

# WEEKLY UPDATE NOVEMBER 13 - 19, 2022

## THIS WEEK

# APCD TO RECEIVE REPORT ON DUNES DUST THEIR OWN EXPERTS NOW SAY THE ISSUE WAS OVERBLOWN

# LAFCO LITE AGAIN SMALL ANNEXATIONS TO SERVCE DISTRICTS

## LAST WEEK

## **BOARD OF SUPERVISORS**

MAJOR FEE INCREASES APPROVED – AG COMMISSIONER, FIRE, PLANNING, PUBLIC HEALTH, AND PUBLIC WORKS

SERIOUS FIRE CODE REGS ADOPTED
NEW DRIVEWAY REQUIREMENTS COULD COST BIG TIME
AND KILL FARM & RANCH EVENTS, TASTINGS,
RENOVATIONS
STAFF PROMISES "NO PROBLEM"

BUILDING CODE SEPTIC AND GREEN ENERGY REQUIRMENTS AMPED UP

# PASO WATER MORATORIUM REFORMS SET FOR DECEMBER 6<sup>TH</sup> BOS MEETING CAN THE COUNTY PROVIDE WATER EQUITY?

SAVE THE DATE ON YOUR CALENDAR

# CENTRAL COAST ENERGY REGULATORY & COST PRESSURES MOUNT

RESERVE ADAQUACY REQUIRMENTS THREATEN BUSINESS MODEL

STAFF RECOMMENDS COMPLICATED DEBT ISSUANCE



OPERATIONS BOARD BEDAZZELED - NO QUESTIONS OR CAUTION

# PLANNING COMMISSION MAJOR CANNABIS OPERATION APPROVED FOR NIPOMO IT APPEARS TO BE VERY SOPHISTICATED

## **EMERGENT ISSUES**

# VOTE COUNT SLOW IN MAIL BALLOT STATES SLO COUNTY VERY SLOW LEFTISTS ON PATH TO TIGHTENING THEIR GRIP



# RUSSIA LAMENTING ALASKA SALE NOW THEY WANT IT BACK

# COLAB IN DEPTH SEE PAGE 19

# THE BUREAUCRATIC ERASURE OF CULTURE, IDENTITY, AND FREEDOM

California's ruling class tolerates a parasitic government because parasitic government empowers oligopolies

BY EDWARD RING

## A DROUGHT IN LEADERSHIP

California has been living off its legacy of water projects for the last several decades like a lazy, self-indulgent, trust-fund recipient BY ROGER D. MCGRATH

# THIS WEEK'S HIGHLIGHTS ALL MEETINGS ARE AT 9:00 AM UNLESS OTHERWISE NOTED

San Luis Obispo County Air Pollution Control District (APCD) Meeting of Wednesday, November 16, 2022 (Scheduled)

**Item D-2: Update on Oceano Dunes Mitigation Efforts.** The APCD Board will receive a staff report on the progress to date in reducing the dust at the Oceano Dunes State Park. The good news in that the dust has been reduced by 33 %.

The more important information contains the action of the APCD Hearing Board back on October 13, 2022 that recognized that the dust is a natural occurrence and even if mitigated to the level of 1939 prior to off road riding, there will be days with exceedances.

The District and State Parks agreed that the SAG's recommendations were scientifically justified improvements to the existing framework and represented a more accurate accounting of offroading-related emissions. Therefore, the District applied to the Hearing Board to amend the SOA to incorporate the new emissions reduction target. The proposed amendment also extended

the term of the SOA and the Hearing Board's authority by two years to 2025. This was to allow more time to determine if the air quality improvements predicted by the model actual occur and to provide a mechanism for implementing additional mitigations if they do not occur. Additional minor changes to the SOA were also proposed. State Parks stipulated to the amendment, and the Hearing Board approved it at their October 14th meeting.

The 5-member Hearing Board voted 3/2 to support the modifications recommended by staff and an expert panel. This is very positive for maintaining off road riding and free style camping on the dunes and beach. Essentially, the State Parks and APCD will have more time to continue reducing the dust, since they have made substantial progress.

Secondly, the dust reduction goal will no longer be an arbitrary number based on 2013 measurements. Instead, the goal will be to reduce the dust to the 1939 level, which was prior to the advent of large-scale vehicular use. This goal is fairer in that it recognizes that much of the dust is a natural occurrence in the area environment and would exist even if all riding were banned. This is a much more positive approach.

It is not known how the Coastal Commission, which wants to shut down the area, will react.

**Introductory Background:** The APCD Hearing Board is not the governing policy board. It is a special Board that hears appeals from enforcement orders. It has jurisdiction over any modifications to the APCD order that requires the State Parks Department to reduce the dunes dust at the Oceano Dunes State Park.

Note that the hearing had been cast as "attendance by teleconference only." Given the wide interest in this issue, the Hearing should have been conducted in person in an adequately sized venue. New COVID cases in SLO County are very low, and there is no reason to limit the public participation.

**Adopted Action:** The APCD staff, State Parks Department, and a Scientific Advisory Group of experts (the SAG) have determined that the actions taken so far by the APCD and State Parks have reduced the dust emissions by around 33%.

Analysis of ambient PM10 monitoring data by the District shows that as the extent of ODSVRA dust mitigations has increased, air quality downwind has improved. Compared to 2017, in 2021 wind-event-day PM10 at CDF improved by 33.5% after controlling for meteorology. During this period, the scale of mitigation projects increased from about 55 to 323 acres, a net increase of 267 acres. This improvement in air quality is corroborated by State Parks' air quality modeling, which predicts a 36.8% improvement at CDF over the same period

The Stipulated Order of Abatement (the SOA) requires that the emissions be reduced by 50% by 2023. State Parks was given 5 years to meet the 50% reduction. The deadline occurs in 2023. This will not be met.

The APCD Staff, State Parks, and the SAG recommend that the deadline be extended to 2025, as progress is being made. They also recommend that the emissions target (50% by 2023) be lowered.

In February 2022, the Scientific Advisory Group (SAG) presented a recommendation for a modification to the SOA Section 2.c emissions reduction target. Specifically, they recommended changing the existing target—a 50% emissions reduction from pre-mitigation levels—to reducing emissions to pre-disturbance levels based on a 1939 vegetation scenario.

