO LIVE MEETINGS

VOTING, ALL-MAIL ELECTIONS, AND DOMINION (?)

IT WOULD BE BEST TO REQUIRE VOTE-IN-PERSON FOR ABLE-BODIED

YET ANOTHER BIG HOMELESS PLAN (BAD)

SPENDING AVERAGE OF \$93,738 PER HOMELESS PERSON IN COUNTY

LAST WEEK

NO BOS MEETING LAST WEEK

SLOCOG, APCD, IWMA, & COASTAL COMM DORMANT

ISSUES

ARROYO GRANDE ULTIMATUM:

ADOPT PROJECT LABOR AGREEMENT OR WATER PROJECT DEAD



CAREN AND JIMMIE GO FOR UNION CAMPAIGN DOUGH

MORE FEDERAL TRILLIONS FOR ENVIRO-SOCIALISM

COLAB IN DEPTH

SEE PAGE 20

AWAKENING TO WOKE

The mainstreaming of Marxism is meeting resistance from anti-woke warriors, but more people must lose their fear and fight back

BY LARRY SAND

BIDEN'S CATASTROPHIC GLOBAL WARMING POLICIES

If you thought last year was bad, wait until these proposed policies tear through the economy.

BY BRUCE THORNTON

THIS WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, May 4, 2021 (Scheduled)

Item 3 - Fiscal Year 2019-20 Comprehensive Annual Financial Report (CAFR). The report is being submitted on the consent calendar and is therefore not likely to be given any public scrutiny or discussion. The good news is that the report received what is known as “unqualified opinion” from the County’s independent auditors, which means that in so far as their tests show, the data in the report is accurate and conforms to national standards for governmental financial reporting. In short, no one is misrepresenting any information and the facts as presented are true.

The CAFR is one of the most important annual report documents provided by any governmental agency and should be studied by those who have an interest in government services, efficiency, reform, and the politics of the agency involved. At first, the 288-page document seems formidable, but it contains substantial useful information, including the independent auditor’s opinion report and County management’s reply. It also contains an abundance of information about finance history, County programs, and how the County raises and expends its money. Matters such as debt, reserves, bond ratings, taxes, fees, and available balances which can be expended in some cases are also included.

The elected officials, those who are running for office, and those who wish to participate in examining and commenting on County policies and issues should read this document. The document also contains a number of historical and comparative tables, which provide useful perspective on issues facing the County and community.

There are many governmental accounting conventions that will seem peculiar to readers who are familiar with private sector accounting. For example, the report indicates that the County has nearly \$1 billion in fixed assets categorized as land and buildings. Many may actually be worth \$0. After all, who would buy a hundred million dollar jail, an obsolete hospital building, a glitzy \$54 million airport terminal, a \$14 million animal shelter, or even a \$200 million sewer treatment plant in Los Osos? These have no intrinsic value except for their governmental purpose. It would be interesting to see what potential operators would pay if the whole system were privatized.

Some examples of tables from the statistical section are displayed here:

How much of the \$17 billion in growth from 2011 to 2020 is from new development and how much is simply the run-up in home prices? Remember that \$17 new billion only yields \$17 million in new property taxes per year, of which 60 % goes to schools. Meanwhile,

**County of San Luis Obispo
Assessed Valuation*
Last Ten Fiscal Years
(In Thousands)
(UNAUDITED)**

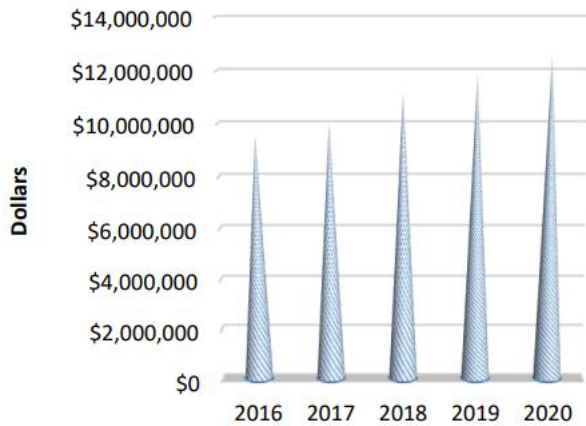
Fiscal Year Ended June 30,	Secured	Unsecured	Exemptions	Net Assessed Valuations	Percentage Change from Prior Year	Tax Rate
2011	\$ 41,846,720	\$ 1,118,384	\$ (927,194)	\$ 42,037,910	-0.9%	1.0029
2012	41,223,923	1,081,597	(965,089)	41,340,431	-1.7%	1.0030
2013	41,667,316	1,138,202	(1,009,234)	41,796,284	1.1%	1.0040
2014	42,900,845	1,195,631	(1,036,531)	43,059,945	3.0%	1.0040
2015	45,288,599	1,230,775	(1,093,212)	45,426,162	5.5%	1.0040
2016	48,037,099	1,257,845	(1,122,568)	48,172,375	6.0%	1.0037
2017	50,458,742	1,362,539	(1,173,683)	50,647,598	5.1%	1.0040
2018	53,278,739	1,386,183	(1,248,961)	53,415,961	5.5%	1.0040
2019	56,147,148	1,420,625	(1,305,110)	56,262,663	5.3%	1.0040
2020	58,382,427	2,345,033	(1,277,412)	59,540,048	5.8%	1.0040

Source: County Assessed Values, Exemptions and Growth % Book

the government employees and teachers are averaging around 3% cumulative salary increases each year.

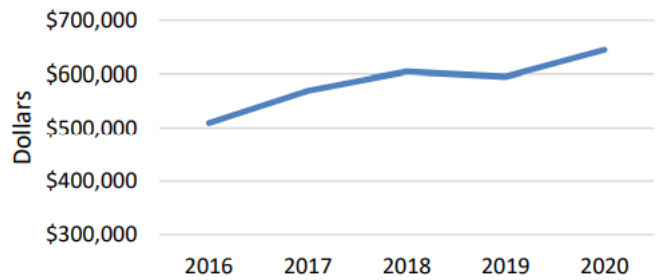
Since the data shows Proposition 13 values, it would be interesting to know the full cash values in order to help take a strategic view of the economy.

SALES TAX REVENUE - UNINCORPORATED*



*Source: County's Enterprise Financial System

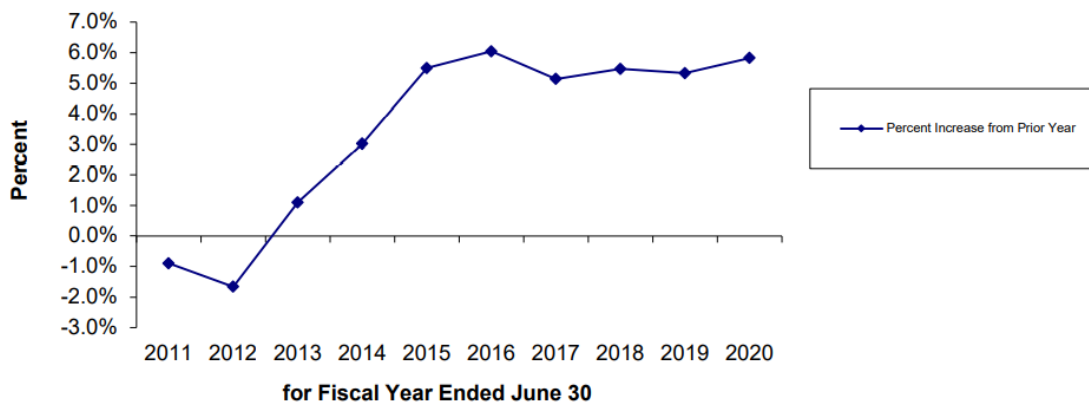
MEDIAN HOME PRICES*



*Source: Corelogic

It appears that some of the growth was recovery from the recession. Why has the assessed value rate of growth plateaued for the 2nd half of the decade? Is there a Diablo closure effect, or what else is causing the stagnation?

Total Net Assessed Value Increase from Prior Year



for Fiscal Year Ended June 30

**County of San Luis Obispo
Principal Property Taxpayers
Current Year and Ten Years Ago
(In Thousands)
(UNAUDITED)**

Taxpayer	Industry	Fiscal Year 2019-20			Fiscal Year 2010-11		
		Assessed Value	Rank	Percentage of Total County Assessed Value	Assessed Value	Rank	Percentage of Total County Assessed Value
Pacific Gas & Electric Co.	Utility	\$ 2,001,973	1	3.37%	\$ 2,504,614	1	5.96%
High Plans Ranch II LLC	Solar Ranch	823,210	2	1.38%	-	-	-
Phillips 66 Company	Oil Refinery	164,954	3	0.28%	-	-	-
Southern California Gas Co.	Utility	119,954	4	0.20%	62,345	7	0.15%
Jamestown Premier	Commercial	115,503	5	0.19%	-	-	-
CAP VIII - Mustang Village LLC	Apartments	94,501	6	0.16%	74,801	3	0.18%
E&J Gallo Winery/Vineyards	Winery	93,204	7	0.16%	-	-	-
Treasury Wine Estates	Winery	92,493	8	0.16%	-	-	-
Firestone Walker LLC	Brewery	90,903	9	0.15%	-	-	-
Sierra Vista Hospital	Hospital	78,296	10	0.13%	57,514	9	0.14%
TOSCO Corp	Petroleum & Gas	-	-	-	152,407	2	0.36%
Plains Exploration & Prod Co	Petroleum & Gas	-	-	-	73,502	4	0.17%
Pacific Bell Telephone Co	Communications	-	-	-	67,993	5	0.16%
Beringer Wine Estates Company	Winery	-	-	-	67,595	6	0.16%
Martin Hotel Management	Hotel	-	-	-	60,804	8	0.14%
Twin Cities Com. Hospital	Hospital	-	-	-	55,193	10	0.13%
Total		\$ 3,674,991		6.18%	\$ 3,176,768		7.56%
Total County Assessed Value		\$ 59,540,048			\$ 42,037,910		

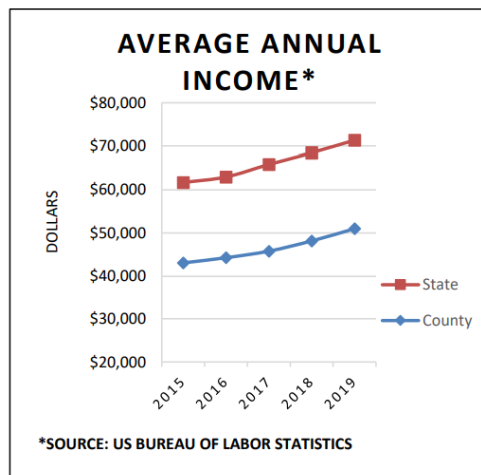
Sources:
Fiscal Year 2019-20 - County Property Tax System
Fiscal Year 2010-11 - San Luis Obispo County CAFR

PG&E's Diablo Plant is closing, Phillips 66 is closing, the City of SLO and the enviros are hell bent on driving Southern California Natural Gas out of the County, the \$ 8 billion solar farm is assessed at only \$823 million (State restricts assessment on green energy to a fraction to the real cost) and the dunes recreation is closing (which will slug the economy of the 5 cities area). People are going to have to drink and awful lot of wine and beer to make up the difference.

