



Santa Lucia Chapter  
P.O. Box 15755  
San Luis Obispo, CA 93406  
(805) 543-8717  
[www.santalucia.sierraclub.org](http://www.santalucia.sierraclub.org)

August 23, 2013

Mr. Brain Pedrotti, Project Manager  
County Planning & Building Dept.  
County Government Center, Rm 300  
San Luis Obispo, CA 93408-2040

Re: Revised Recirculated Draft Environmental Impact Report, Laetitia Agricultural Cluster Development

Dear Mr. Pedrotti,

Following are the comments of the Sierra Club on the RRDEIR. Also please find attached our previous comments as submitted on June 5, 2012, which we are re-submitting for the record as the issues they address have not yet received response or been resolved.

We raise the following additional issues:

None of the well pumping tests appear to have occurred during the summer when vineyard and proposed domestic use will be at its peak. Please clarify.

As a result of further well capacity testing for the RRDEIR, Geosyntec recommends modification to production schedules for Well 11:

Although the production capacity of Well 11 was substantially higher than the other wells, water level data in this well show rapid recharge likely due to good hydraulic connection between the aquifer and base flow in Los Berros Creek. Based on review of this data, Geosyntec recommends a modified production schedule, which includes curtailment of pumping from Well 11 from August through November each year to help preserve base flow in Los Berros Creek during the dry season, but a slight increase in Well 11 pumping from December through July. (p V 52)

Well 11 is a riparian well. Pumping from Well 11 should also be curtailed from November through March to ensure that the narrow window for fish migration is not interrupted during the winter months.

There does not appear to be any discussion of water allocation for biological and public trust assets. How will the ground water pumping impact sensitive plant and animal species?

WAT/mm-1 b.5 states “Proposed drought-management policies shall not include a “reduction or periodic cessation of agricultural irrigation.” This requirement appears to conflict with Water Code Section 106, wherein “It is hereby declared to be the established policy of this State that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation.” Enforcement of this section is supported by numerous court cases<sup>1</sup>. Further consideration of the Doctrine of Reasonable and Beneficial Use would curtail agricultural pumping in the instance of overdraft. In the instance of extreme drought or overdraft, agricultural pumping will be curtailed – a violation of Ag Cluster Ordinance 22.22.150 B.5.a and d.<sup>2</sup>

The applicant intends to develop a mutual water company. We EIR should analyze the option of a Mutual Water District to retain control of the pumping and delivery for the agricultural production in order to ensure that water is monitored for the entire cluster and vineyard operations to ensure adequate water resources for all demands.

We are concerned that in order to eliminate the impacts of water demand resulting in a Class I unmitigable impact, the applicant has reduced the paper water use of the ag cluster homes to .44 afy per home rather than reduce the number of proposed homes to guarantee adequate water for the agriculture and housing into the future.

The project includes the use of approximately 37 afy of tertiary treated water for agricultural irrigation, which would contribute to groundwater recharge. (P. V 64). How can the project guarantee the 37 afy of tertiary water in the likely event that individual homeowners install

---

<sup>1</sup> *Meridian v. San Francisco* (1939); *National Audubon Society v. Superior Court* (1983); *Central & West Water Basin Replenishment District v. So. California Water Co.* (2003); *City of Beaumont v. Beaumont Irrigation District* (1965); *Deetz v. Carter* (1965); *Prather v. Hoberg* (1944); *Cowell v. Armstrong* (1930); *Drake v. Tucker* (1919); *Smith v. Carter* (1897); *Alta Land & Water Co. v. Hancock* (1890)

<sup>2</sup> 22.22.150 B.5.a The proposed project will result in the continuation, enhancement and long-term preservation of agricultural resources and operations consisting of the production of food and fiber on the subject site and in the surrounding area.

d. The water resources and all necessary services are adequate to serve the proposed development, including residential uses, as well as existing and proposed agricultural operations on the subject site and in the site vicinity.

graywater or other water capture systems? The EIR should consider the scenario of homeowners limited to .44 afy, thus significantly incentivized to capture graywater, resulting in a correspondingly significant reduction in the projected 37 afy of tertiary water.

Thank for your consideration of these issues.

A handwritten signature in black ink, appearing to read "Andrew Christie". The signature is written in a cursive, flowing style.

Andrew Christie  
Chapter Director