#### **AND**

The District, SAG, and State Parks all agree that the goal stated in SOA Section 2.b—achieving the state and federal ambient PM10 standards—needs to be revisited. Sand dunes are a natural feature of this area, and that even without the long history of vehicular disturbance, the area would be naturally dusty and would likely still see exceedances of the PM10 air quality standards if mitigated to its natural state.

In other words, they now believe what we have been telling them for years. The dust and sand is a natural occurrence and would exist even if there were no vehicle riding on the beach or the dunes.

The discussion was highly technical and can be reviewed at the link: MetaViewer.php (granicus.com)

It appears that the goal is to operate the area flexibly based on weather, moisture, and actual emissivity.

Since the Hearing Board agreed to the modifications, the next big hurdle will be the attitude of the Coastal Commission, which has already stated that it intends to shut down the riding completely. There is a major question about its authority to do so. However, it exercises control through its 1984 permit, which recognized State Parks' ability to operate the area.

Local Agency Formation Commission (LAFCO) Meeting of Thursday, November 17, 2022 (Scheduled)

The agenda contains several minor annexations to community service districts.

# LAST WEEK'S HIGHLIGHTS

Board of Supervisors meeting of Tuesday, November 8, 2022 (Completed)

Item 1 - Request to authorize the use of Alternative Publication Procedures for the Paso Basin Land Use Management Area (PBLUMA) Planting Ordinance - amendments to Title 8 and Title 22 of the San Luis Obispo County Code and the Agriculture and Conservation and Open Space Elements of the San Luis Obispo County General Plan to require "water neutral" ministerial planting permits for crop production irrigated

from groundwater wells within the PBLUMA until 2045, with a 25-acre-feet per year exemption allowed per site – and certification of a Final Program Environmental Impact Report (FPEIR) (SCH 2021080222) prepared for the project pursuant to CEQA. Hearing date set for December 6, 2022.

This will be one of the most important hearings of the year. The Commission unanimously determined to recommend that the Board of Supervisors reject the proposed ordinance. Some of the reasons cited in their recommended rejection include:

- The ordinance is not needed, as the SGMA process is ramping up and should be used to manage the control of pumping.
- The mitigations measures recommended by staff are harmful to agriculture the fix is worse than the problem. See these on pages 22 and 23 below:
- The ordinance is too complex, which will render it expansive and difficult to administer.
- It results in 16 immitigable CEQA Class I impacts, which would have to be overridden by the Board of Supervisors for it to adopt the ordinance.

Item 20 - Hearing to consider an ordinance implementing the County Fee Schedule "A" for Calendar Year 2023 and Fee Schedule "B" for Fiscal Year 2023-24. The fee increases were approved on a 3/2 vote with Arnold and Compton dissenting.

Fee increases for the Fire Department, Agricultural Commissioner, Planning Department, Public Works Department, and Public Health Department Environmental Health Division are the primary ones that affect agriculture, business, and labor. See last week's Update for many examples.

Item 22 - Hearing to consider 1) an ordinance amending Title 16 - Chapters 16.04 and 16.10 of the County Code by adopting and the 2022 Edition of the California Fire Code; and 2) adopting a resolution amending provisions based on local climatic, geological, or topographical conditions as authorized by California Health and Safety Code Section 18941.5 and 17958.5. The code amendments were approved.

**Background:** The primary matters of concern are new requirements for wider driveways, limits on driveway lengths, and prohibition of driveways altogether. Costs, even when permits are approved, could be killers.

These could be particularly onerous for existing property owners who wish to add to or otherwise improve their existing property by adding an ADU, barn, or whatever. The County is likely to invoke the new driveway requirement on existing properties when anything new is proposed.

#### Amendment No. 6

503.2.9 Driveway is amended to read as follows: 503.2.9 Driveway. Driveway specifications shall be provided and maintained when serving no more than one legal parcels or lot with no more than 4 dwelling units, and any number of accessory buildings.

#### Amendment No. 7

503.2.9.1 Driveway width is amended to read as follows.

#### 503.2.9.1 Driveway width for high and very high fire severity zones:

Length	Required Width
0 -199'	12'
Greater than 200'	14'

#### **Amendment No. 8**

503.2.9.2 Turnarounds is amended to read as follows:

**503.2.9.2 Turnarounds.** Turnarounds must be provided if driveway exceeds 300 feet, and shall be within 50 feet of the building. For driveways exceeding 300 feet, a turnaround shall be at the building site and must be within 50 feet of the dwelling. For driveways exceeding 800 feet, turnouts shall be provided no more than 400 feet apart. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway.

#### Amendment No 9.

503.2.9.3 Turnouts is amended to read as follows:

503.2.9.3 Turnouts. For driveways exceeding 800 feet, turnouts shall be provided no more than 400 feet apart. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway.

A turnout shall be provided near the midpoint and shall be a minimum of 10 feet wide and 30 feet long with a minimum 25-foot taper on each end.

503.2.9.4 Surfaces. Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide aggregate base. Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.

Item 23 - Hearing to 1) amend the Building and Construction Ordinance, Title 19 of the San Luis Obispo County Code by adopting the 2022 edition of the California Building Standards Code. Exempt from CEQA. The stiffer codes were approved. Staff and the Board concluded that State mandates and the Regional Water Quality Control Board gave them no choice.

The write-up summarized the changes as:

Some of the notable amendments are:

- *Updated Chapter 3 Building Code Table 903.1 footnotes to be more consistent with calculated floor area to remove decks and eave projections from the floor area analysis.*
- Updated Chapter 7 Plumbing Code to be consistent with the Local Agency Management Program which regulates on-site wastewater treatment systems.
- Updated Chapter 8 Green Building Standards to be consistent with the California Green Building Code and reduce the requirements for homes under 2500 sq. ft.

These include new and stricter requirements. For example, for septic systems:

General Requirements. Permitted new or replacement OWTS through per an approved LAMP shall be considered Tier 2. Tier 2 OWTS standards are customized to address conditions specific to the County of San Luis Obispo. Nothing shall prohibit new or replacement OWTS from meeting the standards mentioned in the LAMP and CPC. Replacement OWTS not involved with a natural disaster related rebuild shall be held to the same standards as new OWTS. OWTS which require corrective action shall be considered Tier 4 and shall be evaluated by the County of San Luis Obispo Planning and Building to ensure it meets the minimum design requirements of the LAMP or is in substantial conformance to the greatest extent practicable. See: San Luis Obispo Local Agency Management Program (2) (3) Specific Requirements. See: San Luis Obispo Local Agency Management Program.