**County of San Luis Obispo
Demographic and Economic Statistics
Last Ten Fiscal Years
(UNAUDITED)**

Calendar Year	Population (1,a)	Personal Income (in thousands) (1,a)	Per Capita Income (1,a)	Median Age (4,c)	School Enrollment (3,b,d)	Unemployment Rate (2,e)
2011	270,966	10,966,438	40,322	40.30	44,104	9.9
2012	271,483	12,008,355	43,698	39.20	43,022	8.5
2013	272,177	12,547,278	45,388	39.50	42,600	6.4
2014	272,357	12,823,005	45,947	39.50	42,911	5.3
2015	274,293	14,034,209	49,873	39.30	41,853	4.4
2016	277,977	14,552,207	51,442	39.00	43,117	4.5
2017	279,210	14,937,322	53,006	38.80	43,112	3.6
2018	280,048	15,700,229	55,580	39.60	42,713	3.2
2019	280,101	16,465,164	58,108	39.60	42,673	2.9
2020	283,111	17,270,828	61,004	40.00	42,556	11.5

SLO County income seriously lags the State. Is this because there are so many college students, convicts, mental hospital patients, and retirees counted in the population?



**County of San Luis Obispo
Principal Employers
Current Year and Ten Years Ago
(UNAUDITED)**

Employer	2020			2011		
	Number of Employees	Rank	Percentage of Total County Employment	Number of Employees	Rank	Percentage of Total County Employment
Cal Poly State University, SLO	3,000	1	2.26%	2,426	1	1.76%
County of San Luis Obispo	2,920	2	2.20%	2,601	1	1.88%
Atascadero State Hospital	2,000	3	1.50%	2,200	3	1.59%
Pacific Gas and Electric Company	1,866	4	1.40%	1,719	5	1.25%
California Men's Colony	1,517	5	1.14%	1,768	4	1.28%
Cal Poly Corporation	1,400	6	1.05%	-	-	-
Tenet Healthcare	1,305	7	0.98%	1,409	6	1.02%
Compass Health Inc	1,200	8	0.90%	-	-	-
Lucia Mar Unified School District	1,000	9	0.75%	1,100	7	0.80%
Paso Robles Public Schools	935	10	0.70%	831	9	0.60%
San Luis Coastal Unified School District	-	-	-	828	10	0.60%
King Ventures	-	-	-	850	8	-
Total Employment Labor Force			132,900			138,000

Sources:

1. SLO Chamber of Commerce
2. State of California Employment Development Department
3. 2010-2011 San Luis Obispo County CAFR

A government based economy, especially after Diablo.

Item 13 - It is recommended that the Board, serving as the Paso Basin - County of San Luis Obispo Groundwater Sustainability Agency, authorize the Chair to sign and send a letter to the State Water Resources Control Board that opposes two applications to appropriate water that were submitted to the State Water Resources Control Board by the Shandon-San Juan Water District. Supervisors Arnold and Peschong are calling upon the Board to formally request the State Water Resources Water Control Board to reject the District's applications for control of certain storm water that may accrue in wet years. It will be interesting

to see how each Supervisor votes in view of the fears alleging that the District is fronting for out of County interests and may seek ultimate control of the Basin.

The Shandon-San Juan Water District (SSJWD) appears to have attempted suicide. At this point it is threatened with forfeiting over \$420,000 in State application fees. As we have reported previously, the District submitted 2 pre-emptive applications to the California State Water Resources Control Board (SWRCB) in an effort to corner the market on surplus storm water that may occur in Lake Nacimiento and Santa Margarita Lake in wet years. The District would bank the water in the Paso Basin and sell it to its members and perhaps others outside of the District in dry years.

Its other partners in the Paso Basin State Groundwater Management Plan (SGMP) were not notified as required by statute. Details of this omission are included in the background section below.

After reviewing the two applications, SWRWC responded with two separate letters stating:

After preliminary review, Division staff has found that although you have made a bona fide attempt to comply with the rules and regulations of the State Water Board and the law, the application is defective for the reasons provided below.

Both letters include scathing, highly technical 10-page rejections of each application, detailing the omissions, lack of data, failure to contact impacted property owners, failure to contact the entities that operate the reservoirs, failure to consider Monterey County's live stream rights, and scores of other problems. The SSJWD is given 90 days from March 5, 2021 to file corrected applications or face losing over \$420,000 in application fees. It seems impossible that the District could complete the work, because much of it includes securing agreements from other governments and property owners who were never included in the process in the first place. Similarly, there are huge amounts of technical data which must be collected, analyzed, and agreed to by others.

See Addendum I on page 27 of this update to review the full gravamen of the issue. The Addendum displays the State's critique of the District's application related to diversion of Nacimiento water. It is a good tutorial on the issues involved and how the District fell short.

Ominously, the letters end with the warning:

Within 90 days of the date of this letter, please submit the following information:

Responses and/or supplemental information that adequately address the deficiencies identified above.

Failure to submit the requested information within the time period specified may result in cancellation of your application(s) without further notice pursuant to Water Code section 1271 and you will forfeit the entire application filing fee of \$210,850.00 pursuant to California Code of Regulations, title 23, section 1062, subdivision (c).

In other words, don't waste our time, don't willfully ignore your partners, and don't screw with Mother Nature. Imagine if the District defaults and its members loose over \$420,000 in the dues

which they paid. What if some of the application costs were funded by government grants? If the District were to lose over \$420,000 of its members' money, it could face charges of misfeasance for submitting applications which are so fundamentally "defective." Worse yet, and given the secrecy of the applications, if the District Board members are found to knowingly have filed defective applications (to secure first place in line ahead of the other basin partners) and strategized that they could repair the defects later, they could be subject to charges of fraud upon the State, County, other water providers, and their members.

In the end, and if the SWRC cuts the District a lot of slack, the key question will be why. That Board has 4 members who seem to have engineering, legal, and environmental backgrounds. They are gubernatorial appointments.

Background: On March 16, 2021, the District announced to its members that it had applied to the State Water Regional Control Board (SWRCB) for up to 14,000 acre-feet of Santa Margarita Lake water, and 14,200 acre-feet of which they believe is surplus in wet years. It also applied for 14,000 acre feet of Lake Nacimiento water. It was not clear from the minutes of recent meetings if the District Board had actually agendized and voted in public to authorize submittal of the applications to the State. The letter notifying the District's members of the application submittal is dated March 16, 2021. The Applications were received by the SWRCB on February 4, 2021. This evinces a lack of transparency.

Neither SLO County nor Monterey County had any communication or advance discussions from the District prior to its action. Neither the County Water Resources Advisory Committee nor the Paso Basin SGMA Coordinating Committee knew anything about this. The water would originate in Santa Margarita Lake and Nacimiento Lake, from whence it would be released to future transmission facilities constructed by the District. The water would be banked underground in the surplus years and sold to its members in the dry years.



No surplus in dry years.

2021 BOARD OF DIRECTORS

March 16, 2021

Willy Cunha
President

Steve Sinton
Vice President

Marshall Miller
Director

Kevin Peck
Director

Matt Turrentine
Director

Important Message to the Members of the Shandon-San Juan Water District:

At this week's Board meeting your directors announced that our Water District has successfully filed two applications for water with the State of California. The first application is for 14,000 acre feet of unappropriated water on the Nacimiento River at the Nacimiento dam and the second is for 14,000 acre feet of unappropriated water on the Salinas River at the Santa Margarita Lake dam. This action has been taken to fulfill our commitment to find economically sound, appropriate ways to implement projects that will alleviate, or at least reduce the water supply deficit that has been identified in the Paso Robles Groundwater Basin.

Under the California Sustainable Groundwater Management Act, we are obligated to bring the groundwater basin into balance in the next two decades and we feel that this action is the first significant step by any groundwater sustainability agency in San Luis Obispo County to meet that obligation. These two projects will not only enhance our primary aquifer it will enhance water flow through our alluvial aquifers, benefitting riparian habitat and downstream aquatic ecosystems.

We expect to work cooperatively with Estrella-El Pomar-Creston Water District, our partner groundwater sustainability agencies (the County of San Luis Obispo, the City of Paso Robles and the San Miguel Community Services District) and the public at large to design and implement projects that support the health of the groundwater supply within the Paso Robles Subbasin in a way that promotes the Basin's economic viability. While this undertaking will be expensive, our economic study prepared by Cal Poly shows that to the extent these two projects reduce cutbacks in agricultural pumping, they will save our community between \$300 and \$800 million and over 5,000 jobs.

The District has made it clear in our application that we will deliver the water to the aquifer through direct recharge and recover it when needed for agricultural use. The District will ensure that any water which we successfully obtain through these water right applications will be recovered and used exclusively within our groundwater basin, and that such recovery and use will not contribute to overdraft in the Basin.

Further details will be forthcoming and we anticipate hosting a public workshop to provide details in the near future.

Some questions and issues for the County:

1. The County did not consider this water in amending its current existing or prospectively amended County moratorium ordinance. Would this water be exempt? It would seem that under the County ordinance, all water in the basin is subject to the provision. Or does something in the Water Code trump the County's land use approach?

2. Last month the Board of Supervisors authorized staff to seek an amendment to State restrictions on the use of the 17,000 acre-feet of Nacimiento water. Staff has been working with Monterey County on the issue, as both Naci water and Santa Margarita water are important components of Monterey County's Salinas River recharge. There are minimum flow maintenance requirements. How would this new use impact those requirements? If the San

Juan District made its applications to the State without consulting with Monterey County, do officials suspect that elements of SLO County are in cahoots, and could the proposal to amend the restriction on the Naci water be blown up?

3. How does the San Juan District's prospective right to the recharged water impact the rights of the overlies who have confirmed their quiet primary title to water in the Basin? Prescriptors such as the District would seem to be able to pump an amount of acre-feet equal to their recharge amount, but what happens in a year when this is exceeded?