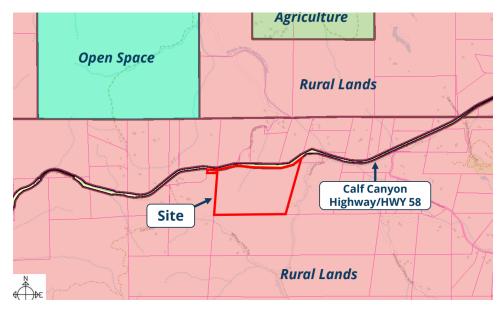
The guy will come out and pump your tank, find that the system is not in compliance with the new standards, and inform the County. Then the same guy will install your new system for ten thousand dollars. Is there a conflict here?

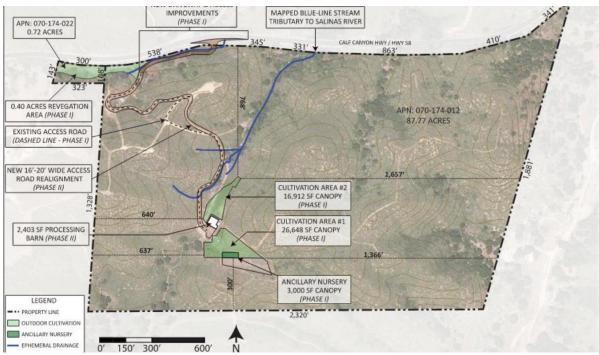
Item 24 - Hearing to consider an appeal (APPL2022-00001) by Eric Clark of the Planning Commission's January 13, 2022, denial of a Conditional Use Permit (DRC2018-00234) for Bigfoot Valley, LLC for the phased development of up to one acre of outdoor cannabis cultivation canopy, up to 3,000 sf of outdoor ancillary nursery in existing hoop structures, ancillary processing activities within an existing 2,403 square foot barn, ancillary transport, installation of security fencing and equipment, and other related site improvements. The project includes ordinance modifications relating to fencing and screening. The project would result in approximately 4.3 acres of site disturbance, including 3,500 cubic yards of cut and 1,800 cubic yards of fill, on an 88.49-acre parcel. The Board voted 3/2 (Compton and Arnold dissenting) to continue the item off calendar. Apparently the applicant requested a continuance. Both Arnold and Compton indicated their desire to have a vote.

**Background:** The project is located at 5145 Calf Canyon HWY, 6 miles northeast of the community of Santa Margarita.

This is the appeal of the Planning Commission's denial of the applicant's permit request. The Commission's denial was based on concerns about odor, water, and neighborhood compatibility. There was neighborhood opposition at the Planning Commission hearing.

On January 13, 2022, the Planning Commission considered a request of Bigfoot Valley, LLC. for a Conditional Use Permit (DRC2018-00234). After considering the application, staff's recommendation, and public testimony, the Planning Commission denied the project subject to the findings and conditions listed in Attachment 4. On January 26, 2022, Eric Clark and his authorized agent, Kirk Consulting, filed an appeal (Attachment 3) of the Planning Commission's denial of the Conditional Use Permit (CUP)





**Central Coast Community Energy Authority Operations Board meeting of Wednesday, November 9, 2022 (Completed)** 

**Item 5 - CEO Report.** The operations Board heard the report on the very complex machinations (**see Background below**) about energy providers having to prove resource adequacy.

**Background:** The California Public Utilities Commission (CPUC) has become increasingly concerned about the various electricity providers in the state: Investor-owned utilities (PG&E, SCE, and SDEG); Community Choice Energy (CCEs); and some municipal utilities to have enough contracted reserves to handle the days when peaks and brownouts or blackouts may occur. Collectively, these are termed load serving entities (LSEs). The required reserves are called Reserve Adequacy (RA).

3CE has been required to increase its RA contracts over the years. These are expensive, as 3CE pays a premium for the spot capacity that it may use for very few several hours per year. The CPUC has determined that that the LSEs collectively have had shortfalls of RA over the past years, and especially in 2022, per the chart below:

	7/2021	11/2021	5/2022	7/2022	CPE	9/2022
Percentage						
increase from	4%	0%	23%	11%	deficiency	52%
previous 2023	470	U76	23%	11%	revealed in	52%
forecast					August	

**Table 1**: Percent increase in forecast average cost of 2023 Resource Adequacy between each forecast starting from September 2020

Note that the acronym CPE refers to Central Procurement Authority, which is the California Independent System Operator (CASIO). CASIO monitors the entire grid and attempts to balance loads. 3CE blames CASIO for the problem; however, it is not a provider but is simply a traffic cop. So far, the CPUC has not listened to the CCEs in this regard.

The CCEs have banded together to fight this requirement. One problem is that the necessity of increasing RA undermines the CCE model of obtaining lower generation costs by entering into long term contracts. It also conflicts with requirements and promises to ultimately become true green energy providers by using only green sources instead of renewable energy certificates (RECS), which are simply green energy paper certificates. There is also a shortage of green energy available at night when solar is gone and wind flow drops. State and Federal policy to destroy natural gas as a source of generating power increases costs and endangers the entire system.

Thus, while 3CE and the rest of the CCEs pander to the woke progressive policy of green energy and ultimate societal suicide, they will increasingly struggle to maintain their cost margins and hence lower rates.

As far as we can see, none of this is being reported publicly on the agendas of the member cities and counties by their elected officials on the 3CE Policy Board or their city managers and CAO's

on the Operations Board (except perhaps in the City of Pismo Beach, where the Mayor is a realistic skeptic).

The table immediately below attempts to clarify the matter. The bullets under the title *Policy Changes Impacting RA Market Fundamentals* summarize the pressures on 3CE related to resource adequacy.

#### CPUC RA Purpose

- · Ensure reliable operation of the grid, providing adequate real-time resources to the CAISO
- · Incentivize new resources for future reliability

#### Policy Changes Impacting RA Market Fundamentals

- Effective Load Carrying Capability measures for wind and solar resources reduce RA value from nameplate capacity (2018)
- · Import RA Restrictions require RA be self-scheduled which reduces import flexibility (2019)
- · Central Procurement Entity for Local RA with CAISO backstop to begin in 2023 (2020)
- RA Capacity Substitution requires all planned outages for RA resources bring full substitute capacity before approval for outage (2021)
- · PCIA RA allocation proposal rejected CPUC (2021)
- · Restructured RA Deficiency Penalty Structure adopted to 2X or 3X penalties for RA deficiencies (2021)
- CPUC Adopts 24 Hour "Slice of Day" model adopted for 2024 Test Year moves to "worst day plus reserve" framework (2022)
- · Planning Reserve Margin for summer months increased for to 17% (2022)
- RA prices have increased nearly 350% over the past 5 years, reflecting grid fundamentals, regulatory changes, and the inherent regulatory risk of a changing framework



This table attempts to blame PG&E for not acquiring enough RA. Since 3CE is responsible for its customers, why is it PG&E's fault? Of course, 3CE customers actually receive all their energy from PG&E and SCE. All the malarkey about lower cost and more green sources is a paper energy credits exercise attached to very long procurement contracts, some of which are already at risk of not performing.

The Board members had no questions and unanimously voted to receive the report.





# **Central Procurement Entity Failure**

- The PG&E CPE only purchased 17% of targeted capacity for calendar year 2023
  - · The deficiency consists of potential attribute showings and unprocured RA obligation
  - . To date no backstop procurement by CAISO, the designated backstop entity
- CCCE is seeking clarification and relief from the CPUC given the lack of clarity on who is responsible for RA procurement when the CPE fails
  - CCCE Ex Parte Notice filed 8/11/2022
  - CCCE Motion for Clarification filed 9/16/2022
  - · CalCCA Petition for Modification filed 9/30/2022
- CCCE relied on CPE procurement when formulating its power supply plan and FY 22/23 Budget. The CPE failure would leave CCCE deficient instead of surplus RA as it originally planned



#### **Real Green Energy Procurement**

In a related risk, the CPUC is pushing all the LSEs to reach total green energy by 2035. Its report states in part:

Integrated Resource Planning (IRP) is the CPUC's greenhouse gas (GHG) reduction planning process. Every two years, CCAs, investor-owned utilities (IOUs) and Direct Access providers must submit Integrated Resource Plans documenting the resources they plan to procure through 2035 and the estimated attendant GHG emissions. The CPUC aggregates the plans to determine whether the electricity sector is on track to hit its portion of California's 2030 GHG reduction goals while maintaining a reliable grid. The most recent IRPs were due on November 1, 2022.

Additionally, on September 8, 2022, the CPUC issued a Ruling proposing changes to the 11,500-MW Mid-Term Reliability (MTR) mandate that could have significant impacts on CCCE procurement. The Ruling acknowledges the difficulty of meeting the current MTR requirements caused by both global supply chain conditions and the original structure of the MTR itself. CPUC staff then proposed two potential changes to the MTR requirements.

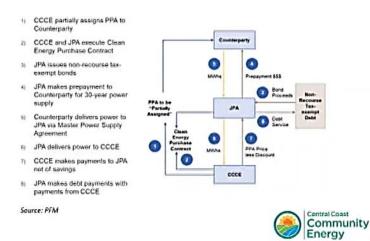
Again, this requirement hinders the CCEs, including 3CE's ability to maintain lower rates than the investor-owned utilities (IOUs). These pressures and others will accumulate, eventually rendering the CCEs as expensive as, or even more expensive than, the IOUs. Then watch out for a State bailout using tax dollars.

**Prospective Debt Issuance:** The staff thinks that 3CE can save money by paying off some of its long-term energy contracts early with debt issued by 3CE and other CCEs through a newly created and separate joint powers authority. This seems risky, given that some of the power contracts will last for is 30 years. What if the power company goes out of business? The Authority already is having some of its "suppliers" indicate problems with future deliveries.

The Board of 3CE should demand to see the full multi-decade proforma for this idea. The graphic below purports to demonstrate the feasibility but really doesn't tell us anything.



- The power is effectively "daisy-chained" from the Supplier to the Counterparty to the Conduit (CCCFA) to CCCE
- CCCFA issues Non-Recourse Tax-Exempt Debt, bought by investors. It uses the proceeds from this issuance to "prepay" for the power delivered by Counterparty
- The Counterparty and Treasury hold the bond proceeds, paying the Supplier as power is delivered. CCCE pays CCCFA a discounted price for power, which is used to service debt
- The Counterparty and Treasury have received funding (bond proceeds) at a lower interest rate (tax-exempt) than if they had issued the debt themselves (taxable)



Similarly, to the other items, the Board had no questions or comments. You could see the kaleidoscope eyes as they voted to receive the report.



One of the oldest tricks in the book is for a government authority to issue debt with a long amortization period. Then when the public is fed up with the agency and tries to abolish it, the courts enforce the rights of the bond holders to maintain their contracts for principal and interest payments per the original schedule. Not even the State Legislature can abrogate the contract and terminate the agency's life.

Planning Commission Meeting of Thursday, November 10, 2022 (Completed)

More Cannabis for Nipomo. The Commission approved both Item 6 and Item7, below, on unanimous votes. The only public opposition came from a neighbor who grows lemons.

Both items listed below are permit applications by SLO Cal Farms. Both items involve the same land parcel with 2 separate cannabis farms. **Item 6** is for SLO Cal West and **Item 7** is SLO Cal East. These are large vertically integrated operations with economies of scale. SLOCAL already operates dispensaries in Santa Barbara and SLO Counties. The overall impression is a significant degree of sophistication and capital investment. There are no written objections from the surrounding community in the file as of November 5, 2022. Staff recommends approval of both permit applications.