4. Two months ago the County Board approved Amendment 18 to the State Water Supply Contract, which could provide additional water for water banking in the basin. Did the County ever consider the Santa Margarita and Nacimiento storm water options as well?

5. Was the Water District more nimble than the County in attempting to lock up this source?

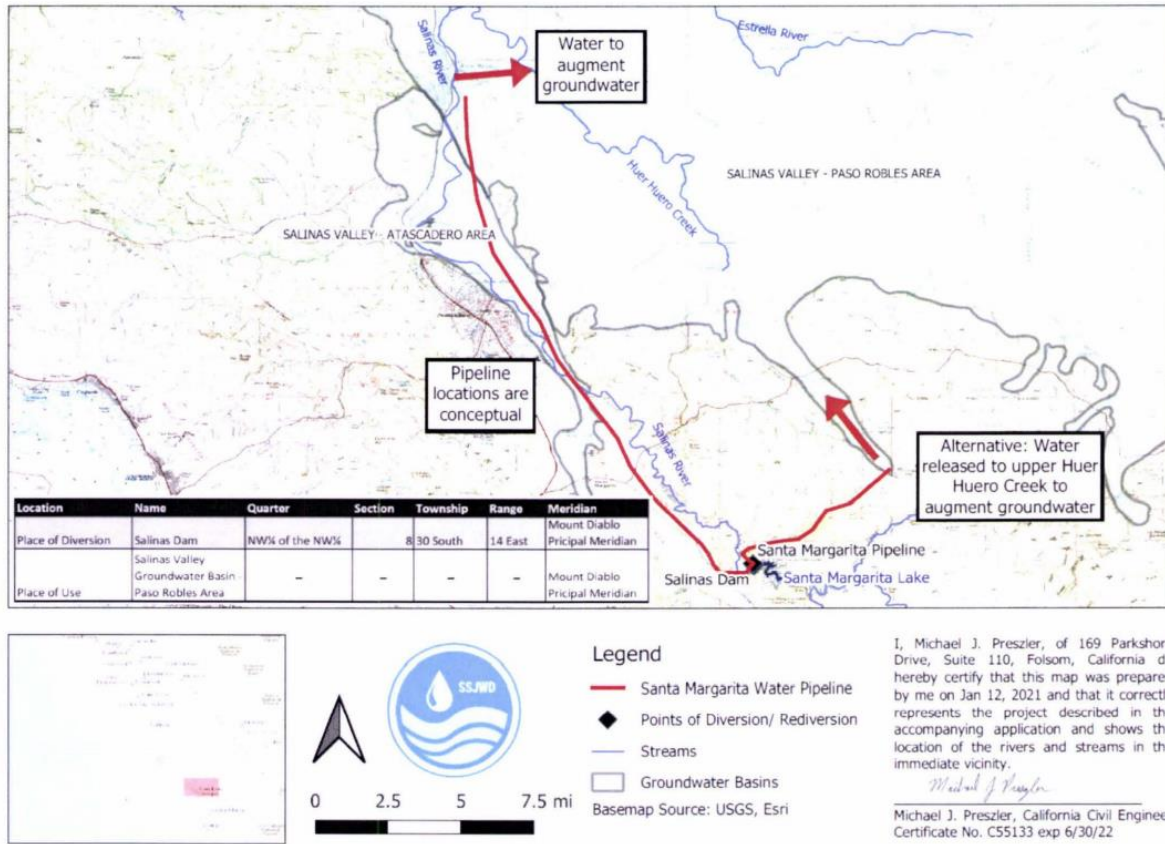
6. The District's notice states that it intends to "ensure" that the water is solely to be used in the District for agricultural irrigation. What if a future District Board changes policy and wishes to sell the water to other agencies in SLO County or Santa Barbara County? What about selling water credits? It seems strange that the District would make such a statement to the SWRCB when the District's LAFCO approval of its formation already forbids it from exporting water outside of the Paso Basin.

7. If water recharged by the San Juan District ultimately causes the Paso Basin water level to rise above current levels, will more pumping occur, undermining the SGMA GSPs?

8. Since it appears that the District submitted its applications to the State Water Resources Control Board Division of Water Rights on February 21, 2021, is it first in line if any other basin prescriptors wish to apply for some of the water? Or are they debarred?

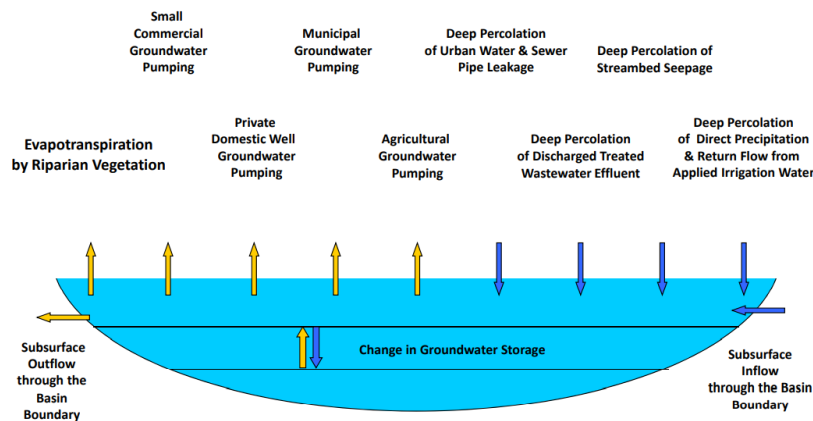
9. State staff margin notes on the District's applications margins indicated that it paid a fee of \$420,850 for the State to begin its review and processing of the application. If the State received the application on February 4, 2021, why did the District not inform its membership of the action until March 16, 2021? The Shandon-San Juan District's February financial report indicated that it expended \$461,579 between January 14 and February 10, 2021. Thus the \$420,850 is most likely the major portion.

Map 2: Points of Diversion from Santa Margarita Lake



Other portions of the District’s applications provide interesting data. For example, a DWR study indicates that the Basin has more than 30,400,000 acre-feet of storage capacity. How much water exists in the basin today? Significantly, this fact was not presented during last month’s adoption of Amendment 18 of the County’s water supply contract with the State. It would allow importation of surplus state water for recharge into the Basin. The State could have a huge interest in facilitating such a move, given the immense storage capacity.

Groundwater Recharge and Discharge Terms



The County’s model never seemed to consider rain as a source.

Attachment No. 5 [For Item 9]

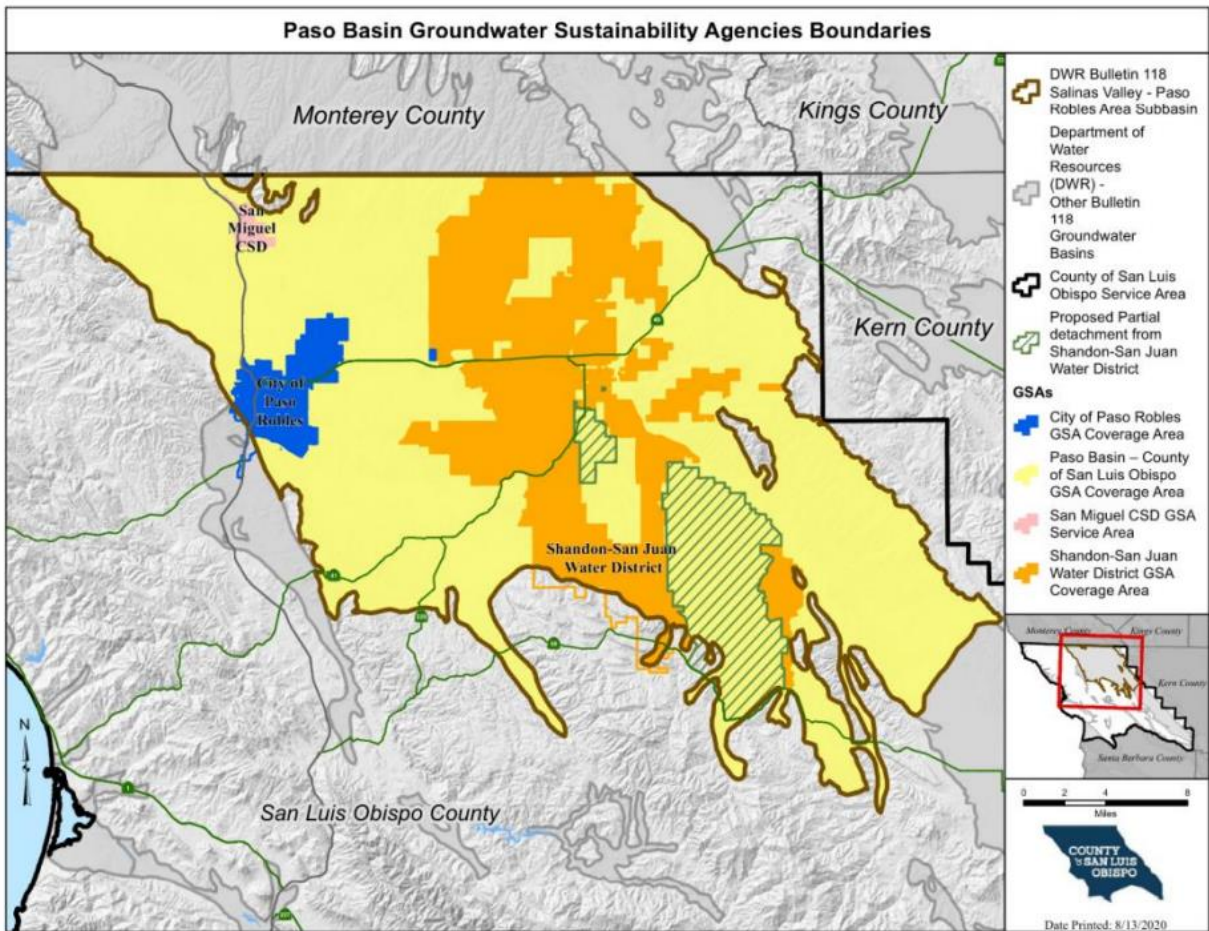
Subbasin	CropDesig	Acres	Crop Duty	AF/Year	Method
<i>San Juan</i>	Alfalfa	465	4.5	2,094	Sprinkler
	Citrus	8	2.3	18	Drip
	Pasture	562	4.8	2,698	Sprinkler
	Vegetables	717	2.5	1,793	Sprinkler
	Winegrapes	3,597	1.5	5,396	Drip
San Juan Total		5,350	2.24	11,999	
<i>Shandon</i>	Alfalfa	139	4.5	628	Sprinkler
	Citrus	19	2.3	43	Drip
	Deciduous	2	3.5	6	Drip
	Nursery	44	2.5	110	Drip
	Pasture	144	4.8	690	Sprinkler
	Table Grapes	1,114	3.5	3,898	Drip
	Vegetables	796	2.5	1,991	Sprinkler
	Winegrapes	5,011	1.5	7,517	Drip
Shandon Total		7,269	1.96	14,255	
Shandon-San Juan Total		12,619	2.08	26,254	

Item 10

Groundwater Storage

Groundwater Storage Capacity. DWR (1958) estimated the storage capacity to be 3,000,000 af in the zone 100-feet below 1958 static levels. DWR (1975) estimated the total storage capacity at 6,800,000 af. A study by Fugro West (2001a) estimates the total capacity at more than 30,400,000 af. DWR (1975) estimated the usable capacity at 1,700,000 af.