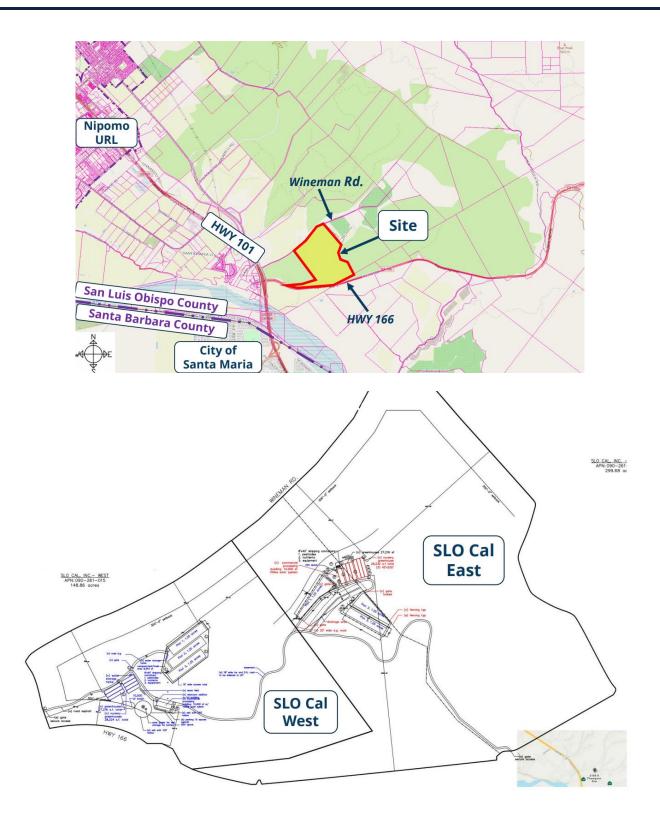


SLO Cal Farm's web site states in part:

Our mission is to improve the lives of California patients by growing and producing the highest quality medical cannabis products. SloCal Roots Farms is a premier medical cannabis cultivation site licensed by the State of California to grow and distribute medicinal cannabis.

We believe in the importance of cannabis as medicine to improve the health and quality of life for patients in need. Our grow methods and strains have been carefully selected to provide targeted relief for specific illnesses.

Item 6 - Hearing to consider a request by SLO CAL Farms, Inc. for a Minor Use Permit (DRC2019-00050 / SLO Cal West) to establish 3.75 acres gross of outdoor cannabis cultivation area; 27,216 square feet (sf) gross of indoor cannabis cultivation area; 29,232 sf gross of ancillary indoor nursery; use of an existing 10,500 sf metal building for ancillary processing, cannabis storage, offices, and a restroom; ancillary transport; and about 3.3 acres of related site improvements (e.g., composting area, water tanks, parking, etc.). The project is proposed in four phases. A parking modification is requested to allow 15 parking spaces where 123 are required. The project will result in 8.6 acres of site disturbance including 3,374 cubic yards (cy) of cut and 2,425 cy of fill on a 136-acre parcel. The project is within the Agriculture land use category located at 2155 South Thompson Avenue, about 2.75 miles southeast of the community of Nipomo.



Item 7 - Hearing to consider a request by Austen Connella, SLO CAL FARMS INC., for a Minor Use Permit (DRC2019-00051) (SLO CAL EAST) to establish 3.75 acres gross of outdoor cannabis cultivation area; 27,216 square feet (sf) gross of indoor cannabis cultivation area; 29,232 sf gross of ancillary indoor nursery; a 10,500 sf metal building for ancillary processing, cannabis storage, offices, and a restroom; ancillary transport; and

about 2.8 acres of related site improvements (e.g., composting area, water tanks, parking, etc.). The project is proposed in four phases. Two ordinance modifications are requested: (1) a parking modification to allow 20 parking spaces where 123 are required; and (2) a setback modification for outdoor cultivation to allow an approximately 100 foot setback along the western property line where a 300-foot setback is required. The project will result in approximately 15,300 cubic yards (cy) of cut and 3,500 cy of fill and a disturbance area of about 8.13 acres. The project site is located about a mile east of 2155 South Thompson Avenue, on an approximately 312-acre parcel, and about 2.75 miles southeast of the community of Nipomo. Additional grading (1,500 cy of cut and 3,500 cy of fill) and site improvements are proposed on the adjacent parcel to the west (APN 090-261-015) to provide vehicular access and a retention basin to serve the SLO Cal East Project. This is the application for SLOCAL East.

## **EMERGENT ISSUES**

**Item 1 - What more can we say?** In SLO County with 46,000 ballots left to count, the Clerk Recorder won't even start counting again until next Wednesday, November 16<sup>th</sup>. Why is that? You would think that the County with its hundreds of clericals would have pressed them into service, closed off the Administration Building lobby for the weekend, set up an assembly line, opened all the envelopes, matched the signatures, and fed the ballots into the readers.

#### NEXT COUNT - WEDNESDAY, NOVEMBER 16, 2022, 9:00 A.M.

I-PROCESSED	TOTAL
1-PKUCE33ED	TOTAL
F.1	47.320
_	51

Why not just contract with the banks to run a voter registration and voting application and have people use the automated teller machines? Over 4 decades of using the bank automated teller machines for both deposits and withdrawals, we have never seen a mistake. The results would be immediately available at 8:01 PM. Independent IT experts such as the Gartner Group could audit the process and results.

Similarly, we have never had a mistake involving American Express, Hyatt Hotels, or Amazon over decades. You can order a \$200,000 Mercedes Benz on Amazon more easily than voting, registering the Benz, or renewing your driver's license. Of course State and Federal Income tax preparation is a nightmare right out of the late Roman Empire. By the 5<sup>th</sup> Century many provincial Romans were welcoming the barbarian invaders with open arms because they charged lower taxes. In the contemporary world, the Mexican cartel gangs exercise more control of the southern border than the Federal government.

The Elections Division of the Clerk Recorders Office costs \$1,782,700 per year, not counting other staff help within the office, County Counsel assistance, etc.

7. Performance Measure: Average cost per registered voter in the County.					
This measures the cost of co	onducting a countywide	election per registered v	oter.		
	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23
Target	5.00	5.25	5.00	5.50	6.00
Actual	5.19	5.57	6.20	5.75	

**Notes:** Increase for FY 2021-22 actual estimate accounts for the additional cost of sending every registered voter a vote-by-mail ballot and increase in postage costs. The target amount accounts for the increased voter turnout typical for a general election.



Item 2 - Russia Laments Sale Of Alaska To United States, Plans To Build Base On Island Ceded By US. The article by national defense expert Donald Standeford is a nice summary of some recent Russian bluster on the subject. But don't sell them short. Eventually their resilience begins to tell. Ask the Moghuls, Teutonic Knights, Napoleon, and Hitler.