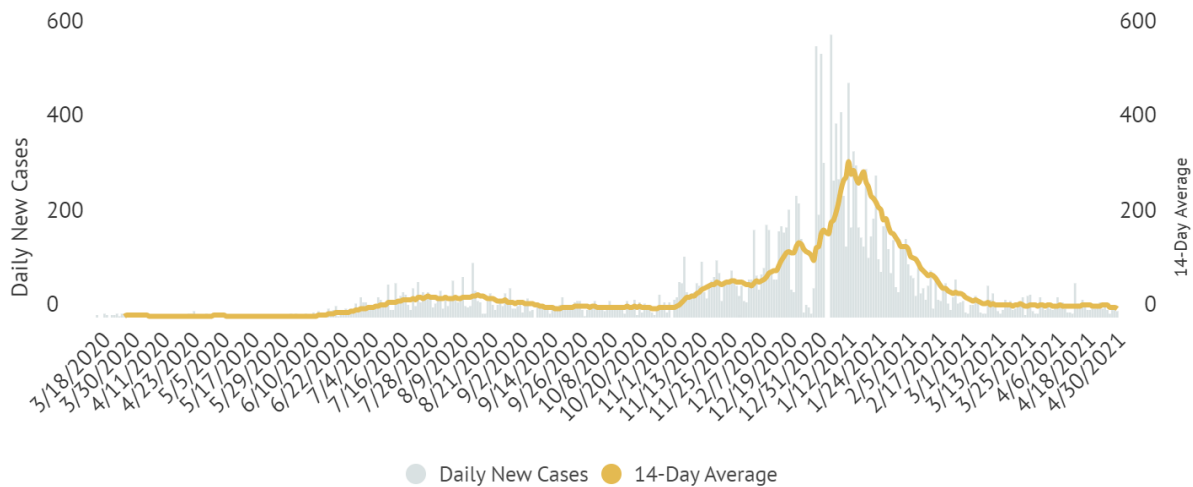
The San Juan Water District is shown in orange on the map below on the next page:



Item 16 - COVID Status. The County moved from the red to the orange tier, which allows additional venues to open and more people inside restaurants and events. There were only two people in the hospital on Friday as of 1:00PM. Again and as far as we can tell, people are freely mixing and concentrating in many venues outside government surveillance, which primarily impacts local retail and hospitality businesses. Again, we request that the Board of Supervisors discuss when they will go back to in person meetings.

There is fear that the State or Feds may attempt to impose mandatory COVID vaccination passports for travel and entry into public places. Community organizers may push the Board to take a public stand against such an illegal law which would violate the 14th amendment and interstate commerce laws. It's one thing to prevent COVID entering the country from China, but you can't require people to show a vaccination certificate to travel to Nevada or attend the Board of Supervisors meetings.

Daily New Cases (and 14-Day Average)



2 (1 ICU)**

SLO County Residents with COVID-19 in Hospital



Item 22 - Board of Supervisors Raise. The Board will conduct a hearing on proposed raises for itself. Two weeks ago the Board voted 3/2 (Peschong and Compton dissenting) to schedule a hearing on a pay raise for the Board on May 4, 2021. This signals that they will probably vote against the raise.

The Board letter states in part that the current annual salary for the Board members is \$86,115.12. The increase effective July 11, 2021 will result in an annual salary of \$90,417.60. This increase is estimated to increase Fiscal Year 2021-22 and annual ongoing County costs by \$29,708, provided all Board members elect to receive this increase. The annual increased cost per individual Board member is approximately \$5,942 per year. Apparently, the salaries of the Board legislative aides, who are subordinates of the Board members, are approaching the point where they will exceed the Board salaries. Bureaucrats who run the system refer to the problem as “compaction.” They believe that a superior must always be paid more than their subordinates.

Item 25 - Submittal of a report on elections and voting systems in San Luis Obispo County, and request to provide direction to staff regarding which election model to use for future elections. The Board will receive a lengthy report from the elected County Clerk Recorder (who is by law the chief county election official) about the 2020 election and the Dominion electronic voting system. The actual decision in front of the Board is whether to go to an all vote-by-mail system or to continue to use a mixture of physical voting precincts and vote-by-mail. The Clerk Recorder recommends going to the all vote-by-mail system, citing cost, security, speed, and other advantages.

Underlying the discussion is considerable public concern about the Dominion electronic voting system used by the County, which has been attacked nationally by current and former public

officials, advocacy attorneys, and a variety of political interest groups. It has been asserted that the Dominion system is susceptible to manipulation from the outside via internet, county intranet, Wi-Fi, or telephonics. It has also been asserted that it can be manipulated by its own software through hidden programs which are built in to the system to obtain specific results for the progressive left. The State of Arizona Legislature has commissioned an audit to see if it can discover if these assertions are true.

In this regard the Clerk Recorder's report summarizes in part:

SECURITY

- *Voting system hardware is NEVER connected to the Internet or the County intranet*
- *All wireless communications disabled*
 - *Voting system hardware operates either*
 - *Stand-alone (e.g. ballot on demand or ballot marking device), or*
 - *On air-gapped network (computers, servers, network switches connected only to one another)*
- *Physically secured within our office, access limited to authorized Clerk-Recorder staff*
- *24x7 video surveillance*

It would seem to be a relatively simple matter for County officials to examine the server or computer or whatever devices handle the Dominion system to see if they contain any modems or components which can be connected to the outside. For example, the write-up states, "all wireless communications disabled." Does this mean that the system comes with wireless communications capability? How is it disabled?

The hidden program issue is more complicated. For example, it is known that the Chinese Army and Russian Intelligence agencies have penetrated US military, intelligence, and diplomatic software programs to obtain tactical and strategic information. They have also done this to private sector defense contractors and researchers to obtain information and military secrets.

It would require specialists in the field of detecting these programs to determine if the Dominion system is capable of supporting them and if they in fact exist.

After the 2020 presidential election, Fox News, Rudy Giuliani, several visible attorneys, and many state, national, and local officials asserted that the election had been stolen via the Dominion system. Whether or not this occurred in some urban and large county jurisdictions, we believe that the election was already stolen legally before the ballots were read into the Dominion system by:

1. Vote harvesting techniques
2. Same day voter registration and voting.
3. Lack of mail ballot chain of custody in many jurisdictions.
4. Multiple day voting – no real election day.
5. Failure of some elections offices to allow designated observers to be close enough to the counting to actually see what is going on.
6. Wide swings in vote counts in some crucial vote states between the times they shut down counting at night and when they opened up in the morning to resume.

7. The use of street money in the larger and medium sized northeastern and upper Midwestern machine-dominated Democratic Party cities, (street money is handed out in certain precincts to voters who promised a particular vote if the machine supported candidate wins.
8. Failure to maintain accurate voter lists by including deceased and people who have moved away and filling out their mail in ballots.
9. Not requiring voter ID.

The problem for the SLO County Board of Supervisors is that the official who is in charge of the system, and even if it is perfect and absolutely honest, is providing the evaluation. This circumstance is causing considerable public concern.

MATTERS AFTER 1:30 PM

Item 27 - Request to 1) receive and file an update on initiatives to address regional homeless needs and provide staff direction as necessary; 2) support implementation of the adaptive Framework for Regional Homeless Action Plan and Multiyear Efforts proposed for FY 2021-22 and FY 2022-23; and 3) direct staff to return with a budget adjustment request to implement said Framework. This is yet another grand plan for dealing with the homeless population. It contains the usual goals:

1. More mental health and substance abuse services.
2. Transitional housing.
3. More permanent housing.
4. More direct services to illegal homeless campgrounds.
5. Creation of legal (sanctioned) homeless campgrounds.
6. Creation of sanctioned RV homeless parking areas.
7. More shelter space.

Note that the actual numbers seem to have declined since 2013. This does not comport with the observable conditions on the streets or in the creeks, shopping strip malls, parks, Cal Tran's bushes, and other locations. There are several shopping centers on Grand Avenue which seem to be allowing a few homeless individuals to camp under the porticos of their buildings. Similarly, often to exit the Vons parking lot on Teff in Nipomo, drivers have to run a gauntlet of people begging for money. There is a group which clusters next to the KFC across from the Fair Grounds in Paso. Another large camp exists just west of Higuera off Prado St. up from the big homeless shelter. The SLO police periodically remove it and it comes back. These conditions exist all over the urban portions of the County.

The fundamental problem is that the entire philosophy and system is geared toward the unachievable goal of rehabilitating the mentally ill, drug and alcohol addicted, developmentally disabled, attention disordered, plain dumb, and otherwise voluntary traditional hobo populations. Our elected bodies have determined that society must expend whatever is necessary to "service" the population.

This ignores the problem faced by the majority of the work a day population. The wealthy are immune in large lot properties or suburban gated communities. They simply say, "I never go downtown anymore" or "I wouldn't go to San Luis Obispo on a bet."

The problem is that the government is not addressing the problem. Instead it is using Band-Aids. There need to be secure places to house and treat those who are not able to take care of themselves and who are a danger to themselves and others. In the case of mental illness, which is prevalent in the homeless population, there should be a return to institutions to house and care for those people who cannot care for themselves. In the case of those who like the lifestyle of drugs, alcohol, and resort to thievery and other threatening behavior to support their lifestyle, they should be prosecuted and sentenced to meaningful terms of confinement.

Ultimately, we must replace the public officials who have the catch and release mind set and install people of will, who will adopt strict community standards and courts which will sentence these individuals. As noted in the bottom table below, the current program costs \$139 million per year locally. That equals \$93,728 per each of the 1,483 “unhoused” individuals listed in the table immediately below. As noted in Agenda **Item 3** above, the average per capita income in the County is \$60,004 per year.