Russia has been lamenting the sale of Alaska to the United States 155 years ago, saying that "if the Russian empire had not sold Alaska to the United States" the current "problems" in the Arctic would not be so acute, according to a report by Russian state news RIA Novosti.



The comment was made by Alexander Abramov, director of the Far Eastern Center for the Economics of Development and Integration of Russia in the Asia-Pacific Region of the Far Eastern Federal University, according to the Russian state news agency in October.

Russia colonized Alaska in the 1700s, but then sold Alaska to the United States on October 18th, 1867 at a total of \$7.2 million USD. The sale was made by Russian Emperor Alexander II.

US Treasury check to purchase Alaska from Russia for \$7.2 million on October 18th, 2022.

"If we talk about the consequences of the decision, if Alaska remained under the jurisdiction of the Russian Empire, and then under the jurisdiction of the Soviet Union, then the problems with the Arctic that are now arising would not be so acute. And the position of the United States would be completely different," RIA Novosti cited Abramov as saying.

The Russian news agency cited Abramov as saying that Alaska wasn't the only territory that had been transferred or sold to the United States.

"The Russian Empire was one of the first to support the States, and during the civil war, and during the war of liberation, it sent a squadron in support of the United States, supported the freedom-loving movement in that territory. This is a stormy controversial story. But what happened, history has no subjunctive inclinations, and now this is just a statement of a fact that happened 155 years ago," RIA Novosti cited him as saying.

Document signed by Russian representative acknowledging the receipt of \$7.2 million for the purchase of Alaska by the US.

On July 6th, 2022 the chairman of the Russian State Duma said that Russia could reclaim Alaska if the United States attempted to "dispose of our resources".

The Chairman said that Russia could demand that the United States give Alaska back to Russia if the United States continues to seize Russian resources.

Volodin said, "Decency is not a weakness. We always have something a response. Let America always remember that there is part of its territory, Alaska. When they start trying to dispose of our resources abroad, before doing so, let them think that we also have something to claim back".

Russia's Response To WSJ Article On Reclaiming Wrangel Island

An article by the Wall Street Journal on November 4th, 2022 stated that the United States should reclaim Wrangel island from Russia, saying that it was allegedly originally part of the United States, but that Russia has been holding the territory since 1924.

The report said that in 1924 the U.S. ceded control of the territory to then Russian leader Vladimir Lenin, along with other 'lost arctic islands", and that the United States "should demand them back".

In response, the Russian State Duma called for the return of Alaska to Russia.

The Moscow Times on November 3rd reported that Russian officials are now considering 'undoing some of the island's environmental protections' in order to convert the island into a staging ground for military exercises, citing the Kedr.media environmental news outlet.

# **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

# THE BUREAUCRATIC ERASURE OF CULTURE, IDENTITY, AND FREEDOM BY EDWARD RING



Exploring the roadways of California yields scenery evoking two distinct worlds. On the big freeways, surrounding every major interchange, the 21st century asserts itself in an agglomeration of concrete and glass boxes surrounded by lakes of asphalt, each festooned with a recognizable corporate logo. Food. Fuel. Lodging. The corporate power they represent is reflected in their generic interchangeability. "We have taken over the world. We are everywhere." And they are. From California to the Carolinas, it's the same fast food, the same gasoline, the same motel chains. You can't tell them apart.

If you get off the main highways, a different world still exists, but it's fading fast. Along Highway 50, which connects Sacramento to the South Shore of Lake Tahoe, there are several examples that take us back to the middle of the 20th century, before the only sources of roadside food, fuel and lodging were franchised cutouts backed by multinational corporations. On the eastbound ascent, just above the snow line, one of these relics sits, surrounded by chain link fence. Struggling for years against an economic deck stacked against it, COVID restrictions administered the coup de grâce. But there it stands, a spacious log cabin style lodge, with steep Swiss roofs and windowed gables. Moldering in the rain, freezing in the snow, it is worth more dead than alive.

Across the highway, a few miles downhill but still in the High Sierra, a roadhouse stands abandoned. Thick wood framing, a peaked roof, stone chimney and a decrepit neon sign define this relic from the last century. Imagine this place in its heyday, with a fire roaring in the hearth, drinks being poured, glasses clinking, and the hubbub of exhilarated travelers filling the bar. Imagine the lodge across the street, the same scene, with someone playing the piano in the lobby, while families lounge or play board games with their children beneath the vaulted timber ceiling. It's all gone now. The only thing these beautiful ruins offer are the real estate they're sitting on, and the liquor licenses that will pass to the new owners.

To build a new restaurant in California today, much less build a motel, it isn't enough to buy some land and know how to design a building, work with construction contractors, and run a business. That hard work and skill used to be all that mattered, and it mattered a lot. People with a good work ethic and sufficient determination could do what was, and still is, honest hard work and within a few months or a few years, depending on the scale of their project, they would be the proprietors of a restaurant or a resort hotel. No more. The skills required today favor the snakes and the cynics, the filthy rich and the implacably bureaucratic. Honesty is for suckers.

How else does one tolerate the nearly infinite ecosystem of federal, state, regional, and local agencies, all with the power to stop your project in its tracks? How else to navigate the endless litigation, the overlapping regulations that often conflict with each other depending on which agency they're coming from, and change all the time? How else to cope when yet another lawsuit, or rule change, requires an entire new set of designs, and the need to resubmit them to every agency and start all over again?

Instead of a restaurant that's been in one family for a century, with a fire in the hearth and drinks poured by hand, we have corporate franchises with the menu and the interior atmosphere curated

by behavioral scientists, and drinks measured out by a machine. Instead of a lodge that was built when the road first went through, with all the flaws and funk and authenticity that independent, multigenerational ownership accretes, we have a concrete tilt-up monstrosity so big you can get lost in the corridors trying to find the exit, with a phony exterior façade of alpine gingerbread, and an ostentatious grand piano in the lobby that's safely locked so nobody can play it.

One of the ironies of our time is that the traditional role of government funding practical infrastructure projects is now conflated with government at its most wasteful, funding utterly impractical "renewables" infrastructure, or exercising eminent domain to expropriate private homes in order to subsidize stadiums and "transit villages." Worse yet, the concept of practical infrastructure enabling more affordable market housing and more financially viable small businesses is utterly lost. But how else, unless you have at least partially socialized the initial construction costs for energy, transportation and water infrastructure, can you expect the smaller, independent, private economic players to compete?

Against that prohibitive backdrop, and even more to the point, how can anyone expect small businesses to succeed, particularly if they're doing anything that requires construction or serving food, when there are dozens of agencies that must be coddled and thousands of regulations that must be complied with, because every one of them, often just on a whim, can fatally derail your business?

These twin impediments to small business – the lack of practical infrastructure which lowers the cost of doing business, and a punitive regulatory environment – have precisely the opposite effect on big businesses. Multinational corporations thrive in the presence of high input costs and excessive regulations, because they have the market share and the balance sheet to withstand anything the government throws at them. Who needs enabling infrastructure to make energy and water affordable? Big businesses just pass costs on to their customers. Who cares about overregulation? That will kill the small players, and let big players mop up the rest of the market.

California's ruling class tolerates a parasitic government because parasitic government empowers oligopolies. If the government goes too far, big corporations have the power to sue the government. How many smaller players, mavericks with a paltry million or two to burn, have lost everything when they tried to take on the Army Corps of Engineers, or the California Fish and Wildlife Service, or the Coastal Commission, or any others among a host of agencies fueled by an inexhaustible cascade of taxpayer dollars? Enough to provide cautionary tales aplenty.

A practical government in California that was committed to serving ordinary citizens would not only deregulate and consolidate oversight agencies. They would also fast track permitting for nuclear and natural gas development, fund water supply infrastructure, and upgrade the roads. Doing this lowers the cost of housing and empowers small businesses to compete. This understanding is usually lost even among those who properly criticize government investment in wasteful, impractical, politically contrived and unnecessary infrastructure.

We can't bring back the last century, nor should that be anyone's goal. But we can make it easier for small entrepreneurs to resurrect and restore the resorts and roadhouses that would otherwise face demolition. We can make it easier for small entrepreneurs to construct new refuges for the traveler and the tourist. We can create a policy environment that isn't punitive to the millions of honest dealers who want to create something that consumers want, and achieve financial independence by providing it. This decentralized wealth, the product of unshackled creativity, is the engine of culture and identity – and diversity – and an expression of freedom. We should not turn that over to multinational corporations.

Edward Ring is a contributing editor and senior fellow with the California Policy Center, which he co-founded in 2013 and served as its first president. He is also a senior fellow with the Center for American Greatness, and a regular contributor to the California Globe. His work has appeared in the Los Angeles Times, the Wall Street Journal, the Economist, National Review, Forbes, and other media outlets. Ring's undergraduate degree is in Political Science from UC Davis, and he has an MBA in Finance from USC. Ring is the author of two books: "Fixing California – Abundance, Pragmatism, Optimism" (2021), and "The Abundance Choice – Our Fight for More Water in California" (2022). This article first appeared in the California Policy Center of November 12, 2022.

# A DROUGHT IN LEADERSHIP BY ROGER D. MCGRATH



Aerial photograph of a crowd gathering to celebrate the opening of the Los Angeles Aqueduct at the Cascades on Nov. 5, 1913. (S. A. Smythe / Library of Congress)

California has suffered two years of drought, and the long-term forecast is for a third. With reservoirs already low, most residential water users have been under severe water restrictions for

the last several months. Here in Thousand Oaks, we are expected to reduce our water use by 50 percent. Outdoor watering is restricted to one day a week and limited to no more than 10 minutes per irrigation area. The watering cannot be during daylight hours, and sprinklers cannot be used. Washing vehicles, spraying off patios or driveways, and filling swimming pools are prohibited. Water meters are electronically monitored, and there is a 24/7 water patrol. Violators are punished by fines of up to \$500 per incident, and repeat violations will result in the placement of a flow restrictor on one's water meter.



Governor Gavin Newsom and other elected officials in Sacramento have blamed our water problem not on their lack of action to develop new water resources but on "climate change." Actually, most of California is semi-arid, and droughts, as tree rings indicate, have been occurring for thousands of years. Franciscan priests at the California missions were noting droughts in the 1770s and 1780s, and so, too, were the first American settlers in the 1830s and 1840s.

Moreover, the bulk of California's precipitation—snow in the mountains and rain in the lowlands—typically falls from late October to late March, and the rest of the year is mostly dry. This means that in both drought years and high-precipitation years, water must be captured and stored during the wet months for use during the dry months. Throughout the 20<sup>th</sup> century, California was doing just that—building dams, reservoirs, and aqueducts at a rate to keep pace with California's growing population and increasing agricultural and industrial production.

However, during the last couple of decades, as California has become ever more a one-party state, the Democrat super-majority has not only failed to develop *new* water resources but has also not properly maintained California's already existing infrastructure of dams, reservoirs, canals, pipelines, and aqueducts. The <u>failure of the Oroville Dam's main and emergency spillways</u> during heavy rains in February 2017, causing the evacuation of nearly 190,000 people, is but one of several examples of the state's woeful negligence in maintaining critical infrastructure.

From the time Los Angeles was settled in 1781 until the early 1900s, the town relied on the less-than-mighty Los Angeles River to supply its water needs. Since the population was only in the

hundreds or low thousands until the 1870s, the river was entirely adequate. However, the population grew to 11,000 by 1880, then exploded to 50,000 by 1890, and doubled to 100,000 by 1900. The river, at that point, was being sucked dry. An increasing number of wells were dug during the 1880s and 1890s, and the water table dropped precipitously. Then, the season of 1903-04 brought only eight inches of rain to Los Angeles, and it appeared that the bottom had dropped out of the river.

City leaders understood that droughts were part of life in California and developed a plan to import water from afar.

Former Mayor Fred Eaton proposed tapping into the Owens River, which drains the eastern Sierra Nevada. He consulted with William Mulholland, a young Irish immigrant who had worked his way up in the city's water department from ditch digger to chief engineer. Familiar with the land between the Owens Valley and Los Angeles, Mulholland soon had a plan for a 250-mile-long aqueduct. Nothing like it had been done before in the United States, but Mulholland reckoned that if the ancient Romans could build long-distance aqueducts, so could we. Desperate for water and convinced of the feasibility of Mulholland's plan, the citizens of Los Angeles voted overwhelmingly for bond issues totaling nearly \$25 million to finance the project.