Table 1. Regional Point-in-Time (PIT) Counts, 2013 – 2019

	2019	2017 ^{Note A}	2015	2013
Total Regional Unhoused Population ^{Note B}	1,483	1,125	1,515	2,186
Subtotal of Sheltered Homeless Individuals	311	349	394	240
Subtotal of Unsheltered Homeless Individuals	1,172	776	1,121	1,946

Breakout of HUD-defined Subpopulations (and Percentage Subpopulation Living Unsheltered)

Chronically Homeless (% unsheltered)	298 (84%)	262 (94%)	315 (98%)	649 (95%)
Veterans (% unsheltered)	144 (97%)	81 (90%)	130 (87%)	239 (90%)
Family Members including Children (% unsheltered)	222 (38%)	140 (9%)	358 (24%)	438 (79%)
Unaccompanied Children (% unsheltered)	23 (100%)	23 (100%)	14 (100%)	31 (100%)
Transition-Age Youth (% unsheltered)	151 (96%)	173 (95%)	381 (98%)	153 (93%)

Source of Funding	Estimated/Approximate Funding in FY 2020-21
Direct Benefits to Homeless Support Countywide:	\$ 10,584,057
Estimated County General Fund	\$ 2,342,440
Estimated State/Federal	\$ 7,848,617
Other Related Health and Human Services Countywide:	\$ 157,277,516
Estimated County General Fund	\$ 25,334,398
Estimated State/Federal/Other	\$ 131,943,118
Total	\$ 167,861,573
Estimated County General Fund	\$ 27,676,839
Estimated State/Federal	\$ 139,791,735

ISSUES

Item 1 - City of Arroyo Grande Issues Ultimatum to Water Project Partners. Pismo Beach, Arroyo Grande, Grover Beach, and the Nipomo Community Service District have been working on a major water recharge project for several years. They have received a \$47 million dollar

State grant reservation for the project. The idea is to inject extra surface water into the aquifer in good years and pump it out in bad years.

Suddenly in March, the City of Arroyo Grande City Council unanimously adopted a provision which would require that all the participant agencies sign what is known as a project labor agreement (PLA) with major state trade unions. Such agreements require area contractors to use union labor on the job as a condition of bidding and award. The proponents state that such an arrangement assures that local tradespeople get the jobs.

Problems Include:

1. PLAs usually make the projects cost more.
2. Many local contractors cannot even bid because they are not parties to union contracts and don't want to submit to a master contract.
3. The unions operate with strict rules of seniority about who gets hired. This means that senior tradesmen from outside of the County who have seniority get first pick.
4. Parties to the PLA have to agree to the PLA pension, health, and other benefit payments even if they already have one of their own. Often the local workers never benefit from their own and their employers' contributions.

Former Supervisor Adam Hill engineered PLAs for the large solar plants built in the eastern county. You could see the Louisiana and Texas license plates in the parking lots.

Apparently Council member Jimmie Paulding wants to follow in Hill's ideological footsteps and has gained substantial trade union campaign funding. The Council appears ready to blow up the project unless the other governments capitulate.

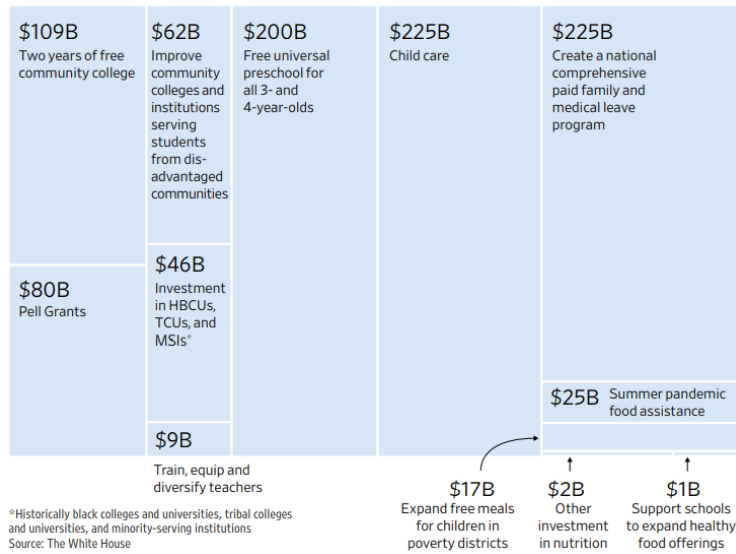
The ArroyoGrandians and their neighbors should mount a quick recall campaign against the entire Council. Many folks are ready to fund it, walk the precincts, run, and otherwise help. After all, why should the labor stooges on the City Council wreck a great job-producing project and waste a \$47 million grant? Moreover the project provides water security in times of drought.

Item 2 - More Biden Trillions to Cement the Democratic-Progressives' Power. This one is \$1 trillion for something called the American Facilities Plan. This is on top of the \$1.9 trillion for COVID Relief and the pending \$2.3 trillion so-called Infrastructure Plan, which doesn't contain much infrastructure. Remember all of this is debt and tax increases, including an attack on inheritance tax relief, which is essential to pass down family farms and ranches. If you have to move to Idaho, you will get slammed hard on a massively increased capital gains on the sale of your home. The venerable 1031 Like Kind Exchange program will be abolished or so diminished that it can't work.

The table below shows how the program is primarily a reinforcement of old Great Society programs, which were mostly failures in the first place.

The White House's American Families Plan includes \$1 trillion in new spending over 10 years and \$800 billion in tax cuts.

Breakdown of the \$1 trillion spending portion



LAST WEEK'S HIGHLIGHTS

No Board of Supervisors Meeting on Tuesday, April 27, 2021 (Not Scheduled)

The next meeting is scheduled for Tuesday, May 4, 2021.

No San Luis Obispo County Pension Trust Board Meeting on Monday, April 26, 2021 (Not Scheduled)

No Pension Trust Meeting in April. The next meeting is set for Monday, May 24, 2021.

COLAB IN DEPTH

IN FIGHTING THE TROUBLESOME, LOCAL DAY-TO-DAY ASSAULTS ON OUR FREEDOM AND PROPERTY, IT IS ALSO IMPORTANT TO KEEP IN MIND THE LARGER UNDERLYING IDEOLOGICAL, POLITICAL, AND ECONOMIC CAUSES

AWAKENING TO WOKE

The mainstreaming of Marxism is meeting resistance from anti-woke warriors, but more people must lose their fear and fight back

BY LARRY SAND

Here in California, the woke train rolls merrily along.

If [AB 101](#) passes in its current version, a one-semester high school course in ethnic studies will be mandated starting in the 2029–2030 school year. Each school district will get to choose course content, and those with a Marxist agenda are waiting to pounce. Many wokesters are advocating for use of the “[Equitable Math](#)” toolkit. This blatantly political program has little to do with math, but rather wants to use the subject to destroy “white supremacy,” a phrase that shows up 43 times. It states that the “concept of mathematics being purely objective is unequivocally false, and teaching it is even much less so. Upholding the idea that there are always right and wrong answers perpetuate objectivity as well as fear of open conflict.”

In Santa Clara County, the Marxists have a foothold. According to documents obtained by Christopher Rufo, a series of teacher-training sessions on how to deploy ethnic studies in the classroom were led by Jorge Pacheco, a professor from San Jose State University, who encouraged teachers to “inject left-wing politics into the classroom and to [hide controversial materials from parents](#).” Pacheco’s presentation was filled with all the usual Marxist twaddle. As a way to “destroy” the dominant political regime, he suggests that students “get into the mind of a white man such as Christopher Columbus and analyze what ideology led these white male settlers to be power and land hungry and justify stealing indigenous land through genocide.” He adds that the aim is to transform students into “activist intellectuals” who “decodify systems of oppression” into their component parts, including “white supremacy, patriarchy, classism, genocide, private property, and God.”

Needless to say, the woke train doesn’t stop at the California border. In fact, with help from the Biden administration, it could be going national. Just last week, the [U.S. Department of Education](#) outlined priorities for federal grants to schools for the purpose of advancing the woke agenda. The subsidy would prioritize “projects that incorporate racially, ethnically, culturally, and linguistically diverse perspectives into teaching and learning.” The document also praises the New York Times’ “landmark 1619 Project,” which has been [debunked](#) by just about every scholar who has read it. It also quotes notorious race hustler Ibram X. Kendi who insists “[there is no such thing as a nonracist or race-neutral policy](#).”

But thankfully, dissent is growing. In Nevada, [a lawsuit has been filed by a black Christian mother](#) of a biracial boy, who claims that her son’s public school, which puts kids in neatly arranged oppressor/oppressed boxes, has put the boy in a “psychologically abusive dilemma.”

Also, a [“civil rights violation complaint”](#) has been filed against San Diego schools. The Californians for Equal Rights Foundation along with five partner organizations have filed the complaint against the school district for unlawful, discriminatory critical race training of teachers and employees. Private schools, many of which are as radical as their public school counterparts, have had some recent pushback. Paul Rossi, a veteran teacher at Grace Church High School in New York City, sent an articulate and powerful letter to his administration a couple of weeks ago explaining the [damage the school was doing](#) by promoting critical race theory. For his caring and candor, Mr. Rossi was relieved of his job at the tony \$57,000-a-year school.

Additionally, [Andrew Guttman](#), who just disenrolled his daughter from Brearley, a private all-girls school in New York whose tuition is \$54,000 a year, sent a letter to 600 families whose children attend the institution. In his missive, he accused the school of being obsessed with race and vehemently objected to being judged by the color of his skin. He also disdained Brearley’s emphasis on equity and its insistence that there is systemic racism in the U.S. After Guttman withdrew his daughter, the head of the school Jane Fried whimpered that Guttman’s opinions were [“deeply offensive and harmful.”](#)

Across the U.S., rebellion is mounting. [Parents Defending Education](#) is a national grassroots organization whose purpose is to reclaim schools from activists promoting harmful agendas. Its website maintains, “Through network and coalition building, investigative reporting, litigation, and engagement on local, state, and national policies, we are fighting indoctrination in the classroom — and for the restoration of a healthy, non-political education for our kids.” Erika Sanzi, the group’s leader, writes that even “self-described liberals and lifelong Democrats are extremely alarmed by what they see as dogmatic classroom activism and outright discrimination in the name of diversity, equity and inclusion.”

Here in California, many groups have formed as a result of the increasing Marxist threat. In addition to the aforementioned [Californians for Equal Rights Foundation](#), the [Alliance for Constructive Ethnic Studies](#), [Educators for Quality and Equality](#) and many others have sprung up to fight the CRT beast.