Mulholland completed the aqueduct and the series of dams, reservoirs, and tunnels in 1913, on time and under budget, a stunning contrast to project performance in California today. A crowd of 40,000 watched as the aqueduct's water gate was opened on a hill above the San Fernando Reservoir and water came cascading down a concrete channel into it. "There it is. Take it!" exclaimed Mulholland.

Los Angeles residents took not only the water but also the electricity generated by hydroelectric plants along the aqueduct's route. The population of Los Angeles had tripled while Mulholland was building the aqueduct and would reach 575,000 by 1920 and 1.2 million by 1930. This incredible growth caused Mulholland to think about tapping into the Colorado River.

By the mid-1920s, Los Angeles Department of Water and Power personnel were in the field surveying potential routes for an aqueduct, causing six Colorado River Basin states—Nevada, Arizona, Utah, Wyoming, Colorado, and New Mexico—to form a coalition to fight Los Angeles. The city responded by creating the Metropolitan Water District, a coalition of more than a hundred towns in six different counties, covering an area of 5,000 square miles. The fight for the water of the Colorado River was ended in 1928, when Congress passed the Boulder Canyon Project Act, providing for the building of Boulder Dam and the division of the river's water amongst California and the other states.

The building of the <u>Colorado River Aqueduct</u> was financed by a \$220 million bond issue approved by voters late in 1931. Construction began in 1933 and was completed to the

distribution point, Lake Mathews in Riverside County, in 1939. It would take another two years to complete all the distribution lines before starting a flow of up to a billion gallons of water a day.

Without that water, the continued growth of Los Angeles and Southern California in general would have been impossible. It came just in time for WWII and the plants of Douglas, Hughes, Northrop, Lockheed, Consolidated, and North American and their more than a half million workers to build over 200,000 planes during the war.

Although San Francisco receives nearly double the average seasonal rainfall of Los Angeles, the precipitation, like that everywhere in California, varies greatly from year to year. By the late 1890s, Mayor James Phelan and other city leaders realized that for San Francisco to continue to grow and prosper, it would need to import water. Phelan proposed damming the Tuolumne River in the Sierra's Hetch Hetchy Valley and building an aqueduct to transport the water to San Francisco. Phelan's proposal was popular in the city by the bay, but the idea faced opposition elsewhere because Hetch Hetchy Valley was part of Yosemite National Park.

The battle over Hetch Hetchy continued until 1913, when Congress passed the Raker Act, which allowed damming the Tuolumne and flooding the valley. In 1914, work on the Hetch Hetchy Project began. In charge of the project was Michael O'Shaughnessy, an Irish immigrant like William Mulholland, but, unlike the self-taught Mulholland, O'Shaughnessy was a university-trained engineer. By the time of the project, he was already a prominent figure in San Francisco for the many tunnels and rail lines he had built in the city and for several rail lines he had constructed elsewhere in California.

San Franciscans enthusiastically passed several bond issues—eventually totaling \$100 million—to finance it. By 1919, O'Shaughnessy had built a narrow-gauge railway to carry workers, supplies, and machinery 68 miles from the Sacramento Valley to the mouth of Hetch Hetchy. By 1923, he had finished the O'Shaughnessy Dam, and by 1925, the first of three powerhouses. A 156-mile aqueduct, which included 85 miles of tunnels, and the other two powerhouses were completed by 1934.

The State of California got into the water business when it passed the <u>Central Valley Project Act</u> in 1933. The Great Depression made financing difficult, and years of wrangling with the federal government ensued until the late 1930s, when California, the Bureau of Reclamation, and the Army Corps of Engineers launched a joint effort. The project took 30 years to complete and involved the building of numerous dams, reservoirs, canals, and powerplants to transfer the water from the far north of California, which receives abundant precipitation, to water-deficient but highly fertile areas of the Sacramento and San Joaquin valleys.

Begun in 1961 and completed in the 1973, California's State Water Project included building Oroville Dam on the Feather River in the northern Sierras and a series of dams, reservoirs, pipelines, pumping stations, and the California Aqueduct, which carries 70 percent of the water to Southern California and distributes the rest to the Bay Area and the central coast. When the State Water Project was completed, California's population was around 20 million. Today it's 40 million, yet we have had no new water projects in the intervening years, and we have failed to properly maintain the systems already in place.

In a state with 840 miles of coastline, an obvious answer to California's water problems are desalination plants. Nonetheless, there is now but one large-scale desalination operation on the entire coast, the privately funded and operated <u>Poseidon Water</u> facility at Carlsbad. The plant supplies San Diego County residents with 50 million gallons of water a day, enough for 400,000 people. We should have two dozen such large-scale plants in operation, but getting the California Coastal Commission to approve the permits to build them is nigh impossible. The commission's 12 voting members—all appointed by Democrats—recently voted unanimously to deny Poseidon a permit for a desalination plant in Huntington Beach.

California has been living off its legacy of water projects for the last several decades like a lazy, self-indulgent, trust-fund recipient. Our current water problems are not the consequence of so-called climate change or even of our current drought—just one of many in the last 250 years of recorded history in California—but of a crisis in leadership.

Roger D. McGrath is the author of Gunfighters, Highwaymen, and Vigilantes. A U.S. Marine veteran and former history professor at UCLA, he has appeared on numerous documentaries, including The Real West, Biography, Tales of the Gun, Cowboys & Outlaws, and Wild West Tech. This article first appeared in Chronicles Magazine on November 1, 2022.



# **ANNOUNCEMENTS**

# ANDY CALDWELL SHOW NOW LOCAL IN SLO COUNTY

Now you can listen to THE ANDY CALDWELL SHOW in Santa Barbara, Santa Maria & San Luis Obispo Counties!

We are pleased to announce that The Andy Caldwell Show is now broadcasting out of San Luis Obispo County on FM 98.5 in addition to AM 1290/96.9 Santa Barbara and AM 1240/99.5 Santa Maria

K-NEWS 98.5 The Power of Information

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# COUNTY UPDATES OCCUR MONDAYS AT 4:30 PM MIKE BROWN IS THE REGULAR MONDAY GUEST AT 4:30!





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