But sadly, many Americans are afraid. In an in-depth piece in *City Journal*, Christopher Rufo importantly notes that too many Americans have developed [“an acute fear of speaking up about social and political issues, especially those involving race.”](#) He cites a recent Gallup poll, which found that “77 percent of conservatives are afraid to share their political beliefs publicly.”

While understandable to an extent, that fear must be overcome. Our culture – and ultimately our country – are in the balance. If we are to survive as a free people, silence is not an option. Find allies, join a group, create a group, file a lawsuit, write an op-ed, get involved at your child’s school, demand to know what they are teaching, and remove your child from her school if she is being lectured by the Marxist mob. We are now at a point where inaction is unacceptable. The time to act is now!

* * *

Larry Sand, a former classroom teacher, is the president of the non-profit [California Teachers Empowerment Network](#) – a non-partisan, non-political group dedicated to providing teachers and the general public with reliable and balanced information about professional affiliations and positions on educational issues. The views presented here are strictly his own.

BIDEN'S CATASTROPHIC GLOBAL WARMING POLICIES

If you thought last year was bad, wait until these proposed policies tear through the economy.

BY BRUCE THORNTON

At the “virtual world summit” President Biden announced that he’s committing this country to cut CO2 emissions to half of 2005 levels by 2030. Just trying to reach this ambitious goal will require severely damaging the economy in order to achieve something that won’t stop the alleged catastrophic effects of a rise in temperature that may or may not happen.

If you thought last year’s debacle wrought by self-proclaimed “experts” was bad, just wait until these proposed policies tear through the economy. Once more, the party that “follows the science” will wreak havoc by mistaking a dubious hypothesis for a scientific fact.

As the Wall Street Journal [writes](#), previous such policies have done little to stop what are in fact relatively slight increases in global temperatures. For one obvious thing, whatever suicidal Western nations do, China and India, the world’s first and third biggest emitters, will undo. Even “climate czar” John Kerry admitted that whatever reductions in emissions we accomplish, it will have little impact on warming unless China and India reduce theirs—something both countries refuse to do, having made it clear that they will not follow the West into economic suicide.

But didn’t China sign the Paris Accord? Yet under that “parchment barrier,” China is not obligated even to start reducing its emissions until 2030, the same year our emissions are supposed to be drastically reduced the current administration calculate the huge economic advantage that will accrue to China in ten years? Meanwhile, the communist regime continues to build dirty coal-fired energy plants. And, does anybody believe China’s empty promises, given their record of violating the terms of every agreement it signs with the West, such as WTO and WHO?

Furthermore, that’s just one roadblock. The policies necessary to reduce emissions by the Paris Accord’s 26-28% that Biden and the green lobby want, will be devastating to the economy. As the Journal reports, replacing carbon-based energy with so-called “renewables” would alone ruin the economy, while only lowering global temperatures by a scant 0.17% Celsius, nowhere near the 1.5 degrees that will supposedly stop the predicted global catastrophe. In any case, most of the reduction that occurred during the Obama years was due to natural gas replacing coal—a dividend of the fracking revolution, not Obama’s onerous regulations. So, of course, Biden has banned fracking on public lands, stopped the Keystone pipeline, and continued the animus against nuclear power.

The basic fact that the green progressives, which apparently now include Joe Biden, ignore is that we can’t build enough wind-towers or install enough solar panels to replace carbon-based energy. Transitioning automobiles to electric power is also a fantasy. We’ve had electric cars for years, and they still aren’t profitable without government subsidies and bribes. There aren’t enough high-speed charging stations, nor an electrical grid that could handle the extra electricity necessary to replace natural gas and gasoline.

Even worse, the costly side-effects of switching to electric cars are rarely acknowledged by their promoters. As Kevin Grieve writes on [Townhall](#), [Ironically, in classic socialist fashion, these cars are subsidized with “other people’s money” via the federal \\$7500 car tax credit. Never mind the strip mining, toxic chemical leaching, and massive water consumption of rare metal lithium extraction for non-recycled car batteries. Ignore the fact that if your electric generation source comes from coal-burning power plants, which is about 20% of the US grid, you have damaged the environment far more significantly than any gas-powered vehicle. And you still need to account for the mini toxic hazard that will have been created when it comes time to dispose of these carcinogenic, half-ton batteries.](#)

But the real scandal is that the catastrophic, anthropogenic global warming hypothesis is getting pretty wobbly, calling into question the whole pretext for Biden’s exorbitant program. Numerous scientists are retreating from the predictions of a climate apocalypse. Zeke Hausfather, Glen Peters, Justin Ritchie, Hadi Dowlatabadi, Roger Pielke Jr., David Wallace-Wells, and Steven Kooninc are some of the scientists who are “backing away from a worst-case scenario peddled to the public for years as ‘business as usual,’” as the [Journal’s](#) Holman Jenkins Jr. recently [wrote](#). It seems the “science” is not so “settled” after all. Yet despite this advice from people doing actual science and casting a skeptical eye on a hypothesis, the Biden cabal is hell-bent on going down the “Green New Deal” road and destroying our economy.

So what’s really going on? Grubby self-interest, for one thing. Global warming has been a gold-mine for “climate science” researchers, electric car manufacturers, “green energy” subsidies and consultants, globe-trotting EU and UN functionaries, “renewable energy” businesses, and the global warming lobby comprising grant-hounds, grifters, celebrities, and carnival acts like Greta Thunberg. All of this climate advocacy generates billions of dollars a year. How else did Al Gore become a multi-millionaire who can afford to use private, carbon-spewing jets to attend climate-change confabs?

But there’s a more sinister force at work. For decades the Left has made common cause with the environmental movement as a tool for discrediting and weakening the free-market economies of the West. That’s why at global protests the hammer-and-sickle flies next to Greenpeace flags: both outfits are protesting against the liberal democratic, free-market order that kicked communism into the dustbin of history. As Andrew Dobson writes, the political environmentalists represent a “challenge to the political, social and scientific consensus that has dominated the last two or three hundred years of public life.” The creator and manager of this consensus has been the West, and for the last century especially the United States. Green crises like global warming provide opportunities for countries like Germany, as vain about its environmental purity as it is about its pacifism, to criticize the U.S. and damage its prestige.

Environmentalism, then, is a bludgeon for weakening and dividing the U.S. The powerful myths of nature going back to the ancient Greeks predispose many people to take seriously claims that our way of life and consumption are destroying the earth, a sermon preached in school curricula, government programs, and movies like [Avatar](#) and [Pocahontas](#). These assumptions are best epitomized in the Charter of the Global Greens, a network of Green political parties. First comes the Mother Nature rhetoric: “We acknowledge that human beings are part of the natural world and we respect the specific value of all forms including non-human species,” which supposedly include lethal viruses and bacteria. But dastardly capitalists and industrialists are causing

“extreme deterioration in the environment,” as well as fomenting “injustice, racism, poverty, ignorance, corruption, crime and violence, armed conflict and the search for maximum short-term profit [that] are causing widespread human suffering.”

Such talk is music to the Left’s ears. No matter that actual communist and socialist regimes have been some of the worst polluters in history, or that free-market capitalism has lifted billions across the globe from extreme poverty. Catastrophic global warming is the mother of all “crises” that “shouldn’t go to waste.” Addressing global warming exacts huge costs, both in taxpayer money and the thousands of regulations that erode profits, drive up prices for consumers, and make large-scale infrastructure projects more expensive.

More important, it demonizes the democratic-capitalist order, leaving many people, particularly the callow young, vulnerable to the siren song of socialism and radical climate policies like the Green New Deal. Just as Marxism benefitted from the crisis of capitalism in the 1930s, so too today the costs and trade-offs of making the U.S. the freest, richest, most well-fed, leisured, and entertained people in human history can be manipulated and exaggerated to sell promises of a better political and social order that will deliver the same high standards of living without destroying the planet.

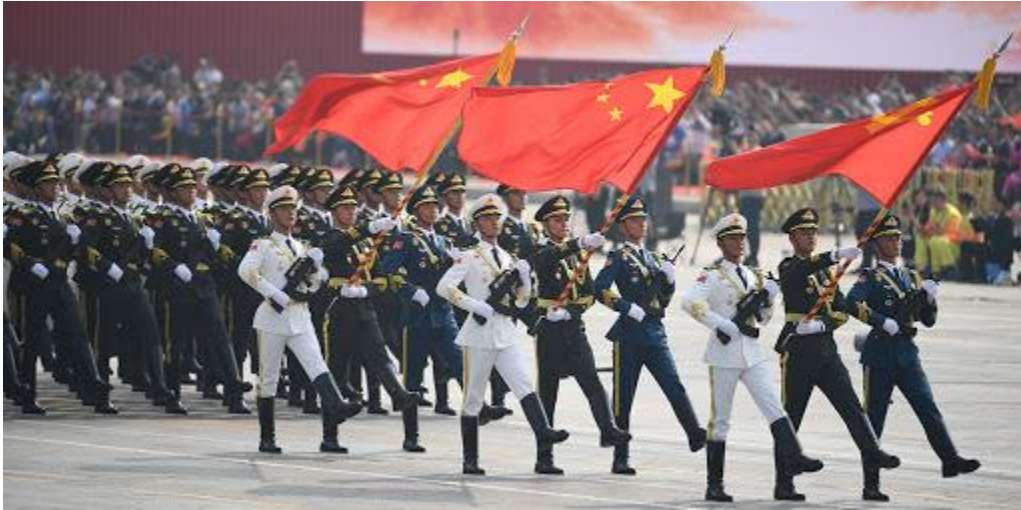
That, of course, is a delusion. Actually following through on Biden’s climate policies, which require a massive increase in federal power, redistribution of wealth, and onerous regulations, will further move the country toward socialism, while doing nothing to address the “crisis” that is the pretext for such a fundamental transformation. And, like all collectivist economic regimes, it will devastate our economy.

For our geopolitical rivals, such an outcome is devoutly to be wished.

This article first appeared in the FrontPage Magazine of April 28, 2021. Bruce S. Thornton, a research fellow at the Hoover Institution, grew up on a cattle ranch in Fresno County, California. He received his BA in Latin from the University of California, Los Angeles, in 1975, as well as his PhD in comparative literature—Greek, Latin, and English—in 1983. Thornton is currently a professor of classics and humanities at California State University, Fresno. He is the author of several books on a variety of topics, including Greek Ways: How the Greeks Created Western Civilization; Searching for Joaquin: Myth, Murieta, and History in California; with Victor Davis Hanson, Bonfire of the Humanities: Rescuing the Classics in an Impoverished Age; Decline and Fall: Europe’s Slow-Motion Suicide; and most recently The Wages of Appeasement: Ancient Athens, Munich, and Obama’s America. His numerous essays and reviews on Greek culture and civilization and their influence on Western civilization, as well as on other contemporary political and educational issues, have appeared in both scholarly journals and magazines such as the New Criterion, Commentary, National Review, the Weekly Standard, and the Claremont Review of Books.

Thornton is also a regular contributor to online magazines such as City Journal and Advancing a Free Society. He has lectured at many colleges and universities and at venues such as the Smithsonian Institute, the Intercollegiate Studies Institute, the Army War College, and the Air Force Academy; he has also appeared on television on the History Channel and ABC’s Politically Incorrect. His most recent book was released in 2014 by the Hoover Institution

Press, titled Democracy's Dangers and Discontents: The Tyranny of the Majority from the Greeks to Obama.



The Socialists always end up goose stepping in black boots. Photo courtesy of the People's Liberation Army (PLA) of China.

ADDENDUM I

(Begins on the next page)



State Water Resources Control Board

March 5, 2021

In Reply to:
SW: A033190

Shandon-San Juan Water District
c/o Michael Preszler
michael@zanjero-water.com

Dear Mr. Preszler,

INITIAL REVIEW OF WATER RIGHT APPLICATION A033190 OF THE SHANDON-SAN JUAN WATER DISTRICT TO APPROPRIATE WATER FROM THE NACIMIENTO RIVER STREAM SYSTEM IN SAN LUIS OBISPO COUNTY

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received your water right application of the Shandon-San Juan Water District (SSJWD) on February 4, 2021. The application has been assigned tracking number A033190. The application requests 14,000 acre-feet of water to be diverted by direct diversion from January 1 to April 30 or diverted to underground storage from October 1 to June 30 from one point of diversion and one point of re-diversion located on the Nacimiento River in San Luis Obispo County. Water diverted would be used to irrigate agricultural land located within the SSJWD service area boundary during the growing season.

Application Deficiencies

After preliminary review, Division staff has found that although you have made a bona fide attempt to comply with the rules and regulations of the State Water Board and the law, the application is defective for the reasons provided below.

1. Section 12- Right of Access:

California Code of Regulations, title 23, section 775 requires that when an applicant will need to occupy property or use diversion works not owned by the applicant, the applicant needs to provide in writing that the consent of the owner has been obtained. For good cause shown, the board may allow reasonable time for applicant to negotiate with the owner for the necessary right of access.

- a. The application requests unappropriated water in Lake Nacimiento, which is formed by Nacimiento Dam. Lake Nacimiento is a facility owned and operated by the Monterey County Water Resources Agency (MCWRA) under License No. 7543 and Permit No. 21089. Section 12 lacks an

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

explanation indicating (1) that the necessary right of access has been obtained, or (2) initiated coordination with MCWRA demonstrating either their willingness to engage or current engagement in negotiations to obtain right of access.

Response Needed: Please provide information regarding obtaining right of access from MCWRA.

- b. In response to Section 12, general information is provided on the approach the applicant plans to take to gain access including acquiring fee title interest or easement rights associated with the pipeline and recharge facilities and related conveyance and pumping facilities.

Response Needed: Please provide information listing all of the facility or land owners the applicant will need to obtain right of access from for the project described in the application and documentation of either obtained right of access or initiated coordination with the owners demonstrating their willingness to engage or current engagement in negotiations to obtain right of access. If a fee interest approach will be used instead, please provide a status update, and if not commenced, a timeline for action.

2. Section 4a - Purpose of Use, Diversion/Storage Amount and Season: The subject application requests "diversion of water that would otherwise spill from Lake Nacimiento to be directly diverted into the Nacimiento Water Project Pipeline. When flood releases are being made from Lake Nacimiento, water will simultaneously be directly diverted through the Nacimiento Water Project Pipeline" thence "to the Paso Subbasin". It is noted that "Water recharged to the Subbasin would be later recovered and put to beneficial use within Applicant's boundaries by Applicant or its landowners, or their designees." Attachment 2 contains an additional description that is unclear to staff as to the intended methods of diversion and project operation. The interpretation is in contrast to how Division staff interprets direct diversion, as described below:

- a. Method of Diversion and Season of Diversion: Direct diversion. Direct diversion is described as follows: (1) diversion of water for immediate use; or (2) diversion into a sump, holding reservoir, tank, or groundwater basin from which it will be used at a more convenient rate. Furthermore, the water must be diverted and immediately used within 30 days for the intended beneficial use. Table 4 for direct diversion also states a season of diversion of January 1 to April 30 (in comparison to the season of diversion stated for storage (presumably referring to initial onstream storage within Lake Nacimiento followed by later extraction and transportation to of said water to underground storage) of October 1 to June 30. Please note that the total amount of water requested in acre-feet per year, or the maximum rate requested may not be increased in any revised information submitted. The project description portion of the form also appears to describe additional beneficial uses associated with onstream storage, based on the statement that "the incidental benefits of

enhancing recreational and aesthetic values and recreational safety during the Lake's recreation season".

Response Needed: Please review your assertion of direct diversion in light of the above definition. It appears that your operation may instead describe diversion to off stream storage (here specifically, Diversion to Underground Storage) rather than Direct Diversion. Underground storage in this context is diversion of water from the reservoir, transportation, and percolation, resulting in storage of surface water underground for later extraction and use. If adjustment is made in method of diversion (including season of diversion), provide an updated Table 4. For clarity, Diversion to Onstream storage/Re-diversion to Underground Storage and Diversion to Underground Storage (without first Onstream Storage in Lake Nacimiento) should be listed on the table as separate lines to provide distinction to the differing quantities and seasons of diversion. Attachments 1 and 4 will need to be updated accordingly, as well. Review if there is a need to add additional purposes of use to Table 4 based on statement regarding recreation and aesthetic uses in the reservoir (e.g. such as during onstream storage prior to withdraw into pipeline for underground storage)

3. Section 6(a) - Likelihood of Water Availability: This section of the application form solicits information necessary to comply with Water Code section 1260, subdivision (k), which requires an applicant to provide sufficient information to demonstrate a reasonable likelihood that unappropriated water is available for the proposed appropriation.

Information to support reasonable likelihood must generally address the availability of unappropriated water in the source stream(s) based on information that speaks to water supply, existing demand, and instream needs (such as for fisheries).

The application form indicates "Water availability analysis is under development. Findings of a preliminary investigation are attached" and references Attachment 4. Typically, the applicant produces a spreadsheet to support this analysis. Staff review the spreadsheet or other analysis materials submitted for methodology, use of accurate and robust input parameters, and results.

Attachment 4 states that a "detailed review of the operation of Lake Nacimiento from 1994 through 2019 was conducted using computer modeling and review of historical data and information. The general approach to the evaluation was as follows: Review detailed Lake Nacimiento operational strategies and information for the period 1994-2019. Quantify amount of water that passes through Lake Nacimiento that does not fall under MCWRA water right License to quantify the amount of storage available for appropriation under this Application."

enhancing recreational and aesthetic values and recreational safety during the Lake's recreation season".

Response Needed: Please review your assertion of direct diversion in light of the above definition. It appears that your operation may instead describe diversion to off stream storage (here specifically, Diversion to Underground Storage) rather than Direct Diversion. Underground storage in this context is diversion of water from the reservoir, transportation, and percolation, resulting in storage of surface water underground for later extraction and use. If adjustment is made in method of diversion (including season of diversion), provide an updated Table 4. For clarity, Diversion to Onstream storage/Re-diversion to Underground Storage and Diversion to Underground Storage (without first Onstream Storage in Lake Nacimiento) should be listed on the table as separate lines to provide distinction to the differing quantities and seasons of diversion. Attachments 1 and 4 will need to be updated accordingly, as well. Review if there is a need to add additional purposes of use to Table 4 based on statement regarding recreation and aesthetic uses in the reservoir (e.g. such as during onstream storage prior to withdraw into pipeline for underground storage)

3. Section 6(a) - Likelihood of Water Availability: This section of the application form solicits information necessary to comply with Water Code section 1260, subdivision (k), which requires an applicant to provide sufficient information to demonstrate a reasonable likelihood that unappropriated water is available for the proposed appropriation.

Information to support reasonable likelihood must generally address the availability of unappropriated water in the source stream(s) based on information that speaks to water supply, existing demand, and instream needs (such as for fisheries).

The application form indicates "Water availability analysis is under development. Findings of a preliminary investigation are attached" and references Attachment 4. Typically, the applicant produces a spreadsheet to support this analysis. Staff review the spreadsheet or other analysis materials submitted for methodology, use of accurate and robust input parameters, and results.

Attachment 4 states that a "detailed review of the operation of Lake Nacimiento from 1994 through 2019 was conducted using computer modeling and review of historical data and information. The general approach to the evaluation was as follows: Review detailed Lake Nacimiento operational strategies and information for the period 1994-2019. Quantify amount of water that passes through Lake Nacimiento that does not fall under MCWRA water right License to quantify the amount of storage available for appropriation under this Application."

Your application is missing documentation of the analysis to demonstrate likelihood of water availability. Since your analysis was not provided, staff cannot compare to see if general considerations relevant to preliminary water availability are included. Information on general considerations are provided below and may inform necessary additions to your analysis. Division staff are available to discuss your proposed approach to this analysis prior to resubmittal. Staff can provide some suggestions to assist you in preparing this analysis.

Data sources

Generally in California, water supply information is available from the United States Geological Survey (USGS) or the California Data Exchange Center. Water right demand upstream and downstream of your project within the watershed of interest may be obtained by using the Division of Water Rights Electronic Water Rights Information System (eWRIMS). Information regarding instream needs downstream of your project may be found in a variety of sources including independent studies, studies by fishery agencies, eWRIMS, and Water Rights Order and Decisions.

Information to assist preparation of analysis

Staff provide the following recommendations: on the supply side, the spreadsheet should include gauge data, which may need to be prorated depending on gauge location. From available flow at a given point, subtract out senior diversions and instream needs. This analysis should be conducted at the points of diversion and at least one point of interest at a downstream point representative of major downstream senior diverters and/or instream needs (such as fisheries).

a. Daily Timestep Model

Attachment 4 references use of a daily timestep model.

Response Needed:

Provide a copy of the daily time step model and any supporting documentation. The scope of this analysis is unclear to Division staff, thus information is provided below in regard to general water availability considerations to assist you in making a reasonable likelihood showing for this application. Your existing analysis may substitute for all or part of the information discussed below. If so, please explain in your response how the existing analysis provide the information requested.

b. Analysis at Point of Diversion

To determine reasonable likelihood of availability for this application, information is needed to support that water is available at the point of diversion based on flows available at the proposed point of diversion. It appears that upstream watershed demand may not have been considered in the water availability analysis. In addition to any senior diversions occurring in the watershed upstream of the proposed point of diversion, the analysis also should include

senior demand at the same location as the proposed diversion. For purposes of water availability for permitting, parties are determining water that is legally available for appropriation, not just the physical presence of water at the proposed point of diversion. Senior demand of post-1914 water rights needs to be based on the authorized "face value" of the water rights available the State Water Board's eWRIMS, rather than a lesser amount or rate the right holder may divert in any given year.

This application proposes to divert from a reservoir with rights held by another party, raising questions of how the reservoir will operate. Lake Nacimiento appears to have a capacity of 377,900 af, which is fully covered under License No. 7543 and Permit No. 21089. Attachment 4 indicated a daily time-step operational model of Lake Nacimiento was conducted which included historic inflow and outflows. For this model, water was taken from within the reservoir 10 days prior to modeled spill, not after releases. Details regarding specific reservoir spill conditions that would trigger diversions for the SSJWD, or excerpts from a relevant Nacimiento Dam Operation Policy, were not included.

Response Needed:

Part 1: Results and supporting spreadsheets demonstrating that unappropriated water is available at the point of diversion, where analysis is inclusive of all watershed demand at the lake and upstream. Instream needs at the point of diversion includes an estimate of how much water needs to remain instream downstream of the point of diversion (e.g. preliminary considerations of the amount of pass through flow and/or spill needed to continue to support any downstream fisheries).

Part 2: A preliminary (cursory level) reservoir operations plan demonstrating at a coarse level how the reservoir operates (mass balance) and how this application will operate such that it will not cause injury or take water already allocated to MCRA permit and license. Division staff expect that if this application proceeds a more detailed operations plan would be prepared. The purpose of this plan is to provide a preliminary showing of feasibility.

c. Downstream – List of Senior Diversions Along Flow Path

Summarized downstream water right volumes were provided on a monthly basis in Attachment 4. A list of water right holders was not provided to verify all diverters were appropriately included. It is also unclear whether this summarized amount per month was based on amount authorized or physical usage. Following this was a claim that the findings "confirm that water is available for appropriation;" however, there was no support for how this determination was made.

Response Needed: Please include a listing of each right holder along the downstream flow path to the terminus at the Ocean. Include the water right application or statement number, diversion rate, face value volume (where applicable), and season. For analysis conducted at the one proxy downstream location as discussed below, the demand overlapping with the season of diversion of this application needs to be subtracted from the gauge

flow to determine that water is available, along with consideration of water that needs to remain instream for instream needs.

d. Downstream – Representative Point of Interest

Applicants typically conduct more detailed water availability during application processing. For the showing for initial acceptance, focus in on a preliminary showing at one or more proxy locations downstream to show that water available at the point of diversion is not already spoken for by downstream rights and instream needs. To determine reasonable likelihood of availability for this application, information is needed to support that water is available at a representative downstream point of interest. The point of interest selected is left to the discretion of the applicant, but generally should be an area reflecting greatest likely demand, such as location of known fisheries presence, and/or location of the largest downstream right holder operating with an overlapping season of diversion. The downstream point(s) of interest analysis should include all supply draining to the point selected compared to all senior watershed demand in the same watershed area and the instream needs at the point of interest. If instream needs are not known at the point of interest using information suggested above, a proxy value may be used to estimate instream needs. If a proxy value is used, justification for the value is required.

Response Needed: Results and supporting spreadsheets demonstrating that unappropriated water is available at the point of diversion, when considering existing downstream demand for the requested water. For preliminary purposes of application filing, this analysis may be conducted at one representative downstream location selected to represent areas of highest demand (fisheries and/or senior right holder demand).

4. Section 7(a)- Place of Use: This section's table lacks the required information.

Response Needed: Please include the following information as detailed below for this section's table that totals to the entire Place of Use acreage:

- USE IS WITHIN (40-acre subdivision)
- SECTION
- TOWNSHIP
- RANGE
- BASE & MERIDIAN
- IF IRRIGATED
 - ACRES
 - PRESENTLY CULTIVATED?

USE IS WITHIN (40- Acre subdivision)	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Acres	Presently cultivated ?
¼ of ¼						
¼ of ¼						
¼ of ¼						
¼ of ¼						
¼ of ¼						
¼ of ¼						
¼ of ¼						
¼ of ¼						
Total Acres:						

5. Section 15 – Map Requirements: The maps submitted with the subject application do not meet the minimum filing requirements described in California Code of Regulations, title 23, section 717.
Response Needed: To address this deficiency, please prepare updated maps per the below deficiencies.
 - i. An original map and one copy are required. The original shall be accurately and permanently rendered to a suitable scale on linen, mylar or equivalent material.
 - ii. All maps shall bear the California certificate of the engineer or surveyor. The certificate shall indicate the source of the information shown thereon, including the dates of actual surveys if such were made; certify that it correctly represents the acreage to be irrigated.

6. Section 17(d) – Fish and Wildlife Information: This section of the application form solicits information necessary to comply with Water Code section 1260, subdivision (j), which requires that an applicant submit all data and information reasonably available or that can be obtained from the California Department of Fish and Wildlife (CDFW) concerning the extent to which fish and wildlife would be affected by the appropriation, and a statement of any measures proposed to be taken for the protection of fish and wildlife in connection with the application.
Response Needed: Provide information you have compiled regarding the extent to which the appropriation may impact fish and wildlife. The applicant should collect this information and summarize as a response. As part of the applicant's efforts on this item, you should contact CDFW to see if they can provide any technical information and suggested measures. Provide the name of the CDFW Regional Staff you contacted, the date of contact and the response provided. Consider what measures should be proposed to be taken for the protection of fish and wildlife in connection to this appropriation based on the information you

collect including any input from CDFW. If you are not proposing any measures to be taken for the protection of fish and wildlife in connection with your project, please explain why.

7. Section 10 (Diversion and Distribution Method) and Underground Storage Supplement (USS):

Section 10 and USS questions 2 and 3 address the diversion works, conduit and spreading grounds. The applicant did not answer the questions from Section 10 and instead pointed to Attachment 2. Attachment 2 does not provide all of the information requested in Section 10.

Reservoir. Information on the above ground storage reservoir should be described according to the format and questions asked in Section 10 Parts A and B. Part A is missing the diversion facility type (e.g. dam). Part B references Attachment 2 but the attachment does not appear to contain information on discharge rate, horsepower or efficiency.

Conveyance from Reservoir to Underground Storage. Information on the conduit from Nacimiento Dam to the spreading grounds should be described according to the table format provided in Section 10 Part C: conduit (e.g. *Nacimiento Water Project Pipeline*) from point of diversion to off stream storage reservoir. USS Section 2 also requests additional relevant information not covered by your response to Section 10 Part C.

Percolation basins and other Spreading Grounds. In addition to describing as part of response to Conveyance from Reservoir to Underground Storage above, USS question 3 is specifically in regards to the spreading grounds. The application indicates the general watershed location of the planned facilities, but states no facilities have been designed yet. We acknowledge the included feasibility study regarding the suitability of different facility locations. Ideally, the application would include information supporting a fully planned project such that the application (and associated California Environmental Quality Act analysis) can move forward. If this information is not available at the time of response to this deficiency, provide a statement of commitment to development of this information including a timeline.

Section 10(e). The application is lacking a response to Section 10 Part E. This information is needed when the water will be stored and the reservoir is not at the point of diversion, as appears to the case for one of the methods of diversion for this project (where water is be taken directly from Lake Nacimiento without a intervening period of storage).

Response Needed: Please provide information as discussed above relevant to the diversion works, conduits and spreading areas.

Request for Information

Though the Division has determined that you have made a bona fide attempt to conform to the rules and regulations of the State Water Board and to the law, your water right application is defective. Water Code section 1270 secures a priority of right for your water right application as of the date of the application if you submit a revised

application that adequately addresses the deficiencies to perfect the application within the time period described below.

Within 90 days of the date of this letter, please submit the following information:

Responses and/or supplemental information that adequately address the deficiencies identified above.

Failure to submit the requested information within the time period specified may result in cancellation of your application(s) without further notice pursuant to Water Code section 1271 and you will forfeit the entire application filing fee of \$210,850.00 pursuant to California Code of Regulations, title 23, section 1062, subdivision (c).

Additional Request for Information

This application was completed using the previous version of the Division of Water Rights application form. The current version of the application form was released on September 15, 2020 and the previous version was removed from the website prior to submittal of this application. While submittal on the form is deemed acceptable due to the timing of submittal during the transition period to the new form (where the old form was still allowed to be submitted), to continue processing of the application the Division needs to collect additional information on your project based on information requested in the new form. Within 45 days we will provide you with a supplemental questionnaire. This will help us to better process your application.

Shelby Witherby is the staff person presently assigned to this matter, and she may be contacted at (916) 323-4642 or Shelby.Witherby@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Shelby Witherby, P.O Box 2000, Sacramento, CA 95812-2000.

Sincerely,

Erica Rhyne-Christensen

Erica Rhyne-Christensen, Senior
North Coast Instream Flow Policy Permitting Unit
Division of Water Rights

cc: Shandon-San Juan Water District
P.O Box 150
Shandon, CA 93461
wcunha@ssjwd.org

Will the Shandon – San Juan District be able to complete all this by early June?



ANNOUNCEMENTS

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**AUTHOR & NATIONALLY SYNDICATED COMMENTATOR BEN SHAPIRO
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Email: colabslo@gmail.com / Website: colabslo.org

MEMBERSHIP APPLICATION

MEMBERSHIP OPTIONS:

General Member: \$100 - \$249 \$ _____ Voting Member: \$250 - \$5,000 \$ _____

Sustaining Member: \$5,000 + \$ _____

(Sustaining Membership includes a table of 10 at the Annual Fundraiser Dinner)

General members will receive all COLAB updates and newsletters. Voting privileges are limited to Voting Members and Sustainable Members with one vote per membership.

MEMBER INFORMATION:

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Company: _____

Address: _____

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I would like to contribute \$ _____ to COLAB and my check or credit card information is enclosed/provided.

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Cardholder Name: _____ Signature: _____

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(Revised 2/2017)